



**IN THE MATTER OF** an application submitted by Markland 745 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b:

1. changing from an M1-2 District to an M1-2/R6A District property bounded by a line 280 feet northwesterly of Willow Avenue, East 134th Street, a line 100 feet northwesterly of Willow Avenue, and a line 100 feet northeasterly of East 133rd Street;
2. changing from an M1-2 District to an M1-4/R7D District property bounded by a line 100 feet northwesterly of Willow Avenue, East 134th Street, Willow Avenue, East 133rd Street, a line 80 feet northwesterly of Willow Avenue, and a line 100 feet northeasterly of East 133rd Street;
3. changing from an M1-2/R6A District to an M1-4/R7D District property bounded by a line 100 feet northwesterly of Willow Avenue, a line 100 feet northeasterly of East 133rd Street, a line 80 feet northwesterly of Willow Avenue, and East 133rd Street; and
4. establishing a Special Mixed Use District (MX-1) bounded by a line 280 feet northwesterly of Willow Avenue, East 134th Street, Willow Avenue, East 133rd Street, a line 80 feet northwesterly of Willow Avenue, and a line 100 feet northeasterly of East 133rd Street;

Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 27, 2017, and subject to the conditions of the CEQR Declaration E-454.

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This application (C 180088 ZMX) for a zoning map amendment was filed by Markland 745 LLC on September 5, 2017, in conjunction with a 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 ACTION**

In addition to the zoning map amendment (C 180088 ZMX) 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:

**N 180089 ZRX**            Zoning text amendments to modify and include the project area within the MX-1 Special Mixed Use District and to Appendix F to establish a new Mandatory Housing (MIH) area

## **BACKGROUND**

The applicant is seeking a zoning map amendment to rezone a portion of Block 2562 (the "project area"), and a zoning text amendment to designate the area as an MIH area, to facilitate the development of an eight-story, 115,602-square-foot mixed-use building containing approximately 126 affordable dwelling units and 15,125 square feet of ground-floor commercial space within the Port Morris neighborhood of Bronx Community District 1.

The project area is an L-shaped parcel that includes Block 2562, Lots 41, 49, 56, 58, 60, and portions of Lots 40 and 61. Existing uses within this area include a three-story, 11,600-square-foot commercial office building located on lot 56; an 18,700-square-foot single-story warehouse building located on lot 41; a 5,000-square-foot single-story warehouse building located on lot 58; and a 900-square-foot single-story outbuilding with a light industrial use and a surface parking lot located on lot 49. A portion of lot 61 includes a two-story, two-family house. Lots 40 and 60 are currently vacant.

The project area is surrounded by a mix of industrial, commercial, and residential uses, including single- and two-family homes, community facility uses, warehouses, light manufacturing facilities, and vacant lots. Park facilities accessible to the site include Playground One Thirty Four, located on East 133<sup>rd</sup> Street and Bruckner Boulevard, and Randall's Island, a 432-acre open space area to the south accessible to the site via the Randall's Island Connector, a pedestrian and cycling bridge extending over the Bronx Kill from Port Morris.

Transit access is available via the Cypress Avenue 6 train station, located approximately five blocks north of the project area, with access to the Bx17 and Bx33 provided on Bruckner Boulevard and East 138<sup>th</sup> Street, respectively. Other transportation infrastructure in the vicinity includes the Bruckner Expressway, which carries Interstate 278 and includes the approach to the

Robert F. Kennedy Bridge, and Bruckner Boulevard, a six-lane surface road located beneath the Bruckner Expressway running north/south. Both are located west of the project area. The Randall's Island Connector is accessible to the south via East 132<sup>nd</sup> Street.

The 20,647-square-foot development site fronts on East 134<sup>th</sup> Street and Willow Avenue; East 134<sup>th</sup> Street is a wide street (80 feet) and Willow Avenue is a narrow street (60 feet). The proposed development is an eight-story, 115,602-square-foot mixed-use building that would rise to approximately 85 feet and have a total floor area ratio (FAR) of 5.6. It would include approximately 126 affordable dwelling units totaling 100,477 square feet on the second through eighth floors and ground-floor commercial use totaling 15,125 square feet. As proposed, 32 of the 126 units would be permanently affordable under MIH Option 1, with financing to be provided by the Department of Housing Preservation and Development (HPD)'s Mix and Match program. On-site open space would include a residential courtyard above the first floor commercial space and accessible from the second floor as well as a resident-accessible roof garden, with access provided on multiple floors of the building as the roof steps down from Willow Avenue to the west.

