**LR Attachment 3 - Project Description**

**1949 Bathgate Avenue, Bronx, N.Y., 10457**

**July 22, 2020**

## I. Introduction

This application ("Application") is made on behalf of St. Joseph Apartments LLC (the "Applicant"), owner of the properties located at 1949 Bathgate Avenue (Block 3043, Lots 10, 16, 22 and 23; the "Development Site") in an R6A zoning district in Community Board 6 in the Bronx. The Application proposes to upzone a portion of the R6A zoning district to an R7D zoning district, increasing the Floor Area Ratio ("FAR") for a 100% affordable housing development (the "Proposed Project").

In addition to the Development Site, the proposed zoning map amendment affects two adjacent lots, Lots 8 and 30 (the "Non-Applicant Owned Sites"), south of the Development Site and under separate ownership. The Non-Applicant Owned Sites and Development Site are, collectively, the "Project Area".

The upzoning is requested to accommodate the programmatic need for over 250 affordable multi-family units, which is consistent with the City's goal of providing additional affordable housing. Accordingly, the Applicant also seeks to amend Appendix F of the Zoning Resolution to map a Mandatory Inclusionary Housing ("MIH") Designated Area coterminous with the upzoned area.

If the zoning map amendment is approved, the Applicant intends to construct a new 11-story affordable multi-family building (the "Proposed Building") containing approximately 224,576 square feet ("SF") of zoning floor area ("ZFA") with up to 264 dwelling units.

## II. Background

*Previous CPC Actions*

Three land use actions that have affected the Project Area in the last nine years: the Third Avenue / Tremont Avenue Rezoning and Text Amendment adopted in 2010 (C 100407 ZMX), the Zoning for Quality and Affordability ("ZQA") Text Amendment adopted in 2016 (N160051 ZRY), and the Mandatory Inclusionary Housing (MIH) Text Amendment adopted in 2016 (N 160049 ZRY), all further described below.

In September 2010, CPC approved a large rezoning affecting 75 blocks within the Tremont area of the Bronx. Most of the Surrounding Area (defined below) was rezoned (C 100407 ZMX). The rezoning's goal was to promote a healthy mix of uses, including affordable housing, retail and commercial uses, primarily along the Third Avenue and Tremont Avenue corridors. As part of the rezoning, portions of the R7-1, C8-3, and C4-4 districts in the Surrounding Area, including the Development Site, were downzoned to contextual districts in an effort to preserve neighborhood scale and building height. The ultimate objective was to preserve existing housing and preclude higher density development with heights that are significantly taller than the surrounding buildings. As a result, the rezoning left R6A, M1-4/R7A, and C4-5X (an R7X equivalent) contextual zoning districts that permitted maximum building heights of 70 feet, 80 feet, and 125 feet, respectively.

Since the 2010 rezoning, however, the recently adopted city-wide ZQA (N 160049 ZRY) and MIH (N 160051 ZRY) text amendments now allow greater building heights for select programs, like MIH, in the same contextual districts (R6A, M1/R7A and C4-5X). Specifically, these contextual districts now permit heights up to 85 feet, 95 feet, and 145 feet, respectively, when using all qualifying criteria (including Qualifying Ground Floors ("QGF") or MIH programs). Therefore, height increases of 15 feet and 20 feet are now permitted above the 2010 rezoning levels for as-of-right developments with qualifying programs.

Other than rezonings, there have been nine CPC approvals within the Surrounding Area and beyond the Project Area. They include: five dispositions of City Owned Property, one disposition of an Urban Renewal site, one lease renewal, for day-care services, one executive lease for an NYPD parking facility, and one LPC public application for the designation of Firehouse, Engine Co. 46.

*Previous BSA Actions*

There are no BSA Actions in the Project Area or in the Surrounding Area.

