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**IN THE MATTER OF** an application submitted by The New York City 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 XIII, Chapter 6 (Special Jerome Avenue District) to establish the Special Jerome Avenue District and establish a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 4, 5 and 7.

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An application (N 180050 ZRX) for a zoning text amendment was filed by the New York City Department of City Planning (DCP) on August 18, 2017, in conjunction with several related actions to facilitate land use modifications associated with the Jerome Avenue Neighborhood Plan, a comprehensive planning effort aimed at supporting growth and vitality by fostering a vibrant mix of residential, commercial, and community facility uses along a two-mile stretch of Jerome Avenue in Community Districts 4, 5 and 7 in the southwest Bronx.

On November 1, 2017, pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure rules, DCP filed an application (N 180050 (A) ZRX) to modify components of the zoning text amendment in conjunction with a related application to modify components of the zoning map amendment (C 180051 (A) ZMX) in response to information and feedback gathered during the public review process. On January 4, 2017, DCP withdrew the original application (N 180050 ZRX). The modified application (N 180050(A) ZRM) is the subject of this report.

### **RELATED ACTIONS**

In addition to this application (N 1780050 (A) ZRX) for a zoning text amendment, which is the subject of this report, implementation of the proposed Jerome Avenue Neighborhood Plan also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

**C 180051 (A) ZMQ** Zoning map amendment, as modified

**C 170305 MMX** City Map amendment to demap a portion of Corporal Fischer Place and to map new parkland

A full background discussion and description of this project appears in the report on the related

application for a zoning map amendment (C 180051 (A) ZMQ).

### **ENVIRONMENTAL REVIEW**

The original application (C 180051 ZMX), in conjunction with the related applications (N 180050 ZRX and C 170305 MMX) and modified applications (C 180051 (A) ZMX and N 180050 (A) ZRX), 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 17DCP019X. The lead is the City Planning Commission.

A summary of the environmental review, including the Final Environmental Impact Statement (FEIS) dated January 5, 2018, appears in the report on the related application for a zoning map amendment (C 180051 (A) ZMX).

### **PUBLIC REVIEW**

The original application (C 180051 ZMX), in conjunction with the related City Map amendment application (C 170305 MMX), was certified as complete by DCP on August 21, 2017. The application was duly referred to Community Boards 4, 5 and 7 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the original zoning map amendment application (N 180050 ZRX), which was referred for information and review in accordance with the procedures for non-ULURP actions.

On November 8th, 2017, pursuant to Section 2-06(c) (1) of the Uniform Land Use Review Procedure, the modified application for a zoning map amendment (C 180051 (A) ZMX) was referred to Community Boards 4, 5 and 7 and the Borough President, along with a modified application for a zoning text amendment (N 180050 (A) ZRX), which was referred for information and review in accordance with the procedures for non-ULURP actions.

### **Community Board Public Hearing**

Community Board 4 and Community Board 5 held a joint public hearing on October 4, 2017 on

the original application (N 180050 ZRX) and the related applications (C 180051 ZMX and C 170305 MMX). On October 24, 2017, by a vote of 32 in favor, four opposed, and with two abstentions, Community Board 4 adopted a resolution recommending approval of the original application with conditions. A summary of Community Board 4's recommendation appears in the report on the related application for a zoning map amendment (C 180051 (A) ZMX).

On October 25, 2017, by a vote of 18 in favor, 11 opposed, and with one abstention, Community Board 5 adopted a resolution recommending approval of the original application with conditions. A summary of Community Board 5's recommendation appears in the report on the related application for a zoning map amendment (C 180051 (A) ZMX).

Community Board 7 held a public hearing on October 10, 2017 on the original application (N 180050 ZRX) and the related applications (C 180051 ZMX and C 170305 MMX). On October 26<sup>th</sup>, 2017, by a vote of 21 in favor, two opposed, and with no abstentions, Community Board 7 adopted a resolution recommending approval of the original application with conditions. A summary of Community Board 7's recommendation appears in the report on the related application for a zoning map amendment (C 180051 (A) ZMX).

### **Borough President Recommendation**

This original application (N 180050 ZRX) and the related application (C 180051 ZMX) were considered by the Borough President who held a public hearing on this application on November 2, 2017 and issued a recommendation on November 27, 2017 approving the application with conditions.

A summary of the Borough President's recommendation appears in the report on the related application for a zoning map amendment (C 180051 (A) ZMX). Related application C 170305 MMX was also considered by the Borough President who held a public hearing on the action on November 16, 2017 and issued a recommendation on November 27, 2017 approving the application without conditions.

### **Borough Board Recommendation**

On November 27, 2017 the Borough Board held a public hearing. The Borough Board voted to approve the application with a vote of eight in favor, zero opposed and three abstentions.

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

On November 15, 2017 (Calendar No. 2), the City Planning Commission scheduled November 29, 2017, for a public hearing on the modified application (N 180050 (A) ZRX), in conjunction with the hearings for the related actions. The hearing was duly held on November 29, 2017 (Calendar No. 17).

