



**IN THE MATTER OF** an application submitted by Enclave on 241st LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 2a:

1. changing from an M1-1 District to an R7D District property bounded by East 241<sup>st</sup> Street, Furman Avenue, East 240<sup>th</sup> Street and White Plains Road; and
2. establishing within the proposed R7D District a C2-4 District bounded by East 241<sup>st</sup> Street, Furman Avenue, East 240<sup>th</sup> Street and White Plains Road;

Borough of the Bronx, Community District 12, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of the CEQR Declaration E-484.

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This application (C 180083 ZMX) for a zoning map amendment was filed by Enclave on 241<sup>st</sup> LLC on September 15, 2018, in conjunction with the related zoning text amendment. The proposed actions would facilitate a mixed-use development consisting of affordable housing and ground-floor retail space in Bronx Community District 12.

### **RELATED ACTION**

In addition to the zoning map amendment (C 180083 ZMX) 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:

**N 180084 ZRX**                      Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to extend Transit Zone 1.

### **BACKGROUND**

The applicant seeks approval of a zoning map amendment and a zoning text amendment to facilitate a mixed-use development with approximately 186 units of affordable housing and ground-floor retail space in the Wakefield neighborhood of Bronx Community District 12. The

area to be rezoned (the project area) comprises the entirety of Block 5087. It includes 20 tax lots and is bounded by East 241<sup>st</sup> Street to the north, Furman Avenue to the east, East 240<sup>th</sup> Street to the south and White Plains Road to the west. Eight of the lots contain non-conforming residential uses. The rest contain commercial and manufacturing uses.

The White Plains Road blockfront is developed with a mix of commercial retail, residential, community facility, and service businesses. The Furman Avenue frontage is developed with a mix of residential, light industrial, parking, and transportation uses in one- and two-story buildings. The East 240<sup>th</sup> Street frontage is developed with a two-story commercial building. The East 241<sup>st</sup> Street frontage is developed with transportation/utility buildings, off-street parking and commercial buildings.

Transportation infrastructure includes the terminus of the #2 subway line at the 241st Street subway station to the west, the elevated tracks along White Plans Road, and a subway maintenance yard immediately to the east of the project area. The Metro North Wakefield station is a third of a mile away. The BMX 11, BX 39 and 16 MTA buses also serve the project area.

The development site comprises 714-722 East 241<sup>st</sup> Street, 4637 Furman Avenue and 4629 Furman Avenue (Block 5087, Lots 1, 9, and 12). The development site is vacant and underutilized. It has approximately 99 feet of frontage on White Plains Road, approximately 183 feet of frontage on East 241<sup>st</sup> Street, approximately 201 feet of frontage on Furman Avenue, and a total lot area of approximately 28,999 square feet.

The project area is currently zoned M1-1. M1-1 districts allow light manufacturing, as well as commercial uses. Buildings are limited to a 1.0 floor area ratio (FAR). Residential uses are not allowed in an M1-1 district.

The proposed actions would facilitate the development of a mixed-use building with affordable housing and ground floor retail. Residential parking would be reduced under the Transit Zone

regulations. The proposed building would be 91 feet tall, with nine stories and a cellar. It would include 162,394 square feet of floor area for an FAR of 5.6. The residential component would have 137,422 square feet of floor area and an expected 186 dwelling units on floors two through nine. 25,972 square feet of commercial space would be provided on the ground floor with access on East 241<sup>st</sup> Street, Furman Avenue, and White Plains Road, and 47 non-required parking spaces would be provided in the cellar. Residential and parking access would be provided on Furman Avenue.

To facilitate the proposed development, the applicant requests a zoning map and zoning text amendment. The zoning map amendment would map an R7D residential district with a C2-4 commercial overlay over the project area. The proposed R7D district has a maximum residential and community facility FAR of 4.2, or 5.6 when affordable housing is provided. Buildings must have a base height of 60 – 85 feet (95 with affordable housing) and the maximum overall height is 100 feet (105 with affordable housing). Parking for 50 percent of dwelling units is required. C2-4 districts are commercial overlays mapped within residence districts to allow local retail uses. When mapped in R6 through R10 districts, the maximum commercial FAR is 2.0.