## III. Surrounding Area

*Location and Land Use*

The Project Area is located in Community District 6 of the Bronx in the Tremont neighborhood, surrounded by the areas known as Belmont and the West Bronx to the north, West Farms to the east, Mount Hope to the west, and Claremont to the south. Within a radius of 600 feet (the "Surrounding Area") of the Development Site, there are a variety of land uses, including residential, mixed-used, commercial, community facilities, industrial, manufacturing, transportation, and open space. There are no NYC Landmarks Preservation Commission ("LPC") designated historic districts. There is one LPC designated individual historic building, Engine Company 46/Hook & Ladder 17 (LP-02523, designated on February 12, 2013), and one National Register of Historic Places "listed" historic building, 48th Precinct Police Station (USN. No. 00501.000716).

*Prevailing Built Form – Existing Conditions*

The Surrounding Area is predominantly improved with low rise buildings (2- to 3-stories). There are also 1- story commercial buildings and vacant lots, and taller residential buildings (4- to 5-stories). There are over a dozen mid-rise buildings (5-stories or taller) dispersed throughout the Surrounding Area, with a concentration along East 178th Street, north of the Development Site.

*Major Thoroughfares and Transportation*

There are no major thoroughfares or arterial highways; however, there are two local truck routes (as per the NYC Department of Transportation ("DOT")) with high vehicular and pedestrian traffic: East Tremont Avenue running east/west south of the Development Site; and Third Avenue, running north/south one block east of the Development Site.

The Surrounding Area is wholly within the Transit Zone and is served with mass transit, including bus lines and commuter rail lines, both of which connect to subway lines just beyond the Surrounding Area. The BX 15 runs north/south along Third Avenue and the BX 40 and the BX 42 runs east/west along East Tremont Avenue, all within one block of the Development Site. Metro North Railroad's Tremont Station is approximately one block west of the Development Site.

*Educational and Major Institutions*

There is only one school in the Surrounding Area: St. Joseph's School, across Bathgate Avenue, east of the Development Site.

There are three daycare centers in the Surrounding Area: Trabajamos Community Head Start is north of the Development Site; Uniquely Making A Difference and Loyalty Daycare LLC are both east of the Development Site.

There are two health facilities in the Surrounding Area: Bronx Mental Health Clinic and Community Healthcare Network-Tremont, both southeast of the Development Site.

*Cultural and Minor Institutions*

There is one cultural institution in the Surrounding Area: the Volunteers of America, south of the Development Site.

There are five houses of worship in the Surrounding Area: the Garden of Prayer Cathedral Church of God and Morningstar Full Gospel Church are both south of the Development Site; the Tremont United Methodist Church is across Washington Avenue, west of the Development Site; and Trinity Presbyterian Church and Christ Pentecostal International Church are both east of the Development Site.

*Open Space and Parks*

There are two public parks in the Surrounding Area. The largest park, Tremont Park, is southeast of the Development Site with approximately 15 acres. The other, El Batey De Doña Provi Garden, is northeast of the Development Site, across the street along Bathgate Avenue at the corner of East 178th Street,

with 0.06 acres. Though not publicly accessible, there are a few vacant lots throughout the Surrounding Area, some of which are without improvements and overgrown with vegetation.

*Zoning District and Special Districts*

The Surrounding Area is comprised of eight zoning districts: (i) a M1-1 district; (ii) two portions of a M1-4/R7A district; (iii) a M1-4/R7X district; (iv) a C4-5X district (an R7X equivalent); (v) a small portion of a C8-3 district (no residential equivalent); (vi) two portions of an R5 district; (vi) an R6A district; and (viii) two portions of an R7-1 district (although one portion captures Tremont Park and thus moot).

M1-1 districts permits commercial, manufacturing and certain community facility uses. Residential uses are not permitted. It permits a commercial FAR and manufacturing FAR of 1.0 and community facility FAR of 2.40. M1-1 districts permit developments with maximum base heights of up to 30 feet, then apply a sky exposure plane (1 to 1 for both narrow and wide streets).[1] Tower regulations are not applicable in M1-1 districts.

