431 Concord Avenue Rezoning
Bronx Community District 1
February 27, 2020

1. Introduction

Concord Realty LLC (the "Applicant") proposes the following actions:

1) a zoning map amendment to change an existing M1-2 zoning district to an R7D district on a portion of Block 2578 bounded by Concord Avenue, East 145th Street, a line midway between Jackson Avenue and Concord Avenue, and a line 150 feet from and parallel to East 145th Street (consisting of Block 2578, p/o Lots 15, 16, and 18) (the "Project Area") in Bronx Community District 1; and

2) a zoning text amendment of Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Community District 1, Bronx to establish the Project Area as an MIH Area.

The proposed actions would facilitate the development of 431 Concord Avenue (Block 2578, Lots 16 and 18) (the "Development Site") with a new 11-story Quality Housing residential building with approximately 92 dwelling units. The Applicant intends to construct the proposed development pursuant to the NYC Housing Preservation and Development ("HPD") Extremely Low & Low-Income Affordability ("ELLA") Program. In addition, 25 to 30 percent of the residential floor area in the proposed development, approximately 23 to 28 units, would be permanently income-restricted pursuant to the MIH program.

2. Background

The Project Area was initially mapped with an M1-1 zoning district in 1961 and was rezoned to the current M1-2 district in 1964 (CP-18356, effective March 28, 1964). A portion of the Development Site, Block 2578, Lot 18, was previously owned by the City, and was disposed into private ownership as part of an effort to increase the City's tax rolls while reducing City management and oversight burdens (C 980300 PPX, effective August 27, 1998).

Northeast of the Project Area, a private application for the Crossroads Plaza Rezoning (C 120164 HAX, effective May 31, 2012) changed an R7-2 zoning district to R8X district to facilitate the development of three mixed-use buildings with 428 units on a site located between East 149th Street, Southern Boulevard, East 147th Street, and Union Boulevard. Additionally, the East 147th Street Rezoning (C 160251 ZMK, effective October 27, 2016) changed M1-2 and M3-1 zoning districts to R7X and R7X/C1-4 districts on East 147th Street and Southern Boulevard and established an MIH Area to facilitate the development of a new 165-unit affordable housing building.

3. Description of the Surrounding Area

The Project Area is located in the Mott Haven neighborhood within Bronx Community District 1. Existing land uses within the surrounding area consist of one- and two-family residences, multi-family walk-up and elevator buildings, mixed-use (commercial and residential) buildings, industrial, schools (Samuel Gompers Industrial High School, New Visions Charter High School, JM Rapport School for Career Development and Heketi Community Charter School), and vacant land. The prevailing built form in the area varies by use. Residential buildings range from two- to six-stories in height, and industrial buildings are typically low-rise high lot coverage one- to three-story warehouses. Concord Avenue transitions from primarily industrial uses south of East 144th Street to more residential uses moving north of East 144th Street. Concord Avenue does not have significant commercial activity. The closest retail corridors are located along East 149th Street and Southern Boulevard.

Directly south of the Project Area on Block 2578 within the M1-2 zoning district, Lot 21 is a 13,476 square foot corner and interior lot improved with a one-story industrial building. The western portion of Block 2578 outside of the Project Area is within an R7-1 zoning district. Lot 6 is an approximately 12,255 square foot corner and interior lot improved with a six-story, 60-foot

residential building with 47 units. Lot 1 is an approximately 12,225 square foot corner and interior lot improved with a non-conforming industrial building with an open yard/loading area.

