5602-5604 Broadway Rezoning
Bronx Community District 8
February 15, 2024

1. Introduction

Riverdale Garage Corp. (the "Applicant"), the owner of 5602-5604 Broadway (Block 3267, Lots 90 and 91) (the "Development Site"), proposes the following actions:

1. a zoning map amendment to change an existing M1-1 zoning district to an R7-3/C2-3 zoning district on a portion of Block 3267 generally bounded by Broadway to the west, a prolongation of the centerline of Naples Terrace to the south, the centerline of the Major Deegan Expressway (I-87) to the east, and a line 220 feet south of and parallel to West 233rd Street to the north (consisting of Block 3267, Lots 90, 91, 93, 95, 97, 98, 99 and part of Lots 72, 75, 87, 88 and 110) (the "Rezoning Area") in Bronx Community District 8; and

2. a zoning text amendment of the Zoning Resolution to establish bulk regulations applicable to R7-3 within Mandatory Inclusionary Housing ("MIH") Areas and to amend Appendix F: Inclusionary Housing Designated Areas and MIH Areas for Community District 8, Bronx to establish the Rezoning Area as an MIH Area.

The proposed actions would facilitate the redevelopment of the underutilized Development Site with new affordable housing at an appropriate transit-oriented location situated between two wide streets. The proposed development is a new 13-story residential building constructed per Quality Housing regulations with approximately 226 dwelling units. The Applicant intends to construct the proposed development as 100 percent affordable pursuant to a NYC Housing Preservation and Development ("HPD") term sheet. In addition, 25 percent of the residential floor area in the proposed development, approximately 57 dwelling units, would be permanently affordable pursuant to the MIH program.[1]

2. Background

The Rezoning Area was mapped with an M1-1 zoning district with the enactment of the 1961 Zoning Resolution. There are no recent land use actions affecting the Rezoning Area. A one block area to the south was rezoned as part of the 2009 Broadway Plaza Rezoning (C 090146 ZMX, effective March 24, 2009). The rezoning established a C4-4 zoning district to facilitate the development of an approximately 166,000 square foot retail center with 166 parking spaces.

3. Description of the Surrounding Area

The surrounding area is predominately commercial with mixed residential and commercial uses located along the Broadway and West 231st Street corridors. Outside of these corridors, the surrounding area is predominately residential and consists of primarily multi-family buildings.

Broadway is a major north/south corridor through the Bronx. It is a 100-foot-wide street with two-way traffic. Elevated tracks serving the No. 1 subway line run above Broadway. The 231st Street station is located at the intersection of West 231st Street and Broadway. West 231st Street is an 80-foot wide east/west corridor with two-way traffic. TheMajor Deegan Expressway (I-87) is a six lane, approximately 115 feet wide north-south expressway.

The Rezoning Area is currently located within an M1-1 zoning district that extends generally north from a prolongation of Naples Terrace to Tim Hendrick Place between Broadway and the Major Deegan Expressway. Beyond the Rezoning Area, the M1-1 zoning district is improved with commercial and mixed commercial and residential buildings along Broadway.

There is an R6 zoning district that was mapped in 1961 just south of the Rezoning Area and to the west across Broadway and to the east across the Major Deegan Expressway. C1-3 overlays are mapped along Broadway and West 231st Street. South of the Rezoning Area within the R6/C1-3 zoning district are one- to four-story mixed use and commercial buildings. The 14-15–story

[1] MIH projects that request subsidy for the MIH units will be required to provide an additional 15 percent of permanently affordable units.

NYCHA Marble Hill Houses development which consists of 11 buildings is also located within the R6 zoning district to the south of the Rezoning Area. Across Broadway to the west of the Rezoning Area in the R6 zoning district, there are one- and two-story commercial buildings along Broadway and there are five- and six-story and basement multi-family residential buildings farther to the west. Farther south of the Rezoning Area across West 230th Street is a C4-4 zoning district established by the Broadway Plaza Rezoning, which includes a commercial shopping center with several national retailers.