M1-4/R7A and M1-4/R7X districts (in the MX-14) allow mixed uses. Specifically, for community facility, commercial, and manufacturing uses, the M1-4 district regulations govern. M1-4 districts permit a commercial/manufacturing FAR of 2.0 and community facility FAR of 6.50. M1-4 districts regulate the bulk for developments containing community facility, commercial or manufacturing use. The district permits a maximum base height of up to 60 feet, then apply a sky exposure plane (2.7 to 1 for narrow streets and 5.6 to 1 for wide streets).[2] For residential uses in M1-4/R7A and M1-4/R7X districts, the R7A and R7X district regulations govern. R7A and R7X districts require developments to comply with Quality Housing ("QH") bulk. R7A district designations permit a residential FAR of 3.45 and R7X district designations permit a residential FAR of 3.75 (or 4.6 FAR and 5.0 FAR, respectively, pursuant to the IH program, as applicable). The R7A district permits a maximum base height of 65 feet and a maximum building height of 80 feet. The maximum base height may be increased up to 75 feet and the maximum building height may be increased up to 85 feet (but not more than 8 stories) for developments with a QGF. For QH developments in IH areas or providing MIH, the maximum base height can be increased up to 75 feet and the maximum building height can be increased up to 90 feet or 95 feet with a QGF (but not more than 9 stories). The R7X district permits a maximum base height of 85 feet and a maximum building height of 120 feet. The maximum base height may be increased up to 95 feet and the maximum building height may be increased up to 125 feet (but not more than 12 stories) for developments with a QGF. For QH developments in IH areas or providing MIH, the maximum base height can be increased up to 105 feet and the maximum building height can be increased up to 140 feet or 145 feet with a QGF (but not more than 9 stories). Tower regulations are applicable in M1-4 districts, but not applicable for residential development or any portion of a development with residential use.

C4-5X districts permit commercial, residential and community facility uses. Manufacturing uses are not permitted. They permit a commercial FAR of 4.0. It is equivalent to an R7X district, which permits a residential FAR of 5.00 and a community facility FAR of 5.0. There are no bonuses for plazas or arcades in C4-5X districts. C4-5X districts permit developments with a maximum base height of 85 feet and maximum building heights of 120 feet. With the R7X district equivalent, any residential development, or residential portion of a development, has similar bulk controls as the R7X district, described above. Tower regulations are not applicable in C4-5X districts.

C8-3 districts permit commercial, manufacturing uses and community facility uses. Residential uses are not permitted. They permit a commercial, manufacturing FAR of 2.0 and community facility FAR of 6.50. C8-3 districts permit developments with maximum base heights of up to 60 feet, then applies a sky exposure plane (2.7 to 1 for narrow streets and 5.6 to 1 for wide streets).[3] Tower regulations are applicable in C8-3 districts for only community facility buildings or community facility portions of buildings.

R5 districts permit residential and community facility uses. Commercial and manufacturing uses are not permitted. They permit a residential FAR of 1.25 and a community facility FAR of 2.00. R5 districts permit developments with a maximum street wall height of 30 feet, then a setback of 15 feet is required. The maximum building height permitted is 40 feet.

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[1] Alternatively, if an alternative setback is provided (15 feet on narrow streets and 10 feet on wide streets) the sky exposure plane becomes more steep; 1.4 to 1.

[2] Alternatively, if an alternative setback is provided (15 feet on narrow streets and 10 feet on wide streets) the sky exposure plane becomes more steep; 3.7 to 1 and 7.6 to 1, respectively.

[3] Alternatively, if an alternative setback is provided (15 feet on narrow streets and 10 feet on wide streets) the sky exposure plane becomes more steep; 3.7 to 1 for narrow streets and 7.6 to 1 for wide streets.

