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**IN THE MATTER OF** an application submitted by The Ader Group, LLC, 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 2.

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This application (N 170088 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 Areas) was filed by the Ader Group, LLC (the applicant) on September 9, 2016 to establish a Mandatory Inclusionary Housing (MIH) area on portions of two blocks (Block 2756, Lots 85 and 90) at the intersection of Whitlock Avenue and East 165<sup>th</sup> Street in the Bronx Community District 2.

This application, in conjunction with the application for the related action (C 170087 ZMX), would facilitate the development of two new 14-story mixed-use buildings, containing approximately 474 affordable dwelling units in the Longwood neighborhood of Community District 2 in the Bronx.

### **RELATED ACTION**

In addition to the zoning text amendment (N 170088 ZRX) that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 170087 ZMX	Zoning Map Amendment to change an M1-1 zoning district on a portion of a block to an R8A/C2-4 district.
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### **BACKGROUND**

A full background discussion and description of this application appears in the report for the related action for a zoning map amendment (C 170087 ZMX).

## **ENVIRONMENTAL REVIEW**

This application (N 170088 ZRX), in conjunction with the application for the related action (C 170087 ZMX), 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 lead is the City Planning Commission. The designated CEQR number is 17DCP078X.

A summary of the environmental review appears in the report for the related zoning map amendment (C 170087 ZMX).

## **PUBLIC REVIEW**

This application (N 170088 ZRX) was duly referred to Bronx Community Board 2 and the Bronx Borough President on February 3, 2017, in accordance with the procedures for non-ULURP matters, along with the application for the related action, (C 170087 ZMX), which was certified as complete by the Department of City Planning on January 30, 2017, and was duly referred to Bronx Community Board 2 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 2 adopted a resolution recommending approval of the application (N 170088 ZRX) with conditions on March 29, 2017 by a vote of 24 in favor, four opposed, and with no abstentions. A summary of the vote and recommendations of Community Board 2 appears in the report for the related action for a zoning map amendment (C 170087 ZMX).

### **Borough President Recommendation**

This application (N 170088 ZRX) was considered by the Bronx Borough President, who issued a recommendation approving the application on May 8, 2017. A summary of the Borough President's recommendation appears in the report of the related action for a zoning map amendment (C 170087 ZMX).

### **City Planning Commission Public Hearing**

On April 26, 2017 (Calendar No. 7), the Commission scheduled May 10, 2017 for a public hearing on this application (N 170088 ZRX), in conjunction with the application for the related action (C 170087 ZMX). The hearing was duly held on May 10, 2017 (Calendar No. 40). There were four speakers from the applicant team in favor of the application and one speaker in opposition, as described in the report for the related application for a zoning map amendment (C 170087 ZMX), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 170088 ZRX), in conjunction with the related application for a zoning map amendment (C 170087 ZMX), is appropriate.

A full consideration and analysis of issues and the reasons for approving this application appear in the related report for the zoning map amendment (C 170087 ZMX).

### **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 Housing Designated Areas**

\* \* \*

#### **The Bronx**

\* \* \*

#### **The Bronx Community District 2**

In the R8A District within the area shown on the following Map 1:

\* \* \*



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

Area 1 [date of adoption] – MIH Program Option 1

Portion of Community District 2, The Bronx

\* \* \*

The above resolution (N 170088 ZRX), duly adopted by the City Planning Commission on June 7, 2017 (Calendar No. 7), 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 Chair*

**RAYANN BESSER, ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ,  
JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,  
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,**  
*Commissioners*

Application #: **C 170087 ZMX**

CEQR Number: 17DCP078X

Project Name: **Whitlock Avenue & 165th Street Rezoning**

Borough(s): Bronx

Community District Number(s): 2

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](mailto: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, 31<sup>st</sup> 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 Ader Group LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6c:

- changing from an M1-1 District to an R8A District property bounded by East 165<sup>th</sup> Street, Whitlock Avenue, and a line 100 feet easterly of Longfellow Avenue; and
- establishing within the proposed R8A District a C2-4 District bounded by East 165<sup>th</sup> Street, Whitlock Avenue, and a line 100 feet easterly of Longfellow Avenue;

Borough of the Bronx, Community District 2, as shown on a diagram (for illustrative purposes only) dated January 30, 2017, and subject to the conditions of CEQR Declaration E-413.

