



CITY PLANNING COMMISSION

September 7, 2011 / Calendar No. 5

N 100311 ZRX

IN THE MATTER OF an application submitted by Industco Holdings LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York concerning Appendix F (Inclusionary Housing designated areas) and related Sections pertaining to the establishment of Inclusionary Housing designated areas in Community Districts 3 and 6, and the modification of Section 74-743 (Special provisions for bulk modifications) regarding lot coverage calculations in large-scale general developments within the boundaries of Community District 3, in the Borough of the Bronx.

The application for an amendment to the Zoning Resolution was filed by Industco Holdings LLC on April 14, 2010. The proposed Zoning Text Amendment will make the Inclusionary Housing Program applicable in the proposed R6A, R7A, R7X and R8X districts in the Borough of the Bronx, Community Districts 3 and 6, and modify Section 74-743 (Special provisions for bulk modifications) regarding lot coverage calculations in large-scale general developments within the boundaries of Community District 3, in the Borough of the Bronx.

RELATED ACTIONS

In addition to the amendment of the Zoning Resolution, which is the subject of this report, implementation of the project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 100310 ZMX	Zoning map amendment to change portions of 11 blocks currently zoned M1-1, R7-1, R7-1/C2-4 to R6A, R6A/C2-4, R7A, R7A/C2-
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4, R7X, R7X/C2-4, and R8X, R8X/C2-4 generally located in Crotona Park East and West Farms neighborhoods of the Bronx.

C 100312 ZSX Special Permit pursuant to Section 74-743 for modification of bulk regulations for Large Scale General Development.

C 100313 ZSX Special Permit pursuant to Section 74-745 to allow accessory parking spaces to be distributed without regard to zoning lot lines.

C 110297 ZSX Special Permit pursuant to Section 74-744 to allow commercial uses to be arranged within a building without regard to the regulations set forth in ZR Section 32-42.

C 110234HAX UDAAP, disposition and project approval to facilitate disposition and development of 13 square feet vacant land.

BACKGROUND

A full background discussion and description of this application appears in the report on the related zoning map amendment application (C 100310 ZMX).

ENVIRONMENTAL REVIEW

This application (N 100310 ZRX), in conjunction with the related application (C 100310 ZMX, C 100312 ZSX, C 100313 ZSX, C 110297 ZSX, and C 110234 HAX) 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 10DCP017X. The lead is the New York City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the related report for a zoning map amendment (C 100310 ZMX).

PUBLIC REVIEW

This application (N 100311 ZRX) was duly referred to Community Board 3, Community Board 6, the Bronx Borough President and the Bronx Borough Board in accordance with the procedure for referring non-ULURP matters, in conjunction with the related applications (C 100310 ZMX, C 100312 ZSX, C 100313 ZSX, C 110297 ZSX, and C 110234 HAX), which were certified as complete in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

A summary of the vote and recommendations of Community Board 3 and Community Board 6 appears in the related report for a zoning map amendment (C 100310 ZMX).

Borough President Recommendation

This application (N 100311 ZRX) was considered by the Borough President of the Bronx who issued a recommendation approving the application on July 14, 2011.

Borough Board Recommendation

The Borough Board held a public hearing on June 23, 2011, and on that day, unanimously recommended approval of this application (N 100311 ZRX).

City Planning Commission Public Hearing

On July 13, 2011 (Calendar No. 2) the City Planning Commission scheduled July 27, 2011 for a public hearing on this application (N 100311 ZRX). The hearing was duly held on July 27, 2011 (Calendar No. 5) in conjunction with the hearing on the related applications (N 100311 ZRX, C 100312 ZSX, C 100313 ZSX, C 110297 ZSX, and C 110234 HAX).

There were six speakers in favor of the application, and five in opposition, as described in the report on the related Zoning Map Amendment application (C 100310 ZMX) and the hearing was closed.

Waterfront Revitalization Consistency Review (WRP)

A discussion of the WRP Consistency Review appears in the report on the related Zoning Map amendment application (C 100310 ZMX).

