



## CITY PLANNING COMMISSION

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October 7, 2008 / Calendar No. 7

N 080518 ZRY

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**IN THE MATTER OF** an application submitted by 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, relating to Article VII, Chapter 4 (Special Permits by the City Planning Commission), concerning Section 74-74 (General Large Scale Development) to allow modification of the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines).

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This application for an amendment to the Zoning Resolution was filed by the Department of Housing Preservation and Development on June 24, 2008 to amend Section 74-74 relating to the minimum distance requirement between a legally required window and wall or lot line and requirements regarding the minimum dimensions of a court within a General Large Scale Development, to facilitate the construction of a mixed-use development, located on property at 527 Westchester Avenue within the Bronxchester Urban Renewal Area.

### **RELATED ACTIONS**

In addition to the zoning map amendment which is the subject of this report (C 080518 ZMX), 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 080517 ZMX    Zoning Map amendment changing from an M1-1 District to a C6-2 District

C 080519 ZSX    Special Permit to permit development over a rail right-of- way

- C 080520 ZSX Special Permit pursuant to permit modifications of height and setback, rear yard, minimum distances between buildings, minimum distance between legally required windows and walls or lot lines, and inner court regulations within a General Large Scale Development
- C 080521 PQX Acquisition of privately-owned property
- C 080522 HAX UDAAP designation and project approval and disposition of City-owned property
- N 080523 HCX Minor Change to the First Amended Bronxchester Urban Renewal Plan

**BACKGROUND**

The proposed text amendment is 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), concerning Section 74-74 (General Large Scale Development) to allow modification of the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines).

A detailed description of zoning text is included in the report on the related application for UDAAP designation, project approval and disposition of City-owned property (C 080522 HAX).

**ENVIRONMENTAL REVIEW**

This application (N 080518 ZRY), in conjunction with the related applications (C 080517 ZMX, C 080519 ZSX, C 080520 ZSX, C 080521 PQX and C 080522 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 08HPD018X. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 19, 2008.

## **PUBLIC REVIEW**

This text change application (N 080518 ZRY) was duly referred on June 30, 2008 to all Community Boards, Borough Presidents and Borough Boards for information and review in accordance with the procedure for referring non-ULURP matters.

### **Community Board Review**

#### Bronx Community Board 1

Community Board 1 held a public hearing on this application on July 31, 2008, and on that date, by a vote of 20 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

#### Manhattan Community Board 1

Community Board 1 voted on July 31, 2008 to approve the application by a vote of 40 in favor, 0 opposed and 0 abstention.

### Queens Community Board 6

Community Board 6 submitted a letter on August 8, 2008, requesting clarification on the specific intent of the text amendment and the use and definition of the word “adjacent” as it relates to the proposed text amendment.

No other Community Board submitted a statement or recommendation.

### **Borough President Recommendation**

This application (N 080518 ZRY) was considered by the Borough President of the Bronx, who issued a recommendation approving this application on August 21, 2008.

No recommendation was received from the Brooklyn, Manhattan, Queens or Staten Island Borough Presidents or Borough Boards.

### **Planning Commission Public Hearing**

On August 27, 2008 (Calendar No. 3), the City Planning Commission scheduled September 10, 2008, for a public hearing on this application (N 080518 ZRY). The hearing was duly held on September 10,, 2008 (Calendar No. 21), in conjunction with the public hearing on the related applications (C 080517 ZMX, C 080519 ZSX, C 080520 ZSX, C 080521 PQX and C 080522 HAX).

There were four speakers in favor of the application and no speakers in opposition, as described in the report on the related UDAAP designation, project approval and disposition of City-owned

property application (C 080522 HAX), and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the proposed amendment to the Zoning Resolution as modified is appropriate.

A full consideration and analysis of the issues and reasons for approving this application as modified appears in the report on the related application for UDAAP designation, project approval and disposition of City-owned property (C 080522 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 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 in underline is new, to be added;

Matter in ~~strikeout~~ is old, 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  
General Large Scale Developments**

\* \* \*

**74-743  
Special provisions for bulk modifications**

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

\* \* \*

(5) modification of the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) for #developments# or #enlargements#, where:

- (i) the required minimum distance as set forth in Section 23-86 is provided between the #legally required window# in the new #development# or #enlargement# and a wall or #lot line # on an abutting property; and
- (ii) the required minimum distance is provided by a light and air easement acceptable to the Department of City Planning and recorded in the County Clerk’s office in the county in which such tracts of land are located.

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The above resolution (C 080518 ZMX), duly adopted by the City Planning Commission on October 7, 2008 (Calendar No. 7), 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**

**KENNETH J. KNUCKLES, Esq., Vice Chairman**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, A.I.A.,**

**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**

**RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. McRAE,**

**JOHN MEROLO, Commissioners**