909 CASTLE HILL AVENUE REZONING
909-921 CASTLE HILL AVENUE, BRONX
OCTOBER 22, 2020

1. INTRODUCTION

The applicant, 510 East Realty Inc., proposes a zoning map amendment to rezone 909-921 Castle Hill Avenue, Block 3687, Lots 37, 39, 40, 41, 42 and 43 (the "Proposed Project Area"), in the Castle Hill neighborhood of Bronx Community District 9, from an R3-2 zoning district to an R6B/C1-3 and an R6B zoning district. The proposed zoning map amendment will facilitate the development of a mixed-use five-story plus cellar residential, commercial and community facility building with a total floor area of approximately 40,944 square feet (2.2 FAR) and a total of 35 dwelling units (the "Proposed Development") to be constructed at 909 Castle Hill Avenue, Block 3687, Lot 43 (the "Proposed Development Site").

The applicant also proposes a zoning text map amendment to amend Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Bronx Community District 9, 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. The proposed zoning text map amendment will facilitate the development of affordable housing units within the Proposed Development at the Proposed Development Site. The Proposed Development will either provide nine affordable housing units (25%) pursuant to Option 1 of the MIH program or eleven affordable housing units (30%) pursuant to Option 2 of the MIH program. The applicant will seek additional input from Bronx Community Board 9 and City Council Member Ruben Diaz, Sr. regarding the level of affordability for the Proposed Development.

2. BACKGROUND

There have been no recent land use actions relating to the Proposed Project Area. The current R3-2 zoning district has been in existence since it was mapped in 1961. Additionally, the Proposed Development Site and Proposed Project Area have not been subject to any City Planning Commission ("CPC") approvals, nor any Board of Standards and Appeals actions.

3. DESCRIPTION OF THE SURROUNDING AREA

Zoning
The area within a 600 foot radius of the Proposed Project Area (the "Surrounding Area") is zoned R3-2 and R5. A Transit Zone is also located within the Surrounding Area.

R3-2 districts are general residential districts that allow for a mix of housing types, including low-rise attached houses, small multi-family apartment houses and detached and semi-detached one- and two-family residences. The R3-2 zoning district is the lowest density zoning district in which multiple dwellings are permitted. Due to their flexibility, R3-2 districts are mapped widely in all boroughs except for Manhattan. The maximum permitted 0.5 FAR in R3-2 districts may be increased by an attic allowance of up to 20% for the inclusion of space beneath a pitched roof. The perimeter wall may rise 21 feet before sloping or being set back to a maximum building height of 35 feet. Lots with detached homes must be at least 40 wide, and if lots are occupied by semi-detached and attached buildings, these lots must be at least 18 feet wide. The maximum street wall length for a building on a zoning lot is 125 feet. The maximum lot coverage of any residence is 35%. Front yards must be at least 15 feet deep. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon; parking is also allowed within the front yard when the lot is wider than 35 feet. One off-street parking space is required for each dwelling unit.

However, requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone.

R5 districts allow a variety of housing, typically three- and four-story attached houses and small apartment houses, with a maximum permitted FAR of 1.25. With a height limit of 40 feet, R5 districts provide a transition between lower- and higher-density neighborhoods and are widely mapped in Brooklyn, Queens and the Bronx. The maximum street wall height 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. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight foot wide side yard. Apartment houses need two side yards, each at least eight feet wide. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to prevent cars parked on-site from protruding onto the sidewalk. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon; parking is also allowed within the front yard when the lot is wider than 35 feet. Off-street parking is required for 85% of the dwelling units in the building, but requirements are lower for IRHU and are further modified within the Transit Zone.

Transit Zones are designated areas where special lower accessory parking requirements apply for various types of affordable housing, including IRHU, and are generally located in areas of the city beyond the Manhattan Core within one-half mile of a subway station where auto ownership rates are among the lowest in the city.

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 residences) and mixed residential and commercial buildings, as well as community facilities and several parking/vacant areas.

Within the Surrounding Area's R3-2 zoning district, the prevailing built form generally consists of one- to three-story one- and two-family residential building located along Castle Hill Avenue as well as the Avenues to the east and west. Two- to three-story mixed commercial and residential buildings are also located along Castle Hill Avenue, including within the Proposed Project Area. Just north of the Bruckner Expressway, at the Surrounding Area's northerly boundary, is an R5 zoning district which consists of several two- and three-story one-, two- and multi-family residences and two, three- and four-story mixed residential and commercial buildings.

