



Legislation Text

File #: Res 1315-2016, Version: \*

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1315

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 160368 ZSX (L.U. No. 500), for the grant of a special permit pursuant to Section 78-312(c) to modify the rear yard requirements of Section 23-47 (Minimum Required Rear Yards), to allow minor variations in required rear yards on the periphery, and 78-312(d) to modify height and setback requirements of Section 23-64 (Basic Height and Setback Requirements) to allow minor variations in the front height and setback regulations on the periphery of a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in R8 and R8/C2-4 Districts, within an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178<sup>th</sup> Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179<sup>th</sup> Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101), ) in R7-1, R8 and R8/C2-4 Districts, Community District 6, Borough of the Bronx.

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on October 7, 2016 its decision dated October 5, 2016 (the "Decision"), on the application submitted by Second Farms Neighborhood, HFDC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. 78-312(c) to modify the rear yard requirements of Section 23-47 (Minimum Required Rear Yards), to allow minor variations in required rear yards on the periphery, and
2. 78-312(d) to modify height and setback requirements of Section 23-64 (Basic Height and Setback Requirements) to allow minor variations in the front height and setback regulations on the periphery

of a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), in R8 and R8/C2-4 Districts, within an existing Large-Scale Residential Development generally bounded by Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 135 feet southeasterly of Bryant Avenue, East Tremont Avenue, a line approximately 260 feet southeasterly of Vyse Avenue, East 178<sup>th</sup> Street, a line approximately 270 feet southeasterly of Vyse Avenue, East 179<sup>th</sup> Street, and Boston Road (Block 3005 Lot 65, Block 3130 Lot 20, Block 3130 Lot 100, Block 3131 Lot 20, Block 3136 Lot 1, and Block 3136 Lot 101), ) in R7-1, R8 and R8/C2-4 Districts, (ULURP No. C 160368 ZSX), Community District 6, Borough of

the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160365 ZMX (L.U. No. 497), a zoning map amendment changing Parcel 9 from an R7-1 district to an R8 district with a 100 foot deep C2-4 overlay along Boston Road and 125 foot long C2-4 overlay along East Tremont Avenue; N 160366 ZRX (L.U. No. 498), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; and C 160367 ZSX (L.U. No. 499), a special permit pursuant to Section 74-532 to waive the required accessory off-street parking for existing affordable dwelling units located on Parcels 6, 7 and 8a;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 78-313 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 1, 2016;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and analysis (CEQR No. 16DCP155X), including the negative declaration dated June 6, 2016, revised environmental assessment statement dated October 3, 2016, and the revised negative declaration dated October 5, 2016, and the technical memo dated November \_\_, 2016 (together the “Environmental Review”);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Environmental Review.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 160368 ZSX, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in double strikeout is deleted by the City Council;  
Matter in double-underline is added by the City Council

- 1) The property that is the subject of this application (C 160368 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Dattner Architects, filed with this application and incorporated in this resolution:

<b>Dwg. No.</b>	<b>Title</b>	<b>Last Date Revised</b>
Z-01.00	Large Scale Residential Site Plan	09/30/2016
Z-02.00	Updated LSRD Zoning Data	09/30/2016 <u>11/XX/16</u>
Z-03.00	Average Curb Level Calculations and Open Space Diagram	09/30/2016

Z-04.00	Development Site Plan	09/30/2016
Z-07.00	Waiver Plan	09/30/2016
Z-08.00	Height and Setback Waiver Diagrams Development Site	09/30/2016 <u>11/XX/16</u>

- 2) Such development shall confirm to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- 3) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4) All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
- 5) Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
- 6) Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on November 29, 2016, on file in this office.

City Clerk, Clerk of The Council