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**IN THE MATTER OF** an application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts) and related sections, introducing regulations for R9-1 Districts mapped in a Mandatory Inclusionary Housing (MIH) area, creating special bulk regulations for a C6-3 District located in an MIH area located within Community District 1, Borough of the Bronx, and modifying APPENDIX F for the purpose of establishing an MIH area, Borough of the Bronx, Community District 1.

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This application (N 180033 ZRX) for an amendment of the Zoning Resolution of the City of New York concerning modifications to Sections 21-15, 23-154, 23-155, 23-664, 23-952, 25-026, 35-31, 35-351, 35-61, 35-654, 35-661, 36-027, and Appendix F was filed by the New York City Department of Housing Preservation and Development on July 27, 2017, in conjunction with several related actions. This application and the related actions would facilitate the construction of a mixed-use building with affordable residential units, ground floor retail space, and community facility space in the Mott Haven neighborhood of Bronx Community District 1.

**RELATED ACTIONS**

In addition to the zoning text amendment (N 180033 ZRX) 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 180032 HAX**                      UDAAP designation, project approval and disposition of City-owned property

**C 180031 ZMX**                      Zoning map amendment to change a C4-4 commercial district to a C6-3 district

## **BACKGROUND**

A full background discussion and description of this application appears in the report for the related UDAAP action (C 180032 HAX).

## **ENVIRONMENTAL REVIEW**

This application (N 180033 ZRX), in conjunction with the applications for the related actions (C 180032 HAX and C 180031 ZMX), 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 lead is the Office of the Deputy Mayor for Housing and Economic Development. The designated CEQR number is 17HPD068X.

A summary of the environmental review appears in the report for the related UDAAP action (C 180032 HAX).

## **PUBLIC REVIEW**

This application (N 180033 ZRX) was referred to Bronx Community Board 1 and the Bronx Borough President for information and review in accordance with the procedures for non-ULURP actions, along with the applications for the related actions (C 180032 HAX and C 180031 ZMX), which were certified as complete by the Department of City Planning on August 7, 2017, and duly referred to Bronx Community Board 1 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**

Bronx Community Board 1 adopted a resolution recommending approval of the application (N 180033 ZRX) with conditions on September 28, 2017 by a vote of 15 in favor, nine opposed, and with no abstentions.

A summary of the vote and recommendations of Community Board 1 appears in the report for the related UDAAP action (C 180032 HAX).

### **Borough President Recommendation**

This application (N 180033 ZRX) was considered by the Bronx Borough President, who issued a recommendation to approve the application. A summary of the Borough President's recommendation appears in the report of the UDAAP action (C 180032 HAX).

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

On October 18, 2017 (Calendar No. 3), the City Planning Commission scheduled November 1, 2017 for a public hearing on this application (N 180033 ZRX) and the applications for the related actions. The hearing was duly held on November 1, 2017 (Calendar No. 13). Five speakers testified in favor of the application, as described in the report for the related UDAAP action (C 180032 HAX).

### **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 180033 ZRX), in conjunction with the applications for the related actions (C 180032 HAX and C 180031 ZMX), is appropriate.

A full consideration and analysis of issues, and the reasons for approving this application, appear in the report for the related UDAAP action (C 180032 HAX).

### **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 amended, 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 II  
Residence District Regulations**

**Chapter 1  
Statement of Legislative Intent**

\* \* \*

**21-10  
PURPOSES OF SPECIFIC RESIDENCE DISTRICTS**

\* \* \*

**21-15  
R3-2, R4, R4B, R5, R6, R7, R8, R9 and R10 - General Residence Districts**

These districts are designed to provide for all types of residential buildings, in order to permit a broad range of housing types, with appropriate standards for each district on density, open space, and spacing of buildings. However, R4B Districts are limited to single- or two-family dwellings, and zero lot line buildings are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B) Districts. The various districts are mapped in relation to a desirable future residential density pattern, with emphasis on accessibility to transportation facilities and to various community facilities, and upon the character of existing development. These districts also include community facilities and open uses which serve the residents of these districts or benefit from a residential environment.

