# TECHNICAL MEMORANDUM 002
# POTENTIAL CITY COUNCIL MODIFICATIONS
# BRONX METRO-NORTH STATION STUDY
# CEQR NO. 23DCP065X

ULURP Nos.: C240015 ZMX, N240016 ZRX, C240159 MMX, C240158 MMX, C240157 MMX, C240160 MMZ, AND C240163 MMX

August 6, 2024

## A. INTRODUCTION

The New York City Department of City Planning (DCP) is proposing a series of land use actions, including zoning map amendments, zoning text amendments (including mapping a special purpose district and designating a Mandatory Inclusionary Housing (MIH) area to ensure affordable housing is part of any future development), and changes to the City Map (collectively, the "Proposed Actions"), that would facilitate the implementation of the multi-year planning process conducted in the Parkchester, Van Nest, and Morris Park neighborhoods in the Bronx in partnership with local stakeholders, City agencies, and the MTA. The Proposed Actions would affect an approximately 46-block area primarily along major corridors — East Tremont Avenue, White Plains Road, Bronxdale Avenue, Eastchester Road, and Stillwell Avenue — near the future Parkchester/Van Nest and Morris Park Metro-North stations in Bronx Community Districts 9, 10 and 11 (the "Affected Area"). The approximately 28-block area closest to the future Parkchester/Van Nest station is generally bounded by Baker Avenue and Van Nest Avenue to the north, Silver Street to the east, East Tremont Avenue to the south, and St. Lawrence Avenue to the west. The approximately 18-block area closest to the future Morris Park station is generally bounded by Pelham Parkway to the north, Marconi Street to the east, Williamsbridge Road to the south, and Tenbroeck Avenue to the west.

The Draft Environmental Impact Statement (DEIS) for the Proposed Actions was accepted as complete on January 19, 2024, by DCP, acting on behalf of the City Planning Commission (CPC) as lead agency. A public hearing on the DEIS was held on May 15, 2024, in conjunction with the CPC's citywide public hearing pursuant to the Uniform Land Use Review Procedure (ULURP), and written comments on the DEIS were accepted until May 28, 2024. The Notice of Completion for the Final Environmental Impact Statement (FEIS) was issued on June 14, 2024 (CEQR No. 23DCP065X). The FEIS incorporated responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS.

Following the publication of the FEIS, the CPC adopted the Proposed Actions on June 26, 2024 (the "Approved Actions") and referred the application to the City Council.

Since the CPC's adoption of the Approved Actions, potential modifications have been identified as under consideration by the City Council. The potential City Council modifications (the "Potential Modifications") are summarized below. This technical memorandum examines whether the Potential Modifications would result in any new or different significant adverse environmental impacts not already identified in the FEIS as pertains to the Approved Actions.

As set forth below, this technical memorandum concludes that the Potential Modifications by the City Council, would not result in any new or different significant adverse impacts not already identified in the FEIS. The mitigation measures identified and proposed in the FEIS would not change.

## B. DESCRIPTION OF THE POTENTIAL CITY COUNCIL MODIFICATIONS

The following is a description of the Proposed Modifications. Proposed Density and Site Modifications are presented Table 1 and a list of the sites removed by the Potential Modifications is presented in Table 2.

- Within Subdistrict A of the Special District (Projected Development Site 9):
  - Removal of height increases within 150 feet of Bronxdale Avenue through an authorization for additional modifications, where public realm improvements are provided.
  - For areas beyond 150 feet of Bronxdale Avenue, limit height increases from 25 percent to 13 percent.
  - Removal of additional heights where floor area exemption is provided for a public school on site.
  - Clarification that up to 50% of two of the publicly accessible open spaces provided as part of the certification for public realm improvement bonus may consist of playground space.
- Within Subdistrict B of the Special District:
  - Modification of residential bulk equivalent for C4-4 Districts, from an R8 to an R7-3 district while maintaining a maximum height of 215 feet from the Approved Action. Such modification would affect Projected Development Sites 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 50, 51, 52, 53, and 54 and Potential Development Sites U, V, W, Z, AA, CC, DD, and EE.
  - Removal of height increases for sites providing qualifying public realm improvements, through an authorization, and receiving sites for the transfer of floor area, through a certification.
- Change in approved zoning for two large sites along East Tremont Avenue (Projected Development Sites 7 and 8) from an R8X district to an R8 district. Zoning lots with at least 200 feet of frontage along East Tremont Avenue would receive an additional 20 feet of maximum height.
- Removal of approved zoning change to C4-3 district at Seminole and Morris Park Avenue, which contains Projected Development Site 60.
- Removal of approved zoning change to R6-1 district along Eastchester and Stillwell Avenue north of Wilkinson Avenue, which contains Projected Development Sites 47, 48, 49, 55, 56, and 57 and Potential Development Sites X, Y, BB, FF, GG, HH, II, and JJ.
- Additional changes in approved Special District Text to allow for the reversion of underlying district regulations for parking requirements and modification of Mandatory Inclusionary Housing (MIH) options.
- Under the Potential Modifications, the Pierce Avenue mapping will be subject to the reservation of subsurface volumes by the owner of the lot and a reservation of surface easements for ventilation and similar purposes in order to facilitate below grade parking facilities.

| Table 1: Proposed Density and Height Modifications | | | | |
|---|---|---|---|---|
| | Approved Actions | | Potential Modifications | |
| Site | Max Density (FAR) | Max Height (Feet) | Max Density (FAR) | Max Height (Feet) |
| Projected Development Site 7 | 7.2 | 175' | 7.2 | 215' |
| Projected Development Site 8 | 7.2 | 175' | 7.2 | 235' |
| Projected Development Site 31 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 32 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 33 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 34 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 35 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 36 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 37 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 38 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 39 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 40 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 41 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 42 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 43 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 44 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 45 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 46 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 50 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 51 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 52 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 53 | 7.2 | 215' | 6.5 | 215' |
| Projected Development Site 54 | 7.2 | 215' | 6.5 | 215' |
| Potential Development Site AA | 7.2 | 215' | 6.5 | 215' |
| Potential Development Site DD | 7.2 | 215' | 6.5 | 215' |
| Potential Development Site U | 7.2 | 215' | 6.5 | 215' |
| Potential Development Site V | 7.2 | 215' | 6.5 | 215' |
| Potential Development Site W | 7.2 | 215' | 6.5 | 215' |
| Potential Development Site Z | 7.2 | 215' | 6.5 | 215' |
| Potential Development Site AA | 7.2 | 215' | 6.5 | 215' |
| Potential Development Site CC | 7.2 | 215' | 6.5 | 215' |
| Potential Development Site EE | 7.2 | 215' | 6.5 | 215' |

| Table 2: Sites Removed by Potential Modifications* | | |
|---|---|---|
| Projected Development Site 47 | 4.8 | 125' |
| Projected Development Site 48 | 4.8 | 125' |
| Projected Development Site 49 | 4.8 | 125' |
| Projected Development Site 55 | 4.8 | 125' |
| Projected Development Site 56 | 4.8 | 125' |
| Projected Development Site 57 | 4.8 | 125' |
| Projected Development Site 60 | 4.8 | 125' |
| Potential Development Site X | 4.8 | 125' |
| Potential Development Site Y | 4.8 | 125' |
| Potential Development Site BB | 4.8 | 125' |
| Potential Development Site FF | 4.8 | 125' |
| Potential Development Site GG | 4.8 | 125' |
| Potential Development Site HH | 4.8 | 125' |
| Potential Development Site II | 4.8 | 125' |
| Potential Development Site JJ | 4.8 | 125' |
| *Proposed zoning changes on these sites are removed in the City Council modifications. As a result, existing floor area and height restrictions would remain. | | |

## C. THE EFFECTS OF THE PROPOSED CITY COUNCIL MODIFICATIONS

The Potential Modifications would result in the removal of 15 development sites (seven projected and eight potential), reduced density on 29 sites (21 projected and eight potential), and an increase in height at two development sites (Projected Development Sites 7 and 8). The Potential Modifications would result in approximately 582 fewer dwelling units and a lower square footage of community facility and commercial development than would be introduced with the Approved Actions. In addition, the Potential Modifications also remove or revise authorizations and certifications contained in the Approved Actions. These revisions and removals will likely result in developments at lower heights than were analyzed in the FEIS for the Approved Actions. As such, the Potential Modifications generally do not affect most of the environmental assessment areas presented in this document. Where changes are noted, they relate to the increased heights on Projected Development Sites 7 and 8, which would require a revision to the air quality (E) designation language and would result in incremental shadow of greater duration and extent than under the Approved Actions.

## D. ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL MODIFICATIONS

### LAND USE, ZONING, AND PUBLIC POLICY

Like the Approved Actions, the Potential Modifications would not result in any significant adverse impacts and would generally result in the same effects to land use, zoning, and public policy. The Potential Modifications and Approved Actions would result in substantially similar opportunities for new housing,

including affordable housing, and would expand job opportunities in the vicinity of two new Metro-North stations. Like the Approved Actions, the Potential Modifications would not adversely affect surrounding land uses or generate land uses that would be incompatible with existing zoning and land uses or adopted public policies.

*LAND USE*

No significant adverse impacts to land use are anticipated under the Potential Modifications. The Potential Modifications would result in the same overall mixture of land uses as the Approved Actions. Like the Approved Actions, the Potential Modifications would be compatible with, and supportive of, existing and planned uses in the study areas and the overall increase in residential, commercial, and community facility uses would advance important Citywide objectives related to housing and economic development. The Potential Modifications, like the Approved Actions, would allow for a wide range of commercial uses, including retail uses and would eliminate the outdated use restrictions imposed by existing industrial zoning districts. Therefore, like the Approved Actions, the Potential Modifications would not result in any significant adverse impacts to land use.

*ZONING*

Although the zoning changes sought under the Potential Modifications would differ somewhat from the Approved Actions in terms of allowable density and height in certain locations, they would not result in significant adverse impacts. The Potential Modifications propose the removal of the C4-3 district at Seminole and Morris Park Avenue and the R6-1 district along Eastchester and Stillwell Avenue north of Wilkinson Avenue. Within Subdistrict B of the Special District, the Potential Modifications propose a reduction in FAR equivalent to an R7-3 district , as well as removal of height increases for sites providing qualifying public realm improvements through an authorization and receiving sites for the transfer of floor area through a certification, The Potential Modifications would also modify special district text affecting 1601 Bronxdale Avenue (Projected Development Site 9) to allow for a maximum development height of 185 feet within 150 feet of Bronxdale Avenue, and to limit height increases via authorization on the remainder of the site pursuant to ZR Section 145-412 to 13 percent; and to maintain the floor area exemption for providing a public school on site, but remove height increases provided in ZR 145-231(c)(1). The Potential Modifications propose a change in approved zoning for two large sites along East Tremont Avenue (Projected Development Sites 7 and 8) from an R8X district to an R8 district, allowing for heights up to 215 feet on these sites. Zoning lots with at least 200 feet of frontage along East Tremont Avenue would receive an additional 20 feet of maximum height for a maximum development height of 235 feet. This provision would apply solely to Projected Development Site 8. The Potential Modifications propose a change in approved Special District Text to allow for the reversion of underlying district regulations for parking requirements, as well as a modification of the bulk authorization to limit height increases to no more than 13 percent above the underlying district, which would be applicable only to subdistrict A, and modification of MIH options. The density reductions and height modifications associated with the Potential Modifications respond to concerns raised during the public review process that the Approved Actions would result in large buildings that did not match the existing context of Parkchester and Morris Park. Therefore, like the Approved Actions, the Potential Modifications would not result in any significant adverse impacts to zoning.

*PUBLIC POLICY*

Like the Approved Actions, the Potential Modifications would not result in any changes to public policies applicable to the primary or secondary study areas. The Potential Modifications would be consistent with: 1) the goals of Westchester Square, Morris Park, and Castle Hill Business Improvement Districts (BIDs); 2) the NYC Waterfront Revitalization Program; 3) Zoning for Coastal Flood Resiliency; 4) Housing New York; 5) Vision Zero; 6) OneNYC and PlaNYC; 7) NYC Food Retail Expansion to Support Health (FRESH) Program; 8) the Parkchester Special Planned Community Preservation District; 9) New York Works; 10) NYC Local Law 97; 11) NYC Local Laws 92 and 94; 12) Get Stuff Built; and 13) City of Yes. Therefore, like the Approved Actions, the Potential Modifications would not result in any significant adverse impacts to public policy.

## SOCIOECONOMIC CONDITIONS

Like the Approved Actions, the Potential Modifications would not result in significant adverse impacts related to socioeconomic conditions. The Potential Modifications would result in similar effects as the Approved Actions with respect to all areas of socioeconomic concern, including potential indirect residential displacement.

*DIRECT RESIDENTIAL DISPLACEMENT*

As with the Approved Actions, the Potential Modifications would result in direct residential displacement in the rezoning area, though the total number of development sites contributing to the overall displacement is reduced. Aside from the reduction in overall development sites, Potential Modifications would apply to portions of the rezoning area that would experience direct residential displacement either with the Approved Actions or the Potential Modifications.

According to the *CEQR Technical Manual,* direct displacement of fewer than 500 residents would not typically be expected to substantially alter the socioeconomic character of a neighborhood.

The Potential Modifications would result in the removal of seven projected development sites and eight potential development sites and as such would result in fewer residents directly displaced than under the Approved Actions.

With fewer development sites than the Approved Actions, the Potential Modifications would be expected to result in fewer residential displacements than the Approved Actions, which would displace approximately 162 residents. Therefore, as with the Approved Actions, the Potential Modifications would result in direct residential displacements, but these impacts would not be considered significant under CEQR.

*DIRECT BUSINESS DISPLACEMENT*

As with the Approved Actions, the Potential Modifications would result in direct business displacement in the rezoning area, though the total number of development sites contributing to the overall displacement is reduced. Aside from the reduction in overall development sites, Potential Modifications would apply to portions of the rezoning area that would experience direct business displacement either with the Approved Actions or the Potential Modifications.

The Potential Modifications would result in the removal of seven projected development sites and eight potential development sites and as such would result in fewer businesses directly displaced than under the Approved Actions.

With fewer development sites than the Approved Actions, the Potential Modifications would be expected to result in fewer direct business displacements than the Approved Actions, which would displace 60 businesses and approximately 650-880 employees. Therefore, as with the Approved Actions, the Potential Modifications would result in direct business displacements, but these impacts would not be considered significant under CEQR.

*INDIRECT RESIDENTIAL DISPLACEMENT*

According to the *CEQR Technical Manual*, if the vulnerable population potentially subject to indirect displacement exceeds five percent of the study area population, the action may result in a significant change to the socioeconomic character of the study area and a potential significant adverse impact may occur.

However, the *CEQR Technical Manual* also states that, if it is determined that a project, because of its mixed-income composition, would not cause dramatic changes in the local real estate market, it may not affect rents for some or all of the vulnerable households.

Like the Approved Actions, the low-income renter households that are vulnerable to potential displacement with the Potential Modifications would exceed five percent. However, like the Approved Actions, the Potential Modifications introduce a mixed-income composition that would not cause dramatic changes in the local real estate market and may not affect rents for some or all of the vulnerable households.

