



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 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 15-story building on property located at 107-111 East 123rd Street (Block 1772, Lots 4, 7 and 8), in an R7-2 District, Borough of Manhattan, Community District 11.

This application (C 220059 ZSM) for a special permit to modify the maximum floor area ratio for certain community facility under Section 74-903 of the Zoning Resolution (ZR) to allow an increase in floor area ratio for non-profit with sleeping accommodations was filed by the New York City Department of Housing Preservation and Development (HPD) on August 3, 2021. Approval of this application would facilitate the development of a 15-story building containing 81 supportive and affordable housing units, plus one superintendent's unit, and community facility space for formerly homeless individuals and low-income individuals and households in East Harlem, Manhattan Community District 11.

RELATED ACTIONS

In addition to the special permit that is the subject of 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:

C 220060 HAM Designation of an Urban development Action Area (UDAA) and project approval (UDAAP), and disposition of city-owned property

BACKGROUND

A full background discussion and description of this application appears in the report for the related UDAAP action (C 220060 HAM).

ENVIRONMENTAL REVIEW

This application (C 220059 ZSM) 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 21HPD004M. The lead agency is HPD.

A summary of the environmental review appears in the report for the related UDAAP action (C 220060 HAM).

UNIFORM LAND USE REVIEW

This application (C 220059 ZSM), in conjunction with the related actions (C 220060 HAM), was certified as complete by the Department of City Planning on August 30, 2021 and was duly referred to Manhattan Community Board 11 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Manhattan Community Board 11 held one public hearing on this application (C 220059 ZSM) on October 13, 2021, and on October 26, 2021 by a vote of 33 in favor, none opposed and three abstaining, adopted a resolution to approve the application with conditions. A summary of the Community Board's conditions appears in the report for the related UDAAP action (C 220060 HAM).

Borough President Recommendation

This application (C 220059 ZSM) was considered by the Manhattan Borough President, who, on December 13, 2021, issued a recommendation to approve the application. A summary of the Borough President's recommendation appears in the report for the related UDAAP action (C 220060 HAM).

City Planning Commission Public Hearing

On December 1, 2021 (Calendar No. 1), the City Planning Commission scheduled December 15, 2021 for a public hearing which has been duly advertised. On December 15, 2021 (Calendar. No. 19) the hearing was closed.

Three speakers testified in favor of the project and none in opposition, as described in the report on the related application for UDAAP action (C 220060 HAM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 220059 ZSM) is appropriate. A full consideration and analysis of the issues, and reasons for approving this application, appears in the related application for the related UDAAP action (C 220060 HAM).

FINDINGS

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

1. 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;
2. That 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
3. 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 actions described herein will have no significant impact on the environment; and

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, the application (C 220059 ZSM) submitted by HPD, pursuant to Section 197-c and 201 of the New York City Charter for 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 15-story building on a property located at 107-111 East 123rd Street (Block 1772, Lots 4, 7 and 8), in an R72 District, Borough of Manhattan, Community District 11, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 220059 ZSM) 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 Curtis + Ginsberg Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002	Site Plan	06/25/2021
Z-003	Zoning Analysis	06/25/2021
Z-006	Sections	06/25/2021

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 220059 ZSM), duly adopted by the City Planning Commission on January 31, 2021 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Manhattan Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*
DAVID BURNEY, ALLEN P. CAPPELLI,
ALFRED C. CERULLO III, JOSEPH DOUEK,
RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN,
LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*