

CITY COUNCIL  
LAND USE DIVISION

2018 FEB 13 12: 23



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
OFFICE OF THE CHAIR

NYC COUNCIL

2018 FEB 13 A 9 23

SPEAKER'S OFFICE

February 13, 2018  
City Council  
City Hall  
New York, NY 10007

Re: 425 Grand Concourse  
C 180032 HAX  
Related Applications: N 180033 ZRX, C 180031 ZMX  
Borough of The Bronx

Honorable Members of the City Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated February 8, 2018, from the City Council regarding the proposed modification to the above-referenced application submitted by the Department of Housing Preservation and Development for an Urban Development Action Area Project designation and disposition of city-owned property, a zoning map amendment to change from a C4-4 district to a C6-3 district, a zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing area coterminous with the area to be rezoned, and a zoning text amendment to make R9-1 the residential district equivalent for C6-3 districts located within Mandatory Inclusionary Housing Areas within Bronx Community District 1. The City Council has revised the application by limiting the applicability of the proposed R9-1 residential district equivalent to Mandatory Inclusionary Housing Area 4 within Bronx Community District 1 and by revising the text to clarify that towers will not be permitted within R9-1 districts.

In accordance with Section 197-d (d) of the New York City Charter, the Commission, on February 12, 2018, has determined that the City Council's proposed modification raises no land use or environmental issues requiring further review.

Sincerely,

Marisa Lago

cc: R. Singer  
C. Samol  
S. Brede  
J. Rather  
A. Laremont  
A. McCabe  
D. DeCerbo

Marisa Lago, Chair  
City Planning Commission  
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**THE COUNCIL  
THE CITY OF NEW YORK  
LAND USE DIVISION  
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February 8, 2018

Honorable Marisa Lago, Chair  
City Planning Commission  
120 Broadway, 31st Floor  
New York, NY 10271

**Re: Application No.: N 180033 ZRX (L.U. No. 10)  
Related Applications Nos.: C 180032 HAX (L.U. No. 8), C 180031 ZMX (L.U. No. 9)  
425 Grand Concourse**

Dear Chair Lago:

On February 8, 2018, the Land Use Committee of the City Council, by a vote 15-0-0 for Application N 180033 ZRX, recommended modifications of the City Planning Commission's decision in the above-referenced matter.

Pursuant to Section 197-d(d) of the City Charter and Section 11.70 of the Rules of the Council, I hereby file the proposed modifications with the Commission:

**N 180033 ZRX (L.U. No. 10)**

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

Matter ~~double-strike-out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council;

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

**Article II  
Residence District Regulations**

**Chapter 1  
Statement of Legislative Intent**

**Honorable Marisa Lago, Chair**

**Application No.: N 180033 ZRX (L.U. No. 10)**

**Related Applications Nos.: C 180032 HAX (L.U. No. 8) and C 180031 ZMX (L.U. No. 9)**

**February 8, 2018**

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\* \* \*

## **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 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**

\* \* \*

Honorable Marisa Lago, Chair

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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

Honorable Marisa Lago, Chair

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(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<br>#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

\* \* \*

Honorable Marisa Lago, Chair

Application No.: N 180033 ZRX (L.U. No. 10)

Related Applications Nos.: C 180032 HAX (L.U. No. 8) and C 180031 ZMX (L.U. No. 9)

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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, except that towers shall not be permitted in an R9-1 District. 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**



Honorable Marisa Lago, Chair

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**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 Program Area 4 (date of adoption) 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**

Honorable Marisa Lago, Chair

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Related Applications Nos.: C 180032 HAX (L.U. No. 8) and C 180031 ZMX (L.U. No. 9)

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\* \* \*

**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~~ within 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 certain C6-3 Districts within Community District 1, Borough of the Bronx**

In C6-3 Districts without a letter suffix in #Mandatory Inclusionary Housing Program Area 4 (date of adoption) 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 #street wall# location and height and setback provisions of Sections 35-651 and 35-652 shall not apply. In lieu thereof, 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.

