1160 Pugsley Avenue
Community District 9, Bronx
March 11, 2025

1. Introduction

1160-1178 Pugsley Ave LLC (the "Applicant") requests approval of the following three actions affecting an area measuring approximately 20,000 square feet on the east side of Pugsley Avenue between Gleason Avenue and Powell Avenue in the Unionport neighborhood of the Bronx, Community District 9:

1) A zoning map amendment to New York City Zoning Resolution ("ZR") Sectional Map 4b, to change Block 3802, Lots 1, 6, p/o 13, and p/o 80 from an R5 zoning district to an R7A/C2-4 zoning district (the "Project Area");

2) A zoning text amendment to ZR Appendix F to designate the Project Area a Mandatory Inclusionary Housing Designated ("MIH") area for Options 1 and 2; and

3) A zoning certification pursuant to ZR § 63-30 that a proposed food store use is a FRESH food store.

The proposed actions would facilitate the development of Block 3802, Lots 1 and 6 (the "Development Site") with a new 8-story (73'-8" tall) mixed use building with mezzanine and cellar containing 105,497.27 square feet of floor area (the "Proposed Development"). The Proposed Development would contain 91,938.08 square feet of residential floor area, plus 13,559.19 square feet of commercial floor area comprising 10,912.94 square feet of FRESH food store floor area and 2,646.25 square feet of floor area for a local retail or service establishment. A cellar level parking garage with 32 required accessory residential parking spaces would be accessible from a new 12'-wide curb cut on Gleason Avenue, which is a 60'-wide street serving westbound traffic. A loading berth for the FRESH food store would be accessible from a new 12'-wide curb cut on Powell Avenue, which is a 60'-wide street serving eastbound traffic.

The Proposed Development would contain 104 income-restricted dwelling units, including approximately 31 units in accordance with MIH requirements. The Applicant would seek a subsidy for the construction of the Proposed Development as a mixed income multi-family rental project under Housing Preservation Development's ("HPD") Mixed Income Program: Mix & Match, which requires all residential units in the Proposed Development to be offered at rental rates meeting a range of affordability tiers.

The proposed actions would foster the development of new income-restricted housing consistent with the existing scale and character of the neighborhood within an area situated on a wide street and readily accessible by mass transit. The proposed actions would also facilitate the creation of uses that serve local retail needs, including a neighborhood grocery store that provides fresh food options, along a street with existing ground floor commercial uses.

2. Background

The Project Area has been mapped as an R5 zoning district since December 15, 1961. With the exception of a rezoning of an area situated in the northwest corner of the Surrounding Area from R5 and R5/C1-2 to R6 on August 25, 1966, there have been no zoning map amendments within 600 feet of the Project Area (the "Surrounding Area") since 1961. Rezoning actions located just outside the Surrounding Area took place in 2017 and 2019, as described below.

To the north of the Surrounding Area, an area generally bounded by Westchester Avenue, Olmstead Avenue, Newbold Avenue, and Pugsley Avenue was rezoned from R5 and R5/C2-2 districts to R6 and R6/C2-4 districts and designated as an MIH area (Westchester Mews Rezoning, C 160326 ZMX and N 160327 AZRX, effective May 24, 2017) to reinforce existing land uses and help address the need for housing. Further north of the Surrounding Area, an existing C1-2 commercial overlay was changed to C2-2 within an R6 district on a portion of a blockfront along Westchester Avenue between Pugsley and Metropolitan Avenues to legalize an existing catering hall (Westchester Avenue Rezoning, C 030066 ZMX).

To the south of the Surrounding Area, an area generally bounded by Chatterton Avenue, Olmstead Avenue, Bruckner Boulevard, and Pugsley Avenue was rezoned from an R5 district to an R7A/C2-4 district and designated as an MIH area (2069 Bruckner Boulevard Rezoning, C 190102 ZMX and N 190103 ZRX, effective April 18, 2019) to facilitate development in a transit-accessible location consistent with the character of the surrounding area.

