1099 Webster Avenue Rezoning

May 2020

1. Introduction

Webster 1099 Realty LLC ("the Applicant") seeks a zoning map amendment and zoning text amendment (the "Proposed Actions") to facilitate two new mixed-use buildings on a single zoning and tax lot (Block 2426, Lot 25, the "Development Site") located on the west side Webster Avenue at its intersection with East 166th Street in the East Concourse section of Bronx, within Community District #4. In addition to the Development Site, two adjacent lots to the north (Block 2426, Lots 17 and 21; the "Rezoning Area") extending to East 167th Street, and not under ownership or control of the Applicant.

The Proposed Actions consist of a zoning map amendment from M1-1, R7-1 and R7-1/C1-4 to R7X/C2-4 and a zoning text amendment to Appendix F of the New York City Zoning Resolution ("ZR") designating the Rezoning Area as a Mandatory Inclusionary Housing Area (MIHA).

The Proposed Actions are proposed to facilitate the redevelopment of the Development Site with two (2) mixed-use buildings containing ground floor commercial space, and 238 residential units on the upper floors.

2. Background

The area of the Bronx where the Development Site is located was once a vibrant manufacturing district. Through the 1950's, the area contained a number of notable manufacturers along with a number of older tenement buildings, row houses and older wood frame dwellings many of which housed the factory workers. From the 1960s through the 1980s the area saw a decline in manufacturing uses resulting in numerous properties being abandoned or demolished. Since that time, a number of initiatives have been enacted to revitalize the area, primarily focused on new residential and commercial/retail development. A number of discretionary land use actions have been sought and approved within the surrounding area since 2002 and described further below.

In August of 2003, the Morrisania Rezoning was adopted (030333 ZMX), which rezoned an 11-block area to the east of the Rezoning Area in an area bound by East 168th, Washington Avenue, East 163rd Street and Third Avenue. The Morrisania Rezoning rezoned the affected area from M1-1 and R6/C2-2 zoning districts to a mixed-use R7-2/M1-1 (MX-7) district, designed to facilitate new mixed-use development in the affected area, particularly new residential construction, in an area that had lacked substantial new investment since the 1950s.

Also in August of 2003, the Washington Plaza Rezoning was adopted (030213 ZMX), affecting a single tax block (Block 2385) immediately to the southwest of the Morrisania Rezoning. This included a zoning map amendment from M1-1 to C4-4 to facilitate a supermarket, local retail use and 123-space parking lot.

In March of 2008, the Courtlandt Corners I and II project was approved (080222 ZMX), affecting an area to the south of the Development Site. This project, initiated in coordination with NYC Housing Preservation and Development (HPD), resulted in a zoning map change from an R7-2 District to an R7A district, designed 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 of the Melrose Commons Urban Renewal Plan (MCURP), which has been subsequently modified and developed by numerous projects and initiatives (discussed further below).

Subsequently in February of 2011 (110115 ZMX), the adjacent area to the north of Courtlandt Corners I and II was rezoned from R7-2 to R7A and R8/C1-2, to facilitate the construction of a mixed-use development, known as Courtlandt Crescent, which is also located in the MCURP.

In September of 2009, the 161st Street Rezoning (090365 ZMX) was adopted affecting an area to the southwest of the Development Site, bounded by River Avenue, East 162nd Street, East 158th Street and Park Avenue. This project aimed to facilitate redevelopment of three areas along the 161st Street and River Avenue corridors of Bronx Community District 4 by mapping C6-2, C6-3 and R8A districts, along with an Inclusionary Housing (IH) area. The proposal's goals were to provide opportunities for commercial expansion and residential development (including affordable housing units) within close proximity to transit.

In September of 2010, a map amendment was approved at 3500 Park Avenue (to the east of the Development Site) which affected East 168th Street between Park Avenue and Washington Avenue, from an M1-1 District to an R7-1 District, and to establish a new C2-4 District. This facilitated construction of a new eight-story mixed-use building.

