



September 7, 2016 / Calendar No. 11

C 160251 ZMX

IN THE MATTER OF an application submitted by MLK Plaza LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6c:

1. changing from an M1-2 District to an R7X District property bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147th Street, a line 100 feet northeasterly of East 147th Street, Austin Place, East 147th Street, Timpson Place, and a line 100 feet southwesterly of East 147th Street;
2. changing from an M1-3 District to an R7X District property bounded by Timpson Place, East 147th Street, Austin Place, and a line 100 feet southwesterly of East 147th Street; and
3. establishing within a proposed R7X District a C1-4 District bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147th Street, a line midway between Southern Boulevard and Timpson Place, and a line 100 feet southwesterly of East 147th Street.

Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 9, 2016, and subject to the conditions of CEQR Declaration E-385.

This application for an amendment of the Zoning Map (C 160251 ZMX) was filed by MLK Plaza LLC on March 23, 2016 to facilitate the development of a new 165-unit affordable housing building in the Mott Haven neighborhood in Borough of the Bronx, Community District 1.

RELATED ACTIONS

In addition to the zoning map amendment, which is the subject of this report (C 160251 ZMX), 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:

N 160250 ZRX Zoning Text Amendment pursuant to Appendix F to establish a Mandatory Inclusionary Housing Designated Area.

BACKGROUND

The applicant seeks approval of amendments to the zoning map and zoning text to facilitate construction of a new, 165-unit affordable housing development on 4 tax lots (Block 2600, Lots 187, 222, 220, and 213) located at East 147th Street, between Austin Place and Timpson Place. In order to achieve the proposed development, the applicant requested approval of a proposed zoning map amendment for a rezoning from M1-2 and M1-3 to R7X and R7X/C1-4.

The proposed rezoning area has been mapped for industrial uses since 1961. The current M1-2 district allows the development of industrial and commercial uses up to 2.0 FAR, and the M1-3 district allows these same uses up to 5.0 FAR. Each district allows some community facility uses (use group 4) up to 4.8 and 6.5 FAR, respectively. Neither district requires side yards but both require 20' rear yards. M1-2 districts allow front walls of 60' (or 4 stories, whichever is less) before requiring stepping back in accordance with the sky exposure plane. M1-3 districts allow front walls of 85' (or 6 stories, whichever is less) before require stepping back in accordance with the sky exposure plane. Each district requires parking, the amount of which depends on the use (ranging from 1 space per 300 square feet to 1 space per 1,000 square feet).

The proposed R7X district would permit residential uses up to 6.0 FAR in inclusionary housing districts with a height limit of 145'. 1 parking space is required per every .5 units. There is no parking requirement for affordable uses. The R7X district would not impose a requirement for a side yard, but would require 30' rear yards. The proposed C1-4 district would allow neighborhood-serving commercial uses and allow, within the R7X district, a maximum of 2.0 FAR.

The area to be rezoned is located in the Mott Haven neighborhood of the Bronx and is generally bounded by Southern Boulevard to the west, Austin Place to the east, 149th St. to the north and 145th St. to the south (Block 2600, Lots 30, 47, 49 50, 51, 89, 96, 99, 100, 101, 103, 131, 186, 187, 213, 220 and 222). The rezoning area is separated by two streets: Timpson Place and East 147 Street. All properties within the rezoning area are currently zoned M1-2 or M1-3.

The proposed development site occupies only a portion of the area to be rezoned. Other uses within the rezoning area include a large, six-story residential building containing 137 dwelling units and ground floor community facility space, located along Southern Boulevard, north of East 147th Street in the M1-2 district. Also in the M1-2 district, on Timpson Place South of East 149th Street are several three-story attached residential buildings, a playground and one story garages. On the south side of East 147th Street between Southern Boulevard and Austin Place are several vacant lots, three-story attached residential buildings and one-story garages in the M1-3 district. The rezoning area also includes three private, off-street parking facilities, one- and two-family houses, multiple dwellings, a 2,300 square foot, two-story light industrial/manufacturing building (as well as a portion of another industrial/manufacturing building), as well as a portion of one other industrial/manufacturing building, and vacant land.

