



IN THE MATTER OF an application submitted by La Hermosa Christian Church 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 on property located at 5 West 110th Street (Block 1594, Lots 30 and 41), in a C1-9 District, Borough of Manhattan, Community Board 10.*

*197-d (b)(2) eligible

This application for a special permit was filed by La Hermosa Christian Church (“La Hermosa”) on May 2, 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 a mixed-use building at the northeast corner of Central Park, containing residential and community facility uses. The development site, 5 West 110th Street (Block 1594, Lots 30 and 41), is bounded by West 110th Street (also known as Central Park North) to the South, Duke Ellington Circle to the southeast, Fifth Avenue to the east, and West 111th Street to the north, in Harlem, Manhattan Community District 10.

RELATED ACTIONS

In addition to the special permit application that is the subject of this report (C 190436 ZSM), 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:

N 190433 ZRM Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

C 190434 ZMM Zoning map amendment to change R7-2, R7-2/C1-4, R8, R8/C1-4 Districts

to a C1-9 District.

C 190435 ZSM Special Permit pursuant to Zoning Resolution (ZR) Section 74-851 to modify certain height and setback regulations

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 190435 ZSM).

ENVIRONMENTAL REVIEW

The subject application (C 190436 ZSM), in conjunction with the related applications (N 190433 ZRM, C 190434 ZMM, C 190435 ZSM), 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 lead is the Commission. The designated CEQR number is 19DCP116M.

A summary of the environmental review appears in the report for the related Special Permit action (C 190435 ZSM).

UNIFORM LAND USE REVIEW

On May 6, 2019, this application (C 190436 ZSM), in conjunction with the related applications (C 190434 ZMM and C 190435 ZSM), was certified as complete by the Department of City Planning and duly referred to 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 applications for zoning text amendment (N 190433 ZRM), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Review

Community Board 10 held a public hearing on this application (C 190436 ZSM) on July 5, 2019, and on that date, by a vote of 28 in favor, 2 opposed, 1 abstaining, adopted a resolution recommending disapproval of the proposed action.

Borough President Recommendation

The Manhattan Borough President considered this application (C 190436 ZSM) and, on August 23, 2019, issued a recommendation disapproving the application.

City Planning Commission Public Hearing

On August 14, 2019, (Calendar No. 9), the CPC scheduled August 28, 2019, for a public hearing on this application (C 190436 ZSM). The hearing was duly held on August 28, 2019 (Calendar No. 37), in conjunction with the related applications (N 190433 ZRM, C 190434 ZMM, C 190435 ZSM).

There were a number of speakers as described in the report for the related Special Permit action (C 190435 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 190436 ZSM) for a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces, in conjunction with the related applications (N 190433 ZRM, C 190434 ZMM, C 190435 ZSM), is appropriate.

A full consideration and analysis of the issues and reasons for approving this application appears in the report for the related Special Permit action (C 190435 ZSM).

FINDINGS

The 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 for such uses.

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 consideration described in this report, the application submitted by submitted by La Hermosa Christian Church 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 on property located at 5 West 110th Street (Block 1594, Lots 30 and 41), in a C1-9 District, Borough of Manhattan, Community District 10, is approved, subject to the following conditions:

1. The property that is the subject of this application (C 190436 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 FXCollaborative Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002	Zoning Analysis	10/11/2019
Z-003	Zoning Site Plan	10/11/2019

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 190436 ZSM), duly adopted by the City Planning Commission on October 15, 2019 (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. KNUCKES, ESQ., *Vice Chairman*

DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ, RICHARD W. EADDY, HOPE KNIGHT, ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

ANNA HAYES LEVIN, *Commissioner*, ABSTAINING