3. Description of the Surrounding Area

The Surrounding Area is located within Community District 9 in the Unionport neighborhood of the Bronx. The Surrounding Area is generally characterized by a mix of low-rise one- and two-family residential buildings, multi-family residential walk-up buildings and a portion of the Cross Bronx Expressway and service roads on the north and south sides of the Cross Bronx Expressway. Taller five- and six-story multi-family residential buildings and mixed residential and commercial buildings are located immediately south, west and north of the Project Area. Just beyond the Surrounding Area, to the south and northwest of the Project Area, are taller 8-, 15- and 14-story multi-family residential buildings. The Project Area faces 5- and 6- story buildings on opposite sides of all three street fronts. The building opposite the northern portion of the Project Area includes non-conforming ground floor retail uses.

Commercial activity is concentrated along the Cross Bronx Expressway south service road and Olmstead Avenue. Commercial uses general consist of ground-floor grocery stores, restaurants and barber shops. Henry Hudson Junior High School 125 is located within the Surrounding Area. Located just beyond the Surrounding Area are public schools providing instruction to pre-k through 5th grade levels, including The Dr. Emmett W. Bassett School, P.S. 36, and P.S. 583. Several houses of worship are situated to the west, north and east of the Project Area.

Nearby public open space consists of the Haviland Playground, a .84-acre public park with playground and basketball court facilities located in the southwest corner of the Surrounding Area, and Chief Dennis L. Devlin Park, a .52-acre triangle plaza adjoining the Cross Bronx Expressway north service road located in the northeast corner of the Surrounding Area.

The Surrounding Area is located within the Outer Transit Zone and is well-served by public transportation. The Parkchester subway station serving the 6 train is located .3 miles from the Project Area (a 6-minute walk). The Bx4 (Westchester Square – The Hub) and Bx4A (Westchester Square – West Farms Road) provide service along Westchester Avenue, the Q44 Select Bus Service (Bronx Zoo – Jamaica) provides service along the Cross Bronx Expressway Service Road, and the Bx36 (Soundview – George Washington Bridge) and Bx39 (Wakefield – Clasons Point) provides service along White Plains Road. Three express bus routes are available south of the Project Area-- the BxM7 (Co-op City – Midtown), the BxM8 (Pelham Bay – Midtown), and the BxM9 (Throgs Neck – Midtown).

The Cross Bronx Expressway, which measures more than 250 feet wide including service roads, occupies the northeastern portion of the Surrounding Area. The Cross Bronx Expressway is a major freeway that provides interchanges with the Bruckner Expressway located immediately south of the Surrounding Area, and the Bronx River Parkway situated to the west of the Surrounding Area.

The Surrounding Area is mapped predominantly within an R5 district. An R6 district is located in the northwestern edge of the Surrounding Area and C2-2 commercial overlays are mapped within an R5 district on the eastern edge of the of the Surrounding Area along the Cross Bronx Expressway south service road and the western side of Olmstead Avenue. The Surrounding Area is also mapped within a Transit Zone, which are areas that are generally located within one-half mile of a subway station, and where special lower accessory parking requirements apply for various types of affordable housing. Additionally, FRESH zoning and discretionary tax incentives are available for qualifying neighborhood grocery stores within the Surrounding Area.

R5 zoning districts permit a variety of housing types with a residential floor area ratio ("FAR") of 1.50 for standard zoning lots and 2.00 for qualifying residential sites. R5 zoning districts permit community facility uses with a maximum FAR of 2.00. For residential buildings in R5 districts, the maximum base height is 35 feet and the maximum building height is 45 feet. Above maximum base height, a setback of at least 15 feet is required from a narrow street and a setback of at least 10 feet is required from a wide street. Within the Outer Transit Zone in R5 districts, off-street

accessory parking is required for 35 percent of standard dwelling units, no parking spaces are required for qualifying affordable housing units, and a waiver of a requirement for up to 10 parking spaces is allowed.