There are several parks in the surrounding area owned and operated by the NYC Department of Parks and Recreation. Crescent Park is a 0.44-acre triangle/plaza park bounded by Albany Crescent, West 233rd Street, and the Major Deegan Expressway. Cooney Grauer Field is a 1.27-acre park with a baseball field and basketball courts. Bailey Playground is a 3.53-acre park with a playground and basketball and handball courts. Farther north is Van Cortlandt Park, New York City's third largest park at over a thousand acres. The park is a significant open space and recreational resource in the northwest Bronx. Additionally, a new park, the Putnam Greenway, is planned to be developed on Block 3267, Lot 72, a portion of which is included within the Rezoning Area. The Tibbetts Brook Daylighting Project is a City-sponsored green infrastructure project intended to "daylight" parts of Tibbetts Brook in the Bronx that have been covered for more than a century.[2] Daylighting Tibbetts Brook will remove the brook's clean water from the sewer system and help to reduce combined sewer overflows into the Harlem River as well as flooding along Broadway and other areas of the Tibbetts Brook Watershed. A public pedestrian and bike pathway are planned to connect to Van Cortlandt Park.

Zoning districts mapped within the surrounding area include the M1-1 district mapped in the Rezoning Area, as well as R6, R6/C1-3, R6/C2-3 and C4-4 (R7-2 equivalent) districts mapped adjacent to the Rezoning Area.

The Rezoning Area is within a M1-1 zoning district. M1 districts are designated for areas with light industries and often serve as buffers between more intensive M2 or M3 districts and adjacent residential or commercial districts. M1 is a light manufacturing district that allows manufacturing (Use Group 17), general service (Use Group 16), commercial (Use Groups 5-15), and community facility (Use Groups 3 and 4) uses. No residential uses are permitted. M1-1 districts have a maximum permitted floor area ratio ("FAR") of 1.0 for manufacturing uses and require one accessory parking space for every 300 square feet of floor area. Within the initial setback distance of 20 feet on a narrow street and 15 feet on a wide street, the maximum height permitted in M1-1 districts is 30 feet or two stories, whichever is less. Building height above 30 feet is governed by a sky exposure plane.

There is a large R6 zoning district surrounding the Rezoning Area generally to the south, west and east. R6 is a widely mapped, non-contextual medium density district that allows a wide variety of building types. R6 districts generally allow residential (Use Group 1 and 2) uses and community facility (Use Group 3 and 4) uses. Developments in R6 districts can be constructed pursuant to height factor or Quality Housing regulations. Under height factor regulations, a maximum residential FAR of 2.43 is permitted and building height and setback are governed by a sky exposure plane. Accessory parking is required for 70 percent of dwelling units and for 25 percent of income-restricted housing units. The optional Quality Housing regulations produce high lot coverage buildings set at or near the street line. For buildings within 100 feet of a wide street, the maximum residential FAR is 3.6, the maximum base height before setback is 65 feet, and the maximum permitted building height is 70 feet. On a narrow street, the maximum residential FAR is 2.2, the maximum base height before setback is 45 feet, and the maximum permitted building height is 55 feet. Accessory parking is required for 50 percent of dwelling units and for 25 percent of income-restricted housing units.

When mapped within R6 zoning districts, C1-3 commercial overlay districts allow local retail and service uses in Use Group 6. The maximum commercial FAR permitted in the C1-3 overlay is 2.0 when mapped with an R6 zoning district. However, in mixed-use buildings containing residential or community facility uses, commercial uses are limited to the ground floor level. C1-3 districts require one parking space per 400 square feet of floor area for general retail or service uses.

[2] Stream daylighting is the process of restoring a stream to a more natural state by removing any obstructions covering it, such as concrete or pavement.