The Castle Hill Library, a New York Public Library, is located one block north of the Proposed Project Area between Bruckner Boulevard and Quimby Avenue. The Kingdom Hall of Jehovah's Witnesses and the United Cerebral Palsy center are both located south of the Proposed Project Area along Castle Hill Avenue. Several lots located within the Surrounding Area are either vacant or used for parking, including two lots designated as parking on the subject block. A small portion of the PO Serrano Playground is located within the Surrounding Area, southwest of the Proposed Project Area on Turnbull Avenue.

Mass Transit

The Proposed Project Area is located two blocks south of the Bruckner Expressway. The Surrounding Area is well served by MTA bus service. The Bx5, Bx22 and BxM8 bus lines run along Castle Hill Avenue and Bruckner Boulevard. The Bx5 and Bx22 lines stop directly across from the Proposed Project Area, at the corner of Castle Hill Avenue and Quimby Avenue.

A Transit Zone is located at the Surrounding Area's northern edge, beginning at Bruckner Boulevard and Castle Hill Avenue.

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 909-921 Castle Hill Avenue, Block 3687, Lots 37, 39, 40, 41, 42 and 43, in the Castle Hill neighborhood of Bronx Community District 9. The Proposed Project Area is zoned R3-2, a low-density residential district with a maximum FAR of 0.5. With the exception of the Proposed Development Site (Lot 43), 911-921 Castle Hill Avenue (Lots 37, 39, 40, 41 and 42) each consist of a three-story mixed-use building with ground floor commercial use and residential use above. These five buildings are all non-conforming with respect to their ground floor commercial uses and are all non-complying in terms of their FAR, with FARs ranging from 2.84-2.86.

919-921 Castle Hill Avenue (Lot 37) has a lot area of approximately 2,993 square feet and is improved with an approximately 8,531 square foot (2.85 FAR), three-story mixed residential and commercial building built in 1931 with two ground floor commercial uses (one salon and one former lounge, currently vacant) and four dwelling units. No CO exists for this property.

917 Castle Hill Avenue (Lot 39) has a lot area of approximately 1,300 square feet and is improved with an approximately 3,712 square foot (2.86 FAR), three-story mixed residential and commercial building built in 1920 with ground floor commercial use (store) and two dwelling units. A CO from 1943 indicates that the building was occupied with residential uses and a ground floor storefront, as does the CO issued for the property from 1927.

915 Castle Hill Avenue (Lot 40) has a lot area of approximately 1,300 square feet and is improved with an approximately 3,712 square foot (2.86 FAR), three-story mixed residential and commercial building built in 1920 with ground floor commercial use (barber shop/tattoo studio) and two dwelling units. No CO exists for this property.

913 Castle Hill Avenue (Lot 41) has a lot area of approximately 1,300 square feet and is improved with an approximately 3,712 square foot (2.86 FAR), three-story mixed residential and commercial building built in 1920 with ground floor commercial use (salon) and two dwelling units. No CO exists for this property.

911 Castle Hill Avenue (Lot 42) has a lot area of approximately 1,307 square feet and is improved with an approximately 3,712 square foot (2.84 FAR), three-story mixed residential and commercial building built in 1920 with ground floor commercial use (former store, currently vacant) and two dwelling units. No CO exists for this property.

909 Castle Hill Avenue (Lot 43), the Proposed Development Site, consists of a large, underutilized lot with a lot area of approximately 18,643 square feet and is improved with an approximately 3,250 square foot (0.17 FAR) residential building with three dwelling units built in 1899. No CO exists for this property.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Proposed Development Site is 909 Castle Hill Avenue, Block 3687, Lot 43. The Proposed Development Site is a corner lot, located at the corner of the intersection formed by Castle Hill Avenue and Story Avenue. The Proposed Development Site has approximately of 104 feet of frontage on Castle Hill Avenue, approximately 181 feet of frontage on Story Avenue and a total lot area of approximately 18,643 square feet. The Proposed Development Site is improved with a two-story, approximately 3,250 square foot (0.17 FAR) residential building with three dwelling units built in 1899. One curb cut is located along Castle Hill Avenue.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed rezoning will facilitate the development of a new five-story plus cellar mixed-use residential, commercial and community facility building with approximately 40,944 square feet of zoning floor area (2.2 FAR) and a total of 35 dwelling units at the Proposed Development Site.

