4506 PARK AVENUE REZONING
BRONX, NEW YORK
December 21, 2023

LR ITEM 3 DESCRIPTION OF PROPOSAL

1. INTRODUCTION

Rocky & Brothers Realty LLC (the "Applicant"), the owner of the Proposed Development Site (Block 3038, Lots 5, 7, 8, 9, 11, and 45) in the Bronx within Bronx Community District 6, requests approval of several actions (the "Proposed Actions") from the New York City Planning Commission (the "CPC") including:

1) a zoning map amendment from an existing M1-1 zoning district to an R7X zoning district with a C2-4 commercial overlay for the Project Area (Block 3038, Lots 1, 3, 7, 8, 9, 11, 12, 13, 14, 16, 87, 187, p/o 5, p/o 20, p/o 29, and p/o 45);
2) a zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing ("MIH") Area mapping Option 1 and Option 2.

The Proposed Actions would facilitate the development of two new buildings within the Project Area. The first building ("Proposed Development Building 1"), will be a new 14-story plus cellar mixed use building containing approximately 141,187 zoning square feet, with a proposed floor area ratio ("FAR") of 5.76. This building will include approximately 136,687 zoning square feet of residential floor area (180 total dwelling units), 4,500 zoning square feet of commercial space, and 72 parking spaces. The second building ("Proposed Development Building 2"), will be a new 12-story plus cellar residential building containing approximately 48,039 zoning square feet, with a proposed FAR of 4.83. This building will include approximately 48,039 zoning square feet of residential floor area (70 total dwelling units), and 28 parking spaces (Proposed Development Building 1 and Proposed Development Building 2, collectively, the "Proposed Development"). Pursuant to the requirements of the MIH program, the Proposed Development will provide approximately 63 to 75 permanently affordable units in accordance with MIH Option 1 or Option 2, at an average of 60-80% AMI, depending on the Option selected.

The Proposed Actions are intended to further the land use goals of the Third Avenue/Tremont Avenue Rezoning, and increase the development potential of the underutilized western half of Block 3038, several parcels of which are owned by the Applicant. New mixed use development facilitated by the Proposed Actions would complement and strengthen the residential and commercial character of this area of the Bronx, in addition to creating new affordable housing opportunities pursuant to the provisions of the City's Mandatory Inclusionary Housing program.

2. BACKGROUND

On October 13, 2010, the City Council approved the Third Avenue/Tremont Avenue Rezoning which rezoned all or portions of 75 blocks, including the eastern half of Block 3038 (through mid-block), to provide new opportunities for residential and commercial development (ULURP# N

100408 ZRX). Inclusionary Housing Designated Areas and Special Mixed Use Districts were also created.

3. DESCRIPTION OF THE SURROUNDING AREA

Land Uses

The proposed Project Area is in the Belmont neighborhood of Bronx Community District 6. The area within a 600-foot radius of the Project Area ("the Surrounding Area") is characterized by a mix of land uses including one and two family residential buildings, multifamily elevator and walkup buildings, mixed commercial and residential uses, commercial and office uses, industrial and manufacturing uses, transportation and utility uses, community facility buildings, parking facilities, open space and outdoor recreation, and vacant land. The Surrounding Area includes the following zoning districts: M1-1, M1-4/R7A, MX-14, R5, R6A, R7-1, C2-4, and C8-3. The built character varies with buildings ranging from one to 14 stories in height.

The Surrounding Area is served by several local and regional roadways including Park Avenue, the Cross Bronx Expressway, the Bronx River Parkway, East Fordham Road, and Webster Avenue. Public transportation in the Surrounding Area includes the Bx41 bus, which runs along Webster Avenue, and the Bx15 bus, which runs along Third Avenue. The Development Site is approximately 0.6 miles to the Fordham Metro North station, and 0.6 miles to the 182nd - 183rd Street subway station (B and D lines). The Surrounding Area is within the Transit Zone and FRESH Zone.

Directly north of the Project Area, land uses include one and two family residential buildings, multifamily walkup buildings, mixed residential and commercial buildings, commercial and office buildings, public facilities and institutions, parking facilities, vacant land, and open space. The prevailing built form varies from low-rise buildings ranging from one to two stories in height, to mid-rise buildings ranging from three to five stories in height.

To the south of the Project Area, there are one and two family residential buildings, multifamily walkup and elevator buildings, mixed residential and commercial buildings, public facilities and institutions, industrial and manufacturing uses, transportation and utility uses, open space, parking facilities, and vacant land. Other notable uses include the Bathgate Playground, which is located one block south of the Project Area, and Washington Park, which is located one block north of the Project Area.

