



## **CITY PLANNING COMMISSION**

---

April 1, 2015 Calendar No. 3

C 150197 ZSX

---

**IN THE MATTER OF** an application submitted by the NYC Department of Housing Preservation & Development and South Bronx Overall Economic Development Organization pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 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 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 8-story building on property located at 986-996 Washington Avenue a.k.a 489-493 East 164<sup>th</sup> Street (Block 2369, Lots 1, 2, 3, 4, 5, 53, 54, 90 & 153), in an M1-1/ R7-2 District, with a Special Mixed Use District (MX-7), Borough of the Bronx, Community District 3.

---

This application for a Special Permit was filed by the NYC Department of Housing Preservation & Development and South Bronx Overall Economic Development Corporation on December 19, 2014, to facilitate the development of a non-profit institution with sleeping accommodation, in Bronx Community District 3.

### **RELATED ACTIONS**

In addition to the Special Permit which is the subject for this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application.

N 150196 HAX      Urban Development Action Area and Project Designation

### **BACKGROUND**

A description of this application, the surrounding area and the proposed project is included in the report on the related action for the Urban Development Action Area and Project Designation (N 150196 HAX).

## **ENVIRONMENTAL REVIEW**

This application (C 150197 ZSX) 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 lead agency is the Department of Housing Preservation and Development. The designated CEQR number is 14HPD045X.

After a study of the potential impacts of the proposed action, a Negative Declaration was issued on July 29, 2014.

## **UNIFORM LAND USE REVIEW**

This application (C 150197 ZSX) was certified as complete by the Department of City Planning on February 5, 2015, and was duly referred to Community Board 3 and the Bronx Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b), in conjunction with the related application (N 150196 HAX) which was duly referred for information and review in accordance with the procedures for non-ULURP matters,

### **Community Board Public Hearing**

Community Board 3 held a public hearing on this application (C 150197 ZSX) on January 14, 2015 and, on that day, by a vote of 24 in favor, 3 against, and 0 abstentions, adopted a resolution recommending approval of this application.

### **Borough President Recommendation**

This application (C 150197 ZSX) was considered by the Borough President, who issued a recommendation approving this application on February 13, 2013.

### **City Planning Commission Public Hearing**

On February 18, 2015, Cal. No. 2, the City Planning Commission scheduled March 4, 2015, for a

public hearing on this application (C 150197 ZSX). The hearing was duly held on March 4, 2015 (Calendar No. 18).

There were a number of appearances, as described in the related report for Urban Development Action Area and Project Designation (N 150196 HAX) and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the Special Permit pursuant to 74-902 (C 150197 ZSX) in conjunction with the related application for UDAAP designation, Project Approval (C 150156 HAX) are appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application appear in the report on the Urban Development Action Area and Project Designation (C 150196 HAX).

## **FINDINGS**

The Commission hereby makes the following findings pursuant to Section 74-902 of the Zoning Resolution:

- (a) that the distribution of #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; and
- (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 impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by HPD and. for the grant of a special permit 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 Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to an 7-story non-profit institution with sleeping accommodations (UG 3), on property located at 986-996 Washington Avenue and 489-493 East 164<sup>th</sup> Street (Block 2369, Lots 1, 2,3,4,5,53,54,90 and 153), in an MX-7 (M1-1/R7-2) District, Borough of the Bronx, Community District 3, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 150197 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 Danois Architects, PC, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Data	11.21.14
A-001.00	Site Plan	11.21.14
A-300.00	Sections	11.21.14
A-301.00	Sections	11.21.14

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 150197 ZSX), duly adopted by the City Planning Commission on April 1, 2015 (Calendar No. 3), 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.

**CARL WEISBROD, *Chairman***  
**KENNETH J. KNUCKLES, *Esq., Vice Chairman***  
**RAYANN BESSER, IRWIN G. CANTOR, *P.E.*, ALFRED C. CERULLO, *III*,**  
**MICHELLE DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,**  
**CHERYL COHEN EFFRON, BOME E JUNG,**  
**ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ *Commissioners***