There were several speakers as described in the report on the related application for a zoning map amendment (C 180051 (A) ZMX), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the proposed zoning text amendment (N 180050 (A) ZRX), in conjunction with the related applications, is appropriate.

A full description of the Commission's consideration, and analysis of the issues, and the reasons for approving this application appear in the report on the related application for a zoning map amendment (C 180051 (A) ZMX).

### **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on January 5, 2018, with respect to this application (CEQR No. 17DCP019X), 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 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, those mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS and the Technical Memorandum, 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 197-c and 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 I: GENERAL PROVISIONS**

**Chapter 1 - Title, Establishments of Controls and Interpretation of Regulations**

\* \* \*

**11-122  
Districts established**

\* \* \*

Establishment of the Special Hunts Point District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 8, the #Special Hunts Point District# is hereby established.

Establishment of the Special Jerome Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 1, the #Special Jerome Corridor District# is hereby established.

Establishment of Special Limited Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 3, the #Special Limited Commercial District# is hereby established.

\* \* \*

**Chapter 2 - Construction of Language and Definitions**

\* \* \*

**12-10  
DEFINITIONS**

\* \* \*

Special Hunts Point District

The “Special Hunts Point District” is a Special Purpose District designated by the letters “HP” in which special regulations set forth in Article X, Chapter 8, apply.

Special Jerome Corridor District

The “Special Jerome Corridor District” is a Special Purpose District designated by the letters “JC” in which special regulations set forth in Article XIV, Chapter 1, apply.

Special Limited Commercial District

The “Special Limited Commercial District” is a Special Purpose District designated by the letters “LC” in which special regulations set forth in Article VIII, Chapter 3, apply.

\* \* \*

**Chapter 4 – Sidewalk Cafe Regulations**

\* \* \*

**14-44  
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

\* \* \*

The Bronx	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
City Island District	No	Yes
<u>Jerome Corridor District</u>	<u>No</u>	<u>Yes</u>

\* \* \*

## ARTICLE II – RESIDENCE DISTRICT REGULATIONS

### Chapter 3 – Residential Bulk Regulations in Residence Districts

#### 23-00

#### APPLICABILITY AND GENERAL PURPOSES

##### 23-01

##### Applicability of This Chapter

\* \* \*

Special regulations applying to #large-scale residential developments# or #residential uses# in #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII and XIV.

\* \* \*

### Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

#### 24-00

#### APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

##### 24-01

##### Applicability of this Chapter

\* \* \*

Special regulations applying to #large-scale community facility developments# or to #community facility uses# in #large-scale residential developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII ~~and~~ XIII and XIV.

\* \* \*

### **ARTICLE III - COMMERCIAL DISTRICT REGULATIONS**

#### **Chapter 3 - Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

##### **33-00 APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS**

##### **33-01 Applicability of This Chapter**

\* \* \*

Special regulations applying to #large-scale residential developments#, #community facility uses# in #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII ~~and~~ XIII and XIV.

\* \* \*

#### **Chapter 4 - Bulk Regulations for Residential Buildings in Commercial Districts**

##### **34-00 APPLICABILITY AND DEFINITIONS**

##### **34-01 Applicability of this Chapter**

\* \* \*

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #noncomplying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.



Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII ~~and XIII and XIV.~~

\* \* \*

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

**35-00  
APPLICABILITY AND DEFINITIONS**

**35-01  
Applicability of this Chapter**

\* \* \*

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #noncomplying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII ~~and XIII and XIV.~~

\* \* \*

**Chapter 7 - Special Urban Design Regulations**

**37-00  
GENERAL PURPOSES**

Special urban design regulations are set forth in this Chapter to improve the quality of the streetscape and to promote a lively and engaging pedestrian experience along commercial streets in various neighborhoods.

The provisions of this Chapter shall apply as follows:

\* \* \*

(c) Section 37-30, inclusive, sets forth special streetscape provisions that apply in conjunction with provisions specified in the supplemental use provisions of Article III, Chapter 2, special provisions for certain areas in Article VI, or in Special Purpose Districts in Articles VIII through ~~XIII~~ XIV;

\* \* \*

**ARTICLE IV - MANUFACTURING DISTRICT REGULATIONS**

**Chapter 3 - Bulk Regulations**

**43-00**  
**APPLICABILITY AND GENERAL PROVISIONS**

**43-01**  
**Applicability of this Chapter**

\* \* \*

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII and XIV.