To the east of the Project Area along Washington Avenue and Bassford Avenue are mixed residential and commercial buildings with ground-floor retail that serves local needs and includes uses such as grocery stores, delis, restaurants, convenience stores, and hair salons. Buildings to the east range in height from one to 14 stories, including 2271 Washington Avenue (14 stories) and 2277 Bathgate Avenue (13 stories).

The area to the west of the Project Area across Park Avenue is comprised of a mix of land uses including public facilities and institutional uses, commercial and office uses, mixed commercial

and residential uses, one to two family residential uses, multi-family elevator uses, open space, and vacant land. Buildings range from one to 14 stories in height, including 373 East 183rd Street which is a 14-story mixed residential and commercial building.

Zoning

The Surrounding Area is mapped with residential, commercial, light manufacturing, and special mixed use zoning districts of varying density including M1-1, M1-4/R7A, MX-14, R5, R6A, R7-1, C2-4, and C8-3. The Project Area is currently zoned M1-1, R6A, and C2-4. A description of the zoning regulations within each of these districts is provided below.

M1-1

M1 zoning districts permit certain community facility uses, most commercial uses, and nearly all semi-industrial and light manufacturing uses subject to M1 performance standards. New residential use is not permitted within M1-1 districts. The maximum FAR for permitted commercial and manufacturing uses within the M1-1 district is 1.0 and 2.4 for permitted community facility uses. The maximum base height before setback is 30 feet or two stories, whichever is lower, with building height controlled by a sky exposure plane. Accessory off-street parking is required for manufacturing and commercial uses, and for most uses is calculated based on the amount of floor area. In M1-1 districts, the off-street parking requirement may be waived if fewer than 15 spaces are required.

M1-4/R7A (MX-14)

The Special Mixed Use District (MX) was established in 1997 to encourage investment in, and enhance the vitality of, existing neighborhoods with mixed residential and industrial uses in close proximity. The MX district was also meant to create expanded opportunities for new mixed use communities. The Special Mixed Use Districts are mapped in all boroughs except Staten Island. New residential and non-residential uses including commercial, community facility and light industrial uses, can be developed as-of-right and can be located within the same building or side-by-side. By pairing an M1 district with an R3 through R10 district, this ensures a balanced variety of uses. Residential uses are generally subject to the bulk controls of the governing residence district. Commercial, community facility, and industrial uses are subject to the M1 district bulk controls. Additionally, community facilities are subject to residential FAR limits in the Special Mixed Use Districts. Most light industrial uses are permitted in MX districts as-of-right. Other uses are subject to restrictions, and Use Group 18 uses are completely excluded with the exception of small breweries.

R5

R5 zoning districts permit a variety of housing types with a FAR of 1.25. The maximum street wall height of a new building is 30 feet and the maximum building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building. In addition, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Off-street parking is required for 85 percent of the dwelling units in a building. For

blocks entirely within R5 districts, the regulations for predominately built-up areas may be applied to permit a maximum residential FAR of 1.65.

R6A

R6A is a medium-density contextual residential district. This district generally allows residential (Use Group 1 and 2) and community facility (Use Group 3 and 4) uses. No commercial or industrial/manufacturing uses are permitted. In R6A districts within Inclusionary Housing Designated Areas, the maximum permitted FAR is 3.6 for residential uses and 3.0 for community facility uses. Any new buildings must be constructed pursuant to Quality Housing regulations. In R6A districts, Quality Housing buildings typically range in height from seven to eight stories. Within Inclusionary Housing Designated Areas in R6A districts, Quality Housing regulations mandate a maximum base height of 65 feet and a maximum building height of 85 feet. Accessory parking is required for 50% of dwelling units and for 25% of income-restricted housing units. These requirements may be waived if the district is located within the Transit Zone.

R7-1

R7 districts are medium-density residential districts mapped in much of the Bronx, Brighton Beach in Brooklyn, and the Upper West Side in Manhattan. R7-1 districts specifically are located in many parts of the South Bronx, including Highbridge, Morris Heights, Morrisania, and Longwood. They can also be found in Prospect Lefferts Gardens, Brooklyn, as well as Jackson Heights and Rego Park, Queens. In R7 districts, buildings may be constructed according to either the optional Quality Housing regulations or height factor regulations. Buildings constructed in accordance with Quality Housing regulations are generally lower in height, with greater lot coverage. Alternatively, the height factor regulations for R7 districts result in lower apartment buildings on smaller zoning lots, and taller buildings on larger lots with less lot coverage. The FAR for height factor buildings in R7 districts ranges from 0.87 to 3.44. Off-street parking is generally required for 60 percent of a building's dwelling units in an R7-1 district, but requirements are lower for income-restricted housing units and are further modified in certain areas, such as within the Transit Zone. As R7 districts generally encompass many blocks, they have wide and narrow street rules for each set of regulations. For Quality Housing buildings, the maximum FAR varies based on whether the building is to be constructed on a wide street or a narrow street. Additionally, off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are also lower for income-restricted housing units and further modified in certain areas. Off-street parking requirements may be waived if 5 or fewer parking spaces are required in R7-1 districts.