Across Concord Avenue to the east of the Project Area on Block 2577 are one- and two-family homes (Lots 1, 4-8, 20, 22), a mixed-use building (Lot 24), and unimproved sites that are vacant or used for parking (Lots 2, 3, 9, 14). Across East 145th Street to the north of the Project Area on Block 2578 is the JM Rapport School for Career Development (Lot 27). Northwest of the Rezoning on Block 2557 are a six-story residential building with 60 units (Lot 56) and a three-story mixed-use building (Lot 61) abutting St. Mary's Park. To the northeast of the Project Area on Block 2577 are four- and six-story multi-family buildings (Lots 38, 48, 52, 56, 58), two- and three-story one- and two- family and multi-family buildings (Lots 32-35, 60, 63), industrial buildings (Lots 27, 31, 61) and parking (Lot 36). Across East 144th Street to the south of the Project Area on Block 2573 is Heketi Community Charter School (Lot 87), a surface parking lot (Lot 81), a two-story industrial building (Lot 91), and a six-story mixed use building with 42 units (Lot 71). To the southeast of the Project Area on Block 2574 are one- and two-story industrial buildings with surface parking (Lots 70 and 82).

The Project Area is well served by public transit. The closest subway station is the East 143rd Street Station, which serves the 6 line, approximately two blocks southeast of the Project Area. The Bx17 (Fordham Plaza - Port Morris) and Bx19 (NY Botanical Garden - Riverbank Park) bus lines are available four blocks to the north of the Project Area along East 149th Street, and the Bx33 (Port Morris - Harlem) runs along East 138th Street six blocks to the south.

Parks in the area owned and operated by the Department of Parks and Recreation include St. Mary's Park and I-Am-Park. St. Mary's Park is the largest park in the South Bronx at 35.3-acres. It features several playgrounds, barbecue areas, baseball and basketball fields, an indoor pool and a recreation center. I-Am-Park is a 0.71-acre playground that provides additional opportunities for active and passive recreation.

Zoning districts mapped within the surrounding area include the M1-2 district mapped in the Project Area, the R7-1 district mapped adjacent to the Project Area, and R6 and M1-3 districts.

The Project Area is within an M1-2 zoning district, and there is an M1-3 zoning district to the southeast of the Project Area. M1-2 and M1-3 zoning districts permit nearly all industrial uses, subject to M1 performance standards. Commercial offices and most retail uses are also permitted along with certain community facility uses. Hotels are only permitted by special permit. New residential use is not permitted within M1 districts. The maximum FAR for permitted manufacturing and commercial uses within M1-2 districts is 2.0 and 4.8 for permitted community facility uses. The maximum base height before setback in within M1-2 districts is 60 feet or four stories, whichever is lower, with building height controlled by a sky exposure plane. The maximum FAR for permitted manufacturing and commercial uses within M1-3 districts is 5.0 and 6.5 for permitted community facility uses. The maximum base height before setback in within M1-3 districts is 85 feet or six stories, whichever is lower, with building height controlled by a sky exposure plane. Off-street parking is required for manufacturing and commercial uses, and for most uses is calculated based on the amount of floor area. In M1-2 and M1-3 zoning districts, the off-street parking requirement may be waived if fewer than 15 spaces are required.

There is a large R7-1 zoning district located directly west of the Project Area that generally extends north of East 145th Street, except for two partial blocks on the east side of Jackson Avenue between St. Mary's Street and East 145th Street. R7-1 districts allow all housing types at a maximum FAR of up to 3.44 and a maximum FAR of up to 4.8 for buildings containing certain community facility uses. R7-1 is also a height factor district where residential and community facility uses are permitted with no fixed height limits. Building envelopes are regulated by a sky exposure plane and open space ratio after a maximum base height of 60 feet. Residential development under the optional Quality Housing Program has a maximum FAR of 3.44 on narrow streets with a 75-foot building height limit and a maximum of 4.0 FAR on wide streets with a height limit of 85 feet with a qualifying ground floor. Off-street parking is required for 60 percent of the dwelling units. This requirement is lowered to 50 percent of the units if the lot area is less than 10,000 square feet or if Quality Housing provisions are used. The off-street parking requirement is waived if fewer than

five spaces are required. There is a parking exemption for income-restricted units within the Transit Zone.

