1014 Brook Avenue Rezoning
Bronx Community District 3
July 2025

1. INTRODUCTION

1004 Brooks LLC (the "Applicant") proposes the following land use actions in the Morrisania neighborhood of the Bronx within Community District 3:

1. a zoning map amendment to change the existing M1-1 and M1-1/R7-2 (MX-7) zoning districts mapped on the western portion of Block 2386, including Lots 1, 2, 5, 7, 8, 11, 17, 20, 21, 22, 24, 29, 30, 34, 35, p/o 59, 65, 66, 67, 74, p/o 136, and p/o 164 (the "Rezoning Area") to the Special Mixed Use ("MX") district designated MX-7 pairing R8 and R7-3 residential districts with an M1-4 manufacturing district; and

2. a zoning text amendment modifying Zoning Resolution ("ZR") Appendix F: Mandatory Inclusionary Housing ("MIH") Areas and former Inclusionary Housing Designated Areas for Community District 3, Bronx to establish the Rezoning Area as an MIH.

The proposed actions would facilitate the redevelopment of Block 2386, including Lots 1, 2, 5, 7, 8, 11, 17, 20, 21, 22, 24, 29, 30, 34, 65, 66, 67, 74, and 164 (the "Development Site") with two new mixed-use buildings at 16- and 20-stories with approximately 1,128 dwelling units, local retail, a recreation facility, light industrial/manufacturing space, a cellar level parking garage, and approximately 1.04 acres of open space (the "Proposed Development"). The Applicant intends to construct the Proposed Development as 100 percent affordable pursuant to NYC Department of Housing Preservation and Development ("HPD") term sheets. Pursuant to the MIH program, 25 percent of the residential floor area in the Proposed Development would be permanently affordable.[1]

2. BACKGROUND

The Rezoning Area was mapped with an M1-1 zoning district with the enactment of the 1961 Zoning Resolution. There are no recent land use actions affecting the Rezoning Area. However, several land use actions near the Rezoning Area since 2003 reflect an ongoing interest in revitalizing this area by promoting new housing development at former industrial/manufacturing sites. Immediately adjacent to the Rezoning Area, the 2003 Morrisania Rezoning (030333 ZMX), which rezoned 11-blocks bounded by East 168th Street, Washington Avenue, East 163rd Street and Third Avenue from M1-1 and R6/C2-2 zoning districts to a mixed-use R7-2/M1-1 (MX-7) district to facilitate new mixed-use development in an area that had lacked substantial new investment since the 1950s.[2] Recently, the 1099 Webster Avenue Rezoning (C 210103 ZMX, effective March 25, 2021), was approved approximately one block northwest of the Rezoning Area along Webster Avenue between East 166th Street and East 167th Street. The rezoning changed existing M1-1, R7-1 and R7-1/C1-4 zoning districts to an R7X/C2-4 district and established an MIH Area with MIH Option 1. The 1099 Webster Avenue Rezoning was intended to facilitate the development of two residential buildings (9- and 11-stories) with 238 affordable units pursuant to financing from HPD.

[1] HPD-financed projects under certain term sheets that request subsidy for the MIH units are required to provide an additional 15 percent of permanently affordable units.

[2] Additionally, the 2003 Washington Plaza Rezoning (030213 ZMX) rezoned a single tax block (Block 2385) from M1-1 to C4-4 to facilitate a supermarket, local retail use and 123-space parking lot. The 2008 Courtlandt Corners I and II project (080222 ZMX), initiated in coordination with HPD, rezoned an R7-2 district to an R7A district to facilitate the development of a seven-story residential building and three two-story townhouses on property located along East 162nd Street and Courtlandt Avenue. A portion of the property affected by this action was located within the Melrose Commons Urban Renewal Plan (MCURP), which has been subsequently modified and developed by numerous projects and initiatives. In 2009, the 161st Street Rezoning (090365 ZMX), bounded by River Avenue, East 162nd Street, East 158th Street and Park Avenue, mapped C6-2, C6-3 and R8A districts along with an Inclusionary Housing Designated Area to provide opportunities for commercial expansion and residential development near transit. In 2010, 3500 Park Avenue, which affected East 168th Street between Park Avenue and Washington Avenue, was rezoned from an M1-1 district to an R7-1/C2-4 district to facilitate construction of a new eight-story mixed-use building. In 2011, the adjacent area to the north of Courtlandt Corners I and II was rezoned from R7-2 to R7A and R8/C1-2 (110115 ZMX) to facilitate the construction of a mixed-use development, known as Courtlandt Crescent. In 2015, the Melrose Commons project (150153 HUX) change the zoning from R7-2 to R8 and R8/C1-4 to facilitate 257,345 square feet of mixed-use buildings containing residential, commercial, and community facility uses.

