521 EAST TREMONT AVENUE REZONING
BRONX, NEW YORK
September 28, 2021

LR ITEM 3 DESCRIPTION OF PROPOSAL

1. INTRODUCTION

M521 Tremont LLC (the "Applicant"), the owner of the Proposed Development Site (Block 3043, Lots 46, 72, 77, and 80) in the Bronx within Bronx Community District 6, requests approval of several actions (the "Proposed Actions") from the New York City Planning Commission (the "CPC") including:

1) a zoning map amendment from existing C4-5X (R7X equivalent), M1-4/R7A, and R6A zoning districts to a C4-4D (R8A equivalent) zoning district on the Project Area (Block 3043, Lots 43, 46, 47, 48, 50 (part), 67 (part), 72, 77, 80, and 84);
2) a zoning text amendment to Appendix F to change the current Inclusionary Housing Designated Area to a Mandatory Inclusionary Housing ("MIH") Area.

The Proposed Actions would facilitate the development of a new 14-story plus cellar, mixed use building containing approximately 178,537 zoning square feet, with a proposed floor area ratio ("FAR") of 7.19. This building will include approximately 155,024 zoning square feet of residential floor area (205 total dwelling units including one super's unit), 12,817 zoning square feet of commercial space, 10,696 zoning square feet of community facility space, and 14 parking spaces on grade (the "Proposed Development"). Pursuant to the requirements of the MIH program, the Proposed Development will provide 204 permanently affordable units in accordance with MIH Option 1. The Applicant proposes that 100% of the dwelling units at the Proposed Development will be affordable units. The Applicant will be seeking financing through the New York City Department of Housing Preservation and Development Extremely Low and Low-Income Affordability (ELLA) program.

2. BACKGROUND

In 2010, the City Council approved the Third Avenue/Tremont Avenue Rezoning which rezoned all or portions of 75 blocks, including the proposed Project Area, to provide new opportunities for residential and commercial development (ULURP# N 100408 ZRX). Inclusionary Housing Designated Areas and Special Mixed Use Districts were also created.

In 2021, the City Council approved the St. Joseph's – 1949 Bathgate Avenue Rezoning, also in Bronx Community District 6 in the Tremont neighborhood of the Bronx. This application involved a zoning map amendment (ULURP# C 210063 ZMX) which rezoned property bounded by East 178th Street, Bathgate Avenue, a line 220 feet southerly of East 178th Street, and Washington Avenue, on Block 3043, across Bathgate Avenue from the Project Area. Concurrently, the City Council approved a zoning text amendment (ULURP# N 210062 ZRX) that modified Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Bronx Community

District 6. Together, these land use actions are proposed to facilitate the construction of an 11-story residential development containing 287 affordable units and supportive services.

The Proposed Actions are intended to further the land use goals of the Third Avenue/Tremont Avenue Rezoning and the recent St. Joseph's – 1949 Bathgate Avenue Rezoning, and will realize the potential of an underutilized site by allowing higher density development that would complement and strengthen the historically residential and commercial character of this area of the Bronx.

3. DESCRIPTION OF THE SURROUNDING AREA

Land Uses

The proposed Project Area is located in the East Tremont neighborhood of the Bronx. The area within a 600-foot radius of the Project Area ("the Surrounding Area") is characterized by a mix of land uses including one- and two-family residential buildings, multifamily elevator and walkup buildings, mixed commercial and residential uses, commercial and office uses, industrial and manufacturing uses, transportation and utility uses, community facility buildings, parking facilities, open space and outdoor recreation, and vacant land. The Surrounding Area consists of the following zoning districts: C4-5X, R6A, R7-1, M1-4/R7A (MX-14), and M1-4/R7X (MX-14). The built character varies with buildings ranging from one to 20 stories (the Murphy Houses located south of Tremont Park nearby).

Directly north of the Project Area, land uses include one and two family residential buildings, multifamily walkup and elevator buildings, mixed-residential and commercial buildings, commercial and office buildings, public facilities and institutions, parking facilities and vacant land. The prevailing built form varies with a range of low-rise buildings ranging from one to two stories in height, and mid-rise buildings ranging from three to seven stories in height.

To the south of the Project Area, there are mixed commercial and office buildings, multifamily elevator buildings, public facilities and institutions, industrial and manufacturing uses, parking facilities, and vacant land. Another notable use in the Surrounding Area includes Tremont Park, which is located one block south of the Project Area. Tremont Park is a large urban green space offering handball courts, basketball courts, a baseball field, and various playgrounds for children. Tremont Park is bounded by Third Avenue, East Tremont Avenue, Arthur Avenue, and the Cross Bronx Expressway.

