**THE COUNCIL OF THE CITY OF NEW YORK**
**RESOLUTION NO. 784**

**Resolution approving the decision of the City Planning Commission on ULURP No. C 220336 ZSX, for the grant of a special permit (L.U. No. 252).**

**By Council Members Salamanca and Riley**

WHEREAS, Housing Options and Geriatric Association Resources, Inc., filed an application 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 11-story building on property located at 893 Eagle Avenue (Block 2620, Lots 49, 50, 52, and 56), in an R7-2 District, which in conjunction with the related actions would facilitate the development of a new community facility building containing approximately 83 affordable and supportive housing units and community facility space at 893 Eagle Avenue in the Morrisania section of the Bronx, Community District 3 (ULURP No. C 220336 ZSX) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on July 24, 2023, its decision dated July 24, 2023 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 220334 ZMX (L.U. No. 250), a zoning map amendment to change an R6 zoning district to an R7-2 zoning district; and N 220335 ZRX (L.U. No. 251), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) Area;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-903 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on August 10, 2023;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued February 13th, 2023 (CEQR No. 20DCP076X), which includes an (E) designation for the development site to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-667) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-667) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 20336 ZSX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 220336 ZSX) 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 Urban Architectural Initiatives, RA, PC, filed with this application and incorporated in this resolution:

| Dwg. No. | Title | Last Date Revised |
|---|---|---|
| Z-001.00 | Zoning Analysis | 03/10/2023 |
| Z-002.00 | Site Plan | 03/10/2023 |
| Z-003.00 | Sections Longitudinal Height and Setback Diagram I | 03/10/2023 |
| Z-004.00 | Sections Transverse Height and Setback Diagram II | 03/10/2023 |
| Z-005.00 | Sections Transverse Height and Setback Diagram III | 03/10/2023 |
| Z-006.00 | Sections Transverse Height and Setback Diagram IV | 03/10/2023 |
| Z-007.00 | Sections Longitudinal Height and Setback V | 03/10/2023 |

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of the Bronx. Such restrictive declaration shall be

deemed incorporated herein as a condition of this resolution.

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 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 ground 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.

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.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on _____, 2023, on file in this office.

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City Clerk, Clerk of The Council