The proposed zoning text amendment would designate the project area as an MIH area mapped with Options 1 and 2. Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI, with no unit targeted to households with incomes exceeding 130 percent of the AMI. Option 2 requires that 30 percent of residential floor area be devoted to housing units affordable to residents with household incomes at an average of 80 percent of the AMI. No more than three income bands can be used to average out to 80 percent, and no income band can exceed 130 percent of the AMI. The applicant is proposing to use Option 2.

The proposed zoning text amendment would also extend Transit Zone 1 over the project area. The proposed extension of the Transit Zone area would be immediately east of the furthest

northern extension of Transit Zone 1. Transit zones were initially established to allow the modification of parking requirements for affordable housing in transit-rich areas of the city.

## **ENVIRONMENTAL REVIEW**

This application (C 180083 ZMX), in conjunction with the application for the related action (N 180084 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 lead is the City Planning Commission. The designated CEQR number is 18DCP094X.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on August 17th, 2018. This Negative Declaration included (E) Designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise, (E-484). The requirements of the (E) Designation are described in the Environmental Assessment Statement and Negative Declaration.

## **UNIFORM LAND USE REVIEW**

This application (C 180083 ZMX) was certified as complete by the Department of City Planning on August 20th, 2018 and duly referred to Bronx Community Board 12 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 180084 ZRX), which was referred for information and review in accordance with the procedures for non-ULURP actions.

## **Community Board Public Hearing**

Bronx Community Board 12 held a hearing on this application (C 180083 ZMX) on September 27, 2018. On September 27, 2018, by a vote of 27 in favor, none opposed, and with three

abstentions, the Community Board adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (C 180083 ZMX) was considered by the Bronx Borough President, who issued a recommendation approving the application on October 18, 2018.

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

On October 31, 2018 (Calendar No. 1), the City Planning Commission scheduled November 14, 2018 for a public hearing on this application (C 180083 ZMX), and the application for the related action. The hearing was duly held on November 14, 2018 (Calendar No. 30).

Two speakers representing the applicant testified in favor of the application. A representative of the developer provided a summary of the proposed development, the site plan design, and the requested actions. The other representative stated that the development would be beneficial for the community by creating much-needed affordable housing while also providing new retail and commercial opportunities. He also stated that the development's location next to the 241st Street subway station provides excellent mass transit opportunities.

There were no other speakers, and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 180083 ZMX), in conjunction with the related application for a zoning text amendment (N 180084 ZRX), is appropriate.

The proposed zoning map and text amendments would change the existing M1-1 district to an R7D/C2-4 district, and amend Appendix I to extend Transit Zone 1 to be coterminous with the

proposed R7D/C2-4 district. In addition, it would establish an MIH area coterminous with the proposed R7D/C2-4 district, requiring permanent affordability for a portion of the units for developments within the rezoning area.

The requested actions would facilitate the development of a new nine-story mixed-use building with approximately 186 housing units. The proposed development would facilitate new housing, including affordable housing, to help address the dire need for more housing in the Bronx and in the City overall, consistent with City objectives for promoting housing production and affordability. In addition, it would help redevelop underutilized sites with excellent transit access.

Eight lots within the project area contain nonconforming residential uses that predate the M1-1 zoning district that has been in place since 1961. The proposed rezoning would bring these properties into conformance, allowing property owners to obtain financing for renovations of these buildings. The development site is vacant, and represents underutilization of this prime corner lot, adjacent to public transit.

The residential densities and building heights expected in the proposed R7D/C2-4 district are appropriate for this location. The buildings in the immediate vicinity and the surrounding area, primarily along White Plains Road, are primarily multi-family residential apartment buildings, including many mixed-use buildings with ground floor retail, which would be consistent with the developments that would result from the proposed R7D/C2-4. The proposed C2-4 district allows for mixed-use buildings with ground floor retail, consistent with existing buildings in the project area and the character of the surrounding area.

The proposed zoning text amendment is appropriate. Designating an MIH area is consistent with Citywide objectives promoting production of affordable housing. With the proposed MIH Options 1 and 2, new developments within the project area would be required to permanently dedicate between 25 percent and 30 percent of new residential floor area to affordable housing. This would bring much-needed permanent affordable housing to the community and to the City

as a whole. Extending the Transit Zone is also appropriate. This is a transit-oriented location, with the 241<sup>st</sup> Street subway station adjacent to the site.

