2560 BOSTON ROAD REZONING
BRONX, NEW YORK
JUNE 30, 2022

LR ITEM 3 DESCRIPTION OF PROPOSAL

1. INTRODUCTION

Boston Road Associates, LLC (the "Applicant"), is seeking the approval of several actions (the "Proposed Actions") from the New York City Planning Commission (the "CPC") to facilitate the construction of a new affordable housing, commercial, and community facility building located at Block 4440, Lots 16, 30, 32 (the "Development Site") in the Allerton neighborhood of Bronx Community District 11. The Proposed Actions include the following:

1. A zoning map amendment to rezone the Development Site from the R6 and C8-1 zoning districts to a R7-2 zoning district with a C2-4 commercial overlay; and

2. A zoning text amendment to Appendix F to establish the Development Site as Mandatory Inclusionary Housing ("MIH") Area, Options 1 and 2.

The Proposed Actions would facilitate redevelopment of the Development Site with a new, mixed-use residential, commercial, and community facility building (the "Proposed Development") along Boston Road, which is a wide street.

2. BACKGROUND

The Development Site has been zoned C8-1 and R6 since the enactment of the Zoning Resolution in 1961. The northwestern portion of the Development Site located within 100 feet of Boston Road is located within an C8-1 zoning district and the remainder of the Development Site is located within an R6 zoning district.

The southern portion of nearby Block 4516, which is located at the intersection of Allerton Avenue, Williamsbridge Road, and Golden Avenue (within 3 blocks of the Development Site), was recently rezoned to an R7A zoning district with a C2-3 commercial overlay as part of the Williamsbridge Road Rezoning (C 180261 ZMX, effective March 13, 2019).

3. DESCRIPTION OF THE SURROUNDING AREA

Land Uses

The Development Site is located in the Allerton neighborhood within Bronx Community District 11. The area within a 600-foot radius of the Development Site (the "Surrounding Area") is characterized by a mix of one-story commercial buildings, residential buildings generally ranging from two to six stories in height, and one story industrial buildings. The block on which the Development Site is located is mainly comprised of multi-family residential buildings ranging from three to five stories in height.

The block to the northwest of the Development Site, across Allerton Avenue, contains two connected six-story buildings with ground floor commercial uses and a total of approximately 107 residential dwelling units. The portion of the block to the northeast, Block 4514, of the Development Site on the other side of Allerton Ave that is within the Surrounding Area is comprised mainly of two- to four-story residential buildings and one-story commercial buildings. The block to the east of the Development Site is similarly situated and includes a BP gas station along Allerton Ave to the northeast of the Development Site. The southern portion of the block to the east of the Development Site includes a two-story church (Use Group 4) and related structures. The southern portion of the block to the west of the Development Site is comprised mainly of residential buildings including two six-story buildings containing a total of approximately 111 dwelling units. To the southwest of the Surrounding Area is Bronx Road Plaza, a New York City Housing Authority development that includes 20-story residential buildings along Boston Road.

Community facility uses in the Surrounding Area include the Church of St. Lucy located at the northwest and southwest corners of intersection of Bronxwood Avenue and Mace Avenue. The Better Days Adult Daycare Center is located along Boston Road, southwest of Barnes Avenue. Other notable uses just outside the Surrounding Area are the New York Botanical Garden, Bronx River Forest, and Bronx Zoo, all of which are located to the west of the Surrounding Area.

The Development Site, and large portions of the Surrounding Area, abut Boston Road (US-1) which is lined mainly with one-story commercial buildings on the blocks to the west and north of the Development Site. It is a two-way, 100-foot wide, wide street that runs diagonally through the largely southwest/northwest street grid in this section of the Bronx. The diagonal orientation of Boston Road results in blocks that are irregularly shaped and sized. Southwest of the Development Site Boston Road intersects with Pelham Parkway, which ultimately connects to the Bronx River Parkway.

The Surrounding Area is located in a Transit Zone and is well served by the Bx26 bus line and the 2 and 5 subway lines located at the Allerton Avenue subway station, which is located four blocks (0.3 miles) from the Development Site.

The Surrounding Area is located in a FRESH Zone, where certain discretionary tax incentives are available; however, it is not located within a FRESH food store designated area.

