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**IN THE MATTER OF** an application submitted by Gun Hill Square, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VII, Chapter 4 (Special Permits by the City Planning Commission) and related sections to modify the use regulations to allow a physical culture or health establishment and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 12.

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This application for a zoning text amendment (N 170219 ZRX) was filed by Gun Hill Square, LLC on January 3, 2017 to modify Article VII, Chapter 4 (Special Permits by the City Planning Commission) and related sections to modify the use regulations to allow a physical culture or health establishment and to establish a Mandatory Inclusionary Housing (MIH) area. This application, in conjunction with the related actions, would facilitate the development of a new pedestrian-oriented open-air urban shopping complex and a single residential building containing approximately 180 units of affordable senior housing within a large-scale general development located at 1769-1771 and 1825 East Gun Hill Road (Block 4804, p/o Lot 100) in the Baychester neighborhood of the Bronx, Community District 12.

**RELATED ACTIONS**

In addition to the zoning text amendment (N 170219 ZRX) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- C 170217 PPX           Disposition of City-owned property;
  
- C 170218 ZMX           Zoning map amendment to change an M1-1 District to a C4-3 District;
  
- C 170221 ZSX           Special permit to modify bulk regulations within a large-scale general development;

C 170222 ZSX Special permit to modify signage requirements within a large-scale general development; and

C 170223 ZSX Special permit to allow an accessory group parking facility and to allow some off-street parking spaces to be located on the roof of a building within a large-scale general development.

### **BACKGROUND**

A full background discussion and description of this application appears in the report for the related application for disposition of City-owned property (C 170217 PPX).

### **ENVIRONMENTAL REVIEW**

This application (N 170219 ZRX), in conjunction with the related actions (C 170217 PPX, C 170218 ZMX, C 170221 ZSX, C 170222 ZSX, and C 170223 ZSX), 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 14DME010X. The lead is the Deputy Mayor for Housing and Economic Development.

A summary of the environmental review, including the Final Environmental Impact Statement (FEIS), issued on June 9, 2017, appears in the report on the related application for the related disposition action (C 170217 PPX).

### **PUBLIC REVIEW**

This application (N 170219 ZRX) was referred for information and review in accordance with the procedures for non-ULURP matters on January 17, 2017, in conjunction with the application for the related actions (C 170217 PPX, C 170218 ZMX, C 170221 ZSX, C 170222 ZSX, and C 170223 ZSX), which were certified as complete by the Department of City Planning and duly referred to Community Board 12 and the Bronx Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 12 held a public hearing on this application (N 170223 ZRX) on March 20, 2017 and on March 23, 2017, by a vote of 29 in favor, five opposed, and with two abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (N 170219 ZRX) was considered by the Bronx Borough President, who held a public hearing on April 4, 2017 and issued a recommendation on April 26, 2017 for approval of this application with conditions. A summary of the Borough President's recommendation appears in the report for the related disposition action (C 170217 PPX).

### **City Planning Commission Public Hearing**

On April 26, 2017 (Calendar No. 3), the City Planning Commission scheduled May 10, 2017 for a public hearing on this application (N 170219 ZRX) and the applications for the related actions. The hearing was duly held on May 10, 2017 (Calendar No. 36).

There were a total of 14 speakers at the hearing, seven in favor of the application and seven in opposition, as described in the report for the related disposition action (C 170217 PPX), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the application for a zoning text amendment (N 170219 ZRX), in conjunction with the related actions, 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 170217 PPX).

### **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the actions described herein having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on June 9, 2017, with respect to this application (CEQR No. 14DME010X) 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; and
3. 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.

The report of the City Planning Commission, together with the FEIS and restrictive declaration, 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**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

**ARTICLE VII  
ADMINISTRATION**

**Chapter 4  
Special Permits by the City Planning Commission**

\* \* \*

**74-74  
Large-Scale General Development**

\* \* \*

**74-744  
Modification of use regulations**

(a) #Use# modifications

\* \* \*

(4) #Physical culture or health establishments#

Within Community District 12 in the Borough of the Bronx, #physical culture or health establishment# shall be allowed in conjunction with an application for a #large-scale general development# in #Commercial Districts#, and the provisions of Sections 32-31 (By the Board of Standards and Appeals) and 73-36 (Physical Culture or Health Establishments) shall be inapplicable. Prior to obtaining a temporary certificate of occupancy from the Department of Buildings for any #building# containing a #physical culture or health establishment#, the applicant shall demonstrate to the satisfaction of the Commissioner of Buildings that a vibration and noise control plan has been established for such #building#.