R6A districts permit residential and community facility uses. Commercial and manufacturing uses are not permitted. They permit a residential FAR of 3.00 (or up to 3.60 pursuant to the IH program, if applicable) and community facility FAR of 4.80. R6A districts require developments to comply with QH bulk. For QH developments, absolute envelope controls are imposed; specifically, a minimum base height of 40 feet, a maximum base height of 60 feet and a maximum building height of 70 feet. The maximum building height may be increased up to 75 feet for developments with a QGF. For QH developments in IH areas or providing MIH, the maximum base height can be increased up to 65 feet and the maximum building height can be increased up to 80 feet or 85 feet with a QGF (but not more than 8 stories).

R7-1 districts permit residential and community facility uses. Commercial and manufacturing uses are not permitted.[4] They permit a residential FAR of 3.44 and community facility FAR of 6.50. R7-1 district developments can pursue a Height Factor ("HF") development or a QH development. For HF developments there is a maximum base height of 60 feet or 6 stories, whichever is less, then apply a sky exposure plane (2.7 to 1 for narrow streets and 5.6 to 1 for wide streets).[5] (There is no maximum building height in these districts for HF developments.) For QH developments, absolute envelope controls are imposed; specifically, a minimum base height of 40 feet, a maximum base height of 75 feet, and a maximum building height of 80 feet. The maximum building height may be increased up to 85 feet for developments within 100 feet of a wide street and with a QGF. For QH developments providing MIH, for portions within 100 feet of a wide street the maximum building height can be increased up to 100 feet or 105 feet with a QGF (but not more than 10 stories).

There is one special district: the MX-14 Special Mixed Use District (the "MX-14"), which is coterminous with the aforementioned M1-4/R7A and M1-4/R7X districts. There is one Inclusionary Designated Housing Area that occupies almost half of the Surrounding Area. Specifically, it is coterminous with the C4-5X district and a portion of the MX-14, south of East Tremont Avenue. It does not include the Development Site. The FRESH Program is only applicable in the commercial, manufacturing, or MX-14 districts, and not applicable to the Development Site.

*Zoning District Patterns*

The 2010 rezoning resulted in an atypical zoning district pattern. The rezoning was a mix of preserving existing uses and built form, as well as a catalyst for growth and development for other uses and densities in select locations. Generally outside of the Manhattan Core, zoning districts with high density are mapped along wide street and streets with transit lines at standardized depths from such streets (at typical depths of 100 feet or 150 feet deep). At the midblock or on narrow streets, zoning districts with lesser density are typically found. The new, denser C4-5X district of the 2010 rezoning was not mapped with standardized depths, but varying depths.

The C4-5X district (R7X equivalent) is located along East Tremont Avenue and is the highest density district created by the 2010 rezoning. Contrary to the depth of other high-density districts along wide streets in many other areas of the city, the depth of this C4-5X district along East Tremont Avenue varies. East of the Development Site, the C4-5X district extends the whole depth of the block for the three blocks just north of Tremont Park. Between Tremont Park and Park Avenue and north of Tremont Avenue (just south of the Development Site), the depth of the district varies block to block, with the shallowest depth of 111.8 feet and the deepest depth of 256 feet. South of Tremont Avenue the depth of the district varies block to block, with the shallowest depth of 80 feet and the deepest depth of 210 feet. Therefore, contrary to what is commonly seen elsewhere in the city this C4-5X district's varying depths permit higher density to penetrate the midblock and even incorporate blocks to their full depth.

## IV. Description of the Non-Applicant Owned Sites

The Project Area comprises the Development Site and two Non-Applicant Owned Sites, Lots 8 and 30, and is entirely within an R6A district. The proposed upzoning area will include only 4-foot slivers of the two Non-Applicant Owned sites, south of the Development Site. Lot 8 is an interior lot fronting on Washington Avenue and Lot 30 is an interior lot fronting on Bathgate Avenue. Lot 8 is improved with a 4-story office building. The building is not eligible for listing on the National or State Historic Register and not a LPC designated landmark. Lot 30 is improved with a 3-story parochial school (f/k/a/ the 48th Police Precinct Station). It is listed on the National Register of Historic Places (listed in 1983).