Therefore, like the Approved Actions, the Potential Modifications would not result in any significant adverse impacts due to indirect residential displacement.

*INDIRECT BUSINESS DISPLACEMENT*

Like the Approved Actions, the Potential Modifications would not result in indirect business displacement. The Potential Modifications would result in less commercial retail, office, and community facility development than the Approved Actions, and therefore would not introduce increased potential for indirect business displacement than would exist under the Approved Actions.

*ADVERSE EFFECTS ON SPECIFIC INDUSTRIES*

Like the Approved Actions, the Potential Modifications would not result in significant adverse impacts on specific industries. The Potential Modifications would result in fewer businesses directly displaced than the Approved Actions, and the Potential Modifications would introduce less commercial retail, office, and community facility development than the Approved Actions.

## COMMUNITY FACILITIES AND SERVICES

The Potential Modifications would have seven fewer projected development sites and eight fewer potential development sites than the Approved Actions and density would be reduced on 21 other projected development sites, thereby introducing fewer residents to the community facilities and services study area(s), and therefore introduce a lesser demand for community facilities and services. In addition, the total

number of residents introduced would be further lessened through the decreased density on other development sites with the Potential Modifications.

Like the Approved Actions, the Potential Modifications would result in significant adverse impacts on elementary schools but would not result in any significant adverse impacts to other community facilities and services.

*SCHOOLS*

*Elementary Schools*

The Potential Modifications would introduce fewer residents than the Approved Actions, thereby introducing less demand on elementary schools.

Like the Approved Actions, the Potential Modifications would not result in any impacts to elementary school enrollments in CSD 12, Sub-district 2. However, like the Approved Actions, the Potential Modifications would result in impacts to elementary school enrollment in Community School District (CSD) 11, Sub-district 1, though these impacts would be lessened due to the lower densities proposed with the Potential Modifications.

*Intermediate Schools*

The Potential Modifications would introduce fewer residents than the Approved Actions, thereby introducing less demand on intermediate schools.

As with the Approved Actions, the CSD 11, Sub-district 1 and CSD 12, Sub-district 2 intermediate schools are expected to operate with available capacity with the Potential Modifications, and therefore no significant adverse impacts to intermediate schools would result.

*High Schools*

The Potential Modifications would introduce fewer residents than the Approved Actions, thereby introducing less demand on high schools.

As with the Approved Actions, Bronx high schools are expected to operate with available capacity with the Potential Modifications, and therefore, no significant adverse impacts on public high schools would result.

*LIBRARIES*

The Potential Modifications would introduce fewer residents than the Approved Actions, thereby introducing less demand on the Pelham Parkway – Van Nest, Parkchester, Morris Park, and Westchester Square library branches than the Approved Actions.

As with the Approved Actions, the Potential Modifications would not exceed CEQR thresholds of a five percent increase in population within the catchment areas of the Pelham Parkway – Van Nest and the Parkchester branches. As with the Approved Actions, the Potential Modifications would exceed the CEQR threshold of a five percent increase in population within the catchment areas of the Morris Park and Westchester Square library branches; however, as with the Approved Actions, the residents in these areas would be served by additional libraries in the vicinity, as well as have access to the entire NYPL system.

Therefore, like the Approved Actions, the Potential Modifications would not result in any significant adverse impacts to libraries.

*EARLY CHILDHOOD PROGRAMS*

The Potential Modifications would introduce fewer residents than the Approved Actions, and thus, fewer children requiring early childhood programs and thereby necessitating fewer early childhood program seats. Therefore, like the Approved Actions, not result in any significant adverse impacts to early childhood programs.

## OPEN SPACE

Like the Approved Actions, the Potential Modifications would result in indirect impacts to total, active, and passive open space in the residential study area; no significant adverse impact would occur related to direct open space impacts or indirect impacts to the non-residential study area.

Shadows would be cast on the Pelham Parkway and the Greenstreet at Sacket Avenue with both the Approved Actions and the Potential Modifications. These shadows would not affect the use or enjoyment of these open space resources, and therefore, like the Approved Actions, the Potential Modifications would not result in significant adverse impacts to these open space resources.

As with the Approved Actions, the Potential Modifications would result in a significant adverse shadow impact to a portion of the 129-acre Parkchester Apartment Complex. With the additional permitted height on Projected Development Site 7 and 8 with the Potential Modifications, the extent and duration of these shadows would be of moderately greater extent and duration than under the Approved Actions. As with the Approved Actions, this significant adverse shadow impact could reduce the utility of certain areas, as with the Potential Modifications; however, the open spaces within the Parkchester Apartment Complex would continue to be available and provide other passive or active open space uses. Therefore, like the Approved Actions, the Potential Modifications would not result in significant adverse impacts to this open space resource.

Overall, the Potential Modifications would introduce fewer residents and workers to the open space study area than would be introduced under the Approved Actions, resulting in less demand for publicly accessible open space resources as compared to the Approved Actions. Residential open space ratios would remain below the City's open space planning goal ratios with both the Approved Actions and the Potential Modifications.

## SHADOWS

The Potential Modifications, like the Approved Actions, would result in significant adverse shadow impacts to three sunlight-sensitive resources. While the Potential Modifications would result in incremental shadow of a greater extent and duration on one resource, no new significant adverse shadow impacts would result from the Potential Modification as compared with the Approved Actions.

The Potential Modifications would remove Projected Development Sites 47, 48, 49, 55, 56, 57, and 60 and Potential Development Sites X, Y, BB, FF, GG, HH, II, and JJ and thereby eliminating incremental shadow associated with these sites and analyzed in the FEIS for the Approved Actions. Additionally, reductions in

density at Projected Development Sites 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 50, 51, 52, 53, and 54 and Potential Development Sites U, V, W, Z, AA, CC, DD, and EE may result in less incremental shadow in the immediate surrounding area of these sites due to the modified bulk facilitated by the Potential Modifications that would affect the extent and duration of the incremental shadows. As such, these changes would not create new or worsened significant adverse shadow impacts identified in the FEIS for the Approved Actions.

The Potential Modifications would allow for additional height up to 215 feet on Projected Development Site 7 and up to 235 feet on Projected Development Site 8. As a result, the Potential Modifications would result in a significant adverse shadow impact to a portion of the 129-acre Parkchester Special Planned Community Preservation District that would be of a greater extent and duration than the shadow impact identified to the same resource with the Approved Actions.

The increased height on Projected Development Site 7 would result in new incremental shadow on Van Nest Park. This new incremental shadow would only extend to the southern portion of Van Nest Park for approximately 16 minutes from 9:07 AM to 9:23 AM on the December 21st analysis date (see Figure 1). The incremental shadow would be of its greatest extent at 9:18 AM and would only cover the southern tip of the park, which is primarily comprised of pavement. Incremental shadow would not be cast over the playground equipment or the playground's granite monument. Further, this new incremental shadow would occur only on the December 21 analysis date, outside of the growing season, and therefore, would not negatively impact vegetation. As incremental shadows resulting from the Potential Modifications would be for a limited duration (16 minutes) and extent, it would not threaten the use or enjoyment of Van Nest Park either on its own or in tandem with existing or incremental shadows. As with the Approved Actions, the Potential Modifications would not result in any significant adverse shadows impact to Van Nest Park.

While the Potential Modifications would result in incremental shadow of a greater extent and duration on the S/NR-eligible Parkchester Special Planned Community Preservation District and a new incremental shadow on Van Nest Park, no new significant adverse shadow impacts would result from the Potential Modification as compared with the Approved Actions. Therefore, the Potential Modifications would continue to result in significant adverse shadows impacts on three sunlight-sensitive resources: Pelham Parkway, the Greenstreet at Sackett Avenue, and a small portion of the 129-acre Parkchester Special Planned Community Preservation District.

Projected Development Site

Potential Development Site

Sunlight-sensitive Resource (refer to Table 6-4)

Incremental Shadow

N

**FIGURE 1A**
**INCREMENTAL SHADOWS - December 21**
**VAN NEST PARK**

*Bronx Metro-North Station Study*

Projected Development Site

Potential Development Site

Sunlight-sensitive Resource (refer to Table 6-4)

Incremental Shadow

N

**FIGURE 1B**
**INCREMENTAL SHADOWS - December 21**
**VAN NEST PARK**

*Bronx Metro-North Station Study*

## HISTORIC AND CULTURAL RESOURCES

The Potential Modifications would result in the same significant adverse impacts to archaeological resources, direct and indirect effects to architectural resources, and construction-period effects as identified with the Approved Actions.

Given that 2547 East Tremont Avenue would be demolished under both the Approved Actions and with the Potential Modifications, both would result in impacts to archaeological resources at 2547 East Tremont Avenue.

Given that 2000 and 2040 East Tremont Avenue would be demolished under both the Approved Actions and with the Potential Modifications, both would result in significant direct adverse impacts to the S/NR-eligible Parkchester Special Planned Community Preservation District as a result of the demolition of these buildings.

Like the Approved Actions, the Potential Modifications would result in a significant adverse shadow impact to a portion of the S/NR-eligible Parkchester Special Planned Community Preservation District, though with the additional permitted height on Projected Development Site 7 and 8 with the Potential Modifications, the extent and duration of these shadows would be of greater extent and duration than under the Approved Actions.

Like the Approved Actions, the Potential Modifications would result in potential construction-period impacts to contributing resources in the S/NR-eligible Parkchester Special Planned Community Preservation District.

Therefore, the Potential Modifications would result in the same impacts to archaeological resources and historic architectural resources as the Approved Actions.

## URBAN DESIGN AND VISUAL RESOURCES

The Potential Modifications, like the Approved Actions, would not result in any significant adverse impacts to the urban design or visual resources in the primary or secondary study areas. Generally, development would be of a lesser density with the Potential Modifications; however, additional height up to 215 feet and 235 feet on Projected Development Sites 7 and 8, respectively, would be permitted.

While the Potential Modifications would introduce new height on two sites and reduce density elsewhere, like the Approved Actions, the Potential Modifications would facilitate development that is expected to positively affect the urban design of the area and improve the pedestrian experience in and surrounding the Affected Area by facilitating the construction of active lower-level uses, including retail, community facility spaces, and residential and office lobbies as well as pedestrian amenities like the proposed Morris Park Station plaza, reactivating the corridors of the Affected Area and making the area more accessible, safe, and enjoyable for pedestrians. Further, the Potential Modifications would not affect any primary or significant viewsheds of important visual resources in and around the Affected Area.

## HAZARDOUS MATERIALS

The Potential Modifications would not result in significant adverse impacts associated with hazardous materials. Like the Approved Actions, the Potential Modifications would rely on (E) Designations to

preclude exposure to hazardous materials, though by introducing fewer development sites than under the Approved Actions, the Potential Modifications would necessitate fewer (E) Designations.

As the Potential Modifications would remove Projected Development Sites 47, 48, 49, 55, 56, 57, and 60 and Potential Development Sites X, Y, BB, FF, GG, HH, II, and JJ, an (E) Designation for hazardous materials would no longer be placed upon them. Outside of these sites, the same projected and potential development sites identified in the FEIS for the Approved Actions would require (E) Designations or other institutional controls to preclude exposure to hazardous materials with the Potential Modifications. Testing and remedial measures, if warranted, would be required through (E) Designation E-422 (or required through an LDA or comparable mechanism for City-owned sites). With these requirements, the Potential Modifications like the Approved Actions would not result in significant adverse impacts related to hazardous materials.

## WATER AND SEWER INFRASTRUCTURE

Like the Approved Actions, the Potential Modifications would not result in significant adverse impacts to water and sewer infrastructure. With fewer projected development sites, the Potential Modifications would introduce a lesser development density than would occur with the Approved Actions and would therefore place less demand on the City's water supply and wastewater treatment systems. Therefore, no significant impacts related to water and sewer infrastructure would result with the Potential Modifications or Approved Actions.

## SOLID WASTE AND SANITATION SERVICES

Like the Approved Actions, the Potential Modifications would not result in significant adverse impacts to solid waste and sanitation services. With fewer projected development sites, the Potential Modifications would result in fewer tons of solid waste generated than under the Approved Actions. Fewer truck trips would be required of the New York City Department of Sanitation (DSNY) and private waste haulers with the Potential Modifications than with the Approved Actions. Like the Approved Actions, the Potential Modifications would not overburden available waste management capacity and would not conflict with, or require any amendment to, the City's solid waste management objectives as stated in the SWMP. Therefore, no significant impacts related to solid waste generation and sanitation services would result with the Potential Modifications or Approved Actions.

## ENERGY

Like the Approved Actions, the Potential Modifications would not result in significant adverse impacts to energy. With fewer projected development sites, the Potential Modifications would result in less in energy use per year, though as with the Approved Actions, the Potential Modifications would generate an incremental increase in energy demand. Like the Approved Actions, this incremental increase in energy demand resulting with the Potential Modifications would be considered negligible when compared with the overall demand within Consolidated Edison's (Con Edison's) New York City and Westchester County service area.

Any new development resulting from the Potential Modifications would be required to comply with the New York City Energy Conservation Code (NYCECC), which governs performance requirements of

heating, ventilation, and air condition systems, as well as the exterior building envelope of new buildings. In compliance with this code, new development must meet standards for energy conservation, which include requirements related to energy efficiency and combined thermal transmittance. In addition, should there be a voluntary utilization of higher performance standard designs on the projected development sites, there would then be a reduction in the forecast energy load, detailed below.

Therefore, no significant impacts related to energy would result with the Potential Modifications or Approved Actions.

## TRANSPORTATION

The Potential Modifications would result in the removal of seven projected development sites and eight potential development sites. Additionally, density would be reduced on 21 other projected development sites. As a result of the Potential Modifications, there would be fewer action-generated vehicle, transit, and pedestrian trips and less demand for on-street and off-street public parking, as compared with the Approved Actions. Like the Approved Actions, it is anticipated that the Potential Modifications would result in significant adverse traffic, bus, and pedestrian impacts and any impacts associated with the Potential Modifications would not be greater than those identified in the FEIS for the Approved Actions. Neither the Approved Actions nor the Potential Modifications would result in significant adverse subway or parking impacts; however, parking shortfalls would occur under both scenarios. *TRAFFIC*

Compared with the Approved Actions, the Potential Modifications would generate fewer incremental vehicle (auto, taxi, and truck) trips during the weekday AM, midday, PM, and Saturday peak hours, respectively. The Approved Actions would result in significant adverse traffic impacts at a total of 81 lane groups at 39 intersections during the weekday AM peak hour, 63 lane groups at 29 intersections in the weekday midday peak hour, 71 lane groups at 36 intersections in the weekday PM peak hour, and 39 lane groups at 21 intersections during the Saturday midday peak hour.

The potential traffic impacts associated with the Potential Modifications would not be greater than those identified in the FEIS for the Approved Actions and based on the magnitude of the reduction in vehicle trips in each peak hour that would result from the Potential Modifications, there could likely be a reduction in the number of impacted lane groups as compared to the Approved Actions.,

*TRANSIT*

*Subway Stations*

Like the Approved Actions, the Potential Modifications would not result in significant adverse impacts to subway station elements. Compared to the Approved Actions, the Potential Modifications would generate fewer subway trips in the AM and PM peak hours. With fewer subway trips, the Potential Modifications would not alter the conclusions of the FEIS for the Approved Actions, which found that there would be no significant adverse impact to subway station elements as all analyzed stairs and fare arrays are projected to operate at an acceptable LOS C or better in both the AM and PM peak hours and would therefore not be significantly adversely impacted based on *CEQR Technical Manual* criteria.