For zoning lots located within 100 feet of a wide street in R6 districts, standard residences have a maximum residential FAR of 3.00, a maximum base height of 65 feet, and maximum building height of 75 feet, and qualifying affordable housing has an FAR of 3.90, a maximum base height of 65 feet, and maximum building height of 95 feet. For all other zoning lots in R6 districts, standard residences have a maximum residential FAR of 2.20, a maximum base height of 45 feet, and maximum building height of 55 feet, and qualifying affordable housing has an FAR of 3.90, a maximum base height of 65 feet, and maximum building height of 95 feet. R6 districts allow a maximum FAR of 4.8 for buildings containing certain community facility uses. Within the Outer Transit Zone in R6 districts, off-street accessory parking is required for 25 percent of standard dwelling units, no parking is required for qualifying affordable housing and a requirements for up to 15 parking spaces may be waived.

C2-2 commercial overlays permit local retail and service establishments. When mapped in R5 zoning districts, C2 overlays have a maximum FAR of 2.00. The commercial parking requirement in C2-2 districts is generally based on floor area. Commercial uses are grouped into Parking Requirement Categories that establish the number of required spaces based on various measures, including floor area, capacity, number of employees, and number of beds.

4. Description of Proposed Project Area

The Project Area consists of Block 2780, Lots 1, 6, p/o 13 and p/o 80 and comprises approximately 20,000 square feet on the east side of Pugsley Avenue between Gleason Avenue and Powell Avenue. According to ZR § 63-00 Appendix A, the Project Area is located within FRESH food store designated area (all of Bronx Community District 9) where the provisions of Article VI, Chapter 3 "Special Regulations Applying to FRESH Food Stores" may apply.

Although the Project Area is mapped within an R5 district that does not have a commercial overlay, Lot 1 is improved with a single story commercial building containing two small restaurants and vacant storefronts. Lot 6 is unimproved and formerly used for open parking. Lot 80 is improved with a small parking garage. Lot 13 is improved with a two-family dwelling with accessory parking garage.

5. Description of Proposed Development Site

The proposed Development Site consists of Block 2780, Lots 1 and 6, and has a lot area of 18,894.33 square feet. The Development Site has frontage on Pugsley Avenue, which is an 80' wide two-way street serving northbound and southbound traffic. Gleason Avenue is a 60'-wide street serving westbound traffic, and Powell Avenue is a 60'-wide street serving eastbound traffic. The Development Site has 206.13 feet of frontage on Pugsley Avenue, 91.77 feet of frontage on Gleason Avenue, and 91.59 feet of frontage on Powell Avenue.

The Development Site is improved with a one-story retail building consisting of approximately 9,500 square feet of floor area, and an unimproved parcel formerly used as an open parking lot with an existing approximately 12'-wide curb cut on Pugsley Avenue.

6. Description of Proposed Development

The Proposed Development would be an 8-story (85' tall) mixed use building with mezzanine and cellar containing 105,497.27 square feet of floor area. The Proposed Development would consist of 91,938.08 square feet of residential floor area, plus 13,559.19 square feet of commercial floor area comprising 10,912.94 square feet of FRESH food store floor area and 2,646.25 square feet of floor area for a local retail or service establishment. The residential use would contain 104 dwelling units. The Proposed Development would include an outdoor rooftop recreation area measuring 2,763 square feet. A cellar level parking garage with 32 required accessory residential parking spaces would be accessible from a new 12'-wide curb cut on Gleason Avenue. A loading berth for the FRESH food store would be accessible from a new 12'-wide curb cut on Powell Avenue.