3. DESCRIPTION OF THE SURROUNDING AREA

The Rezoning Area is located in the Borough of the Bronx in Community District 3 within the Morrisania neighborhood. The surrounding area is a mix of residential, commercial, light industrial, community facility, park, and vacant/parking uses. Zoning districts within the surrounding area include the M1-1 zoning district mapped within the Rezoning Area, R7-1 to the west, R7X/C2-4 to the northwest, M1-1/R7-2 (MX-7) immediately to the east, and C4-4 (R7-2 equivalent) to the south. The built form in the surrounding area generally varies by use.

Within the M1-1 district there is a mix of industrial and commercial uses, including self-storage facilities, a hotel, a grocery store (Food Bazaar), auto-repair and industrial businesses and warehouses. Surrounding the Rezoning Area within R7-1, M1-1/R7-2 (MX-7), C4-4, R7A and R8 districts to the east, south and northwest, the built context is primarily medium-density, multi-family residential and mixed-use buildings.

Melrose Commons Park, owned and operated by the Department of Parks and Recreation, is located to the south of the Rezoning Area. Its greenspace includes a synthetic turf field, adult fitness equipment, a dog run, seating areas, and the adjacent El Coqui Liberation Community Garden.

The surrounding area is well served by public transit. Several bus lines serve the area, including the Bx41, Bx15, Bx21, Bx6, Bx13 and Bx6-SBS. The Rezoning Area and surrounding area are within the Greater Transit Zone, in the Outer Transit Zone, where special lower accessory parking requirements apply for housing and accessory parking for affordable housing is not required.

The surrounding area is also located within a FRESH zone where zoning and discretionary tax incentives are available under the FRESH program.

4. DESCRIPTION OF THE PROPOSED REZONING AREA

The Rezoning Area consists of the western portion of Block 2386, including Lots 1, 2, 5, 7, 8, 11, 17, 20, 21, 22, 24, 29, 30, 34, 35, p/o 59, 65, 66, 67, 74, p/o 136, and p/o 164. The Rezoning Area is generally bounded by Brook Avenue to the west, East 165th Street to the north, East 164th Street to the south, and a line 150 feet from and parallel to Washington Avenue. Brook Avenue is 80-feet wide and is considered a wide street. In addition, Brook Avenue intersects with Melrose Avenue, Webster Avenue, Park Avenue and the railroad tracks for the MTA Harlem Line to the west/northwest of the Rezoning Area. This effectively creates a wider street condition for a portion of the Rezoning Area. East 165th Street and East 164th Street are narrow streets. Existing land uses within the Rezoning Area include a former lumber yard, commercial shipping, transport and distribution, auto-related uses, and a single multifamily walkup apartment building. There are low-rise, non-descript warehouse buildings, a two-story wood-framed residential building, and two- and five-story vacant former factory buildings. There are also open storage uses for vehicles and materials storage.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Development Site consists of Block 2386, Lots 1, 2, 5, 7, 8, 11, 17, 20, 21, 22, 24, 29, 30, 34, 65, 66, 67, 74, and 164. The Development Site has approximately 159,677 square feet of lot area. The portions of the Development Site within 100 feet of the intersection East 165th Street and Brook Avenue and within 100 feet of the intersection East 164th Street and Brook Avenue are considered corner lots. Other portions of the Development Site are considered interior and through lots.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development is two new mixed-use buildings, at 16- and 20-stories with approximately 1,128 dwelling units, local retail, a recreation facility, light industrial/manufacturing space, and a cellar level parking garage. The Proposed Development would have a total of approximately 1,032,631 square feet of floor area (6.46 FAR) with approximately 936,666 square feet of residential floor area (5.84 FAR) and approximately 95,965 square feet of combined commercial and manufacturing floor area (0.62 FAR).

On the northern portion of the Development Site, Building A would rise to a maximum height of approximately 204 feet (20-stories) after setting back 10 and 15 feet above a ten-story base height. On the southern portion of the Development Site, Building B would rise to approximately 170 feet (16-stories) after setting back 15 feet above the seven-story base height. Buildings A and B would be separated by a 60 foot wide, approximately 45,467 square foot (1.04 acre) open space featuring a variety of active and passive amenities including ADA accessible pathways, a playground and/or workout equipment, landscaping, seating, and lighting.[3] Buildings A and B would include setbacks and material variation along the open space frontage to reduce the building scale and contribute to a better pedestrian experience.

