



Legislation Text

File #: Res 1074-2011, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1074

Resolution approving the decision of the City Planning Commission on Application No. N 100311 ZRX, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing designated areas) and related Sections pertaining to the establishment of Inclusionary Housing designated areas in Community Districts 3 and 6, and the modification of Section 74-743 (Special provisions for bulk modifications) regarding lot coverage calculations in large-scale general developments within the boundaries of Community District 3, Borough of the Bronx (L.U. No. 486).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on September 9, 2011 its decision dated September 7, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Industco Holdings, LLC, for an amendment to the text of the Zoning Resolution of the City of New York in order to make the Inclusionary Housing Program applicable in the proposed R6A, R7A, R7X and R8X districts in the Borough of the Bronx, Community Districts 3 and 6, and modify Section 74-743 (Special provisions for bulk modifications) regarding lot coverage calculations in large-scale general developments within the boundaries of Community District 3, (Application No. N 100311 ZRX), Borough of the Bronx, (the "Application");

WHEREAS, the Application is related to Applications Nos. C 100310 ZMX (L.U. No. 485), a zoning map amendment to change portions of 11 blocks currently zoned M1-1, R7-1, R7-1/C2-4 to R6A, R6A/C2-4, R7A, R7A/C2-4, R7X, R7X/C2-4, and R8X, R8X/C2-4 generally located in Crotona Park East and West Farms neighborhoods of the Bronx; C 100312 ZSX (L.U. No. 487), a special permit pursuant to Section 74-743 for modification of bulk regulations for Large Scale General Development; C 100313 ZSX (L.U. No. 488), a special permit pursuant to Section 74-745 to allow accessory parking spaces to be distributed without regard to zoning lot lines; C 110297 ZSX (L.U. No. 489), a special permit pursuant to Section 74-744 to allow commercial uses to be arranged within a building without regard to the regulations set forth in Section 32-42; and C 110234 HAX (L.U. No. 490), an urban development action area project, disposition and project approval to facilitate disposition and development of 13 square feet of vacant land;

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 3, 2011;

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 August 26, 2011 (CEQR No. 10DCP017X).

RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) the FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is the one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) 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, pursuant to the restrictive declaration dated September 1, 2011 described in the Resolutions for applications C 100312 ZSX, C 100313 ZSX, and C 110297 ZSX, and in addition with respect to application C 100310 ZMX, the three restrictive declarations dated September 1, 2011 and respectively executed by Boone West Farms LLC, 1903 West Farms LLC, and 1931 West Farms LLC, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 100311 ZRX, incorporated by reference herein, the Council approves the Decision.

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 to be deleted;

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

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

* * *

23-144

In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing

designated areas). The locations of such districts are specified in

APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

Community District

Zoning District

Community District 1, Bronx

R6A R7-2 R7A R7X R8A

Community District 3, Bronx

R6A R7A R7X R8X

Community District 4, Bronx

R8A R9D

Community District 6, Bronx

R8X

Community District 1, Brooklyn

R6 R6A R6B R7A R7-3

Community District 2, Brooklyn

R7A R8A R9A

Community District 3, Brooklyn

R7D

Community District 6, Brooklyn

R7-2

Community District 7, Brooklyn

R7A R8A

Community District 14, Brooklyn

R7A

Community District 3, Manhattan

R7A R8A R9A

Community District 6, Manhattan

R10

Community District 7, Manhattan

R9A R10

Community District 1, Queens

R7A

Community District 2, Queens

R7X

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74-743

Special provisions for bulk modification

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

* * *

- (7) modification of the definition of #outer court# in Section 12-10 (DEFINITIONS) and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by #building# walls and is not otherwise a #yard# or an #inner court#, provided that:

* * *

- (ii) the minimum distance between a #legally required window# facing onto such #outer court# and a #building# wall shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening; or
- (8) in an #Inclusionary Housing designated area# in a C4-7 District within the boundaries of Manhattan Community District 7, for the purpose of applying the Inclusionary Housing Program within such #Inclusionary Housing designated area#, as set forth in a restrictive declaration:

* * *

(ii) modification of the requirements regarding distribution of #affordable housing units#, as defined in Section 23-911, specified in paragraph (b) of Section of Section 23-96 (Requirements for Generating Sites)-; or

(9) within the boundaries of Community District 3 in the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#.

* * *

(b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

* * *

(7) where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of #uses# in the #large-scale general development# and a plan consistent with the objectives of the Inclusionary Housing Program and those of Section 74-74 (Large-Scale General Development) with respect to better site planning; ~~and~~

(8) where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(7) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore benefit the residents of the #large-scale general development#; and

(8)(9) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

* * *

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 the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

