893 EAGLE AVENUE REZONING
STATEMENT OF FINDINGS
JANUARY 12, 2023

74-903
Certain community facility uses in R3 to R9 Districts and certain Commercial Districts

The City Planning Commission may permit the #community facility floor area ratio# and the #community facility bulk# provisions to apply to a #development#, #extension# or #enlargement#, or change of #use# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as set forth in paragraph (a), provided that the findings in paragraph (b) of this Section are met.

(a) The Commission may permit:

(1) in R3 through R9 Districts, or in C1 or C2 Districts mapped within an R3 through R9 District or #Commercial Districts# with an R3 through R9 District residential equivalent, the #community facility floor area ratio# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to #buildings# containing philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3;

The Proposed Development at the Proposed Development Site, which will be in an R7-2 zoning district, consists of a new eleven-story plus cellar and sub-cellar Use Group 3 philanthropic or non-profit institution with sleeping accommodations. Therefore, the subject ZR 74-903 special permit is applicable to the Proposed Development.

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(b) In order to grant such a special permit for #community facility floor area ratio# or #community facility bulk#, as applicable, the Commission shall find that:

(1) the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;

The Proposed Development Site is located on a corner on the north side of East 161st Street between Third Avenue and Eagle Avenue. The proposed building will contain approximately 55,324 square feet of community facility floor area with an FAR of 6.18. The Proposed Development will have a maximum height of approximately 148’ to the bulkhead from the highest portion of the lot above the average curb level with a setback at 60’. An approximately 31’ rear yard is provided coincident with the rear lot line of Lot 52. The distribution of bulk of the Proposed Development will not unduly obstruct the access of light and air to adjoining properties or public streets. Shadow studies were conducted to determine the effect of the Proposed Development on adjacent properties and demonstrate that the effect of shadows will be minimal and brief. The Environmental Assessment Statement (“EAS”) concludes that, “The Proposed Actions would not affect the vitality or usage of the sunlight sensitive resources identified in the Study Area, and significant adverse impacts from shadows would not result from the Proposed Actions.”

The form and location of the Proposed Development is designed with sensitivity to the scale of the surrounding area, resulting in satisfactory site planning and urban design relationships. The Proposed Development has a scale that is in-line with what exists in the surrounding area, including several buildings that are over ten stories. In terms of design, the Proposed Development provides pedestrian access between Eagle Avenue and East 161st Streets, two streets that are not at grade with each other, thereby facilitating pedestrian activity by creating a publicly accessible stairway (PAA) to be maintained in accordance with a restrictive declaration to provide access between Eagle Avenue and East 161st Street that would bridge the difference in elevation between the streets.

In addition, the building has an approximately 31' rear yard with a landscaped patio and garden area and a courtyard that abuts a neighboring property providing open space for outdoor passive recreation. The area is characterized by the presence of yards in the surrounding properties, which serve to ensure access to ample light and air. The adjacent four-story residential buildings on the block to the north located at 897-899 Eagle Avenue (Block 2620, Lots 47 and 48), are each improved with rear yards. Further, the design of the building on Lot 48, along with the Proposed Development's courtyard, would preserve some of the existing light that said building receives from its existing lot line windows. Moreover, it is likely that a building built on the Proposed Development Site under the existing zoning without the instant special permit would block light to the Lot 48 building to at least the same degree as the Proposed Development. Further, the Proposed Development provides setbacks at grade and above the sixth story to maximize light and air to adjacent properties. The inclusion of the rear yard, courtyard and setbacks minimizes potential effects on adjacent and proximate properties. These design features reinforce the urban design and neighborhood character of the area.

Finally, the EAS concludes that, "The development that would occur under the proposed action would not have an adverse impact on the area's urban design elements … It would not result in buildings which are substantially different in height, bulk, scale and/or use than the component of the area's built form consisting of multi-story residential buildings, and would be consistent with the adjacent R8 zoning district across Third Avenue and the Morrisania Area Rezoning which mapped the area with a mixed use M1-1/R7-2 zoning district. The rezoning would not affect street hierarchy, street wall, curb cuts or pedestrian activity."

Accordingly, the distribution of bulk in the Proposed Development will not unduly obstruct the access of light and air to adjoining properties or streets, and results in satisfactory site planning and urban design in relation to other buildings and streets.

(2) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and

The Proposed Development is an 83-unit affordable and supportive housing development (33 affordable housing units and 50 supportive housing units for individuals living with HIV/AIDS) with on-site social services provided by trained social service staff and 24/7 security. The sub-cellar and the cellar levels will contain a lobby, counseling offices and multipurpose rooms to serve the residents of the building. On-stie supportive services will consist of case management, substance abuse, medical and mental health service referrals, advocacy for entitlements, such as Public Assistance, Medicaid, Social Security, etc., and linkages for adult educational services and/or vocational training.

According to the EAS, the Proposed Development will not have any direct or indirect effects on community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations. Contrary to being a burden on the neighborhood, the Proposed Development will be a valuable addition to the community by providing affordable and supportive housing to vulnerable populations and by providing on-stie supportive services.

(3) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The anticipated rates of automobile ownership for residents of the Proposed Development are minimal. According to the U.S. Census Bureau American Community Survey 2012-2016 Five-Year Estimates, the vehicle availability is approximately 36 percent for households in the census tract for the Proposed Development Site (census tract 141). This is less than the average of approximately 45 percent vehicle availability for New York City. As such, it is expected that most building residents and on-site staff will take public transportation to the Proposed Development Site.

While the EAS determined that the Proposed Development would result in more than 50 peak-hour vehicle trips, the surrounding streets providing access to the Proposed Development will be adequate to handle the traffic generated. East of Third Avenue the street grid is regular, a design conducive to traffic dispersal. Third Avenue turns north at its intersection with East 161st Street,

creating irregular block fronts to the west and disjointed through-streets. Third Avenue is a principal north-south arterial road with two moving lanes in each direction and curbside parking. Eagle Avenue is a one-way, north-south road with one moving lane and curbside parking. East 163rd Street is a major two-way, east-west road with curbside parking and two moving lanes in each direction that is classified as a principal arterial road. East 161st Street is a one-way, west to east major collector road with one moving lane and curbside parking. Eagle Avenue and East 161st Street are narrow streets, at approximately 50 feet each.

Further, the Proposed Project Area is located within the Transit Zone and is well served by public transportation with multiple options for subway and bus service. The 2 and 5 trains run along Westchester Avenue six blocks from the Proposed Project Area. The Bx15 and Bx21 buses run along Third Avenue, which runs along the western portion of the Proposed Project Area. The Bx6 bus runs along East 163rd Street, just north of the Proposed Project Area. Finally, approximately half a mile to the west of the Proposed Project Area is the Melrose station of the Metro North railroad, serving the Harlem line running to Grand Central Terminal.

Based on the low vehicle availability in this area, trip generation and accessibility to public transportation, the EAS concluded that the Proposed Development would not cause traffic congestion. Therefore, the surrounding street network will have adequate capacity to handle the traffic generated by the Proposed Development.

The Commission may request a report from appropriate governmental agencies with respect to community facility uses requesting a special permit under this Section.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.