The Commission also notes that this important location provides an excellent opportunity to provide access to the elevated station consistent with Americans with Disabilities Act (ADA) regulations. The development provides a unique opportunity because of its adjacency to the 241<sup>st</sup> Street subway station, which is the terminus of the #2 subway line. The next available site with ADA access on this line is almost one mile away, at the 233<sup>rd</sup> Street station. The applicant is proposing affordable housing and seeking city subsidy through HPD and the project should not limit future access in this location. It should instead leverage this site to enhance it. The Commission strongly encourages the developer to work with the Metropolitan Transit Authority and HPD to provide an easement for such access.

## **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 Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and 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 by changing the Zoning Map, Section No. 2a:

1. changing from an M1-1 District to an R7D District property bounded by East 241<sup>st</sup> Street, Furman Avenue, East 240<sup>th</sup> Street and White Plains Road; and
2. establishing within the proposed R7D District a C2-4 District bounded by East 241<sup>st</sup> Street, Furman Avenue, East 240<sup>th</sup> Street and White Plains Road;

Borough of the Bronx, Community District 12, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of the CEQR Declaration E-484.

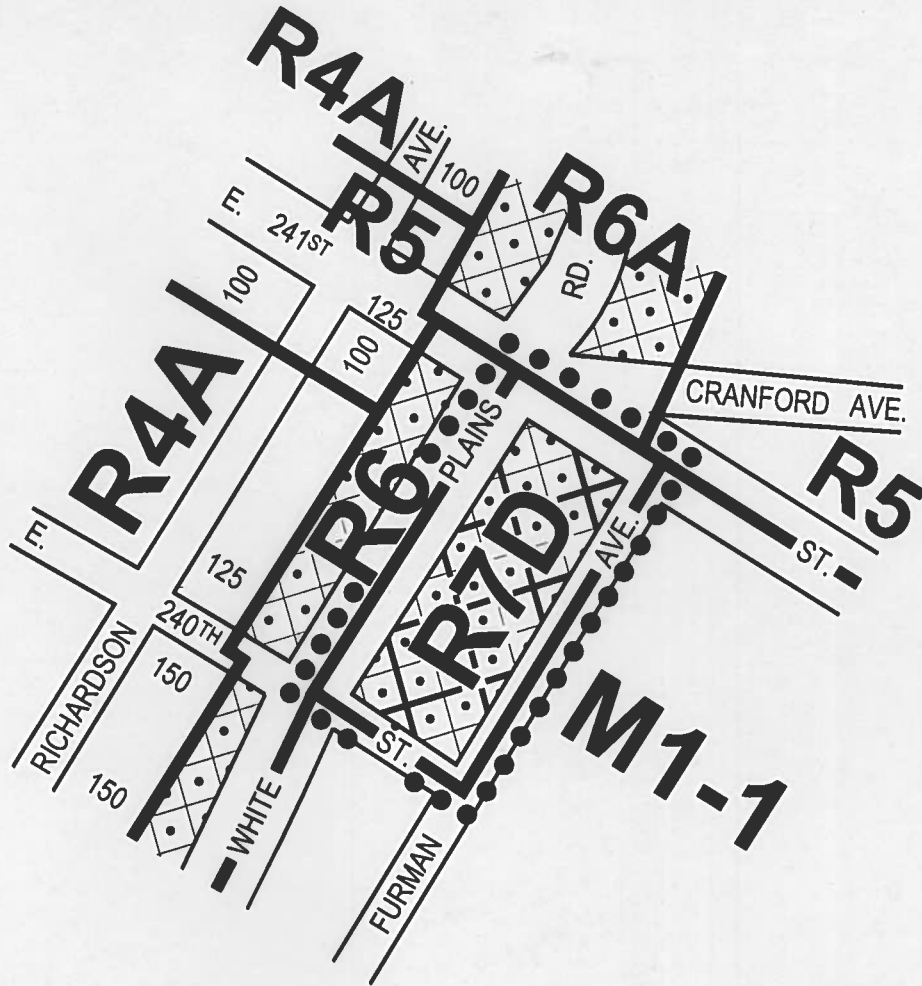
The above resolution (C 180083 ZMX), duly adopted by the City Planning Commission on December 19th, 2018 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO, *Chair***

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

**ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III, MICHELLE de la UZ,  
JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners***





CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP

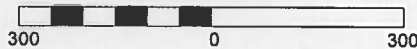
2a

BOROUGH OF  
**BRONX**

S. Lenard, Director  
 Technical Review Division

New York, Certification Date  
 AUGUST 20, 2018

SCALE IN FEET



NOTE:

- Indicates Zoning District Boundary.
- The area enclosed by the dotted line is proposed to be rezoned by changing an existing M1-1 District to an R7D District, and by establishing within the proposed R7D District a C2-4 District.
- Indicates a C2-2 District.
- Indicates a C2-4 District.



# Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #:

Project Name:

CEQR Number:

Borough(s):

Community District Number(s):

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 #C10000ZSQ" ~~XXXXXXXXXX~~
  - 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:

Applicant(s):	Applicant's Representative:
Recommendation submitted by:	
Date of public hearing:	Location:
Was a quorum present? YES <input type="checkbox"/> NO <input type="checkbox"/>	<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>
Date of Vote:	Location:
<b>RECOMMENDATION</b> <input type="checkbox"/> Approve <span style="margin-left: 200px;"><input type="checkbox"/> Approve With Modifications/Conditions</span> <input type="checkbox"/> Disapprove <span style="margin-left: 150px;"><input type="checkbox"/> Disapprove With Modifications/Conditions</span>	
<b><u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u></b>	
<b>Voting</b>	
# In Favor:	# Against:
# Abstaining:	Total members appointed to the board:
Name of CB/BB officer completing this form	Title
	Date

**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 NOS: C 180083 ZMX**

**DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION**


**COMMUNITY BOARD NO. #12**

**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

  
DATE

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION  
ULURP APPLICATION NO: C 180083 ZMX,  
East 241<sup>st</sup> Street Rezoning**

**DOCKET DESCRIPTION**

**IN THE MATTER OF** an application submitted by Enclave on 241<sup>st</sup> LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 2a:

1. Changing from an M1-1 District to an R7D District property bounded by East 241<sup>st</sup> Street, Furman Avenue, East 240<sup>th</sup> Street and White Plains Road; and
2. Establishing within the proposed R7D District a C2-4 District bounded by East 241<sup>st</sup> Street, Furman Avenue, East 240<sup>th</sup> Street and White Plains Road;

Borough of The Bronx, Community District #12, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to conditions of the CEQR Declaration E-184.

**BACKGROUND**

Approval of this application will rezone Block 5087 from the current M1-1 District to the proposed R7D. Approval of this application will also establish within the R7D District, a C2-4 District. Overall, 20 tax lots located on Block 5087 will be rezoned. These include (Block 5087, Lots 1, 9, 12, 13, 14, 16, 18, 20, 22, 24, 28, 33, 40, 48, 53, 54, 55, 58, 65, and 128). This proposed Zoning Map Amendment will facilitate construction of a nine-story residential building and with commercial activity pursuant to C2-4.

The proposed Development Site includes Block 5087, Lots 1, 9 and 12. It approximates 28,999 square feet. It occupies the south side of East 241<sup>st</sup> Street. White Plains Road is on the west, Furman Avenue is on the east and East 240<sup>th</sup> Street is on the south. Block 5087, Lot 1 formerly included Lots 1, 3, 6, 59, 62 and part of Lot 65. These lots have been consolidated into Lot 1, approximating 24,061 square feet. Existing improvements on the Development Site are typified by numerous low-rise industrial buildings. Previous activity on portions of the Development Site included auto-related uses. As a result, this site has been accepted into the New York State Brownfield Cleanup Program. The site is currently secured by plywood fencing.

Pending approval of this application, highlights of what the applicant proposes to construct includes a nine-story residential building (FAR 5.6) offering 137,422 square feet of residential space. The unit-breakdown includes:

- 26 studio units approximating 450 gross square feet
- 84 one-bedroom units approximating 600 gross square feet
- 57 two-bedroom units approximating 780 gross square feet
- 18 three-bedroom units approximating 900 gross square feet
- 1 superintendent unit

This proposed development will include Mandatory Inclusionary Housing (MIH). The overall breakdown of Area Median Income (AMI) distribution includes:

- Our Space/Deep Affordability 30% AMI or less: 28 units (15.14%)
- 47% AMI: 19 units (10.27%)
- 60% AMI: 46 units (24.86%)
- 80% AMI: 46 units (24.86%)
- 90% AMI: 46 units (24.86%)

