



Legislation Text

File #: Res 1695-2017, Version: *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1695

Resolution approving the decision of the City Planning Commission on ULURP No. C 170315 ZSX (L.U. No. 750), for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow a waiver of the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, on property located on the westerly side of Gateway Center Boulevard, northerly of East 149th Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1 & p/o Lot 2, and the bed of demapped East 150th Street), in an R7-2 District, with the Special Harlem River Waterfront District, Community District 4, Borough of the Bronx.

By Council Members Greenfield and Salamanca

WHEREAS, the City Planning Commission filed with the Council on August 28, 2017 its decision dated August 23, 2017 (the "Decision"), on the application submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow a waiver of the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, on property located on the westerly side of Gateway Center Boulevard, northerly of East 149th Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1 & p/o Lot 2, and the bed of demapped East 150th Street), in an R7-2 District, with the Special Harlem River Waterfront District. Approval of this special permit, in conjunction with the related actions would facilitate a mixed-use development anticipated to include affordable housing, ground-floor retail space, office space, community facility space, and publicly accessible open space along the Harlem River Waterfront in Bronx Community District 4, (ULURP No. C 170315 ZSX), Community District 4, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 170311 ZMX (L.U. No. 747), an amendment to the Zoning Map to change an M2-1 district to an R7-2/C2-5 district and establish a Special Harlem River Waterfront subdistrict; N 170312 ZRX (L.U. No. 748), amendment to the Zoning Text to modify use, bulk, parking, streetscape, open space and waterfront access regulations and to designate a Mandatory Inclusionary Housing (MIH) area; and C 170314 PPX (L.U. No. 749), disposition of City-owned property;

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 74-533 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 September 25, 2017;

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, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 11, 2017 (CEQR No. 16DME012X), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-418) and the Technical Memorandum dated June 9, 2017, (the “Technical Memorandum”);

RESOLVED:

Having considered the FEIS and the Technical Memorandum with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable; and
- (4) The Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 170315 ZSX), incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following conditions:

1. The property that is the subject of this application (C 170315 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by Beyer, Blinder, Belle filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
1	Parking Special Permit Site Plan	3/15/2017
1	Zoning Compliance Table	3/15/2017

2. Such development shall conform 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 October 17, 2017, on file in this office.

City Clerk, Clerk of The Council