Most recently in February of 2015, a series of actions were approved DCP in coordination with NYC Housing Preservation and Development (HPD) relating to the Melrose Commons project

(150153 HUX). This includes amendments to MCURP discussed above, disposition of City-owned property, designation of that property as an Urban Development Action Area Project (UDAAP) and Project Approval, changes to the city map and zoning map amendment from R7-2 to R8 and R8/C1-4. These changes were designed to facilitate 257,345 square feet of mixed-use buildings containing residential, commercial, and community facility uses.

Prior to these actions, other zoning map amendments in the MCURP were adopted as part of the Boricua Village project (070276 ZMX), also in coordination with HPD, to facilitate approximately 679 residential units, 36,511 square feet of retail space, 120,000 square foot college building, 174 below-grade parking spaces, and 65,264 square feet of publicly-accessible open space on an approximately 5-acre site in Melrose Commons. This project was facilitated through zoning map amendments from C4-4 to R8 and R8/C2-4.

In addition to the above actions facilitated by DCP and HPD, on December 5, 2000, the Board of Standards and Appeals (BSA) granted a variance affecting property to the southeast of the Development Site at 480 East 164th Street (Cal. No. 151-00-BZ) permitting construction of a seven-story residential/commercial building at Block 2368, Lots 17, 19, 21 and 23 in an M1-1 district. The BSA also granted a bulk variance on November 20, 2012 (Cal. No. 156-11-BZ) to permit the development of a new 12-story supportive housing facility for St. Simeon's Episcopal Church, located at 1020 Carroll Place (Block 2455, Lot 48), contrary to the setback, floor area, lot coverage and density requirements of the underlying R8 zoning district.

There are no other known and approved discretionary land use actions within proximity of the proposed Project Area since 2000.

3. Description of the Surrounding Area

The surrounding area is located near the East Concourse section of Bronx Community District #4 but is also in close proximity to the Melrose and Morrisania sections of Bronx Community District #3, to the east and south, respectively. The Rezoning Area is located in a transitional area where residential uses are more predominant to the west, and commercial/light manufacturing uses are more predominant to the east and across the Amtrak/MTA Metro North right-of-way. Webster Avenue is a north–south commercial arterial for immediate area. The predominant east–west arterial, East 168th Street, is located two blocks to the north of the Rezoning Area.

Land uses west of the Rezoning Area are predominantly residential, moving towards the Highbridge area. The area to the east of Webster Avenue, is predominantly commercial with

local retail, restaurants and automotive uses, before reaching the Metro North/Amtrak right-of-way. Further east beyond the railroad right-of-way, the land uses are more varied, with warehouse facilities, commercial/retail, houses of worship, automotive uses, smaller multi-family residential buildings and vacant lots.

The built form varies within the surrounding area. The area west of the Rezoning Area includes a series of six-story residential walk-up buildings, smaller three-story multi-family residential buildings, as well as institutional uses, including public schools, houses of worship and supportive care facilities. Immediately to the south of the Rezoning Area is a nine-story supporting housing facility. NYCHA's Claremont Rehab development is located three blocks to the west of Webster Avenue, housed in a number of pre-war six-story buildings. The varied mix of uses to the east of the Rezoning Area and across the railroad right-of-way range in size from recently constructed six and seven-story residential buildings (pursuant to the actions described above) and one and two-story warehouse/automotive facilities and commercial retail buildings.

Notable community facilities include the Church Alive Community Church (315 East 170th Street), P.S. 053 (360 East 168th Street) and Junior High School 22 (270 East 167th Street), which are all concentrated along East 167th Street between Morris Avenue and Clay Avenue. To the south is the Mount Lebanon Church, as well as the Urban Science Academy (P.S. X324) near East 165th Street and Teller Avenue. To the east of the railroad right-of-way is a branch of the U.S. Postal Service (442 East 167th Street) and an FDNY fire station (1155 Washington Avenue).

There are several publically-accessible open space facilities in proximity to the Rezoning Area, including the Arcilla Playground near Park Avenue and East 163rd Street and the Mott Playground near Morris Avenue and McClellan Street.