*Subway Line Haul*

Under the Approved Actions, no analyzed subway line would experience an average of five or more additional passengers per car in any peak hour; consequently, there would not be any significant adverse subway line haul impacts based on *CEQR Technical Manual* impact criteria. As a result of the Potential Modifications, there would be fewer subway trips in the AM and PM peak hours compared with the Approved Actions. Therefore, the Potential Modifications are also not expected to generate an average of five or more additional peak hour trips on any subway line, and would also not result in any significant adverse subway line haul impacts.

*Bus*

As a result of the Potential Modifications, there would be fewer action-generated bus trips as compared with the Approved Actions.. Therefore, the potential for impacts to bus service would not be greater than the impacts associated with the Approved Actions.

*PEDESTRIANS*

Compared with the Approved Actions, the Potential Modifications would generate fewer pedestrian trips (walk-only trips plus pedestrians en route to/from subway stations and bus stops) in all peak hours. As discussed in the FEIS, the Approved Actions would result in a significant adverse impact to 14 sidewalks out of the 28 analyzed and 11 crosswalks out of the 39 analyzed in one or more peak hours; there would be no impacts to any analyzed corner areas. The potential for impacts to pedestrian conditions would not be greather than the impacts associated with the Approved Actions.

*VEHICULAR AND PEDESTRIAN SAFETY EVALUATION*

A review of DOT crash data for the three-year reporting period between January 1, 2017, and December 31, 2019, identified three intersections in the traffic and pedestrian study areas as high crash accident locations. Measures to enhance pedestrian/bicycle safety throughout the study area were identified under the Approved Actions, including signal timing modifications, leading pedestrian intervals, speed cameras, installation of high visibility crosswalks, and the installation of medians with pedestrian refuge areas. These same measures would be applicable under the Potential Modifications.

*PARKING*

Compared with the Approved Actions, the Potential Modifications would result in less incremental demand for off-street and on-street parking in proximity to projected development sites. As discussed in the FEIS, it is estimated that compared with the No-Action Condition, public parking in the overall study area would have deficits of approximately 2,134 spaces in the weekday midday period, 1,446 spaces during the weekday overnight period, and 1,289 spaces during the Saturday midday period. These deficits would reflect project demand not otherwise accommodated in accessory or off-street public parking facilities as well as demand displaced from an existing parking facility on a projected development site. By comparison, incremental parking demand would be less with the Potential Modifications and the parking deficit would be lower.

Per the *CEQR Technical Manual* guidelines, this deficit in the ¼-mile study area is considered a significant shortfall. The shortfalls under both the Approved Actions and the Potential Modifications would not be considered significant adverse impacts based on *CEQR Technical Manual* criteria due to the magnitude of

available alternative modes of transportation. Therefore, like the Approved Actions, the Potential Modifications are not expected to result in significant adverse parking impacts during the weekday midday peak period for commercial and retail parking demand, nor during the overnight peak period for residential demand.

## AIR QUALITY

Like the Approved Actions, the Potential Modifications would not result in any significant adverse mobile or stationary source air quality impacts.

*MOBILE SOURCES*

Compared to the Approved Actions, the Potential Modifications would result in fewer vehicle trips. Therefore, like the Approved Actions, the Potential Modifications would not result in significant adverse air quality impacts from mobile sources.

*STATIONARY SOURCES*

Similar to the Approved Actions, the Potential Modifications would not result in any significant adverse stationary-source air quality impacts. Like the Approved Actions, the Potential Modifications would rely on (E) Designations for air quality mitigation, though by introducing fewer development sites than under the Approved Actions, the Potential Modifications would necessitate fewer (E) Designations.

As the Potential Modifications would remove Projected Development Sites 48, 49, 55, and 56 and Potential Development Sites X, Y, BB, FF, GG, and HH, these sites would not be mapped with an (E) Designation for Air Quality. Outside of these sites, the same projected and potential development sites identified with Approved Actions would be mapped with (E) Designations. Due to the increase in height for Project Development Site 8 (Block 3943, Lots 205, 207, and 209) under the Potential Modifications, the (E) Designation would need to be modified to state that in order to preclude the potential for significant adverse air quality impacts to new developments located on the above-mentioned properties, no operable windows or air intake vent(s) shall be placed at the height of 226 feet or higher above grade. With this revision to the (E) Designation, no significant impacts related to stationary-source air quality would result with the Potential Modifications or Approved Actions.

## GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Like the Approved Actions, the Potential Modifications would not result in significant adverse impacts associated with greenhouse gas (GHG) emissions and their effect on climate change. With fewer projected development sites and fewer vehicular trips, the Potential Modifications would result in lower GHG emissions than under the Approved Actions. The Potential modifications, like the Approved Actions, would be consistent with citywide GHG reduction goals and resilience to climate change. Therefore, no significant impacts related to greenhouse gas emissions and climate change would result with the Potential Modifications or Approved Actions.

## NOISE

Similar to the Approved Actions, the Potential Modifications would not result in any significant adverse impacts due to noise. Like the Approved Actions, the Potential Modifications would rely on (E) Designations to preclude exposure to excessive noise levels, though by introducing fewer development sites than under the Approved Actions, the Potential Modifications would necessitate fewer (E) Designations.

As the Potential Modifications would remove Projected Development Sites 47, 48, 49, 55, 56, 57, and 60 and Potential Development Sites X, Y, BB, FF, GG, HH, II, and JJ, these sites would not be mapped with an (E) Designation for noise. Outside of these sites, the same projected and potential development sites identified with Approved Actions would be mapped with (E) Designations to preclude exposure to excessive noise levels with the Potential Modifications. These attenuation requirements would be required through (E) Designation E-422 (or through an LDA or comparable mechanism for City-owned sites). With these attenuation measures, the Potential Modifications, like the Approved Actions, would not result in significant adverse impacts related to noise.

## PUBLIC HEALTH

Neither the Approved Actions nor the Potential Modifications would result in significant adverse public health impacts. Like the Approved Actions, the Potential Modifications would not result in unmitigated significant adverse impacts in the areas of air quality, operational noise, water quality, or hazardous materials. However, both the Approved Actions and the Potential Modifications could result in unmitigated construction noise impacts as defined by *CEQR Technical Manual* thresholds. Therefore, like the Approved Actions, construction noise under the Potential Modifications would not be of the magnitude nor the duration of a public health impact threshold, and no significant impacts related to public health would result with either the Potential Modifications or Approved Actions.

## NEIGHBORHOOD CHARACTER

Like the Approved Actions, the Potential Modifications would not result in significant adverse impacts to neighborhood character. The changes to the Approved Actions resulting from the Potential Modifications, would generally result in similar effects in the following technical areas that are considered in the neighborhood character assessment pursuant to the *CEQR Technical Manual*: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; and noise. Although the same significant adverse impacts would occur with respect to historic resources, shadows, and transportation under the Potential Modifications, like the Approved Actions, these impacts would not result in a significant change to one of the determining elements of neighborhood character. Therefore, no significant impacts related to neighborhood character would result with the Potential Modifications or Approved Actions.

## CONSTRUCTION

Development under the Potential Modifications would occur or be permitted on 15 fewer development sites (seven projected and eight potential) than the Approved Actions. The total number of development sites would be 81 (53 projected and 28 potential) with the Potential Modifications, compared to 96 (60 projected and 36 potential) with the Approved Actions. In addition to fewer development sites, the Potential

Modifications would permit lower-density developments at 29 sites (21 projected and eight potential) compared to the Approved Actions. It should be noted, however, that since potential sites are considered less likely to be developed over the analysis period, they are not considered in the construction analysis assessment.

The construction phasing, activities, and estimates under the Potential Modifications are expected to be similar to or less than those under the Approved Actions. Neither the Approved Actions nor the Potential Modifications would result in significant adverse construction impacts with respect to land use and neighborhood character, socioeconomic conditions, community facilities, open space, hazardous materials, air quality, or vibration. However, similar to the Approved Actions, construction activities related to the Potential Modifications would result in historic and cultural resources, transportation, and noise impacts during construction. Therefore, the Potential Modifications would result in the same construction-period impacts as the Approved Actions.

## MITIGATION MEASURES

The Potential Modifications would result in similar significant adverse impacts to those identified with the Approved Actions (community facilities [elementary school], open space, shadows, historic and cultural resources [architectural and archaeological resources], transportation [traffic, transit, and pedestrians], and construction [traffic, architectural resources, and noise]), and as such, would not require any additional mitigation measures beyond what was identified with the Approved Actions.

Like the Approved Actions, the Potential Modifications would result in impacts to elementary school enrollment in CSD 11, Sub-district 1, though these impacts would be lessened due to the lower-density development permitted with the Potential Modifications. Therefore, the Potential Modifications would not require any additional mitigation measures beyond what was identified with the Approved Actions.

Like the Approved Actions, the Potential Modifications would result in indirect impacts to total, active, and passive open space in the residential study area. However, the Potential Modifications would introduce fewer residents and workers to the open space study area than would be introduced under the Approved Actions, resulting in less demand for publicly accessible open space resources as compared to the Approved Actions. Therefore, the Potential Modifications would not require any additional mitigation measures beyond what was identified with the Approved Actions.

The Potential Modifications would result in a significant adverse shadow impact to a portion of the 129-acre Parkchester Apartment Complex that would be of a greater extent and duration than the shadow impact identified to the same resource with the Approved Actions. As with the Approved Actions, no feasible measures were identified to mitigate these shadows impacts. Therefore, as with the Approved Actions, the Potential Modifications would result in unmitigated shadow impacts.

The Potential Modifications could result in the same significant adverse impacts to archaeological resources, direct and indirect effects to architectural resources, and construction-period effects as those identified with the Approved Actions. Therefore, the Potential Modifications would not require any additional mitigation measures beyond what was identified with the Approved Actions.

Like the Approved Actions, it is anticipated that the Potential Modifications would result in significant adverse traffic, subway, bus, and pedestrian impacts. However, with the Potential Modifications, there would be fewer action-generated vehicle, transit, and pedestrian trips and less demand for on-street and off-street public parking, as compared with the Approved Actions. Therefore, the Potential Modifications would not require any additional mitigation measures beyond what was identified with the Approved Actions.

The construction phasing, activities, and estimates under the Potential Modifications are expected to be similar to or less than those under the Approved Actions. Development under the Potential Modifications would occur or be permitted on 15 fewer development sites (seven projected and eight potential) than the Approved Actions. The total number of development sites would be 81 (53 projected and 28 potential) with the Potential Modifications, compared to 96 (60 projected and 36 potential) with the Approved Actions. In addition to fewer development sites, the Potential Modifications would result or permit in lower-density developments at 29 sites (21 projected and eight potential) compared to the Approved Actions. Therefore, the Potential Modifications would not require any additional mitigation measures beyond what was identified with the Approved Actions.

### UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

The Potential Modifications would result in the same unavoidable significant adverse impacts with respect to community facilities (elementary school), open space, shadows, historic and cultural resources (architectural and archaeological resources), transportation (traffic, transit, and pedestrians), and construction-period effects (traffic, architectural resources, and noise) as the Approved Actions.

As discussed above, the Potential Modifications would result in a significant adverse shadow impact to a portion of the 129-acre Parkchester Apartment Complex that would be of a greater extent and duration than the shadow impact identified to the same resource with the Approved Actions. As with the Approved Actions, no feasible measures were identified to mitigate these shadows impacts. Therefore, the Potential Modifications would result in the same unavoidable significant adverse impact to this sunlight-sensitive resource but to a greater extent and duration.

With the Proposed Modifications, unavoidable significant adverse impacts to community facilities (elementary school), open space, historic and cultural resources (architectural and archaeological resources), transportation (traffic, transit, and pedestrians), and construction (traffic, architectural resources, and noise) would not be greater than those associated with the Approved Actions.

## E. CONCLUSION

This Technical Memorandum examined whether the Potential Modifications would result in any new or different significant adverse environmental impacts not already identified in the FEIS and concludes that no new impacts would result with the Potential Modifications. While the Potential Modifications would result in increased incremental shadow on two sunlight-sensitive resources, it would not constitute a newly identified impact.

Therefore, the Potential Modifications would result in the same significant adverse impacts related to community facilities (elementary school), open space, shadows, historic and cultural resources

(architectural and archaeological resources), transportation (traffic, transit, and pedestrians), and construction (traffic, architectural resources, and noise) as the Approved Actions. As a consequence, the significant adverse impacts under the Potential Modifications could be mitigated using the same types of mitigation measures identified for the Proposed Actions. As detailed in the FEIS, mitigation has been proposed for these identified significant adverse impacts; however, in some instances no practicable mitigation has been identified to fully mitigate significant adverse impacts. Therefore, the Potential Modifications, as with the Approved Actions, would potentially result in unavoidable significant adverse impacts in the areas of community facilities (elementary school), open space, shadows, historic and cultural resources (architectural and archaeological resources), transportation (traffic, transit, and pedestrians), and construction (traffic, architectural resources, and noise).

# Appendix 1
# Zoning Text
# Potential Modifications

**N 240016 ZRX**

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE I**
**GENERAL PROVISIONS**

**Chapter 1**
**Title, Establishment of Controls and Interpretation of Regulations**

* * *

**11-10**
**ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS**

* * *

**11-122**
**Districts established**

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

Residence Districts

* * *

| | |
|---|---|
| R6 | General Residence District |
| R6-1 | General Residence District |
| R6A | General Residence District |

* * *

Special Purpose Districts

* * *

Establishment of the Special East Harlem Corridors District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 8, the #Special East Harlem Corridors District# is hereby established.

Establishment of the Special Eastchester – East Tremont Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 5, the #Special Eastchester – East Tremont Corridor District# is hereby established.

Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

* * *

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

* * *

**12-10**
**DEFINITIONS**

* * *

Special East Harlem Corridors District

The "Special East Harlem Corridors District" is a Special Purpose District designated by the letters "EHC" in which special regulations set forth in Article XIII, Chapter 8, apply.

Special Eastchester – East Tremont Corridor District

The "Special Eastchester – East Tremont Corridor District" is a Special Purpose District designated by the letters "ETC" in which special regulations set forth in Article XIV, Chapter 5, apply.

Special Enhanced Commercial District

The "Special Enhanced Commercial District" is a Special Purpose District designated by the letters "EC" in which special regulations set forth in Article XIII, Chapter 2, apply.

