



IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 1.

This application (N 190209 ZRX) for an amendment of the Zoning Resolution of the City of New York concerning modifications to Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Area) was filed by the Department of Housing Preservation and Development (HPD) and Phipps Houses on November 27, 2018 to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the proposed rezoning area (Block 2360, Lot 3). This application, in conjunction with the applications for related actions filed by HPD and Phipps Houses (C 190207 ZMX, C 190208 PPX, C 190210 ZSX) would facilitate the development of a new nine-story residential building comprising approximately 54 affordable dwelling units plus one unit for a superintendent on Block 2360, Lots 1 and 3 in the Melrose neighborhood of Community District 1 in the Bronx.

RELATED ACTIONS

In addition to the zoning text amendment (N 190209 ZRX) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are considered concurrently with this application:

C 190207 ZMX Zoning Map Amendment to rezone the Project Area from R7-2 to C6-2

C 190210 ZSX Zoning Special Permit pursuant to ZR 74-681 to allow development over a discontinued railroad right-of-way.

C 190208 PPX Disposition of non-residential City-owned property

BACKGROUND

A full background discussion and description of this application, the surrounding area and the proposed project is included in the report for the related disposition action (C 190208 PPX).

ENVIRONMENTAL REVIEW

This application (N 190209 ZRX) was 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 designated CEQR number is 19HPD011X. The lead agency is HPD.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 28, 2018.

PUBLIC REVIEW

This application (N 190209 ZRX) was duly referred to Bronx Community Board 1 and the Bronx Borough President on December 3, 2018, in accordance with the procedures for non-ULURP matters, along with the applications for the related actions (C 190207 ZMX, C 190208 PPX and C 190210 ZSX), which were certified as complete by the Department of City Planning and were duly referred to Bronx Community Board 1 and the Bronx Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Bronx Community Board 1 held a public hearing on this application (N 190209 ZRX) on February 7, 2019, and on that date, by a vote of 24 in favor, one opposed, and with two abstentions, adopted a resolution to approve the application.

Borough President Recommendation

This application (N 190209 ZRX) was considered by the Bronx Borough President, who held a public hearing on February 5, 2019 and on March 6, 2019, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On March 13, 2019 (Calendar No. 3) the City Planning Commission scheduled March 27, 2019 for a public hearing on this application (N 190209 ZRX). The hearing was duly held on March 27, 2019 (Calendar No. 27).

Three representatives of the applicant team spoke about the project, as described in the report for the related action (C 190208 PPX). There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning text amendment (N 190209 ZRX), in conjunction with the related actions (C 190208 PPX, C 190207 ZMX, and C 190210 ZSX), are appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related disposition action (C 190208 PPX).

RESOLUTION

RESOLVED, that 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 Section 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 as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

