1930 ADEE AVENUE REZONING
APRIL 19, 2021

1. INTRODUCTION

The applicant, Centerland Realty LLC, proposes a zoning map amendment to rezone 1930, 1946, 1948 and 1950 Adee Avenue, Block 4797, Lot 69 and p/o Lots 1, 2 and 3 (the "Proposed Project Area"), in the Baychester neighborhood of Bronx Community District 12, from an R4 zoning district to an R6B zoning district. The proposed zoning map amendment will facilitate the alteration and use of the existing building located at 1930 Adee Avenue, Block 4797, Lot 69, (the "Proposed Development Site") as a Use Group 3 community facility (pre-school/daycare) (the "Proposed Development").

The applicant also proposes a zoning text amendment to amend Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Bronx Community District 12, to establish the Proposed Project Area as a Mandatory Inclusionary Housing ("MIH") Designated Area. The applicant proposes mapping Options 1 and 2 to provide maximum flexibility for non-applicant controlled sites. Option 1 requires 25% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 60% AMI, with a minimum of 10% of housing to be affordable at 40% AMI. Option 2 requires 30% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 80% AMI. Although the applicant does not intend to develop any residential housing at the Proposed Development Site, the proposed zoning text amendment will ensure the future development of affordable housing units within the Proposed Project Area should any of the lots be redeveloped with residential housing.

2. BACKGROUND

There have been no recent land use actions relating to the Proposed Project Area. The current R4 zoning district has been in existence since it was mapped in 1961.

The building located at the Proposed Development Site was issued a Certificate of Occupancy in 1963 which indicated the use as a "Manufacturing Use of Metal Products with Accessory Customer and Employees Parking." Records show that the building at that time was built on the western half of the lot, front to back lot lines, along with a partial second floor fronting Adee Avenue. An Alteration 1 application was filed in 1987 to enlarge the building on the eastern side with one story. The application was approved and a work permit was issued, but an amended Certificate of Occupancy was never obtained. Sometime between 1987 and 1995 the building was fully built out, lot line to lot line, on the eastern side along with a full second floor. No records have been found for this additional enlargement. On May 24, 1995, a DOB violation was issued stating "Work does not conform to approved plans of Alteration #306-87. Non-conforming work noted: additional 1,200 square feet added to proposed extension on East side of building. Remedy: Conform to approved plans or amend plans." This violation remains open as of today. The applicant acquired the Proposed Development Site in 2017, at which time it was occupied by a house of worship. The existing building is currently vacant and has been for approximately two years.

3. DESCRIPTION OF THE SURROUNDING AREA

<u>Zoning</u>
The area within a 600-foot radius of the Proposed Project Area (the "Surrounding Area") is zoned R4, R4-1 and R6.

R4 districts are residential districts which allow all types of housing with a maximum FAR of 0.75 (FAR may be increased up to 20% for attic allowance), and community facility uses with a maximum FAR of 2.0. For residential uses, R4 districts require a minimum front yard of 10 feet, a minimum rear yard of 30 feet (except within 100 feet of a corner), and permit a maximum height of 35 feet. Detached houses must have two side yards that total at least 13 feet and each one must

be at least five feet wide. Semi-detached buildings need one side yard with a minimum width of eight feet. One off-street parking space is required for each dwelling unit. For community facility uses, R4 districts require a minimum front yard of 15 feet, a minimum rear yard of 30 feet (except within 100 feet of a corner), and permit a maximum height of 35 feet.

R4-1 districts contextual residential districts. The R4-1 zoning district permits only one- and two-family detached and semi-detached houses with a maximum FAR of 0.75 (FAR may be increased up to 20% for attic allowance), and community facility uses with a maximum FAR of 2.0. For residential uses, R4-1 districts require a minimum front yard of 10 feet, a minimum rear yard of 30 feet (except within 100 feet of a corner), and permit a maximum height of 35 feet. Detached houses must have at least one 8-foot side yard. Semi-detached buildings need one side yard with a minimum width of four feet. One off-street parking space is required for each dwelling unit.

R6 districts are residential districts which are widely mapped in built-up, medium-density areas in Brooklyn, Queens and the Bronx. Developers can choose between two sets of bulk regulations. Height factor regulations, introduced in 1961, typically produce small multi-family buildings on small zoning lots and, on larger lots, tall buildings that are set back from the street. Quality Housing regulations, introduced in 1987, typically produce high lot coverage buildings within height limits that often reflect the scale of older, pre-1961 apartment buildings in the neighborhood. The FAR in R6 districts ranges from 0.78 (for a single-story building) to 2.43 at a typical height of 13 stories. There are no height limits for height factor buildings, although they must be set within a sky exposure plane which begins at a height of 60 feet above the street line and then slopes inward over the zoning lot. Off-street parking is required for 70% of a building's dwelling units/25% of IRHU, or can be waived if five or fewer spaces are required. The Quality Housing regulations produce high lot coverage buildings set at or near the street line. For buildings on or within 100 feet of a wide street, the maximum FAR is 3.0/3.6 with Inclusionary Housing, the maximum base height before setback is 65 feet, and the maximum building height is 70 feet/75 feet with qualifying ground floor/115 feet with Inclusionary Housing. On a narrow street, the maximum FAR is 2.2/2.42 with Inclusionary Housing, the maximum base height before setback is 45 feet/65 feet with Inclusionary Housing, and the maximum building height is 55 feet/115 feet with Inclusionary Housing. Off-street parking is required for 50% of a building's dwelling units/25 % of IRHU, or can be waived if five or fewer spaces are required.