* * *

**ARTICLE II**
**RESIDENCE DISTRICT REGULATIONS**

* * *

**Chapter 3**
**Residence Bulk Regulations in Residence Districts**

* * *

**23-00**
**APPLICABILITY AND GENERAL PURPOSES**

* * *

**23-01**
**Applicability of This Chapter**

* * *

**23-011**
**Quality Housing Program**

* * *

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

* * *

(2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

* * *

#Special East Harlem Corridors District#;

<u>#Special Eastchester – East Tremont Corridor District#;</u>

#Special Flushing Waterfront District#;

* * *

**23-10**
**OPEN SPACE AND FLOOR AREA REGULATIONS**

* * *

**23-15**
**Open Space and Floor Area Regulations in R6 Through R10 Districts**

* * *

**23-154**
**Inclusionary Housing**

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on March 22, 2016, shall be as set forth in paragraph (b) of this Section. Special provisions for specified #Inclusionary Housing designated areas# are set forth in paragraph (c) of this Section. Special #floor area# <u>and #lot coverage#</u> provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# are set forth in paragraph (d) of this Section. ~~The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district~~. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

* * *

(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# <u>and maximum #lot coverage#</u>

The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section <u>and the maximum #lot coverage# for the applicable zoning district set forth in Section 23-153</u> shall apply to the applicable zoning district in a #Mandatory Inclusionary Housing area#, except:

(i) in an R6 District, without a letter suffix, the maximum #floor area ratio# shall be 3.6 in the following areas:

(a) Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017, in Community District 9 in the Borough of the Bronx; and

(b) Mandatory Inclusionary Housing Program Area 2, as of September 7, 2017, in Community District 14 in the Borough of Queens.

(ii) in an R6-1 District, the maximum #floor area ratio# shall be 3.6, and the maximum #lot coverage# for #interior lots# or #through lots# shall be 65 percent;

~~(ii)~~(iii) in an R7-1 or R7-2 District, the maximum #floor area ratio# shall be 4.6, except that the maximum #floor area ratio# for an R7-2 District in a #Mandatory Inclusionary Housing area# in Community District 5, Borough of Brooklyn, mapped on or before April 20, 2016, shall be as set forth in paragraph (b) of this Section;

~~(iii)~~(iv) in an R7-3 or R7X District, the maximum #floor area ratio# shall be 6.0; and

~~(iv)~~(v) in an R9-1 District the maximum #floor area ratio# shall be 9.0.

In addition, in R6, R7-1, R7-2, R8 and R9 Districts without a letter suffix, where the basic height and setback requirements are utilized pursuant to paragraph (b) of Section 23-952, the maximum #floor area ratio# shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

For any #development#, #enlargement# or #conversion# from non-#residential# to #residential use# that is subject to the provisions of paragraph (d)(4) of this Section, the maximum #floor area ratio# or maximum #lot coverage# for the applicable district outside of #Inclusionary Housing designated areas# or #Mandatory Inclusionary Housing areas# shall apply.

* * *

**ARTICLE X**
**SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 3**
**Special Planned Community Preservation District**

* * *

**103-10**
**GENERAL PROVISIONS**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, no #development#, #enlargement#, or substantial alteration of landscaping or topography, shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permit for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

No demolition of #buildings# shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, of the New York City Administrative Code, or its successor, except that such demolition may be permitted pursuant to a development plan for which a special permit has been granted under the provisions of Sections 103-11 and 103-12.

~~In a C8-4 District, however, a demolition permit may be issued for any #building# that is less than 10,000 square feet and was constructed after December 31, 1955, but prior to July 18, 1974.~~

Special regulations for the Sunnyside Gardens area are set forth in Section 103-20, inclusive.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

* * *

**ARTICLE XIV**
**SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 5**
**Special Eastchester – East Tremont Corridor District**

**145-00**
**GENERAL PURPOSES**

The "Special Eastchester – East Tremont 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:

(a) to encourage the development of a mixed-use neighborhood around planned mass transit stations in Parkchester, Van Nest, and Morris Park;

(b) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(c) to support a variety of community facility and commercial uses and provide opportunities for the expansion of large academic, scientific and medical facilities in a manner that benefits the surrounding community;

(d) to establish walkable retail corridors in the neighborhood;

(e) 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;

(f) to coordinate development with planned mass transit stations and facilitate improved pedestrian access to such facilities; and

(g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

**145-01**
**General Provisions**

The provisions of this Chapter shall apply within the #Special Eastchester – East Tremont 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.

**145-02**
**District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special Eastchester – East Tremont Corridor District# Plan. The district plan includes the following maps in the Appendix to this Chapter:

Map 1. Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas

Map 2. Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements

Map 3. Subdistrict A Site Plan

Map 4. Subdistrict B, Subarea B1, Morris Park Avenue Site Plan

**145-03**
**Subdistricts**

In order to carry out the provisions of this Chapter, two subdistricts, Subdistrict A and Subdistrict B, are established. In Subdistrict B, Subarea B1 is established. The location and boundaries of these subdistricts and subarea are shown on Map 1 (Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas) in the Appendix to this Chapter.

**145-04**
**Definitions**

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions), 66-11 (Definitions) and in this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

Qualifying public realm improvement sites

For the purposes of this Chapter, "qualifying public realm improvement sites" shall refer to #zoning lots# in Subarea B1, as shown in Map 1 (Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas) in the Appendix, that have a #lot area# of 20,000 square feet or more.

**145-05**
**Applicability**

**145-051**
**Applicability of the Quality Housing Program**

Within the #Special Eastchester – East Tremont Corridor District#, any #building# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

**145-052**
**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 (Inclusionary Housing), #Mandatory Inclusionary Housing areas# within the #Special Eastchester – East Tremont Corridor District# are shown in APPENDIX F of this Resolution.

**145-053**
**Applicability of Article VI, Chapter 4**

The provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones) shall apply. In the event of a conflict between the provisions of this Chapter and Article VI, Chapter 4, the provisions of Article VI, Chapter 4 shall control.

**145-054**
**Applicability of Article XII, Chapter 3**

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

**145-10**
**SPECIAL USE REGULATIONS**

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use District), shall apply, except as modified by the provisions of this Section, inclusive.

**145-11**
**Streetscape Regulations**

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that

(a) #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 2 (Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements) in the Appendix to this Chapter shall be considered #Tier C street frontages#; and

(b) remaining applicable frontages shall be considered #Tier B street frontages#.

**145-20**
**SPECIAL BULK REGULATIONS**

The #bulk# regulations of the underlying districts shall apply except as modified by the provisions of this Section, inclusive. For the purposes of applying the provisions of this Section, inclusive, the #bulk# regulations for #residential# portions of #buildings# in #Commercial Districts# are modified as follows:

(a) In C4-3 Districts, the applicable residential equivalent shall be an R6-1 District, as modified by the provisions of this Section, inclusive, shall apply; and

(b) In C4-4 Districts within Subdistrict B, of the applicable residential equivalent shall be an ~~R8 District~~ R7-3 District, without a letter suffix, shall apply.

**145-21**
**Floor Area Regulations**

The #floor area# regulations of the underlying districts shall apply, except as modified by the provisions of this Section, inclusive.

**145-211**
**Basic floor area regulations**

(a) #Residential# #floor area ratio#

In R6A, R6-1 or R7-2 #Residence Districts#, and #Commercial Districts# mapped within or with a residential equivalent of such Districts, the maximum #residential# #floor area ratio# for #zoning lots# in a #Mandatory Inclusionary Housing area# set forth in paragraph (d) of Section 23-154 (Inclusionary Housing) shall be modified as follows:

(1) in R6A or R6-1 Districts, the maximum #floor area ratio# for #residential uses# shall be 3.9; and

(2) in R7-2 Districts, the maximum #floor area ratio# for #residential uses# shall be 5.0.

(b) #Commercial # #floor area ratio#

In C4-3 or C4-4 Districts, the maximum #floor area ratio# for #commercial uses# shall be 4.0.

(c) #Community Facility# #floor area ratio#

In M1 Districts with an A suffix paired with an R7-3 District, the maximum #floor area ratio# for #community facility uses# shall be 6.5.

**145-212**
**Floor area provisions for zoning lots containing schools in Subdistrict A**

In Subdistrict A, on a #zoning lot# improved with public #schools# pursuant to an agreement with the New York City School Construction Authority, up to 100,000 square feet of floor space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#.

**145-22**
**Yard Regulations**

The #yard# regulations of the underlying districts shall apply except that in C8-2 Districts, no #rear yard# regulations shall apply to any #zoning lot# abutting a railroad or transit right-of-way.

**145-23**
**Height and Setback Regulations**

In all districts, except in C8-2 Districts, all #developments# and #enlargements# shall comply with the height and setback provisions of this Section.

(a) #Street wall# location rules

For #zoning lots#, or portions thereof, along #streets#, or portions thereof, designated on Map 2 (Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements) in the Appendix to this Chapter, the #street wall# location provisions applicable to a C2 District mapped within an R7A District, as set forth in Section 35-651 (Street wall location), shall apply. For the purposes of applying such regulations, the minimum base height a #street wall# shall rise to, without setback, shall be set forth in paragraph (b) of this Section.

Along other #streets#, no #street wall# location rules shall apply.

(b) Maximum base and building heights

The table in this Section sets forth the maximum base height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings#, or portions thereof. For the purposes of this Section, in a #Commercial District#, the applicable height and setback provisions are the regulations for the #Residence District# within which such #Commercial District# is mapped, the equivalent #Residence District#, or the designated #Residence District# where such district is paired with an M1 District with an A suffix.

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

| District | Minimum Base Height (in feet) | Maximum Base Height (in feet) | Maximum Height of #Buildings or Other Structures# (in feet) | Maximum Number of #Stories# |
|---|---|---|---|---|
| R6A | 40 | 65 | 95 | 9 |
| R6-1 | 40 | 65 | 125 | 12 |
| R7-2 | 40 | 85 | 155 | 15 |
| R7-3 | 60 | 95 | 185 | 18 |
| R8X | 60 | 105 | 175 | 17 |
| R8 | 60 | 105 | 215 | 21 |

(c) Modifications in certain areas

In ~~Subdistricts A and B~~ Subdistrict B and in other areas, the provisions of paragraphs (a) and (b) of this Section shall be modified as follows:

~~(1) Modifications in Subdistrict A~~

~~In Subdistrict A, for #zoning lots# containing #schools# regulated by Section 145-212 (Floor area provisions for zoning lots containing schools in Subdistrict A), the maximum height specified in paragraph (b) of this Section may be increased as-of-right by 40 feet.~~

~~(2)~~(1) Modifications in Subdistrict B

(i) In Subdistrict B, the maximum base and #building# height provisions of an R8 District without a letter suffix, as set forth in paragraph (b) of this Section, shall apply.

(ii) In Subarea B1, portions of #buildings or other structures# located adjacent to an open space, as designated on Map 4 (Subdistrict B, Morris Park Avenue Site Plan) in the Appendix to this Chapter, may rise without setback, provided that such open space has a minimum depth of 30 feet from the point of intersection of two #street lines#. For the purposes of applying the #street wall# location rules of paragraph (a) of this Section, the interior boundary of such publicly accessible area shall be considered a #street line#.

(2) Modifications in other areas

In C2 Districts mapped within R8 Districts without a letter suffix, for #zoning lots# with a #street# frontage of at least 200 feet along East Tremont Avenue, the maximum building height set forth in paragraph (b) of this Section shall be increased by 20 feet.

(d) Dormers

For all #buildings#, dormers shall be a permitted obstruction in a required setback, and may be provided in accordance with the provisions of paragraph (c) of Section 23-623. However, as an alternative to such provisions, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the street wall of the highest story entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

**145-30**
**SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS**

The #accessory# off-street parking and loading regulations of the underlying districts are modified by the provisions of this Section, inclusive.

~~**145-31**~~
~~**Accessory Off-street Parking Spaces for Residences**~~

~~In the #Special Eastchester – East Tremont Corridor District#, no #accessory# off-street parking shall be required for #residences#.~~

**~~145-32~~ 145-31**
**Accessory Off-street Parking Spaces for Non-residential Uses**

In all #Commercial Districts#, the #accessory# off-street parking requirements for #manufacturing#, #commercial# or #community facility# #uses#, applicable to a C4-4 District, shall apply.

**~~145-33~~ 145-32**
**Public Use of Accessory Parking**

All required or permitted #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days of a written request for such space made to the landlord.

**~~145-34~~ 145-33**
**Loading Regulations**

For the purposes of applying the provisions of Section 36-60 (OFF-STREET LOADING REGULATIONS), the #accessory# off-street loading berth requirements of C4-4 Districts shall apply in all #Commercial Districts#.

**145-40**
**SPECIAL APPROVALS**

In Subdistrict A, a #floor area# bonus for public realm improvements shall be granted pursuant to the provisions of Section 145-41 (Special Approvals in Subdistrict A).

In portions of Subdistrict B, special approvals for a transfer of #floor area# or #floor area# bonus for public realm improvements may be granted pursuant to the provisions of Section 145-42 (Special Approvals in Subdistrict B).

**145-41**
**Special Approvals in Subdistrict A**

In Subdistrict A, the Chairperson of the City Planning Commission shall allow, by certification, a #floor area# bonus where public realm improvements, pursuant to Section 145-411 (Certification for public realm improvements in Subdistrict A), are provided on a single #zoning lot# or on two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or #street# intersection, and:

(a) has or will have an area of at least 1.5 acres; and

(b) has or will be #developed# or #enlarged# as a unit under single fee ownership or alternate ownership arrangements as set forth in the definition of #zoning lot#.

In conjunction with such #floor area# bonus, the Commission may authorize the modification of bulk regulations, other than #floor area ratio#, pursuant to Section 145-412 (Authorization for additional modifications in Subdistrict A).

**145-411**
**Certification for public realm improvements in Subdistrict A**

In Subdistrict A, the Chairperson of the City Planning Commission shall allow a 20 percent increase in the maximum permitted #floor area ratio# on #zoning lots# pursuant to the provisions of Section 145-41 (Special Approvals in Subdistrict A), upon certification to the Commissioner of the Department of Buildings that public realm improvements comprising an Entry Open Space, Western Open Space, Pierce Avenue Extension and supplementary open spaces as designated on Map 3 (Subdistrict A Site Plan) in the Appendix to this Chapter, are provided, Such #floor area ratio# increase and public realm improvements shall be subject to the rules and limitations of paragraph (a), the general requirements of paragraphs (b) and (c), application requirements of paragraph (d), and additional requirements of paragraph (e) of this Section.

(a) Rules and limitations

The following rules and limitations on bonus #floor area# and other #bulk# modifications shall apply:

(1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#; and

(2) For #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 shall not apply to the bonus #floor area# granted under the provisions of this Section.

(b) General requirements for publicly accessible open spaces

Publicly accessible open spaces shall include the Entry Open Space, Western Open Space and supplementary open spaces, as designated on Map 3 in the Appendix to this Chapter.

(1) Location and minimum dimensions

Publicly accessible open spaces shall be provided in the location designated on Map 3 in the Appendix. Such publicly accessible open spaces shall comprise

(i) An Entry Open Space with a minimum area of at least 8,500 square feet and the minimum dimensions set forth on Map 3;

(ii) A Western Open Space with a minimum area of at least 10,000 square feet and the minimum dimensions set forth on Map 3; and

(iii) Three supplementary open spaces with a minimum area of at least 4,800 square feet each, with minimum dimensions set forth on Map 3.

