893 EAGLE AVENUE REZONING
577-589 EAST 161ST STREET AND 893-899 EAGLE AVENUE, BRONX
JANUARY 12, 2023

1. INTRODUCTION

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 project area is located at the corner of East 161st Street and Eagle Avenue and consists of Block 2620, Lots 47, 48, 49, 50, 52, and 56 (the "Proposed Project Area"). The following actions are proposed (the "Proposed Actions"):

1. a zoning map amendment to rezone the existing R6 zoning district to an R7-2 zoning district;

2. a PAA and related Restrictive Declaration;

3. a zoning text amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Bronx Community District 3 to establish a Mandatory Inclusionary Housing ("MIH") Area with MIH Options 1 and 2 coincident with the Proposed Project Area; and

4. a special permit pursuant to ZR § 74-903 (Certain community facility uses in R3 to R9 zoning districts and certain Commercial Districts) to allow the community facility Floor Area Ratio ("FAR") and the community facility bulk provisions to apply to a Use Group 3 community facility building (philanthropic or non-profit institution with sleeping accommodations).

The Proposed Actions will facilitate the development of a new eleven-story plus cellar and sub-cellar Use Group 3 community facility building (philanthropic or non-profit institution with sleeping accommodations) (the "Proposed Development") at 893 Eagle Avenue (Block 2620, Lots 49, 50, 52, and 56) (the "Proposed Development Site"). The Proposed Development will have a zoning floor area of approximately 55,342 square feet (6.18 FAR) and include a total of 83 affordable and supportive housing units. The Proposed Development will have entrances on both East 161st Street and Eagle Avenue. 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.

2. BACKGROUND

There are two recent prior land use actions in the surrounding area. The St. Ann's Avenue Development (C 050018 ZMX, effective July 28, 2008) rezoned the entire block bounded by East 159th Street, Eagle Avenue, East 156th Street and St. Ann's Avenue from an M1-1 to an R7X zoning district and mapped a C2-3 commercial overlay. The rezoning was done in order to facilitate the development of various mixed-use buildings, to create 618 dwelling units, 50,000 square feet of commercial space and 459 parking spaces. The other, Boricua Village (C 070276 ZMX, C 070275 HUX, C 070277 HAX, effective June 20, 2007), rezoned the majority of Block 2366, which was predominately a C4-4 zoning district and an R8/C1-3 zoning district to an R8 zoning district with a C2-4 overlay. The rezoning was proposed to facilitate the Boricua Village development, which was to contain 679 residential units, 36,511 square feet of retail space, a 120,000 square foot college building, 174 below-grade parking spaces, 65,264 square feet of publicly-accessible open space and 17,226 square feet of private open space.

3. DESCRIPTION OF SURROUNDING AREA

The Proposed Project Area is located in southern part of the Morrisania neighborhood of Bronx Community District 3.

Zoning

The existing zoning districts in the surrounding area include:

R6

The Proposed Project Area is within an R6 zoning district, established in 1961, which extends beyond the Proposed Project Area generally to the north and east. R6 zoning districts allow all housing types at a maximum FAR of up to 2.43 for height factor buildings and a maximum FAR of up to 4.8 for buildings containing certain community facility uses. R6 zoning districts are height factor districts where residential and community facility uses are permitted with no fixed height limits and building envelopes are regulated by a sky exposure plane and open space ratio after a maximum base height of 60 feet. 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 zoning districts, if fewer than five spaces are required, the off-street parking requirement is waived.

R7-2

R7-2 zoning districts have a maximum FAR of 3.44 FAR for residential uses (Quality Housing Buildings) and 6.5 FAR for permitted community facility uses. For new community facility buildings built within 20 feet of a narrow street or 15 feet from a wide street, the maximum height within that distance is 60 feet or six stories, whichever is less. Above that height, a building shall not exceed a sky exposure plane that commences at a height of 60 feet above the street line and slopes over the zoning lot at a vertical to horizontal ratio of 2.7 to 1 on narrow streets and 5.6 to 1 on wide streets. R7-2 zoning districts do not require any parking to be provided.

