LR ITEM 3 DESCRIPTION OF PROPOSAL
110 East 138th Street – 63 Exterior Street
Block 2323, Tax Lots 28, 29 & Lot 43
May 4, 2026

1. Introduction

The New York City Department of Housing Preservation and Development ("HPD") and East 138th Street JV Associates LLC (together, the "Applicants") propose a number of land use actions ("Proposed Actions", described below) to facilitate the phased development of two new affordable rental buildings with approximately 377,630 zoning square feet ("ZSF") (3.89 FAR) and approximately 537 units of affordable housing, plus two superintendents' units, residential amenity space, a small commercial space, a Shore Public Walkway, and approximately 8,209 sf of additional publicly accessible open space ("Proposed Development"). The Proposed Development will be located on three adjacent lots — two City-owned lots at 63 Exterior Street (Block 2323, Lots 28 & 29) and one privately owned lot located at 110 East 138th Street (Block 2323, Lot 43) (collectively, the "Development Site"). The Applicants also propose the improvement of a shared street along East 138th Street and widened sidewalk along Exterior Street and East 138th Street, which together with the Proposed Development constitute the Proposed Project. The Proposed Project will be located on the proposed Project Area (including the aforementioned Development Site, proposed shared street, and proposed widened sidewalk) in the Mott Haven neighborhood of Bronx Community District 1. In order to facilitate the Proposed Project, the Applicants are seeking the following actions:

- Designation of an Urban Development Action Area ("UDAA"), approval of an Urban Development Action Area Project ("UDAAP");
- Disposition of City-Owned Block 2323, Lots 28 & 29 ("Disposition Area");
- Special Permit pursuant to ZR Section 62-837(a) to modify the Special Height and Setback Regulations in the Core Subdistrict of the Special Harlem River Waterfront District and Waterfront Yard Regulations;
- Chairperson Certification pursuant to ZR Section 62-811 for waterfront public access and visual corridors;
- Authorization pursuant to 62-822(a) to allow for the Waterfront Public Access Area to be accessible from a direct connection or upland connection along the shore public walkway at an interval that is greater than 600 feet;
- Authorization pursuant to ZR Section 62-822(b) to reduce the minimum width of the screening buffer along the upland boundary of the shore public walkway, to allow the height of a fence or wall along the waterfront boundary of the shore public walkway to reach 10 feet;
- Authorization pursuant to ZR Section 62-822(c) to phase building out the Shore Public Walkway; and
- Approval of a restrictive declaration in accordance with ZR Section 62-72, in connection with the Chairperson Certification pursuant to ZR Section 62-811.

2. Background

The Development Site includes 110 East 138th Street (Block 2323, Lot 43) and 63 Exterior Street (Block 2323, Lots 28 & 29) in the Mott Haven neighborhood of Bronx Community District 1.

On May 20, 2009, the City Planning Commission approved the Lower Concourse Rezoning, a rezoning of 30 blocks in the South Bronx including the Development Site (C 090303 ZMX), and a text amendment to create the Special Harlem River Waterfront District (N 090302 ZRX), which would allow for a mix of residential, commercial and light industrial uses and revitalize an underutilized, but strategically located area in the Lower Concourse area in Community District 1 in the Bronx. The Lower Concourse Rezoning changed the zoning of the Development Site from M1-2 to R7-2/C2-4 and mapped the Special Harlem River Waterfront District.

3. Description of Surrounding Area

The Project Area is located within the Mott Haven neighborhood in Bronx Community District 1 on Bronx Block 2323 that is bounded by East 138th Street to the north, Exterior Street to the east, MTA infrastructure to the south, and the Harlem River to the west.

The Project Area and the tax lots immediately to the north and south are zoned R7-2 with a C2-4 commercial overlay and are located within the Special Harlem River Waterfront District. M1-4 and M1-4/R7X (MX-13) districts are mapped to the east of the Project Area. There are also R8A, C6-2A, M1-4/R6A (MX-13), and M1-3/R8 (MX-1) districts mapped to the northeast of the Project Area.

R6A districts are medium density contextual residential districts. R6A districts permit a maximum residential Floor Area Ratio ("FAR") of 3.0 for standard residences or up to 3.9 for qualifying affordable housing or qualifying senior housing. R6A districts require a base height between 40 and 65 feet and permit a maximum overall height of 75 feet and the maximum height is increased to 95 feet for qualifying affordable or senior housing. Community facility uses are permitted at a maximum FAR of 3.0.