The Rezoning Area is located in an M1-1 district that encompasses the area between Park Avenue, East 163rd Street and East 168th Street. The Rezoning Area also encompasses small portions of an R7-1 and R7-1/C1-4 district to the west. To the east of this area is a mixed-use M1-1/R7-2 (MX-7) district that runs from roughly Washington Avenue to 3rd Avenue. The area immediately to the west of the Rezoning area is a large R7-1 district with numerous C1-4 and C2-4 commercial overlays located along avenues. In addition, a single C4-4 district is located to the southeast near 164th street and Brook Avenue, created as a result of the Washington Plaza Rezoning (discussed above).

The M1-1 district permits commercial or light-to-medium manufacturing/industrial uses (Use Group 4-14, 16-17). Commercial and industrial/manufacturing uses are permitted up to 1.0 FAR, while limited community facility uses are permitted up to 2.4 FAR. The maximum base height of

M1-2 districts is 30 feet (or two-stories), with the sky-exposure plane governing maximum building height.

The R7 district permits residential and community facility buildings where quality housing and height factor provisions both apply. This district permits buildings up to 3.44 FAR under height factor regulations or 4.0 FAR under quality housing regulations. Under quality housing regulations, buildings with 8-stories or 85 feet with a qualifying ground floor are permitted and the sky exposure plane controls the maximum height of height factor buildings, which begins at 60-feet. Parking is required for 60% of dwelling units under height factor regulations and 50% under quality housing regulations. R7/C1-4 and R7/C2-4 districts with commercial overlays permit Use Groups 5-6 (C1-4) and Use Groups 5-9 & 14 (C2-4) at a maximum FAR of 2.0. This generally results in mixed-use buildings with ground floor commercial retail space and residential units contained above.

The M1-1/R7-2 (MX-7) Special Mixed-Use Districts are intended to facilitate a vibrant mix of uses, often within the same building. The MX-7 district permits a wide range of uses (Use Groups 1-14, 16-17), including residential, community facility, commercial and light industrial/manufacturing uses (under stringent performance standards). The bulk regulations of the district ultimately reflect the R7 regulations described above and parking requirements vary by use.

The Rezoning Area and surrounding area is located in a FRESH Zone and qualifies for zoning and discretionary tax incentives to provide a qualifying FRESH use.

The area immediately to the southwest of the Rezoning Area (Blocks 2428 & 2425) is the Clay Avenue Historic District, which consists of two block fronts of Clay Avenue between East 165th and East 166th Street, contains 32 residential buildings constructed between 1901 and 1910 (LP-1898).

The surrounding area is well served by public transportation with a New York City Transit (NYCT) B/D station, located approximately 0.6 miles from the Development Site at the intersection of 167th Street and Grand Concourse. In addition, the Melrose stop on the MTA's Metro North (Harlem Line) is located 0.3 miles southwest of the Rezoning Area. In terms of the bus transit, the Bx41 and Bx41 Select Bus Service (SBS) run along Webster Avenue in the Rezoning Area, stopping at the northeastern corner of the subject block. The Bx35 bus runs along East 167th Street just north of the Rezoning Area, stopping at the northeastern corner of the subject block.

4. Description of the Proposed Project Area

The Proposed Project Area (the "Rezoning Area") is located along Webster Avenue between East 166th Street and East 167th Street in the East Concourse section of Bronx Community District #4. Webster Avenue is a 'wide' street with 100 feet in width, while East 166th Street is a 'narrow' street with 60 feet in width. East 167th Street is classified as a 'wide' street with 80 feet in width. Clay Street is classified as a 'narrow' street with 60 feet in width. The Rezoning Area affects the entire block frontage of the western side of Webster Avenue between East 167th and East 166th Street. This consists of approximately 568 feet of length along the west side of Webster Avenue with a depth of 100 feet. The Rezoning Area is zoned M1-1, R7-1 and R7-1/C1-4.

The Rezoning Area consists of Block 2426, Lots 17, 21 and 25. Only the rear 10 feet of these parcels is zoned R7-1 and R7-1/C1-4, with the remaining area zoned M1-1. As such, the M1-1 zoning district is mapped at a depth of 90 feet from Webster Avenue, while the R7-1 and R7-1/C1-4 district is mapped at a depth of 90 feet from Clay Street.

