2009 SEDGWICK AVENUE REZONING
OCTOBER 25, 2023

1. INTRODUCTION

The applicant, Sedgwick Holding I LLC (the "Applicant"), proposes a zoning map amendment to rezone 1955, 1975, 1981, 2007 and 2009 Sedgwick Avenue, Block 3230, Lots p/o 5, 10, 16, 30, 33 and 35 (the "Proposed Project Area"), in the Morris Heights neighborhood of Bronx Community District 5, from an R5 zoning district to an R6 zoning district. The proposed zoning map amendment will facilitate the development of a new 11-story plus cellar and two sub-cellar, mixed-use residential and community facility building with a total of 70 dwelling units (the "Proposed Development) located at 2009 Sedgwick Avenue, Block 3230, Lots 33 and 35 (the "Proposed Development Site").

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 5, to establish the Proposed Project Area as a Mandatory Inclusionary Housing ("MIH") Designated Area. The Applicant proposes mapping both Option 1 and Option 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 amendment will facilitate the development of affordable housing units within the Proposed Development at the Proposed Development Site. The Proposed Development will provide approximately 21 affordable housing units pursuant to Option 2 of the MIH program. The applicant will seek additional input from Bronx Community Board 5 and the local City Council Member 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 R5 zoning district has been in existence since it was mapped in 1961.

3. DESCRIPTION OF THE SURROUNDING AREA

Zoning

The area within a 600-foot radius of the Proposed Project Area (the "Surrounding Area") is zoned R5, R5/C2-4, R6 and M2-1. The Proposed Project Area is also located within the Transit Zone.

The majority of the Surrounding Area is located within a large R5 zoning district, generally mapped to the east and south of the Proposed Project Area. R5 zoning districts allow a variety of housing types at maximum FAR of 1.25, which typically produces three- and four-story attached houses and small apartment houses. To ensure compatibility with neighborhood scale, the maximum street wall height of a new building is 30 feet 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 income-restricted housing units (IRHU) and are further modified within the Transit Zone.

Existing R5/C2-4 zoning districts are mapped to the southeast of the Proposed Project Area along

West Burnside Avenue. A C2-4 commercial overlay zoning districts is mapped within residence districts along streets that serve local retail needs. C2-4 allows use groups 1-9 and 14. Typical retail uses include neighborhood grocery stores, restaurants, and beauty parlors as well as funeral homes, and small repair shops. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays are mapped in R6 through R10 zoning districts, the maximum commercial FAR is 2.0.

An existing R6 zoning district is mapped to the south of the Proposed Project Area, south of West Burnside Avenue and along Sedgwick Avenue. 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, or can be waived if five or fewer spaces are required, but requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone or for lots less than 10,000 square feet. Parking 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 or 3.6 with the provision of Inclusionary Housing, the maximum base height before setback is 65 feet with a maximum building height of 70/75 feet or 115 feet with Inclusionary Housing. The maximum FAR for a building containing community facility uses is 4.8. On a narrow street, the maximum FAR is 2.2, the maximum base height before setback is 45 feet with a maximum building height of 55 feet. Off-street parking is required for 50% of a building's dwelling units, or can be waived if five or fewer spaces are required, but requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone or for lots less than 10,000 square feet. Parking can be waived if five or fewer spaces are required.

To the west of the Proposed Project Area and across the Major Deegan Expressway is a large M2-1 zoning district. M2 zoning districts occupy the middle ground between light and heavy industrial areas. M2-1 zoning districts are medium-density manufacturing districts that permit commercial, and manufacturing uses in Use Groups 6-14, 16 and 17 up to a maximum FAR of 2.0.

Land Uses and Prevailing Built Form

The land uses within the Surrounding Area consist primarily of a mix of low- and mid-rise multi-family residential buildings, community facilities, transportation/utility, parks and several vacant lots.