All 104 of the dwelling units in the Proposed Development would be affordable to households earning a range of income levels, including approximately 31 dwelling units (comprising at least 30 percent of the total residential floor area) that would be affordable pursuant to the MIH program under Option 2. The unit distribution would be 19 studios, 45 one-bedroom units, 32 two-bedroom units, and 8 three-bedroom units. The applicant would be seeking a subsidy for the construction of the Proposed Development as a mixed income multi-family rental project under Housing Preservation Development's Mixed Income Program: Mix & Match, which requires all residential units to be offered within a specified range of rents affordable to households earning low, moderate and middle incomes.

A side yard measuring 8 feet wide would separate the Proposed Development from lots located to the east of the Development Site, and portions of the Proposed Development located within 25 feet of the adjoining R5 zoning district would step down to heights of one story and five stories to provide a transition between higher- and lower-density districts.

The Applicant is seeking a certification by the Chairperson of the City Planning Commission ("CPC") that the proposed food store comprising 10,912.94 square feet of floor area is a FRESH food store, which would provide a full range of grocery products, including fresh meat, fruit and vegetables. The proposed FRESH food store would permit an increase of 10,912.94 square feet of residential floor area that would be reallocated to the 7th and 8th floors of the Proposed Development. As shown on Drawing FF-003.00, the total FRESH food store area would dedicate 6,672.21 square feet of floor area to the sale of food and non-food products on the ground floor, which exceeds the minimum requirement of 6,000 square feet of retailing area in a FRESH food store on one story, as specified in ZR § 63-01. The FRESH store would include 3,909 square feet (58.5 percent of retail space) dedicated to the sale of perishable goods, which satisfies the ZR § 63-01(a) requirement for a minimum of 25 percent of such space. The FRESH store would also include 1,696 square feet designated for the sale of fresh produce, which meets the ZR § 63-01(a) requirement for at least 500 square feet of such space. The FRESH store would also include 2,870 square feet (43 percent of retail space) dedicated to non-perishable food, thereby satisfying the ZR § 63-01(b) requirement for at least 35 percent of retail space for such use. The Project would comply with all other FRESH program requirements, including those for minimum size, space, signage and glazing as shown on the drawings submitted as part of this application.

7. Actions Necessary to Facilitate the Project

The three actions necessary to facilitate the Proposed Development are a zoning map amendment, zoning text amendment, and FRESH certification.

Zoning Map Amendment

The proposed zoning map amendment seeks to rezone Block 3802, Lots 1, 6, p/o 13, and p/o 80 from an R5 zoning district to an R7A/C2-4 zoning district mapped to a depth of 95 feet from Pugsley Avenue. The underutilized Development Site has been located within an R5 district for over 60 years, which does not reflect existing development in the area or facilitate the production of affordable housing with supporting local retail uses.

The proposed R7A/C2-4 zoning district within an MIH area allows a residential FAR of 4.00 for standard residences and 5.01 for qualifying affordable housing, a maximum community facility FAR of 4.0 and the maximum commercial FAR of 2.0. The proposed MIH designation permits an increased FAR that would facilitate the creation of affordable housing to help alleviate the City's severe housing crisis. The proposed R7A/C2-4 is consistent with the City's often-stated land use policy goal of allowing higher density developments to be located on wide streets near public transit, where they fit best.

The proposed zoning map amendment would help facilitate the creation of much-needed income-restricted residential units for which there is a strong demand. According to a report by the Population Division of the NYC Department of City Planning titled New York City's Current Population Estimates and Trends, dated March 14, 2024 and updated on June 28, 2024, the City's population increased by 6.8 percent between 2010 and 2020, reaching a record population of 8,804,190. According to the Population Division report, occupancy rates have increased substantially between 2021 and 2023 alongside an estimate that there are fewer people on average

in each housing unit. According to data published by the NYU Furman Center, in 2022, the area comprising Community District 9 was the City's 11th largest neighborhood by population out of 59 neighborhoods. With population expected to experience steady growth, new housing units are necessary to ensure adequate supply.