(2) Design requirements

All publicly accessible open spaces shall comply with the following design provisions:

(i) Seating shall be provided in accordance with the requirements of Section 37-741 (Seating);

(ii) Planting and trees shall be provided in accordance with the provisions of Section 37-742 (Planting and trees);

(iii) An average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas, shall be required;

(iv) Litter receptacles shall be provided in accordance with the standards of Section 37-744 (Liter receptacles);

(iv) Bicycle parking shall be provided in accordance with the standards of Section 37-745 (Bicycle parking);

(v) Drinking fountains shall be provided pursuant to the standards set forth in Section 37-746 (Drinking fountains);

(vi) Additional amenities shall be provided and designed pursuant to the standards set forth in Section 37-748 (Additional amenities)

(vii) Permitted obstructions within such area shall be subject to the provisions of Section 37-726 (Permitted obstructions), and any kiosk or open air cafe provided shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes);

(viii) The provisions of Section 37-722 (Level of plaza) and 37-728 (Standards of accessibility for persons with disabilities) shall apply to such area, and any steps provided shall be subject to the provisions of Section 37-725 (Steps); and

(ix) Entry plaques and information plaques shall be provided in accordance with the provisions of paragraphs (a) and (b) of Section 37-751 (Public space signage systems).

Notwithstanding the foregoing, up to 50% of two of the publicly accessible open spaces, as designated on Map 3, may consist of playground space designed and equipped in a manner consistent with New York City Department of Parks and Recreation standards.

(3) Hours of public access

Such publicly accessible open spaces shall be accessible to the public each day from 6:00 A.M. to 10:00 P.M..

(c) General requirements for Pierce Avenue Extension

The Pierce Avenue Extension shall be publicly accessible and constructed in accordance with the Department of Transportation Design Streets Manual and approved by the New York City Department of Transportation.

(d) Application requirements

An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include the following materials:

(1) a site plan indicating the area and dimensions of the publicly accessible open space, or portions thereof, and the location of all proposed #developments# subject to the application;

(2) a landscape plan, prepared by a registered landscape architect, for the publicly accessible open spaces; and

(3) for #zoning lots# undergoing phased #development#, a phasing plan shall be submitted to implement the public realm improvements. Such phasing plan shall set forth the amount and location of public realm improvements that will be provided at the time each phase is #developed#. The amount of improvements in any phase shall be proportionate to the #lot area# being #developed# in such phase, except where physical or programmatic constraints make it infeasible to provide such amount of improvements.

(e) Additional requirements

The owner(s) shall be responsible for the maintenance of the Pierce Avenue Extension and other required publicly accessible open spaces, including, but not limited to, litter

control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

At the time of certification, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvements and setting forth the obligations of the owner, its successors and assigns, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the improvements required for the phase associated with such bonus #floor area# have been substantially completed, as determined by the Chairperson, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

**145-412**
**Authorization for additional modifications in Subdistrict A**

In conjunction with an application pursuant to Section 145-411 (Certification for public realm improvements in Subdistrict A), the City Planning Commission may, by authorization, allow the total #floor area#, #lot coverage#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within Subdistrict A to be distributed without regard for #zoning# lot lines. Additionally, the Commission may modify other #bulk# regulations, other than #floor area ratio#.

All such modifications shall be subject to the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section.

(a) Conditions and limitations

~~Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations.~~

For #zoning lots# or portions thereof within 150 feet of Bronxdale Avenue. modifications to maximum permitted #building# height shall not apply. For #zoning lots# or portions thereof beyond 150 feet of Bronxdale Avenue, the maximum permitted #building# height may be modified provided that such modification does not result in an increase that exceeds 13 percent of the maximum #building height#, as set forth in paragraph (b) of Section 145-23 (Height and Setback Regulations).

(b) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(c) Findings

The Commission shall find that:

(1) such distribution of #floor area#, #lot coverage#, #dwelling units#, or #rooming units# will result in a better site plan, and will not:

(i) unduly increase the #bulk# of #buildings# to the detriment of the occupants of #buildings# in the #block# or nearby #blocks#; or

(ii) adversely affect any other #zoning lots# outside of the Subdistrict, by restricting access to light and air; and

(2) modifications to other #bulk# regulations will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area, and will result in an improved distribution of #bulk# that is harmonious with the surrounding area.

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

**145-42**
**Special Approvals in Subdistrict B**

For certain portions of Subarea B1, a transfer of #floor area# from a granting site to a receiving site shall be allowed by certification of the Chairperson of the City Planning Commission, pursuant to Section 145-421 (Certification for transfer of floor area).

For #qualifying public realm improvement sites# in Subarea B1, the City Planning Commission may grant, by authorization, a #floor area# bonus for transit and station area improvements pursuant to Section 145-422 (Authorization for qualifying public realm improvement sites). In conjunction with such #floor area# bonus, the Commission may authorize #bulk# modifications,

other than modifications to the #floor area ratio#, pursuant to Section 145-423 (Authorization for additional modifications on qualifying public realm improvement sites).

**145-421**
**Certification for transfer of floor area**

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of #floor area# from the Improvement Area located in Subarea B1, as shown on Map 4 (Subdistrict B, Morris Park Avenue Site Plan) in the Appendix to this Chapter, to a #zoning lot# fronting on Morris Park Avenue or other #zoning lots# on the #block# contiguous to the Improvement Area. Such certification for a transfer of #floor area# shall be subject to the conditions of paragraph (a), and application requirements of paragraph (b) of this Section.

For the purposes of this Section, the "granting site" shall mean the Improvement Area that transfers #floor area# pursuant to this Section, and a "receiving site" shall mean a #zoning lot# that receives additional #floor area# pursuant to this Section.

(a) Conditions

(1) the maximum amount of #floor area# that may be transferred from the granting site shall equal the area designated on Map 4 multiplied by the maximum #floor area ratios# pursuant to the zoning district within Subdistrict B. Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred; and

~~(2) the maximum #building# height for a receiving site shall be increased by 25 percent; and~~

(3) all certificates of occupancy have been surrendered for such granting site, and all structures on such granting site have been demolished.

(b) Application requirements

An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the granting site and the receiving site. Such application shall include site plans and zoning calculations for the granting site and receiving site showing the additional #floor area# associated with the transfer.

Additionally, at the time of certification, the owners of the granting site and the receiving site shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the granting site and the receiving site shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation shall be submitted to the Chairperson. Both the transfer instrument and the notices of restrictions shall specify the total amount of

#floor area# transferred and shall specify, by #block# and lot numbers, the granting site and the receiving site that are a party to such transfer.

The Chairperson shall certify to the Department of Buildings that a #development# or #enlargement# is in compliance with the provisions of this Section only after the transfer instrument and notice of restrictions required by this paragraph have been executed and recorded with proof of recordation provided to the Chairperson. Such certification shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development#.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing #floor area# associated with the transfer on the receiving site until the granting site has been conveyed to the City for improvement, as a #street#, as provided on the City Map.

A separate application shall be filed for each transfer of #floor area# to any receiving site pursuant to this Section.

**145-422**
**Authorization for qualifying public realm improvement sites**

For #qualifying public realm improvement sites# in Subarea B1, the City Planning Commission may authorize an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent, where transit and public realm improvements are provided to enhance access, circulation and complementary open spaces between a future #mass transit station# and its surrounding area. All applications pursuant to this Section shall be subject to the rules and limitations set forth in paragraph (a), conditions set forth in paragraph (b), application requirements set forth in paragraph (c), findings set forth in paragraph (d), and additional requirements set forth in paragraph (e) of this Section.

(a) Rules and limitations

The following rules and limitations on bonus #floor area# and other bulk modifications shall apply:

(1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#; and

(2) For #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 shall not apply to the bonus #floor area# granted under the provisions of this Section.

(b) Conditions

All applications shall include on-site or off-site improvements that will enhance access to and circulation between such #mass transit station# and its surrounding areas. Such improvements may consist of:

(1) accessibility or capacity-enhancing improvements to the #mass transit station#, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to #the #mass transit station#; or

(2) publicly accessible open spaces, of ample size, for public use and enjoyment, at or around the #mass transit station#. Such improvements may include pedestrian plazas and other types of active or passive open spaces and shall be characteristic of best practices in plaza design, as set forth by the Department of Transportation.

(c) Application requirements

All applications shall include a site plan indicating the area and dimensions of the proposed improvements to the #mass transit station# or proposed publicly accessible open spaces. In addition, for applications involving accessibility or capacity-enhancing improvements to the #mass transit station#, the following shall be provided:

(1) Prior to submitting an application, the applicant shall submit a schematic or concept plan for the proposed improvement to the Metropolitan Transportation Authority and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the Metropolitan Transportation Authority to evaluate and determine the constructability of such proposed improvement.

(2) At the time of application referral, the Commission shall be provided with the following application materials:

(i) a letter from the Metropolitan Transportation Authority containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;

(ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and

(iii) initial plans for the maintenance of the proposed improvements.

(d) Findings

In order to grant such #floor area# bonus, the Commission shall find that:

(1) the public benefit derived from such improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to the authorization;

(2) for accessibility or capacity-enhancing improvements for the #mass transit station#, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and

(3) for publicly accessible open spaces, the proposed improvements will, to the extent practicable:

(i) consist of a prominent space of generous proportions and quality design that is inviting to the public, resulting in high-quality public space;

(ii) provide comfortable places for resting, suitable amenities for occupants and opportunities for planting; and

(iii) be designed in a manner that is cohesive and harmonious with the pedestrian circulation network.

(e) Additional requirements

For all applications, additional requirements set forth in this paragraph shall apply

(1) For applications involving accessibility or capacity-enhancing improvements to the #mass transit station# the following requirements shall be met prior to the granting of such #floor area# bonus:

(i) To the extent required by the Metropolitan Transportation Authority, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the Metropolitan Transportation Authority deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#; and

(ii) The City Planning Commission shall be provided with a final letter of approval from the Metropolitan Transportation Authority stating that the drawings and other documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvements and setting forth the obligations of the owner, its successors and assigns, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, where applicable, and such improvements are usable by the public. Such portion of the building utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

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

**145-423**
**Authorization for additional modifications for qualifying public realm improvement sites**

In conjunction with an application pursuant to Section 145-422 (Authorization for qualifying public realm improvement sites), the City Planning Commission may, by authorization, modify bulk regulations, other than #floor area ratio# and maximum #building height#, provided that the Commission determines that ~~the conditions and limitations set forth in paragraph (a),~~ the application requirements of paragraph ~~(b)~~ (a) and the findings set forth in paragraph ~~(c)~~ (b) of this Section are met.

~~(a)~~ ~~Conditions and limitations~~

~~Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations.~~

~~(b)~~(a) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

~~(c)~~(b) Findings

The Commission shall find that:

(1) such proposed modifications are necessary to accommodate the additional #floor area# granted pursuant to Section 145-422; and

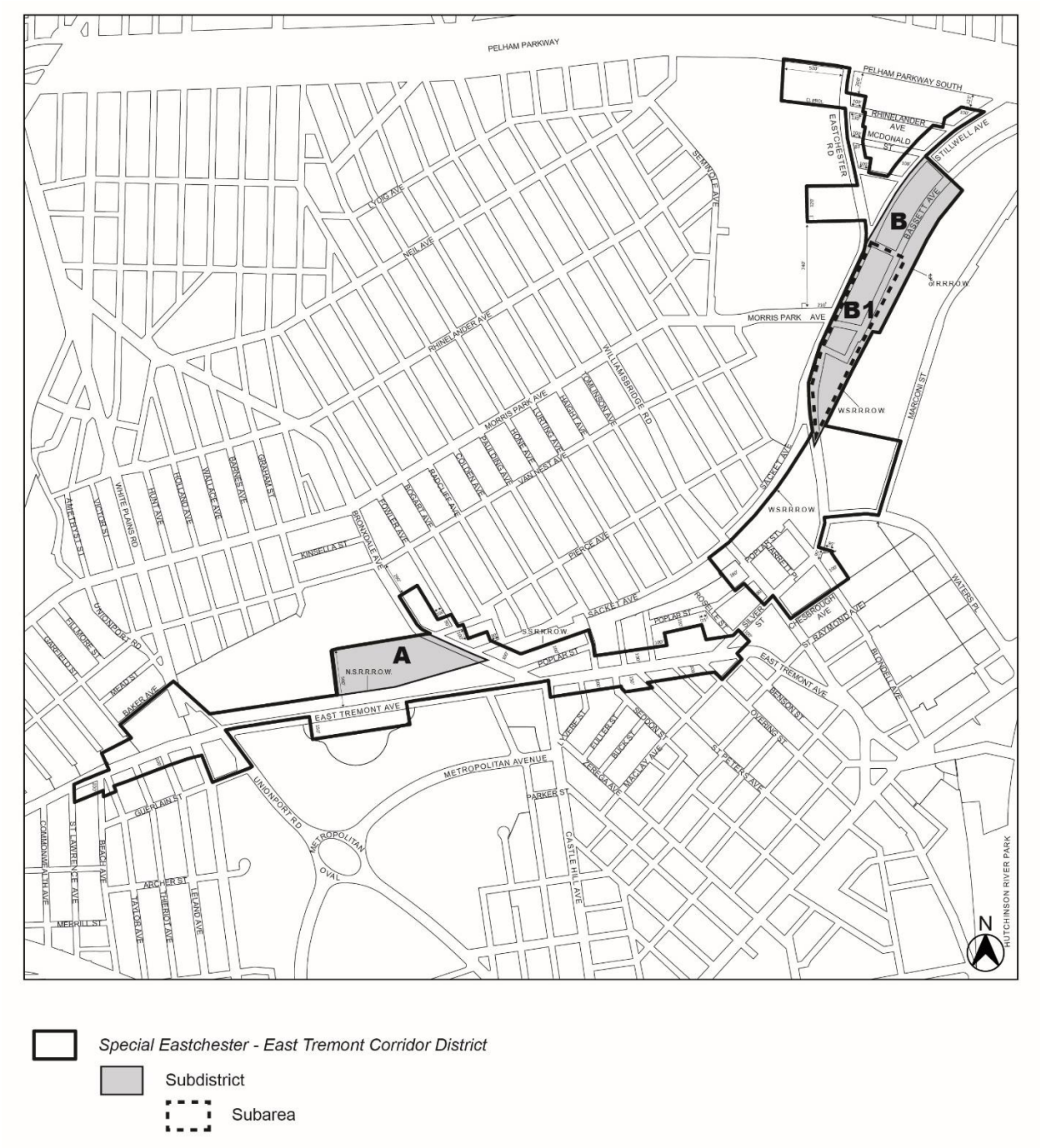
(2) any modifications to #bulk# regulations will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area, and will result in an improved distribution of #bulk# that is harmonious with the surrounding area.