R7-2 districts are medium density residential districts. R7-2 districts permit a maximum residential FAR of 3.44 (beyond 100 feet of a wide street), 4.0 (within 100 feet of a wide street), or 5.01 for qualifying affordable or senior housing. On wide streets for standard residences, a base height between 40 and 75 feet is required, and a maximum building height of 85 feet is permitted. On wide streets for qualifying affordable or senior housing, a base height between 40 and 85 feet is required, and a maximum building height of 115 feet is permitted.

On narrow streets for standard residences, a base height between 40 and 65 feet is required, and a maximum building height of 75 feet is permitted. On narrow streets for qualifying affordable or senior housing, a base height between 40 and 85 feet is required, and a maximum building height of 105 feet is permitted. Under the alternate height factor regulations, the maximum residential FAR ranges from 0.87 to 3.44, depending on how much open space is provided on the zoning lot. The maximum FAR is achieved at a height factor of 14, which requires an open space ratio of 22. Buildings developed in R7-2 districts pursuant to height factor regulations must be set within a sky exposure plane that begins at a height of 60 feet, or six stories, whichever is less, above the street line and then slopes inward over the zoning lot. Community facility uses are permitted at a maximum FAR of 6.5.

R7X is a contextual, medium-density, residential district. R7X districts permit a maximum FAR of 5.0 for standard residences, or up to 6.0 for qualifying affordable or senior housing. A base height between 60 and 95 feet, or between 60 and 105 feet with a qualifying ground floor for qualifying affordable or senior housing, is required. A maximum height of 125 feet, or 145 feet for qualifying affordable or senior housing, is permitted. Community facility uses are permitted at a maximum FAR of 5.0.

R8A is a contextual, medium-density, residential district. R8A districts permit a maximum FAR of 6.02 for standard residences, or up to 7.2 for qualifying affordable or senior housing. A base height between 60 and 95 feet, or between 60 and 105 feet for qualifying affordable or senior housing, is required. A maximum height of 125 feet, or 145 feet for qualifying affordable or senior housing, is permitted. Community facility uses are permitted at a maximum FAR of 6.5.

R8 districts permit a maximum residential FAR of 6.02 (beyond 100 feet of a wide street), 7.2 (for standard residences within 100 feet of a wide street and qualifying affordable or senior housing on a narrow street), or 8.64 for qualifying affordable or senior housing located outside of MIH areas and within 100 feet of a wide street. On narrow streets for standard residences, a base height between 60 and 85 feet is required, and a maximum building height of 115 feet is permitted. On narrow street for qualifying affordable or senior housing, a base height between 60 and 105 feet is permitted. On wide streets for standard residences, a base height between 60 and 95 feet is required, and a maximum building height of 135 feet is permitted. On wide streets for qualifying affordable or senior housing, a base height between 60 and 105 feet is required, and a maximum building height of 145 feet is permitted. If the qualifying affordable or senior housing building is located outside of a Mandatory Inclusionary Housing district, the maximum base height is 125 feet, and the maximum building height is 175 feet.

C2 commercial overlays are typically mapped in residential districts along streets that serve local retail needs. The maximum commercial FAR for C2 commercial overlays is 2.0 when mapped in R6 or higher zoning districts.

C6-2A districts are medium density districts that permit both commercial and residential uses. C6-2A has a residential equivalent of R8A. C6-2A districts permit a maximum commercial FAR of 6.0; and maximum residential FARs of 6.02, or up to 7.2 for qualifying affordable or senior housing. A base height between 60 and 95 feet, or between 60 and 105 feet with UAP, is required. A maximum height of 125 feet, or 145 feet for qualifying affordable or senior housing, is permitted. Community facility uses are permitted at a maximum FAR of 6.5.

M1-3 zoning districts permit a maximum of 5.0 FAR of commercial or light industrial uses and up to 6.5 FAR of community facility uses. Building heights in M1-3 districts are governed by a sloping sky exposure plane, which begins at a height of 85 feet, or six stories, whichever is less, above the street line. M1-4 zoning districts permit a maximum of 2.0 FAR of commercial or light industrial uses and up to 6.5 FAR of community facility uses. Building heights in M1-4 districts are governed by a sloping sky exposure plane, which begins at a height of 60 feet, or four stories, whichever is less, above the street line. Pairing an M1 district with a residential district in a Special Mixed-Use District (MX) permits residential uses, which are generally subject to the bulk controls of the governing residence district.