There is an R6 zoning district located southwest of the Project Area generally mapped south of St. Mary's Park and west of Jackson Avenue. R6 districts allow all housing types at a maximum FAR of up to 2.43 and a maximum FAR of up to 4.8 for buildings containing certain community facility uses. R6 is a height factor district where residential and community facility uses are permitted with no fixed height limits. Building envelopes are regulated by a sky exposure plane and open space ratio after a maximum base height of 60 feet. Residential development under the optional Quality Housing Program has a maximum FAR of 2.2 on narrow streets with a 55-foot building height limit and a maximum of 3.0 FAR on wide streets with a height limit of 70 feet. Off-street parking is required for 70 percent of the dwelling units. This requirement is lowered to 50 percent of the units if the lot area is less than 10,000 square feet or if Quality Housing provisions are used. In R6 districts, if fewer than five spaces are required, the off-street parking requirement is waived. There is a parking exemption for income-restricted units within the Transit Zone.

The Project Area is within the Transit Zone, where special lower accessory parking requirements apply for various types of affordable housing including income-restricted housing units. Areas within the Transit Zone are generally within one-half mile of a subway station and have the lowest automobile ownership rates in the City. Additionally, the Project Area is located within an area where FRESH zoning and discretionary tax initiatives are available. The northern boundary of the Port Morris Industrial Business Zone ("IBZ") is located along East 144th Street.

4. Description of the Proposed Project Area

The Project Area consists of the northeastern portion of Block 2578, including portions of three contiguous tax lots, part of Lot 15 (441 Concord Avenue), Lot 16 (439 Concord Avenue) and Lot 18 (431 Concord Avenue). The Project Area is 15,000 square feet, and is bounded by Concord Avenue to the east, East 145th Street to the north, a line midway between Jackson Avenue and Concord Avenue to the west, and a line 150 feet from and parallel to East 145th Street to the south.[1] The Project Area is within an M1-2 zoning district. Lots 16 and 18 are the Applicant-owned Development Site described below. Lot 15, which is not owned by the Applicant, is an approximately 3,000 square foot corner lot improved with a 1,676-square foot (0.56 FAR) one-story (20-foot tall) garage building occupied by an auto-repair use. There is a curb cut on Concord Avenue providing vehicular access to the garage.

5. Description of Proposed Development Site

The Development Site consists of Lots 16 and 18, which comprise a single 13,750 square foot zoning lot. The majority of the Development Site is located within the M1-2 zoning district, which is mapped to a depth of 110 feet along the centerline of Block 2578. The remaining portion, an approximately 10-foot strip at the rear of the Development Site, is within an R7-1 zoning district. The Development Site has 125 feet of frontage on Concord Avenue and a depth of 110 feet. Concord Avenue is a 60-foot wide narrow street with two-way traffic running north and south. Lot 16 is improved with a vacant two-story mixed-use building and a one-story (14-foot tall) commercial building occupied by a house of worship. The buildings on Lot 16 have a combined 2,888 square feet of floor area and an FAR of 0.53. There is a curb cut on Concord Avenue providing vehicular access to Lot 16. Lot 18 has been unimproved and vacant since approximately 1990. There is a curb cut on Concord Avenue providing vehicular access to Lot 18.

6. Description of Proposed Development

The proposed development is an 11-story Quality Housing residential building with approximately 92 dwelling units. The proposed development contains 75,736.54 square feet of residential floor

[1] The location of the proposed zoning district boundary creates a "split lot" condition on the affected lots. A split lot is a zoning lot located in two or more zoning districts and divided by a zoning district boundary. Generally, regulations for each zoning district must be applied separately for each portion of the zoning lot. However, all of the lots within the Rezoning Area would be subject to the proposed R7D zoning district provisions due to the "split lot rule." Zoning Resolution Article VII, Chapter 7 provides rules for the treatment of zoning lots that existed prior to 1961, or prior to any rezoning that splits a lot. Pursuant to ZR § 77-22, the floor area ratio for proposed Development Site is calculated as an adjusted maximum floor area ratio.

area and has an FAR of 5.51. The proposed development has height of 115 feet after a 15-foot setback above a base height of 95 feet. A 41'-10" rear yard is provided. The first floor of the building would contain the residential lobby, amenities, and mechanical rooms. There are also 29 enclosed and unenclosed accessory off street parking spaces accessible via a new 12-foot wide curb cut on Concord Avenue. The second through ninth floors would contain 10 units each, and the tenth and eleventh floors would contain 6 units each.