The primary entrance to the ground-floor commercial space would be provided on the Willow Avenue frontage of the development site, with secondary entrances on East 133<sup>rd</sup> Street and East 134<sup>th</sup> Street. The entrance to the residential lobby would be located on East 134<sup>th</sup> Street. A curb cut and ramp for 29 below-grade parking spaces associated with the residential use would be located on East 133<sup>rd</sup> Street.

The project area is adjacent to an MX-1 Special Mixed Use District; this district occupies the majority of the subject block and was one of 11 blocks rezoned to MX-1 in 2005 as part of the Port Morris/Bruckner Boulevard Rezoning (C 050120 ZMX). The expanded MX-1 district legalized a number of pre-existing nonconforming uses on this block and was designed to promote development consistent with the increasingly mixed-use character in the neighborhood. The 2005 rezoning included the current M1-2/R6A district mapped on the westerly three-quarters of Block 2562; the eastern quarter of the block adjacent to Willow Avenue retained the M1-2 zoning district associated with the predominantly industrial parcels to the north, east, and south. The rezoning

area, including the development site, was excluded from the adjacent 2005 Port Morris/Bruckner Boulevard Rezoning due to the active industrial uses within the project area at that time.

The existing M1-2 district that comprises the majority of the rezoning area includes commercial and light manufacturing/industrial uses and extends up to East 140<sup>th</sup> Street to the north, to the Northeast Corridor rail line right-of-way to the east, and to East 132<sup>nd</sup> Street to the south. The Port Morris Industrial Business Zone (IBZ) surrounds the subject block to the north, east, and south; underlying zoning within the IBZ includes the M1-2 district, with light industrial uses adjacent to the project area. M2-1 and M3-1 districts containing heavier industrial and utility uses on large parcels are located within outlying areas farther to the east and south.

To facilitate the proposed development, two actions are requested.

- 1) Zoning map amendment to rezone the project area from M1-2 and M1-2/R6A to M1-2/R6A and M1-4/R7D and to extend the adjacent MX-1 Special Mixed Use District to include the project area;
- 2) Zoning text amendment to revise Appendix F of the Zoning Resolution to designate the project area as an MIH area under Option 1 and to include the area within the MX-1 Special Mixed Use District.

#### Zoning Map Amendment (C 180088 ZMX)

The project area is currently mapped with M1-2 and M1-2/R6A zoning districts. M1-2 districts permit an FAR of up to 2.0 for commercial and light industrial uses and up to 4.8 for community facility uses. M1-2/R6A districts permit an FAR of up to 3.0 for residential and community facility uses and up to 2.0 for commercial and light industrial uses.

The proposed zoning map amendment would map the development site with an M1-4/R7D district to a depth of 100 feet on the west side of Willow Avenue. The M1-4/R7D district permits an FAR of up to 2.0 for light industrial and commercial uses, and a total FAR of up to 5.6 with MIH. It produces buildings of up to 85 feet in height. The proposed M1-4/R7D district would include

frontage on East 134<sup>th</sup> Street, a wide street, and would be located in proximity to multiple bus routes and the #6 subway line at Cypress Avenue. Portions of the project area beyond 100 feet of Willow Avenue would be mapped with an M1-2/R6A district, which also permits an FAR of up to 2.0 for light industrial and commercial uses and a total FAR of 3.6 with MIH. This district would be consistent with the existing M1-2/R6A zoning on the subject block and would permit buildings of up to 70 feet in height. The entirety of the project area would be included within the MX-1 Special Mixed Use District, which allows a mixture of industrial, commercial, and residential uses.

#### Zoning Text Amendment (N 180089 ZRX)

The proposed zoning text amendment would designate the project area as an MIH area mapped with Option 1, which requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI, with no unit targeted to households with incomes exceeding 130 percent of the AMI. As proposed, the 126-unit affordable development would include 32 MIH units.

The proposed zoning text amendment would also amend Section 123-60 of the Zoning Resolution to include the project area within the MX-1 Special Mixed Use District; this would result in the inclusion of the entirety of the subject block within the special district.