The Special Harlem River Waterfront District (the "Special District") modifies the underlying R7-2 requirements. As per the Special District, the maximum FAR for zoning lots containing standard residential uses or such residential uses with community facility or commercial uses is 3.33. This maximum can be increased to 4.0 for the provision of qualifying affordable or senior housing. The Development Site includes part of Parcels 7 and 8 within the Core Subdistrict of the Special District. For Parcel 7 (110 East 138th Street – Block 2323, Lots 43 & 30) and Parcel 8 (63 Exterior Street – Block 2323, Lots 20, 25, 28, & 29) (Former Lot 28), the Special District requires that portions of a building within 50 feet of the Shore Public Walkway ("SPW") have a max base height of 85 feet; portions of a building within 50 feet of the Major Deegan have a permitted base height between 15 feet and 105 feet; and portions of a building fronting East 138th Street have a permitted base height between 40 and 85 feet. Above the base heights, buildings are required to setback 15 feet from the SPW and 10 feet from a wide street. The street wall above the required setback, within 50 feet of the SPW, may rise up to a maximum transition height of 125 feet; all other street walls above the required setback may rise up to a maximum transition height of 155 feet. Any portion of a building that exceeds the maximum transition height would be considered a tower. Zoning lots that have 130,000 square feet (sf) or less are permitted one tower and zoning lots with more than 130,000 sf are permitted to have two towers that are separated by a minimum of 50 feet. Towers must comply with setback requirements; not exceed 10,000 gross square feet ("GSF") for each story; have a maximum height of 300 feet or 400 feet when the zoning lot is larger than 100,000 sf; and for Parcel 7, the maximum width of towers facing the shoreline is 130 feet.

The Development Site is occupied by a two-story, vacant, commercial building at 110 East 138th Street and a one-story warehouse/moving company at 63 Exterior Street. The area

surrounding the Development Site is characterized by a mix of apartment buildings to the north, east, and south ranging in heights up to 25-stories; light industrial uses; transportation/utility uses; parking; vacant lots; and institutional uses.

Institutional and community facility uses in the area include Family Life Academy Charter School III, X427 Community School for Social Justice, KIPP NYC College Prep High School, Success Academy Charter School Bronx 1 Elementary, Hostos Community College, South Bronx Classical Charter School II, Lincoln Medical Center, Rider Job Center, Mitchel Community Center, the NYPD's 40th Precinct, urgent cares, daycares, and several churches.

Nearby landmarks include the Bronx Post Office located at 560 Grand Concourse; and the Mott Haven Historic District.

Open spaces in the area include La Finca del Sur Community Garden, Deegan Rock, Garrison Playground, Patterson Playground, Graham Triangle, and Evelina Antonetty Playground.

The Development Site is served by several bus routes and subway lines. The Development Site is served by the 4 and 5 subway lines at the 138th Street – Grand Concourse station (0.3 miles away) and by the 2 and 3 subway lines across the Madison Avenue Bridge at the 135th Street station (0.7 miles away). Nearby bus routes include the Bx33 along East 138th Street; the Bx19 along 145th Street; and the Bx1 and BxM4 along Grand Concourse. The Development Site is also near the Metro North commuter line at the Yankees – E. 153rd Street (0.9 miles away) and Melrose (1.4 miles away) Stations.

4. Description of the Proposed Project Area and Development Site

The Development Site consists of 110 East 138th Street (Block 2323, Lot 43) and 63 Exterior Street (Block 2323, Lots 28 & 29) in the Mott Haven neighborhood of Bronx Community District 1. The Development Site is on a block that is bounded by East 138th Street to the north, Exterior Street to the east, MTA infrastructure to the south, and the Harlem River to the west. 110 East 138th Street has a lot area of 29,142 square feet and 63 Exterior Street has a lot area of 67,902 square feet for a total lot area of approximately 97,044 square feet for the Development Site.

The larger Project Area includes the area described in the Development Site as well as the sidewalk widening along Exterior Street that fronts along the Development Site and the stretch of East 138th Street that is adjacent to the Development Site.

The Development Site is zoned R7-2 with a C2-4 commercial overlay and is located within the Core Subdistrict of the Special Harlem River Waterfront District. It is located in the Outer Transit Zone, and a Food Retail Expansion to Support Health ("FRESH") zone.

The Development Site is occupied by a two-story, vacant, commercial building containing approximately 30,284 square feet of floor area at 110 East 138th Street and a one-story warehouse/moving company containing approximately 17,600 square feet of floor area at 63 Exterior Street.