To the east of the Project Area along Third Avenue are several commercial and mixed use buildings with ground-floor retail that serve local needs and include uses such as restaurants, a grocery store, pharmacy, insurance provider, and medical office. There is one light industrial use which is occupied by a storage facility. Additionally, there are two houses of worship. Buildings to the east range in height from one to eight stories along East Tremont Avenue and Third Avenue.

The area to the west of the Project Area across Bathgate Avenue is comprised of a mix of land uses including several public facilities and institutional uses, commercial and office uses, mixed commercial and residential uses, one to two family residential uses, light industrial and

manufacturing uses, multi-family elevator uses, and vacant land. Buildings range from one to six stories in height.

The Surrounding Area is located in close proximity to several local and regional roadways including the Cross Bronx Expressway, the Bronx River Parkway, East Fordham Road, and Webster Avenue. Public transportation in the Surrounding Area includes the Bx15 bus, which runs along Third Avenue and 125th Street, and also the Bx40 bus and the Bx42 bus, both of which run along East Tremont Avenue. The Tremont Avenue (B, D) subway station is located approximately 0.6-miles to the northwest of the Project Area on East 178th Street and Grand Concourse. Finally, the Tremont Metro North Station is located approximately 0.2-miles to the west of the Project Area at the intersection of East Tremont Avenue and Park Avenue. The Surrounding Area is within the Transit Zone where reduced parking requirements apply to developments that provide income-restricted housing units.

Zoning

The Surrounding Area is mapped with commercial, residential, and special mixed use zoning districts of varying density including C4-5X, R6A, R7-1, M1-4/R7A (MX-14), and M1-4/R7X (MX-14). The Proposed Development Site is currently zoned C4-5X and is located in an Inclusionary Housing Designated Area. A description of zoning regulations within each of these districts is provided below.

C4-5X

C4-5X zoning districts are mapped along Third Avenue, East Tremont Avenue, Washington Avenue, Bathgate Avenue, Monterey Avenue, and East 178th Street within the Surrounding Area. C4 districts are general commercial districts typically mapped in regional centers located outside of central business districts where uses serve a larger region than neighborhood shopping areas. C4 districts generally allow residential (Use Group 1 and 2), community facility (Use Group 3 and 4), and commercial (Use Group 5, 6, 8, 9, 10, and 12) uses. No semi-industrial or manufacturing uses are permitted. C4-5X is a contextual district that is generally mapped in more densely built areas. C4-5X allows a maximum commercial FAR of 4.0 and has an R7X residential district equivalent. As a contextual zoning district, the Quality Housing Program regulations apply for residential use. The building height and setbacks of commercial contextual districts are governed by the residential equivalent height and setback requirements for the Quality Housing Program. In C4-5X districts, the Quality Housing regulations permit a maximum base height of 85 feet and a maximum building height of 120 feet. Accessory parking requirements vary based on use and whether a district is within the Transit Zone.

R6A

R6A is a medium-density contextual residential district. This district generally allows residential (Use Group 1 and 2) and community facility (Use Group 3 and 4) uses. No commercial or industrial/manufacturing uses are permitted. In R6A districts within Inclusionary Housing Designated Areas, the maximum permitted FAR is 3.6 for residential uses and 3.0 FAR for community facility uses. Any new buildings must be constructed pursuant to Quality Housing

regulations. In R6A districts, Quality Housing buildings typically range in height from seven to eight stories. Within Inclusionary Housing Designated Areas in R6A districts, Quality Housing regulations mandate a maximum base height of 65 feet and a maximum building height of 85 feet. Accessory parking is required for 50% of dwelling units and for 25% of income-restricted housing units. These requirements may be waived if the district is located within the Transit Zone.

R7-1

R7 districts are medium-density residential districts mapped in much of the Bronx, Brighton Beach in Brooklyn, and the Upper West Side in Manhattan. R7-1 districts specifically are located in many parts of the South Bronx, including Highbridge, Morris Heights, Morrisania and Longwood. They can also be found in Prospect Lefferts Gardens, Brooklyn as well as Jackson Heights and Rego Park, Queens. In R7 districts, buildings may be constructed according to either the optional Quality Housing regulations or height factor regulations. Buildings constructed in accordance with Quality Housing regulations are generally lower in height, with greater lot coverage. Alternatively, the height factor regulations for R7 districts result in lower apartment buildings on smaller zoning lots, and taller buildings on larger lots with less lot coverage. The FAR for height factor buildings in R7 districts ranges from 0.87 to 3.44. Off-street parking is generally required for 60 percent of a building's dwelling units in an R7-1 district, but requirements are lower for income-restricted housing units and are further modified in certain areas, such as within the Transit Zone. As R7 districts generally encompass many blocks, they have wide and narrow street rules for each set of regulations. For Quality Housing buildings, the maximum FAR varies based on whether the building is to be constructed on a wide street or a narrow street. Additionally, off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are also lower for income-restricted housing units and further modified in certain areas. Off-street parking requirements may be waived if 5 or fewer parking spaces are required in R7-1 districts.