C2-4

C2 districts permit a wider range of retail and service establishments than C1 districts. When commercial overlays are mapped in R1 through R5 districts, the maximum commercial FAR is 1.0; when mapped in R6 through R10 districts, the maximum commercial FAR is 2.0. However, in mixed residential and commercial buildings, commercial uses are limited to one floor and must always be located below residential use. Off-street parking requirements vary by use, but are generally calculated based on the amount of floor area with C2-4 districts requiring one parking

space per 1,000 square feet of floor area for general retail or service uses. A waiver is available for required commercial parking fewer than 40 spaces.

C8-3

C8 zoning districts are mapped mainly along major traffic arteries where concentrations of automotive uses have developed. C8-3 districts permit most commercial and semi-industrial uses and certain community facility uses. New residential use is not permitted within C8-3 districts. The FAR for permitted commercial and community facility uses within the C8-3 district is 2.0 and 6.5 respectively. The maximum base height before setback is 60 ft., with building height controlled by a sky exposure plane. Off-street parking is required, and for most uses is calculated based on the amount of floor area. In C8-3 districts, the off-street parking requirement may be waived if fewer than 40 spaces are required.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA AND DEVELOPMENT SITE

The proposed Project Area is comprised of Lots 1, 3, 7, 8, 9, 11, 12, 13, 14, 16, 87, 187, p/o 5, p/o 20, p/o 29, and p/o 45 on Block 3038. Block 3038 is generally bounded by East 183rd Street to the north, Park Avenue to the west, East 182nd Street to the south, and Washington Avenue to the east. The majority of the Project Area is within an M1-1 zoning district; p/o lot 5, p/o 20, p/o 29, and p/o 45 are split zoning lots (M1-1/R6A); and p/o 20 is mapped with a C2-4 commercial overlay.

The Proposed Development Site consists of two parcels comprised of a series of interior lots. It consists of 4506-4522 Park Avenue and 449 East 182nd Street (Block 3038, Lots 5, 7, 8, 9, 11, and 45). It has a total lot area of 34,434 square feet. The Proposed Development Site has approximately 170 feet of frontage along Park Avenue and 100 feet of frontage on East 182nd Street. Park Avenue is a 50-ft. wide street and runs parallel with the Metro North tracks. 4506 Park Avenue (Lot 5) is currently improved with a one-story, 8,590 gross square foot warehouse. 4510 Park Avenue (Lots 7, 8, and 9) contains unlicensed surface parking. 4522 Park Avenue (Lot 11) contains a one-story, 3,400 gross square foot autobody/repair facility. Lastly, 449 East 182nd Street (Lot 45) contains a one-story, 9,800 square foot warehouse.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Actions would facilitate two new buildings on the Proposed Development Site, with a total floor area of approximately 189,226 zoning square feet. The Proposed Development has a proposed FAR of 5.5. This will be a mixed-use residential and commercial development.

Proposed Development Building 1 will be a new 14-story mixed use building (maximum height of 145 feet) with approximately 188,328 gsf fronting Park Avenue (Lots 5, 7, 8, 9, and 11). Proposed Development Building 1 would contain approximately 4,500 gsf of ground-floor commercial space and approximately 166,347 gsf of residential space with 180 dwelling units, of which 25-30% (45-54 dwelling units) would be affordable pursuant to MIH at an average of 60-80% AMI, depending on the Option selected. Approximately 72 accessory off-street parking

spaces would be provided in the cellar or ground floor (rear of building). One curb cut on Park Avenue would be installed in connection with the below-grade parking entrance.

Proposed Development Building 2 will be a new 12-story residential building (maximum height of 125 feet) with approximately 59,062 gsf fronting East 182nd Street (Lot 45). Proposed Development Building 2 would contain approximately 54,524 gsf of residential space with 70 dwelling units, of which 25-30% (18-23 units) would be affordable pursuant to MIH at an average of 60-80% AMI, depending on the Option selected. Approximately 28 accessory off-street parking spaces would be provided on the ground floor. One curb cut would be installed on East 182nd Street in connection with the below-grade parking entrance.