5. Description of Proposed Project and Proposed Development

The Proposed Project includes the Proposed Development and the improvement of the shared street along East 138th Street and widened sidewalk along Exterior Street and East 138th Street. The Proposed Development would consist of a mix of senior and multi-family housing across two new affordable housing buildings with a shared enclosed entryway, containing a total of approximately 377,630 ZSF (3.89 FAR) and approximately 537 units of affordable housing including two superintendents' units, in addition to residential amenity space, a small commercial space, an SPW, and approximately 8,209 square feet of additional publicly-accessible open space. To allow for the maximum FAR of 4.0 within the Special Harlem River Waterfront District, floor area in excess of the maximum permitted base floor area (3.33 FAR) will be designated as qualifying affordable housing and subject to permanent affordability. The buildings would be built in one or two phases. One mixed-use building would be constructed at 110 East 138th Street ("Building 1"), and another building would be constructed at 63 Exterior Street ("Building 2"). Residents of both buildings would enter through the shared glass lobby along Exterior Street that would have 24/7 security and serve to promote an intergenerational community within the development. There would be a vehicle drop-off/pick-up area set back from the street in the sidewalk-widening area located in front of the lobby that would allow for the safe drop-off and pick-up for residents of the development.

Building 1 would range in heights between five- and 13-stories (inclusive of a basement level) and would contain a total of approximately 98,639 ZSF, including approximately 96,676 ZSF of residential floor area and approximately 1,963 ZSF of retail space located on the ground floor at the corner of East 138th Street and Exterior Street. The residential component of the building would include approximately 183 units of affordable housing as well as amenity space and social service space for the residents.

Building 2 would range in heights between eight- and 27-stories (inclusive of a basement level) and would contain a total of approximately 278,991 ZSF, including approximately 276,263 ZSF of residential floor area and 2,728 ZSF of community facility space on the ground floor along Exterior Street. The residential component of the building would include approximately 354 units of affordable housing and resident amenity spaces.

The SPW would contain approximately 25,825 sf of area and would have entrances from the shared street at East 138th Street, at the southern end of Building 2 along Exterior Street, and at the southern end of Lot 28 along Exterior Street. The Shore Public Walkway would consist of

a boardwalk; a flex lawn area and storm water planting; a sun deck; river overlook area, and ample seating options including seat steps and a viewing platform along the inlet.

In addition to the SPW, the Proposed Development would include approximately 8,209 square feet of publicly-accessible open space. This area is proposed to include a play area for all ages with play equipment; a fitness area; an area for sitting and relaxing; and a dog run.

6. Actions Necessary to Facilitate the Project

In order to facilitate the Proposed Project and the Proposed Development, the Applicants propose designation of a UDAA and UDAAP approval, and Disposition of City-owned property; a Special Permit pursuant to ZR Section 62-837(a) to modify the Special Height and Setback Regulations in the Core Subdistrict of the Special Harlem River Waterfront District; a Chairperson Certification pursuant to ZR Section 62-811 for Waterfront public access and visual corridors; an Authorization pursuant to 62-822(a) to allow for the Waterfront Public Access Area to be accessible from a direct connection or upland connection along the shore public walkway at an interval that is greater than 600 feet; an Authorization pursuant to ZR Section 62-882(b) to reduce the minimum width of the screening buffer along the upland boundary of the shore public walkway and to allow the height of a fence or wall along the waterfront boundary of the shore public walkway to reach 10 feet; and an Authorization pursuant to ZR Section 62-822(c) to phase building out the Shore Public Walkway. Approval of the proposed actions is intended to create affordable housing, including permanently affordable housing, on underutilized lots.

A.) Designation of an Urban Development Action Area and Project Approval of an Urban Development Action Area Project

The Project Area consists of underutilized property which tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The Project Area is therefore eligible to be an Urban Development Action Area and the Proposed Project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

B.) Disposition of City-owned Property

The Disposition Area will be conveyed to a developer to be selected by HPD.

C.) Special Permit pursuant to ZR Section 62-837(a) to modify the Special Height and Setback Regulations in the Core Subdistrict of the Special Harlem River Waterfront District and Waterfront Yard Regulations

The Applicants are seeking a Special Permit pursuant to ZR Section 62-837(a) to modify the Special Height and Setback Regulations in the Core Subdistrict of the Special Harlem River Waterfront District and waterfront yard regulations to permit the following:

- to waive the base height requirements of ZR Sections 87-322(a)(1), and 23-432;
- to waive the required setback requirements pursuant to ZR Sections 87-322(b),87-323(b) and 23-433;
- to waive the maximum tower size requirement of 10,000 square feet pursuant to ZR Section 87-323(c);
- to waive the required maximum number of towers pursuant to 87-323(a); and
- to waive the waterfront yard requirements of Section 62-332(a) to allow the minimum depth of a waterfront yard to be less than the required 40 feet.