R7X

R7X zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, twelve- to fourteen-story apartment buildings set at or near the street line. R7X zoning districts are generally found mapped along major thoroughfares in Harlem and Jackson Avenue in Long Island City. The maximum FAR in an R7X zoning district is 5.0 or 6.0 with Mandatory Inclusionary Housing. Above a maximum base height of 85 feet, a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, before rising to a maximum height of 120 feet or 140 feet with Mandatory Inclusionary Housing. Off-street parking is required for 50% of all dwelling units, or can be waived if fifteen or fewer spaces are required.

R8

R8 zoning districts are non-contextual residential districts which are mapped in areas such as the Grand Concourse in the Bronx, and in Washington Heights, Chelsea, and Clinton neighborhoods of Manhattan. Developers can choose between the standard height factor regulations, which produce small multi-family buildings on small zoning lots and, on larger lots, tall buildings that are set back from the street, or the optional Quality Housing regulations, which produce high lot coverage buildings within height limits that often reflect the scale of older, pre-1961 apartment buildings in the neighborhood. Buildings developed pursuant to height factor regulations are often tall buildings set back from the street and surrounded by open space and on-site parking. The FAR in R8 zoning districts ranges from 0.94 (for a single-story building) to 6.02 at a typical height of 17 stories. There are no height limits for height factor buildings, although they must be set within a sky exposure plane which begins at a height of 85 feet above the street line and then slopes inward over the zoning lot. The optional Quality Housing regulations produce high lot coverage buildings set at or near the street line.

C2-4

C2-4 zoning districts are commercial overlay districts mapped within residence districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 zoning districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays

are mapped in R1 through R5 zoning districts, the maximum commercial FAR is 1.0; when mapped in R6 through R10 zoning districts, the maximum commercial FAR is 2.0.

C4-4
C4-4 zoning districts often contain major and secondary shopping centers, which provide for shopping outside of regional commercial centers, allowing for a mix of commercial uses in Use Groups 5, 6, 8, 9, 10, and 12. C4-4 zoning districts are mapped in relatively densely built areas.C4-4 zoning districts have a maximum commercial FAR of 3.4 and a maximum community facility FAR of 6.50. If the building is built at or near the street line, the building can rise to a height of 60 feet or four stories before setting back within the first 20 feet of a lot on a narrow street or 15 feet on a wide street. Above that, the building must stay below a sky exposure plane. Steeper sky exposure planes are permitted for buildings that elect to provide an open area along the front lot line of 15 feet on a narrow street and 10 feet on a wide street frontage. Off-street parking is required for commercial uses and is calculated based on the amount of floor area. In C4-4 zoning districts, the off-street parking requirement may be waived if fifteen or fewer spaces are required. C4-4 zoning districts have a residential equivalent of R7-2 zoning districts.

M1-1
M1-1 zoning districts permit light industrial uses, such as woodworking shops, repair shops, wholesale service, storage facilities, limited community facility uses, and commercial uses. Residential use is not permitted in M1-1 zoning districts. The maximum FAR for permitted manufacturing and commercial uses within the M1-1 zoning district is 1.0 and 2.4 for permitted community facility uses. Off-street parking is required for manufacturing and commercial uses, and for most uses is calculated based on the amount of floor area. In M1-1 zoning districts, the off-street parking requirement may be waived if fewer than fifteen spaces are required.

Special District
The Proposed Project Area is located approximately 600 feet from the MX-7 (M1-1/R7-2) mixed use special district, which begins at the northwest corner of East 163rd Street and Third Avenue.

Historic Districts and Landmark Buildings
The Proposed Project Area is not located in or near any Historic District but is located near a NYC landmark. The Bronx Borough Courthouse, designated on July 28, 1981, is located one block west of the Proposed Project Area. The courthouse was built between 1905 and 1915, designed by Michael J. Garvin in the classically-inspired Beaux-Arts style. The building is particularly symbolic as it was completed around the time the Bronx was recognized as a county in 1914.

Land Uses
The Proposed Project Area is at an intersection of a manufacturing district to the south, a commercial district to the west and a residential district to the north and east. As such, all uses are represented in the area. There are manufacturing uses and community facility uses to the south and southwest, multi-family homes and commercial buildings to the west and more multi-family and community facilities to the north and west.

Subject Block 2620's eastern frontage along Eagle Avenue is typified by four- through six-story multi-family residential buildings, including New York City Housing Authority's ("NYCHA") Eagle Avenue-East 163rd Street development along the midblock. Subject Block 2620's western frontage along Third Avenue is typified by mixed-use local retail and multi-family residential buildings ranging from three to five stories on the southern half of the block while the northern half is typified by one- to two-story commercial buildings.

