



CITY PLANNING COMMISSION

September 15, 2010 / Calendar No. 4

N 100408 ZRX

IN THE MATTER OF an application submitted by the Department of City Planning 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 II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Section 23-90, and Appendix F (Inclusionary Housing Designated Areas), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A, R7X, and R8A districts; and, Article XII, Chapter 3 (Special Mixed Use District), Section 123-63, 123-90, and Appendix D specifying a Special Mixed Use District (MX-14), in the Borough of Bronx, Community District 6.

The application for an amendment to the Zoning Resolution was filed by the Department of City Planning on May 17, 2010. The proposed Zoning Text Amendment will establish a Special Mixed Use District (MX-14) and make the Inclusionary Housing Program applicable in the proposed C4-4A (R7A), C4-5X (R7X), C4-4D (R8A), M1-4/R7A, and M1-4/R7X districts in the Borough of the Bronx, Community District 6.

RELATED ACTIONS

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

N 100407 ZMX	Zoning Map Amendment changing all, or portions of, seventy-five blocks from R7-1, R7-1/C1-4, R7-1/C2-4, C4-4, C8-3, M1-1, and M1-4 districts to R5, R6A, R7X/C1-4, C4-4A, C4-5X, C4-4D, M1-4/R7A and M1-4/R7X districts.
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BACKGROUND

A full background discussion and description of this application appears in the report on the related zoning map amendment application (C 100407 ZMX).

ENVIRONMENTAL REVIEW

This application (N 100408 ZRX) in conjunction with the related actions (C 100407 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 designated CEQR number is 10DCP043X. The lead is the New York City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on May 24, 2010. The Negative Declaration included (E) designations to avoid the potential for hazardous material impacts, noise impacts, air quality, and infrastructure impacts. A revised Negative Declaration, correcting minor errors in the (E) designations, was issued on September 15, 2010. A summary of the environmental review and (E) designations appears in the report on the related zoning map amendment application (C 100407 ZMX).

PUBLIC REVIEW

On May 24, 2010, this application (N 100408 ZRX) was referred to Bronx Community Board 6 and the Bronx Borough President in accordance with the procedures for non-ULURP matters, along with the application for a Zoning Map Amendment which was certified as complete by the Department of City Planning in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 6 held a public hearing on this application (N 100408 ZRX) in conjunction with the public hearing on the application for the related action (C 100407 ZMX) on June 9, 2010. On that day, by a vote of 22 in favor, 0 against, and 0 abstentions, the board adopted a resolution recommending approval of this application.

Borough President Recommendation

This application (N 100408 ZRX) was considered by the Borough President of the Bronx, which issued a recommendation approving the application in conjunction with the related application (C 100407 ZMX) on July 28 2010.

City Planning Commission Public Hearing

On July 28, 2010 (Calendar No. 2), the City Planning Commission scheduled August 11, 2010 for a public hearing on this application (N 100408 ZRX). The hearing was duly held on August 11, 2010 (Calendar No. 13) in conjunction with the hearing on the related application (C 100407 ZMX).

There were no speakers on the application and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the zoning text (N 100408 ZRX) is appropriate, along with the related Zoning Map Amendment (C 100407 ZMX).

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 100407 ZMX).

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 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

23-90

INCLUSIONARY HOUSING

* * *

23-933

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in #Inclusionary Housing designated areas#.

The Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

#Inclusionary Housing designated areas# are listed in APPENDIX F of this Resolution.

* * *

Article XII - Special Purpose Districts

Chapter 3

Special Mixed Use District

* * *

123-63

Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Sections 23-142, 23-143 and paragraph (a) of Section 23-147 shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in

Section 23-145, or paragraph (b) of Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Section 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-952. The locations of such districts are specified in APPENDIX F of this Resolution.

Special Mixed Use District	Designated Residence District
MX 2- Community District 2, Brooklyn	R7A R8A
MX 8- Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11- Community District 6, Brooklyn	R7-2
<u>MX 14 – Community District 6, the Bronx</u>	<u>R7A, R7X</u>

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**123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED**

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 1: Port Morris, the Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

* * *

#Special Mixed Use District# - 13: Lower Concourse, the Bronx

The #Special Mixed Use District# - 13 is established in the Lower Concourse in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 14: Third Avenue, the Bronx

The #Special Mixed Use District# - 14 is established along Third Avenue in the Bronx as indicated on the #zoning maps#.