\* \* \*

**ARTICLE XIV - SPECIAL PURPOSE DISTRICTS**

**Chapter 1 - Special Jerome Corridor District**

**141-00**  
**GENERAL PURPOSES**

The “Special Jerome Corridor District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (i) to encourage well-designed buildings that complement the built character of the Highbridge, Concourse, Mount Eden, Mount Hope, Morris Heights, and University Heights neighborhoods;
- (ii) to achieve a harmonious visual and functional relationship with the adjacent neighborhoods;
- (iii) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;
- (iv) to create a livable community combining housing, retail and other uses throughout the district;
- (v) to create a walkable, urban streetscape environment through a mix of ground floor uses;
- (vi) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;

- (vii) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms on zoning lots with irregular shapes and on zoning lots fronting on the elevated rail structure along Jerome and River Avenues; and
- (viii) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

#### **141-01**

##### **General Provisions**

The provisions of this Chapter shall apply within the #Special Jerome Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

#### **141-02**

##### **District Plan and Maps**

In order to carry out the purposes and provisions of this Chapter, district maps are located in the Appendix to this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1 Special Jerome Corridor District, Subdistrict and Subareas

Map 2 Designated locations for street wall continuity and ground floor requirements in Subarea A1

Map 3 Designated locations for street wall continuity and ground floor requirements in Subareas A2

Map 4 Designated locations for street wall continuity requirements in Subarea A3

Map 5 Boundary of Subarea A4

#### **141-03**

##### **Subdistricts and Subareas**

To carry out the provisions of this Chapter, Subdistrict A, comprised of Subareas A1, A2, A3 and A4, is established. The location and boundaries of this Subdistrict and Subareas are shown on Map 1 (Special Jerome Corridor District, Subdistrict and Subareas) in the Appendix to this Chapter.

#### **141-04**

##### **Applicability of the Inclusionary Housing Program**

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90, inclusive, #Mandatory Inclusionary Housing areas# within the #Special Jerome Corridor District# are shown on the maps in APPENDIX F of this Resolution.

#### **141-10**

##### **SPECIAL USE REGULATIONS**

Within the #Special Jerome Corridor District#, the underlying #use# regulations are modified by the provisions of this Section.

#### **141-11**

##### **Special Permit for Transient Hotels**

The #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed in C2 Districts, subject to the locational criteria set forth in the double-asterisked footnote of Use Group 5 in Section 32-14, and in C4 Districts;

(a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the #residential development# goal, as set forth in this Section, has been met; or

(b) by special permit by the City Planning Commission where such #residential development# goal, has not been met. To permit such a #transient hotel#, the Commission shall find that:

(1) sufficient sites are available in the area to meet the #residential development# goal; or

(2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

The City Planning Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 3,006 #dwelling units# within the #Special Jerome Corridor District# have received temporary or final certificates of occupancy subsequent to [date of adoption].

#### **141-12**

##### **Physical Culture or Health Establishments**

#Physical culture or health establishments# shall be permitted as-of-right in C2 and C4 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.

### **141-13**

#### **Modification of Supplemental Use Provisions**

For #mixed buildings# constructed after [date of adoption] on #zoning lots# in C1 or C2 Districts mapped within R7 or R8 Districts with #street lines# along the elevated rail structure on Jerome or River Avenues, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to allow #commercial uses# listed in Use Groups 6, 7, 8, 9 or 14 to occupy the lowest two #stories#.

### **141-20**

#### **SPECIAL BULK REGULATIONS**

The underlying height and setback regulations are modified by the provisions of this Section.

### **141-21**

#### **Special Yard Regulations**

In #Commercial Districts#, for #zoning lots# or portions thereof, with #street lines# along the elevated rail structure on Jerome or River Avenues and within 100 feet of such #street lines#, the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to permit any #building# or portion of a #building# used for any permitted #use# other than #residences#, to be a permitted obstruction within a required #yard#, #rear yard equivalent# or other #open space# required pursuant to the provisions of Section 33-20 (YARD REGULATIONS), inclusive, or Section 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), inclusive, provided that the height of such portion of a #building# shall not exceed two #stories#, excluding #basement#, nor in any event 30 feet above #curb level#.

### **141-22**

#### **Special Height and Setback Regulations Along the Elevated Rail Structure Outside Subdistrict A**

For #zoning lots#, or portions thereof, within 100 feet of #street lines# along the elevated rail structure on Jerome or River Avenues, and located outside Subdistrict A, the underlying height and setback provisions are modified by the provisions of this Section.

- i. #Street wall# location

At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least a minimum base height of 15 feet, or the height of the #building#.

whichever is lower. The remaining #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

The underlying allowances for #street wall# articulation, set forth in paragraph (e) of Section 35-651 (Street wall location) shall be permitted to project or recess, where applicable, beyond the #street wall# locations established in this paragraph.

Any open space between a #street wall# and a #street line# along the elevated rail structure on Jerome or River Avenues shall comply with the special open space provisions of paragraph (a) of Section 141-33.

ii. Base heights, maximum #building# heights and maximum number of #stories#

The table in this Section sets forth, by zoning district, the minimum and maximum base height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings#, or portions thereof. For #zoning lots# in a #Commercial District# the applicable district shall be the #Residence District# within which such #Commercial District# is mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

Separate maximum base heights are established in the table in this Section for #street walls# of #buildings# facing #streets# intersecting Jerome or River Avenues, and for #street walls# facing the elevated rail structure. The maximum base heights along intersecting #streets# shall also apply to #street walls# facing the elevated rail structure on Jerome or River Avenues within 75 feet of the corner.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the district, and shall be provided at a height not lower than the minimum base height or higher than the permitted maximum base height. Such setback shall have a depth of at least 10 feet from any #street wall# fronting on a #wide street#, and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. The underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

