



Legislation Details (With Text)

File #: Res 0631-2018 **Version:** * **Name:** LU 253 - Zoning, Hebrew Home, Bronx (C 180321 ZSX)
Type: Resolution **Status:** Adopted
In control: Committee on Land Use

On agenda: 11/14/2018

Enactment date: **Enactment #:**

Title: Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180321 ZSX (L.U. No. 253), for the grant of a special permit pursuant to Section 74-901(a) of the Zoning Resolution to modify the use regulations of Section 22-13 to allow a long-term care facility (Use Group 3) in an R1-1 District on property located at 5701-5961 Palisade Avenue (Block 5933, Lots 55, 210, 224, 225 and 230), in R1-1 and R4 Districts, within the Special Natural Area District, Community District 8, Borough of the Bronx.

Sponsors:

Indexes:

Attachments: 1. Resolution, 2. October 17, 2018 - Stated Meeting Agenda with Links to Files, 3. Land Use Calendar - Week of October 22, 2018 - October 26, 2018, 4. Hearing Testimony - Zoning 10-22-18, 5. November 14, 2018 - Stated Meeting Agenda with Links to Files, 6. Hearing Transcript - Stated Meeting 11-14-18, 7. Minutes of the Stated Meeting - November 14, 2018, 8. City Planning Commission Approval Letter, 9. Committee Report

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|--|--------|
| 11/5/2018 | * | Committee on Land Use | Approved by Committee with Modifications and Referred to CPC | |
| 11/14/2018 | * | City Council | Approved, by Council | Pass |

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 631**

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180321 ZSX (L.U. No. 253), for the grant of a special permit pursuant to Section 74-901(a) of the Zoning Resolution to modify the use regulations of Section 22-13 to allow a long-term care facility (Use Group 3) in an R1-1 District on property located at 5701-5961 Palisade Avenue (Block 5933, Lots 55, 210, 224, 225 and 230), in R1-1 and R4 Districts, within the Special Natural Area District, Community District 8, Borough of the Bronx.

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on September 28, 2018 its decision dated September 26, 2018 (the "Decision"), on the application submitted by Hebrew Home for the Aged at Riverdale Foundation, Inc., and Hebrew Home Housing Development Fund Company, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-901(a) of the Zoning Resolution to modify the use regulations of Section 22-13, to allow a long-term care facility (Use Group 3) on property located at 5701-5961 Palisade Avenue (Block 5933, Lots 55, 210, 224, 225 and 230), in R1-1 and R4 Districts, within the Special Natural Area District, Community District 8, Borough of the Bronx, (ULURP No. C 180321 ZSX) (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-901 (a) 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 October 22, 2018;

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 Restrictive Declaration to address the potential for significant adverse construction (transportation) impacts and the Revised Conditional Negative Declaration issued September 26, 2018 (CEQR No. 18DCP134X), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality on the development site (Block 5933, Lots 55 and 225) (E-477), which supersedes the Conditional Negative Declaration issued April 23, 2018 and (“Revised Conditional 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-477) and Revised Conditional 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 this report, C 180231 ZSX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter double struck out is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council;

1. The property that is the subject of this application (C 180321 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 Perkins Eastman, filed with this application and incorporated in this resolution:

| <u>Drawing Number</u> | <u>Title</u> | <u>Last Date Revised</u> |
|-----------------------|--|---------------------------------------|
| Z-1 | Zoning Analysis | September 25, 2018 |
| Z-2 | Base Plane and Average Curb Level | September 25, 2018 |
| Z-3 | Zoning Lot Site Plan | September 25 <u>November 5</u> , 2018 |
| Z-4 | Waiver Plan (R1-1 Zoning) | September 25 <u>November 5</u> , 2018 |
| Z-5 | Waiver Elevations & Sections (R1-1 Zoning) | September 25, 2018 |

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. 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, New York County. 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, sublessee or occupant.
6. 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.
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 November 14, 2018, on file in this office.

City Clerk, Clerk of The Council