CITY PLANNING COMMISSION

August 23, 2017 / Calendar No. 9 C 170315 ZSX

IN THE MATTER OF an application submitted by NYC Economic Development Corporation 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 allow a waiver of 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, on property located on the westerly side of Gateway Center Boulevard, northerly of East 149th Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1 & p/o Lot 2, and the bed of demapped East 150th Street), in an R7-2 District, with the Special Harlem River Waterfront District, Borough of the Bronx, Community District 4.

This application (C 170315 ZSX) for a special permit pursuant to Section 74-533 of the Zoning Resolution was filed by the New York City Economic Development Corporation (NYCEDC) on March 15, 2017, in conjunction with several related actions. The proposed actions would facilitate a mixed-use development anticipated to include affordable housing, ground-floor retail space, office space, community facility space, and publicly-accessible open space along the Harlem River waterfront in Bronx Community District 4.

RELATED ACTIONS

In addition to the special permit (C 170315 ZSX) 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 170311 ZMX	Zoning map amendment to change an M2-1 district to an R7-2/C2-5 district and establish a Special Harlem River Waterfront subdistrict
N 170312 ZRX	Zoning text amendment to modify use, bulk, parking, streetscape, open space, and waterfront access regulations and to designate a Mandatory Inclusionary Housing (MIH) area

C 170314 PPX Disposition of City-owned property

BACKGROUND

A full background discussion and description of this application appears in the report for the related disposition action (C 170314 PPX).

ENVIRONMENTAL REVIEW

This application (C 170315 ZSX), in conjunction with the applications for the related actions (N 170312 ZRX, C 170311 ZMX and C 170314 PPX), 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 16DME012X. The lead is the Office of the Deputy Mayor for Housing and Economic Development.

A summary of the environmental review appears in the report for the related disposition action (C 170314 PPX).

UNIFORM LAND USE REVIEW

This application (C 170315 ZSX) and the applications for the related actions, (C 170311 ZMX and C 170314 PPX) were certified as complete by the Department of City Planning on March 20, 2017 and duly referred to Bronx Community Board 4 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 related application for a zoning text amendment (N 170312 ZRX), which was referred for information and review in accordance with the procedures for non-ULURP actions.

Community Board Public Hearing

Bronx Community Board 4 adopted a resolution recommending approval of the application (C 170315 ZSX) with conditions on May 30, 2017 by a vote of 19 in favor, seven opposed, and with five abstentions.

A summary of the vote and recommendations of Community Board 4 appears in the report for the related disposition action (C 170314 PPX).

Borough President Recommendation

This application (C 170315 ZSX) was considered by the Bronx Borough President, who issued a recommendation approving the application with conditions on June 29, 2017. A summary of the Borough President's recommendation appears in the report of the related disposition action(C 170314 PPX).

City Planning Commission Public Hearing

On June 21, 2017 (Calendar No. 9), the City Planning Commission scheduled July 12, 2017 for a public hearing on this application (C 170315 ZSX) and the applications for the related actions. The hearing was duly held on July 12, 2017 (Calendar No. 26). There were a total of nine speakers at the hearing, six in favor of the application and three in opposition, as described in the report for the related disposition action (C 170314 PPX).

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 170314 ZSX), in conjunction with the applications for the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 et seq.) The designated WRP number is WRP# 16-094.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application for a special permit (C 170315 ZSX), in conjunction with the applications for the related actions (C 170311 ZMX, (N 170312 ZRX and C 170314 PPX), is appropriate.

A full consideration and analysis of issues and the reasons for approving this application appear in the related report for the disposition action (C 170314 PPX).

FINDINGS

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

(a) such waiver or reduction will facilitate such #development# or #enlargement#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;

(b) such waiver or reduction will not cause traffic congestion; and

(c) such waiver or reduction 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 having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 11, 2017, with respect to this application (CEQR No. 16DME012X) and the Technical Memorandum, 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 available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

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, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this proposed action is consistent with WRP policies; 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 NYC Economic Development Corporation 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 allow a waiver of 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, on property located on the westerly side of Gateway Center Boulevard, northerly of East 149th Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1 & p/o Lot 2, and the bed of demapped East 150th Street), in an R7-2 District, with the Special Harlem River Waterfront District, Borough of the Bronx, Community District 4 is approved, and subject to the following conditions:

1. The property that is the subject of this application (C 170315 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by Beyer, Blinder, Belle filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
1	Parking Special Permit Site Plan	3/15/2017
1	Zoning Compliance Table	3/15/2017

2. Such development shall confirm to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan 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, sublessee or occupant.

5. Upon 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 170315 ZSX), duly adopted by the City Planning Commission on August 23, 2017 (Calendar No. 9), 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 Chair*
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, *Commissioners*