<b>Applicant(s):</b> The Ader Group LLC 25 Robert Pitt Drive, Suite 215 Monsey, NY, 10952	<b>Applicant's Representative:</b> Ross F. Moskowitz Stroock & Stroock & Lavan LLP 180 Maiden Lane New York, NY, 10038
<b>Recommendation submitted by:</b> <div style="font-family: cursive; font-size: 1.2em; color: blue;">Rafael Acevedo</div>	
<b>Date of public hearing:</b> <div style="font-family: cursive; font-size: 1.2em; color: blue;">March 9<sup>th</sup> 2017</div> <b>Location:</b> <div style="font-family: cursive; font-size: 1.2em; color: blue;">1029 E. 163<sup>rd</sup> St Bronx NY 10459</div>	
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <div style="font-size: 0.8em; margin-top: 5px;">A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</div>	
<b>Date of Vote:</b> <div style="font-family: cursive; font-size: 1.2em; color: blue;">March 29<sup>th</sup> 2017</div> <b>Location:</b> <div style="font-family: cursive; font-size: 1.2em; color: blue;">830 Union Avenue Bronx NY</div>	
<b>RECOMMENDATION</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Approve  <input type="checkbox"/> Disapprove         </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Approve With Modifications/Conditions  <input type="checkbox"/> Disapprove With Modifications/Conditions         </div> </div> <p><b><u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u></b></p>	
<b>Voting</b> # In Favor: <div style="font-family: cursive; font-size: 1.2em; color: blue;">24</div> # Against: <div style="font-family: cursive; font-size: 1.2em; color: blue;">04</div> # Abstaining: <div style="font-family: cursive; font-size: 1.2em; color: blue;">None</div> Total members appointed to the board: <div style="font-family: cursive; font-size: 1.2em; color: blue;">31</div>	
<b>Name of CB/BB officer completing this form</b> <div style="font-family: cursive; font-size: 1.5em; color: blue;">Rafael Acevedo</div>	<div style="display: flex;"> <div style="width: 50%;"> <b>Title</b>  <div style="font-family: cursive; font-size: 1.5em; color: blue;">District Manager</div> </div> <div style="width: 50%;"> <b>Date</b>  <div style="font-family: cursive; font-size: 1.5em; color: blue;">April 6<sup>th</sup> 2017</div> </div> </div>



# Bronx Community Board #2

Borough President Ruben Diaz, Jr.

1029 East 163<sup>rd</sup> St.

Bronx, NY 10459

718-328-9125 • 718-991-4974 Fax

E-mail: [brxcb2@optonline.net](mailto:brxcb2@optonline.net)



Dr. Ian Amritt  
Chairperson



Ralph Acevedo  
District Manager

April 6<sup>th</sup> 2017

Marisa Lago, Chairwoman  
City Planning Commission  
22 Reade Street  
New York NY 10007

**RE: ULURP Application C 170087 ZMX**  
**Whitlock Avenue & 165<sup>th</sup> Street Rezoning**

Dear Chair Lago:

On March 29<sup>th</sup>, 2017, Bronx Community Board 2 (CB2) reviewed the Uniform Land Use Review Procedure (ULURP) application C 170087 ZMX for the rezoning of Whitlock Avenue and 165<sup>th</sup> Street, Bronx NY. The application relates to a proposal by The Ader Group LLC (applicant) to construct a Housing Development with commercial retail space (the proposed project). On March 9<sup>th</sup> 2017, CB2 held a public hearing on the application.

