



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1307

Resolution approving the decision of the City Planning Commission on Application No. N 160288 ZRX, for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3, relating to provisions for zoning lots directly adjoining public parks, in Community District 6, Borough of the Bronx (L.U. No. 484).

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on October 3, 2016 its decision dated September 21, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of Housing Preservation and Development ("HPD") and Phipps Houses, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3, relating to the provisions for zoning lots directly adjoining public parks. This action, along with the other related actions would facilitate the Lambert Houses Redevelopment; a mixed-use, affordable housing development in the West Farms neighborhood in the Bronx, (Application No. N 160288 ZRX), Community District 6, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160285 ZMX (L.U. No. 482), a zoning map amendment to change portions of the project area from R7-1 and R7-1/C1-4 to R8 and R8/C1-4 zoning districts; C 160286 HAX (L.U. No. 483), a disposition of city-owned property and Urban Development Action Area Project (UDAAP) designation and project approval; N 160289 ZRX (L.U. No. 485), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160290 ZSX (L.U. No. 486), a Zoning Special Permit pursuant to ZR Section 78-312 for minor variations in the height and setback regulations on the periphery of the LSRD; C 160218 MMX (L.U. No. 487), a city map amendment to eliminate a portion of East Tremont Avenue; and C 160307 ZSX (L.U. No. 488), a Zoning Special Permit pursuant to ZR Section 78-312 to ensure that no new non-compliances are created in the modified previously approved LSRD.

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2016;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental

Impact Statement ("FEIS"), for which a Notice of Completion was issued on September 9, 2016 (CEQR No. 16HPD001X), and the Technical Memo dated November __, 2016;

RESOLVED:

Having considered the FEIS and the Technical Memo with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and
- (4) The Decision together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 160288 ZRX, incorporated by reference herein, the Council approves the Decision as follows:

Matter underlined is new, to be added;

Matter ~~in-strikeout~~ is to be deleted;

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

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

Article VII: ADMINISTRATION

Chapter 8 - Special Regulations Applying to Large-Scale Residential Developments

* * *

78-30

BULK REGULATIONS

78-31

Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks

- (a) General provisions

For the purposes of this Section, the term "periphery" shall mean any #street line# bounding a #large-scale residential development# or any #lot line# abutting a #zoning lot# that is not part of the #large-

scale residential development#. The term "wholly within" shall therefore mean any area of the #large-scale residential development# which is not within the area designated as "periphery." However, in R3-2 Districts, R4 Districts except R4A, R4-1 and R4B Districts, or R5 Districts except R5B Districts, the "periphery" shall also include all portions of a #large-scale residential development# within 100 feet of a peripheral #street line# or within 30 feet of any other peripheral #lot line#, except for portions directly opposite:

- (1) an area of at least 1.5 acres in a #Residence District# that is either vacant or #land with minor improvements#; or
- (2) a #large-scale residential development developed# pursuant to the provisions of paragraph (b) of this Section; or
- (3) a #Commercial# or a #Manufacturing District#.

All #buildings or other structures# in the periphery of a #large-scale residential development# shall comply with the height and setback regulations of Article II, Chapter 3, except as otherwise provided in this Section.

Special provisions applying to #large-scale residential developments# in R3, R4 or R5 Districts are set forth in paragraphs (b) and (c) of this Section. The provisions of paragraph (b) shall apply to any #large-scale residential development# in R3-2 Districts, R4 Districts except R4A, R4-1 and R4B Districts, or R5 Districts except R5B Districts. The provisions of paragraph (c) shall apply only to #large-scale residential developments# in all R3, R4 or R5 Districts that utilize the bonus provisions of Section 78-32 through 78-35, inclusive.

(b) Alternate height and setback regulations for certain districts

In R3-2 Districts, R4 Districts except R4A, R4-1 and R4B Districts, or R5 Districts except R5B Districts, #buildings or other structures#, or portions thereof, "wholly within" a #large-scale residential development# may use the alternate height and setback regulations set forth in paragraphs (b)(1) through (b)(3) of this Section.

- (1) In R3-2 Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used.
- (2) In R4 Districts, no portion of any #building or other structure#, including the apex of a roof, shall penetrate a plane 35 feet in height above the #base plane#.
- (3) In R5 Districts, no portion of any #building or other structure#, including the apex of a pitched roof, shall penetrate a plane 40 feet in height above the #base plane#.

(c) Alternate #floor area# and #open space# regulations in R3, R4 or R5 Districts

In #large-scale residential developments# that utilize the bonus provisions of this Chapter, the #floor area ratio# and the #open space ratio# controls set forth in the following table shall apply in lieu of the #floor area ratio# and #lot coverage# controls of Article II, Chapter 3.

District	#Open Space Ratio#	#Floor Area Ratio#
R3	150	.50*
R4	80	.75*
R5	40	1.25

* The #floor area ratio# in the table may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least 3 1/2 inches in vertical distance per each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet. Any such additional #floor area# under a sloped roof shall not be used to compute the #open space ratio#

(d) Authorizations may be granted for #buildings# to be located, #bulk# and #open space# distributed, and height and setback modified, in accordance with the provisions of this Section.

(e) In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, #floor area# bonuses for #public plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

(f) Alternate window to #lot line# regulations for a #zoning lot# directly adjoining a #public park#

In R7-1 and R8 Districts within a #large scale residential development# in Community District 6 in the Borough of the Bronx, the required minimum distance between a #legally required window# and a #lot line#, as set forth in Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines), inclusive, shall not apply where a #legally required window# is fronting upon a #public park# with an area of at least one-half acre.

* * *

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on November 29, 2016, on file in this office.

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City Clerk, Clerk of The Council