The proposed C2-4 overlay will allow uses that serve the local retail needs of existing and new residents in the neighborhood. The Project Area location is appropriate for the C2-4 overlay, given the presence of existing commercial uses on both sides of a wide street. The overlay will provide increased access to neighborhood retail and services and business growth opportunities.

Zoning Text Amendment

The proposed zoning text amendment will establish an MIH area contiguous with the rezoning area. Within the proposed MIH area, all housing developments, enlargements and conversions that meet MIH program criteria must comply with the requirements of MIH Option 1 or 2. MIH Option 1 requires at least 25 percent of the residential floor area to be provided at an average that does not exceed 60 percent of the Area Median Income ("AMI"), with at least 10 percent of residential floor area at 40 percent of AMI and no MIH unit may exceed 130 percent of AMI. MIH Option 2 requires at least 30 percent of the residential floor area to be provided at an average that does not exceed 80 percent of AMI, and no MIH unit may exceed 130 percent of AMI.

According to the NYU Furman Center, as of 2022, the change in median gross rent outpaced the change in median household income by 23.7 percentage points. In 2022, 31.8 percent of renter households in Community District 9 were severely rent burdened (spending more than 50 percent of household income on rent). According to American Community Service data from 2018 – 2022, 57.8 percent of renter households in Community District 9 spent more than 30 percent of household income on rent, which is a greater percentage of households spending such a percentage of income on rent citywide (52.1 percent).

The development of new income-restricted housing in accordance with MIH Option 2 and the Mix & Match program will help address local community needs by providing housing units affordable to households earning a range of income levels. The proposed zoning text amendment to designate the Project Area as an MIH area is consistent with the policy goals of the City's April 22, 2022 report titled Housing Our Neighbors: A Blueprint for Housing and Homelessness to accelerate and increase capacity for new housing supply citywide, increase access to transit and amenities for low-income residents, and promote housing stability for renters. Within the MIH area, approximately 28 permanently affordable housing units would be created on the Development Site in accordance with MIH Option 2. The Applicant will work with HPD and the Council Member to determine the appropriate levels of affordable rents for all residential units within the Proposed Development.

FRESH Food Store Certification

The Applicant requests that the CPC Chairperson certify, pursuant to ZR Section 63-30, that the proposed 10,912.94 square-foot food store use is a FRESH food store. The proposed FRESH food store use would increase the availability of fresh food options within walking distance of neighborhood residents. The reallocated floor area would help support the creation of affordable housing units within the Proposed Development.

The Applicant has filed the required documentation, as follows: (a) drawings showing compliance with the space requirements of ZR Section 63-01, the signage requirements of ZR Section 63-21 and the street wall glazing requirements of ZR Section 63-23; (b) a written commitment from a food store operator that the food store would be operated as a FRESH food store; and (c) a restrictive declaration binding the owner and all succeeding owners to use of the food store as a FRESH food store. The FRESH food store certification would allow 10,912.94 square feet of additional residential floor area (one square foot for each square foot of FRESH food store floor area) pursuant to ZR Section 63-211. The Proposed Development would include 10,912.94 square feet of additional residential floor area, which would be equal to the proposed FRESH food store floor area and is, therefore, compliant with applicable zoning provisions.

8. Conclusion

The proposed actions would help further the City's goal of increasing the amount of housing that is affordable at a variety of income levels in an areas well-served by mass transit and located on a wide street. The FRESH program was designed to encourage fresh food markets in low- and moderate-income neighborhoods that are "underserved by grocery stores offering a full line of grocery products, including fresh fruit and vegetables, fresh meats, dairy and other food and nonfood products." The proposed FRESH food store would provide fresh fruit and vegetables, fresh meats, dairy and other food and nonfood products for residents of the new development as well as the surrounding area. The provision of the FRESH food store at the Development Site would help further the City's goals of encouraging fresh food markets in underserved areas.