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

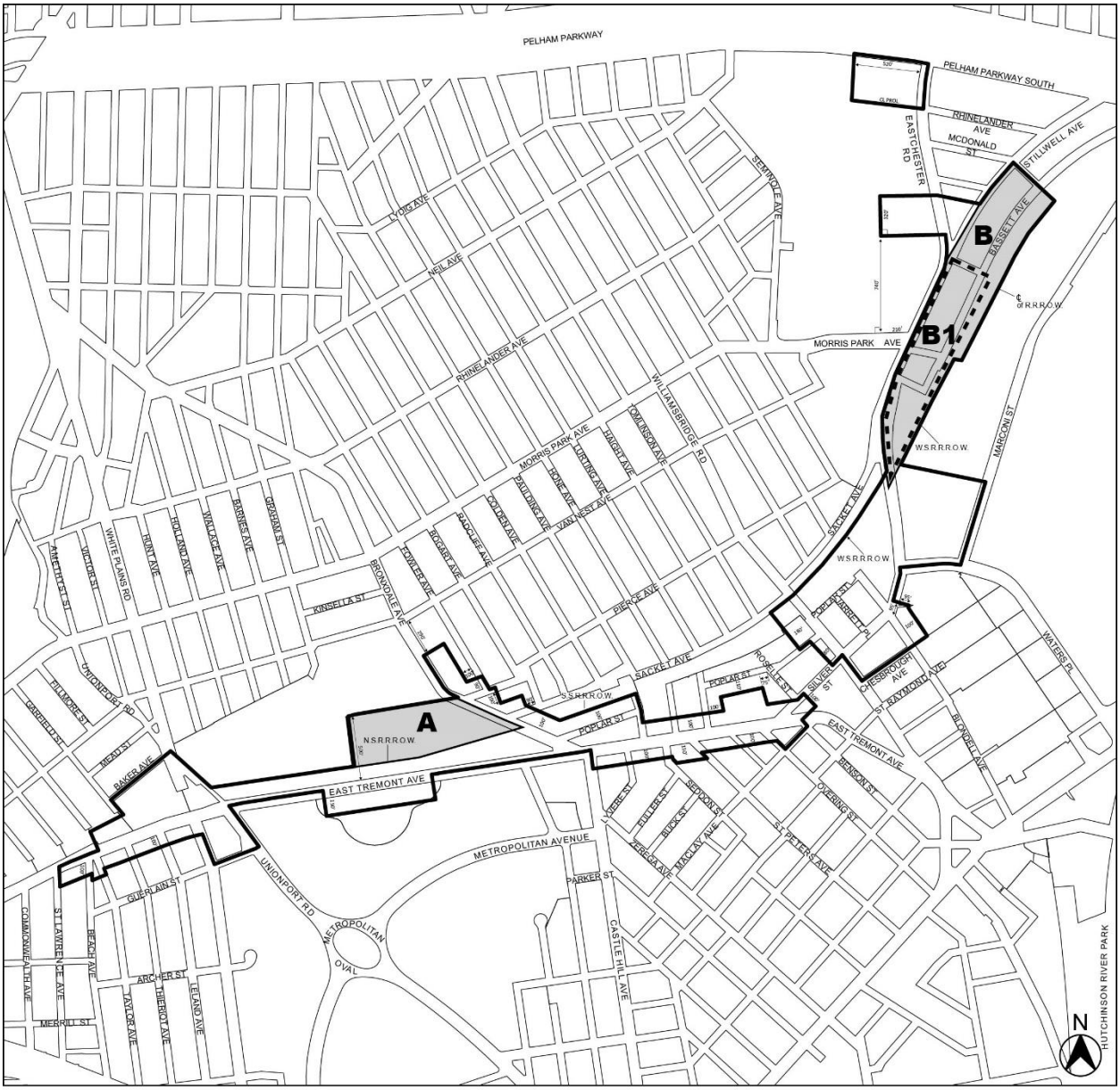
**APPENDIX**
**Special Eastchester – East Tremont Corridor District Plan**

Map 1. Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas

[PROPOSED MAP AS APPROVED BY THE CITY PLANNING COMMISSION]



[PROPOSED MAP AS MODIFIED BY THE CITY COUNCIL]



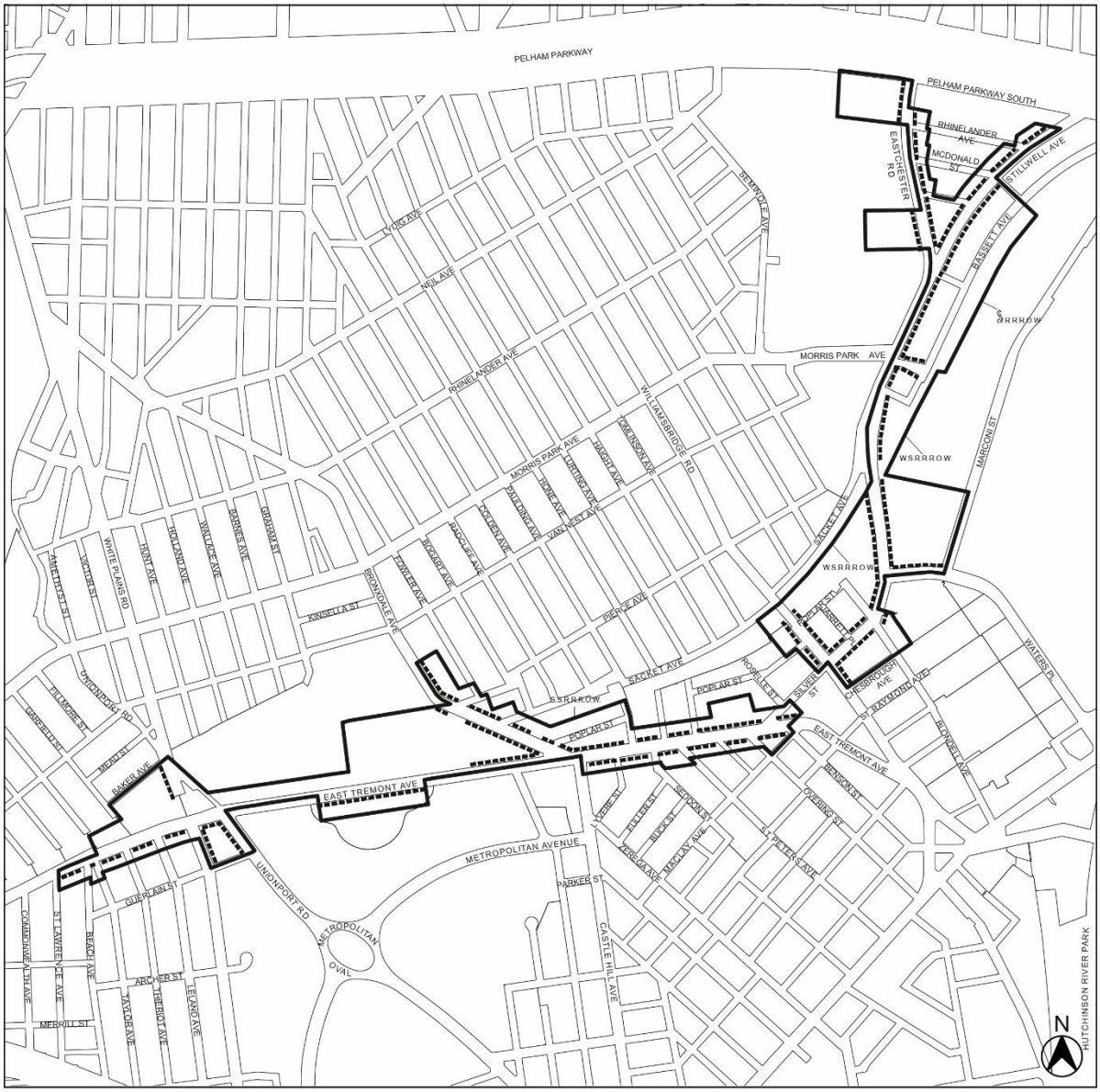

*Special Eastchester - East Tremont Corridor District*

Subdistrict

Subarea

Map 2. Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements

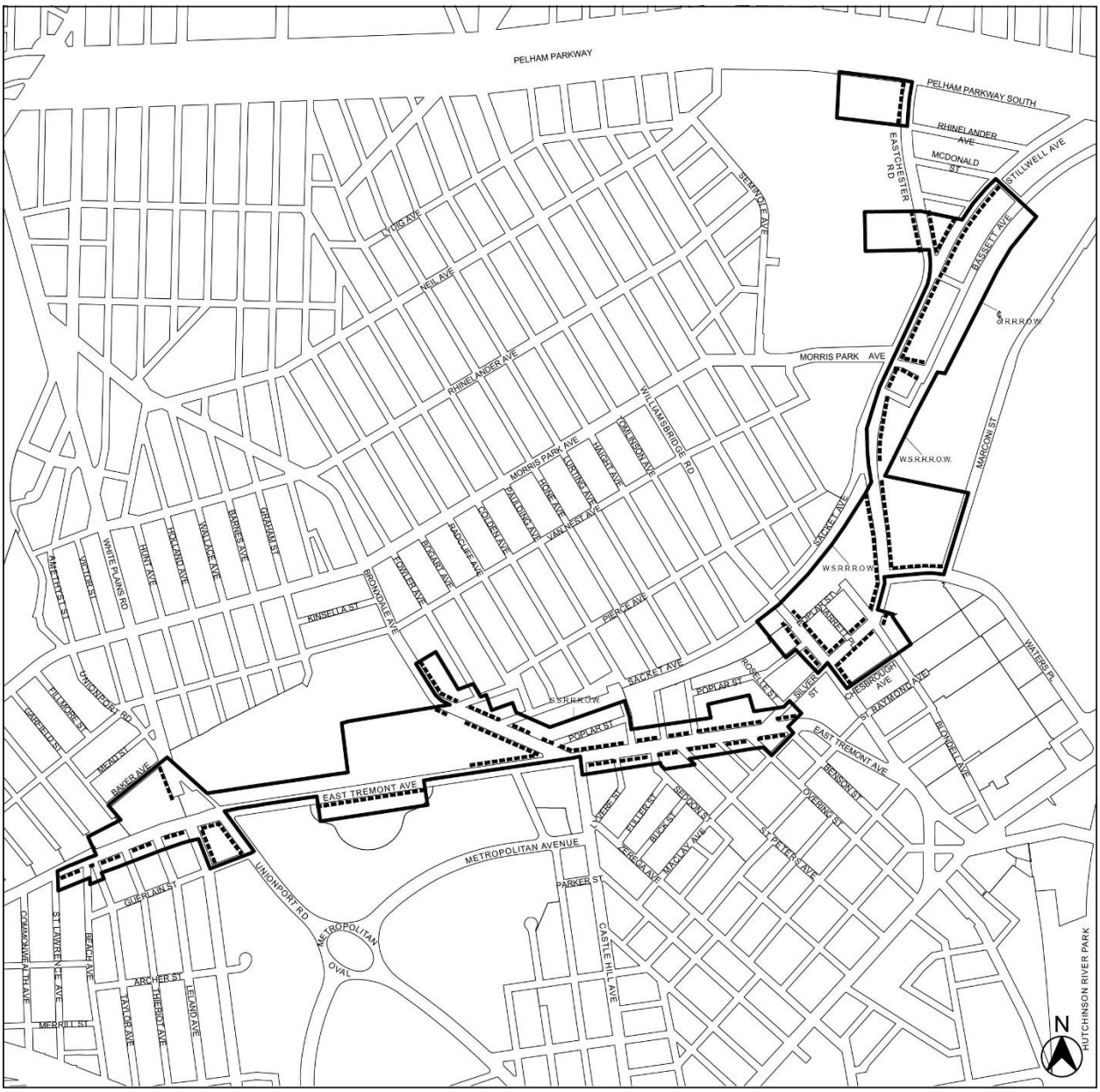
[PROPOSED MAP AS APPROVED BY THE CITY PLANNING COMMISSION]




*Special Eastchester - East Tremont Corridor District*

Tier C Street Frontage

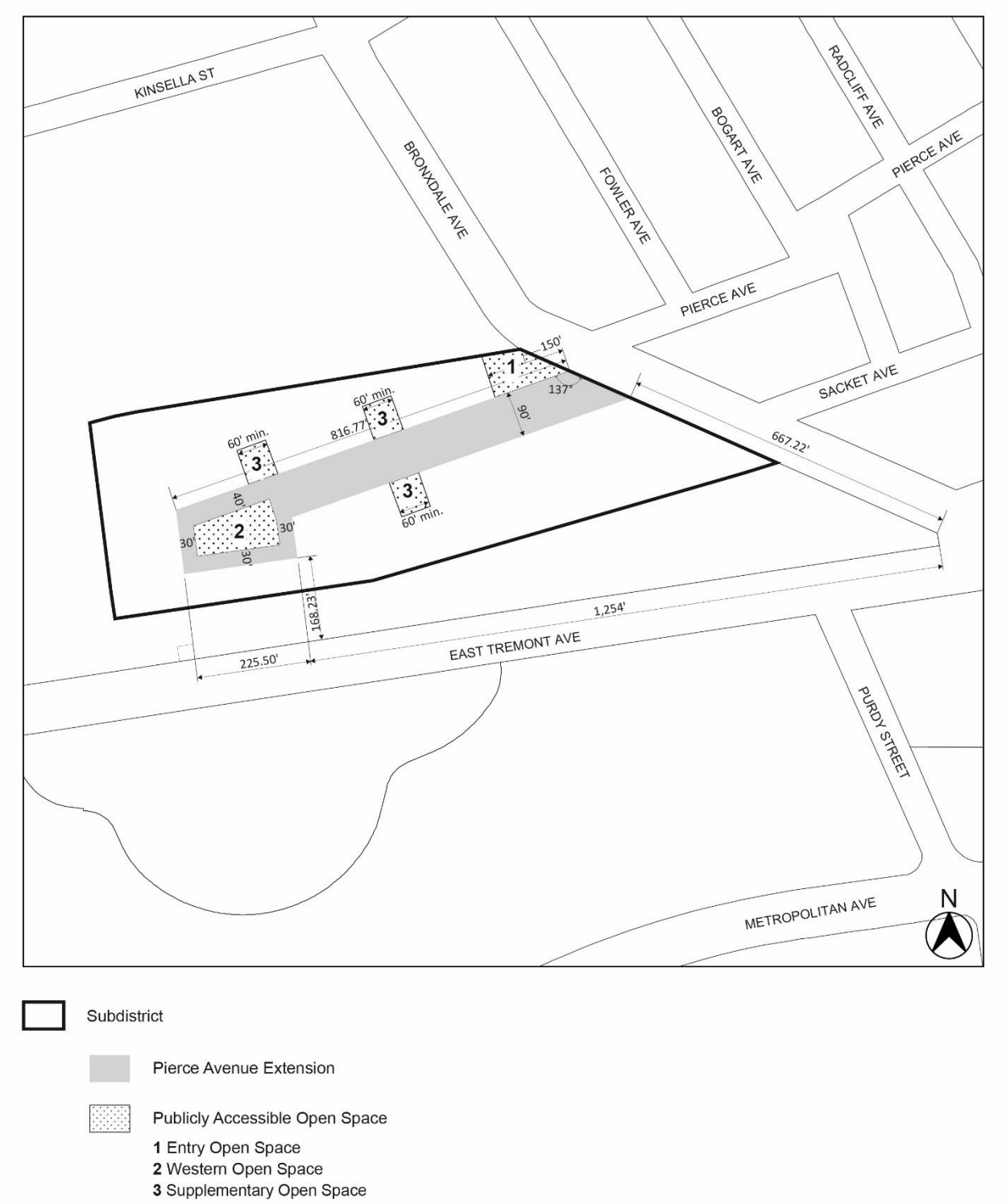
[PROPOSED MAP AS MODIFIED BY THE CITY COUNCIL]