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**APPENDIX D
Index of Special Purpose Districts**

SPECIAL DISTRICT (SYMBOL)	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/COUNCIL ADOPTION
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Mixed Use District-11 (MX-11) Gowanus, Brooklyn	123-00	16a	090049 ZRK	2/17/09	3/11/09
Mixed Use District-13 (MX-13) Lower Concourse, the Bronx	123-00	6a	090302 ZRX	5/20/09	6/30/09
<u>Mixed Use District-14 (MX-14) Third Avenue, the Bronx</u>	<u>123-00</u>	<u>3c 3d</u>	<u>100408 ZRX</u>	<u>9/15/10</u>	<u>(effective date of adoption)</u>
Natural Area District-1 (NA-1)	105-00	21b 26a 26b 26c 26d 27a 27b	22748(A)	11/18/74	12/19/74

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**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 #bulk# regulations of such #Residence Districts#.

The Bronx, Community District 1

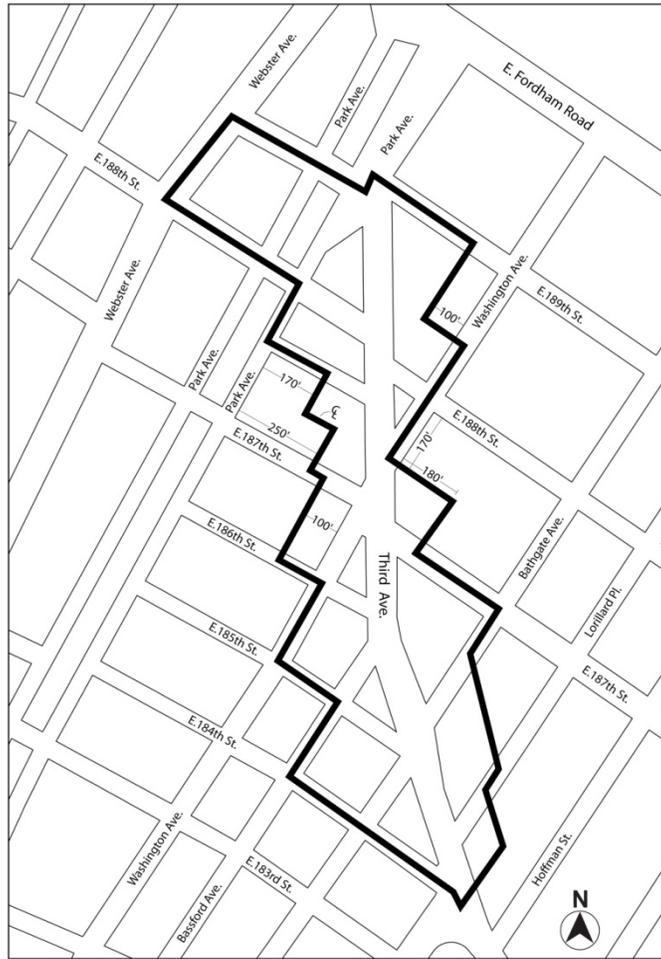
In the R6A, R7-2, R7A, R7X and R8A Districts within the areas shown on the following Map 1:

