



IN THE MATTER OF an application submitted by M521 Tremont LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3d:

1. eliminating a Special Mix Use District (MX-14) bounded by a line of 195 feet southwesterly of East 178th Street, Third Avenue, a line 200 feet southwesterly of East 178th Street, and a line midway between Bathgate Avenue and Third Avenue;
2. changing from an R6A District to a C4-4D District property bounded by a line 195 feet southwesterly of East 178th Street, a line midway between Bathgate Avenue and Third Avenue, a line 220 feet southwesterly of East 178th Street and Bathgate Avenue;
3. changing from an C4-5X District to a C4-4D District property bounded by a line 220 feet southwesterly of East 178th Street, a line midway between Bathgate Avenue and Third Avenue, a line 200 feet southwesterly of East 178th Street, Third Avenue, East Tremont Avenue, and Bathgate Avenue; and
4. changing from an M1-4/R7A District to a C4-4D District property bounded by a line of 195 feet southwesterly of East 178th Street, Third Avenue, a line 200 feet southwesterly of East 178th Street, and a line midway between Bathgate Avenue and Third Avenue;

Borough of the Bronx, Community District 6, as shown on a diagram (for illustrative purposes only) dated September 19, 2022, and subject to the conditions of CEQR Declaration E-687.

This application for a zoning map amendment was filed by the M521 Tremont LLC on February 15, 2022, to change an existing C4-5X zoning district to a C4-4D/R8A zoning district. This application, in conjunction with the related zoning text amendment action (N 220307 ZRX), would facilitate the construction of a 14-story mixed use development containing 205 dwelling units, along with a cellar, ground floor commercial and residential space, community facility space, outdoor terraces, and parking, at 521 East Tremont Avenue in the East Tremont neighborhood of Bronx, Community District 6.

RELATED ACTIONS

In addition to the zoning map amendment (C 220306 ZMX) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

N 220307 ZRX Zoning text amendment to Appendix F to change the current Inclusionary Housing Designated Area to a Mandatory Inclusionary Housing (MIH) Area.

BACKGROUND

The applicant requests a zoning map amendment to change a C4-5X zoning district to a C4-4D/R8A zoning district, as well as a zoning text amendment to Appendix F of the Zoning Resolution to designate the project area as an MIH area. The proposed actions would facilitate the development of a new 14-story, mixed-use building containing approximately 178,537 square feet, with a proposed floor area ratio (FAR) of 7.19. This building will include approximately 155,024 zoning square feet of residential floor area (205 total dwelling units, including one superintendent's unit), 12,817 zoning square feet of commercial space, 10,696 zoning square feet of community facility space, 17 parking spaces at grade, and a cellar with 9,840 square feet of accessory residential space.

The Applicant proposes that 100 percent of the dwelling units at the proposed development will be affordable units. The Applicant will be seeking financing through the New York City Department of Housing Preservation and Development Extremely Low and Low-Income Affordability (ELLA) program.

The proposed project area is comprised of 10 tax lots (Block 3034, Lots 43, 46, 47, 48, 72, 77,80, 84, and portions of Lots 50, and 67). Block 3034 is generally bounded by East 178th Street to

the north, Bathgate Avenue to the west, East Tremont Avenue to the south, and Third Avenue to the east. East Tremont Avenue is a 75-foot. wide street, Third Avenue is as 80-foot. wide street, and Bathgate Avenue is a 60-foot. narrow street. The project area includes the development site (Lots 46, 72, 77 and 80) as well as lots that are not owned by the applicant (Lots 43, 47, 48, 50, 67, and 84).

In 2010, the City Council approved the Third Avenue/Tremont Avenue Rezoning (C 100407 ZMX), which rezoned all or portions of 75 blocks, including the project area, to provide new opportunities for residential and commercial development. Inclusionary Housing Designated Areas and Special Mixed-Use Districts were also created. In 2021, the City Council approved the St. Joseph's – 1949 Bathgate Avenue Rezoning (C 210063 ZMX), also in Bronx Community District 6 in the Tremont neighborhood of the Bronx. This application rezoned property bounded by East 178th Street, Bathgate Avenue, a line 220 feet southerly of East 178th Street, and Washington Avenue, on Block 3043, across Bathgate Avenue from the project area. The rezoning was intended to encourage the development of additional affordable housing and allow for appropriate commercial development. The proposed C4-4D/R8A zoning district is appropriate based on the surrounding context and land use conditions. The project area is a suitable location to accommodate increased housing and job growth.