Within the R5 zoning district, located directly across Sedgwick Avenue to the east, is Bronx Community College, an approximately 1,347,500-square foot campus with over 30 buildings and a pivotal feature within the Surrounding Area. Located further east in the R5 zoning district are one-, two- and multi-family residential buildings ranging from two to six stories in height.

Within the R6 zoning district, located directly south of the Proposed Project Area, are one- two- and multi-family residential buildings ranging from two to 15 stories in height.

Other notable community facilities located within the Surrounding Area include P.S. 226, FDNY Engine 43 and. Ladder 59.

University Woods Park is located to the north on Block 3232 and Cedar Playground is located to the south on Block 2881. The Harlem River Terrace, an approximately 298,386 square-foot park and recreation area, is located within the M2-1 zoning district directly west of the Proposed Project Area and across the Major Deegan Expressway.

Mass Transit

The Proposed Project Area is located within the Transit Zone and just east of Major Deegan Expressway. The Morris Heights Metro North train station serving the Hudson Line is located approximately ½ mile south of the Proposed Project Area. The Bx40 and Bx42 bus lines run west/east along West Burnside 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 1955, 1975, 1981, 2007 and 2009 Sedgwick Avenue, Block 3230, Lots p/o 5, 10, 16, 30, 33 and 35, in the Morris Heights neighborhood of Bronx Community District 5. The Proposed Project Area is zoned R5, a medium-density residential district with a maximum residential FAR of 1.25.

2009 Sedgwick Avenue (Lots 33 and 35), the Proposed Development Site, consists of two vacant, through lots combined as a single zoning lot. The Proposed Development Site has 110 feet of frontage along Sedgwick Avenue, approximately 114 feet of frontage on Cedar Avenue and approximately 128 feet of frontage on West 180th Street with a total lot area of approximately 15,579 square feet.

2007 Sedgwick Avenue (Lot 30) is a through lot with approximately 67 feet of frontage on Sedgwick Avenue and a total lot area of approximately 11,298 square feet.

1981 Sedgwick Avenue (Lot 16) is a through lot with approximately 350 feet of frontage on Sedgwick Avenue and a total lot area of approximately 72,450 square feet. Lot 16 is improved with two, six-story, multi-family residential buildings totaling approximately 202,600 square feet/2.8 FAR and 225 dwelling units.

1975 Sedgwick Avenue (Lot 10) has approximately 172 feet of frontage on Sedgwick Avenue and a total lot area of approximately 15,390 square feet. Lot 10 is improved with a five-story residential building with a total floor area of approximately 55,000 square feet/3.57 FAR and 47 dwelling units.

1955 Sedgwick Avenue (Lot 5) has approximately 164 feet of frontage on Sedgwick Avenue, approximately 87 feet of frontage on West 179th Street and a total lot area of approximately 12,956 square feet. Lot 5 is improved with a five-story residential building with a total floor area of approximately 40,670 square feet/3.14 FAR and 37 dwelling units.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Proposed Development Site is 2009 Sedgwick Avenue, Block 3230, Lots 33 and 35. The Proposed Development Site is located at the northern corner of the subject block and is bounded by Sedgwick Avenue to the east, West 180th Street to the north, and Cedar Avenue to the west. The Proposed Development Site has approximately 110 feet of frontage on Sedgwick Avenue, approximately 127 feet of frontage on West 180th Street, approximately 114 feet of frontage on Cedar Avenue and a total lot area of approximately 15,579 square feet. The Proposed Development Site is currently a vacant and unimproved site.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development at the Proposed Development Site is a new 11-story plus cellar and two sub-cellar, multi-family residential (Quality Housing) and community facility building with approximately 70,750 square feet of floor area (4.5 FAR) and a total of 70 dwelling units.