* * *

The Bronx, Community District 6

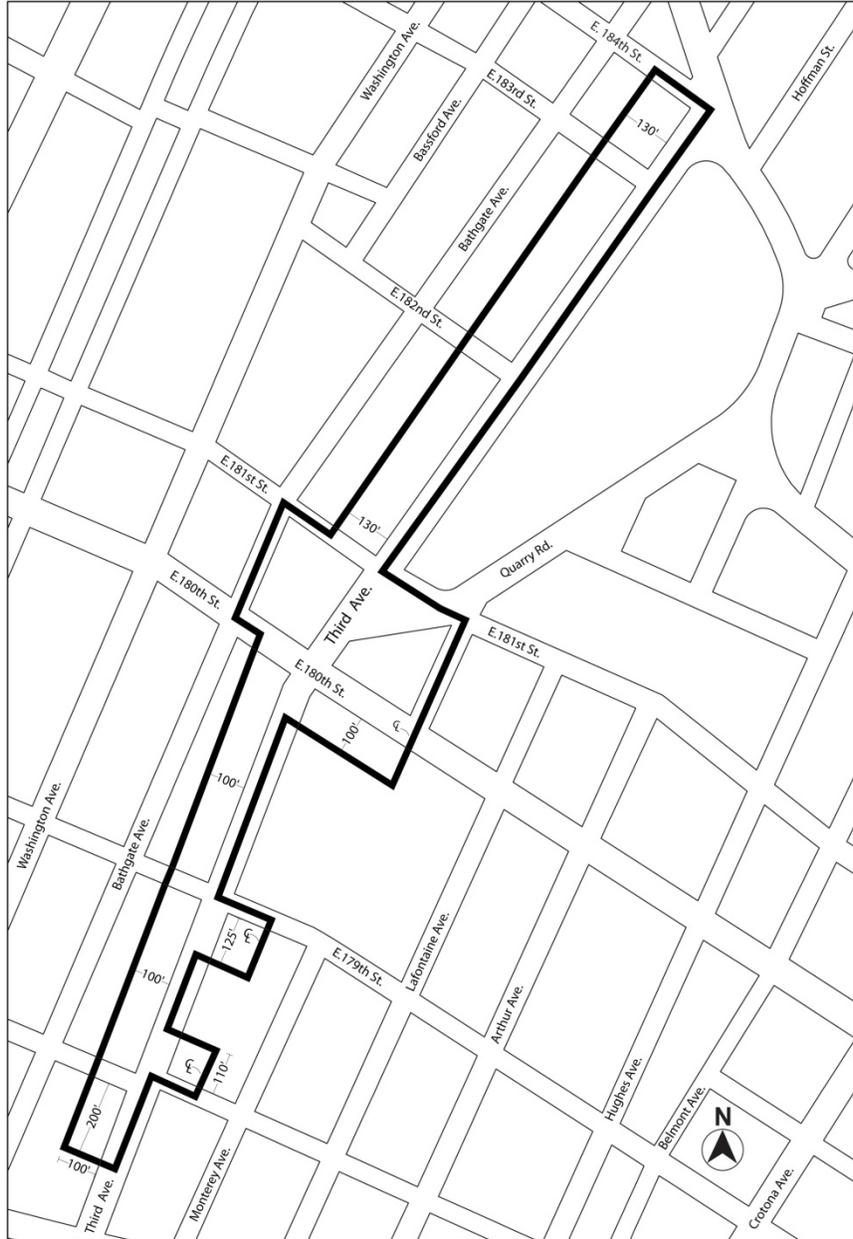
In the R7A, R7X and R8A Districts within the areas shown on the following Maps 1, 2, 3 and 4:

Map 1-



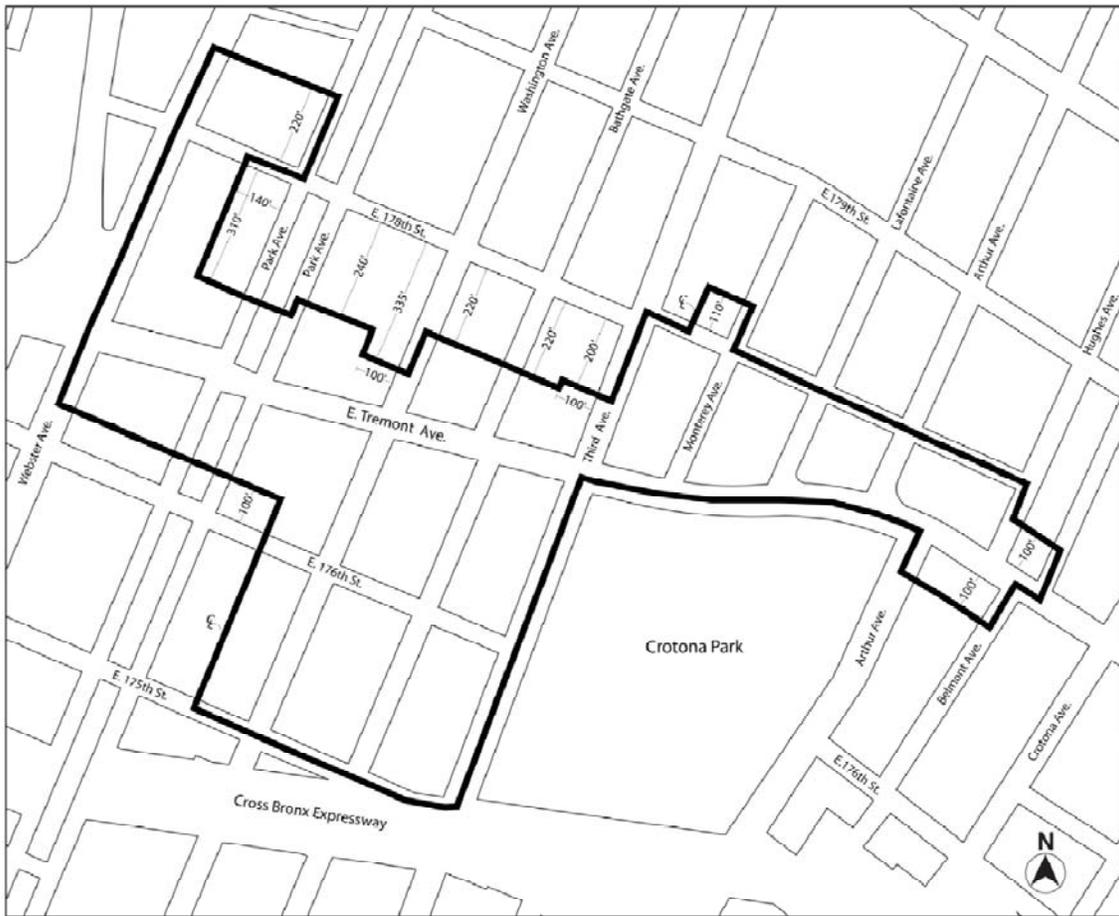
Portion of Community District 6, the Bronx