At its regularly scheduled Full Board Meeting on March 29<sup>th</sup> 2017, CB2, on the recommendation of its Board Members, and following a duly noticed public hearing, voted by roll call **24** for, **4** against, **0** abstaining and **3** not present eligible to approve with Modifications/Conditions. CB2 recommends the following stipulations and conditions enumerated below:

- The applicant will commit to the Area Medium Income (AMI), remaining as proposed. We would also like to see the Our Space units decrease in half from 48 to 24 to ensure more of the community residents have an opportunity to apply and be selected:

Phase 1

	Our Space	30% AMI	40% AMI	50% AMI	60% AMI	Total
Studio	10 (5)	2 (1)	2 (1)	2 (3)	33	49
1 Bedroom	19 (9)	5 (2)	5 (2)	5 (5)	51	95
2 Bedroom	12 (6)	3 (1)	3 (2)	3 (3)	39	60
3 Bedroom	7 (4)	2 (1)	2 (1)	2 (4)	25	38
Total	48 (24)	12	12	12	158	242

Phase 2

	30% AMI	40% AMI	70% AMI	80% AMI	Total
Studio	2	20	2	20	44
1 Bedroom	5	44	5	44	98
2 Bedroom	3	24	3	23	53
3 Bedroom	2	15	2	16	35
Total	12	103	12	103	230



- The applicant will commit to New York City Housing and Preservation Development (HPD) and Housing Development Corporation (HDC) lottery process transparency and will guarantee a minimum of 50% of the units reserved for CB2. A recommendation is to have the applicant report to CB2 once the lottery selection is completed.
- The applicant will notified CB2 once the lottery process begins and will provide a redacted report of residents of addresses in zip codes 10474, 10459 and 10455 being consider for the selection process. The Applicant will work with a Community Sponsor for the purpose of transparency in the Housing Connect process and to ensure a timely manner of the selection process through time of move in.
- The applicant will conduct a traffic study along Whitlock Avenue to minimize the amount of traffic congestion during construction phases. The study should include minimizing construction-related vehicle delay through the proposed project and enforcement of delay threshold on Whitlock Avenue and developing and implementing traffic management plans for the overall of Whitlock Avenue. It's extremely important for this study since the construction timeline will coincide with the redesign of the Sheridan Expressway, which is adjacent to the proposed project and will have a direct impact on the surrounding community.
- The applicant will provide Metropolitan Transit Authority (MTA) notice of approval for demolishing and construction around MTA property.
- The applicant will have a 30 day recording history of its video surveillance system, which will include surveillance of its parking garage. The surveillance system will also be accessible to the local New York Police Department 41<sup>st</sup> Precinct. The Applicant will also install a Stop sign upon exiting the parking garage.
- The applicant will create space along its exterior wall for a new mural created by the existing mural artists. The new mural(s) will capture the essence of the existing neighborhood while incorporating the proposed project.
- The applicant will explore hiring Unionize workers and/or will employ under the Fair Wages for New Yorkers Act. Also, the applicant will explore hiring local. This will ensure that tax dollars are invested back to the community, reduces the environmental impact of commuting, foster more community involvement and preserves local employment opportunities in construction.
- The applicant will address gentrification with the surrounding community, both business and residents. The proposed project will create benefits for the city in the form of additional tax revenue and the creation of temporary and permanent jobs, and for the applicant in the form of rent and an increase in property value. For the surrounding community, however, the proposed project will increase foot and vehicle congestion and a demand on public space; it will accelerate gentrification with its accompany effects on socioeconomic conditions, community character and indirect displacement of current businesses. The proposed project also will create shadows on, and limit views from homeowners on Longfellow Avenue.
- The applicant will give 90 day notice to the current garage tenants being evicted and explore assistance in relocation within the community.
- The applicant will have quality on-site property management to ensure the buildings are maintained to preserve assets and protect the building tenants. This will assist in keeping tenants long-term and will invest in timely building maintenance and repairs. Periodic inspections and maintenance of the roof, walls, gutters, drains, and foundation is an investment in controlling interior conditions as well as in preserving the building itself. A regular schedule for maintenance of the exterior and interior of the buildings should be created and maintained with an ongoing log of issues and resolutions.
- The applicant will engage in a public Community Benefit Agreement (CBA) which came as a result of community participation and feedback. CB2 strongly encourages the applicant communicates with schools in close proximity to the proposed project and offer revitalization, workshops, resources and services to the community. This will be requested to our local elected officials to ensure that the community benefit commitments are in fact implemented. The ability to enforce legal commitments is especially important in this context since community support at time of approval is needed.

