



February 3, 2020 / Calendar No. 4

C 200054 ZSM

IN THE MATTER OF an application submitted by Lenox Terrace Development Associates pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a large scale general development, on property generally bounded by West 135th Street, Fifth Avenue, West 132nd Street, and Lenox Avenue-Malcolm X. Boulevard (Block 1730, Lots 1, 7, 9, 25, 33, 36, 40, 45, 50, 52, 64, 68, and 75), in a C6-2 District, Borough of Manhattan, Community District 10.

This application for a special permit pursuant to Section 74-533 of the Zoning Resolution (ZR) was filed by Lenox Terrace Development Associates on August 14, 2019. The requested special permit seeks to waive the required accessory off-street residential parking spaces pursuant to Section 74-533 of the Zoning Resolution. Approval of this application, along with its related actions, would facilitate the development of five mixed-use buildings containing residential, commercial, and community facility uses located within an existing development known as Lenox Terrace. The Development Site (Block 1730, Lots 1, 7, 9, 25, 33, 36, 40, 45, 50, 52, 64, 68, 75) is bounded by Lenox Avenue (also known as Malcolm X. Boulevard) to the west, Fifth Avenue to the east, West 132nd Street to the south, and West 135th Street to the north in the Harlem neighborhood of Manhattan, Community District 10.

RELATED ACTIONS

In addition to the special permit (C 200054 ZSM) that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 200050 ZSM Special Permit pursuant to ZR Section 74-743 to modify certain height and setback regulations within a large scale general development.

N 200051 ZRM: Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area for the Project Area.

C 200052 ZMM: Zoning map amendment to change R7-2 / C1-4 zoning districts of the project area to a R8 /C1-5 zoning district

N 200053 ZAM: Authorization pursuant to ZR Section 25-631(f)(2) to modify curb cut requirements at the development site.

BACKGROUND

A description of this application, the surrounding area, and the proposed project is included in the report for the related Special Permit action (C 200050 ZSM).

ENVIRONMENTAL REVIEW

The certified application (C 200054 ZSM) in conjunction with the applications for the related actions (C 200050 ZSM, N 200051 ZRM, C 200052 ZMM, N 200053 ZAM), were reviewed pursuant 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 (NYCRR), Section 617.00 et seq. and the New York City Quality Review (CEQR) Rules of Procedure of

1991 and Executive Order No. 91 of 1977. The designated CEQR number is 18DCP084M. The lead agency is the City Planning Commission.

A summary of the environmental review appears in the report for the related Special Permit action (C 200050 ZSM).

UNIFORM LAND USE REVIEW

The special permit application (C 200054 ZSM), in conjunction with the related map amendment and special permit actions (C 200050 ZMM, C 200052 ZSM) was certified as complete by the Department of City Planning on August 26, 2019, and was duly referred to Manhattan Community Board 10 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); along with the related text amendment and authorization actions (N 200051 ZRM, N 200053 ZAM), which were referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Review

Community Board 10 held two public hearings on the special permit application (C 200054 ZSM) and the related applications on September 19 and October 17, 2019, and on November 6, 2019, by a vote of 20 in favor, 15 opposed, and with one abstention, adopted a resolution recommending disapproval of the application with conditions.

A summary of the Community Board's conditions and recommendations appears in the report for the related special permit (C 200050 ZSM).

Borough President Recommendation

The special permit application (C 200054 ZSM), in conjunction with the related applications (C 200050 ZSM, N 200051 ZRM, C 200052 ZMM, N 200053 ZAM) were considered by the

Manhattan Borough President. The Borough President held a hearing on November 18, 2019, and on December 16, 2019 recommended denial of the application.

The Borough President described further explanation of this recommendation in her letter dated on December 12, 2019 which is attached to this report.

City Planning Commission Public Hearing

On December 4, 2019 (Calendar No. 6), the City Planning Commission scheduled December 18, 2019, for a public hearing on the special permit application (C 200054 ZSM). The hearing was duly held on December 18, 2019 (Calendar No. 31), in conjunction with the public hearings on the applications for the related actions. Nine speakers testified in favor of the application and 28 in opposition.

A summary of the City Planning Commission Public Hearing appears in the report for the related special permit (C 200050 ZSM).

CONSIDERATION

The Commission believes the special permit application (C 200054 ZSM), in conjunction with the applications for the related actions, is appropriate.

A full consideration and analysis of the issues and reasons for approving this application appear in the report for the related Special Permit action (C200050 ZSM).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-533 of the Zoning Resolution:

- (a) that the waiver of parking spaces will facilitate the development or enlargement of affordable housing;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable, including the availability of parking spaces such uses.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 23, 2019, with respect to this application (CEQR No. 18DCP084M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A,
3. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning, is executed by Lenox Terrace Development Associates or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; 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 consideration described in this report, the application submitted by submitted by Lenox Terrace Development Associates pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a large scale general development, on property generally bounded by West 135th Street, Fifth Avenue, West 132nd Street, and Lenox Avenue-Malcom X Boulevard (Block 1730, Lots 1, 7, 9, 25, 33, 36, 40, 45, 50, 52, 64, 68, and 75), in R8 district and R8/C1-5 District, Borough of Manhattan, Community District 10, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 200054 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 Davis Brody Bond, filed with this application and incorporated in this resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U.001	Zoning Analysis	01/31/2020
U.004	Zoning Lot Site Plan (Proposed)	01/31/2020

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. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. 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.
6. 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 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 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 to disapprove any application for modification, cancellation or amendment of the special permit.

7. 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 200054 ZSM), duly adopted by the City Planning Commission on February 3, 2020 (Calendar No. 4), 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.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,

JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT,

ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

ANNA HAYES LEVIN, *Commissioner*, ABSTAINING

MICHELLE DE LA UZ, *Commissioner*, VOTING NO