THE BRONX

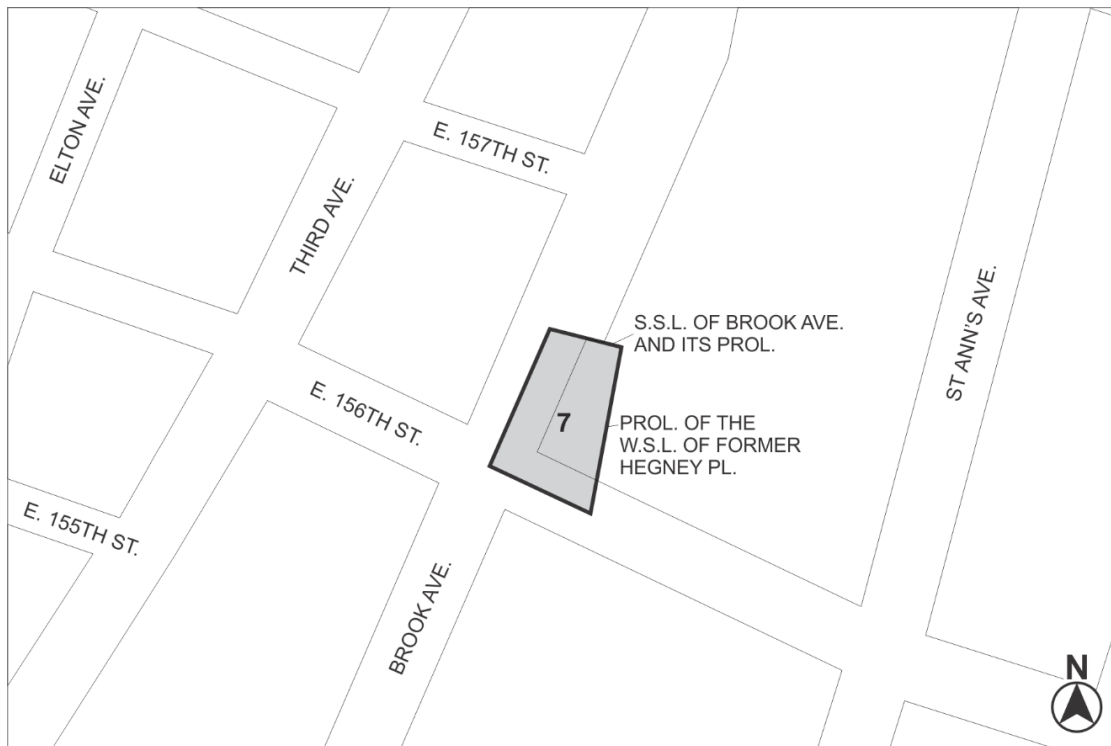
* * *

Community District 1

* * *

Map 6 – [date of adoption]

[PROPOSED MAP]



 **Mandatory Inclusionary Housing Area** (see Section 23-154(d)(3))

Area 7 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 1, the Bronx

* * *

The above resolution (N 190209 ZRX), duly adopted by the City Planning Commission on April 24, 2019 (Calendar No. 8) 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.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, *Esq.*, *Vice Chairman*

ALLEN P. CAPELLI, *Esq.*, **ALFRED C. CERULLO, III**, **MICHELLE R. DE LA UZ**,
JOSEPH I. DOUEK, **HOPE KNIGHT**, **ANNA HAYES LEVIN**, **ORLANDO MARIN**,
LARISA ORTIZ, **RAJ RAMPERSHAD**, *Commissioners*



BRONX COMMUNITY BOARD #1

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Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190208 PPX**

Project Name: **Brook 156**

CEQR Number: 19HPD011X

Borough(s): **Bronx**

Community District Number(s): **1**

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

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the Department of Housing, Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property (Block 2360, Lot 3), pursuant to zoning.

Applicant(s): Department of Housing, Preservation and Development 100 Gold Street New York, NY 10038	Applicant's Representative: Key Real HPD - 100 Gold Street, Room 9X NY, NY 10038 212-863-8317
Recommendation submitted by: BRONX COMMUNITY BOARD ONE	
Date of public hearing: 2/7/19	Location: 3024 THIRD AVE, BRONX N.Y.
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>
Date of Vote: 2/7/19	Location: 3024 THIRD AVENUE, BRONX N.Y.
RECOMMENDATION	
<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions
Please attach any further explanation of the recommendation on additional sheets, as necessary.	
Voting	
# In Favor: 24	# Against: 1 # Abstaining: 2 Total members appointed to the board: 44
Name of CB/BB officer completing this form Cedric L. Lyttles	Title: DISTRICT MANAGER Date: 2/8/19

**BOROUGH PRESIDENT
RECOMMENDATION**

**CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
Fax # (212)720-3356**

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATIONS NO: C 190207 ZMX, C 190208 PPX, C 190210 ZSX

DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. # 1

BOROUGH: BRONX

RECOMMENDATION

- APPROVE**
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- DISAPPROVE**

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary): PLEASE SEE ATTACHMENT FOR THE BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT

3/6/19
DATE

BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NOS: C 190207 ZMX, C 190208 PPX, C 190210 ZSX
Brook 156

DOCKET DESCRIPTION

C 190207 ZMX: IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development (HPD) and Phipps Houses pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6z & 6c, changing from an R7-2 District to a C6-2 District property bounded by Brook Avenue, a southwesterly street line of Brook Avenue and its northwesterly and southeasterly prolongations, the westerly street line of the former Hegney Place, and East 156th Street, Borough of The Bronx, Community District #1, as shown on a diagram (for illustrative purposes only) dated December 3, 2018.

C 190208 PPX: IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property (Block 2360, Lot 3), pursuant to Zoning.

C 190210 ZSX: IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development (HPD) and Phipps Houses pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be include in the lot area, in connection with a proposed mixed use development on property located at 740 Brook Avenue, a.k.a. East 156th Street (Block 2360, Lots 1 & 3), in a C6-2* District, Borough of The Bronx, Community District #1.