M1-4/R7A (MX-14) and M1-4/R7X (MX-14)

The Special Mixed Use District (MX) was established in 1997 to encourage investment in, and enhance the vitality of, existing neighborhoods with mixed residential and industrial uses in close proximity. The MX district was also meant to create expanded opportunities for new mixed use communities. The Special Mixed Use Districts are mapped in all boroughs except Staten Island. New residential and non-residential uses including commercial, community facility and light industrial uses, can be developed as-of-right and can be located within the same building or side-by-side. By pairing an M1 district with an R3 through R10 district, this ensures a balanced variety of uses. Residential uses are generally subject to the bulk controls of the governing residence district. Commercial, community facility, and industrial uses are subject to the M1 district bulk controls. Additionally, community facilities are subject to residential FAR limits in the Special Mixed Use Districts. Most light industrial uses are permitted in MX districts as-of-right. Other uses are subject to restrictions, and Use Group 18 uses are completely excluded with the exception of small breweries.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA/DEVELOPMENT SITE

The proposed Project Area is comprised of Lots 43, 46, 47, 48, 50 (part), 67 (part), 72, 77, 80, and 84 on Block 3043, which is generally bounded by East 178th Street to the north, Bathgate Avenue to the west, East Tremont Avenue to the south, and Third Avenue to the east. The Proposed Development Site is mapped entirely within a C4-5X zoning district. The Proposed Development Site is an irregularly shaped parcel with through and corner lot portions. It consists of 1904 Bathgate Avenue, 4215 Third Avenue, 4223 Third Avenue, and 509-522 East Tremont Avenue (Block 3043, Lots 46, 72, 77, and 80). It has a total lot area of 24,834 square feet. The Proposed Development Site has approximately 133 feet of frontage on East Tremont Avenue, approximately 24 feet of frontage on Bathgate Avenue, and approximately 175 feet of frontage on Third Avenue. East Tremont Avenue is a 75-ft. wide street, Third Avenue is a 80-ft. wide street, and Bathgate Avenue is a 60-ft. narrow street. 1904 Bathgate Avenue (Lot 46) is vacant and connects to an unenclosed parking area on Lot 77. 4223 Third Avenue (Lot 72) consists of a commercial parking lot. 521 Tremont Avenue (Lot 77) contains a three-story commercial and community facility building with an unenclosed parking lot. Lastly, 513 East Tremont Avenue (Lot 80) consists of a one-story commercial building.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development entails the construction of a new 14-story plus cellar, mixed-use residential, commercial, and community facility building with a total floor area of approximately 178,537 zoning square feet. The Proposed Development has a proposed floor area ratio of 7.19. The cellar will be comprised of accessory residential space (9,840 square feet), including an exercise room, bicycle storage, tenant storage, laundry, and super/social service offices. The ground floor will consist of residential (2,774 square feet), commercial (12,817 square feet), and community facility (456 square feet) space, and will contain the residential and community facility lobbies. Parking for 14 cars will also be provided on grade. The second floor will be devoted to residential (2,770 square feet) and community facility space (10,240 square feet) comprised of a reading/computer room and community room. Floors three through fourteen will consist of residential space exclusively. Other amenities include four outdoor terraces that will provide recreational space on the thirteenth and fourteenth floors.

There will be a total of 205 dwelling units in the building, including one super's unit. There will be 66 studio apartments, 69 one-bedroom apartments, 44 two-bedroom apartments, and 26 three-bedroom apartments at the Proposed Development. The Applicant proposes that 100% of the dwelling units will be affordable units with a proposed breakdown approximately as follows: 30% (61 units) supportive housing, 25% (50 units) at 30% Area Median Income ("AMI"), 14% (29 units) at 40% AMI, 11% (23 units) at 50% AMI, 14% (28 units) at 70% AMI, and 6% (13 units) at 80% AMI. The proposed community facility tenant is Community Healthcare Network, a current tenant within the building located on Lot 77, who wishes to establish a modern health center to enable them to expand their services and include offerings that they cannot currently provide to the Bronx community. Community Healthcare Network is a not-for-profit organization providing more than 80,000 New Yorkers with primary and behavioral healthcare, dental, nutrition, wellness, and needed support services.

In addition to Community Healthcare Network, Community Access is also member of the development team. Founded in 1974, Community Access is a not-for-profit affordable housing developer and social service provider that offers supportive housing services. Supportive housing is affordable housing with on-site support services available to care for individuals with mental health concerns. At the Proposed Development, Community Access will provide housing for the formerly homeless within 30% of the dwelling units. Supportive services will be located on the cellar level of the building.