**Base Heights, Maximum #Building# Heights and Maximum Number of #Stories#**

<u>District</u>	<u>Maximum Base Height along Elevated Rail Structure, beyond 75 feet of the corner (in feet)</u>	<u>Maximum Base Height on Intersecting Streets, and within 75 feet of the corner (in feet)</u>	<u>Maximum Height of #Buildings or Other Structures# (in feet)</u>	<u>Maximum Number of #Stories#</u>
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<u>R7A</u>	<u>30</u>	<u>75</u>	<u>115</u>	<u>11</u>
<u>R7D</u>	<u>30</u>	<u>95</u>	<u>135</u>	<u>13</u>
<u>R8A</u>	<u>30</u>	<u>105</u>	<u>165</u>	<u>16</u>
<u>R9A</u>	<u>30</u>	<u>125</u>	<u>195</u>	<u>19</u>

(c) Required and permitted articulation

For #street wall# fronting the elevated rail structure on Jerome or River Avenues with widths exceeding 100 feet, a minimum of 20 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such projections shall be considered a permitted obstruction into a required setback, and the depth of such projections along the elevated rail structure shall not exceed three feet.

In addition, the underlying dormer provisions of paragraph (c) of Section 23-621 shall be modified for portions of #buildings# facing the elevated rail structure, so that above the maximum base height set forth in paragraph (b) of this Section, dormers shall be permitted only within 75 feet of a corner.

**141-23**  
**Special Height and Setback Regulations in Subdistrict A**

In Subdistrict A, as shown on Map 1 (Special Jerome Corridor District, Subdistrict and Subareas) in the Appendix to this Chapter, the underlying height and setback provisions are modified by the provisions of this Section.

(a) #Street wall# location

(1) Along the elevated rail structure

For #street walls#, or portions thereof, within 100 feet of #street lines# along the elevated rail structure on Jerome or River Avenues, the provisions of paragraph (a) of Section 141-22 shall apply.

(2) Along designated #streets#

In Subareas A1 through A3, along the #streets# designated on Maps 2 through 4 in the Appendix to this Chapter, the following shall apply:

(i) In #Commercial Districts#

For #street walls#, or portions thereof, located in #Commercial Districts#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to

at least a height of 30 feet, or the height of the #building#, whichever is lower. In addition, above a height of 30 feet, at least 50 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least a minimum base height of 60 feet, or the height of the #building#, whichever is lower.

The remaining #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

The underlying allowances for #street wall# articulation, set forth in paragraph (e) of Section 35-651 shall be permitted to project or recess, where applicable, beyond the #street wall# locations established in this paragraph.

In the corner locations designated on Maps 2 and 3, an open space may be provided within 75 feet of the corner, pursuant to the provisions of paragraph (b) of Section 141-33.

(ii) In #Residence Districts#

For #street walls#, or portions thereof, located in #Residence Districts#, at least 70 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and shall extend to at least the minimum base height set forth in paragraph (b) of this Section, or the height of the #building#, whichever is lower.

The remaining #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

The underlying allowances for #street wall# articulation, set forth in paragraph (e) of Section 35-651 shall be permitted to project or recess, where applicable, beyond the #street wall# locations established in this paragraph.

In the corner locations designated on Map 4, an open space may be provided within 75 feet of the corner, pursuant to the provisions of paragraph (b) of Section 141-33.

(3) Along other #streets#

In Subareas A1 through A4, along #streets# that are not designated on Maps 2 through 5, no #street wall# location provisions shall apply, and no minimum base heights shall apply.

(b) Base heights, maximum #building# heights, and maximum number of #stories#

The table in this Section sets forth, by zoning district, the maximum base height, the maximum transition height, the maximum height of a #building or other structure# and the maximum number of #stories# for #buildings#.



However, for #street walls# facing the elevated rail structure along Jerome or River Avenues beyond 75 feet of the corner, the maximum base height shall be 30 feet.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the district, and shall be provided at a height not lower than the minimum base height, where applicable, or higher than the permitted maximum base height. Such setback shall have a depth of at least 10 feet from any #street wall# fronting on a #wide street#, and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. However, for portions of #buildings or other structures# along Cromwell Avenue located beyond 200 feet from a corner, a minimum setback with a depth of at least 30 feet shall be provided. The underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 shall apply to all such setbacks.

In R9A Districts, or #Commercial Districts# mapped over an R9A District, above the required setback, the height of a #building# shall not exceed the maximum transition height set forth in the table in this Section, except that where the #lot coverage# of all #buildings# on the #zoning lot# above the maximum transition height has been reduced to 50 percent on #zoning lots# with a #lot area# less than or equal to 15,000 square feet, 40 percent on #zoning lots# with a #lot area# greater than 15,000 square feet but less than 30,000 square feet, and 30 percent for all other #zoning lots#, a #building# may rise up to the maximum #building or other structure# height set forth in the table in this Section. The maximum #street wall# width of any #story# above the maximum transition height shall not exceed 165 feet, and where two or more non-contiguous portions of a #building# exist at the same level above the maximum transition height, such portions shall provide a minimum distance of 60 feet between facing walls at any point.