The area west of the Proposed Project Area is characterized by eight- to fourteen-story community facility and mixed-use affordable residential buildings and was primarily built around 2008 as part of the Melrose Commons Urban Renewal Area (updated in 2006 and expiring in 2034) and facilitated by the Boricua Village rezoning (C 070275 HUX, C 070276 ZMX, and C 070277 HAX, effective June 20, 2007) which, among other actions, eliminated height restrictions and mapped an R8/C2-4 zoning district. Much of the area to the east, north, and south of the Proposed Project Area is characterized by NYCHA developments as well as multi- and single-family residential buildings that range from two- to eighteen-story buildings interspersed with come community facility buildings.

There are several public institutions in the surrounding area. P.S. X140 The Eagle School and P186x Walter J. Damrosch School are public schools serving elementary school and special needs students, respectively, located to the north of the Proposed Project Area that have a combined student body of approximately 708 students. St. Peter and St. Paul preschool and elementary school are private schools located to the southeast of the Proposed Project Area. East of the Proposed Project Area is the Bronx campus of Boricua College, serving approximately 2,000 students. Finally, to the east of the Proposed Project Area lie P.S. X188, M.S. 301 Paul L. Dunbar, and Girls Preparatory Charter School of the Bronx, which serve a combined student body of approximately 925 special needs, middle school, and K-8 students. There are two diagnostic and treatment center extension clinics in the surrounding area. Boricua Community Health Center is located northwest of the Proposed Project Area and Callen-Lorde Bronx is located to the southwest of the Proposed Project Area.

The Hilton White Playground, formerly known as Cauldwell Playground and now named after a local Parks Department basketball coach, located one block east of the Proposed Project Area, is a 0.48-acre neighborhood park on Caldwell Avenue. The park was built from 1930-1932, was updated in 2000 and is an open space and recreation resource with a playground, bathrooms, handball courts and spray showers.

The Dunbar Playground, named after poet Paul Dunbar and located two blocks east of the Proposed Project Area, is a 1.44-acre neighborhood park bounded by Caldwell Avenue, East 163rd Street and Trinity Avenue. The park was built in 1954 and is an open space and recreation resource with a playground, basketball courts and handball courts.

Mass Transit

The Proposed Project Area is located within the Transit Zone and is well served by public transportation including subway, bus and commuter rail service. The 2 and 5 trains run along Westchester Avenue six blocks east of the Proposed Project Area. The Bx15 and Bx21 buses run along Third Avenue, which runs along the western portion of the Proposed Project Area block. The Bx15 bus runs from Fordham Heights to Morningside Heights and the Bx21 bus runs from Mott Haven to Westchester Square. The Bx6 and Bx6-SBS buses run along East 163rd Street, just north of the Proposed Project Area, and serves an area running from Hunts Point to Washington Heights. The Bx13 bus also runs just north of the Proposed Project Area and serves a route running from Morrisania to Hudson Heights. 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.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA

The Proposed Project Area consists of Block 2620, Lots 47, 48, 49, 50, 52, and 56. The Proposed Project Area is located on the corner of Block 2620 at the intersection of Eagle Avenue to the east and East 161st Street to the south. It is bounded by East 161st Street to the south, Eagle Avenue to the east, a line 126.89 feet from Eagle Avenue, running parallel to it, and a line 100 feet from East 161st Street, running parallel to it. The Proposed Project Area is approximately 12,690 square feet and is improved as follows:

589, 893, and 895 Eagle Avenue, Block 2620, Lots 49, 50, 52, and 56, make up the Proposed Development Site described below.

897 Eagle Avenue, Block 2620, Lot 48, contains a four-story, multi-family residential building with approximately 4,520 square feet of floor area (2.43 FAR) and four dwelling units.

899 Eagle Avenue, Block 2620, Lot 47, contains a four-story, multi-family residential building with approximately 4,532 square feet of floor area (2.44 FAR) and six dwelling units.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Proposed Development Site consists of four vacant tax lots, Block 2620, Lots, 49, 50, 52 and 56 (the "Proposed Development Site"), with a total combined lot area of approximately 8,943 square feet. It is located on a site with irregular topography at the intersection where Eagle Avenue passes over East 161st Street. The two streets are at different elevations and the difference in curb level between the two streets is approximately 30 feet. The Proposed Development Site has approximately 63 feet of frontage on Eagle Avenue and 127 feet of frontage on East 161st Street.