The proposed zoning change would facilitate a development to be located on Block 2600, Lots 187, 222, 220, and 213. The development site is located on East 147th Street, between Austin Place and Timpson Place. The four tax lots total approximately 24,143 square feet, resulting in a development site is trapezoidal in shape. The applicant is proposing a development consisting of three main vertical sections that create a continuous street wall and rises incrementally in three level changes (1-6 floors; 6-9 floors; 9-12 floors), peaking at the southwest corner of the development site. The proposed development would have a base height of 85 feet with floors 6-12 set back from the building's northern edge and floors 9-12 set back from the building's eastern edge.

The proposed building will rise to a maximum height of 125 feet, with a total of 164,592 gross square feet of development and zoning floor area in compliance with 6 FAR.

The ground floor of the proposed development will consist of a lobby and residential amenities such as a community room and laundry facilities. It will also contain 165 affordable dwelling units consisting of 16 studio units, 67 one bedroom units, 61 two bedroom units, and 21 three bedroom units. To finance the development, the Applicant is utilizing the 4% Low Income Housing Tax Credits Bond Cap, and seeking subsidies from New York City Housing Preservation and Development (“HPD”) and the New York City Housing Development Corporation (“HDC”) through the Extremely Low & Low-Income Affordability (“ELLA”) Program.

The area surrounding the rezoning area site is generally developed with a mix of light industrial and manufacturing uses to the east and to south and residential and commercial uses to the north and west of the rezoning area.

Uses to the south include manufacturing and storage buildings ranging in height from one to six stories within M1-2 and M1-3 zoning districts and several vacant parcels. Two small residential buildings (3 stories) are located at the corner of East 145th Street and Timpson Place, surrounded by vacant lots and one-story garages.

To the west are several 6-8 story apartment buildings which line Union Avenue between East 149th Street and East 147th Street. The area north of the proposed rezoning is zoned with M1-2 and R7-1 districts, and C1-4 commercial overlays along Prospect Avenue and Southern Boulevard. This area contains one-story commercial buildings, a funeral home, a house of worship and 4- and 5-story mixed buildings. Additionally, a 14 story residential building is currently under construction on the corner of 149th and Prospect Avenue.

Zoning Map Amendment (C 160251 ZMX)

The applicant seeks a rezoning from: M1-2 to R7X; M1-2 to R7X/C1-4; and M1-3 to R7X.

Residential uses are not allowed within M1-2 or M1-3 districts, therefore, the proposed zoning map change is necessary to facilitate the affordable housing. The Project Area would be mapped with an R7X district, to accommodate the development of affordable housing.

The proposed C1-4 commercial overlay along Southern Boulevard will allow a continuous strip of commercial uses to serve nearby residents extending from the existing commercial uses within the existing C1-4 district north of East 149th Street along the east side of Southern Boulevard, in addition to the commercial uses within the M1-2 district on the Southern Boulevard frontage south of East 149th Street.

Zoning Text Amendment (C 160250 ZRX)

The applicant proposes a zoning text amendment to designate the rezoning area as a Mandatory Inclusionary Housing Area. This program will require a certain amount of new housing be provided as permanently affordable to low- or moderate-income households. The applicant has requested to incorporate Option 1 and 2. Option 1 requires at least 25 percent of the residential floor area to be provided as housing affordable to households with incomes averaging 60% AMI, including a 10 percent band at 40 percent AMI; Option 2 requires 30 percent of the residential floor area to be provided as housing affordable to households with incomes averaging 80% AMI.

ENVIRONMENTAL REVIEW

This application (C 160251 ZMX), in conjunction with the related action (N 160250 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 designated CEQR number is 16DCP154X. The lead is the City Planning Commission.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement (EAS), a Negative Declaration was issued on May 9, 2016. The Negative Declaration includes an (E) Designations (E-385) related to air quality, noise and hazardous materials impacts, as described below.

The (E) designation related to hazardous materials would apply to the following development sites:

Projected Development Sites

Block 2600, Lot 187, 222, 220, 213 (Projected Development Site #1)

Block 2600, Lot 30 (Projected Development Site #2)

Block 2600, Lot 96 (Projected Development Site #3)

Block 2600, Lots 99, 100, 101, 103 (Projected Development Site #4)

Block 2600, Lot 51 (Projected Development Site #5)

Potential Development Site

Potential Development Site #1, Block 2600, Lots 47, 49, 50

The (E) designation text related to hazardous materials is as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of

suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

With the measures specified above, the proposed development would not result in any significant adverse impacts related to hazardous materials.

