



CITY PLANNING COMMISSION

March 2, 2005/Calendar No.17

C 050073 ZSM

IN THE MATTER OF an application submitted by the 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 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed approximately 36,225 square foot, 7-story Non-Profit Institution with Sleeping Accommodations (U.G. 3A), on property located at 435-439 East 119th Street (Block 1807, Lots 15 and 16), in an R7-2 District, Borough of Manhattan, Community District 11.

The application for the special permit was filed by the Department of Housing Preservation and Development on August 24, 2004. The project site is located on the north side of East 119th Street between First and Pleasant avenues (Block 1807, Lots 15 and 16).

RELATED ACTIONS

In addition to the special permit which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which is being considered concurrently with this report:

C 050072 HAM UDAAP designation and project approval and the disposition of city-owned property

BACKGROUND

A full background discussion and description of this report appears in the report on the related application for the UDAAP designation and project, and the disposition of city-owned property (C 050072 HAM).

ENVIRONMENTAL REVIEW

The application (C 050073 ZSM), in conjunction with the application for the related action (C 050072 HAM), 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 Codes 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 03HPD006M. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impact of the proposed action, a Negative declaration was issued on August 17, 2002.

UNIFORM LAND USE REVIEW

The application (C 050073 ZSM), in conjunction with the application for the related action (C 050072 HAM), was certified as complete by the Department of City Planning on October 18, 2004, and was duly referred to Community Board 11 and the Borough President, in accordance with Article 3 of the Uniform land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 11 held a public hearing on this application on December 21, 2004, and on December 21, 2004, by a vote of 17 to 14 with no abstentions, adopted a resolution recommending

approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on January 21, 2005.

City Planning Public Hearing

On January 19, 2005 (Calendar No. 5), the City Planning Commission scheduled February 2, 2005, for a public hearing on this application (C 050073 ZSM). The hearing was duly held on February 2, 2005 (Calendar No. 14), in conjunction with the public hearing on the related application (C 050072 HAM).

There were a number of speakers, as described in the report on the related application for the UDAAP designation and project, and the disposition of city-owned property (C 050072 HAM), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28,

2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.) The designated WRP number is WRP-04-125.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the grant of this special permit, in conjunction with the related action, is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application appears in the report on the related application for a special permit, (C 05072 HAM).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Sections 74-902 (Certain Community Facility Uses in R3 to R9 Districts and Certain Community Districts) of the Zoning Resolution:

- (a) that the distribution of the bulk of the total development 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 surrounding developments;

- (b) that the proposed development will not require any significant additions to the supporting services of the neighborhood or that the 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, in its capacity as the City Costal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

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

RESOLVED, by the City Planning Commission, 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 permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed approximately 36,225 square foot, 7-story Non-Profit Institution with Sleeping Accommodations (U.G. 3A), on property located at 435-439 East 119th Street (Block 1807, Lots 15 and 16), in an R7-2 District, Borough of Manhattan, Community District 11, is approved, subject to the following terms and conditions:

1. The development that is the subject of this application (C 050073 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Hamlett E.Wallace Architects, filed with this application and incorporated into this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-002	Site Plan	10/07/04

Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance:

2. . Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modification 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. 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.
4. 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 party, revoke any portion of or all 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.

The above resolution (C 050073 ZSM), duly adopted by the City Planning Commission on March 2, 2005 (Calendar No. 17), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chairperson
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