6. THE PROPOSED DEVELOPMENT

The Proposed Development at the Proposed Development Site is a new eleven-story plus cellar and sub-cellar Use Group 3 community facility building (philanthropic or non-profit institution with sleeping accommodations). The Proposed Development will have a floor area of approximately 55,324 square feet (6.18 FAR) and will include a total of 83 affordable and supportive housing units (33 affordable housing units and 50 supportive housing units for individuals living with HIV/AIDS).

Pursuant to ZR § 24-111(b), the maximum permitted FAR within an R7-2 zoning district for a UG 3 philanthropic or non-profit institution with sleeping accommodations is limited to 3.44 FAR. Therefore, this application also seeks a special permit pursuant to ZR § 74-903 to utilize the maximum permitted community facility bulk listed in ZR § 24-11 (maximum FAR of 6.5) for the Proposed Development to be able to serve additional vulnerable members of the community.

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. On-stie supportive services will consist of case management, substance abuse, medical and mental health service referrals, advocacy for entitlements, such as Public Assistance, Medicaid, Social Security, etc., and linkages for adult educational services and/or vocational training.

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 (PAA) 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 UG 3 philanthropic or non-profit institutions with sleeping accommodations within R7-2 zoning districts pursuant to ZR § 25-31.

7. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The actions necessary to facilitate the project are: 1) a zoning map amendment to map an R7-2 zoning district within the Proposed Project Area; 2) a PAA and related Restrictive Declaration, 3) a text amendment of ZR Appendix F to establish an MIH Area within the Proposed Project Area; and 3) a special permit pursuant to ZR § 74-903 to permit the community facility FAR and community facility bulk provisions to apply to the Proposed Development.

<u>Proposed R7-2 Zoning District</u>
The proposed change from the existing R6 zoning district to an R7-2 zoning district would increase the maximum FAR from 2.2 to 3.44 FAR (4.6 FAR with inclusionary housing) for residential uses (Quality Housing Buildings) and from 4.8 to 6.5 FAR for permitted community facility uses. The height and setback requirements are the same in both the existing and proposed zoning districts. For new community facility buildings built within 20 feet of a narrow street or 15 feet of a wide street, the maximum height is 60 feet or six stories, whichever is less. Above that height, a building shall not penetrate the sky exposure plane that commences at a height of 60 feet above the street line and slopes over the zoning lot at a vertical to horizontal ratio of 2.7:1 on narrow streets and 5.6:1 on wide streets. Parking requirements are different between the existing and proposed zoning

districts, UG 3 philanthropic or non-profit institutions with sleeping accommodations in R6 zoning districts would require one space per 20 beds, but R7-2 zoning districts do not require any parking to be provided. Since the Proposed Project Area is located within the Transit Zone, in an area with extensive transit access, it is appropriate that such community facility building be built without parking.

The surrounding area is characterized by moderate and moderate-high density zoning districts, particularly R7-2, R7X, R8 and C4-4 zoning districts mapped along narrow, predominately 50' wide streets, similar to the Proposed Project Area. The area adjacent to and west of the Proposed Project Area is in a C4-4 zoning district that has an R7-2 residential equivalent. Furthermore, the Proposed Project Area is predominately surrounded by zoning districts, particularly from the northwest to south, that enable bulk greater than or equal to that in R7-2 zoning districts. Indeed, many buildings in the surrounding area have a built FAR greater than the Proposed Development, including several buildings with over 8 FAR and a building with over 10 FAR. Therefore, the Proposed Actions would merely enable and extend a level of bulk that predominates as-of-right within the surrounding area.

The proposed level of density is appropriate at the Proposed Project Area because it is located at the intersection of two streets where higher density is well suited. However, the two vacant lots located directly north of the Proposed Project Area, Lots 45 and 46, are mid-block lots where moderate density zoning districts, such as the existing R6 zoning district, are relatively more appropriate. The two lots within the Proposed Project Area that are currently developed, Lots 47 and 48, are currently non-conforming under height factor regulations but would become more conforming under the proposed R7-2 zoning district. Further, the sites within the Proposed Project Area are sites characterized by extremely difficult topographical challenges, including an approximately 34-foot difference in elevation from Lot 50 to Lot 56, that might effectively preclude as-of-right development under the current zoning district and the concomitant highest and best use for these sites. These development challenges are not present on the sites north of the Proposed Project Area, Lots 45 and 46. As such, the Proposed Project Area is appropriately bounded and will produce development consistent with the existing and allowable development located within the surrounding area.