C4-4 districts are mapped in densely built areas of the outer boroughs. C4-4 has an R7-2 residential district equivalent and allows residential (Use Group 1 and 2), community facility (Use Group 3 and 4), and commercial (Use Groups 5, 6, 8, 9, 10 and 12) uses. Most retail establishments are permitted in C4-4 districts, but uses that would interrupt the desired continuous retail frontage, such as home maintenance and repair service stores listed in Use Group 7, are not allowed. No industrial/manufacturing uses are permitted in C4-4 districts. The maximum permitted FAR is 3.4 for commercial uses, 4.8 FAR for residential uses, and 6.5 FAR for community facility uses. C4-4 zoning permits a maximum base height of 75 feet and a maximum building height of 135 feet. Accessory parking is generally required at a rate of one space per 1,000 square feet of floor area for commercial uses, for 50 percent of dwelling units, and for 15 percent of income-restricted housing units. Special rules apply for residential-only buildings located in commercial districts and mixed commercial/residential buildings in commercial districts.

The Rezoning Area is within the Transit Zone, where special lower accessory parking requirements apply for various types of affordable housing including income-restricted housing units. Areas within the Transit Zone are generally within one-half mile of a subway station and have the lowest automobile ownership rates in the City. According to Census data, 46.4 percent of households in Community District 8 do not have a vehicle. Additionally, the Rezoning Area is located within an area where FRESH zoning and discretionary tax initiatives are available.

The Rezoning Area is well-served by mass transit options. The West 231st Street station, which serves the 1 subway line, is immediately adjacent to the Rezoning Area at the intersection of Broadway and West 231st Street. Several bus lines are available near the Rezoning Area, including Bx1 (Riverdale/Mott Haven), Bx2 (Riverdale/Mott Haven), Bx7 (Riverdale - Washington Heights), Bx9 (Riverdale - West Farms Sq), Bx10 (Riverdale - Norwood), and Bx20 (Riverdale - Inwood). Additionally, the Marble Hill Metro North Station is located approximately 0.6 miles from the Rezoning Area and the Spuyten Duyvil Metro North Station is approximately 1.3 miles from the Rezoning Area.

4. Description of the Proposed Rezoning Area

The Rezoning Area would be bounded by Broadway to the west, a prolongation of the centerline of Naples Terrace to the south, the centerline of the Major Deegan Expressway (I-87) to the east, and a line 220 feet south of and parallel to West 233rd Street to the north. The proposed Rezoning Area consists of several contiguous tax lots and portions of tax lots on Block 3267, including Lots 90, 91, 93, 95, 97, 98, 99 and part of Lots 72, 75, 87, 88 and 110. The Development Site, Block 3267, Lots 90 and 91, is discussed in the “Description of Proposed Development Site” section below.

The non-Applicant owned properties that would be included in the Rezoning Area are:

- 5606-5608 Broadway (Block 3267, Lot 93) is a 3,500 square foot lot improved with two two-story commercial buildings and a total floor area of approximately 2,772 square feet (0.79 FAR). Lot 93 has approximately 34 feet of frontage along Broadway and does not contain any curb cuts.
- 5610-5612 Broadway (Block 3267, Lot 95) is a 3,500 square foot lot improved with two two-story commercial buildings and a total floor area of approximately 1,360 square feet (0.38 FAR). Lot 95 has approximately 34 feet of frontage along Broadway and does not contain any curb cuts.
- 5614 Broadway (Block 3267, Lot 97) is a 2,508 square foot lot improved with a three-story mixed-use building with two dwelling units and a total floor area of approximately 3,226 square feet (1.28 FAR). Lot 97 has approximately 25 feet of frontage along Broadway and does not contain any curb cuts.
- 5616 Broadway (Block 3267, Lot 98) is a 2,508 square foot lot that is improved with a three-story mixed-use building with two dwelling units and a total floor area of approximately 2,092 square feet (0.83 FAR). Lot 98 has approximately 25 feet of frontage along Broadway and does not contain any curb cuts.
- 5618 Broadway (Block 3267, Lot 99) is a 4,975 square foot lot that is improved with a one-story commercial building and a total floor area of approximately 1,760 square feet (0.35 FAR). Lot 99 has approximately 50 feet of frontage along Broadway and vehicular access is provided by one curb cut with a width of approximately 20 feet.