**NOW, THEREFORE, BE IT RESOLVED** that:

- Bronx Community Board 2 recommends approve of ULURP application C 170087 ZMX if the proposed project adheres to the conditions set forth above.

Sincerely,



Dr. Ian Amritt  
Chairman



Rafael Acevedo  
District Manager

cc: DCP Carol Samol  
Bronx Borough President Ruben Diaz Jr.  
NYC Councilmember Rafael Salamanca  
Congressman Jose E. Serrano  
NYS Senator Rev. Ruben Diaz Sr.  
NYS Assemblyman Marcos A. Crespo  
Ross F. Moskowitz – Applicant Representative

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION**  
**ULURP APPLICATION NO: C 170087 ZMX**  
**Whitlock Avenue and East 165<sup>th</sup> Street Rezoning**

**DOCKET DESCRIPTION**

**IN THE MATTER OF** an application submitted by The Ader Group LLC (the applicant) pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6c:

1. Changing from an M1-1 District to an R8A District property bounded by East 165<sup>th</sup> Street, Whitlock Avenue, and a line 100 feet easterly of Longfellow Avenue; and
2. Establishing within the proposed R8A District a C2-4 District bounded by East 165<sup>th</sup> Street, Whitlock Avenue, and a line 100 feet easterly of Longfellow Avenue;

Borough of The Bronx, Community District #2, as shown on a diagram (for illustrative purposes only) dated January 30, 2017, and subject to the conditions of CEQR Declaration E-413.

**BACKGROUND**

Approval of this application will eliminate an existing M1-1 District and adopt a R8A/C2-4 District. This amendment will facilitate construction of two mixed-use residential buildings which will offer a total of 472 units of affordable housing. This amendment also incorporates a commercial overlay to facilitate the inclusion of retail locations within these buildings. The site yields 61,586 square feet of property located on Block 2756, Lots 85 and 90. It is bounded by Whitlock Avenue on the east, East 165<sup>th</sup> Street to the north, Longfellow Avenue to the west, and Aldus Avenue on the south.

Existing development of this property includes one-story garages and auto-related facilities, all of which will require demolition. The applicant is committed to working with the Sunrise Cooperative to identify alternative locations for these businesses.

The proposed development of this site includes construction of two residential buildings, each of which will rise 14-stories along the Whitlock Avenue frontage. The first of these buildings will commence construction during 2017, the second will commence following completion of the first. It is anticipated that all construction will conclude by 2022. The height of the building located on the northwest corner of Whitlock Avenue at East 165<sup>th</sup> Street, will gradually “step-down” from 14-stories on the east, to eight stories and then to six stories, going from east to west along East 165<sup>th</sup> Street. Taken together these two buildings will total of 426,107 square feet of space (6.79 FAR). Additional totals include:

- Total dwelling unit count: 474 dwelling units
- Community facility floor area: 9,520 square feet in Building #1
- Commercial floor area: 14,937 square feet in Building #2
- Garage vehicle parking space: 69 spaces
- Exterior garden & recreation space: 13,628 square feet

- Public accessible garden area: 4,776 square feet
- Community room: Building 1: 5,855 square feet  
Building 2: 7,834 square feet