50.27% (93 units) of the total available are at 60% AMI or less

#### Rent ranges

- 26-studio units 13.98%- rent: \$215-\$1,340
- 1-Bedroom units: 45.16%-rent: \$283-\$1,689
- 2-Bedroom units: 30.65%-rent: \$425-\$2,036
- 3-Bedroom units: 9.68%-rent: \$512-\$2,346

#### Amenities for residents include:

- Interior “community-recreation” room(s) composed of 2,283 square feet.
- Exterior garden area for passive recreation composed of 1,100 square feet
- Laundry facilities composed of 611 square feet
- Underground parking accommodating 47 vehicles
- Special sound proofing measures to offset noise from elevated subway services
- Enterprise Green Communities

Commercial/retail space approximating 24,912 square feet will be included in the proposed building. This area falls within the FRESH program, therefore tax incentives are provided for eligible grocery operators. A supermarket (grocery) will likely occupy a portion of the retail space to be constructed. Access to the retail venues located on site will be available on White Plains Road, Furman Avenue and on East 241<sup>st</sup> Street. A loading bay will be situated on Furman Avenue, adjacent to the underground parking facility. This site is located within a Transit Zone given its adjacent-proximity to the Wakefield-241<sup>st</sup> Street station of the #2, #5 subway lines.

Metro-North service is available at Wakefield station approximately five blocks to the west. Bus service is available on White Plains Road and on 241<sup>st</sup> Street via the BX39, BX41, Westchester Bee Line 40, 41, 42 and 43 and express bus service to Manhattan via the BxM 11. BX16 and Westchester Bee Line service is also available three blocks south at Nereid Avenue.

Residential development in the surrounding community is predominately composed of one and two-family homes which are found on the north side of East 241<sup>st</sup> Street. Low-rise industrial buildings and a McDonald's are found on the south side of East 241<sup>st</sup> Street. One story retail venues typify development on White Plains Road.

## **ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION**

This application has been reviewed pursuant to CEQR and SEQ. No determination has been made. The City Planning Commission certified this application as complete on August 20, 2018.

## **BRONX COMMUNITY BOARD PUBLIC HEARING**

Bronx Community Board #12 held a public hearing on this application on September 27, 2018. A vote recommending approval of this application was 27 in favor, zero against, three abstaining.

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

The Bronx Borough President convened a public hearing on this application on October 9, 2018. Representatives of the applicant were present and spoke in favor of this application. No other members of the public sought to speak and the hearing was closed.

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

As proposed by the applicant this Zoning Map amendment, changing an existing M1-1 zone to an R7D/C2-4 zone, will extend comparable zoning already in place in the surrounding community to include the entirety of Block 5087. As also proposed, the inclusion of the C2-4 overlay will extend retail activity currently located on White Plains Road, onto the south side of East 241<sup>st</sup> Street and on Furman Avenue.

The rezoning this application will facilitate will be construction of a nine-story residential building offering 183 units of affordable housing. Amenities such as an interior recreation room approximating 2,000 square feet, plus an exterior garden area offering 1,100 square feet, taken together these spaces offer more than adequate areas for families to meet and have fun.

Underground parking is always appreciated, but the fact that this site is so well served by mass transit makes this location ideal for a family where employment destinations may vary. Indeed, whether one is bound for other Bronx locations, the west or east side of Manhattan or even Westchester County, easy access to subway, Metro North's Harlem Division, bus transit and Bee Line services are all "just outside your door."

Construction plans also calls for retail space approximating 24,912 square feet. Among potential retail tenants a supermarket pursuant to the FRESH program would be included. I believe this to be of paramount importance given that access to good quality food products is the cornerstone of healthy living. I am hopeful that the additional retail venues this building will accommodate will “lighten up” this area, most importantly on White Plains Road where the presence of an elevated subway trestle diminishes light. I am pleased to see this project move forward.

I remain concerned that unit size as presented by the applicant at my public hearing needs to be reevaluated. I therefore commend this applicant’s commitment to do their due diligence and consider ways by which these units can be modestly enlarged. I also believe it is incumbent upon the Department of Housing Preservation and Development (HPD) to reinstate unit size minimums that were provided to developers as recently as two years ago.

I recommend approval of this application.