The Proposed Development will consist of required accessory residential parking spaces (15 required, 22 provided) and bicycle parking (44 spaces) in the cellar level which will be accessed through an entrance along Story Avenue, 3,744 square feet of ground floor commercial floor area, 2,446 square feet of ground floor community facility floor area and 34,754 square feet of residential floor area on floors two through five. Two ground floor commercial spaces will front Castle Hill Avenue, one commercial space will front Story Avenue and one community facility space will front Story Avenue. The residential lobby will be accessed through an entrance along Story Avenue. The second through fifth floors will consist of a total 35 dwelling units (18 one-bedroom units, 11 two-bedroom units, 4 three-bedroom units and 2 studios). The roof level will contain tenant recreation space.

The proposed building will rise to a total height of 50'-0" and will set back 15'-0" from Story Avenue and 10'-0" from Castle Hill Avenue above the third floor. The proposed building will provide a 32'-0" rear yard, an 8'-0" side yard and a 5'-0" front yard along Story Avenue. The existing curb cut located on Castle Hill Avenue will be removed and a new 13'-0" curb cut is proposed on Story Avenue to access the cellar level parking garage.

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 R3-2 zoning district to an R6B/C1-3 and 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 9, to establish the Proposed Project Area as an MIH Designated Area.

a. Rationale for the Zoning Map Amendment to an R6B/C1-3 and an R6B zoning district at the Proposed Project Area

This application seeks to rezone the Proposed Project Area from an R3-2 zoning district to an R6B/C1-3 and an R6B zoning district. The proposed R6B/C1-3 district will be mapped to a depth of 80'-0" from Castle Hill Avenue, with the proposed R6B district mapped to a depth of 180'-0" along Story Avenue.

R3-2 districts are general residential districts that allow for a mix of housing types with a maximum FAR of 0.5. However, with the exception of the Proposed Development Site all other lots located within the Proposed Project Area have non-complying FARs and non-conforming ground floor commercial uses. R6B districts are contextual residential zoning districts designed to encourage the development of Quality Housing buildings with a maximum permitted FAR of 2.0, 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. When mapped over an R6B district, C1-3 overlay districts permit commercial use up to a maximum FAR of 1.0. Thus, due to the current use and bulk of the existing buildings located within the Proposed Project Area, the inclusion of all lots located in the Proposed Project Area within the proposal is necessary to create a rational land use plan.

The proposed R6B/C1-3 mixed-use district is appropriate in terms of permitted use. As discussed above, located within the Surrounding Area along Castle Hill Avenue, and specifically within the Proposed Project Area, are mixed-use commercial and residential buildings. The proposed mixed-use development to be facilitated by the proposed rezoning will therefore be consistent with the existing character of the Proposed Project Area and the neighborhood.

The proposed R6B zoning district is appropriate in terms of density and permitted bulk as the Proposed Project Area includes five non-complying buildings with high FARs ranging from 2.84-2.86. Therefore, the degree of non-compliance of these buildings will be greatly reduced. Further, Castle Hill Avenue is a wide street. The R6B zoning district accommodates a maximum FAR of 2.2 in a form which is consistent with the built form on the northern portion of the subject block

face and which is appropriate along this wide street. The proposed rezoning to an R6B zoning district will enable the applicant to develop the Proposed Development Site, which is a large, underutilized, vacant site, with a five-story, 2.2 FAR building consistent with the built character of the Surrounding Area and the FARs of the existing buildings located within the Proposed Project Area.

In addition, the proposed C1-3 overlay will allow for the development of commercial use within the Proposed Development, consistent with the character of the buildings fronting Castle Hill Avenue in the Surrounding Area. The proposed C1-3 overlay is consistent with the existing commercial uses located within the Proposed Project Area and will bring these existing non-conforming buildings into conformance in terms of their existing ground floor commercial uses.

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.

The proposed text map amendment to ZR Appendix F will permit the applicant to develop the Proposed Development Site in accordance with the MIH program and will ensure that any future residential development at 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. Under the City's MIH program, the Proposed Development will provide either nine affordable housing units (25%) pursuant to Option 1 of the MIH program or eleven affordable housing units (30%) pursuant to Option 2.

8. CONCLUSION

As discussed above, the applicant proposes a zoning map amendment to rezone the Proposed Project Area from an R3-2 zoning district to an R6B/C1-3 and an R6B zoning district. The proposed zoning map amendment will facilitate the construction of a new five-story plus cellar residential building with 35 dwelling units at the Proposed Development Site. The proposed rezoning will also bring the existing buildings within the Proposed Project Area into conformance and will greatly reduce their degree of non-compliance. 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 9, to establish the Proposed Project Area as an MIH Designated Area. The proposed zoning text map amendment of Appendix F will facilitate the development of affordable housing units within the Proposed Development pursuant to the City's MIH program, thereby ensuring that it addresses the need for housing to serve a broad range of the City's diverse needs and incomes.