#### **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.

To avoid any potential impacts associated with hazardous materials and air quality, an (E) designation (E-454) would apply to the entirety of the project area, which includes both the development site (Block 2565, Lot 49, 56, 58, 60) and the additional site to be rezoned (Block 2562, Lot 41).

The text for the (E) designation related to hazardous materials applies to both sites within the rezoning area and is as follows:

#### Task 1-Sampling Protocol

The applicant submits to the NYC Office of Environmental Remediation (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.

The text for the (E) designation related to air quality for the development site (Block 2562, Lot 49, 56, 58, 60) is as follows:

Any new residential or commercial development on the above-referenced property must ensure HVAC and hot water systems stack be located at the highest tier, or at a minimum of 93 feet above grade, to avoid any potential significant adverse air quality impact.

The text for the (E) designation related to air quality for the additional site to be rezoned (Block 2562, Lot 41) is as follows:

Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for HVAC and hot water systems to avoid any potential significant adverse air quality impact. The stack shall be located at the highest tier, or at a minimum of 88 feet above grade, and at least 90 feet from the lot line facing Willow Avenue and 210 feet from Willow Avenue to avoid any potential significant adverse air quality impact.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on November 27, 2017.

## **UNIFORM LAND USE REVIEW**

This application (C 180088 ZMX) 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), along with the related application for a zoning text amendment (N 180089 ZRX), which was referred for information and review in accordance with the procedures for non-ULURP actions.

### **Community Board Public Hearing**

Bronx Community Board 1 held a public hearing on this application (C 180088 ZMX) on January 25, 2018, and on that date, by a vote of 15 in favor and seven opposed, recommended approval of the application with the following conditions:

1. “For the Developer, Markland 745 LLC, to utilize its selected firm of Erickson Real Estate for property management services.”
2. “Make an effort to lower the project income range in line with Bronx Community Board 1 net income demographics; to incorporate within the building amenities security features that include exterior lighting and video intercom, as well as cameras in all areas of tenant movement within the building and garage.”
3. “Recruit local residents and entrepreneurs for employment during construction in both trade and non-trade positions and maintain and update a list of Board 1 applicants to the building, with updates to be provided to the Board on a consistent basis.”
4. “Provide opportunities for MWBE persons in subcontracting, construction, and building supply materials, and update the Board on a consistent basis as to all activities in regard to the project’s scope and employment.”

### **Borough President Recommendation**

This application (C 180088 ZMX) was considered by the Bronx Borough President, who on February 15, 2018 issued a recommendation to approve the application under the condition that unit sizes for the proposed building meet or exceed HPD minimum standards.

### **City Planning Commission Public Hearing**

On February 28, 2018 (Calendar No. 1), the CPC scheduled March 14, 2018 for a public hearing on this application (C 180088 ZMX). The hearing was duly held on March 14, 2018 (Calendar No. 15). Three speakers testified in favor of the application, and one testified in opposition.

Speakers testifying in favor of the application included two members of the project team, a representative of the applicant and the project architect. The applicant representative presented



an overview of the project and provided background on the 2005 Port Morris/Bruckner Boulevard rezoning, on the land use rationale, bulk, and FAR requirements associated with the proposed M1-4/R7D district to be mapped at the project site, and on the proposed project's uses, program, and building amenities. The speaker also provided background on the warehouse site located on Lot 41, including the longstanding tenure of the business occupying that site. The project architect described the proposed building, including the layout of the building, urban design considerations, proposed building amenities, and proposed sustainable design features.

A representative of service union 32BJSEIU testified in opposition to the project, stating that the applicant should make an effort to hire locally for construction jobs associated with the project and to provide workers with a living wage.

There were no other speakers and the hearing was closed.

## **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 180088 ZMX) 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 WRP.

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 180088 ZMX), in conjunction with the application for a related zoning text amendment (N 180089 ZRX), is appropriate. The proposed actions would facilitate the development of much-needed affordable housing with amenities for tenants and neighborhood residents, and an active ground floor with commercial space. The project area is close to mass transit, highways, and open space, ensuring accessibility for residents.

The proposed zoning map amendment is appropriate. The proposed M1-4/R7D and M1-2/R6A zoning districts permit residential, commercial, community facility, and industrial uses. The permitted height of the proposed building at the development site is appropriate due its location on East 134<sup>th</sup> Street, a wide street, and the development site's proximity to the #4 subway line at Cypress Avenue, to local buses on East 134<sup>th</sup> Street and adjacent streets, and to the Randall's Island Connector.