**Base Heights, Maximum #Building# Heights and Maximum Number of #Stories#**

<u>District</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Transition Height (in feet)</u>	<u>Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet)</u>	<u>Maximum Number of #Stories#</u>
<u>R8A</u>	<u>105</u>	<u>N/A</u>	<u>145</u>	<u>14</u>
<u>R9A</u>	<u>125</u>	<u>175</u>	<u>225</u>	<u>22</u>

(c) Required and permitted articulation

In Subareas A1 through A3, along #streets# designated in Maps 2 through 4 in the Appendix to this Chapter, for #street wall# widths exceeding 100 feet, a minimum of 20 percent of the surface area of #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such projections shall be

considered a permitted obstruction into a required setback, provided that any projections with a depth greater than five feet shall be considered a dormer.

In addition, the underlying dormer provisions of paragraph (c) of Section 23-621 shall apply, except that in Subareas A1 through A3, for #street walls# intersecting within 100 feet of the corners designated on Maps 2, 3 and 4 in the Appendix to this Chapter, and irrespective of the width of the #street wall# below the maximum base height, dormers shall be permitted within 100 feet of such intersecting #street walls#. Such dormers need not decrease in width as the height above the maximum base height increases.

Any dormers or projections provided in accordance with this paragraph need not be included in the maximum #lot coverage# permitted above the maximum transition height, nor be included in the maximum #street wall# width of a #story#.

### **141-30** **SPECIAL STREETSCAPE REGULATIONS**

#### **141-31** **Applicability of underlying ground floor use regulations**

In C2 Districts mapped within R7D Districts, the underlying supplemental #use# regulations of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. In lieu thereof, the provisions of Section 141-32 (Ground Floor Use Regulations) shall apply.

#### **141-32** **Ground Floor Use Regulations**

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level street# frontage of a #zoning lot# in a #Commercial District# located within 50 feet of #street lines# along the elevated rail structure on Jerome or River Avenues and, in Subdistrict A, for Subareas A1 or A2, a #ground floor level street# frontage along #streets#, or portions thereof, designated on Maps 2 and 3 in the Appendix to this Chapter, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall include those in Sections 12-10 and 37-311.

The provisions of this Section shall apply to #developments# or #ground floor level enlargements#.

- (a) Along #primary street frontages#

For #buildings# with #primary street frontage#, or portions thereof, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory#

parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

For #buildings# with #secondary street frontage#, or portions thereof, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any accessory# off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

### **141-33**

#### **Special Open Space Provisions**

Along the elevated rail structure on Jerome or River Avenues, where open space is provided between the #street line# of the #zoning lot# and the #street wall# of a #building# facing the elevated rail structure, or in Subdistrict A, for Subareas A1 through A3, where open space is provided between the #street wall# and the corner at a location designated on Maps 2, 3 or 4 in the Appendix to this Chapter, the provisions of Section 28-23 (Planting Areas) shall apply to all #buildings#, whether the ground floor is occupied by #residential uses# or non- #residential uses#, subject to the modifications of this Section.

(a) Along the elevated rail structure

Along the elevated rail structure on Jerome or River Avenues, a sidewalk widening, built to Department of Transportation standards, may be provided as an alternative to planting, provided that the area that would otherwise be allocated to planting, measured in square feet, is allocated to streetscape amenities, including, but not limited to, trees, bicycle racks, benches or wall treatment, are provided along such sidewalk widening, as set forth below.

Where benches are provided as an alternative to such planting, the length of such benches shall not exceed, in the aggregate, 15 feet per every 50 feet of #street wall# frontage. Where bicycle racks are provided, such racks shall be oriented so that the bicycles are placed parallel to the #street wall#, and the width of such bicycle racks shall not exceed, in the aggregate, 10 feet per every 50 feet of #street wall# frontage. Such benches or bicycle racks shall be located entirely within the #zoning lot#, and each bench or bicycle rack so provided shall be equivalent to 15 square feet of planted area.

Where trees, and associated tree pits are provided as an alternative, the minimum depth of any open space between the #street wall# and #street line# shall be eight feet. Each tree provided shall be equivalent to 15 square feet of planted area.

Where a wall treatment is provided as an alternative, it shall be in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material along the #street wall#. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and shall have a minimum width of 10 feet, as measured parallel to the #street wall#. Portions of a #street wall# providing such wall treatment may be exempt from the ground floor glazing requirements of paragraph (a) of Section 141-32, provided that the exempted area not exceed 50 percent of the #street wall#, or a #street wall# width of 20 feet, whichever is less. The portion of the #street wall# allocated to a wall treatment shall satisfy the planting requirement directly in front of such #street wall#.