- A portion of 170 West 233rd Street (Block 3267, Lot 110) is included within the Rezoning Area. Lot 110 has an area of 37,013 square feet and is improved with a two-story commercial building and a total floor area of approximately 36,550 square feet (0.98 FAR). The property has approximately 76 feet of frontage along Broadway, 144 feet of frontage along West 233rd Street, and it does not contain any curb cuts.
- A portion of Block 3267, Lot 88 is included within the Rezoning Area. Lot 88 has an area of 7,651 square feet and is used as a parking facility. The lot is undeveloped and does not contain any floor area. The property has approximately 23 feet of frontage along Broadway and vehicular access is provided by one curb cut with a width of approximately 20 feet.
- A portion of 5600 Broadway (Block 3267, Lot 87) is included within the Rezoning Area. Lot 87 has an area of 2,100 square feet and is improved with a one-story commercial building and a total floor area of approximately 1,875 square feet (0.89 FAR). The property has approximately 27 feet of frontage along Broadway and does not contain any curb cuts.
- A portion of Block 3267, Lot 75 is included within the Rezoning Area. Lot 75 is an unimproved vacant lot with an area of 3,224 square feet. Lot 75 does not have frontage on any nearby streets.
- A portion of Block 3267, Lot 72 is included within the Rezoning Area. As mentioned previously, Lot 72 was mapped as parkland in 2011 (C 090196 MMX) to create a connection to Van Cortland Park on the former Putnam Railroad Right-of-Way recently acquired by the City. The site is currently an unimproved vacant lot with no public access. A new park, the Putnam Greenway, is planned to be developed on this site as part of the Tibbetts Brook Daylighting Project. A public pedestrian and bike pathway are planned to connect to Van Cortlandt Park. The timeline for completion of the park has not been determined.

5. Description of Proposed Development Site

The Development Site consists of two contiguous tax lots, Lots 90 and 91, on Block 3267. The Development Site is a “J” shaped interior lot with 56 feet of frontage along Broadway. The majority of the Development Site has no street frontage. The underutilized Development Site is improved with a public parking garage on Lot 91 that has been owned and operated by the Applicant since 1985. On Lot 90, there is a partially vacant, three-story commercial building with a total floor area of approximately 3,976 square feet. Vehicular access to the site is provided by two side-by-side curb cuts, each with a width of approximately 15 feet.

6. Description of Proposed Development

The proposed development is a new, 13-story and cellar residential building. The proposed development would have a total of 184,683 square feet of residential floor area (6.0 FAR) and would contain a total of 226 affordable dwelling units pursuant to a HPD financed term sheet, including 57 permanently affordable units pursuant to MIH Option 1. The Development Site is located within the Transit Zone and no parking is required for income-restricted housing units at or below 80 percent AMI. A 188 space accessory group parking facility, including 23 required spaces for 50 percent of the units above 80 percent AMI and 165 permitted spaces, would be provided on the cellar and sub-cellar levels. Pursuant to ZR 25-12, the maximum size of a group parking facility accessory to a residential use is 200 spaces. The proposed garage is not intended to be a public parking facility and there would be zero spaces dedicated to commercial uses as no commercial uses are proposed. However, pursuant to ZR 25-412, it's possible that unused accessory parking spaces could be rented to non-residents.[3]

The residential lobby and ramp to the cellar parking levels would be located on the ground-floor of the building's Broadway frontage. Above the ground-floor, the southern wing of the proposed building would set back 44'-5" from Broadway. The proposed development would rise to a height of 135 feet (13 stories). Access to the parking ramp would be provided by a new 20 foot curb cut.

7. Actions Necessary to Facilitate the Project

The proposed actions would allow redevelopment of the underutilized Development Site with a new residential building. The actions necessary to facilitate the proposed development are:

[3] Pursuant to ZR 25-412, any unused accessory parking spaces may be rented to non-residents provided that such spaces are operated in accordance with the regulations promulgated by the Commissioner of Buildings, in a manner which will not adversely affect the residential character of the neighborhood.

1. a zoning map amendment to change the existing M1-1 zoning district mapped within the Rezoning Area to an R7-3/C2-3 zoning district; and

2. a zoning text amendment to establish bulk regulations applicable to R7-3 within MIH Areas and to establish the Rezoning Area as an MIH Area.