Map 2-



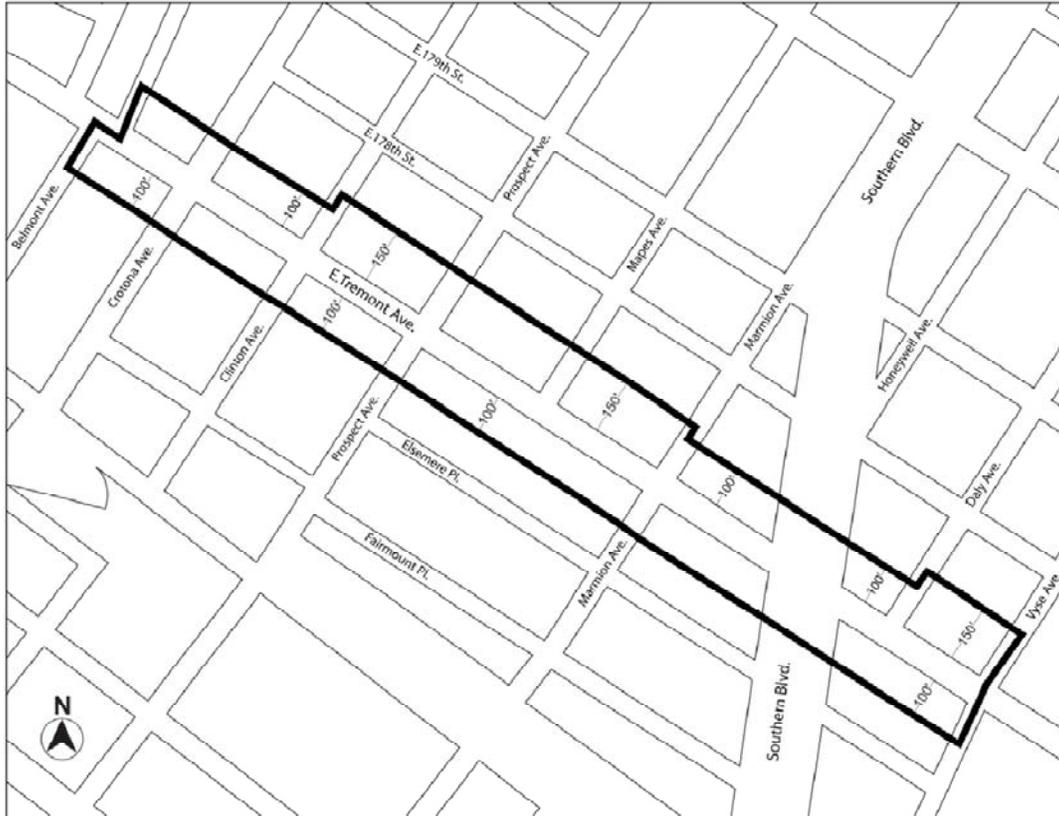
Portion of Community District 6, the Bronx

Map 3-



Portion of Community District 6, the Bronx

Map 4-



Portion of Community District 6, the Bronx

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The above resolution (N 100408 ZRX), duly adopted by the City Planning Commission on September 15, 2010 (Calendar No. 4), 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
ANGELA M. BATTAGLIA, RAYANN BESSER
IRWIN G. CANTOR, P.E., BETTY Y. CHEN
MARIA M. DEL TORO, RICHARD W. EADDY
NATHAN LEVENTHAL, ANNA HAYES LEVIN, SHIRLEY A. MCRAE
KAREN A. PHILLIPS, Commissioners