The (E) designation related to air quality would apply to the following properties:

Projected Development Site

Block 2600, Lots 99, 100, 101, 103 (Projected Development Site #4)

Potential Development Site

Block 2600, Lots 47, 49, 50 (Potential Development Site #1)

The text for the (E) designations related to air quality for each of the above sites is as follows:

Block 2600, Lots 99, 100, 101, 103 (Projected Development Site 4): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack is located at the highest tier or at least 95 feet high and at least 10 feet from the lot line facing Timpson Place to avoid any potential significant adverse air quality impacts.

Block 2600, Lots 47, 49, 50 (Potential Development Site 1): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack is located at the highest tier or at least 85 feet high and at least 10 feet from the lot line facing Southern Boulevard and at least 10 feet from the lot line facing Timpson Place to avoid any potential significant adverse air quality impacts.

With the assignment of the (E) designation on the above blocks and lots, no significant impacts related to air quality would be expected as a result of the proposed action.

The (E) designation related to noise would apply to the following sites:

Projected Development Sites

Block 2600, Lots 187, 222, 220, 213 (Projected Development Site #1)

Block 2600, Lot 30 (Projected Development Site #2)

Block 2600, Lot 96 (Projected Development Site #3)

Block 2600, Lots 99, 100, 101, 103 (Projected Development Site #4)

Block 2600, Lot 51 (Projected Development Site #5)

Potential Development Site

Block 2600, Lots 47, 49, 50 (Potential Development Site #1)

The (E) designation text related to noise is as follows:

Block 2600, Lots 187, 222, 220, 213 (Projected Development Site 1): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades facing south (E. 147th Street) or west (Timpson Place) and 28 dBA window/wall attenuation on all facades facing east (Austin Place) or north (E. 149th Street) to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 2600, Lot 30 (Projected Development Site 2): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 2600, Lot 96 (Projected Development Site 3): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. To maintain a closed-

window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 2600, Lots 99, 100, 101, 103 (Projected Development Site 4): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades facing north (E. 147th street) or west (Timpson Place) and 28 dBA of attenuation on all facades facing east (Austin Place) or south (E. 144th Street) to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 2600, Lot 51 (Projected Development Site 5): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 2600, Lots 47, 49, 50 (Potential Development Site 1): To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

With the attenuation measures specified above, the proposed actions would not result in any significant adverse noise impacts.

The City Planning Commission has determined that the proposed action will have no significant effect on the environment.

UNIFORM LAND USE REVIEW

This application (C 160251 ZMX) was certified as complete by the Department of City Planning on May 9, 2016, and was 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), along with the related application for a zoning text amendment (N 160250 ZRX) which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 1 held a public hearing on the application (C 160251 ZMX) on May 26, 2016 and, on that date, by a vote of 14 to 3 with 0 abstentions, adopted a resolution recommending approval of the application with the following modifications:

1. Community Board 1 requests the applicant retain a management company aside from the company (Wavecrest Management) typically used by the applicant in the development associated with the rezoning.
2. Community Board 1 requests the property at 860 East 147th Street (Block 2600 Lot 96) be removed from the rezoning area.
3. Community Board 1 residents receive a 50 percent community preference in HPD's tenant selection.
4. Community Board 1 receives ongoing reports disclosing the number of Community Board 1 residents that are hired during construction of the project and how many Community Board 1 residents are hired for permanent positions in the development, upon completion.
5. Community Board 1 requests the applicant provide "optimal greening" of the project area and along the streets immediately surrounding the project.

Subsequent to the City Planning Commission Public Hearing, the applicant addressed the Community Board's requests for modifications as such:

1. The applicant has committed to interview several management companies in addition to Wavecrest management.
2. The applicant will not modify the proposed rezoning boundary.
3. The applicant is committed to adhering to the Department of Housing, Preservation and Development's policy to include a 50% community preference in tenant selection.
4. The applicant has agreed to provide the Board with requested reports of their hiring related to the proposed development.
5. The applicant is committed to providing the maximum amount of greening and street trees as possible on the development site and sidewalks.