Where planting is provided, the minimum depth of open space between the #street line# and the #street wall# shall not be less than three feet.

(b) In Subdistrict A

in Subdistrict A, where open space is provided between the #street wall# and the intersection of two #streets#, pursuant to paragraph (a)(2) of Section 141-22, streetscape amenities may be provided as an alternative to planting, provided that the area that would otherwise be allocated to planting, measured in square feet, is allocated to trees, benches, or tables and chairs, as set forth below. However, planting shall not be reduced to less than 20 percent of the area of the open space.

Each bench provided shall be equivalent to 10 square feet of planted area, and each set of tables and at least two chairs shall be equivalent to 15 square feet of planted area. Seating shall be publicly accessible, unless tables and chairs are associated with an open eating or drinking establishment on the #zoning lot#. The area under such seating shall be paved with permeable materials and shall either abut the adjoining sidewalk or be connected to such sidewalk by a circulation path at least five feet wide that is also paved with permeable materials.

Each tree and associated tree pits provided shall be equivalent to 15 square feet of planted area, and shall be located at least 10 feet from any #building wall# or the adjoining sidewalk.

Where planting is provided, the minimum depth of a planted bed shall not be less than three feet.

In no event shall chain link fencing or barbed or razor wire be permitted in any open space provided pursuant to this Section.

**141-40**  
**SPECIAL PARKING AND LOADING REGULATIONS**

The underlying parking provisions are modified by the provisions of this Section.

**141-41**

**Location of Curb Cuts**

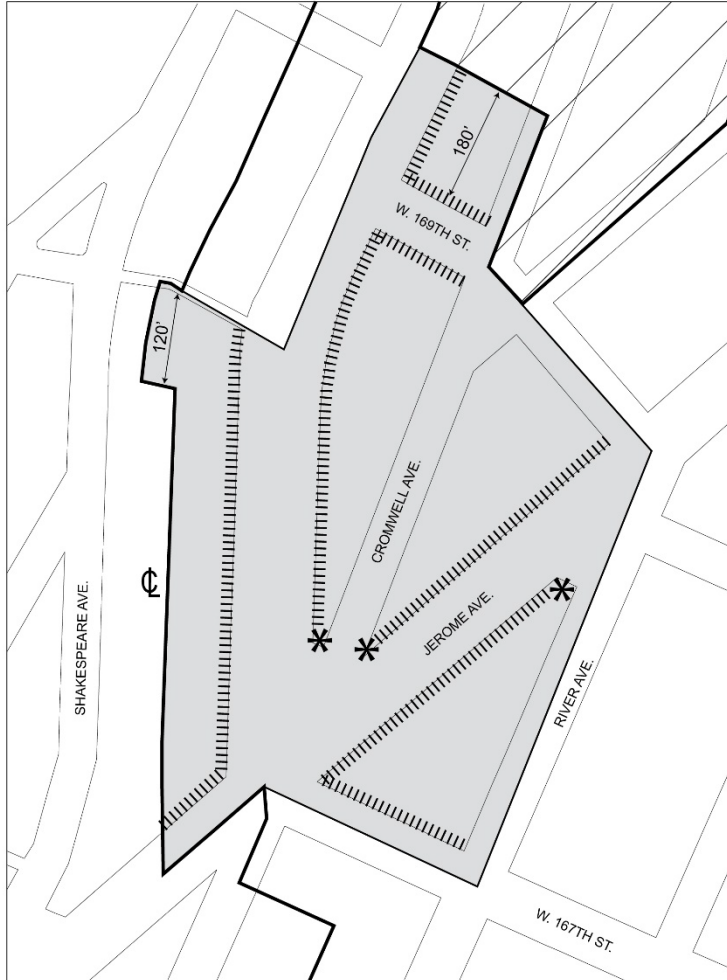
In all districts, for #zoning lots# existing on [date of adoption] with frontage along Edward L. Grant Highway, West 170th Street, or the portions of Jerome or River Avenues with an elevated rail structure, and fronting along other #streets#, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along such #streets#, as applicable.