The proposed zoning text amendment (N 180089 ZRX) is appropriate. It would extend the MX-1 Special Mixed Use District to include the rezoning area and designate the project area as an MIH area. The MIH units would be permanently protected as affordable under Option 1.

The Commission acknowledges the recommendations of Bronx Community Board 1 to utilize the property management firm discussed at the Community Board's public hearing; to make efforts to align unit affordability with local median income; to incorporate building amenities that include exterior lighting, video intercom, and security cameras; for local and MWBE recruitment for construction purposes; and for the provision of updates to the Community Board by the applicant on the aforementioned items on an ongoing basis. While these requests are outside the scope of the requested action, the Commission notes that at the public hearing, the applicant described security and lighting features planned for the development.

The Commission also acknowledges the recommendation of the Bronx Borough President to ensure that residential unit sizes meet or exceed HPD requirements. The Commission notes that the proposed project will utilize HPD's Mix and Match program for financing purposes and that dwelling unit sizes must meet or exceed HPD design guidelines.

### **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 Sections 197-c and 200 of the New York City Charter that based on the environmental determination and 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. 6b:

1. changing from an M1-2 District to an M1-2/R6A District property bounded by a line 280 feet northwesterly of Willow Avenue, East 134th Street, a line 100 feet northwesterly of Willow Avenue, and a line 100 feet northeasterly of East 133rd Street;
2. changing from an M1-2 District to an M1-4/R7D District property bounded by a line 100 feet northwesterly of Willow Avenue, East 134th Street, Willow Avenue, East 133rd Street, a line 80 feet northwesterly of Willow Avenue, and a line 100 feet northeasterly of East 133rd Street;
3. changing from an M1-2/R6A District to an M1-4/R7D District property bounded by a line 100 feet northwesterly of Willow Avenue, a line 100 feet northeasterly of East 133rd Street, a line 80 feet northwesterly of Willow Avenue, and East 133rd Street; and
4. establishing a Special Mixed Use District (MX-1) bounded by a line 280 feet northwesterly of Willow Avenue, East 134th Street, Willow Avenue, East 133rd Street, a line 80 feet northwesterly of Willow Avenue, and a line 100 feet northeasterly of East 133rd Street;

Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 27, 2017, and subject to the conditions of the CEQR Declaration E-454.

The above resolution (C 180088 ZMX), duly adopted by the City Planning Commission on April 11, 2018 (Calendar No. 1), 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*

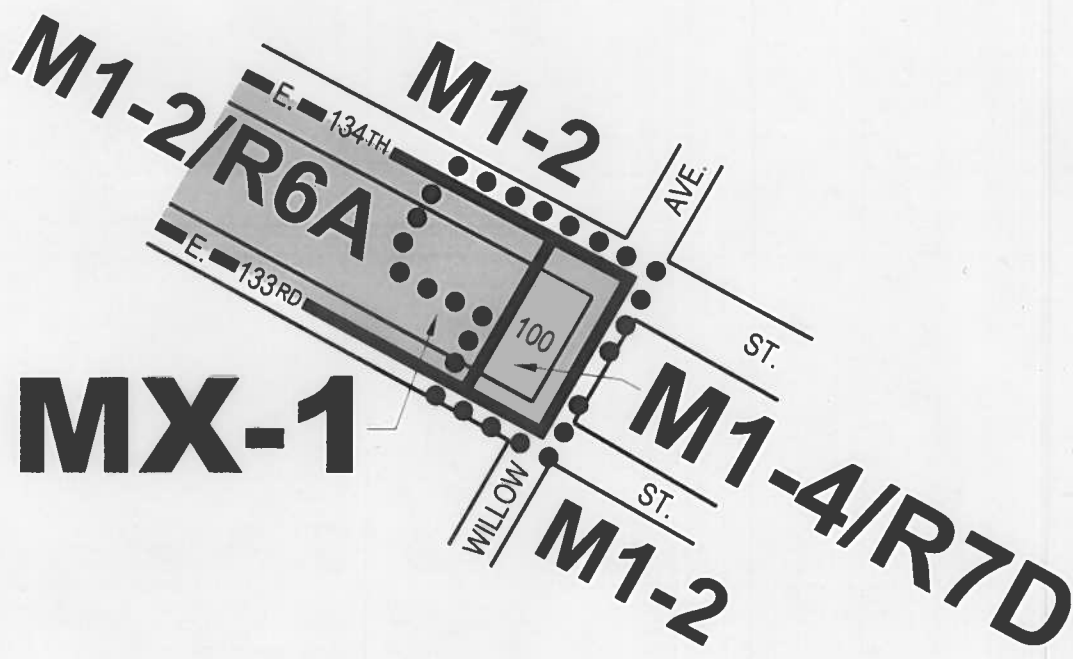
**KENNETH J. KNUCKLES, Esq.**, *Vice Chair*