Zoning Map Amendment

The proposed rezoning would allow for the production of new housing in Bronx Community District 8, which is not currently permitted in the existing M1-1 zoning district. The proposed rezoning would facilitate new residential and mixed-use development with the provision of permanently affordable housing on underutilized land on a wide street adjacent to mass transit.

The proposed district boundary for the R7-3/C2-3 zoning district is generally bounded by Broadway to the west, a prolongation of the centerline of Naples Terrace to the south, the centerline of the Major Deegan Expressway (I-87) to the east, and a line 220 feet south of and parallel to West 233rd Street to the north (consisting of Block 3267, Lots 90, 91, 93, 95, 97, 98, 99 and part of Lots 72, 75, 87, 88 and 110). The proposed district boundary is appropriate because it facilitates development consistent with the surrounding built context and neighborhood character. The commercial overlay is mapped to permit the continuation of commercial uses along Broadway (Block 3267, Lots 93, 95, 97, 98, and 99) or facilitate new mixed-use development with local retail.

The proposed R7-3 zoning district permits residential and community facility uses (Use Groups 3 and 4). The R7-3 district permits a maximum of 6.5 FAR for community facility uses and a maximum of 5.0 FAR for residential use in MIH Areas. With MIH, the modified maximum base height in the R7-3 district is 85 feet with a qualifying ground floor and the modified maximum building height is 185 feet or 18 stories with a qualifying ground floor. Within the Transit Zone, off-street accessory parking is required for 50 percent of dwelling units and no parking is required for income-restricted housing units.

The proposed C2-3 commercial overlay district allows local retail and service uses with a maximum commercial FAR of 2.0 when mapped with an R7-3 zoning district. However, in mixed-use buildings containing residential or community facility uses, commercial uses are limited to the ground floor level. The proposed C2-3 overlay requires one parking space per 400 square feet of floor area for general retail or service uses.

The proposed zoning change from the existing M1-1 zoning district to R7-3/C2-3 is appropriate because it reinforces existing land use patterns in the surrounding area, which reflect a prevalence of residential and mixed residential/commercial uses. The M1-1 zoning district no longer serves or reflects the character of the Rezoning Area. The proposed R7-3 zoning district is appropriate for the Rezoning Area because it is located directly adjacent to R6 zoning districts that have comparable bulk provisions. The existing built context in the surrounding area is predominately multi-family housing at a comparable scale to the proposed development. Additionally, the proposed R7-3 zoning district was selected to provide flexibility for the challenging configuration of the Development Site, which is located on a "J" shaped lot adjacent to an elevated train line. While the Proposed Development does not require the maximum 185 foot height to fully utilize the available 6.00 FAR, it does take advantage of the flexible street wall regulations to allow the concentration of bulk at the larger rear portion of the site, allowing for more efficient residential floorplates that result in additional affordable housing units within the same amount of floor area. The proposed R7-3 district is appropriate for the Rezoning Area, given the proximity to the elevated train infrastructure along Broadway, as it will provide flexibility for new developments within the Rezoning Area to be set back from Broadway. The proposed R7-3 district allows for a greater distance between the elevated train and residential uses, better site planning, and more efficient building design to maximize the development of new housing, including permanently affordable housing as required by the proposed MIH designation. Furthermore, the proposed R7-3 district is appropriate given the Rezoning Area's proximity to public transportation, including the No. 1 subway line at 231st Street, local bus service (Bx1, Bx2, Bx7, Bx9, Bx10, Bx2), and nearby access to the Metro North Marble Hill and Spuyten Duyvil stations.