**APPENDIX - SPECIAL JEROME CORRIDOR DISTRICT MAPS**

**Map 1 – Special Jerome Corridor District, Subdistrict and Subareas**

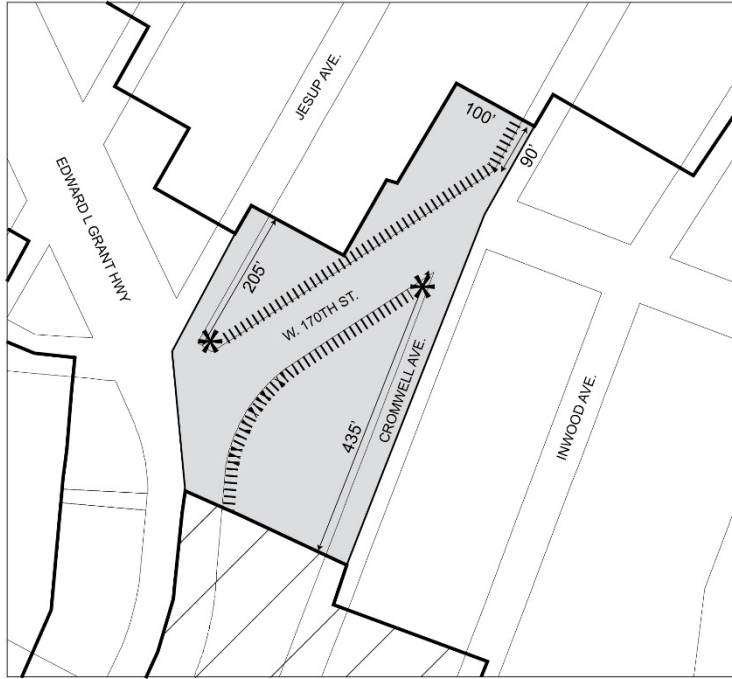







**Map 2 – Designated locations for street wall continuity and ground floor requirements in Subarea A1**



-  #Special Jerome Corridor District#
-  Subdistrict A
-  Excluded Area
-  Designated street frontages
-  Locations where open space (Section 141-33 (a)) and modified dormers (Section 141-23 (c)) are permitted

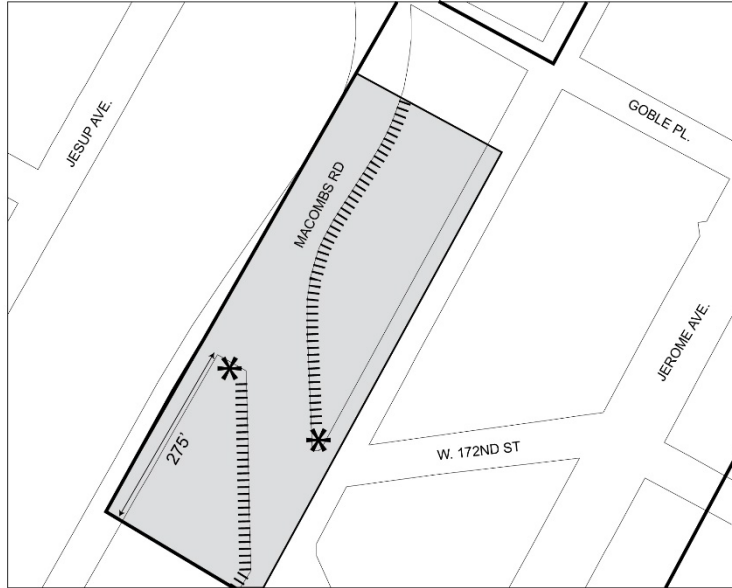
**Map 3 – Designated locations for street wall continuity and ground floor requirements in Subareas A2**








-  #Special Jerome Corridor District#
-  Subdistrict A
-  Excluded Area
-  Designated street frontages
-  Locations where open space (Section 141-33 (a)) and modified dormers (Section 141-23 (c)) are permitted

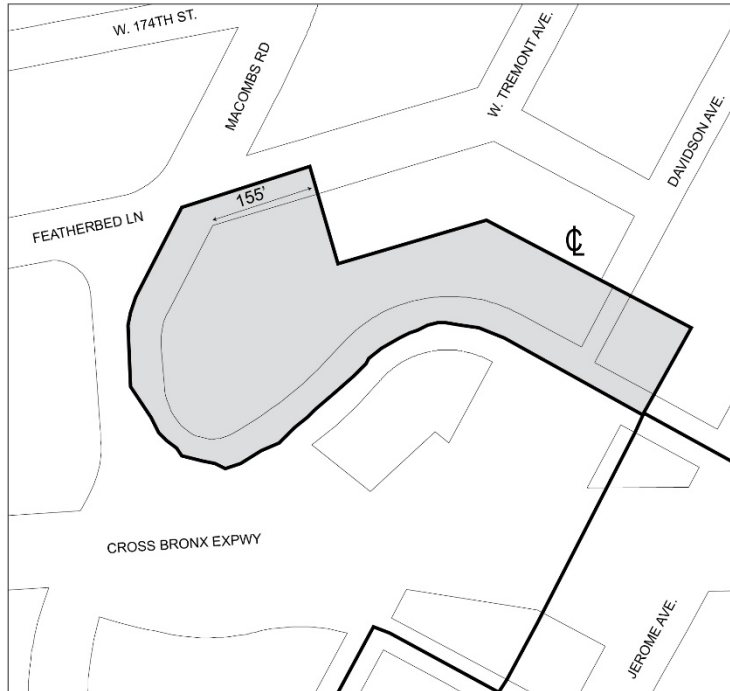





**Map 4 – Designated locations for street wall continuity requirements in Subarea A3**



-  #Special Jerome Corridor District#
-  Subdistrict A
-  Excluded Area
-  Designated street frontages
-  Locations where open space (*Section 141-33 (a)*) and modified dormers (*Section 141-23 (c)*) are permitted

**Map 5 – Boundary of Subarea A4**



-  #Special Jerome Corridor District#
-  Subdistrict A
-  Excluded Area
- ||||| Designated street frontages