(b) Location of #commercial uses#

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**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

Table of  
Inclusionary Housing Designated Areas  
and

Mandatory Inclusionary Housing Areas  
by Zoning Map

Zoning Map	Community District	Maps of Inclusionary Housing Designated Areas	Maps of Mandatory Inclusionary Housing Areas
1d	Bronx CD 7	Map 1	
3b	Bronx CD 4	Map 1	
3c	Bronx CD 6	Maps 1 - 3	
3c	Bronx CD 7	Map 1	
3d	Bronx CD 3	Map 1	
3d	Bronx CD 6	Maps 2 - 5	
<u>4a</u>	<u>Bronx CD 12</u>		<u>Map 1</u>

\* \* \*

**The Bronx**

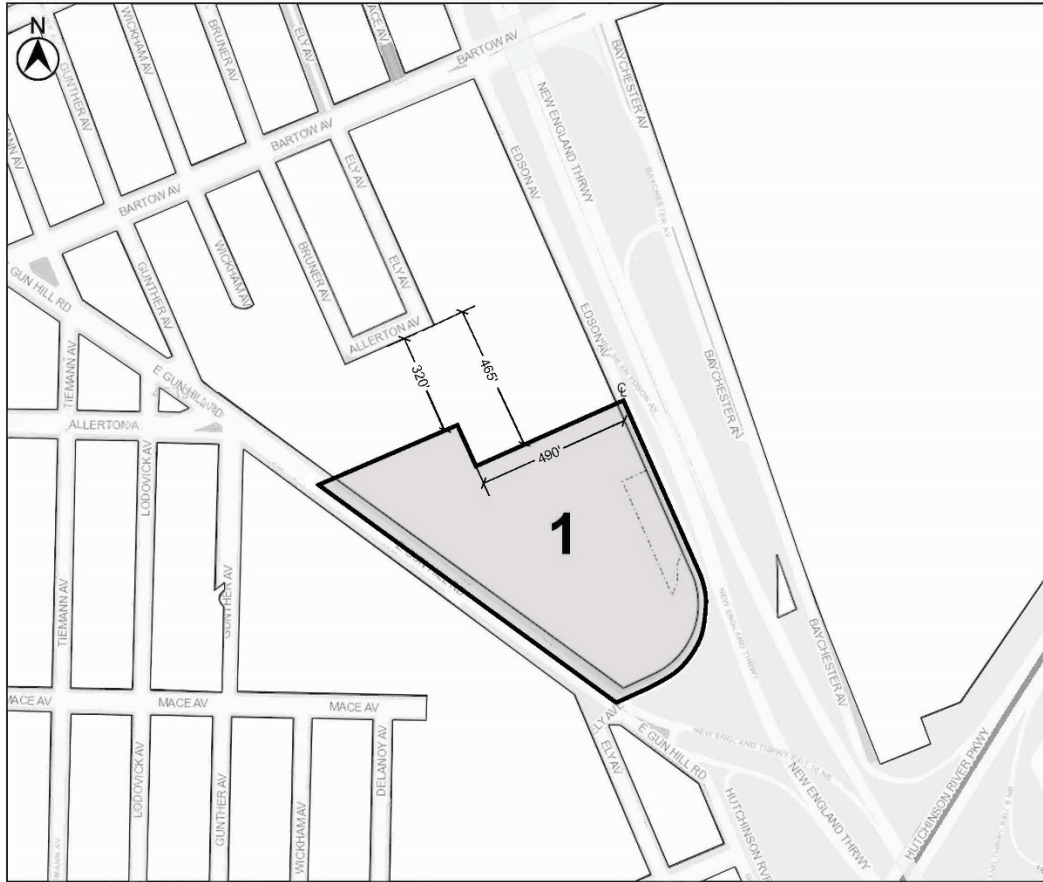
\* \* \*

**The Bronx Community District 12**

In the C4-3 District (R6 residential equivalent) within the area shown on the following Map 1:

Map 1 – [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing area      *see Section 23-154(d)(3)*

**Area 1 - [date of adoption] MIH Program Option 1**

**Portion of Community District 12, The Bronx**

\* \* \*

The above resolution (N 170219 ZRX), duly adopted by the City Planning Commission on June 21, 2017 (Calendar No. 12) 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, RICHARD W. EADDY,**

**CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,**

**ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*