The percentage of units and their net square foot measurements for this project include:

20% studios at:	364 square feet
40% 1-bedroom units at:	520 square feet
24% 2-bedroom units at:	754 square feet
15% 3-bedroom units at:	1,015 square feet
Plus 2 units for superintendents	

The affordability of the units provided include:

10%:	Our Space
5%:	30% Area Median Income (AMI)
2.5%:	40% of AMI
25%:	50% of AMI
33%:	60% of AMI
2.5%:	70% of AMI
33%:	80% of AMI

Development in the surrounding community is typified by auto-related retail activity on Whitlock Avenue. Residential development includes low-rise, one and two family homes which are located on the western side of on Block 2756, and front on Longfellow Avenue. Numerous mid-rise residential development, including four and five story buildings are located within a three block radius of the development site. Retail activity and bus transportation are found on Westchester Avenue, approximately four blocks west of the site. The Sheridan Expressway and an elevated section of the #6 are both located on the east side of Whitlock Avenue, opposite the proposed building site. Access to the #6 train at the Whitlock Avenue station is conveniently available within a two block radius. Starlight Park, Concrete Plant Park and The Bronx River are all within six blocks of the building site.

## **ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION**

This application was reviewed pursuant to SEQR and CEQR and received a Type II Designation. This application was certified by the Planning Commission as complete on January 30, 2017.

## **BRONX COMMUNITY BOARD PUBLIC HEARING**

Bronx Community Board # 2 held a public hearing on this application on March 29, 2017. A vote recommending approval of this application with modifications/conditions was 24 in favor, four opposed and zero abstaining.

## **BOROUGH PRESIDENT'S PUBLIC HEARING**

The Bronx Borough President convened a public hearing on this application on April 20, 2017. Representatives of the applicant were present and spoke on favor of this application. Representatives of Bronx Community Board #2 were also present and offered testimony noting the Community Board's record of support and the modifications/conditions submitted for consideration. No other members of the public were present and the hearing was closed.

## **BRONX BOROUGH PRESIDENT'S RECOMMENDATION**

The West Farms/Longwood community, located west of the Sheridan Expressway, is now experiencing one of the largest residential developments being constructed in The Bronx. Currently over 1,300 units of affordable housing are under construction, with the potential of 2,600 units, thanks to the rezoning starting a half-mile north of an area between Jennings Street and East Tremont Avenue along West Farms Road and Boone Avenue. I am therefore especially pleased the rezoning of Whitlock Avenue as this application proposes, will facilitate additional affordable housing development. When completed the two new buildings proposed herein will offer 472 units of needed accommodation. I also contend that given this site's proximity to mass transportation, access to multi-acre parkland that borders the Bronx River and retail activity found on Westchester Avenue, within the scope of this development accommodations specifically designed for our senior citizen community need to also be included. I believe that so doing not only will help to reduce the growing demand for good quality senior citizen housing, but affords all those residing here with benefits only realized through multi-generational living environments.

As I consider the merits of this application, I am also mindful of the automotive development that is currently in place. I strongly support the applicant's decision to engage the Sunrise Co-Op planned for Hunts Point to help identify alternative sites for those businesses now in place on Whitlock Avenue. I also applaud the applicant's decision allowing the general public access to a portion of the open space that will offer 4,776 square feet for passive recreation. The way by which building heights on East 165<sup>th</sup> Street "drop down" means that the surrounding community will not be subjected to a perpetual shadow. Owing to the installation of this development's exterior garden areas, the low-rise homes on Longfellow Avenue will not be "towered over."

As the need for an ever increasing number of affordable units continues to grow and construction costs continue to rise, I am aware of how developers are reducing the actual living space available in each unit. When necessary I have commented on such submissions. I am therefore pleased to point out that this project will yield units that exceed the minimum size allowed. To be sure, if families are to consider where they live their home, I believe it is essential that where they reside is safe, clean and comfortable.

I recommend approval of this application.