**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*

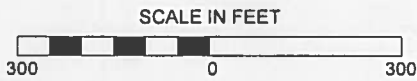


CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
ON SECTIONAL MAP  
**6b**

BOROUGH OF  
**BRONX**

S. Lenard, Director  
Technical Review Division

New York, Certification Date  
NOVEMBER 27, 2017



NOTE:

- Indicates Zoning District Boundary.
- • • • The area enclosed by the dotted line is proposed to be rezoned by changing an existing M1-2 District to M1-2/R6A and M1-4/R7D Districts, by changing an existing M1-2/R6A District to an M1-4/R7D District, and by establishing a Special Mixed Use District (MX-1).
- MX-1** Indicates a Special Mixed Use District (**MX-1**).

**Community/Borough Board Recommendation**  
Pursuant to the Uniform Land Use Review ProcedureApplication #: **C 180088 ZMX**

CEQR Number: 18DCP007X

Project Name: **Willow Avenue Rezoning**

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](mailto: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, 31<sup>st</sup> 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 Markland 745 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b:

- changing from an M1-2 District to an M1-2/R6A District property bounded by a line 280 feet northwesterly of Willow Avenue, East 134th Street, a line 100 feet northwesterly of Willow Avenue, and a line 100 feet northeasterly of East 133rd Street;
- changing from an M1-2 District to an M1-4/R7D District property bounded by a line 100 feet northwesterly of Willow Avenue, East 134th Street, Willow Avenue, East 133rd Street, a line 80 feet northwesterly of Willow Avenue, and a line 100 feet northeasterly of East 133rd Street;
- changing from an M1-2/R6A District to an M1-4/R7D District property bounded by a line 100 feet northwesterly of Willow Avenue, a line 100 feet northeasterly of East 133rd Street, a line 80 feet northwesterly of Willow Avenue, and East 133rd Street; and
- establishing a Special Mixed Use District (MX-1) bounded by a line 280 feet northwesterly of Willow Avenue, East 134th Street, Willow Avenue, East 133rd Street, a line 80 feet northwesterly of Willow Avenue, and a line 100 feet northeasterly of East 133rd Street;

Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 27, 2017, and subject to the conditions of the CEQR Declaration E-454.

<b>Applicant(s):</b> Markland 745 LLC 2447 3rd Avenue Bronx, NY 10451		<b>Applicant's Representative:</b> Adam W. Rothkrug, Esq. Rothkrug Rothkrug & Spector, LLP 55 Watemill Lane Great Neck, NY 11021
<b>Recommendation submitted by:</b> Bronx Community Board 1		
<b>Date of public hearing:</b> 1/25/18	<b>Location:</b> 3024 THIRD AVENUE BRONX, NEW YORK 10455	
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input 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>		
<b>Date of Vote:</b> JANUARY 25, 2018	<b>Location:</b> 3024 THIRD AVENUE BRONX, NEW YORK 10455	
<b>RECOMMENDATION</b> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions		
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>		
<b>Voting</b> # In Favor: 15 # Against: 7 # Abstaining: 0 Total members appointed to the board: 41		
<b>Name of CB/BB officer completing this form</b> Cecilia L. Lofgren	<b>Title</b> DISTRICT MANAGER	<b>Date</b> 1/25/18



## BRONX COMMUNITY BOARD #1

3024 THIRD AVENUE

BRONX, NEW YORK 10455

(718) 585-7117 • Fax (718) 292-0558 • E-mail: brxcb1@optonline.net

*SERVING PORT MORRIS • MOTT HAVEN • MELROSE*



**RUBEN DIAZ, JR.**  
BOROUGH PRESIDENT

**GEORGE L. RODRIQUEZ**  
CHAIRPERSON

**CEDRIC L. LOFTIN**  
DISTRICT MANAGER

January 29, 2018

### Conditions/Modifications to the Willow Avenue Rezoning

Bronx Community Board One recommendation pursuant to the Uniform Land Use Review Procedure.