*Note: The site is proposed to be rezoned from an R7-2 District to a C6-2 District under a concurrent related application (C 190207 ZMX).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

BACKGROUND

The site these applications pertain to is an assemblage of two adjacent lots on Block 2360, Lots 1 & 3. Together these lots offer 7,123 square feet of vacant property. This property is situated on the northeast corner of Brook Avenue at East 156th Street. The general boundaries of the development site include Brook Avenue on the west, Hegney Place on the east, East 156th Street on the south and East 157th Street to the north. Hegney Place and East 157th Street provide entry to Melrose Condominiums, a residential complex typified by 4-story buildings which are situated both to the north and east of the proposed development site.

Approving these applications will:

C 190207 ZMX: Amend the Zoning Map from the current R7-2, to C6-2 (an R8 equivalent) on Block 2360, Lots 1 & 3 (the Development Site). This zoning map amendment will increase the FAR from 3.44, or 4.0 within 100 feet of a wide street, to the proposed 6.02 for residential uses and up to 6.5 FAR for community facility. At the intersection of Brook Avenue East 156th Street, Brook Avenue is 80 feet wide and East 156th Street is 70 feet wide.

Note: In 2008 ULURP Application C 080517 ZMX was approved, amending the Zoning Map from an M1-1 District to a C6-2 District. This Zoning Map amendment pertains to Block 2359, p/o Lots 1, 3, and 9001, thereby facilitating construction of Via Verde, a residential complex composed of 222 units. This development is located on eastside Brook Avenue and on the south side of East 156th Street, opposite the development site the current application (C 190207 ZMX) is now considering.

C 190208 PPX: Facilitate the disposition of Block 2360, Lot 3 to Phipps Houses, (the applicant) pursuant to zoning. Block 2360, Lot 3 is composed of 1,780 square feet of property. Lot 1 is currently owned by Phipps Houses and includes an open cut, former railroad right-of-way trench. Lot 1 offers 5,343 square feet of property.

C 190210 ZSX: Grant of special permit pursuant to Section 74-681 of the Zoning Resolution to allow the portion of a permanently, discontinued railroad right-of-way to be included in the lot area associated with the proposed development approving these applications will facilitate.

The applicant proposes to construct a 9-story, 52-unit residential building, offering a total of 46,346 square feet (59,492 gross square feet), of which residential space will approximate 45,231 square feet. The entrance to the building will be via Brook Avenue. A community facility space composed of 1,100 square feet will be situated on the first floor with access via Brook Avenue and East 156th Street. A rear garden area for passive recreation by residents will be accessible from the lobby area of the building. A landscaped area adjacent to the sidewalk on Brook Avenue will be accessible to the residents and general public. Total development costs will approximate \$30.8 million.

Features of this proposed development include:

- 11 Studio Units: Approximately 418 gross square feet
- 19 One Bedroom Units: Approximately 645 gross square feet
- 14 Two Bedroom Units: Approximately 813 gross square feet*
- 8 Three Bedroom Units: Approximately 1,109 gross square feet
- 3 Units will be specifically designed pursuant to ADA mandates

*One of the 2-bedroom units will be provided to the resident-superintendent.

Income distribution includes:

- 9 units @ 30% of Area Median Income (AMI)-Our Space
- 5 units @ 30% of AMI
- 6 units @ 40% of AMI
- 6 units @ 50% of AMI
- 6 units @ 60% of AMI
- 6 units @ 70% of AMI
- 5 units @ 80% of AMI (Low Income Housing Tax Credit-LIHTC Eligible)
- 9 units @ 90% of AMI

This development will comply with Option 1 of the Mandatory Inclusionary Housing (MIH) program.

Amenities will include:

- A community room: approximating 960 square feet
- A fitness center: approximating 350 square feet
- A laundry room: approximating 325 square feet
- A landscaped front garden: approximating 800 square feet
- A landscaped rear garden: approximating 470 square feet
- Community Facility space: approximating 1,100 square feet*
- A bicycle storage facility: accommodating 26 bicycles

*The applicant is intending to occupy this space for employment training programs geared to young adults.