Block 2426, Lot 17 (1147 Webster Avenue) has an area of 10,000 square feet and is developed with a 7,280 square foot one-story commercial building (0.73 FAR) constructed in approximately 1931.

Block 2426, Lot 21 (1139 Webster Avenue) has an area of 10,000 square feet and is fully developed with a 10,000 square foot one-story commercial building (1.0 FAR) constructed in approximately 1931.

Block 2426, Lot 25 (1099 Webster Avenue) has an area of 36,840 square feet and is developed with a one-story, 21,800 square-foot building containing various automotive-related uses (0.59 FAR) constructed in approximately 1930.

5. Description of Proposed Development Site

The Proposed Development Site consists of the corner lot of the Rezoning Area, which is limited to Block 2426, Lot 25 (1099 Webster Avenue). Block 2426, Lot 25 has an area of 36,840 square feet and is developed with a one-story, 21,800 square-foot building containing various automotive uses (0.59 FAR). The parcel is a corner lot with approximately 368 feet of frontage along Webster Avenue and 100 feet of frontage along East 166th Street. The southern portion of the lot, fronting on East 166th Street and Webster Avenue, is currently used as a private parking

lot. The remainder of the lot is developed with a one-story, 21,800 square-foot building containing various automotive uses. The property has an FAR of 0.59, where 1.0 FAR is permitted for commercial/industrial uses and 2.4 is permitted for community facility uses in the underlying M1-1 zoning district.

6. Description of Proposed Development

The Proposed Actions are intended to facilitate the redevelopment of the Development Site with two residential buildings to contain 238 dwelling units and ground floor commercial/retail space. The plans indicate a nine-story building on the southern portion of the lot (with frontage on East 166th Street and Webster Avenue) and an 11-story building on the northern portion of the lot (with frontage on Webster Avenue) with a maximum height of 110' 11" and a street wall height of 101' 4".

Together, the buildings would contain 280,300 gross square feet of floor area (221,040 square feet of zoning floor area, an 6.0 FAR), of which 216,215 square feet (190,852 square feet of ZFA, 5.18 FAR) for residential use and 30,188 square feet (30,188 square feet of ZFA or 0.82 FAR) of commercial floor area. Below grade, 30 required accessory parking spaces would be provided for the commercial space and 43 non-required parking spaces would be provided for the proposed residential use. All of the proposed 238 residential units would be affordable to incomes below 80% AMI, subject to HPD's ELLA terms. This would include 36 units reserved for the homeless, 24 units for incomes at 27% AMI, 24 units for 37% AMI, 24 units for 47% AMI, 24 units for 57% AMI, 46 units for 67% AMI and 58 units for 77% AMI.

Because the Development Site is located in a Transit Zone and all of the proposed dwelling units would be considered affordable pursuant to MIH, no accessory parking spaces are required for the proposed residential use. For the proposed commercial use, one accessory space is required per 1,000 square feet of floor area in the proposed C2-4 zoning district, resulting in 30 required spaces. The accessory parking area would be made accessible from a single curb cut (12') located on the southern end of the zoning lot along the East 166th Street frontage.

7. Actions Necessary to Facilitate the Project

The application seeks a zoning map amendment to modify the Rezoning Area from a split M1-1, R7-1 and R7-1/C1-4 districts to an R7X/C2-4 district. The district would be mapped at a depth of 100 feet from Webster Avenue, capturing Block 2426, Lots 17, 21 and 25.

In addition, the Rezoning Area would be mapped as a Mandatory Inclusionary Housing (MIH) area, pursuant to a text amendment to Appendix F of the Zoning Resolution ("ZR"). As noted above, the Proposed Actions would affect the western block frontage of Webster Avenue between East 166th and East 167th Streets.

The Proposed Actions are intended to facilitate the redevelopment of the Development Site with two mixed-use buildings to contain ground floor commercial space and 238 affordable dwelling units. The proposed zoning map amendment is necessary because the current M1-1 zoning district does not permit residential uses or buildings in excess of 1.0 FAR for commercial/industrial uses and 2.4 FAR for certain community facility uses.