R7-3 and R9-1 Districts may be mapped only as specified in this paragraph. Such districts may be mapped within the waterfront area and in the Special Mixed Use Districts, ~~and, in~~ In addition, R7-3 Districts may be mapped in the Special Long Island City Mixed Use District, and R9-1 Districts may be mapped in Mandatory Inclusionary Housing areas.

\* \* \*

**Article II  
Residence District Regulations**

**Chapter 3  
Residential Bulk Regulations in Residence Districts**

\* \* \*

**23-10  
OPEN SPACE AND FLOOR AREA REGULATIONS**

\* \* \*

**23-15  
Open Space and Floor Area Regulations in R6 Through R10 Districts**

\* \* \*

**23-154  
Inclusionary Housing**

\* \* \*

- (d) Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

\* \* \*

- (2) Maximum #floor area ratio#

The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section shall apply to any #MIH development#, except:

- (i) in an R6 District without a letter suffix the maximum #floor area ratio# for any #MIH development# shall be 3.6 in the following areas:
  - (aa) Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017, in Community District 9 in the Borough of the Bronx; and

- (bb) Mandatory Inclusionary Housing Program Area 2, as of September 7, 2017, in Community District 14 in the Borough of Queens.
- (ii) in an R7-1 District the maximum #floor area ratio# for any #MIH development# shall be 4.6;
- (iii) in an R7-3 or R7X District, the maximum #floor area ratio# for any #MIH development# shall be 6.0; and
- (iv) in an R9-1 District the maximum #floor area ratio# for any # MIH development# shall be 9.0.

\* \* \*

**23-155**  
**Affordable independent residences for seniors**

R6 R7 R8 R9 R10

\* \* \*

MAXIMUM FLOOR AREA RATIO FOR  
 AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS  
 IN QUALITY HOUSING BUILDINGS

District	Maximum #Floor Area Ratio#
*	*
R9	8.00
<u>R9-1</u>	<u>9.00</u>
R9A	8.50
*	*

**23-60**  
**HEIGHT AND SETBACK REGULATIONS**

\* \* \*

**23-66**

**Height and Setback Requirements for Quality Housing Buildings**

\* \* \*

**23-664**

**Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors**

\* \* \*

- (c) Alternative regulations for certain #Quality Housing buildings# in non-contextual districts

For #Quality Housing buildings# in R6 through R8 Districts without a letter suffix and in an R9-1 District, the #street wall# location provisions of Sections 23-661 and the height and setback provisions of Section 23-662 and paragraph (b) of this Section need not apply to:

\* \* \*

TABLE 2

ALTERNATIVE MAXIMUM BASE HEIGHT  
AND MAXIMUM BUILDING HEIGHT  
FOR CERTAIN QUALITY HOUSING BUILDINGS  
IN NON-CONTEXTUAL DISTRICTS

District	Maximum Base Height (in feet)	Maximum Height of #Building or other Structure# (in feet)	Maximum Number of #Stories#
R6	65	115	11
R7	75	135	13
R8	105	215	21
<u>R9-1</u>	<u>125</u>	<u>285</u>	<u>28</u>

**23-90**

**INCLUSIONARY HOUSING**

\* \* \*

**23-95  
Compensated Zoning Lots and MIH Zoning Lots**

\* \* \*

**23-952  
Height and setback in Mandatory Inclusionary Housing areas**

In #Mandatory Inclusionary Housing areas#, the provisions of Section 23-951 shall apply to #MIH developments#, except as modified in this Section.