Project Name: Willow Avenue Rezoning

Application #: C 180088 ZMX

CEQR # : 18DCP007X

Recommendation: Approve with Modifications/Conditions to the Willow Avenue Rezoning.

#### Modifications:

1. For the Developer, Markland 745 LLC to utilize its selected firm Erickson Real Estate for property management services of the Willow 111 project.
2. Make best forth effort to lower the project income range in line with Bronx Community Board One net income demographics. Incorporate within the building amenities security features of exterior lighting, video intercom. Cameras in all areas of tenant movement within the building and garage.
3. Recruit for local residents and entrepreneurs employment during construction in trade and non-trade positions. Track list of Board One applicants to reside in 111 Willow project and update the Board on a consistent basis.
4. Provide opportunities for WMBE persons in sub-contracting, construction and building supply materials. Update the Board on a consistent basis as to all activities in regard to the project scope and employment.

**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.

**APPLICATIONS NOS: C 180088 ZMX-Willow Avenue Rezoning**

**DOCKET DESCRPTION-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 THE BOROUGH PRESIDENT'S RECOMMENDATION**

  
**BOROUGH PRESIDENT**

2/27/2018  
**DATE**



**BRONX BOROUGH PRESIDENT'S RECOMMENDATION**  
**ULURP APPLICATION NO: C 180088 ZMX**  
**WILLOW AVENUE REZONING**  
**111 Willow Avenue**

**DOCKET DESCRIPTION**

**IN THE MATTER OF** an application submitted by Markland 745 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b:

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Borough of The Bronx, Community District #1, as shown on a diagram (for illustrative purposes only) dated November 27, 2017, and subject to the conditions of CEQR Declaration E-454.

**BACKGROUND**

The proposed action this application is considering pertains to property located on the west side of Willow Avenue, between East 133<sup>rd</sup> Street on the south and East 134<sup>th</sup> Street to the north (Block 2562, Lots, 41, 49, 56, 58, 60 and parts of lots 40 and 61). These lots are defined as the Project Area and are situated on the eastern portion of Block 2562. Approving this application would amend the Zoning Map by eliminating an existing M1-2 District and an M1-2/R6A (MX-1) to an M1-2/R6A and M1-4/R7D District (MX-1). These actions would extend the Special Mixed Use District (MX-1) to include the entirety of the subject block.

The Development Site is composed of Block 2562, Lots 49, 56, 58 and 60. It includes 20,646 square feet of property offering 206 feet of frontage on west side of Willow Avenue as well as 104 feet on both East 133<sup>rd</sup> and East 134<sup>th</sup> Streets, offering 206 feet of frontage on west side of Willow Avenue as well as 104 feet on both East 133<sup>rd</sup> and East 134<sup>th</sup> Streets. Existing development on this property includes a three story commercial office building and a single story warehouse. The site also includes a surface parking area composed of 50-spaces. Lots 40 and part of lots 41 and 61 are included in this rezoning matter, but are not part of the development site.

Upon adoption of the zoning changes as proposed herein, the applicant intends to construct an eight story residential mixed use building. Features of this building include:

- 115,602 square feet of floor area (5.60 FAR)
- 104,477 square feet of residential space
- 126 dwelling units
- 15,125 feet of commercial retail space
- 26 accessory off-street parking space
- 63 bicycle spaces
- Green roof and an Enterprise Green rating
- 3,300 square feet for use as a community room
- All appliances will be Energy Star rated

The retail/commercial space will feature windows that will facilitate street illumination. Access to the commercial venues will be on East 134<sup>th</sup> Street. Entry to the garage will be provided on East 133<sup>rd</sup> Street.

Residential unit tallies include:

19 studio units:	approximately 370 gross square feet
66 one-bedroom units:	approximately 500-538 square feet
22 two-bedroom units:	approximately 785-900 square feet
19 three-bedroom units:	approximately 917-1,170 square feet

The affordability of these units includes:

30% of Area Median Income (AMI) Our Space:	12 Units=10% total unit count
30% of AMI:	6 Units= 5% total unit count
40% of AMI:	6 Units= 5% total unit count
50% of AMI:	6 Units= 5% total unit count
60% of AMI:	18 Units= 15% total unit count
80% of AMI:	30 Units= 25% total unit count
110% of AMI:	17 Units= 10% total unit count
120% of AMI:	30 Units= 25% total unit count

40% of the total number of units will remain affordable in perpetuity.