The surrounding area is comprised of one- and two-family residential buildings, multifamily walkup and elevator buildings, mixed-residential and commercial buildings, commercial and office buildings, public facilities and institutions, parking facilities and vacant land. The prevailing built form varies with a range of low-rise buildings ranging from one to two stories in height, and mid-rise buildings ranging from three to seven stories in height. To the south of the project area, there are mixed commercial and office buildings, multifamily elevator buildings, public facilities and institutions, industrial and manufacturing uses, parking facilities, and vacant land.

To the east of the project area along Third Avenue are several commercial and mixed-use buildings with ground-floor retail that serve local needs and include uses such as restaurants, a grocery store, pharmacy, insurance provider, and medical office. There is one light industrial use which is occupied by a storage facility. Additionally, there are two houses of worship. Buildings to the east range in height from one to eight stories along East Tremont Avenue and Third Avenue. The area to the west of the project area across Bathgate Avenue is comprised of a mix of land uses including several public facilities and institutional uses, commercial and office uses, mixed commercial and residential uses, one to two family residential uses, light industrial and manufacturing uses, multi-family elevator uses, and vacant land. Buildings range from one to six stories in height.

The zoning in the surrounding area consists of a mix of commercial, residential, and special mixed use zoning districts of varying density including C4-5X, R6A, R7-1, M1-4/R7A (MX-14), and M1-4/R7X (MX-14). The project area is currently zoned C4-5X, R6A and M1-4/R7A(MX-14). It is in an Inclusionary Housing Designated Area.

The main open space in the area is Tremont Park, which is located one block south of the project area. Tremont Park is a large urban green space offering handball courts, basketball courts, a baseball field, and various playgrounds for children. Tremont Park is bounded by Third Avenue, East Tremont Avenue, Arthur Avenue, and the Cross Bronx Expressway.

The project area is well connected to public transit. The Tremont Avenue subway station, which provides service to the B and D train lines, is located approximately 0.6 miles northwest of the project area on East 178th Street and the Grand Concourse. Several bus lines provide service in the area, including the Bx15 bus line, which runs along Third Avenue providing service between Westchester Avenue and East Fordham Road. The Tremont Metro-North Station is located approximately 0.2 miles west of the project area at the intersection of East Tremont Avenue and Park Avenue, providing connectivity between the Tremont section of the Bronx and Grand

Central Station. Several local and regional roadways in the surrounding area include the Cross Bronx Expressway, the Bronx River Parkway, East Fordham Road, and Webster Avenue. The surrounding area is within the Transit Zone where reduced parking requirements apply to developments that provide income-restricted housing units

The development site has a total lot area of 24,834 square feet and is an irregularly shaped parcel with through and corner lot portions with approximately 133 feet of frontage on East Tremont Avenue, approximately 24 feet of frontage on Bathgate Avenue, and approximately 175 feet of frontage on Third Avenue. The development site contains a vacant lot (Lot 46) that connects to an unenclosed parking lot (Lot 77), a commercial parking lot (Lot 72), a three-story commercial and community facility building with an unenclosed parking lot (Lot 77), and a one-story commercial building (Lot 80).

The proposed development entails the construction of a new 14-story plus cellar, mixed-use residential, commercial, and community facility building with a total floor area of approximately 178,537 zoning square feet. The proposed development would have a proposed FAR of 7.19. The cellar would be comprised of accessory residential space (9,840 square feet), including an exercise room, bicycle storage, tenant storage, laundry, and super/social service offices. The ground floor would consist of residential (2,774 square feet), commercial (12,817 square feet), and community facility (456 square feet) space, and would contain the residential and community facility lobbies. Ground level parking for 17 vehicles will be available onsite with an entrance on Bathgate Avenue. The second floor would be comprised of residential (2,770 square feet) and community facility space (10,240 square feet) comprised of a reading/computer room and community room. Floors three through 14 would consist of residential units. The development is also proposed to include four outdoor terraces that would provide recreational space on the thirteenth and fourteenth floors. The development is proposed to contain a total of 205 dwelling units in the building, including 66 studio apartments, 69 one-bedroom apartments, 44 two-bedroom apartments, and 26 three-bedroom apartments, as well as one unit for the

superintendent. Supportive services will be located on the cellar level of the building.