Zoning

The primary zoning districts mapped within the Surrounding Area include R5, R6, and C8-1 zoning districts, as well as C1-3 and C2-2 commercial overlays. The R6 zoning district is generally located to the north and south of the Development Site on the mid-block and off the major thoroughfares that traverse the Surrounding Area. The R5 zoning districts are located to the south of the Development Site, south of Mace Avenue. The C8-1 zoning district is generally mapped along Boston Road. The southern portion of nearby Block 4516, which is located at the intersection of Allerton Avenue, Williamsbridge Road, and Golden Avenue (within 3 blocks of the Development Site), was recently rezoned to a R7A zoning district with a C2-3 commercial overlay.
R5 Zoning District

R5 is a widely mapped, non-contextual district that often serves as a transition district between medium and lower density areas. R5 districts are intended for neighborhoods with an assortment of housing types and allow single- or two-family homes along with multi-family buildings. The district allows residential (Use Group 1 and 2) uses and community facility (Use Group 3 and 4) uses at a maximum FAR of 1.25 and 2.0 FAR, respectively. No commercial or industrial/ manufacturing uses are permitted in R5 districts. Above a height of 30 feet, a 15 foot setback from the street wall is required before the building can rise to a maximum height of 40 feet. R5 districts require a minimum front yard of 10 feet and a minimum rear yard of 30 feet. Detached houses and multi-family buildings must have two side yards that total at least 13 feet and 16 feet, respectively, while semi-detached homes must have one side yard of at least eight feet. Accessory parking is required for 85 percent of dwelling units and for 42.5 percent of income-restricted housing units.

R6 Zoning District

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 open space ratio and a sky exposure plane that begins at a height of 60 feet above the street line and then slopes inward over the zoning lot. Off-street parking is generally required for 70 percent of a building's dwelling units, but requirements are lower for income-restricted housing units. 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. Accessory parking is required for 25 percent of income-restricted housing units.

R7A Zoning District

R7A is a contextual district that allows for new medium-density residential development and community facilities. R7A districts allow for residential development with an FAR of 4.0, and up to 4.6 FAR in Inclusionary Housing Designated Areas and MIH Areas. Community facility uses have a maximum FAR of 4.0. The building form requires a street wall of 40 to 75 feet, a setback above the maximum base height, and a maximum building height of up to 95 feet for Inclusionary Housing buildings with a qualifying ground floor. New residences are required to provide off-street parking for 50 percent of the dwelling units, with an exemption for income-restricted units within the Transit Zone.

C8-1 Zoning District

C8-1 districts allow a mix of commercial (Use Groups 5 through 14) and manufacturing (Use Group 16) uses that often require large amounts of land. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes. A limited number of community facility uses are permitted (Use Group 4) and residential uses are not allowed. The maximum permitted

FAR is 1.0. Building height and setback are governed by a sky exposure plane, which begins 30 feet above the street line and has a slope of 1 to 1 on narrow and wide streets. Accessory parking is required at a rate of one space per 300 square feet of floor area.

C1 and C2 Commercial Overlays

When mapped in R5 zoning districts, C1 and C2 commercial overlays allow a maximum commercial FAR of 1.0. When mapped within R6 and R7 zoning districts, the C1 and C2 commercial overlays allow a maximum commercial FAR of 2.0. In mixed buildings, commercial uses are limited to one or two floors and must always be located below residential use. Off-street parking requirements vary by use, but are generally calculated based on the amount of floor area with the C2 commercial overlays requiring more parking spaces. While the C1 and C2 commercial overlays permit the same commercial bulk, they differ in the range of commercial uses that are permitted. Both permit local retail and service establishments (Use Group 6) that serve the immediate neighborhood; however, C2 commercial overlays permit a slightly wider range of commercial use such as Use Groups 7, 8, 9, and 14. Moreover, the C2 commercial overlays and a located in a wider range of locations where retail continuity may be less important.

4. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE AND PROJECT AREA

The Development Site includes Block 4440, Lots 16, 30, and 32, which will be developed as a single zoning lot.[1] The Development Site is an irregularly shaped parcel with frontage on Barnes Avenue to the west, Boston Road to the north, and Matthews Avenue to the east. It includes approximately 54,770 square feet of lot area and has approximately 286 feet of frontage on Boston Road, approximately 221 feet of frontage on Barnes Avenue, and approximately 326 feet of frontage on Matthews Avenue.

Lot 32 is presently improved with a one-story commercial building with approximately 1,050 square feet of floor area. The existing building on Lot 32 is presently occupied by a building maintenance company. Lot 30 is presently improved with a two-story building with approximately 3,972 square feet of floor area. The existing building on Lot 30 includes a residential dwelling unit on the second story and a ground floor daycare (Use Group 3). Lot 16 is presently improved with an approximately 13,800 square foot supermarket, operated as Fine Fare Supermarket, and a 55-space open, accessory parking lot that is serviced by two existing curb cuts.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Applicant is proposing to redevelop the Development Site with a new, Quality Housing, mixed-use residential, commercial, and community facility building along Boston Road, which is a wide street. In total, the Proposed Development includes approximately 278,992 square feet of floor area (5.09 FAR), including approximately 251,942 square feet of residential floor area, generating approximately 333 affordable dwelling units, which the Applicant intends to finance through New York City Housing Development Corporation's ("HDC") Mix and Match Program.

[1] The Applicant is the owner of Lot 16. Lots 30 and 32 are not owned by the Applicant but are intended to be acquired and developed by a joint venture that includes the Applicant.

The HDC Mix and Match Program requires 40 percent to 60 percent of the units to be affordable to households earning up to 60 percent of the area median income ("AMI") with the remaining units affordable to households earning up to 130 percent AMI.

The Proposed Development includes 20,298 square feet of commercial floor area, which will include an approximately 15,000 square foot supermarket to replace the existing supermarket that is presently located on Lot 16. Moreover, the Proposed Development includes approximately 6,752 square feet of community facility floor area that will be located along Matthews Avenue. The Proposed Development is 10 stories with a maximum base building height of 70 feet before setting back 10 feet on Boston Road and 15 feet on Barnes Avenue and Matthews Avenue and rising to a maximum building height of 110 feet.

The Proposed Development includes approximately 117 parking spaces, including approximately 67 in the cellar that are accessory to the residential use and 50 at-grade accessory to the commercial uses. The accessory commercial at-grade parking will be accessible from a curb cut along Barnes Avenue and the residential accessory parking entrance will be accessible from a curb cut along Matthews Avenue.

The main residential lobby will be located along Barnes Avenue. The entrance to the proposed supermarket will be located within a landscaped open space at the intersections of Boston Road and Matthews Avenue. An additional commercial entrance will be located along Boston Road. The loading berth for the proposed supermarket and a secondary residential entrance will be located along Matthews Avenue. The community facility entrance will also be located along Matthews Avenue and additional community facility space will be located on the mezzanine level. Floors two through 10 will contain the residential dwelling units.

6. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The following actions are necessary to facilitate the proposed development:

Zoning Map Amendment

The proposed zoning map amendment to sectional map 4a would map the Development Site with an R7-2 zoning district and a C2-4 commercial overlay. The Development Site is currently located within R6 and C8-1 zoning districts. While the R6 zoning district allows a maximum residential FAR of 3.6, a maximum community facility FAR of 4.8, and maximum commercial FAR of 2.0 (within the C2-4 overlay), the C8-1 zoning district does not permit residential use. Compared to existing zoning, the proposed R7-2 district would permit a higher maximum residential FAR of 4.6 as a result of MIH, a higher maximum community facility FAR of 6.5, and a higher commercial FAR of 2.0. In both R6 and R7-2 districts, developments can be constructed pursuant to height factor or Quality Housing regulations. As discussed previously, under height factor regulations, building height and setback are governed by a sky exposure plane, which begins 60 feet above the street line in both districts. Quality Housing regulations mandate a maximum base height of 65 feet and 75 feet before setback and a maximum building height of 75 feet and 85 feet in R6 and R7-2 districts, respectively. With the provision of affordable dwelling units in accordance with an MIH program, the maximum permitted building height is increased to 115 feet and 135 feet in the

R6 and R7-2 districts, respectively. As the Development Site is located within the Transit Zone, no parking is required for income-restricted housing units.