Building A would have ground floor local retail spaces along its Brook Avenue and East 165th Street frontages. A recreation facility would occupy portions of the ground floor and cellar level of both Buildings A and B with the facility's main entrance at the corner of Brook Avenue and East 165th Street, and a second entrance on East 164th Street. The facility is intended to be used by the community as well as to serve as athletic/recreation/gym facilities for local schools, which lack on-site facilities for school athletics/sports teams. The facility would operate seven days per week and accommodate athletics, such as basketball, hockey, and/or swimming. Light industrial/manufacturing space would occupy a portion of the first floor in Building B with entrances along East 164th Street to accommodate maker and/or artist studios. Approximately 135 accessory off-street parking spaces would be provided in the cellar level of Building B, which would be accessible via a ramp, from a curb cut on the north side of East 164th Street at the southeast corner of the building.

The Applicant intends to construct the Proposed Development as 100 percent affordable pursuant HPD financing. Pursuant to the MIH program, 25 percent of the residential floor area in the Proposed Development would be permanently affordable.

7. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The actions necessary to facilitate the proposed development are:

1. a zoning map amendment to change the existing M1-1 zoning district mapped within the Rezoning Area to an MX district designated MX-7 that pairs an R8 and R7-3 residential districts with an M1-4 manufacturing district; and

2. a zoning text amendment modifying ZR Appendix F to establish the Project Area as an MIH Area.

The proposed actions would allow for new mixed-use development consistent with the existing character of the surrounding area while introducing new housing and space for job creating business near public transportation. The proposed higher density, range of uses and lower parking requirement permitted in the M1-4/R8 (MX-7) and M1-4/R7-3 (MX-7) zoning district would be consistent with the built context of the surrounding area, neighborhood character, and area-wide planning goals.

Zoning Map Amendment

The proposed zoning map amendment would extend the existing MX-7 west to Brook Avenue. An M1-4/R8 (MX-7) would be established within 150 feet of Brook Avenue. An M1-4/R7-3 (MX-7) would be established beyond 150 feet of Brook Avenue and beyond 150 feet of Washington Avenue. The proposed extension of the existing MX-7, pairing M1-4 with R8 and R7-3 zoning districts is consistent with land use actions in the area since 2003, which sought to revitalizing this area by promoting new housing development at former industrial/manufacturing sites. The Special Mixed-Use District was established in 1997 to encourage investment in and enhance the vitality of existing neighborhoods, such as Morrisania, with mixed residential and industrial uses in close proximity and to create expanded opportunities for new mixed-use communities. New residential and non-residential uses (commercial, community facility, semi-industrial and light industrial) can be developed as-of-right and be located side-by-side or within the same building. Pairing a

[3] For security purposes, the open space would include a gated approximately 20,002 square foot portion that would only be publicly accessible during designated hours.

manufacturing district with a residential district (*e.g.* the proposed pairing of M1-4 with R8 and R7-3 zoning districts) ensures a balanced variety of available uses.

Within MX districts, residential uses are generally subject to the bulk controls of the governing residence district; commercial, industrial and community facility uses are subject to the M1 district bulk controls, except that community facilities are subject to residential FAR limits. Most light industrial uses are permitted in each MX district as-of-right, others are subject to restrictions and certain uses are excluded altogether. The proposed M1-4/R8 (MX-7) allows a maximum residential FAR of 7.2 within MIH Areas, commercial FAR of 2.0, community facility FAR of 6.5, and manufacturing FAR of 2.0. Within the M1-4/R8 (MX-7), the maximum base height is 105 feet and the maximum building height is 215 feet. The proposed M1-4/R7-3 (MX-7) allows a maximum residential FAR of 5.01 within MIH Areas, commercial FAR of 2.0, community facility FAR of 6.5, and manufacturing FAR of 2.0. Within the M1-4/R8 (MX-7), the maximum base height is 105 feet and the maximum building height is 185 feet.

The proposed M1-4/R8 (MX-7) and M1-4/R7-3 (MX-7) zoning districts are consistent with City policy to position higher density developments near transit along wide streets that can support such development. The proposed zoning is appropriate because of the proximity of the Rezoning Area to public transportation and the location of the Rezoning Area on a wide street. The Project Area is located near transit and is within the Outer Transit Zone.

