



Legislation Text

File #: Res 1796-2017, Version: \*

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1796**

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170447 ZSX (L.U. No. 804), for the grant of a special permit pursuant to Section 74-70(a)(2) of the Zoning Resolution of the City of New York to allow non-profit hospital staff dwellings to be located not more than 1,500 feet from a non-profit or voluntary hospital and related facilities to facilitate the construction of a 12-story non-profit hospital staff dwelling building, on property located at 1776 Eastchester Road (Block 4226, Lots 1101 and 1102), in a C4-2 District, Community District 11, Borough of the Bronx.**

**By Council Members Greenfield and Richards**

WHEREAS, the City Planning Commission filed with the Council on October 20, 2017 its decision dated October 18, 2017 (the "Decision"), on the application submitted by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-70(a)(2) of the Zoning Resolution of the City of New York to allow non-profit hospital staff dwellings to be located not more than 1,500 feet from a non-profit or voluntary hospital and related facilities to facilitate the construction of a 12-story non-profit hospital staff dwelling building, on property located at 1776 Eastchester Road (Block 4226, Lots 1101 and 1102), in a C4-2 District, (ULURP No. C 170447 ZSX), Community District 11, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 170445 ZMX (L.U. No. 802), zoning map amendment to change an M1-1 district to R5, C4-2, and C4-2A districts; and N 170446 ZRX (L.U. No. 803), zoning text amendment to allow non-profit hospital staff dwellings and to designate a Mandatory Inclusionary Housing (MIH) area;

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 74-70 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 14, 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 revised environmental assessment statement and negative declaration issued October 13, 2017 (CEQR No. 17DCP165X), which includes an (E) designation to avoid the potential for significant adverse impacts related

to hazardous materials, air quality and noise (E-436) (the “Revised Environmental Assessment Statement” and the “Revised Negative Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Environmental Assessment Statement and the Revised Negative Declaration.

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 170447 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 170447 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Newman Architects, filed with this application and incorporated in this resolution:

| Dwg. No. | Title                        | Last Date Revised |
|----------|------------------------------|-------------------|
| Z-001.00 | Zoning Analysis Chart        | 5-22-17           |
| Z-002.00 | Zoning Analysis              | 5-22-17           |
| Z-003.00 | Overall Site Plan Zoning Lot | 5-22-17           |
| A-001.00 | Site Plan                    | 5-22-17           |

- 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 December 19, 2017, on file in this office.

City Clerk, Clerk of The Council