Borough President Recommendation

The application (C 160251 ZMX) was considered by the Bronx Borough, who issued a recommendation approving the application on August 1, 2016.

City Planning Commission Public Hearing

On July 27, 2016 (Calendar No. 10), the City Planning Commission scheduled August 10, 2016 for a public hearing on this application (C 160251 ZMX). The hearing was duly held on August 10, 2016 (Calendar No. 48), in conjunction with the application for the related action. There were three speakers in favor and none opposed.

The application team comprised of three people spoke as a group, represented by the applicant's land use representative, the applicant's lead architectural designer and the applicant himself. In addition, another member of the architectural design team as well as a member of the development company did not provide specific testimony but made themselves available for questions.

The applicant's land use representative provided an overview of the requested actions and described the project and project site. The applicant's architectural designer spoke to the development project's architectural quality and relationship to neighboring properties.

The applicant described his vision for the project and described the likely tenant income mix of the project as well as various building management and security features designed into the project.

There were no other speakers on the application and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 160251 ZMX) for an amendment of the Zoning Map, in conjunction with the related application for the proposed zoning text amendment (N 160250 ZRX) is appropriate.

The proposed project will create 165 units of affordable residential units, including 46 dwelling units for formerly homeless households, 13 dwelling units for residents with a family income at or below 90% AMI, and 106 dwelling units for residents with a family income at or below 60% AMI. The Commission believes this will help to meet the significant affordable housing needs in the Bronx and Bronx Community Board 1.

The Commission believes the zoning map amendment (C 160251 ZMX) to change the zoning on the development site from M1-2 to R7X is necessary to facilitate the development of the proposed 165-unit residential building and has considered the appropriateness of the zoning change in the context of the surrounding residential uses and low intensity of the nearby industrial uses.

The Commission believes the city's need for affordable housing provides an impetus to create new capacity for residential development through rezonings where such development is deemed appropriate. The appropriateness of the zoning change here is demonstrated by several factors. The first is the applicant's commitment to develop 165 units of affordable housing as a result of the change in zoning. Secondly, there would be limited need for new capital investment, as the area is already well-served by public transit and roads and, therefore, well-suited for surrounding residential uses. Lastly, the

change in zoning would not detrimentally effect, nor be detrimentally effected by, the existing surrounding uses. Given the mix of commercial and residential uses that exist within the rezoning area today and by the light nature of adjacent manufacturing uses, additional residential and commercial development would fit within the existing context of the surrounding uses. With these facts considered, the Commission believes the proposed rezoning from M1-2 and M1-3 to R7X and R7X/C1-4 is appropriate.

The Commission believes that changing the zoning of the larger project area from M1-2 and M1-3 to R7X and R7X/C1-4 reflects sound planning and will encourage a complementary mix of uses to serve the growing neighborhood. An additional eighteen properties within the rezoning area are existing residential uses that would be brought into conformance as a result of the zoning map amendment.

Furthermore, the request to designate the proposed rezoning area as a Mandatory Inclusionary Housing Area will ensure permanent affordability for a portion of the units on the site. The application seeks to make both Option 1 and Option 2 available in this area. Option 1 requires at least 25 percent of the residential floor area to be provided as housing affordable to households at an average of 60 percent AMI, including 10 percent band at 40 percent AMI. Option 2 requires at least 30 percent of the residential floor area to be provided at an average of 80 percent AMI.

The Commission acknowledges Community Board 1's conditions to retain an alternate management company than Wavecrest Management, provide a 50% community board preference in tenant selection, provide ongoing reports of local hiring in the construction and post-construction of the proposed development, and to provide "optimal greening" of the project area and surrounding streets. The Commission notes this application seeks only changes to the Zoning Map and Zoning Text, and is not related to any specific developer, however, the Commission is nevertheless pleased that the applicant has committed to interview several management companies, comply with HPD's policy to include a 50% community preference in tenant selection, provide ongoing jobs reports

and to provide optimal greening and inclusion of street trees in the development of the project.

The Commission acknowledges Community Board 1's request to have the property at 860 East 147th removed from the rezoning area, however, the Commission believes that, based on the predominantly residential character of the East 147th Street frontage, there is a sound planning rationale for the proposed R7X zoning district on that parcel and that it is appropriate.