The proposed rezoning will facilitate the transformation of this underutilized property into a pedestrian-oriented, well-lit affordable housing building with a new supermarket and community facility uses serving the wider community. In addition, the Proposed Development will result in an improved streetscape that will improve pedestrian circulation in the Surrounding Area. Specifically, the Proposed Development will include landscaped open space at the intersection of Boston Road and Matthews Avenue where the entrance to the supermarket will be located.

The proposed R7-2 zoning district is appropriate as the Development Site is well served by public transportation such that it is well equipped to handle the proposed increase in density. Specifically, the Bx26 bus line runs along Allerton Avenue to the north of the Development Site and the Allerton Avenue subway station is located approximately four blocks (0.3 miles) from the Development Site, which is serviced by the 2 and 5 subway lines. The Development Site is also adjacent to Boston Road which is a wide street that can support the proposed increase in density.

The proposed R7-2 zoning district would be consistent with existing land use and zoning patterns within the Surrounding Area. R7-2 zoning would allow a bulk and density consistent with what is currently permitted in the Surrounding Area, including the R7A/C2-3 district mapped to the north and east of the Development Site as a result of the recent Williamsbridge Road Rezoning in 2019. The additional bulk and density would provide the flexibility needed to redevelop several irregularly shaped parcels with affordable housing, community facility uses, and a supermarket, which is a much needed amenity for the existing and future residents of the area. These proposed uses are also more compatible with the Surrounding Area's largely residential uses than the existing automobile related uses that the C8-1 zoning districts permits. The proposed rezoning also allows the creation of new income-restricted housing in Bronx Community District 11, where, according to the U.S. Census Bureau, 48.9 percent of households are rent burdened.

Zoning Text Amendment

The Applicant is requesting a zoning text amendment to Appendix F to designate the Development Site as an MIH Area. As noted above, according to the U.S. Census Bureau, approximately 48.9 percent of area households in Bronx Community District 11 are rent burdened and there is a strong need for affordable housing that reaches a broad range of incomes.[2]

The MIH program requires the provision of permanently income-restricted housing within new residential developments, enlargements, and conversions from non-residential to residential use within mapped MIH Areas. The proposed zoning text amendment would establish an MIH Area contiguous with the Development Site requiring the proposed development to comply with the requirements of the MIH Program, Options 1 and 2. MIH Option 1 requires 25 percent of the residential floor area to be provided as housing affordable to households at an average of 60 percent

[2] Based on American Community Survey 2020 5-Year Estimates for PUMA 4007, which is an approximation of Bronx Community District 11 available at: https://data.census.gov/cedsci/table?t=Owner%2FRenter%20%28Householder%29%20Characteristics&g=795XX00US3603704&tid=ACSDP5Y2020.DP04

of AMI, with no unit targeted at a level exceeding 130 percent of AMI. MIH Option 2 requires 30 percent of the residential floor area to be provided as housing affordable to households at an average of 80 percent AMI, with no unit targeted at a level exceeding 130 percent of AMI. While the Applicant proposes to map the Development Site with both MIH Options 1 and 2, the Applicant intends to develop the Development Site with approximately 333 units, all of which will be affordable pursuant to HDC's Mix and Match Program such that 40-60 percent of the units will be affordable to households earning up to 60 percent of AMI, with the remaining units affordable to households earning higher incomes up to 130 percent AMI.

7. CONCLUSION

The proposed zoning map amendment and zoning text amendments are consistent with existing land uses within the surrounding area, while furthering the objectives of the City's Housing New York: A Five-Borough, Ten-Year Plan by creating more opportunities for affordable housing. The existing C8-1 and R6 zoning districts within the Development Site do not promote the development of new and affordable housing. The rezoning of the Development Site to an R7-2/C2-4 zoning district with an MIH Area designation facilitates the proposed mixed-use, transit-oriented development with approximately 333 affordable dwelling units, 25 percent of which will be permanently income-restricted housing units. In addition, the Proposed Development will include new supermarket and community facility uses that will serve the Surrounding Area.