CITY PLANNING COMMISSION

July 1, 2015 Calendar No. 8 C 150289 ZSX

IN THE MATTER OF an application submitted by the West Side Federation for Senior and Supportive Housing pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 (Front setbacks in districts where front yards are not required), the yard requirements of Section 24-33 (Permitted Obstructions in required Yards in Rear yard Equivalent), distance between building requirements of Section 23-711 (Standard minimum distance between buildings) and court requirements of Section 23-842 (Wide outer courts), in connection with a proposed mixed-use development on property located at 285 East 138th Street (Block 2314, Lot 1), in R7-2, R7-2/C1-4 and R7-2/C2-4 Districts, within a large-scale general development, Borough of the Bronx, Community District 1.

This application (C 150289 ZSX) for a special permit was filed by the West Side Federation for Senior and Supportive Housing on February 27, 2015, to modify the height and setback requirements of Section 23-632, the yard requirements of Section 24-33, distance between building requirements of Section 23-711 and court requirements of Section 23-842 to facilitate the development two new low-income residential senior housing buildings with ground floor retail, community facility space, parking and open space, in Community District 1 of the Bronx.

RELATED ACTIONS

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

N 150287 ZRX	Zoning Text Amendment to permit a reduction in required parking.
C 150288 ZMX	A proposed amendment to the Zoning Map, Section No. No. 6a changing from R6 to R7-2, R7-2/C1-4, R7-2/C2-4 and R6 to R6/C1-4.
N 150290 ZAX	Authorization to permit a reduction of bicycle parking spaces
C 150344 ZSX	A special permit pursuant to 74-745 (c) to waive the number of required off-street accessory parking spaces.

BACKGROUND

A description of this application, the surrounding area and proposed project is included in the report on the related action for the Zoning Map Change (C 150288 ZMX).

ENVIRONMENTAL REVIEW

This application (C 150289 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR Number is 15DCP119X. The lead is the City Planning Commission.

After a study of the potential impacts of the proposed actions, a Negative Declaration was issued on April 20, 2015.

UNIFORM LAND USE REVIEW

This application (C 150289 ZSX), in conjunction with the related applications (C 150288 ZMX, and C 150344 ZSX), was certified as complete by the Department of City Planning on April 20, 2015 and was 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), along with the non-ULURP related actions (N 150287 ZRX and N 150290 ZAX) which duly referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 1 held a public hearing on this application (C 150289 ZSX) on April 30, 2015, and on that day, by a vote of 29 in favor, 0 opposed and 0 abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendations

This application (C 150289 ZSX) in conjunction with the related actions was considered by the Bronx Borough President, who issued a recommendation approving the application on May 29, 2015.

City Planning Commission Public Hearing

On June 3, 2015 (Calendar No. 3), the City Planning Commission scheduled June 17, 2015 for a public hearing on this application (C 150289 ZSX). The hearing was duly held on June 17, 2015 (Calendar No. 17).

There was one speaker in favor of the project, as described in the related report for the Zoning Map Amendment (C 150288 ZMX) and the hearing was closed.

CONSIDERATION

The Commission believes that the application for the special permit (C 150289 ZSX), in conjunction with the related actions, is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the related report for the Zoning Map Amendment (C 150288 ZMX).

FINDINGS

The Commission hereby makes the following findings pursuant to Section 74-743(a) (2) of the Zoning Resolution:

(1) location of #buildings# without regard for the applicable yard#, #court#, distance between #buildings#, or height and setback regulations;

(2)) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#,

surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the #large-scale general development#, the neighborhood and the City as a whole;

(3) the distribution of #floor area# and location of#buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

(4) N/A

(4) considering the size of the proposed #large-scale general development#, the #streets# providing access to such #large-scale general development# will be adequate to handle traffic resulting there from;

(5) N/A

(6) N/A

(7) N/A

(8) N/A

(9) N/A

(10) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission;

(11) N/A

(12) N/A

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 the West Side Federation for Senior and Supportive Housing pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to Section 74-743(a)(2) of the Zoning

Resolution to modify the height and setback requirements of Section 23-632 (Front setbacks in districts where front yards are not required), the yard requirements of Section 24-33 (Permitted Obstructions in required Yards in Rear yard Equivalent), distance between building requirements of Section 23-711 (Standard minimum distance between buildings) and court requirements of Section 23-842 (Wide outer courts), in connection with a proposed mixed-use development on property located at 285 East 138th Street (Block 2314, Lot 1), in R7-2, R7-2/C1-4 and R7-2/C2-4 Districts, within a large-scale general development, Borough of the Bronx, Community District 1, is approved, subject to the following terms and conditions.

1. The property that is the subject of this application (C 150289 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 Redtop Architects, filed with this application and incorporated in this resolution:

Drawing	Title	Last Date Revised
Z-001	Zoning Analysis	April. 08, 2015
Z-100	Zoning Lot Site Plan	April 08, 2015
Z-110	Waiver and Encroachment Plan	April 08, 2015
Z-400	Site Sections: A, B, C	February 27, 2015
Z-401	Site Sections: D, E, F	April 08, 2015
Z-402	Site Sections: G and H	April 08, 2015

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 report and resolution and any subsequent modifications 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, sub-lessee 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 covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration 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 or of the restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

The above resolution (C 150289 ZSX), duly adopted by the City Planning Commission on July1, 2015 (Calendar No. 8), 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.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, ESQ., Vice Chairman
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFORN, BOMEE JUNG, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, Commissioners