CONSIDERATION

The Commission believes that this text amendment to the Zoning Resolution (N 100311 ZRX) along with the related applications is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application appear in the report on the related zoning map amendment application (C 100310 ZMX).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion ratified herein was issued on August 26, 2011, with respect to this application (CEQR No. 10DCP017X), 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 thereto, the action is the one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated September 1, 2011 described in the Resolutions for applications C 100312 ZSX, C 100313 ZSX, and C 110297 ZSX, and in addition with respect to application C 100310 ZMX, the three restrictive declarations dated September 1, 2011 and respectively executed by Boone West Farms LLC, 1903 West Farms LLC, and 1931 West Farms LLC, those project components related to the environment and mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FEIS, constitute 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 is consistent with WRP policies; 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 in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

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

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

* * *

23-144

In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such districts are specified in

APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

Community District	Zoning District
Community District 1, Bronx	R6A R7-2 R7A R7X R8A
<u>Community District 3, Bronx</u>	<u>R6A R7A R7X R8X</u>
Community District 4, Bronx	R8A R9D
<u>Community District 6, Bronx</u>	<u>R8X</u>
Community District 1, Brooklyn	R6 R6A R6B R7A R7-3
Community District 2, Brooklyn	R7A R8A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R7A R8A
Community District 14, Brooklyn	R7A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A R10
Community District 1, Queens	R7A
Community District 2, Queens	R7X

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74-743

Special provisions for bulk modification

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

* * *

- (7) modification of the definition of #outer court# in Section 12-10 (DEFINITIONS) and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by #building# walls and is not otherwise a #yard# or an #inner court#, provided that:

* * *

- (ii) the minimum distance between a #legally required window# facing onto such #outer court# and a #building# wall shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening; ~~or~~
- (8) in an #Inclusionary Housing designated area# in a C4-7 District within the boundaries of Manhattan Community District 7, for the purpose of applying the Inclusionary Housing Program within such #Inclusionary Housing designated area#, as set forth in a restrictive declaration:

* * *

- (ii) modification of the requirements regarding distribution of #affordable housing units#, as defined in Section 23-911, specified in paragraph (b) of Section of Section 23-96 (Requirements for Generating Sites); or
- (9) within the boundaries of Community District 3 in the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#.

* * *

- (b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

* * *

- (7) where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of #uses# in the #large-scale general development# and a plan consistent with the objectives of the Inclusionary Housing Program and those of Section 74-74 (Large-Scale General Development) with respect to better site planning; ~~and~~

- (8) where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(7) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore benefit the residents of the #large-scale general development#; and

- ~~(8)~~(9) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

* * *

APPENDIX F

Inclusionary Housing Designated Areas

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial

Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

Table of
Inclusionary Housing Designated Areas
by Zoning Map

Zoning Map	Community District	Maps of Inclusionary Housing Designated Areas
1d	Bronx CD 7	Map 1
3b	Bronx CD 4	Map 1
3c	Bronx CD 6	Map 1, Map 2, Map 3
3c	Bronx CD 7	Map 1
<u>3d</u>	<u>Bronx CD 3</u>	<u>Map 1</u>
3d	Bronx CD 6	Map 2, Map 3, Map 4, <u>Map 5</u>
5d	Manhattan CD 7	Map 1
6a	Manhattan CD 9	Map 1
6a	Manhattan CD 10	Map 1
6a	Manhattan CD 11	Map 1
6a	Bronx CD 1	Map 1
6a	Bronx CD 4	Map 1
6b	Manhattan CD 10	Map 1
6b	Manhattan CD 11	Map 1
8b	Manhattan CD 4	Map 1
8c	Manhattan CD 4	Map 2
8c	Manhattan CD 7	Map 2
8d	Manhattan CD 4	Map 3, Map 4
8d	Manhattan CD 6	Map 1
8d	Queens CD 2	Map 3
9a	Queens CD 1	Map 1
9b	Queens CD 1	Map 2
9b	Queens CD 2	Map 1
9d	Queens CD 2	Map 1, Map 2
12a	Manhattan CD 1	Map 1
12c	Manhattan CD 3	Map 1
12c	Brooklyn CD 1	Map 1, Map 2
12d	Brooklyn CD 1	Map 2, Map 3
12d	Brooklyn CD 2	Map 1, Map 4
13a	Brooklyn CD 1	Map 1, Map 2
13b	Brooklyn CD 1	Map 2, Map 4