The proposed R7X/C2-4 district would be consistent with the large R7-1 district immediately to the west of the Development Site and is located on a wide commercial corridor. Given the close presence of the R7-1 district, numerous commercial and community facility buildings are developed in close proximity to the Proposed Development, which rise to comparable heights between six- and nine-stories. Webster Avenue is 100 feet in width, and a wide street with two lanes of traffic, in addition to designated bus lanes on both the east and west sides, and a middle lane used for emergency vehicles and for segregated turning lanes.

As noted above, a zoning text amendment is required to make the Rezoning Area applicable to MIH, which would be mapped under Options 1 or 2, which require the following:

- Option 1: an amount of affordable floor area for qualifying households shall be provided that is equal to at least 25 percent of the residential floor area within such MIH development. The weighted average of all income bands for affordable housing units shall not exceed 60 percent of the income index, and there shall be no more than three income bands. At least 10 percent of the residential floor area within such MIH development shall be affordable within an income band at 40 percent of the income index, and no income band shall exceed 130 percent of the income index.

- Option 2: an amount of affordable floor area for qualifying households shall be provided that is equal to at least 30 percent of the residential floor area within such MIH development. The weighted average of all income bands for affordable housing units shall not exceed 80 percent of the income index, and there shall be no more than three income bands. No income band shall exceed 130 percent of the income index.

As noted above, the Proposed Development would include 100% of the proposed 238 dwelling units as affordable to incomes below 80% AMI under HPD's ELLA program. As such, this would comply with Option 2 of MIH.

The proposed R7X/C2-4 district is a contextual mixed-use district, which permits a maximum FAR of 6.0 under MIH with 2.0 FAR permitted for commercial uses, where Use Groups 1-9 and 14 are permitted. Under the proposed district, light manufacturing and industrial uses would no longer be permitted and expanded commercial uses would be permitted (Use Groups 5-9 & 14). R7X/C2-4 districts allow a maximum street wall height of 105 feet with a maximum height of 145 feet permitted after a setback. The maximum lot coverage is 70% in the district where 100% lot coverage is permitted on corner lots. The district typically requires accessory parking for 50% of dwelling units and one accessory commercial parking space is required per 1,000 square feet of commercial space and is waived where under 40 spaces is required, reflecting access to transit. Since the affected area is within the Transit Zone, affordable dwelling units are also waived from accessory parking requirements.

The Proposed Actions and resulting development are appropriate for this area, as there are a number of higher-density residential and supportive housing developments in close proximity to the Rezoning Area, which has languished with low-density commercial and automotive uses under the historic M1-1 zoning district compared to adjacent higher-density districts. In addition, the Proposed Actions would be consistent with discretionary land use actions that have occurred in close proximity to the Rezoning Area in the past decade, which have demonstrated the need for the creation of new dwelling units for various income levels and new supporting commercial space, which would be facilitated under the Proposed Actions. In addition, the proposed C2-4 commercial overlay would be consistent with the district mapped on the immediate block to the south.

The Rezoning Area is appropriate for a new higher-density mixed-use district that permits residential use, as the Development Site is currently underdeveloped and utilized predominantly as a parking lot. Further, the Rezoning Area is in close proximity to transit, as well as being located along a wide commercial thoroughfare. Lastly, the proposed higher-density contextual mixed-use district would result in a building with a more uniform street wall for a corner lot, which would improve the urban design of the affected block frontage compared to existing development.

8. Conclusion

The Rezoning Area is located in an area that is experiencing an ongoing transition from an area predominantly developed with a mix of lower-density warehouses and automotive/parking uses to higher-density mixed-use and residential buildings with new commercial retail spaces. The Proposed Actions are appropriate for this area, as the Development Site is located on a wide commercial thoroughfare and would permit a higher-density mixed-use building with new

dwelling units, including affordable units, and supporting commercial retail space with reduced parking requirements based on close access to transit.

Based on the number of historic discretionary land use actions in close proximity to the Proposed Development, which resulted in a higher concentration of residential uses, it is believed the Proposed Actions are appropriate for this area, which would result in 238 income-restricted dwelling units, a demonstrated need in this section of the Bronx.