



October 20, 2021 / Calendar No. 12

C 210398 ZSX

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of ZR 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with the development of two community facility buildings, on property located at 346 Powers Avenue (Block 2572, Lot 6) in an R6 District, Borough of the Bronx, Community District 1.

This application for a special permit pursuant to Zoning Resolution (ZR) Section 74-903 (C 210398 ZSX) was filed by the New York City Department of Housing Preservation and Development (HPD) on April 29, 2021. This application, in conjunction with the related action, would facilitate the development of two new community facility buildings containing approximately 221 supportive housing units of for families with children, 95 shelter units, and community facilitate space at 346 Powers Avenue in the Mott Haven neighborhood of Bronx Community District 1.

RELATED ACTIONS

In addition to the special permit pursuant to ZR Section 74-903 that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application.

C 210399 HAX Designation of an Urban Development Action Area, project approval, and disposition of City-owned properties to a developer selected by HPD.

BACKGROUND

A full background discussion and description of this application appears in thereport for the

related UDAAP action (C 210399 HAX).

ENVIRONMENTAL REVIEW

The application (C 210398 ZSX), in conjunction with the application for the related action (C 210399 HAX), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 21HPD002X. The lead agency is HPD.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on April 30, 2021.

UNIFORM LAND USE REVIEW

This application (C 210398 ZSX) and the application for the related action (C 210399 HAX) were certified as complete by the Department of City Planning on May 17, 2021, and duly referred to Bronx Community Board 1 and the Bronx Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Bronx Community Board 1 held a public hearing on this application (C 210399 HAX) on June 9, 2021 and on June 25, by a vote of two in favor, 14 opposed, and none abstaining, adopted a resolution recommending disapproval of the application.

Borough President Recommendation

The Bronx Borough President held a public hearing on this application (C 210398 ZSX) on August 10, 2021, and on August 24, 2021 issued a recommendation to approve the application.

City Planning Commission Public Hearing

On September 1, 2021 (Calendar No. 4, the Commission scheduled September 22, 2021 for a public hearing on this application (C 210398 ZSX). The hearing was duly held on September 22,

2021 (Calendar No. 34).

Four speakers testified in favor of the project and none in opposition, as described in the report for the related UDAAP action (C 210399 HAX), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed special permit (C 210398 ZSX), in conjunction with the related UDAAP action (C 210399 HAX), is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related UDAAP action (C 210399 HAX).

FINDINGS

The Commission hereby makes the following findings pursuant to ZR Section 74-903:

- (a) That the distribution of the bulk on the zoning lot will not unduly obstruct the access of light and air to adjoining properties or public streets, and will result in satisfactory site planning and satisfactory urban design relationships of buildings to adjacent streets and the surrounding area;
- (b) That the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c) That the streets providing access to such use will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant adverse impact on the environment,

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that the application (C 210398 ZSX) by the Department of Housing Preservation and Development pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the

allowable community facility floor area ratio of ZR Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with a proposed development on property located at 346 Powers Avenue (Block 2572, Lot 6), in an R6 District, Borough of Bronx, Community District 1, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 210398 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by Urban Architectural Initiatives, R.A., P.C., filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-010	Zoning Lot Site Plan	03/29/2021
Z-011	Zoning Analysis	03/29/2021
Z-200	Sections I	03/29/2021
Z-201	Sections II	03/29/2021

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 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, 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.

The above resolution (C 210398 ZSX), duly adopted by the City Planning Commission on October 20, 2021 (Calendar No. 12), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

ANITA LAREMONT, Esq., *Chair*

KENNETH J. KNUCKLES, Esq., *Vice-Chairman*

**DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED CERULLO, III,
JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARIN, RAJ RAMPERSHAD,** *Commissioners*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: WIN powers	
Applicant: HPD - NYC Dept of Housing Preservation & Development	Applicant's Primary Contact: Winifred Campbell
Application # 210398ZSX	Borough:
CEQR Number: 21HPD002X	Validated Community Districts: X01

Docket Description:

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD)

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 346 Powers Avenue (Block 2572, Lot 6), as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;
to facilitate the development of two new buildings containing approximately 221 supportive housing units, 95 shelter units, and community facility space, Borough of the Bronx, Community District 1.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 2	# Against: 14	# Abstaining: 0	Total members appointed to the board: 40
Date of Vote: 6/25/2021 12:00 AM		Vote Location: webex	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/9/2021 5:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Webex

CONSIDERATION:

Recommendation submitted by	BX CB1	Date: 7/26/2021 11:24 AM
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BOROUGH PRESIDENT RECOMMENDATION

Project Name: WIN powers	
Applicant: HPD - NYC Dept of Housing Preservation & Development	Applicant's Administrator: Winifred Campbell
Application # 210398ZSX	Borough: Bronx
CEQR Number: 21HPD002X	Validated Community Districts: X01

Docket Description:
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD)

1) pursuant to Article 16 of the General Municipal Law of New York State for:

a. the designation of property located at 346 Powers Avenue (Block 2572, Lot 6), as an Urban Development Action Area; and

b. an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;
to facilitate the development of two new buildings containing approximately 221 supportive housing units, 95 shelter units, and community facility space, Borough of the Bronx, Community District 1.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION: Bronx Borough President's Recommendation for WIN Powers

Recommendation submitted by	BX BP	Date: 8/24/2021 12:37 PM
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