Due to the significant grade change between Sedgwick and Cedar Avenues (approximately 50 feet), several levels of proposed parking will be below grade along Sedgwick Avenue and will provide a total of 86 parking spaces, including the two sub-cellars (24 spaces), cellar (15 spaces), first (18 spaces) and second (29 spaces) floors. The proposed parking levels will be accessed by a curb cut located along Cedar Avenue. The third floor/ground level will consist of approximately 14,672 square feet of community facility space and the residential lobby. The fourth through 11th floors will consist of a total of 70 dwelling units, along with a common roof terrace and recreational area on the roof. The Proposed Development will have a base height of approximately 62 feet and a total height of approximately 109 feet.

The Proposed Development will be located within an MIH Designated Area, upon approval of the proposed zoning text map amendment of ZR Appendix F, and the applicant intents to provide affordable housing units pursuant to Option 1 or Option 2 of the City's MIH program. The Proposed Development will provide approximately 21 affordable housing units pursuant to Option 2 of the MIH program. The applicant will seek additional input from Bronx Community Board 5 and the local City Council Member regarding the level of affordability for the Proposed Development.

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 R5 zoning district to an R6 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 5, to establish the Proposed Project Area as an MIH Designated Area.

Zoning Map Amendment from an R5 zoning district to an R6 zoning district

The Proposed Project Area has been zoned R5 since 1961. This application seeks to rezone the Proposed Project Area from an R5 zoning district to an R6 zoning district. R5 districts are residential districts which allow a variety of housing, typically three- and four-story attached houses and small apartment houses, with a maximum permitted FAR of 1.25. R6 districts are residential zoning districts and permit all housing types up to a maximum FAR of 4.8 for buildings containing certain community facility uses.

The proposed zoning map amendment to rezone the Proposed Project Area to an R6 zoning district is appropriate as it would better conform the Proposed Project Area to the existing R6 context located along Sedgwick Avenue, just south of West 179th Street and the Cedar Playground. The proposed R6 zoning district is appropriate in terms of density and permitted bulk as the Proposed Project Area is located on a wide street adjacent to the Major Deegan Expressway and includes three non-complying residential buildings with FARs ranging from 2.8 – 3.57. Therefore, the degree of non-compliance of these buildings will be greatly reduced. Further, the proposed rezoning to an R6 zoning district will enable the development of the Proposed Development Site, which is an underutilized, vacant site, with much needed residential and community facility uses which will serve the surrounding neighborhood.

Zoning Text Amendment to ZR Appendix F to map an MIH Designated Area

The shortage of affordable housing and housing in general has been highlighted by the current administration as an urgent issue that needs addressing. Housing New York 2.0 is an extension of the City's comprehensive housing development policy (Housing New York: A Five-Borough, Ten-Year Plan) that includes a primary goal of building or preserving 200,000 units of high-quality affordable housing by 2022 and 300,000 homes by 2026. Housing New York 2.0 was developed in conjunction with the New York City Department of Housing and Preservation (HPD) to create housing opportunities for New Yorkers with a range of incomes, while fostering vibrant and diverse neighborhoods. Framed by the policy goals and objectives in Housing New York, the City Council adopted an amendment to the ZR to establish the Mandatory Inclusionary Housing program, which requires areas rezoned for residential growth to include a minimum of 20 to 30 percent of dwelling units be affordable in new developments.

The proposed zoning text amendment to ZR Appendix F will support the policies and goals of Housing New York 2.0 by creating permanently affordable dwelling units within the Proposed Development, 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, 5 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 Development will provide approximately 21 affordable housing units pursuant to Option 2 of the MIH program. The applicant will seek additional input from Bronx Community Board 5 and the local City Council Member regarding the level of affordability for the Proposed Development.

The proposed zoning text amendment would therefore provide the Morris Heights neighborhood with new permanently affordable housing, which would support the City's effort to increase the overall supply of affordable housing.

8. CONCLUSION

The Applicant proposes a zoning map amendment to rezone the Proposed Project Area from an R5 zoning district to an R6 zoning district. The proposed zoning map amendment will facilitate the development of a new 11-story, mixed-use residential and community facility building with 70 dwelling units. 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 5, 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.