PAA and Restrictive Declaration

The proposed rezoning would facilitate the expansion of the vibrant pedestrian area to the near west of the Proposed Project Area and facilitate increased pedestrian circulation by creating a publicly accessible stairway (PAA) to be maintained in accordance with a restrictive declaration to provide access between Eagle Avenue and East 161st Street that would bridge the difference in elevation between the streets. This would be particularly beneficial to residents who live along East 161st Street, who would have significantly increased access to Palmas Del Caribe Community Garden, an approximately 10,712 square foot community garden located directly south of the Proposed Project Area.

MIH Text Amendment

The proposed text amendment to ZR Appendix F would ensure that any redevelopment of the Proposed Project Area would be consistent with the goals of the Proposed Development, to provide affordable housing for low-income community residents. As the Proposed Development is not residential, the Mandatory Inclusionary Housing provisions will not apply. If residential is provided in the future, developers will have the option to comply with either Option 1 or 2 of the MIH program. The MIH program requires an affordable housing set-aside for either 25 percent of the residential floor area at an average of 60 percent of AMI with 10 percent at 40 percent AMI (Option 1) or 30 percent of the residential floor area at an average of 80 percent AMI (Option 2). The Applicant proposes mapping both MIH Option 1 and Option 2 within the Proposed Project Area to provide maximum flexibility for non-Applicant controlled sites. The proposed affordable housing set asides would ensure that development within the Proposed Project Area would address the critical need for new affordable housing in the Bronx. The proposed MIH Area would address the City's Housing New York: A Five-Borough, Ten-Year Plan goals by increasing affordable housing to help ensure the community remains economically diverse in the face of increasing pressure for market-rate development .

Furthermore, new affordable housing is needed in Bronx Community District 3 where over fifty percent of households are rent burdened. According to the U.S. Census Bureau, American

Community Survey 2013-2017 Five Year Estimates for Public Use Microdata Samples, 50.5% of households spent more than 35% of their income on rent. According to the Furman Center's State of New York City's Housing and Neighborhoods in 2017, median monthly rent in Community District 3 has risen from $710 in 2000 to $980 in 2016, an increase highly correlated with limited supply, which the Proposed Actions would help ameliorate.

Special Permit pursuant to ZR § 74-903

The proposed special permit pursuant to ZR § 74-903 is necessary to allow for the Proposed Development, a UG 3 community facility (philanthropic or non-profit institution with sleeping accommodations) to utilize the community facility FAR and the community facility bulk provisions. Without this special permit, pursuant to ZR § 24-111(b), a UG 3 philanthropic or non-profit institution with sleeping accommodations is limited to a maximum FAR of 3.44, but with the special permit it can be increased to a maximum FAR of 6.5. In addition, without the special permit the Proposed Development would be limited to Quality Housing bulk provisions. Such limitations would modify the height and setback requirements by requiring the building to comply with the contextual requirements associated with Quality Housing buildings, which would limit the building to a maximum base height of 65 feet with a maximum overall height of 75 feet. The community facility bulk provisions require a maximum base height of 60 feet but then allows the building to rise in accordance with the sky exposure plane requirements at a ratio of 2.7:1. Importantly, the increase in allowable FAR and modifications to the permitted building envelope facilitated by the proposed special permit will allow for the provision of additional affordable and supportive housing units within the Proposed Development.

8. CONCLUSION

As stated above, the Applicant proposes a zoning map amendment to map an R7-2 zoning district at the Proposed Project Area, a text amendment of ZR Appendix F to establish an MIH Area within the Proposed Project Area, a PAA and related Restrictive Declaration and a special permit pursuant to ZR § 74-903 to allow the community facility FAR and the community facility bulk provisions to apply to the Proposed development. The Proposed Actions will facilitate the development of 83 affordable and supportive housing units at the Proposed Development Site and will ensure that the Proposed Project Area will provide affordable housing for low-income residents in the future.