14d	Queens CD 8	Map 1
14d	Queens CD 12	Map 1
16b	Brooklyn CD 7	Map 2
16c	Brooklyn CD 2	Map 1, Map 2, Map 3
16c	Brooklyn CD 3	Map 1
16c	Brooklyn CD 6	Map 1
16d	Brooklyn CD 7	Map 1
16d	Brooklyn CD 14	Map 2
17a	Brooklyn CD 3	Map 1, Map 2
17b	Brooklyn CD 14	Map 2
22a	Brooklyn CD 7	Map 2
22c	Brooklyn CD 7	Map 2
22c	Brooklyn CD 14	Map 1, Map 2, Map 3
23a	Brooklyn CD 14	Map 2
28d	Brooklyn CD 13	Map 1

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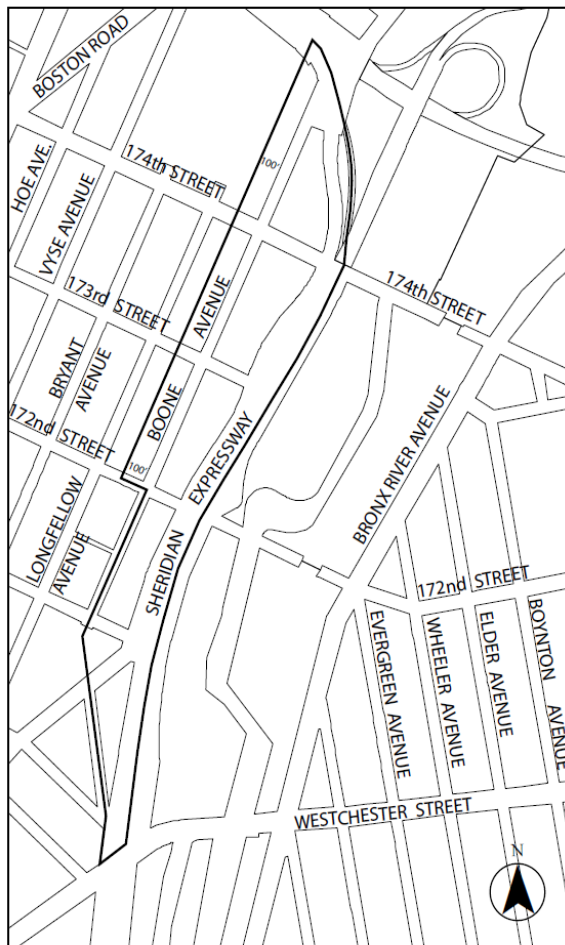
The Bronx

* * *

The Bronx Community District 3

In the R6A, R7A, R7X and R8X Districts within the areas shown on the following Map 1:

Map 1 -



Portion of Community District 3, The Bronx

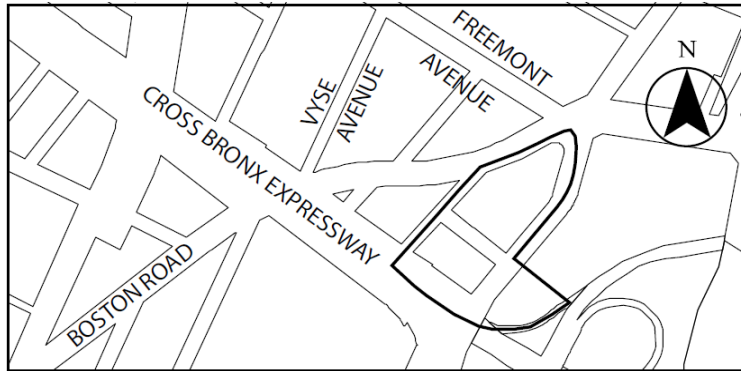
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The Bronx Community District 6

In the R7A, R7X, ~~and~~ R8A and R8X Districts within the areas shown on the following Maps 1, 2, 3, ~~and~~ 4 and 5:

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Map 5 -



Portion of Community District 6, The Bronx

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The above resolution (N 100311 ZRX), duly adopted by the City Planning Commission on September 7, 2011 (Calendar No. 5), 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.

AMANDA M. BURDEN, *FAICP*, Chair
RICHARD W. EADDY, VICE CHAIRMAN
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners

ORLANDO MARIN, Commissioner, Abstained