Development of the surrounding community is typified by low and mid-rise industrial buildings. The surrounding area is largely void of residential development. Retail activity is found on East 138<sup>th</sup> Street and on Bruckner Boulevard. Two homeless shelters within the four block radius of

the site. Access to public transportation via subway is found on Cypress Avenue at East 138<sup>th</sup> Street. Bus transportation operates on East 138<sup>th</sup> Street.

## **ENVIRONMENT REVIEW AND ULURP CERTIFICATION**

This application has been reviewed pursuant to CEQR and SEQR and received a Negative Designation. The City Planning Commission certified this application as complete on November 27, 2017.

## **BRONX COMMUNITY BOARD PUBLIC HEARING**

Bronx Community Board #1 held a public hearing on this application on January 25, 2018. A vote recommending approval of this application was 15 in favor, seven against and zero abstaining.

## **BOROUGH PRESIDENT'S PUBLIC HEARING**

A public hearing was convened by the Bronx Borough President on February 15, 2018. Representatives of the applicant were present and spoke in favor this application. No other members of the public offered testimony. The hearing was closed.

## **BOROUGH PRESIDENT'S RECOMMENDATION**

The development of 111 Willow Avenue has the potential of being transformative. The applicant proposes to demolish an existing low-rise industrial building and subsequently construct an eight-story residential building offering 126 units of affordable housing. The MX-1 Designation will facilitate this development.

I am very pleased to note that the profile of this proposed building will reflect the “industrial” context of the surrounding community. The inclusion of “factory loft-style” windows coupled with a brick façade that is reminiscent of an industrial building will complement the surrounding community, rather than conflict with it. So too, given that the by including retail venues which will offer additional illumination along Willow Avenue and the intersecting streets, I believe this development will in fact set the standard for similar projects which have yet to be presented.

Given the low-built profile of the surrounding community, by “stepping down” the height of this proposed building two objectives are realized. First, the building mass is reduced as it drops from eight stories on the east (Willow Avenue frontage) to six stories to the west. Second, this height difference affords an opportunity for the inclusion of roof-space for passive recreation. A green roof approximating 7,875 square feet is envisioned for the building’s eighth floor roof. The use of Energy Star appliances, low-flow plumbing and LED lighting are essential and I am pleased to note included in this project.

At my public hearing the applicant noted that the square foot size of the various units to be included, have not been finalized. As my record on this matter demonstrates, the minimum

standards established by the Department of Housing Preservation and Development (HPD) are not satisfactory. As such, one-bedroom units composed of 500 square feet, two-bedroom units offering 785 square feet and three bedroom flats offering 917 square feet; would fail to garnish my support for this project. I therefore recommend that the applicant consult with my office as these plans are finalized.

Beyond the specifics associated with the design and function of 111 Willow Avenue, I do have additional concerns that warrant comment.

- The surrounding area functions as an industrial community. Consequently, sidewalks and street crossings do not favor active pedestrian uses more commonly found in established residential communities.
- Within a three block radius of the proposed development site no retail options are in place. Most notably is the lack of a supermarket and drug store. Therefore, I strongly urge the applicant to solicit retailers that can offer these options.
- Access to mass transit requires a four block walk through the industrial area now in place, which after sunset I believe poses safety challenges
- The presence of two homeless shelters which are most active at night must be acknowledged.
- Given the location's disadvantages I have herein outlined, to attract residents unit sizes must exceed the minimum set by the Department of Housing Preservation and Development (HPD). As I have herein noted, I acknowledge that at my hearing the applicant indicated a willingness to consider larger unit measurements.

My observations must account for the fact that at this time no comparable development can be found within the surrounding community. As such, the applicant must be prepared to address my concerns by working with the appropriate city agencies and private sector interests to best assure those who will reside on Willow Avenue that their needs and concerns are fully resolved.

I recommend this application be approved while anticipating that the applicant will resolve to my satisfaction the various square-foot size of the residential units to be constructed.