**Honorable Marisa Lago, Chair**

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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]

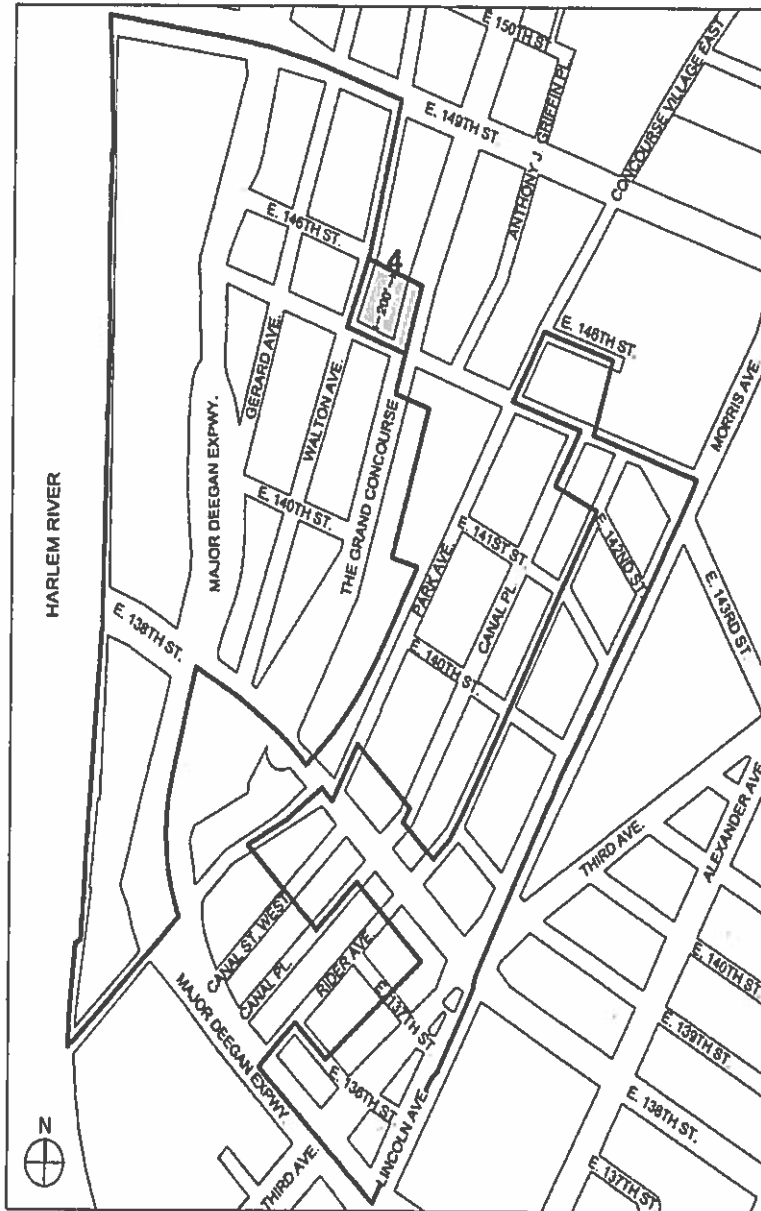
Honorable Marisa Lago, Chair

Application No.: N 180033 ZRX (L.U. No. 10)

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

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

**Honorable Marisa Lago, Chair**

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**February 8, 2018**

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Please feel free to contact me at (212) 482-5185 if you or your staff have any questions in the regard.

Sincerely,



Julie Lubin, Esq.  
General Counsel

JL:mg

RECEIVED BY: Maria DeLo

DATE: 2-8-2018

TIME: 1:21 PM

C: Members, City Planning Commission  
Raju Mann, Director, Land Use Division  
Amy Levitan, Deputy Director  
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