The Commission finds the application consistent with the city's land use policies and in line with the goal of ameliorating the acute housing crisis facing the city by creating more opportunities for housing, specifically in the case of the application's associated proposed development, affordable housing.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment.

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 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 by changing the Zoning Map, Section No. 6c:

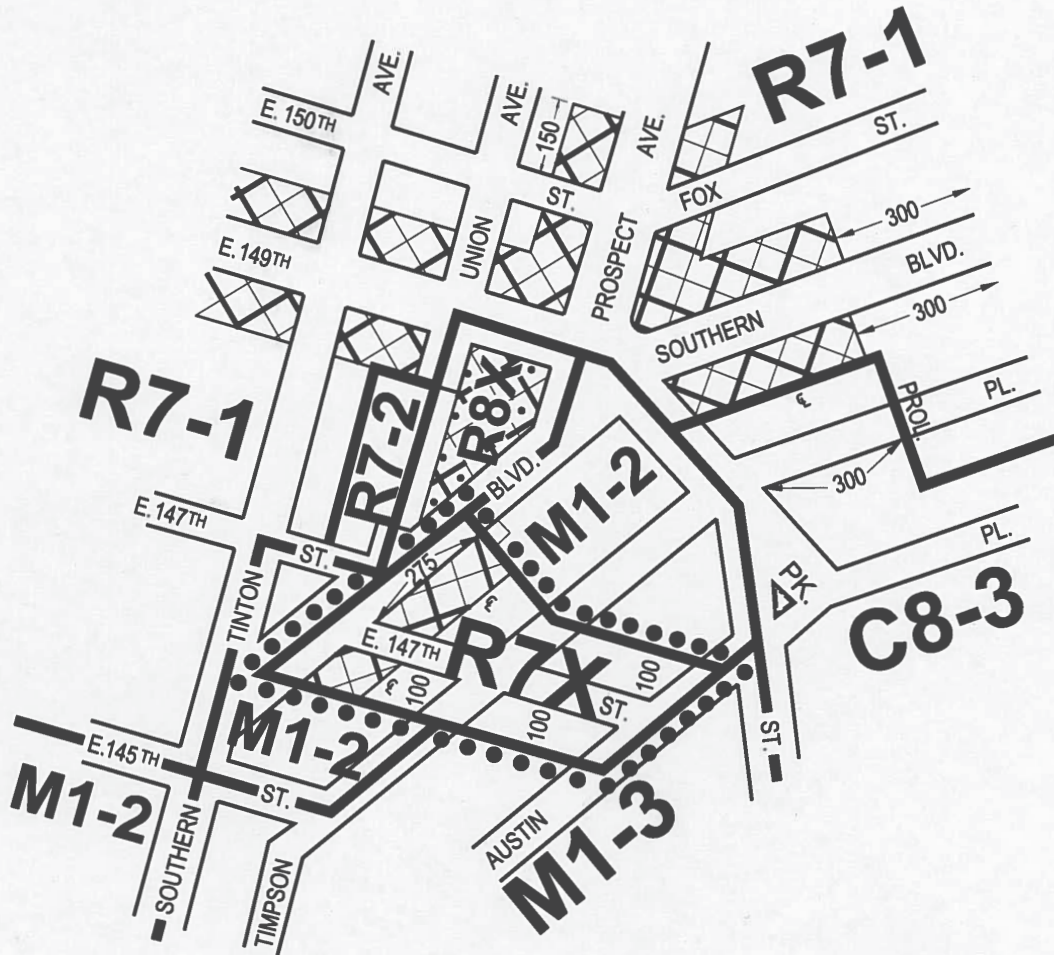
1. changing from an M1-2 District to an R7X District property bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147th Street, a line 100 feet northeasterly of East 147th Street, Austin Place, East 147th Street, Timpson Place, and a line 100 feet southwesterly of East 147th Street;
2. changing from an M1-3 District to an R7X District property bounded by Timpson Place, East 147th Street, Austin Place, and a line 100 feet southwesterly of East 147th Street; and

3. establishing within a proposed R7X District a C1-4 District bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147th Street, a line midway between Southern Boulevard and Timpson Place, and a line 100 feet southwesterly of East 147th Street.

Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 9, 2016, and subject to the conditions of CEQR Declaration E-385.

The above resolution (C 160251 ZMX), duly adopted, by the City Planning Commission on September 7, 2016 (Calendar No. 11), is filed with the Office of the Speaker, City Council, and Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, Esq., Vice Chairman
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
MICHELLE R. DE LA UZ, JOSEPH I. DOUEK,
CHERYL COHEN EFFRON, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ, Commissioners

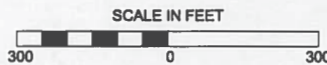


CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

6c
 BOROUGH OF
BRONX

New York, Certification Date
 MAY 09, 2016

J. Miraglia
 J. Miraglia, Director
 Technical Review Division



- NOTE:**
- Indicates Zoning District Boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by changing an existing M1-2 and M1-3 Districts to an R7X District, and establishing a C1-4 District within the proposed R7X District.
 - Indicates a C1-4 District.
 - Indicates a C2-4 District.



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CEDRIC L. LOFTIN
DISTRICT MANAGER

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 CHAIRPERSON

CEDRIC L. LOFTIN
 DISTRICT MANAGER

PUBLIC HEARING

May 26, 2016

Project Name East 147th Street Rezoning

MODIFICATIONS/CONDITIONS ON

Uniform Land Use Review Procedure Application Number

C1602512ZMX


CEQR Number 16DCP154X

The Board's modifications/conditions are as follows:

1. That the Rental Management Company hired by MLK Plaza LLC that they seek to obtain another Management Company besides Wavecrest Management for the site.
2. That the property which the Community Board voted to exclude from the proposed rezoning be continued the street address is 860 East 147th Street, Bronx, New York (Block 2600 Lot 96) and not be included in the rezoning action for residential use. That the rezoning doesn't harm any other businesses within the rezoning that is to occur.
3. That Bronx Community Board 1 receives 50 percent Community Preference as to building rentals.
4. Upon approval of the rezoning that the Board receives ongoing reports on how many local Community Board 1 residents are hired during the construction period and post-construction permanent hiring for the development.
5. During the development process that MLK Plaza LLC provides optimal greening of project area and along the streets immediately surrounding the project.

Very truly yours,

Cedric L. Loftin
 Cedric L. Loftin
 District Manager

| | | | |
|---|--|--|--|
|  | | Community/Borough Board Recommendation Pursuant to the Uniform Land Use Review Procedure | |
| Application #: C 160251 ZMX | | Project Name: East 147th Street Rezoning | |
| CEQR Number: 16DCP154X | | Borough(s): Bronx Community District Number(s): 1 | |
| Please use the above application number on all correspondence concerning this application | | | |

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by MLK Plaza LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6c:

- changing from an M1-2 District to an R7X District property bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147th Street, a line 100 feet northeasterly of East 147th Street, Austin Place, East 147th Street, Timpson Place, and a line 100 feet southwesterly of East 147th Street;
- changing from an M1-3 District to an R7X District property bounded by Timpson Place, East 147th Street, Austin Place, and a line 100 feet southwesterly of East 147th Street; and
- establishing within a proposed R7X District a C1-4 District bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147th Street, a line midway between Southern Boulevard and Timpson Place, and a line 100 feet southwesterly of East 147th Street.

Borough of Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 9, 2016, and subject to the conditions of CEQR Declaration E-385.

| | | | |
|---|--|--|------------------------|
| Applicant(s): MLK Plaza LLC 77 Cuttermill Road Great Neck, NY 11021 | | Applicant's Representative: Steven M. Sinacori Akerman LLP 666 Fifth Avenue, 20th Floor New York, NY 10103 | |
| Recommendation submitted by: Bronx Community Board 1 | | | |
| Date of public hearing: MAY 26, 2016 | | Location: 3024 THIRD AVE. BRONX, N.Y. 10455 | |
| Was a quorum present? YES <input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/> | | <small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small> | |
| Date of Vote: | | Location: 3024 THIRD AVE BRONX, N.Y. 10455 | |
| RECOMMENDATION <input checked="" type="checkbox"/> Approve <input checked="" type="checkbox"/> Disapprove <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input checked="" type="checkbox"/> Disapprove With Modifications/Conditions | | | |
| Please attach any further explanation of the recommendation on additional sheets, as necessary. | | | |
| Voting # In Favor: 13 # Against: 4 # Abstaining: 0 Total members appointed to the board: 40 | | | |
| Name of CB/BB officer completing this form CEDRIC L. LOFTIN Cedric L. Loftin | | Title DISTRICT MANAGER | Date 5/26/16 |

