



Legislation Text

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**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 993**

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190210 ZSX, for the grant of a special permit (L.U. No. 427).**

**By Council Members Salamanca and Moya**

WHEREAS, the New York City Department of Housing Preservation and Development (HPD) & Phipps Houses, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed use on property located at 740 Brook Avenue a.k.a. East 156<sup>th</sup> Street (Block 2360, Lots 1 & 3) in a C6-2 District, which in conjunction with the related actions would facilitate the development of a new nine-story residential building comprising approximately 54 affordable dwelling units plus one unit for a superintendent, comprising approximately 45,231 square feet of residential space and 1,115 square feet of community facility space on Block 2360, Lots 1 and 3 in the Melrose neighborhood of Community District 1 in the Bronx, (ULURP No. C 190210 ZSX) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on May 10, 2019, its decision dated April 24, 2019 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 190207 ZMX (L.U. No. 424), a zoning map amendment to rezone the Project Area from R7-2 to C6-2; C 190208 PPX (L.U. No. 425), a disposition of non-residential City-owned property; and N 190209 ZRX (L.U. No. 426), a zoning text amendment to Appendix F of the Zoning Resolution designating the Project Area as a Mandatory Inclusionary Housing (MIH) Area;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 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 June 6, 2018;

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 negative declaration issued November 28<sup>th</sup>, 2018 (CEQR No. 19HPD011X) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the 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 the report, C 190210 ZSX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 190210 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 Dattner Architects, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
U-002.00	Zoning Lot Site Plan	11/06/18
U-003.00	Zoning Analysis	11/06/18
U-200.00	Sections	11/06/18
U-201.00	Sections	11/06/18

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 plans 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 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, sub-lessee or occupant.
5. Upon the 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 June 26, 2019, on file in this office.

City Clerk, Clerk of The Council