6. ACTIONS NECESSARY TO FACILITATE THE PROJECT

Zoning Map Amendment

The proposed zoning map amendment to sectional map 3c would map the Project Area with an R7X zoning district and a C2-4 commercial overlay. The Project Area is currently zoned M1-1 and R6A/C2-4 where the maximum permitted FAR is 1.0 for commercial (Use Group 5, 6, 8, 9, 10, and 12), 2.4 for community facility (Use Group 3 and 4), and 1.0 for manufacturing (Use Group 4-14, 16, and 17) uses. Compared to existing zoning, the proposed R7X district with the C2-4 commercial overlay would allow for residential use on the Project Area. The zoning map amendment would also allow higher density residential (maximum 6.0 FAR), and community facility (maximum 2.4 FAR) uses. Any new buildings within the R7X district must be constructed pursuant to Quality Housing regulations. In R7X districts within Inclusionary Housing Designated Areas, Quality Housing regulations mandate a maximum base height of 105 feet and a maximum building height 145 feet. Accessory parking is required for 50% of dwelling units, but due to the Project Area's location within the Transit Zone, no parking is required for income-restricted housing units. For commercial and community facility uses, parking is generally required at a rate of 1 space per 300 square feet of floor area.

The proposed R7X zoning district with the C2-4 commercial overlay is appropriate as the Project Area is located in an area that is well served by public transportation, and well equipped to handle the proposed increase in density. The Project Area is adjacent to Park Avenue, a street that can support the increased density, and the open Metro North tracks. There is also an adjacent 14-story building located immediately abutting the rear of the proposed Development Site. The R7X allows for residential development and a higher FAR than the existing M1-1 zoning district, which will provide more flexibility in providing larger units and will make housing development feasible, in a building with a height that is consistent with surrounding development. Mapping the commercial overlay will activate this block with local commercial uses.

Additionally, the Project Area is located in close proximity to several local and regional roadways including Park Avenue, the Cross Bronx Expressway, the Bronx River Parkway, East Fordham Road, and Webster Avenue. Public transportation in the Surrounding Area includes the Bx41 bus, which runs along Webster Avenue, and the Bx15 bus which runs along Third Avenue. The Development Site is approximately 0.6 miles to the Fordham Metro North station, and also 0.6

miles to the 182nd - 183rd Street subway station (B and D lines). Lastly, the Project Area is within the Transit Zone and FRESH Zone.

The proposed R7X zoning district with a C2-4 commercial overlay would be consistent with existing zoning and land use patterns within the Surrounding Area. R7X zoning would allow a bulk and density that is generally consistent with what is currently permitted in the Surrounding Area, including the adjacent 14-story residential building located at 2271 Washington Avenue (Block 3038, Lot 29).

The proposed ground-floor retail uses would complement what is currently permitted throughout most of the Surrounding Area, and provide much needed services and amenities to existing and future residents of the area. Additionally, the proposed ground-floor retail uses would activate the streetscape along Park Avenue and East 182nd Street and significantly improve the pedestrian experience.

Zoning Text Amendment

The proposed zoning text amendment to Appendix F of the Zoning Resolution is requested to designate the Project Area as a Mandatory Inclusionary Housing Area. According to the U.S. Census Bureau, approximately 50.7 percent of area households in Bronx Community District 6 are rent burdened and there is a strong need for affordable housing that reaches a broad range of incomes.[1]

The MIH program requires that permanently affordable housing be provided within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH areas. Within this MIH area, all housing developments, enlargements and conversions that meet the criteria set forth in the MIH program must comply with the requirements of either Option 1 or Option 2 described below.

- Option 1: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

- Option 2: 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

The Applicant proposes to comply with MIH Option 1 or Option 2, where 25% or 30% of residential floor area would be affordable housing and rented to tenants with an income at or below 60% or 80% of AMI. Under the existing zoning, no residential floor area is required to be permanently affordable. Therefore, the proposed zoning text amendment would facilitate the

[1] Based on American Community Survey 2014-2018 5-Year Estimates for PUMA 3705, which is an approximation of both Bronx Community District 6 and Bronx Community District 3, available at: https://communityprofiles.planning.nyc.gov/bronx/6.

construction of a significant amount of permanently affordable housing units in this area of the Bronx.

7. CONCLUSION

The proposed zoning map and zoning text amendments are consistent with existing land uses and zoning conditions within the Surrounding Area, and serve to further the objectives of the City's Mandatory Inclusionary Housing policy and City of Yes initiatives. The Proposed Actions would facilitate the construction of much-needed housing, including approximately 63-75 units of permanently affordable housing and commercial space in close proximity to public transportation. The Proposed Development would provide important services and amenities to the existing and future residents of the area. It would also enliven the neighborhood and create a more vibrant streetscape that would complement the ongoing community development and enrichment of the surrounding neighborhood.