The proposed zoning change from the existing M1-1 zoning district would reinforce existing residential and mixed-use land use patterns in the surrounding area by introducing new multi-family housing and complementary non-residential uses. Moreover, the proposed M1-4/R8 (MX-7) and M1-4/R7-3 (MX-7) zoning districts are consistent with the City's New York Works Plan, which seeks to create 20,000 jobs within the industrial and manufacturing sectors, 10,000 jobs within the creative and cultural sectors, and 25,000 jobs in office districts in Manhattan and in emerging commercial centers. The proposed MX zoning permits a range of commercial, semi-industrial and light industrial uses that would facilitate job creation in various sectors, including the sectors emphasized in New York Works.

Zoning Text Amendment

The proposed zoning text amendment would establish an MIH Area contiguous with the Rezoning Area. Within MIH Areas, all housing developments, enlargements, and conversions that meet the criteria set forth in the MIH program must comply with the requirements of MIH Option 1, Option 2, or Option 3 as 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 AMI, with no unit targeted at a level exceeding 130 percent of AMI.
- Option 3: 20 percent of the total residential floor area must be for housing units for residents with incomes averaging 40 percent of AMI and no direct subsidies could be used for these units except where needed to support more affordable housing.

In addition to options above, the City Council may elect to map Option 4 (except in Manhattan Community Districts 1-8), which requires that 30 percent of the total residential floor area must be for housing units for residents with incomes averaging 115 percent of AMI, with no units above 135 percent AMI; and no direct subsidies.

The Applicant proposes to map the Rezoning Area with both MIH Options 1 and 2. As such, a minimum of 25 percent of residential floor area (approximately 282 units) would be provided at an average of 60 percent of AMI with no unit at a level exceeding 130 percent of AMI. The MIH requirement ensures that a percentage of residential floor area in any future development within the MIH Area is permanently affordable.

The proposed zoning text amendment to designate the rezoning area as an MIH Area is consistent with the policy goals of the City's Housing New York: A Five-Borough, Ten-Year Plan and Housing Our Neighbors: A Blueprint for Housing and Homelessness. The proposed residential

development would help provide much-needed affordable residential units in an area in which population is increasing and there is increased demand for residential uses. According to the Department of City Planning's 2013 report New York City Population Projections by Age/Sex & Borough, the Bronx is anticipated to have the highest rate of growth in the City over the next several decades, estimated at 14 percent from 2010 to 2040.[4] As population in the Bronx is expected to experience substantial and steady growth, additional housing is necessary to ensure adequate supply. Moreover, according to the U.S. Census Bureau, 48 percent of households in Bronx Community District 3 are rent burdened, spending 35 percent or more of their income on rent.[5]

8. CONCLUSION

Overall, the proposed zoning map and text amendments are consistent with existing land uses within the surrounding area and promote new mixed-use development on an underutilized property. These actions will further community and citywide goals, including revitalizing this area by promoting new housing development at former industrial/manufacturing sites. The actions will also further the objectives of the City's Housing New York: A Five-Borough, Ten-Year Plan and Housing Our Neighbors: A Blueprint for Housing and Homelessness by creating more opportunities for housing and the City's New York Works Plan by promoting the creation of new jobs in the industrial and cultural sectors. The existing M1-1 zoning designation within the Rezoning Area does not allow the development of new housing, nor does it promote new investment in permitted non-residential uses. The rezoning of the Project Area to M1-4/R8 (MX-7) and M1-4/R7-3 (MX-7) districts within an MIH Area facilitates the proposed mixed-use development with approximately 1,128 dwelling units, including approximately 282 permanently affordable housing units pursuant to MIH, new job generating commercial and light industrial uses, and just over an acre of open space.

[4] According to the report, "[t]he Bronx is projected to grow from 1,385,000 in 2010 to 1,579,000 in 2040, an increase of 14 percent—the highest level of growth among the city's boroughs. After experiencing growth of 4.5 percent in the 2010-2020 period, growth in the borough is projected to increase to 5 percent in the subsequent decade and then decline to 4 percent between 2030 and 2040." New York City Population Projections by Age/Sex & Borough, 2010–2040, NYC Department of City Planning, December 2013 at 3.

[5] Based on American Community Survey 2014-18 Five Year Estimates for Public Use Microdata Area (PUMA) 3705, which approximates Bronx Community District 3, available at: https://communityprofiles.planning.nyc.gov/bronx/3.