Land Uses and Prevailing Built Form

The land uses with the Surrounding Area consist primarily of residential buildings (one- and two-family and multi-family residential buildings, as well as several community facilities, industrial/manufacturing and transportation/utility uses.

Within the R4 zoning district, located to the north, south and east of the Proposed Project Area, the prevailing built form generally consists of one- to three-story, one-, two-, and multi-family residential buildings. However, many of these residential buildings have non-complying FARs, including the residential building within the Proposed Project Area and on the subject block. To the south of the Proposed Project Area on the subject block are several one- and two- story transportation/utility uses, including an auto-repair center. Located two blocks west of the Proposed Project Area is a two-story manufacturing building (kitchen/bath wholesaler).

Within the R4-1 zoning district, located to the northwest of the Proposed Project Area, the prevailing built form generally consists of two- to three-story, one-, two- and multi-family residential buildings. Two, two-story community facilities are also located within the R4-1 district, including an employment agency and a house of worship (Kingdom Hall of Jehovah's Witnesses).

Within the R6 zoning district, located to the east of the Proposed Project Area across I95, is Co-Op City which consists of 24-story, multi-family residential buildings, in addition to a large community facility campus which consists of several schools (PS 178, IS 181, Harry S. Truman Hight School, Bronx Health Sciences High School, PS 153 and MS 180).

Mass Transit

The Proposed Project Area is located just east of I95. The Gun Hill Road subway station serving the 5 train is located approximately ½ mile west of the Proposed Project Area.

Other Zoning Designations
The Surrounding Area is also located within a FRESH Program area that provides discretionary tax incentives.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA

The Proposed Project Area includes 1930, 1946, 1948 and 1950 Adee Avenue, Block 4797, Lot 69 and p/o Lots 1, 2 and 3, in the Baychester neighborhood of Bronx Community District 12. The Proposed Project Area is zoned R4, a low-density residential district with a maximum residential FAR of 0.75 (FAR may be increased up to 20% for attic allowance), and a maximum community facility FAR of 2.0.

1930 Adee Avenue (Lot 69), the Proposed Development Site has a lot area of approximately 7,132 square feet and is improved with an approximately 14,264 square foot (2.0 FAR), two-story building which is currently vacant and has been for approximately two years.

1946 Adee Avenue (Lot 1) has a lot area of approximately 3,570 square feet and is improved with a non-complying, approximately 3,774 square foot (1.09 FAR), three-story, multi-family residential building.

1948 Adee Avenue (Lot 2) has a lot area of approximately 2,240 square feet and is improved with a non-complying, approximately 3,654 square foot (1.63 FAR), three-story, multi-family residential building.

1948 Adee Avenue (Lot 3) has a lot area of approximately 3,200 square feet and is improved with a non-complying, approximately 3,774 square foot (1.18 FAR), three-story, multi-family residential building.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Proposed Development Site is 1930 Adee Avenue, Block 4797, Lot 69. The Proposed Development Site is a corner lot, located at the corner of the intersection formed by Adee Avenue and Grace Avenue. The Proposed Development Site has approximately of 95 feet of frontage on Adee Avenue, approximately 75 feet of frontage on Grace Avenue and a total lot area of approximately 7,132 square feet. The Proposed Development Site is improved with a two-story, approximately 14,264 square foot (2.0 FAR) building which rises to a total height of 25’-0”. There are two existing curb cuts at the Proposed Development Site. One approximately 12 feet wide and one approximately 15 feet wide, located approximately 20 feet and approximately 65 feet, respectively, north of the intersection of Adee Avenue and Grace Avenue. The applicant acquired the Proposed Development Site in 2017, at which time it was occupied by a house of worship. The existing building is currently vacant and has been for approximately two years.

The existing building located at the Proposed Development Site has non-complying conditions with regard to front yard, side yard and lot coverage based on the applicable community facility bulk regulations. The existing building is fully built to the lot lines, while ZR § 24-34 requires a minimum front yard of 15’-0” and ZR § 24-35 requires minimum side yards of 10% of the aggregate width of the street walls. In addition, the existing building has a lot coverage of 100%, while ZR § 24-11 permits a maximum lot coverage of 60%.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed rezoning will facilitate the alteration, legalization and development of the existing building located at the Proposed Development Site as a UG 3 community facility (pre-school/daycare). The existing approximately 14,264 square feet (2.0 FAR) of total floor area would remain.

