



Legislation Details (With Text)

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Type: Resolution **Status:** Adopted

In control: Committee on Land Use

On agenda: 6/7/2018

Enactment date: **Enactment #:**

Title: Resolution approving the decision of the City Planning Commission on Application No. N 180089 ZRX, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) and Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 1, Borough of the Bronx (L.U. No. 87).

Sponsors: Rafael Salamanca, Jr., Ben Kallos

Indexes:

Attachments: 1. Resolution, 2. May 9, 2018 - Stated Meeting Agenda with Links to Files, 3. Land Use Calendar - Week of May 14, 2018 - May 18, 2018, 4. Land Use Calendar - Week of May 28, 2018 - June 1, 2018, 5. Hearing Testimony - Zoning 5-18-18, 6. Hearing Transcript - Zoning 5-15-18, 7. Hearing Testimony - Zoning 5-30-18, 8. June 7, 2018 - Stated Meeting Agenda with Links to Files, 9. Hearing Transcript - Stated Meeting 6-7-18, 10. Minutes of the Recessed Stated Meeting - June 7, 2018, 11. Minutes of the Stated Meeting - June 7, 2018, 12. Committee Report

Date	Ver.	Action By	Action	Result
6/5/2018	*	Committee on Land Use	Approved by Committee	
6/7/2018	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 389**

Resolution approving the decision of the City Planning Commission on Application No. N 180089 ZRX, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) and Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 1, Borough of the Bronx (L.U. No. 87).

By Council Members Salamanca and Kallos

WHEREAS, the City Planning Commission filed with the Council on May 4, 2018 its decision dated April 11, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Markland 745 LLC, for an amendment of the text 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. The amendment to the text of the Zoning Resolution, in conjunction with the related actions, would facilitate the construction of a mixed-use building with affordable residential units and ground floor retail space in the Port Morris neighborhood of the Bronx (Application No. N 180089 ZRX), Community District 1, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to application nos. C 180088 ZMX (L.U. No. 86), a 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; and 20185334 HAX (L.U. No. 88), a real property tax

exemption pursuant Section 577 of Article XI of the Private Housing Finance Law;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 15, 2018;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 18DCP007X) issued on November 27, 2017, which include (E) designation to avoid any potential impacts associated with hazardous materials and air quality which 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) (E-454) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180089 ZRX, incorporated by reference herein, the Council approves the Decision of the City Planning Commission:

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

* * *

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

* * *

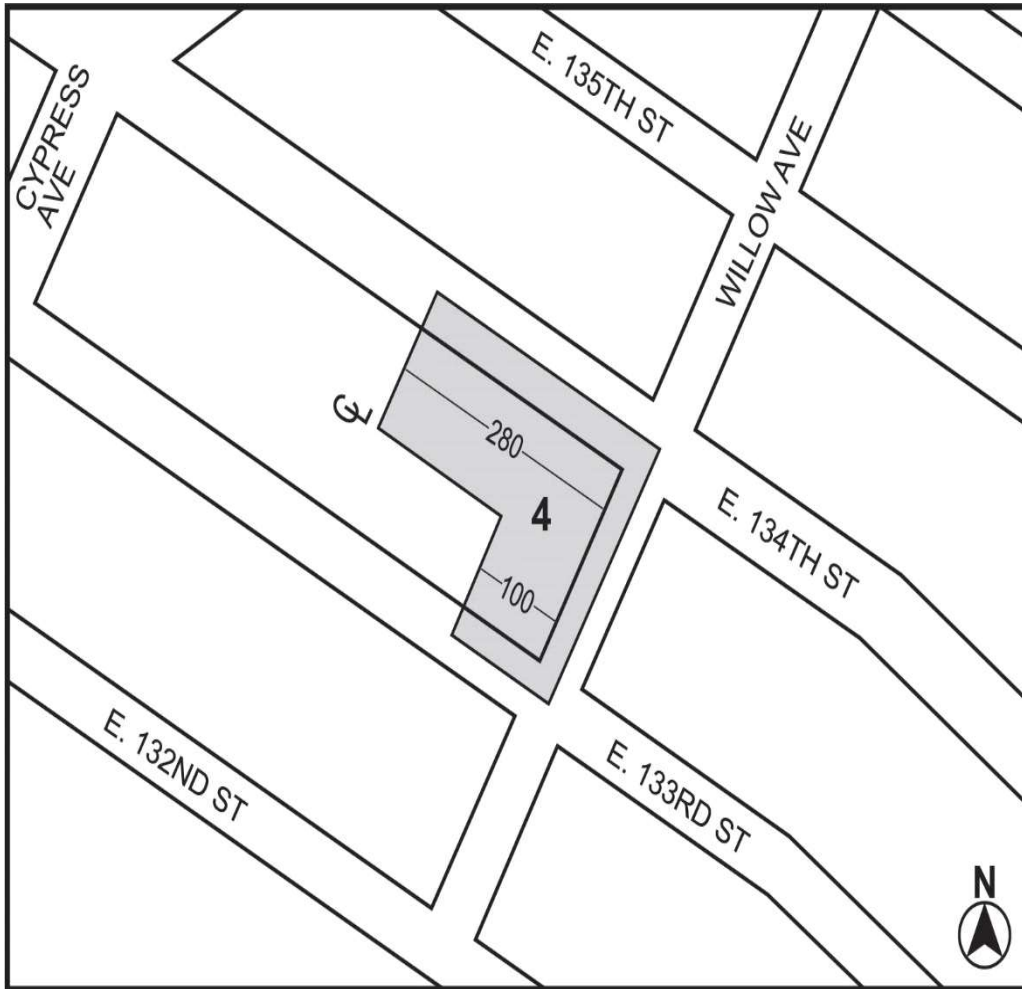
THE BRONX

The Bronx Community District 1

* * *

Map 4 - [date of adoption]

[PROPOSED MAP]



 Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
Area 4 - [date of adoption] MIH Program Option 1

Portion of Community District 1, The Bronx

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on June 7, 2018, on file in this office.

.....
City Clerk, Clerk of The Council