Zoning Text Amendment to create an R7-3 Zoning District

The proposed zoning text amendment would expand the applicability of R7-3 zoning districts Citywide to create increased flexibility for Quality Housing developments with MIH on challenging sites. The establishment of an alternate Quality Housing envelope for MIH developments in R7-3 zoning districts complements the zoning envelopes already in place for R6, R7, R8 and R9-1 districts pursuant to ZR 23-664(c) [Alternative regulations for certain #Quality Housing buildings# in non-contextual districts]. These envelopes afford MIH developments additional flexibility in non-contextual districts, while incorporating the benefits of the Quality Housing program into these developments. The proposed R7-3 zoning district mitigates challenging site conditions by allowing more flexibility in the streetwall requirements, as well as providing additional height up to 185 feet with a Qualifying Ground Floor, thus facilitating the production of housing under Quality Housing regulations and pursuant to MIH. The proposed change is consistent with previous similar text amendments that sought to add flexibility to bulk regulations to promote housing, including Zoning for Quality and Affordability (N 160049 ZRY effective March 22, 2016), affecting non-contextual R6, R7 and R8 zoning districts and 425 Grand Concourse (N 180033 ZRX, effective February 14, 2018), which added R9-1 zoning districts. The proposed change would also be consistent with the proposed City of Yes for Housing Opportunity zoning text amendment, which would expand the applicability of flexible Quality Housing envelopes to a range of sites in height factor districts, including sites above 1.5 acres or with full-block control, sites next to elevated infrastructure, and sites that are irregularly shaped.

Zoning Text Amendment to Appendix F

The proposed zoning text amendment to designate the Rezoning Area as an MIH Area is consistent with the policy goals of the City's Housing New York: A Five-Borough, Ten-Year Plan. The proposed residential development would help provide much-needed affordable residential units in an area in which population is increasing and there is increased demand for residential uses. According to the Department of City Planning's 2013 report New York City Population Projections by Age/Sex & Borough, the Bronx is anticipated to have the highest rate of growth in the City over the next several decades, estimated at 14 percent from 2010 to 2040.[4] As population in the Bronx is expected to experience substantial and steady growth, additional housing is necessary to ensure adequate supply. Moreover, according to the U.S. Census Bureau, 45.1 percent of households in Bronx Community District 8 are rent burdened, spending 35 percent or more of their income on rent.[5]

The MIH program requires that permanently affordable housing be provided within certain new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH Areas. The proposed zoning text amendment would establish an MIH Area contiguous with the Rezoning Area.

Within the MIH Area, all housing developments, enlargements, and conversions that meet the criteria set forth in the MIH program must comply with the requirements of MIH Option 1 or Option 2. Option 1 requires 25 percent of the residential floor area to be provided as affordable housing to households at an average of 60 percent of the Area Median Income ("AMI") with 10 percent at 40 percent AMI, with no unit targeted at a level exceeding 130 percent of AMI. Option 2 requires 30 percent of the residential floor area to be provided as affordable housing to households at an average of 80 percent AMI, with no unit targeted at a level exceeding 130 percent of AMI. The Applicant has selected MIH Option 1, which would result in approximately 57 permanently affordable units.

8. Conclusion

The proposed zoning map amendment and zoning text amendment are consistent with existing land uses and built context within the area surrounding the Rezoning Area, and further the

[4] According to the report, "[t]he Bronx is projected to grow from 1,385,000 in 2010 to 1,579,000 in 2040, an increase of 14 percent—the highest level of growth among the city's boroughs. After experiencing growth of 4.5 percent in the 2010-2020 period, growth in the borough is projected to increase to 5 percent in the subsequent decade and then decline to 4 percent between 2030 and 2040." New York City Population Projections by Age/Sex & Borough, 2010–2040, NYC Department of City Planning, December 2013 at 3.

[5] Based on American Community Survey 2014-18 Five Year Estimates for Public Use Microdata Area (PUMA) 3701, which approximates Bronx Community District 8, available at: https://communityprofiles.planning.nyc.gov/bronx/8

objectives of the City's Housing New York: A Five-Borough, Ten-Year Plan. The existing M1-1 zoning designation within the Rezoning Area does not permit residential use and precludes the development of housing at the Development Site. The proposed rezoning reflects sound planning principles by replacing an underutilized M1-1 district with an R7-3/C2-3 zoning district to permit residential use at increased density near public transit. The proposed R7-3 district would allow better site planning and more efficient building design on a challenging site in order to maximize the development of new housing, including permanently affordable housing. The proposed actions would facilitate the development of a 13-story, 100 percent affordable residential building pursuant to a HPD term sheet, including approximately 57 permanently affordable units pursuant to the MIH Program.