The Proposed Development will consist of a lobby, classrooms and a play area on the first floor, with additional classrooms and offices on the second floor.

The proposed R6B zoning district will legalize the existing, non-complying conditions with regard to front and side yards, as ZR §§ 24-34 and 24-36 do not require any front or side yards for a community facility within an R6B zoning district. With regard to lot coverage, the existing building will be altered and a portion of the second story will be lowered to 23'-0" in order to comply with ZR § 24-11 which permits a maximum lot coverage of 80%, while ZR § 24-12 permits a portion of a building containing community facility use at any height up to 23'-0" to be excluded from the percentage of lot coverage.

The applicant anticipates the proposed UG 3 community facility building at the Proposed Development Site to be occupied by the St Jemuel Group Family Daycare, Inc. St Jemuel has been serving the Fordham/Bronx Park community for the past 17 years. Extending their services to the Proposed Development Site will allow St Jemuel to provide educational and social programs to additional families in a location which is underserved.

7. ACTIONS NECESSARY TO FACILITATE THE PROPOSAL

The actions necessary to facilitate the Proposed Development at the Proposed Development Site are: (1) a zoning map amendment to rezone the Proposed Project Area from an R4 zoning district to an R6B zoning district, and (2) a zoning text map amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Bronx Community District 12, to establish the Proposed Project Area as an MIH Designated Area.

a. Rationale for the Zoning Map Amendment to an R6B zoning district at the Proposed Project Area

This application seeks to rezone the Proposed Project Area from an R4 zoning district to an R6B zoning district. The proposed R6B district will be mapped to a depth of 75'-0" from Adee Avenue.

R4 districts are residential districts which allow all types of housing with a maximum FAR of 0.75 (FAR may be increased up to 20% for attic allowance), and community facility uses with a maximum FAR of 2.0. However, while the existing building at the Proposed Development Site has a complying community facility FAR of 2.0, all other lots located within the Proposed Project Area have non-complying residential FARs that range from 1.09 to 1.63.

R6B districts are contextual residential zoning districts designed to encourage the development of Quality Housing buildings with a maximum permitted FAR of 2.0 for residential or community facility uses, or 2.2 with inclusionary housing. R6B districts typically consist of four- to five-story apartment buildings and four-story attached buildings. The base height must be between 30 and 40 feet, a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, and the maximum permitted height is 50 feet. Off-street parking is required for 50% of all dwelling units, but requirements are lower for IRHU and are further modified within the Transit Zone.

The proposed R6B zoning district is appropriate in terms of density and permitted bulk as the Proposed Project Area includes three non-complying residential buildings with FARs ranging from 1.09-1.63. Therefore, the degree of non-compliance of these buildings will be greatly reduced. Further, Adee Avenue is a wide street. The R6B zoning district accommodates a maximum residential FAR of 2.2 or community facility FAR of 2.0, which is appropriate along this wide street which is located at the edge of the Baychester neighborhood and adjacent to the New England Throughway. Further, the proposed rezoning to an R6B zoning district will enable the applicant to redevelop the Proposed Development Site, which is an underutilized, vacant site, with a community facility (daycare) which will serve the surrounding neighborhood.

b. Rationale for the ZR Appendix F Text Map Amendment to map an MIH Designated Area at the Proposed Project Area

The shortage of affordable housing and housing in general has been highlighted by the current administration as an urgent issue that needs addressing. The administration has released Housing New York, A Five-Borough, Ten-Year Housing Plan, which calls for the production and preservation of 200,000 affordable housing units within a decade.

Although the applicant does not intend to develop any residential housing at the Proposed Development Site, the proposed text amendment to ZR Appendix F will ensure that any future residential development within the Proposed Project Area will address the need for housing to serve a broad range of the City's diverse incomes. The applicant proposes mapping MIH Options 1 and 2 within the Proposed Project Area to provide maximum flexibility for non-applicant controlled sites. Option 1 requires 25% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 60% AMI, with a minimum of 10% of housing to be affordable at 40% AMI. Option 2 requires 30% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 80% AMI.

8. CONCLUSION

As discussed above, the applicant proposes a zoning map amendment to rezone the Proposed Project Area from an R4 zoning district to an R6B zoning district. The proposed zoning map amendment will facilitate the redevelopment of the existing building located at the Proposed Development Site as a community facility. The proposed rezoning will also reduce the degree of non-compliance of the three existing residential buildings located within the Proposed Project Area. The applicant also proposes a zoning text map amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Bronx Community District 12, to establish the Proposed Project Area as an MIH Designated Area. Although the applicant does not intend to develop any residential housing at the Proposed Development Site, the proposed text amendment to ZR Appendix F will ensure that any future residential development within the Proposed Project Area will address the need for housing to serve a broad range of the City's diverse incomes.