The proposed community facility tenant would be Community Healthcare Network, a current tenant within the building located on Lot 77. The new space would allow Community Healthcare Network to establish a modern health center allowing for the expansion of services, including offerings that they cannot currently provide to the Bronx community. Community Healthcare Network is a not-for-profit organization providing more than 80,000 New Yorkers with primary and behavioral healthcare, dental, nutrition, wellness, and needed support services. In addition to Community Healthcare Network, Community Access is also member of the development team. Founded in 1974, Community Access is a not-for-profit affordable housing developer and social service provider that offers supportive housing services. At the proposed development, Community Access will provide housing for the formerly homeless within 30 percent of the dwelling units.

To facilitate the proposed development, the applicant requests to change the zoning of the project area from the existing C4-5X, M1-4/R7A, and R6A zoning districts to a C4-4D/R8A zoning district. The proposed C4-4D zoning district is a higher density commercial district with an R8A residential equivalent. The maximum permitted residential FAR under inclusionary housing rules is 7.20 - up to 4.2 for commercial uses, and up to 6.5 for community facility uses. The maximum building height permitted with Inclusionary Housing and a qualifying ground floor is 145 feet with a base height of up to 105 before a required setback. Accessory parking is required for 40 percent of dwelling units, but because the project area is located wholly within the Transit Zone, no parking is required for income-restricted housing units. For commercial and community facility uses, parking is generally required at a rate of one space per 1,000 square feet of floor area.

In addition to the proposed zoning map amendment, the applicant requests a zoning text amendment to Appendix F of the Zoning Resolution to designate the project area as a Mandatory

Inclusionary Housing (MIH) area. The MIH program requires that permanent income-restricted housing be provided within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH areas. The applicant proposes to comply with MIH Option 1 where 25 percent of residential floor area would be designated as permanently affordable and rented to tenants with an average income at or below 60 percent of AMI, with no unit targeted at a level exceeding 130 percent of AMI. MIH Option 1 requires that 25 percent of residential floor area be set aside for permanently affordable housing units for household with incomes averaging 60 percent of the Area Median Income (AMI), with 10 percent of the residential floor area set aside for households with incomes averaging 40 percent of the AMI. Option 2 requires that 30 percent of residential floor area be set aside for permanently affordable housing units for residents with incomes averaging 80 percent of the AMI.

ENVIRONMENTAL REVIEW

This application (C 220306 ZMX), in conjunction with the related action (N 220307 ZRX), were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 22DCP123X.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on September 16, 2022. The Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, and noise impacts (E-687). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 220306 ZMX) was certified as complete by the Department of City Planning on September 19, 2022, and was duly referred to Bronx Community Board 6 and the Bronx Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 220307 ZRX), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Bronx Community Board 6 held a public hearing on this application (C 220306 ZMX) and the related action on September 22, 2022, and on November 9, 2022, by a vote of 16 in favor, none opposed, and four abstaining, adopted a resolution recommending approval of the application with the following conditions:

“Applicant must conduct OSHA trainings for the community...

The board’s approval is contingent on the applicant conducting OSHA trainings for the community, helping local residents enter the construction industry. The developer offered to host these trainings in our Board office. The board’s approval is also contingent on the applicant making best efforts to hire locally for the construction of this development. These commitments were made by the applicant at the Bronx Community Board 6 housing committee meeting on September 22, 2022.

Bronx Community Board 6 has also chosen to make its recommendation contingent on the developer setting aside 20% of units in this development as owner-occupied units. The Board sees 521 East Tremont as an opportunity to create homeownership for local residents, as the applicant is requesting a significant increase in building height above the current zoning. Community Board asks that in exchange for the permission to build significantly higher than currently allowed, the developer provide homeownership

opportunities. This development provides an opportunity for developers, the Bronx Borough President’s office, NYC Planning Commission, HPD, and the NYC Council to pioneer a new model for residential rezoning – building wealth in low-income neighborhoods.