- (a) In R9 Districts without a letter or number suffix, the regulations of Section 23-651 (Tower-on-a-base) may apply, provided such #MIH development# is on a #zoning lot# that meets the requirements set forth in paragraph (a) of Section 23-65 (Tower Regulations).
- (b) In R6 through R9 Districts without a letter suffix within #Mandatory Inclusionary Housing areas#, the height and setback regulations of Section 23-64 (Basic Height and Setback Regulations) may apply. In addition, for R9 Districts, without a letter or number suffix, that do not meet the requirements of paragraphs (a) and (c) of Section 23-65 (Tower Regulations), the tower provisions of Section 23-652 (Standard tower) may apply, subject to the #lot coverage# provisions of Section 23-65. However, when the height and setback and tower regulations specified in this paragraph are utilized, the maximum #floor area ratio# on an #MIH zoning lot# shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

\* \* \*

**Article II  
Residence District Regulations**

**Chapter 5  
Accessory Off-Street Parking and Loading Regulations**

\* \* \*

**25-026  
Applicability of regulations in the waterfront area**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.



R7-3 Districts shall be governed by the #accessory# off-street parking regulations of an R7-2 District; ~~R9-1 Districts shall be governed by such regulations for an R9 District.~~

\* \* \*

**ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 5  
Bulk Regulations for Mixed Buildings in Commercial Districts**

\* \* \*

**35-30  
APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS**

**35-31  
Maximum Floor Area Ratio**

C1 C2 C3 C4 C5 C6

In the districts indicated, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. Special rules for certain areas are set forth in Section 35-35 (Special Floor Area Ratio Provisions for Certain Areas).

\* \* \*

**35-35  
Special Floor Area Ratio Provisions for Certain Areas**

**35-351  
Special floor area regulations in C6-3 Districts within Community District 1, Borough of the Bronx**

In C6-3 Districts without a letter suffix in #Mandatory Inclusionary Housing areas# in Community District 1, in the Borough of the Bronx, for #MIH developments# or #affordable independent residences for seniors#, the #residential floor area ratio# shall be that for an R9-1

District set forth in paragraph (d) of Section 23-154 (Inclusionary Housing) or in Section 23-155 (Affordable independent residences for seniors), as applicable.

\* \* \*

**35-60  
MODIFICATION OF HEIGHT AND SETBACK REGULATIONS**

\* \* \*

**35-61  
Applicability  
C1 C2 C3 C4 C5 C6**

In the districts indicated, height and setback regulations are modified for #mixed buildings# in 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

Height and setback modifications applicable to C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts are set forth in Section 35-62 (Commercial Districts with an R1 through R5 Residential Equivalent). Height and setback modifications applicable to C1 or C2 Districts mapped within R6 through R10 Districts, and #Commercial Districts# with a residential equivalent of R6 through R10 Districts, are set forth in Sections 35-63 (Basic Height and Setback Modifications), 35-64 (Special Tower Regulations for Mixed Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), as applicable. Special rules for certain areas are set forth in Section 35-66 (Special Height and Setback Regulations for Certain Areas).

\* \* \*

**35-65  
Height and Setback Requirements for Quality Housing Buildings**

\* \* \*

**35-654  
Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors**

C1 C2 C4 C5 C6

\* \* \*

(b) for such #Quality Housing buildings# in C1 or C2 Districts mapped within R6 through R8 Districts without a letter suffix or in an R9-1 District, or in other #Commercial Districts# with a residential equivalent of an R6 through R8 District without a suffix, the #street wall# location and height and setback provisions of Sections 35-651 and 35-652 need not apply to #buildings# on #zoning lots# that meet the criteria set forth in:

\* \* \*

**35-66**  
**Special Height and Setback Regulations for Certain Areas**

**35-661**  
**Special height and setback regulations in C6-3 Districts within Community District 1, Borough of the Bronx**

In C6-3 Districts without a letter suffix in #Mandatory Inclusionary Housing areas# in Community District 1, in the Borough of the Bronx, for an #MIH development# that is also an #MIH site# or for a #development# containing no #residences# other than #affordable independent residence for seniors#, the height and setback regulations for an R9-1 District set forth in paragraph (c) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), shall apply.