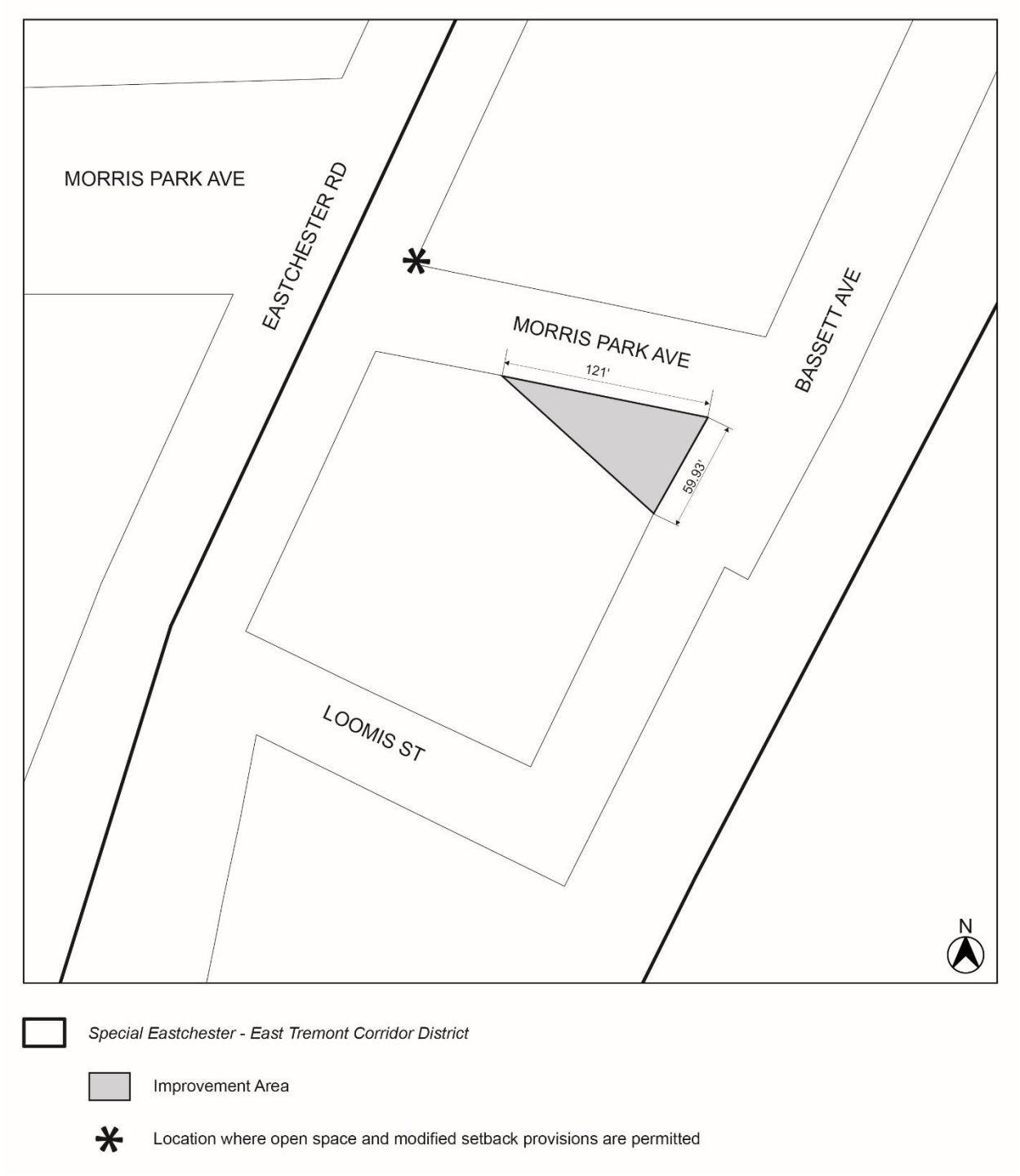

*Special Eastchester - East Tremont Corridor District*

Tier C Street Frontage

Map 3. Subdistrict A Site Plan



Map 4. Subdistrict B, Subarea B1, Morris Park Avenue Site Plan




*  *  *

**APPENDIX F**
**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

*  *  *

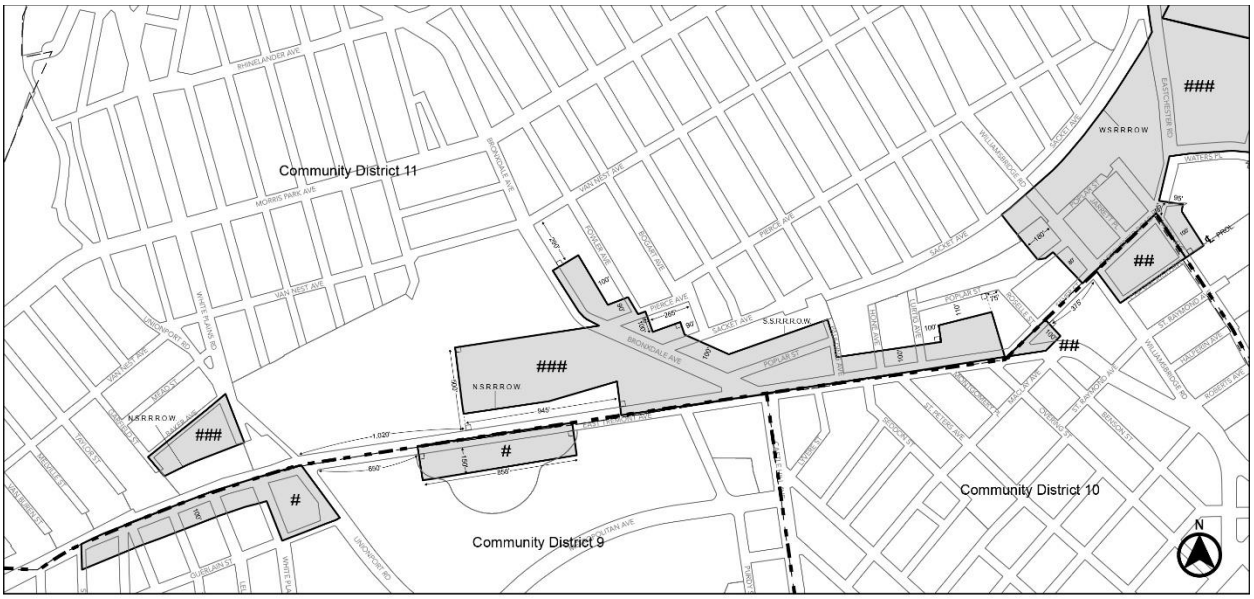
**THE BRONX**

*  *  *

**<u>Bronx Community District 9, 10, 11</u>**

<u>Map 1 – [date of adoption]</u>

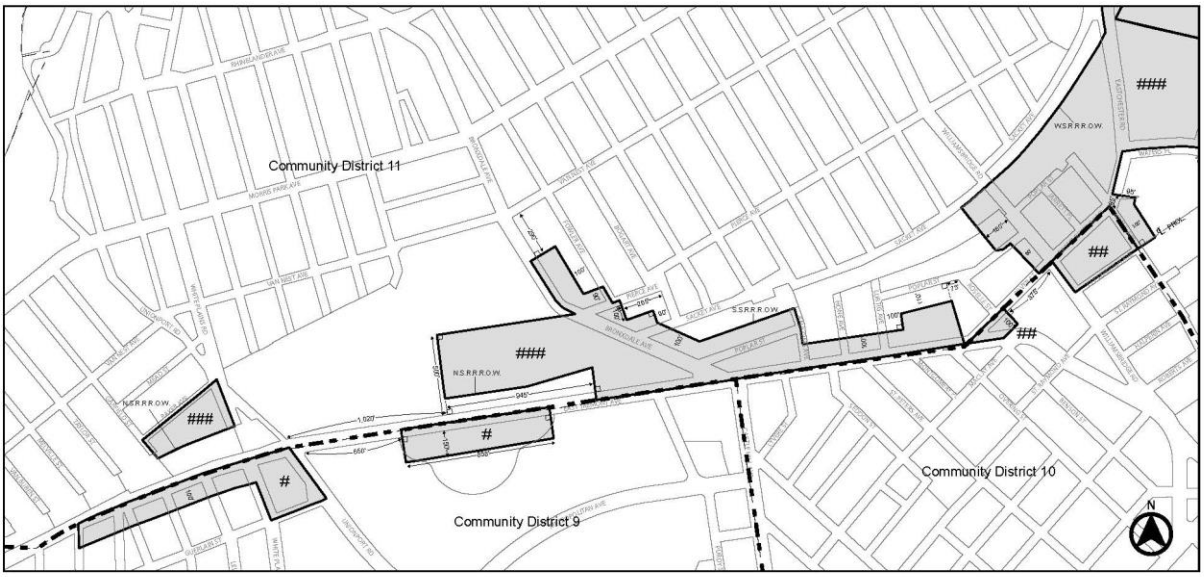
[PROPOSED MAP AS APPROVED BY THE CITY PLANNING COMMISSION]




Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
<u>Area # – [date of adoption] MIH Program Options 1 and 2</u>
<u>Area ## – [date of adoption] MIH Program Options 1 and 2</u>
<u>Area ### – [date of adoption] MIH Program Options 1 and 2</u>

<u>Community District Boundaries</u>

[PROPOSED MAP AS MODIFIED BY THE CITY COUNCIL]




Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)* Community District Boundaries
Area # – [date of adoption] MIH Program Option~~s~~ 1 and ~~2~~ Deep Affordability Option
Area ## – [date of adoption] MIH Program Option~~s~~ 1 and ~~2~~ Deep Affordability Option
Area ### – [date of adoption] MIH Program Option~~s 1 and~~ 2

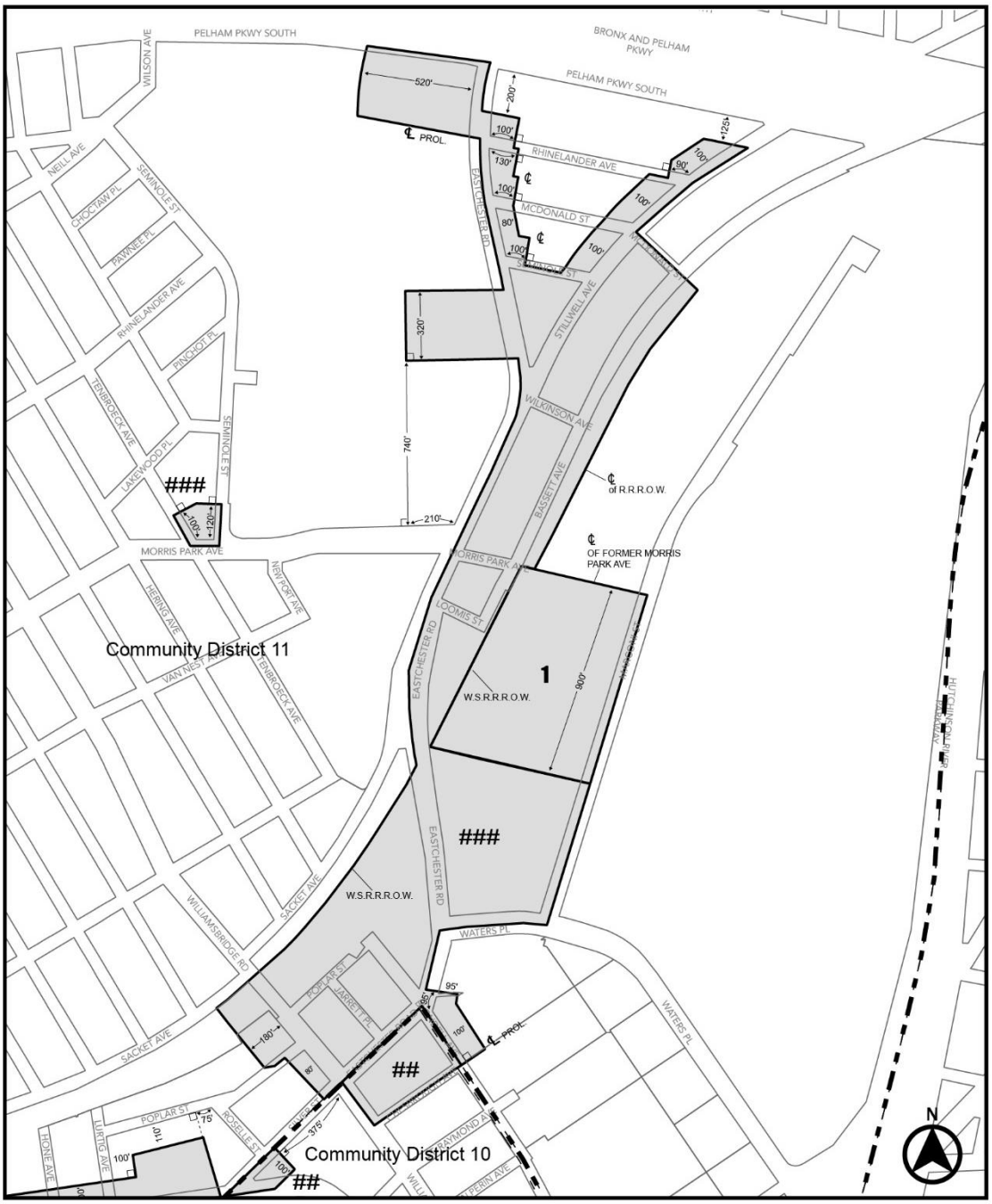
Portion of Community Districts 9, 10 and 11, The Bronx

* * *

**Bronx Community District ~~9,~~ 10, 11**

Map 1 – [date of adoption]