[4] Except those portions within the C2-1 commercial overlay, of which, up to 2.0 FAR of commercial use is permitted.
[5] Alternatively, if an alternative setback is provided (15 feet on narrow streets and 10 feet on wide streets) the sky exposure plane becomes more steep; 3.7 to 1 for narrow streets and 7.6 to 1 for wide streets.

## V. Description of the Development Site

The Development Site is the northern half of the block bounded by East 178th Street, Washington Avenue, East Tremont Avenue, and Bathgate Avenue.

The Development Site is comprised of Lot 10, a through lot, Lot 23, an interior lot, and Lots 22 and 23, both corner lots, with a total lot area of 40,104 SF. It is a regularly-shaped corner lot with 216 feet of frontage along Washington Avenue, 186 feet along East 178th Street, and 216 feet of frontage along Bathgate Avenue. (All streets are "narrow" streets.) East 178th Street has eastbound traffic only and Bathgate Avenue and Washington Avenue have southbound traffic only. All lots are currently vacant.

There is a large grade change along the Development Site's street frontage. The highest elevation, located at the Development Site's northeast corner at Bathgate Avenue and East 178th Street, is 78.91 and the lowest elevation, located at the Development Sites southwest corner at Washington Avenue, is 59.30, resulting in a 20-foot difference.

## VI. Description of Proposed Development

The Applicant proposes a U-shaped, 11-story (96-foot tall) residential building (the Proposed Building) that will front on all three street frontages with a 10,274 SF landscaped interior courtyard. The inner courtyard, measuring almost 70 feet in width, will provide private open space for the Proposed Building and access to light and air for courtyard facing apartments, in excess of what is required by zoning (60 feet). The Proposed Building will have a total aggregate FAR of 5.59 (224,576 ZFA) with a total of 254 to 264 dwelling units.

Along Bathgate Avenue, the Proposed Building will likely be perceived as a 9-story building (6-story building with a 3-story penthouse setback from the street wall) as a result of the dramatic grade change from Bathgate Avenue to Washington Avenue. As one walks counterclockwise along the Development Site, an additional story will become visible at each façade. Therefore, along Washington Avenue the full 11 stories will be visible; however, the Proposed Building's mass will be less intrusive as there is a setback after the 8th story which will make the upper 3 stories less visible from the street.

The proposed R7D district permits a maximum base height of 95 feet and a maximum building height of 115 feet, but the Proposed Building will have a maximum base height of only 67.5 feet and a maximum building height of 96.5 feet. (These proposed heights are consistent with the heights now permitted in contextual districts under by the ZQA text amendment.) Although the Proposed Building utilizes the full FAR proposed, it does not need the full extent of the height available through the proposed R7D rezoning, it does need slightly more height than what is permitted in the existing R6A district.

In addition, to minimize perceived bulk and provide additional open space on the Development Site, within 58 feet of the corners the Proposed Building will set back 15 feet, which will leave L-shaped open areas, each approximately 1,300 SF, for plantings. These open areas will mitigate the appearance of the Proposed Building's bulk in comparison with the 6-story (60-foot tall) residential buildings across East 178th Street.

As a result of the mapping of a MIH designated area over the Project Area, at least 64 to 79 dwelling units will comply with MIH affordability Options 1 and 2 and be affordable in perpetuity. All of the dwelling units will be affordable. The Proposed Building will be located within the transit zone; therefore, no parking will be required nor will be provided.

## VII. Actions Necessary to Facilitate the Proposal

To facilitate the Proposed Development, this Application seeks:

I. a change to Zoning Map 3d, rezoning the Project Area, from an R6A to an R7D zoning district. Due to the scarcity and extremely high land costs within the city, the only way for Bathgate 178th Housing Development Fund Corporation to provide the proposed quantity of affordable housing is by changing the zoning map to a district that permits greater bulk and density for the Development Site. The increase in bulk and density would achieve these goals.