**36-027**  
**Applicability of regulations in the waterfront area**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

In #Commercial Districts# where #residential uses# are governed by the #bulk# regulations of R7-3 Districts, the #accessory# off- street parking regulations of R7-2 Districts shall apply to #residential uses#. ~~In #Commercial Districts# governed by R9-1 District regulations, the #accessory# parking regulations of R9 Districts shall apply to #residential uses#.~~

\* \* \*

**APPENDIX F**  
**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**BRONX**

\* \* \*

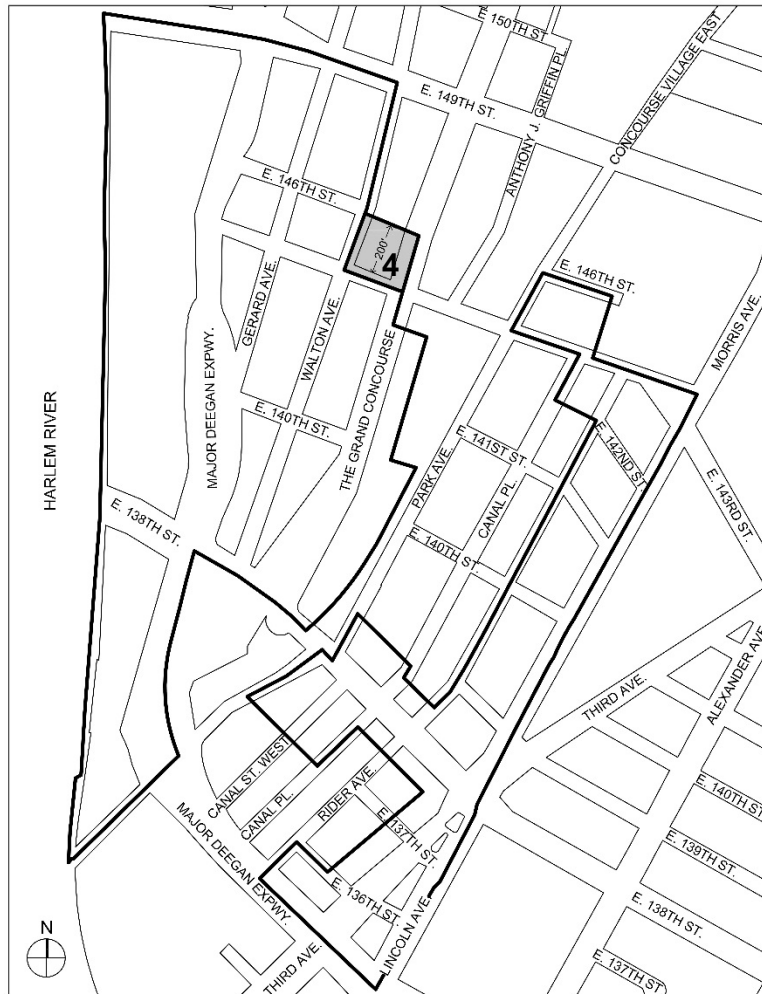
**Bronx Community District 1**



In the #Special Harlem River Waterfront District# (see Section 87-20) and in the R7A, R7X and R8A Districts within the areas shown on the following Maps 1, 2 and 3:

\* \* \*

Map 1 – [date of adoption]

[PROPOSED MAP]



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

Area 4 — [date of adoption] MIH Program Option 1

The above resolution (N 180033 ZRX), duly adopted by the City Planning Commission on November 29, 2017 (Calendar No. 10), 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, ALFRED C. CERULLO, III,**

**MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, CHERYL COHEN EFFRON,**

**HOPE KNIGHT, ANNA HAYES LEVIN,**

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

**RICHARD W. EADDY**, *Commissioner, recused*