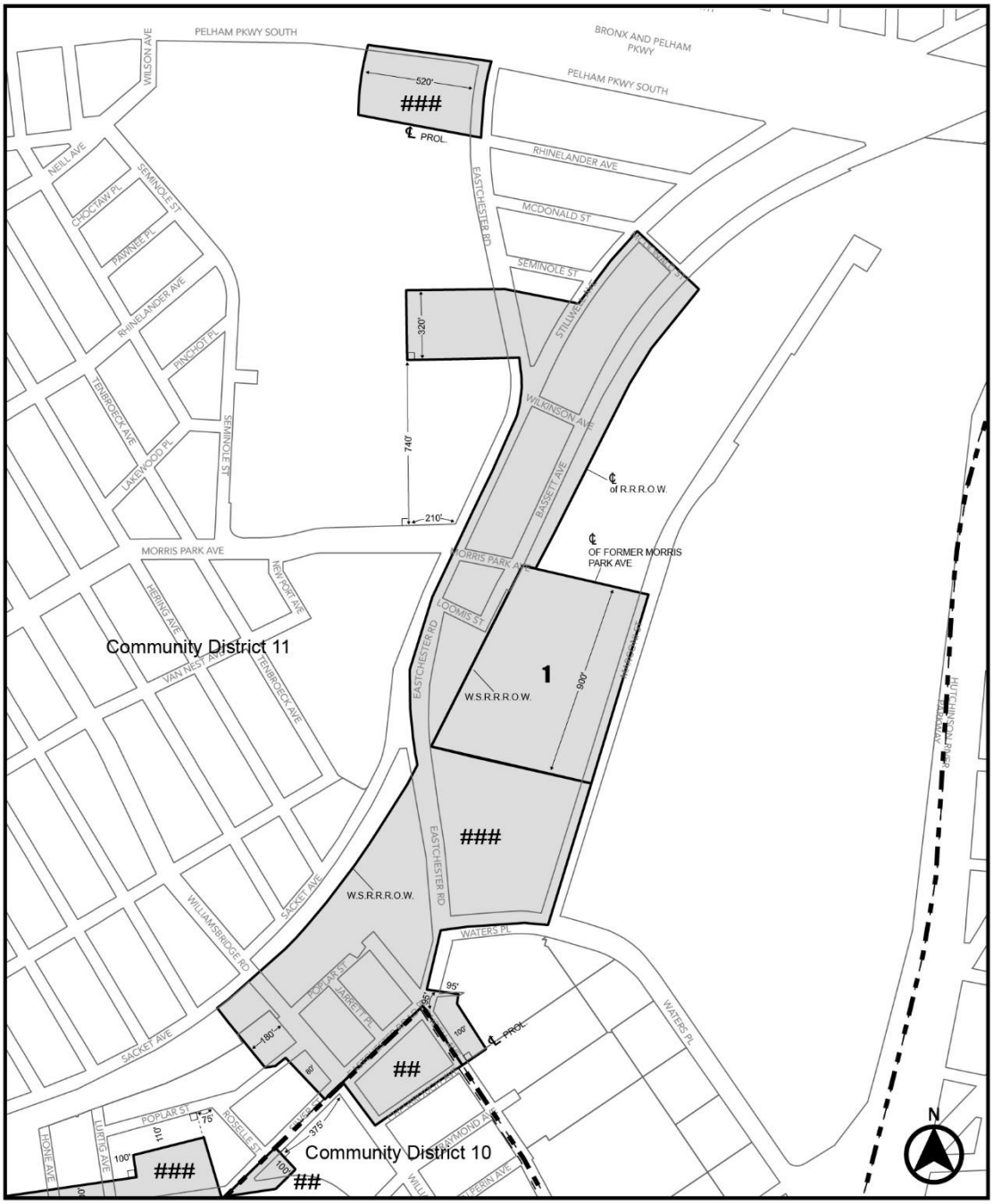
[PROPOSED MAP AS APPROVED BY THE CITY PLANNING COMMISSION]




Community District Boundaries

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** – 12/19/17 MIH Program Option 2
Area ## – [date of adoption] MIH Program Options 1 and 2
Area ### – [date of adoption] MIH Program Options 1 and 2

[PROPOSED MAP AS MODIFIED BY THE CITY COUNCIL]




Community District Boundaries

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** – 12/19/17 MIH Program Option 2
Area ## – [date of adoption] MIH Program Option~~s~~ 1 and ~~2~~ Deep Affordability Option
Area ### – [date of adoption] MIH Program Option~~s 1 and~~ 2

Portion of Community Districts 10 and 11, The Bronx

*  *  *

**APPENDIX I**
**Transit Zone**

The boundaries of the Transit Zone are shown on the maps in this APPENDIX. The Transit Zone includes:

all of Manhattan Community Districts 9, 10, 11 and 12;

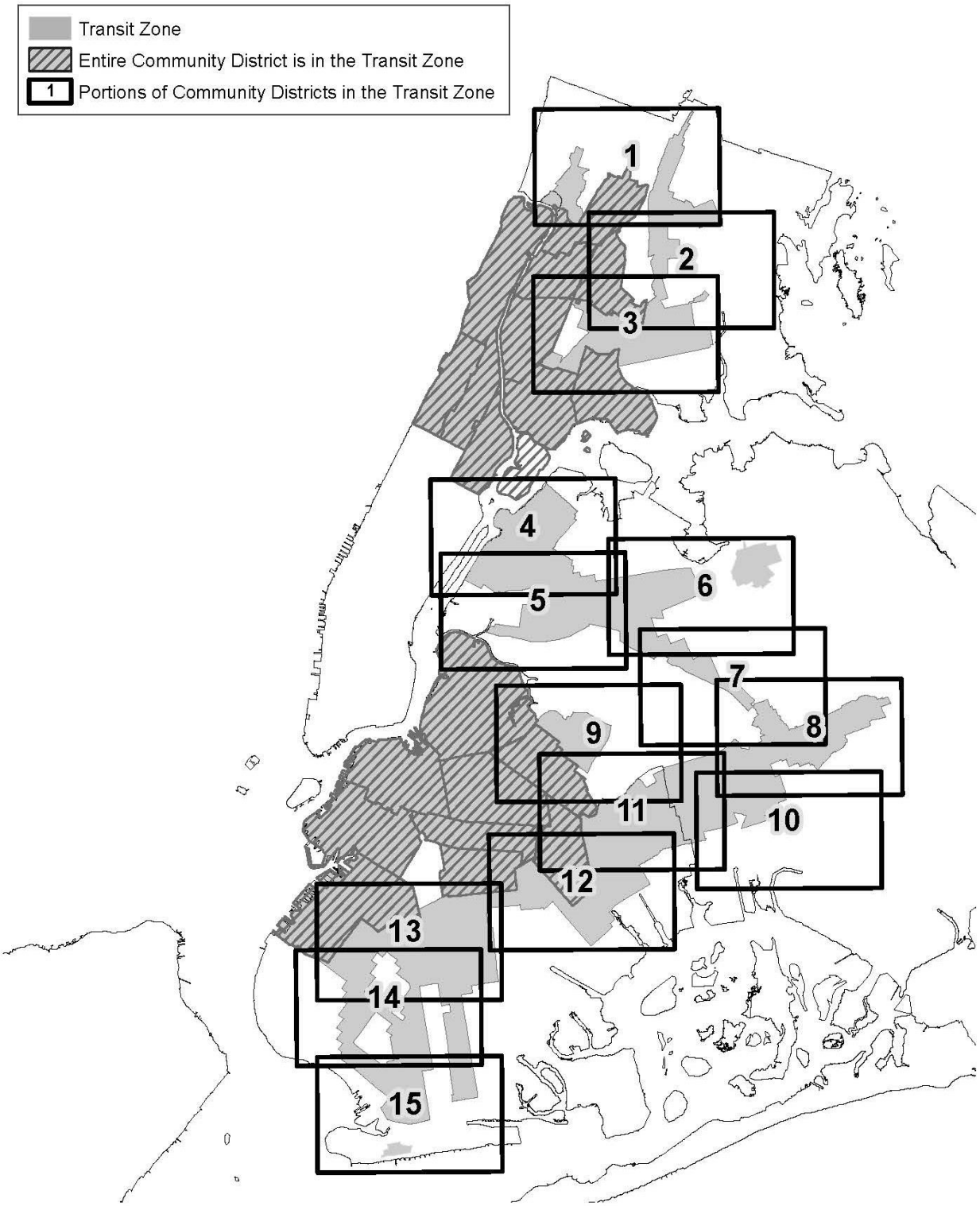
all of Bronx Community Districts 1, 2, 4, 5, 6, and 7; and

all of Brooklyn Community Districts 1, 2, 3, 4, 6, 7, 8, 9 and 16.

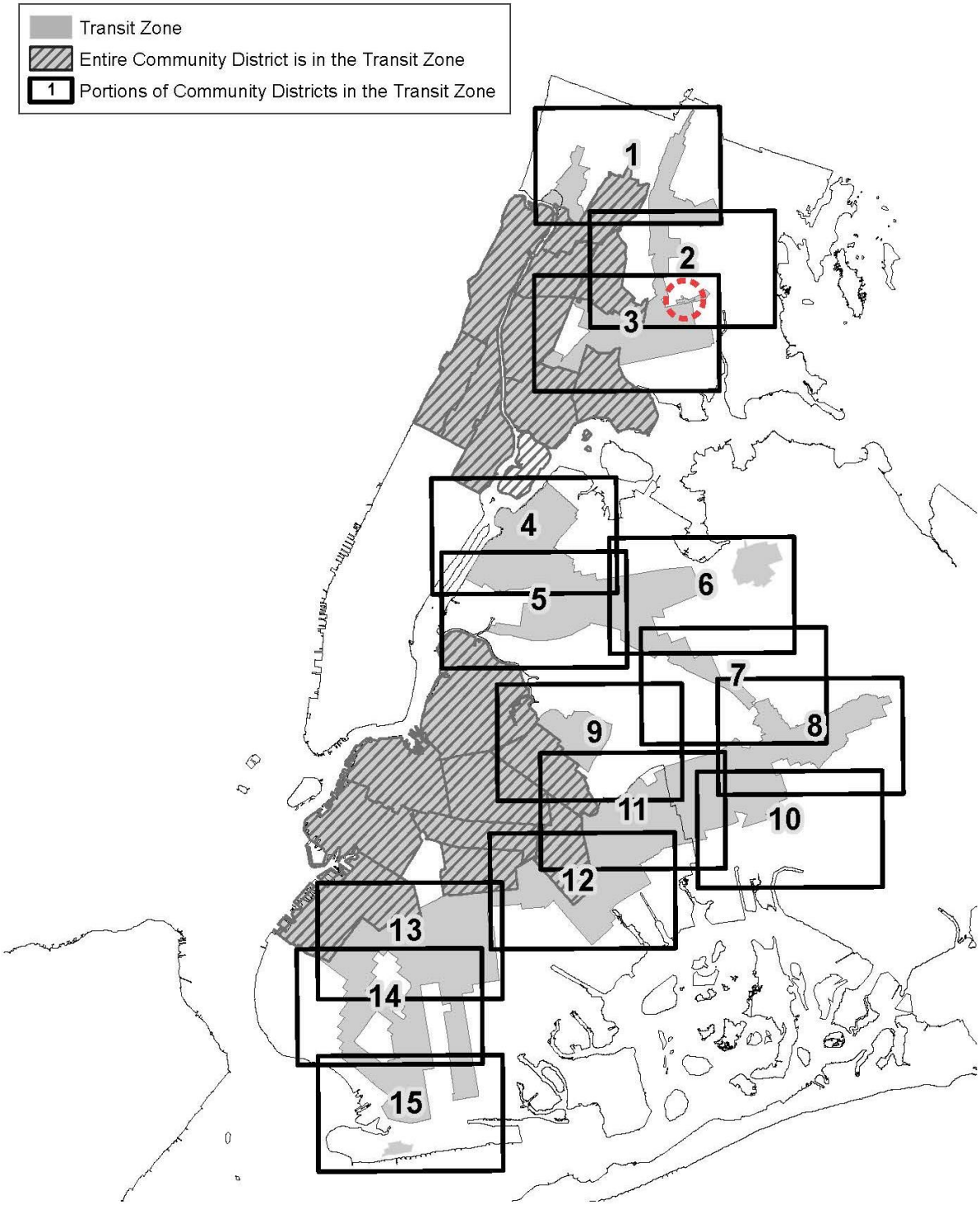
Portions of other Community Districts in the Transit Zone are shown on Transit Zone Maps 1 through 15 in this APPENDIX.

*  *  *

[EXISTING MAP]



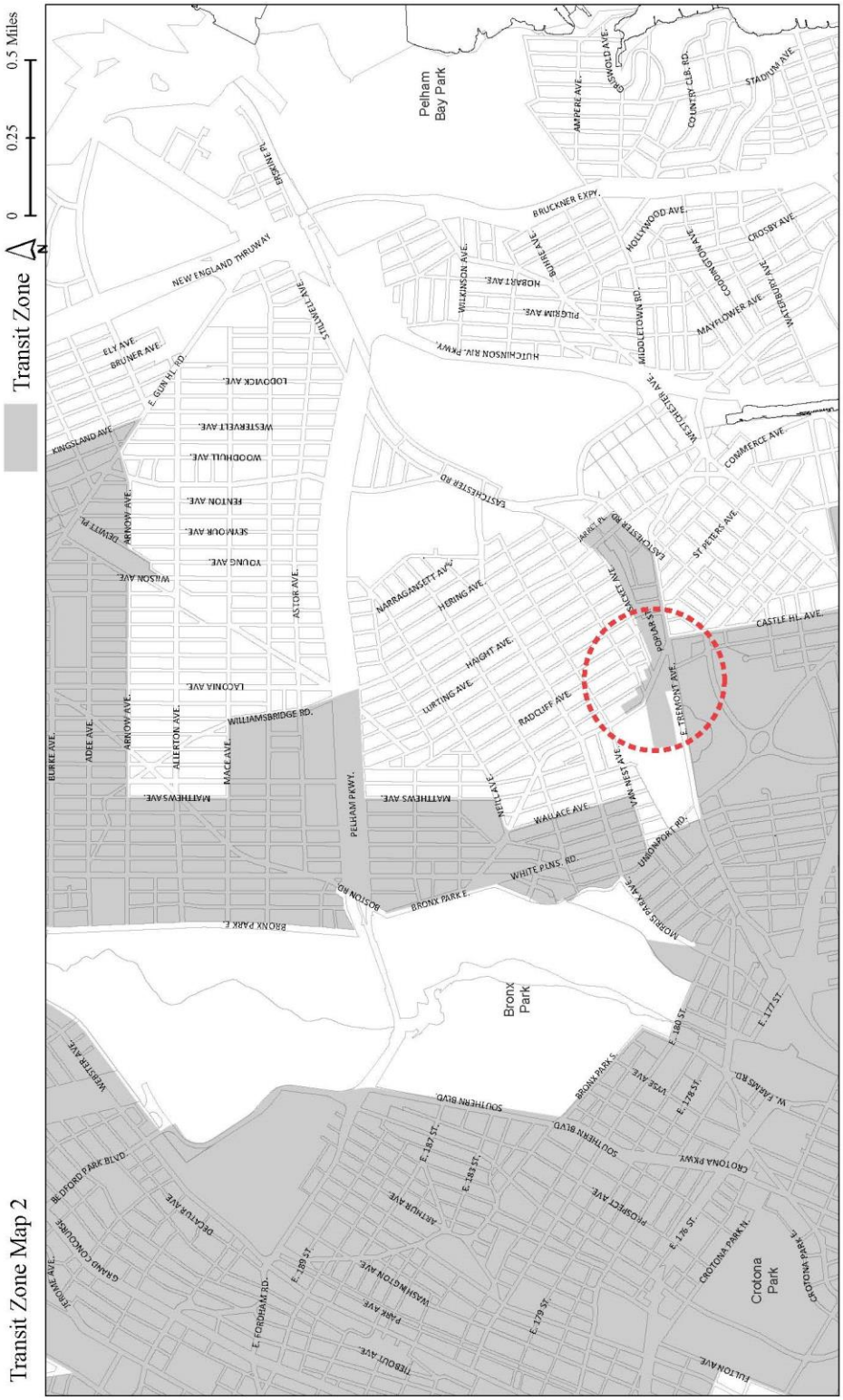
[PROPOSED MAP]




*  *  *

[EXISTING MAP]

[PROPOSED MAP]



[EXISTING MAP]

[PROPOSED MAP]

* * *