6. ACTIONS NECESSARY TO FACILITATE THE PROJECT

Zoning Map Amendment

The proposed zoning map amendment to sectional map 3d would map the Project Area with a C4-4D zoning district. The Project Area is currently zoned C4-5X (R7X equivalent), M1-4/R7A, and R6A and is located within an Inclusionary Housing Designated Area where the maximum permitted FAR is 5.0 for residential (Use Group 1 and 2) uses, 4.0 FAR for commercial (Use Group 5, 6, 8, 9, 10, and 12) and 5.0 for community facility (Use Group 3 and 4) uses. Compared to existing zoning, the proposed C4-4D (R8A equivalent) district would not allow any new uses within the Project Area. However, the zoning map amendment but would allow higher density residential (maximum 7.20 FAR), and community facility (maximum 6.5 FAR) uses. Any new buildings within C4-4D must be constructed pursuant to Quality Housing regulations. In C4-4D districts within Inclusionary Housing Designated Areas, Quality Housing regulations mandate a maximum base height of 105 feet and a maximum building height 145 feet. Accessory parking is required for 40% of dwelling units, but due to the Project Area's location within the Transit Zone, no parking is required for income-restricted housing units. For commercial and community facility uses, parking is generally required at a rate of 1 space per 1,000 square feet of floor area.

The proposed C4-4D zoning district is appropriate as the Project Area is located in an area that is well served by public transportation and well equipped to handle the proposed increase in density. The Project Area is adjacent to East Tremont Avenue and Third Avenue, both wide streets that can support the increased density. Additionally, the Tremont Avenue (B, D) subway station is located approximately 0.6-miles to the northwest of the Project Area on East 178th Street and Grand Concourse, and the Tremont Metro North Station is located approximately 0.2-miles to the west of the Project Area at the intersection of East Tremont Avenue and Park Avenue. The Bx15 bus is also nearby, which runs along Third Avenue and 125th Street, in addition to the Bx40 bus and the Bx42 bus, both of which run along East Tremont Avenue.

The proposed C4-4D zoning district would be consistent with existing zoning and land use patterns within the Surrounding Area. C4-4D zoning would allow a bulk and density that is generally consistent with what is currently permitted in the Surrounding Area, including the 20-story Murphy Houses located south of Tremont Park at 1805 Crotona Avenue in the Bronx (Block 2944, Lot 1) in close proximity to the Proposed Development. The proposed increase in density would also facilitate the construction of a new community facility space for Community Healthcare Network, a not-for-profit organization in need of space within this area of the Bronx.

The proposed ground-floor retail uses would complement what is currently permitted throughout most portions of the Surrounding Area, and provide much needed services and amenities to existing and future residents of the area. Additionally, the proposed ground-floor retail uses would activate the streetscape along East Tremont Avenue and Third Avenue and improve the pedestrian experience.

Zoning Text Amendment

The proposed zoning text amendment to Appendix F of the Zoning Resolution is requested to designate the Project Area as a Mandatory Inclusionary Housing Area. According to the U.S. Census Bureau, approximately 50.7 percent of area households in Bronx Community District 6 are rent burdened and there is a strong need for affordable housing that reaches a broad range of incomes.[1]

The MIH program requires that permanently affordable housing be provided within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH areas. Within this MIH area, all housing developments, enlargements and conversions that meet the criteria set forth in the MIH program must comply with the requirements of either Option 1 or Option 2 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 (AMI), with no unit targeted at a level exceeding 130 percent of 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 (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

The Applicant proposes to comply with MIH Option 1, where 25% of residential floor area would be affordable housing and rented to tenants with an income at or below 60% of AMI. Under the existing voluntary Inclusionary Housing program, only 20% of residential floor area is required to be permanently affordable. Therefore, the proposed zoning text amendment would facilitate the construction of a higher number of permanently affordable housing units in this area of the Bronx.

7. CONCLUSION

The proposed zoning map and zoning text amendments are consistent with existing land uses and zoning conditions within the Surrounding Area, and serve to further the objectives of the City's Mandatory Inclusionary Housing policy. The Proposed Actions would facilitate the construction of much-needed housing, including approximately 204 units of permanently affordable housing, supportive housing, community facility, and commercial space in close proximity to public transportation. The Proposed Development would provide important services and amenities to the existing and future residents of the area. It would also enliven the neighborhood and create a more

[1] Based on American Community Survey 2014-2018 5-Year Estimates for PUMA 3705, which is an approximation of both Bronx Community District 6 and Bronx Community District 3, available at: https://communityprofiles.planning.nyc.gov/bronx/6.

vibrant streetscape that would complement the ongoing community development and enrichment of the Bronx neighborhood.