The Applicant intends to construct the proposed development pursuant to HPD's ELLA Program. In addition, 25 to 30 percent of the residential floor area in the proposed development, approximately 23 to 28 units, would be permanently income-restricted pursuant to the MIH program. The preliminary unit distribution is 16 studios (17 percent), 42 one-bedrooms (46 percent), 24 two-bedrooms (26 percent), and 10 three bedrooms (11 percent).

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 M1-2 zoning district mapped within the Project Area to a R7D zoning district; and

2. a zoning text amendment to establish the Project Area as an MIH Area.

Zoning Map Amendment

The proposed rezoning would allow for the production of new housing in Bronx Community District 1, which is not currently permitted in the existing M1-2 zoning district. The proposed rezoning would facilitate new residential development with the provision of permanently income-restricted housing on underutilized land in close proximity to mass transit.

The proposed R7D zoning district permits residential and community facility uses (Use Groups 3 and 4). The R7D district permits a maximum of 4.2 FAR for community facility uses and a maximum of 5.6 FAR for residential use in MIH Areas. The modified maximum base height in the R7D district is 95 feet and the modified maximum building height is 115 feet or 11 stories. Within the Transit Zone, off-street accessory parking is required for 50 percent of dwelling units and no parking is required for income-restricted housing units.

The proposed zoning change from the existing M1-2 zoning district to R7D is appropriate because it reinforces existing land use patterns in the surrounding area, which reflect a prevalence of residential uses - including a number of non-conforming residential uses in the M1-2 zoning district. Many of these residential uses are multi-family apartment buildings similar to the six-story building directly adjacent to the Project Area (on Lot 6). The proposed R7D zoning district is appropriate for the Project Area because it is located directly adjacent to an R7-1 zoning district, which has comparable bulk provisions. Additionally, the Project Area is in close proximity to public transportation with the East 143rd Street Station serving the 6 line approximately two blocks to the southeast and stops on the Bx17, Bx19, and Bx33 bus lines also in walking distance.

Zoning Text Amendment

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. 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.[2] As population

[2] 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.

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, 48.2 percent of households in Bronx Community District 1 are rent burdened, spending 35 percent or more of their income on rent.[3]

The MIH program requires that permanently income-restricted housing be provided within certain new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH Areas. The proposed zoning text amendment would establish an MIH Area contiguous with the Project Area.

Within the MIH Area, 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 or Option 2. Option 1 requires 25 percent of the residential floor area to be provided as income-restricted housing to households at an average of 60 percent of the Area Median Income ("AMI") with 10 percent at 40 percent AMI, with no unit targeted at a level exceeding 130 percent of AMI. Option 2 requires 30 percent of the residential floor area to be provided as income-restricted housing to households at an average of 80 percent AMI, with no unit targeted at a level exceeding 130 percent of AMI.

8. CONCLUSION

The proposed zoning map amendment and zoning text amendment are consistent with existing land uses and built context within the area surrounding the Project Area, and further the objectives of the City's Housing New York: A Five-Borough, Ten-Year Plan. The existing M1-2 zoning designation within the Project Area does not permit residential use and precludes the development of housing at the Development Site. The proposed rezoning reflects sound planning principles by replacing an underutilized M1-2 district with an R7D district to permit residential use at increased density near public transit. The proposed actions would facilitate the development of an 11-story residential building with approximately 92 dwelling units pursuant to HPD's ELLA Program and approximately 23 to 28 permanently income-restricted units pursuant to the MIH Program.

[3] Based on American Community Survey 2011-15 Five Year Estimates for Public Use Microdata Area (PUMA) 3710, which approximates Bronx Community Districts 1 and 2, available at: https://communityprofiles.planning.nyc.gov/bronx/1.