**APPENDIX F**

**Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas**

\* \* \*

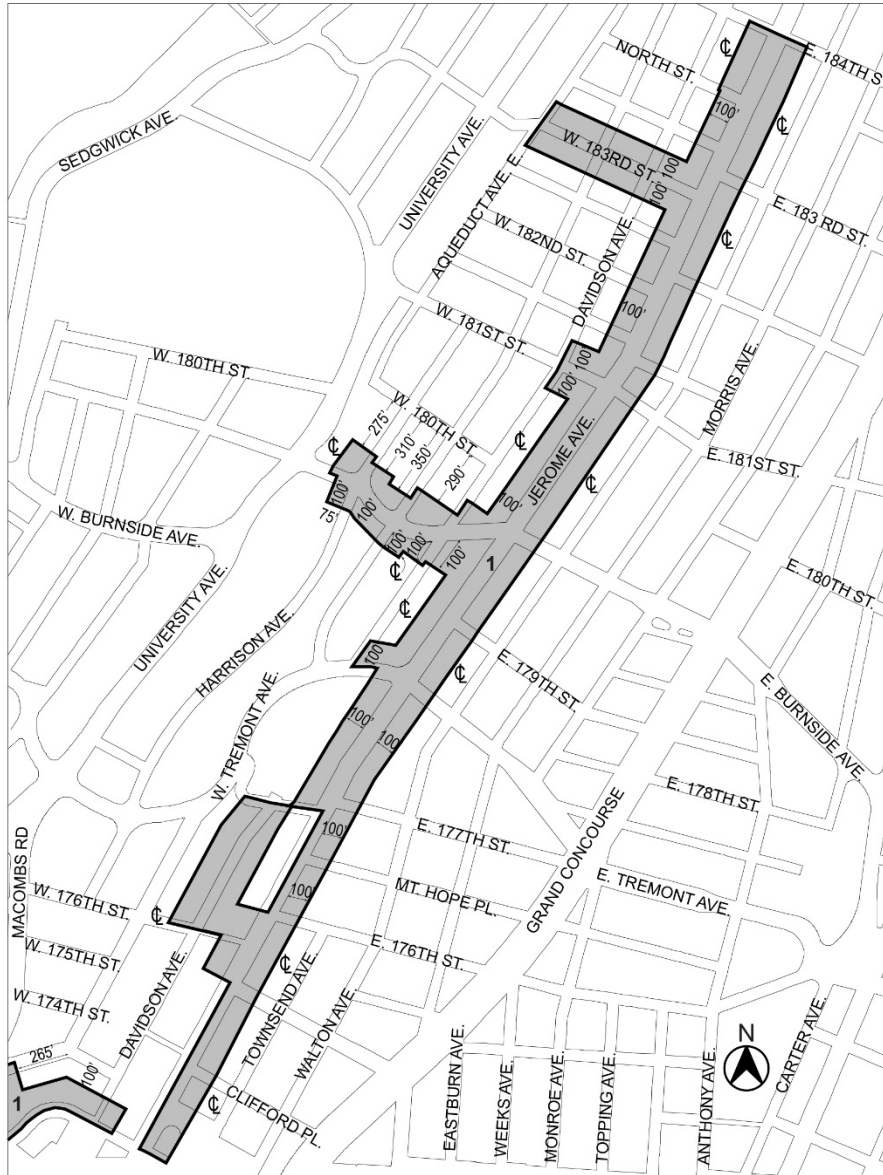
<b>Zoning Map</b>	<b>Community District</b>	<b>Maps of Inclusionary Housing Designated Areas</b>	<b>Maps of Mandatory Inclusionary Housing Areas</b>
1d	Bronx CD 7	Map 1	
3b	Bronx CD 4	Map 1	
<u>3b</u>	<u>Bronx CD 4 and 5</u>		<u>Map 1, Map 2</u>
<u>3c</u>	<u>Bronx CD 5 and 7</u>		<u>Map 1</u>
<u>3d</u>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

\* \* \*

**The Bronx**

**Community Districts 4, 5 and 7**

Map 1. [date of adoption]




 Mandatory Inclusionary Housing Program Area (see Section 23-154 (d)(3))

Area 1- [date of adoption]- MIH Program Option 1, Option 2 and Deep Affordability Option

**Portions of Community Districts 4, 5 and 7, The Bronx**

Map 2. [date of adoption]



 Mandatory Inclusionary Housing Program Area (see Section 23-154 (d)(3))

Area 1- [date of adoption]- MIH Program Option 1, Option 2 and Deep Affordability Option

Portions of Community Districts 4, 5 and 7, The Bronx

\* \* \*

The above resolution (N 180050(A) ZRX), duly adopted by the City Planning Commission on January 17, 2018 (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-Chairman*

**RAYANN BESSER, ALFRED C. CERULLO, III, RICHARD W. EADDY,  
CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*

**MICHELLE R. DE LA UZ**, *Commissioner Voting No*