Table of Inclusionary Housing Designated Areas

by Zoning Map

Zoning Map	Community District	MMaps of Inclusionary Housing Designated Areas
1d	Bronx CD 7	Map 1
3b	Bronx CD 4	Map 1
3c	Bronx CD 6	Map 1, Map 2, Map 3
3c	Bronx CD 7	Map 1
<u>3d</u>	<u>Bronx CD 3</u>	<u>Map 1</u>
3d	Bronx CD 6	Map 2, Map 3, Map 4, <u>Map 5</u>
5d	Manhattan CD 7	Map 1
6a	Manhattan CD 9	Map 1
6a	Manhattan CD 10	Map 1
6a	Manhattan CD 11	Map 1
6a	Bronx CD 1	Map 1
6a	Bronx CD 4	Map 1
6b	Manhattan CD 10	Map 1
6b	Manhattan CD 11	Map 1
8b	Manhattan CD 4	Map 1
8c	Manhattan CD 4	Map 2
8c	Manhattan CD 7	Map 2
8d	Manhattan CD 4	Map 3, Map 4
8d	Manhattan CD 6	Map 1
8d	Queens CD 2	Map 3
9a	Queens CD 1	Map 1
9b	Queens CD 1	Map 2
9b	Queens CD 2	Map 1
9d	Queens CD 2	Map 1, Map 2
12a	Manhattan CD 1	Map 1
12c	Manhattan CD 3	Map 1
12c	Brooklyn CD 1	Map 1, Map 2
12d	Brooklyn CD 1	Map 2, Map 3
12d	Brooklyn CD 2	Map 1, Map 4
13a	Brooklyn CD 1	Map 1, Map 2
13b	Brooklyn CD 1	Map 2, Map 4
14d	Queens CD 8	Map 1
14d	Queens CD 12	Map 1
16b	Brooklyn CD 7	Map 2

16c	Brooklyn CD 2	Map 1, Map 2, Map 3
16c	Brooklyn CD 3	Map 1
16c	Brooklyn CD 6	Map 1
16d	Brooklyn CD 7	Map 1
16d	Brooklyn CD 14	Map 2
17a	Brooklyn CD 3	Map 1, Map 2
17b	Brooklyn CD 14	Map 2
22a	Brooklyn CD 7	Map 2
22c	Brooklyn CD 7	Map 2
22c	Brooklyn CD 14	Map 1, Map 2, Map 3
23a	Brooklyn CD 14	Map 2
28d	Brooklyn CD 13	Map 1

* * *

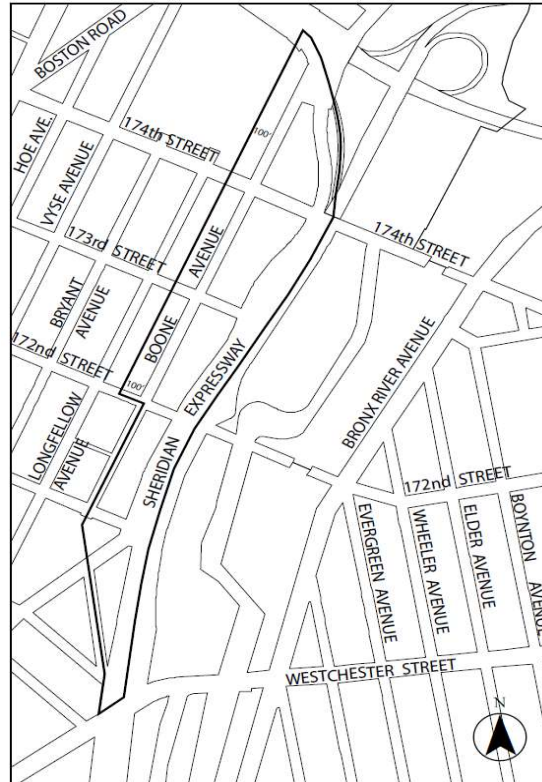
The Bronx

* * *

The Bronx Community District 3

In the R6A, R7A, R7X and R8X Districts within the areas shown on the following Map 1:

Map 1 -



Portion of Community District 3, The Bronx

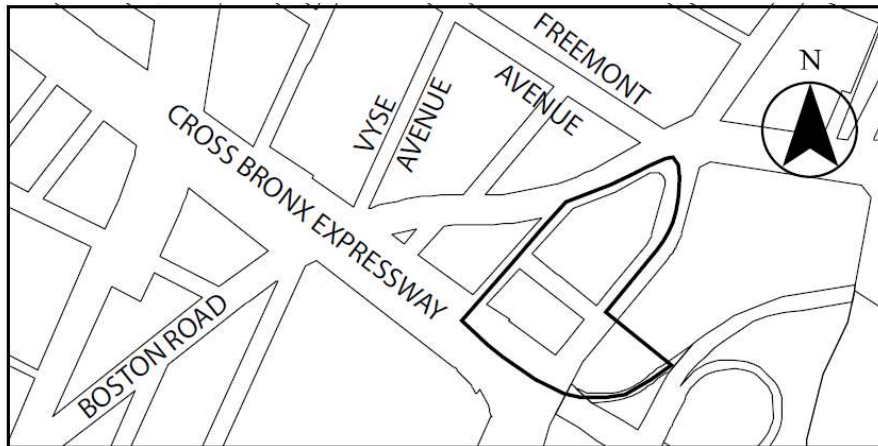
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The Bronx Community District 6

In the R7A, R7X, ~~and~~ R8A and R8X Districts within the areas shown on the following Maps 1, 2, 3, ~~and~~ 4 and 5:

* * *

Map 5 -



Portion of Community District 6, The Bronx

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 October 5, 2011, on file in this office.

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City Clerk, Clerk of The Council