



IN THE MATTER OF an application submitted by Markland 445 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 1.

This application (N 180089 ZRX) for an amendment of Section 123-63 and Appendix F of the Zoning Resolution of the City of New York was filed by Markland 745 LLC on September 5, 2017, in conjunction with one related action. This application and the related action would facilitate the construction of a mixed-use building with affordable residential units and ground floor retail space in the Port Morris neighborhood of Bronx Community District 1.

RELATED ACTIONS

In addition to the zoning text amendment (N 180089 ZRX) that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 180088 ZMX Zoning Map Amendment to change an M1-2 and M1-2/R6A zoning district to M1-2/R6A and M1-4/R7D districts and to extend the adjacent MX-1 Special Mixed Use District

BACKGROUND

A full background discussion and description of this application appears in the report for the related action (C 180088 ZMX).

ENVIRONMENTAL REVIEW

This application (C 180088 ZMX), in conjunction with the application for the related action (N 180089 ZRX) was reviewed pursuant to the New York State Environmental Quality Review Act

(SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Department of City Planning. The designated CEQR number is 18DCP007X.

A summary of the environmental review appears in the report for the related action (C 180088 ZMX).

PUBLIC REVIEW

This application (N 180089 ZRX) was referred to Bronx Community Board 1 and the Bronx Borough President for information and review in accordance with the procedures for non-ULURP actions, along with the application for the related action (C 180089 ZMX), which was certified as complete by the Department of City Planning on November 27, 2017, and duly referred to Bronx Community Board 1 and the Bronx Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Bronx Community Board 1 adopted a resolution recommending approval of the application (N 180089 ZRX) with conditions on January 25, 2018 by a vote of 15 in favor and seven opposed.

A summary of the vote and recommendations of Community Board 1 appears in the report for the related action (C 180088 ZMX).

Borough President Recommendation

This application (N 180089 ZRX) was considered by the Bronx Borough President, who on February 15, 2018 issued a recommendation to approve the application. A summary of the Borough President's recommendation appears in the report for the related action (C 180088 ZMX).

City Planning Commission Public Hearing

On February 28, 2018 (Calendar No. 2), the City Planning Commission scheduled March 14, 2018 for a public hearing on this application (N 180089 ZRX) and the application for the related action. The hearing was duly held on March 14, 2018 (Calendar No. 16). Two speakers testified in favor of the application and one testified in opposition, as described in the report for the related action (C 180088 ZMX).

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (N 180089 ZRX) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*) The designated WRP number is 16-095.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 180089 ZRX), in conjunction with the application for the related action (C 180088 ZMX), is appropriate.

A full consideration and analysis of issues, and the reasons for approving this application, appear in the report for the related action (C 180088 ZMX).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

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

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

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

ARTICLE XII SPECIAL PURPOSE DISTRICTS

Chapter 3 Special Mixed Use District

* * *

123-60 SPECIAL BULK REGULATIONS

* * *

123-63 Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section 23-151 (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Sections 23-153 (For Quality Housing buildings) or 23-155 (Affordable independent residences for seniors), as applicable.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Sections 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-154 (Inclusionary Housing). The locations of such districts are specified in APPENDIX F of this Resolution.

#Special Mixed Use District#	Designated #Residence District#
<u>MX-1 – Community District 1, Bronx</u>	<u>R6A R7D</u> R7A R8A
MX 2 - Community District 2, Brooklyn	R6A
MX 4 – Community District 3, Brooklyn	
MX 8 - Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11 - Community District 6, Brooklyn	R7-2
MX 13 – Community District 1, The Bronx	R6A R7A R7X R8A
MX 14 - Community District 6, The Bronx	R7A R7X
MX 16 - Community Districts 5 and 16 Brooklyn	R6A R7A R7D R8A

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APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

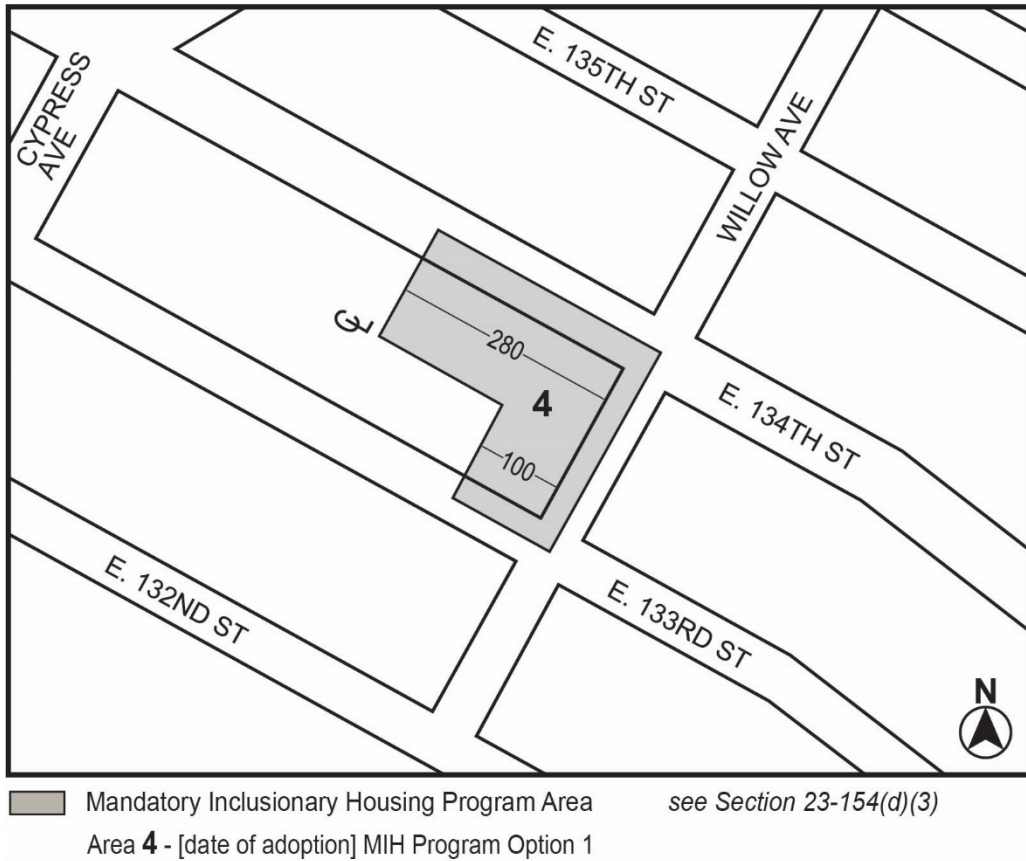
THE BRONX

The Bronx Community District 1

* * *

Map 4 – [date of adoption]

[PROPOSED MAP]



Portion of Community District 1, The Bronx

The above resolution (N 180089 ZRX), duly adopted by the City Planning Commission on April 11, 2018 (Calendar No. 2), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice Chair*

RAYANN BESSER, ALFRED C. CERULLO, III,

MICHELLE R. DE LA UZ, RICHARD W. EADDY,

CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, *Commissioners*