II. the Applicant also seeks a text amendment of Appendix F of the Zoning Resolution to classify the Project Area as an MIH Designated Area. In accordance with the Mayoral policy and the

"Housing New York: A Five-Borough, Ten-Year Plan," all rezonings that result in increased residential development potential will be mapped as MIH Designated Areas. The MIH program requires permanently affordable housing within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped "Mandatory Inclusionary Housing Areas" ("MIHAs"). The proposed action includes a zoning text amendment to establish an MIHA that covers the entire Project Area. Within this MIHA, all developments, enlargements and conversions that provide residential floor area will have to comply with the MIH program requirements of either option one or two, 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, with no unit targeted at a level exceeding 130 percent of Average Medium Income ("AMI"). As part of the 25 percent set-aside, 10 percent of residential floor area shall be provided for households at 40 percent 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 the Income Index, with no unit targeted at a level exceeding 130 percent of AMI.

The Proposed Building will comply with the underlying zoning regulations for R7D districts as they relate to MIH developments. The Proposed Building will be 5.59 FAR which complies with the maximum FAR of 5.6 for complying MIH developments. The Proposed Building's bulk will comply as the maximum base height is 67.5 feet and the maximum building height is 96.5 feet. In the R7D district a maximum base height of 95 feet and a maximum building height of 115 feet is permitted.

There are several reasons why the upzoning from an R6A district to an R7D district is appropriate. The Project Area is within a Transit Zone, close to a well-connected mass transit corridor, and within walking distance to Tremont Park, which further justify an increase in bulk and density. This increase would be consistent with the area directly south of the Development Site, specifically the C4-5X (R7X equivalent) which was recently rezoned from 2010 and occurs at varying depths. Thus, the proposed R7D district could be perceived as an extension of the existing C4-5X district, which has varying depths along East Tremont Avenue.

Furthermore, the 2016 ZQA and MIH text amendments increased the FAR and building heights permitted in the new districts, created by the 2010 rezoning, for developments with qualifying programs. Specifically, the text amendments permit R6A districts to increase their maximum base heights from 60 feet to 65 feet and increase their maximum building heights from 70 feet to 85 feet. The Proposed Building will have a maximum base height of 67.5 feet (only 2.5 feet taller than what is permitted in R6A districts, the existing zoning) and will have a maximum building height of 96.5 feet (only 11.5 feet taller than what is permitted in R6A districts, the existing zoning). Therefore, the increased permitted height (though not fully utilized by the Proposed Building), is only slightly taller than the new heights permitted by the ZQA and MIH text amendments for R6A districts.

Rezoning to an R7X district, similar to the C4-5X district to the south, would have permitted more height than is needed but not enough FAR for the Proposed Building (R7X districts' MIH FAR is only 5.00). Therefore, the R7D district was appropriate as it only unlocks minor increases in bulk (although not fully utilized in the Proposed Building) but provides the adequate FAR for the Applicant's programmatic need. The rezoning from an R6A district to an R7D district will increase the permitted residential use by 2.6 FAR resulting in approximately 104,270 SF of additional residential floor area and an additional 123 dwelling units to facilitate the Proposed Building and program.

## VIII. Conclusion

In conclusion, the Proposed Development will result in a 224,576 ZFA (FAR of 5.59) 11-story building with a total of 254 to 264 dwelling units; facilitated through the rezoning from an R6A to an R7D district, contemplated by this Application and the proposed text amendment of Appendix F to classify the Project Area as a MIH Designated area. The Proposed Development will be consistent with the character of the Surrounding Area and would enable the Applicant to implement its mission of providing modern and sustainable affordable housing. The Proposed Development needs the full FAR available in the proposed R7D district to accommodate the programmatic need for an additional 140 affordable dwelling units, it

needs some, but not all of the height that would be permitted. This Application is therefore worthy of the City Planning Commission's consideration and approval.