893 EAGLE AVENUE REZONING
STATEMENT OF FINDINGS
FEBRUARY 25, 2022

74-903
Certain community facility uses in R3 to R9 Districts and certain Commercial Districts

The City Planning Commission may permit the #community facility floor area ratio# and the #community facility bulk# provisions to apply to a #development#, #extension# or #enlargement#, or change of #use# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as set forth in paragraph (a), provided that the findings in paragraph (b) of this Section are met.

(a) The Commission may permit:

(1) in R3 through R9 Districts, or in C1 or C2 Districts mapped within an R3 through R9 District or #Commercial Districts# with an R3 through R9 District residential equivalent, the #community facility floor area ratio# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to #buildings# containing philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3;

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Housing Options and Geriatric Association Resources, Inc. (H.O.G.A.R., Inc., the "Applicant") proposes a series of land use actions to rezone an existing R6 zoning district to an R7-2 zoning district in the Morrisania neighborhood within Bronx Community District 3. The Proposed Development would be a new fourteen-story Use Group 3 non-profit institution with sleeping accommodations (the "Proposed Development") on four vacant tax lots, Block 2620, Lots, 49, 50, 52, and 56 (the "Proposed Development Site"). The Proposed Development will have a zoning floor area of approximately 55,324 square feet (6.47 FAR) and include 83 units for individuals living with HIV/AIDS and low-income community residents on floors one through fourteen. The sub-cellar, which is located at grade along East 161st Street, and the cellar levels will contain a lobby, counseling offices, and multipurpose rooms to serve the residents of the building. Because of the difference in elevations between the bounding streets, the Proposed Development will have entrances at two different levels. There will be an entrance on East 161st Street, the sub-cellar level, and an entrance on Eagle Avenue, the second floor. There will also be a publicly accessible stairway to provide access between these levels to be maintained in accordance with a restrictive declaration. The Proposed Development will have a maximum height of approximately 148' to the bulkhead from the highest portion of the lot above the average curb level with a setback at 60'. An approximately 31' rear yard is provided coincident with the rear lot line of Lot 52. There is no parking requirement for the Proposed Development as parking is not required for non-profit institutions with sleeping accommodations within R7-2 zoning districts pursuant to ZR § 25-31.

The proposed special permit pursuant to ZR § 74-903 is necessary to allow the Applicant to utilize the community facility FAR listed in ZR § 24-11 for a building containing philanthropic or non-profit institutions with sleeping accommodations. Without the waiver, non-profit institutions with sleeping accommodations are required to comply with residential Quality Housing bulk. Such limitations would modify the height and setback requirements, requiring the building to comply with the contextual requirements associated with Quality Housing buildings, which would limit the building to have a maximum base height of 65 feet with a maximum overall height of 75 feet. The FAR for residential and community facilities are also vastly different. Without the special permit the building would be limited to 3.44 FAR, but with the special permit it could be increased to 6.5 FAR. The proposed special permit would facilitate the development of income-restricted housing units by allowing the Proposed Development to create additional affordable housing for at-risk populations economically. The proposed special permit significantly contributes to the financial feasibility of the project. It reduces per-unit housing development costs and increases the number of dwelling units provided for a transit-accessible, affordable housing development, allowing HPD subsidies to go further toward meeting the affordable housing goals established in the City's Housing New York: A Five-Borough, Ten-Year Plan.

Over half of the households in Bronx Community District 3 are rent burdened. According to the U.S. Census Bureau, American Community Survey ("ACS") 2012-16 Five Year Estimates for Public Use Microdata Area ("PUMA") 3705 (which approximates Bronx Community District 3), 51.6 percent of households spend 35 percent or more of their income on rent. This is higher than the estimated 50.6 percent in the Bronx and significantly higher than the 44.6 percent Citywide. The proposed special permit would facilitate the development of greatly needed housing at the Development Site affordable to low-, moderate- and middle-income families as well as individuals living with HIV/AIDS in Community District 3, helping to reduce the number of rent burdened households.

The Applicant believes that the proposed actions would develop underutilized, vacant lots and introduce much needed medical and housing uses for individuals living with HIV/AIDS and for low-income community residents in a community district whose Board has identified health care services and unemployment as the top two most pressing issues and in a borough where HIV is a leading cause of death for residents (23.5/100,000). Finally, low-income housing units are needed in a community district with an above-average rent burden (ACS 2012-2016).

(b) In order to grant such a special permit for #community facility floor area ratio# or #community facility bulk#, as applicable, the Commission shall find that:

(1) the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;

The Proposed Development Site t is located on a corner site, Block 2620, Lots 49, 50, 56, and 52, on the north side of East 161st Street between 3rd Avenue and Eagle Avenue. The proposed fourteen-story building would contain approximately 55,324 square feet of community facility floor area with an FAR of 6.47. The Proposed Development will have a maximum height of approximately 148' to the bulkhead from the highest portion of the lot above the average curb level with a setback at 60'. An approximately 31' rear yard is provided coincident with the rear lot line of Lot 52. The distribution of bulk of the Proposed Development will not unduly obstruct the access of light and air to adjoining properties or public streets. Shadow studies were conducted to determine the effect of the Proposed Development on adjacent properties and demonstrate that the effect of shadows will be minimal and brief. The Environmental Assessment Statement ("EAS") concludes that, "The Proposed Actions would not affect the vitality or usage of the sunlight sensitive resources identified in the Study Area, and significant adverse impacts from shadows would not result from the Proposed Actions."