**BOROUGH PRESIDENT
RECOMMENDATION**

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
Fax # (212)720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # C 160251 ZMX

DOCKET DESCRIPTION

PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 1 BOROUGH: BRONX

RECOMMENDATION

- APPROVE**
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- DISAPPROVE**

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

PLEASE SEE ATTACHMENT FOR BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT


DATE

BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 160251 ZMX
East 147th Street Rezoning
July 10, 2016

DOCKET DESCRIPTION

IN THE MATTER OF AN application submitted by MLK Plaza LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map Section No 6c:

1. Changing from an M1-2 District to an R7X District property bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147th Street, a line 100 feet northeasterly of East 147th Street, Austin Place, East 147th Street, Timpson Place, and a line 100 feet southwesterly of East 147th Street;
2. Changing from an M1-3 District to an R7X District, property bounded by Timpson Place, East 147th Street, Austin Place, and a line 100 feet southwesterly of East 147th Street; and
3. Establishing within a proposed R7X District a C1-4 District bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147th Street, a line midway between Southern Boulevard and Timpson Place, and a line 100 feet southwesterly of East 147th Street.

Borough of The Bronx, Community District #1, as shown on a diagram (for illustrative purposes only) dated May 9, 2016, and subject to the conditions of CEQR Declaration E-385.

BACKGROUND

MLK Plaza LLC (the applicant) is the owner of property located on Block 2600, Lots 187, 213, 220 and 222. This site is located on the North side of East 147th Street, between Timpson Street on the East and Austin Place on the West. In total this site consists of approximately 24,143 square feet. Existing land use on each lot includes:

Lot 187: A one-story parking garage with nine bays and an exterior parking area able to accommodate a multiple vehicles. Lot 187 consists of 6,863 square feet.

Lot 213: This site is used as an outdoor parking facility. Lot 213 consists of approximately 12,280 square feet.

Lot 220: A two-story residential building occupies this lot. The lot area approximates 2,500 square feet. This building is vacant

Lot 222: A two-story residential building occupies this lot. The lot area approximates 2,500 square feet. This building is vacant.

Approving this application will amend the Zoning Map, including the Development Site and surrounding Lots, thusly:

From: M1-2, to R7X: Block 2600, Lots p/o 30, 47, 49, 50, 51, p/o 89, 96, 99, 100, 103, 131, 186, 187, 213, 220 and 222

From: M1-2 to R7X, M1-2 to R7X/C1-4, & M1-3 to R7X/C1-4, C1-4 overlay measuring 100 feet deep from Southern Boulevard on the northeast and southeast corners of East 147th Street: On portions of Lots 30, 47, 49, 50 and 131

In addition, approving this application will offer a text amendment of the New York City Zoning Resolution (“ZR”) Appendix F to classify the Project Area as a mandatory inclusionary housing (MIH) designated area.

These zoning amendments will facilitate construction of a 12-story residential building, offering 165 units of affordable housing to low and moderate income families under the ELLA program.

Details of the proposed residential building include:

- 12-story residential building, rising a maximum of 125 feet. The building will feature three vertical sections, the first rising 1-6 stories, the second rising 6-9 stories and the third rising 9-12 floors.
- The proposed building will consist of 164,592 gross square feet of development with 6 FAR.
- Unit size will include:
 - 16 studio units approximating: 525 square feet
 - 67 one-bedroom units approximating: 640 square feet
 - 61 two-bedroom units approximating: 820 square feet
 - 21 three-bedroom units approximating: 1,060 square feet

The applicant intends to offer:

46 units for the formally homeless
13 units with a family income at or below 90% of AMI
106 units with a family income at or below 60% of AMI

Additional features offered in each unit will include:

- Granite countertops
- Cherry wood flooring
- Dishwasher in each unit
- Stainless steel appliances in each unit.