This site is located within Transit Zone. No off-street parking accommodations are mandated and none will be provided. Mass transit via the #2 and #5 subway lines trains is available at 149th Street-3rd Avenue and at the Jackson Avenue station. Both these stations are approximately five blocks from the site. Metro North Commuter Railroad access is located on Park Avenue at East 162nd Street. Bus transportation is provided via the Bx6, Bx13, Bx15, Bx21 and Bx41. Select Bus Service (SBS-Bx41) is also available.

This development will comply with Enterprise Green Communities certification. Rooftop solar panels are to be included. This project is participating in the New York State Department of Environmental Conservation Brownfield Cleanup Program.

Residential development in the surrounding community includes a wide range of building profiles. To the east and north is Melrose Condominiums, a complex of 4-story owner-occupied residences. Melrose Condominiums are located on the east side of Hegney Place at East 156th Street. North of East 157th Street to East 159th Street, Melrose Condominiums are located on the east side of Brook Avenue. To the south, Via Verde is located on the southeast corner of Brook Avenue at East 156th Street. Via Verde is a residential development and includes both rentals and cooperative apartments. From south to north, Via Verde steps up from 3-story town houses on the south, to a high rise building of 20-stories which is located on Brook Avenue at East 156th Street. On the west side of Brook Avenue residential development is typified by 3-story homes and five story residences. Flynn Playground, approximating 1-acre is located on the northwest side of Brook Avenue, between East 157th Street and East 158th Street. Retail activity is available on Brook Avenue, south of East 156th Street and on Third Avenue approximately 1-block west of the proposed development site.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

These applications have been reviewed pursuant to CEQR and SEQRA and received a Negative Declaration. The City Planning Commission certified these applications as complete on December 3, 2018.

BRONX COMMUNITY BOARD PUBLIC HEARING

A public hearing was called by Bronx Community Board #1 on February 7, 2019. A vote recommending approval of these applications was 24 in favor, one against, and two abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President convened a public hearing on these applications on February 5, 2019. Representatives of the applicant were present and spoke in favor of these applications. Testimony by representatives of the Carpenters Union was also heard at this hearing. There being no other members of the public wishing to speak, the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

Phipps Houses, the applicant, has a long and distinguished history of providing superior quality affordable housing to thousands of Bronx families. I note that in 2007 Phipps proposed construction of Via Verde, which at the time was one of our city's most environmentally advanced residential developments. To bring this project into fruition a Zoning Map Amendment (ULURP Application # C 080517 ZMX) establishing a C6-2 designation on property, the northern boundary of which is the south side of East 156th Street at Brook Avenue was ultimately approved by the Planning Commission. Currently, the applications I am now

considering would extend that same C6-2 zone north of East 156th Street on Brook Avenue, thereby facilitating construction of the proposed development referred to as Brook 156.

As I consider these applications, often I am compelled to point out the Department of Housing Preservation and Development's (HPD) policies that encourage developers like Phipps to offer studio and 1-bedroom flats in fact does little to assist families seeking affordable housing accommodations. Therefore, I appreciate the applicant's revised unit-distribution plan for Brook 156. This revised proposal satisfies my stipulation that a minimum of 40% of those units being constructed include 2 and 3 bedrooms. I also commend Phipps for proposing that the community facility space in Brook 156 be used for employment training programs that our young adults so urgently require.

At my public hearing concerns were raised over how Brook 156, which will stand 9-stories, will impact the low-rise condominiums situated directly east of the new building. I am satisfied with the applicant's response noting that parking on Hegney Place, coupled with a proposed residential garden area for Brook 156, will provide an additional setback. This will minimize the height-impact of the Brook Avenue building on the residences to its east.

As this proposed development advances it cannot be stated enough that the future of the abandoned railroad-right-of way as considered by ULURP Application C 190210 ZMX, remains a profound danger to all who reside nearby. Over the years this trench has become a popular location for those addicted to drugs, shelter for the homeless, and finally as a place for people to illegally dump all sorts of refuse. During the summer as heavy storms cause flooding, the standing water also breeds disease carrying insects which threaten everyone. People have proposed all sorts of "new uses" for this trench, ranging from development as "a low-line" park where it passes beneath St. Mary's Park, to the reactivation of some form a transportation venue, connecting Amtrak on the east with Metro North to the west. The fact remains that I am not aware of any plans to address what is currently taking place here. I am therefore advising both Phipps Houses and all responsible city agencies, that my office is prepared to work with you to end the scourge this trench imposes on our communities.

I recommend approval of this application.