One45 for Harlem
685-691 Lenox Avenue and 112-150 West 145th Street, Manhattan
November 15, 2024

Special Permit Pursuant to ZR Section 74-74

12-10 Definitions

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Large-Scale General Development (2/2/2011):

A "large-scale general development" contains one or more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection, and is not either a large-scale residential development or a large-scale community facility development; and

As described in the Project Description, the Proposed Development will contain three buildings located on a single zoning lot. The Proposed Development would not be a large-scale residential development because it would be located in a C4-6 district, and would not be a large-scale community facility development (i) for the same reason, and (ii) because it would not be used predominantly for community facility uses.

(a) has or will have an area of at least 1.5 acres;

The Development Site comprises approximately 68,841 square feet of lot area, or approximately 1.58 acres.

(b) has been or is to be used, #developed# or #enlarged# as a unit:

(1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition of Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #general large-scale development#; or

(2) under single free, alternate or separate ownership, either:

(i) pursuant to an urban renewal plan for a designated urban renewal area contain such #zoning lots#; or

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and

Pursuant to the definition of "zoning lot" found in Section 12-10(c), the Applicant through related entities has filed a zoning lot certification, executed on January 22, 2022 and recorded at CRFN 2022012001111002. and a zoning lot development and ownership statement, executed on January 14, 2022 and recorded at CRFN 2022012001111003.

(3) shall be located in whole or in part in any #Commercial# or #Manufacturing District#, subject to the restrictions of paragraph (a)(1) of Section 74-743 (Special provisions for bulk modification).

The Development Site would be located in a C4-6 zoning district.

Such #zoning lots# may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 4, provided that such #buildings# form an integral part of the #large-scale general development#, and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #buildings#. In C5 and C6 Districts, however, a #large-scale general development# having a minimum #lot area# of five acres may include a #zoning lot# that contains an existing #building# that is not integrally related to the other parts of the #large-scale general development#, provided that such #building# covers less than 15 percent of the #lot area# of the #large-scale general development# and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #building#.

There are no existing buildings to remain on the Zoning Lot.

74-74 Large-scale General Development

For large-scale general developments involving several zoning lots but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and bulk controls. The regulations of this Section are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

No portion of a #large-scale general development# shall contain:

(a) any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section 74-744 (Modification of use regulations). When an existing #building# in a #large-scale general development# is occupied by a #non-conforming use#, an #enlargement# of such existing #building# shall be subject to the requirements set forth in Section 52-00 (DEFINITIONS AND GENERAL PROVISIONS).

The proposed Use Group II residential, Use Group IIIB community facility, Use Group VI retail, and Use Group VIII banquet hall uses within the Proposed Development are all permitted within the proposed C4-6 zoning district. All existing buildings will demolished for the new development. Should the rezoning occur prior to completion of full demolition, existing buildings would remain conforming with the exception of the Mobile gas station (UG VI), which would then become an existing nonconforming use.

(b) any #zoning lot#, or portion thereof, that is part of a #large-scale residential development# or #large-scale community facility development#.

The Development Site contains a single zoning lot that would not be part of any large-scale residential or community facility development.

74-742 Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large- scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the zoning lot definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

The Development Site is under the single fee ownership or contract of the Applicant.

ZR Section 74-743 (Special provisions for bulk modification) states***:***

(a) For a #large-scale general development#, the City Planning Commission may permit:

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

The Applicant requests a waiver of the height and setback regulations in Section 35-64(b)(3), in order that Building A of the Proposed Development may be built pursuant to the standard tower regulations of Section 23-652. This waiver is necessary because the commercial banquet hall use and accessory uses are located on the top two stories of Building A and such portion of Building A penetrates the sky exposure plane.

Such #zoning lots# may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 4, provided that such #buildings# form an integral part of the #large-scale general development#, and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #buildings#. In C5 and C6 Districts, however, a #large-scale general development# having a minimum #lot area# of five acres may include a #zoning lot# that contains an existing #building# that is not integrally related to the other parts of the #large-scale general development#, provided that such #building# covers less than 15 percent of the #lot area# of the #large-scale general development# and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #building#.

There are no existing buildings to remain on the Zoning Lot.