From 2010-2020, Bronx Community Board 6 increased its housing supply by 3,350 units, a 12.1% increase. In that same time frame, NYC’s population increased by 7.7%. Bronx Community Board 6 has been happy to provide more than its fair share of new units for NYC residents and is asking that developers consider new ownership models for rezonings in our District. Board 6 is looking to use homeownership as a wealth-building tool in one of the lowest-income districts in NYC.”

Borough President Recommendation

The Bronx Borough President held a public hearing on this application (C 220306 ZMX) and the related action on November 22, 2022, and, on November 28, 2022, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On December 14, 2022 (Calendar No. 1), the City Planning Commission scheduled a public hearing on this application (C 220306 ZMX) and the related application for a zoning text amendment (N 220307 ZRX). The hearing was duly held on January 4, 2023 (Calendar No. 9). There were six speakers in favor of the application and none in opposition.

The applicant and applicant’s representatives, who testified in favor of the application, described the requested zoning map amendment and zoning text amendment and the goals and objectives of the proposed development. The land use attorney and applicant representative described the project area and general proposal, stating that the rezoning will facilitate much-needed mixed-income housing and active ground-floor space. The applicant representative also stated that the

proposed development would be in line with the existing commercial, residential, and special mixed use zoning districts in the surrounding area and is also aligned with citywide objectives and goals for creating more affordable housing.

A representative from Community Health Care Network, testifying in favor of the application, explained that the proposed development would allow for increased patient capacity and expanded services for patients. The representative also testified that the proposed development would allow for three new dental operatories which will address a shortage of dental health professionals in the Tremont area. In addition, the expanded community health facilities will provide opioid addiction services, wellness and nutrition services, and mental health services. There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 220306 ZMX), in conjunction with the related applications for a zoning text amendment (N 220307 ZRX), is appropriate.

Together, these actions will facilitate the development of a new 14-story mixed-use building at 521 East Tremont Avenue, containing 205 dwelling units, all of which would be permanently income restricted. The Commission believes that this proposal will facilitate much-needed mixed-income housing and active ground-floor space in a transit-accessible area, while complementing the mixed-use character of the surrounding area.

The Commission believes the proposed C4-4D/R8A zoning district is appropriate based on the surrounding context and land use patterns conditions. The Commission also believes that, in order to advance a broad equity agenda focused on alleviating housing insecurity, the city must continue to identify areas where the creation of new housing and jobs can be developed proximate to public transit and major thoroughfares. These fundamental components exist in the

project area.

The Commission believes that the zoning text amendment (N 220307 ZRX) to Appendix F to create a new MIH area coterminous with the project area is appropriate. The MIH area will be mapped with Option 1 for which permanently affordable housing must be provided equivalent to 25 percent of the residential floor area at an average of 60 percent of AMI. Under the existing voluntary Inclusionary Housing program, only 20 percent of residential floor area is required to be permanently affordable. Therefore, the proposed zoning text amendment would facilitate the construction of a higher number of permanently affordable housing units in this area of the Bronx.

The Commission recognizes that the current tenant and member of the development team, Community Healthcare Network, will be able to expand their social and supportive services and provide housing for the formerly homeless as a result of the rezoning.

The MIH text amendment is also aligned with citywide objectives outlined in *Housing New York* and *Where We Live*, New York City's HUD-mandated report that outlines goals and strategies to affirmatively further fair housing. The Commission affirms that the proposed text amendment, coupled with the proposed zoning map amendment, will increase housing capacity in a transit-accessible neighborhood with strong demand to accommodate growth while providing affordable housing opportunities in an area with a low median household income.

The Commission recognizes the Bronx Borough President's recommendation for approval and recognizes the increased medical care services to the local community and increased affordable housing units.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on September 16, 2022, with respect to this application

(CEQR No. 22DCP123X), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City Of New York, effective as of December 15, 1961, and subsequently amended, is further amended by changing the Zoning Map, Section No. 3d:

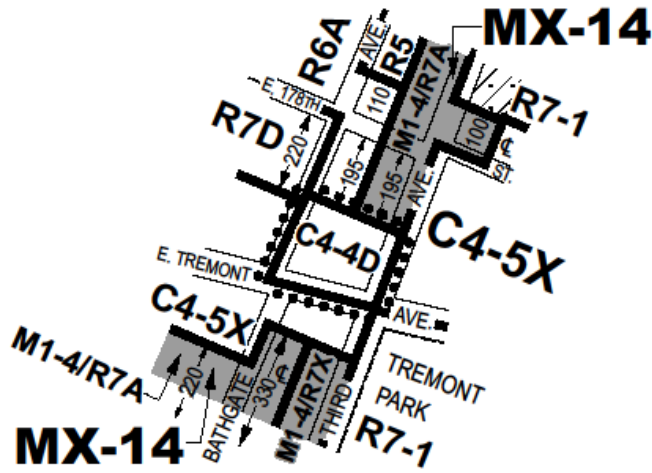
1. eliminating a Special Mix Use District (MX-14) bounded by a line of 195 feet southwesterly of East 178th Street, Third Avenue, a line 200 feet southwesterly of East 178th Street, and a line midway between Bathgate Avenue and Third Avenue;
2. changing from an R6A District to a C4-4D District property bounded by a line 195 feet southwesterly of East 178th Street, a line midway between Bathgate Avenue and Third Avenue, a line 220 feet southwesterly of East 178th Street and Bathgate Avenue;
3. changing from an C4-5X District to a C4-4D District property bounded by a line 220 feet southwesterly of East 178th Street, a line midway between Bathgate Avenue and Third Avenue, a line 200 feet southwesterly of East 178th Street, Third Avenue, East Tremont Avenue, and Bathgate Avenue; and
4. changing from an M1-4/R7A District to a C4-4D District property bounded by a line of 195 feet southwesterly of East 178th Street, Third Avenue, a line 200 feet southwesterly of East 178th Street, and a line midway between Bathgate Avenue and Third Avenue;

Borough of the Bronx, Community District 6, as shown on a diagram (for illustrative purposes only) dated September 19, 2022, and subject to the conditions of CEQR Declaration E-687.

The above resolution (C 220306 ZMX), duly adopted by the City Planning Commission on January 4, 2023 (Calendar No. 12), is filed with the Office of the Speaker, City Council, and the

Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq., *Chair*
KENNETH J. KNUCKLES, Esq., *Vice Chairman*
GAIL BENJAMIN, LEILA BOZORG, JUAN CAMIO OSORIO,
ALFRED C. CERULLO, III, ANTHONY W. CROWELL,
JOSEPH DOUEK, DAVID GOLD, Esq., LEAH GOODRIDGE,
RASMIA KIRMANI-FRYE, ORLANDO MARÍN,
RAJ RAMPERSHAD, *Commissioners*

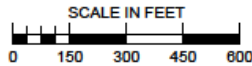


CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
3d
 BOROUGH OF
BRONX






New York, Certification Date:
 September 19, 2022

S. Lenard
 S. Lenard, Director
 Technical Review Division



NOTE:

-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is proposed to be rezoned by eliminating a Special Mixed Use District (MX-14), and by changing R6A, C4-5X and M1-4/R7A Districts to a C4-4D District.
-  Indicates a C2-3 District

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 521 East Tremont Avenue Rezoning	
Applicant: Steven Sinacori	Applicant's Primary Contact: Steven Sinacori
Application # 220306ZMX	Borough:
CEQR Number: 77DCP812X	Validated Community Districts: X08

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 16	# Against: 0	# Abstaining: 4	Total members appointed to the board: 42
Date of Vote: 11/9/2022 5:00 AM		Vote Location: 810 East 186th Street	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 9/21/2022 10:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Bronx Community Board #6's District Office, 1932 Arthur Avenue, Room 403-A, Bronx, New York 10457

CONSIDERATION: Please see attaches letter for stipulations on recommendation.		
Recommendation submitted by	BX CB6	Date: 11/15/2022 9:06 PM



BOROUGH PRESIDENT RECOMMENDATION

Project Name: 521 East Tremont Avenue Rezoning	
Applicant: Steven Sinacori	Applicant's Administrator: Steven Sinacori
Application # 220306ZMX	Borough: Bronx
CEQR Number: 77DCP812X	Validated Community Districts: X06

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION: Bronx Borough President's Favorable Recommendation for ULURP C 220306 ZMX

Recommendation submitted by	BX BP	Date: 11/30/2022 3:15 PM
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