These features will be offered to all those residing in this building regardless of income eligibility.

It is intended that this development will satisfy a LEED Gold status with common areas featuring:

- Naturally lit corridors
- A community room approximating 1,003 square feet
- On-site laundry facilities
- No on-site parking is proposed, given the waiver as available pursuant to the Zoning for Quality and Affordability Act text amendment dated March 22, 2016. The applicant reserves the option of including some interior parking prior to the building's final design being adopted.
- Recreational access and Green roof access from four separate landings:
 - B-Level: 1,462 square feet
 - 1st Floor: 1,428 square feet
 - 7th Floor: 1,341 square feet
 - 9th Floor: 950 square feet

Street trees and foundation plantings will grace the building's sidewalk areas and main entrance

Existing development of the surrounding community is predominately characterized by low and mid-rise industrial buildings, numerous off-street parking enclosed garages, one and two family homes and mid-rise residential buildings. Present as well are numerous undeveloped, vacant properties. Much of the industrial functions pertain to auto-related uses. Noticeably absent is easy access to retail activity that typifies a residential community. Subway service via the #6 Lexington Avenue line is located on East 149th Street at Southern Boulevard, approximately two blocks northwest of the site. Bus service operates on Southern Boulevard and on East 149th Street.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application was reviewed pursuant to CEQR and SEQR and given a Negative Declaration meaning that the proposed action this application will facilitate will have no impact on the environment. The City Planning Commission certified this application as complete on May 9, 2016.

BRONX COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board #1 held a public hearing on this application and voted to approve it with modifications. The vote was 13 in favor, four opposed and zero abstaining. The modifications included:

1. That the Rental Management Company hired by MLK Plaza LLC seek to obtain another management company besides Wavecrest Management for the site.
2. That the property which the Community Board voted to exclude from the proposed rezoning be continued the street address is 860 East 147th Street, Bronx, New York (Block 2600, Lot 96), and not be included in the rezoning action for residential use
3. That the rezoning doesn't harm any other businesses within the area where the rezoning is to occur.
4. That Bronx Community Board #1 receive 50 percent Community Preference as to building rentals.
5. Upon approval of the rezoning that the Board receives ongoing reports on how many Community Board #1 residents are hired during the construction period and post-construction permanent hiring for the development.
6. During the development process that MLK Plaza LLC provides optimal greening of project area and along the streets immediately surrounding the project.

BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President convened a public hearing on this application on June 23, 2016. Representatives of the applicant were present and spoke in favor of this application. Also present was the owner of property located across East 147th Street. A representative of the owner spoke to request that the scope of this proposed rezoning exclude their property in order that a hotel be constructed on this site. It was noted that if the current Manufacturing District is rezoned to an R7X District, the hotel could not be constructed. MLK Plaza LLC, requested that this exclusion not be granted. No other members of the public were present and no other testimony was given. The hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

Residential development in The Bronx continues to break all records. So too, the need for affordable housing in New York City has reached unprecedented levels. Therefore properties heretofore zoned for manufacturing uses; where such use is marginal if not entirely absent, it is I believe entirely appropriate to rezone for residential purposes.

In this specific case, MLK Plaza will transform a block where much of the existing development consists of vacant wood-frame buildings and underutilized garages, into a well-conceived residential building featuring 165 units of affordable housing. I am especially pleased to note that this project will seek a LEED Gold rating and that a Platinum rating may be realized. Key to this is objective is the substantial amount of green-roof space that will be included and that the common areas will benefit from natural lighting. Given the overall "mixed-built profile" of the surrounding community, the inclusion of a two-story glass entrance will not only allow for substantial natural lighting in the new building's lobby, but at night this entrance will serve as a beacon to all who walk through this community.

At my public hearing I note that owners of property located across East 147th Street from where MLK Plaza will be constructed, have asked that their lots be excluded from this rezoning proposal. After reviewing the matter, I believe that it is necessary to include all those lots that have been identified for the R7X designation. I base my position on the fact that to date, no development pursuant to the M1-1 District has taken place within the proposed rezoning area and that construction of affordable residential development is urgently needed throughout our city.

I recommend approval of this application, and that the full scope of what the Zoning Amendment as proposed herein be approved.