D.) Chairperson Certification pursuant to ZR Section 62-811 for waterfront public access areas and visual corridors

Pursuant to ZR Section 62-811, no excavation or building permit may be issued for a development on a waterfront block until the Chairperson of the City Planning Commission certifies to the Department of Buildings that a site plan has been submitted showing compliance with the provisions of ZR Section 62-50 and ZR Section 62-60.

The Applicants are requesting a Chairperson Certification pursuant to ZR Section 62-811 for Waterfront public access and visual corridors to show compliance with ZR Section 62-50 and ZR Section 62-60.

As documented in the plans included with this application, the Proposed Development provides waterfront public access areas and visual corridors in accordance with the requirements on ZR Sections 62-50 and 62-60, except as modified by the requested waterfront modifications.

E.) Authorization pursuant to ZR Section 62-822(a) to allow for the Waterfront Public Access Area to be accessible from a direct connection or upland connection along the shore public walkway at an interval that is greater than 600 feet;

The Applicants propose to allow for the Waterfront Public Access Area to be accessible from a direct connection or upland connection along the shore public walkway at an interval that is greater than 600 feet. The Proposed Development includes a superior walking path with visual interest that is functionally equivalent and superior to the design that would be prescribed by a strict adherence to the maximum interval described in ZR Section 62-56.

F.) Authorization pursuant to ZR Section 62-822(b) to reduce the minimum width of the screening buffer along the upland boundary of the shore public walkway and to allow the height of the screen panel adjacent to the CSX Railroad to reach 10 feet;

The Applicants propose an authorization pursuant to ZR Section 62-822(b) to reduce the minimum width of the screening buffer as described in ZR Section 62-62(c)(2) along the upland boundary of the shore public walkway. The Proposed Development incorporates design elements, including grade changes and conditions of visual interest, that are functionally equivalent and superior to the design that would be prescribed by strict adherence to the minimum screening buffer requirements as described in ZR Section 62-62(c)(2).

The Applicants propose to allow the height of a fence or wall as described in ZR Section 62-651(c) along the boundary of the waterfront public access area to be 10 feet tall. The Proposed Development incorporates a screening panel along the boundary of the waterfront public access area where it is immediately adjacent to the CSX Railroad along the Harlem River. This 10-foot tall screening panel will not only promote safety and serve the function of preventing trespassers on the Railroad, but its design as a porous screening panel (rather than a fence or fully opaque wall), will be functionally and aesthetically superior to the design that would be prescribed by strict adherence to the requirements as described in ZR Section 62-651(c).

G.) Authorization pursuant to ZR Section 62-822(c) to phase building out the Shore Public Walkway

The Applicants propose an authorization pursuant to ZR Section 62-822(c) to phase the building out of the Shore Public Walkway.

Pursuant to ZR Section 62-822, the City Planning Commission may authorize a phasing plan to implement waterfront public access area improvements on zoning lots undergoing partial development. To grant such authorization, an applicant must demonstrate that the amount of waterfront public access area developed in all phases is proportionate to the lot area being developed in such phase. Pursuant to ZR Section 62-57(c), 15 percent of the lot area on the Development Site must be a waterfront public access area. Therefore, the waterfront public access area requirement will be 15 percent of the lot area in each phase of development.

The waterfront public access area provided at each phase of development will comply with ZR Section 62-822(c). Approximately 28,777 square feet of lot area will be

developed for Building 1, meaning that 4,317 square feet of waterfront public access area must be provided. The Proposed Development will provide 7,441 square feet of waterfront public access area during the Building 1 Phase, which exceeds the minimum requirement. The Proposed Development will also provide 1,931 square feet of additional publicly-accessible open space as part of the Building 1 Phase. Approximately 68,267 square feet of lot area will be developed for Building 2, meaning that approximately 10,240 square feet of waterfront public access area must be provided. The Applicant will provide approximately 18,824 square feet of waterfront public access area and approximately 6,415 square feet of additional publicly-accessible open space during the Building 2 Phase, which exceeds the minimum requirement.

7. Conclusion

In conclusion, the Applicants are seeking the proposed actions to facilitate the development of two new residential buildings with approximately 537 affordable units, including two superintendents' units, community facility and retail uses, a Shore Public Walkway, and additional publicly-accessible open space.

The Proposed Development, with its residential, community facility, and retail uses, would be consistent with the land uses and context in the neighborhood, including a 30-story apartment complex to the south as well as other large apartment buildings with elevators and smaller multifamily walkup buildings of existing residential uses of similar heights. The Proposed Development is also a direct response to the goals of *Housing our Neighbors: A Blueprint for Housing and Homelessness*, which commits to creating and preserving affordable housing. In addition to providing much-needed affordable housing, the proposed project would improve an underutilized land and would activate the streetscape.