The form and location of the Proposed Development is designed with sensitivity to the scale of the surrounding area, resulting in satisfactory site planning and urban design relationships. The Proposed Development has a scale that is in-line with what exists in the surrounding area, including several buildings that are over ten stories. In terms of design, the Proposed Development provides pedestrian access between Eagle Avenue and East 161st Streets, two streets that are not at grade with each other, thereby facilitating pedestrian activity. In addition, the building has an approximately 31' rear yard with a landscaped patio and garden area and a courtyard that abuts a neighboring property providing open space for outdoor passive recreation. The inclusion of the rear yard, courtyard and setbacks minimizes potential effects on adjacent and proximate properties. These design features reinforce the urban design and neighborhood character of the area. The area is characterized by the presence of yards in the surrounding properties, which serve to ensure access to ample light and air. The adjacent four-story residential buildings on the block to the north located at 897-899 Eagle Avenue (Block 2620, Lots 47 and 48), are each improved with rear yards. Further, the design of the building on Lot 48, along with the Proposed Development's courtyard, would preserve some of the existing light that said building receives from its existing lot line windows. Further, it is likely that a building built on the Proposed Development Site under the existing zoning, without the instant special permit, would block light to the Lot 48 building to at least the same degree as the Proposed Development.

The building design incorporates sustainable features that conserve energy, reduce environmental impacts, and promote the health of residents. Finally, the EAS concludes that, "The development that would occur under the proposed action would not have an adverse impact on the area's urban

design elements … It would not result in buildings which are substantially different in height, bulk, scale and/or use than the component of the area's built form consisting of multi-story residential buildings, and would be consistent with the adjacent R8 zoning district across Third Avenue and the Morrisania Area Rezoning which mapped the area with a mixed use M1-1/R7-2 zoning district. The rezoning would not affect street hierarchy, street wall, curb cuts or pedestrian activity."

(2) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and

The Proposed Development is an 83-unit affordable housing development with on-site social services provided by trained social service staff and 24/7 security. According to the EAS, the Proposed Development will not have any direct or indirect effects on community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations. The 83 affordable units within the Proposed Development, targeted to individuals living with HIV/AIDS and low-income community residents, would not result in increased demand for any of the surrounding facilities. As such, the Proposed Development will not require any addition to the supportive services in the community. Contrary to being a burden on the neighborhood, the Proposed Development will be a valuable addition to the community by providing affordable and supportive housing to a vulnerable population and by providing social services to the neighborhood.

(3) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The anticipated rates of automobile ownership for residents of the Proposed Development are minimal. According to the U.S. Census Bureau American Community Survey 2012-2016 Five-Year Estimates, the vehicle availability is approximately 36 percent for households in the census tract for the Proposed Development Site (census tract 141). This is less than the average of approximately 45 percent vehicle availability for New York City. Further, the Proposed Development is designed to serve low-income residents who are more likely to use public transportation than private vehicles.

While the EAS determined that the Proposed Development would result in more than 50 peak-hour vehicle trips. The surrounding streets providing access to the Proposed Development will be adequate to handle the traffic generated. East of 3rd Avenue the street grid is regular – a design conducive to traffic dispersal. Third Avenue turns north at its intersection with East 161st Street, creating irregular block fronts to the west and disjointed through-streets. 3rd Avenue is a principal north-south arterial road with two moving lanes in each direction and curbside parking. Eagle Avenue is a one-way, north-south road with one moving lane and curbside parking. East 163rd Street is a major two-way, east-west road with curbside parking and two moving lanes in each direction that is classified as a principal arterial road. East 161st Street is a one-way, west to east major collector road with one moving lane and curbside parking. Eagle Avenue and East 161st Street are narrow streets, at approximately 50 feet each. Further, an examination of area streets, on Google Street View, demonstrates a broad availability of on-street vehicular parking.

The Proposed Project Area is located within the Transit Zone and is well served by public transportation with multiple options for subway and bus service. The 2 and 5 trains run along Westchester Avenue six blocks from the Proposed Project Area. The Bx15 and Bx21 buses run along Third Avenue, which runs along the western portion of the Proposed Project Area. The Bx6 bus runs along East 163rd Street, just north of the Proposed Project Area. Finally, approximately half a mile to the west of the Proposed Project Area is the Melrose station of the Metro North railroad, serving the Harlem line running to Grand Central Terminal. Based on the low vehicle availability in this area, trip generation, and accessibility to public transportation, the EAS concluded that the Proposed Development would not cause traffic congestion.

The Commission may request a report from appropriate governmental agencies with respect to community facility uses requesting a special permit under this Section.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.