



**IN THE MATTER OF** an application submitted by Mott Haven Gateway 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 in the Borough of Bronx, Community District 1.

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This application for an amendment of the Zoning Resolution of the City of New York was filed by Mott Haven Gateway LLC to establish a Mandatory Inclusionary Housing (MIH) area. This application, in conjunction with the related zoning map amendment (C 200286 ZMX), would facilitate the construction of a 12-story mixed-use development, which would include 190 affordable housing units, 48 of which would be permanently affordable, at 261 Walton avenue in the Lower Concourse neighborhood of Bronx, Community District 1.

#### **RELATED ACTIONS**

In addition to the zoning text amendment (N 200287 ZRX) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 200286 ZMX            Zoning map amendment to rezone an M1-4/R6A zoning district to an R8A/C2-4 zoning district.

#### **BACKGROUND**

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 200286 ZMX).

#### **ENVIRONMENTAL REVIEW**

This application (N 200287 ZRX), in conjunction with the application for the related action (C 200286 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 20DCP156X.

A summary of the environmental review appears in the report for the related zoning map amendment (C 200286 ZMX).

## **PUBLIC REVIEW**

This application (N 200287 ZRX) was duly referred to Bronx Community Board 1 and the Bronx Borough President on November 16, 2020 in accordance with the procedures for non-ULURP matters, along with the application for the related action (C 200286 ZMX), which was certified as complete by the Department of City Planning on November 16, 2020 and 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 (C 200287 ZRX) on January 28, 2021, and, on that date, by a vote of 15 in favor, three opposed, and two abstaining, recommended approval of the application. A summary of the Community Board's recommendation appears in the report for the related zoning map amendment action (C 200286 ZMX).

### **Borough President Recommendation**

The Bronx Borough President held a public hearing on this application (N 200287 ZRX) on February 16, 2021, and on February 24, 2021, issued a recommendation to approve the application. A summary of the Borough President's recommendation appears in the report for the related zoning map amendment action (C 200286 ZMX).

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

On February 17, 2021 (Calendar No. 2), the City Planning Commission scheduled March 3, 2021 for a public hearing on this application (N 200287 ZRX), in conjunction with the related application (C 200286 ZMX). The hearing was duly held on March 3, 2021 (Calendar No. 27).

Three speakers testified in favor of the application and none in opposition, as described in the report for the related zoning map amendment action (C 200286 ZMX), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 200287 ZRX), in conjunction with the application for the related action (C 200286 ZMX), is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related zoning map amendment action (C 200286 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

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### **APPENDIX F**

#### **Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

### **THE BRONX**

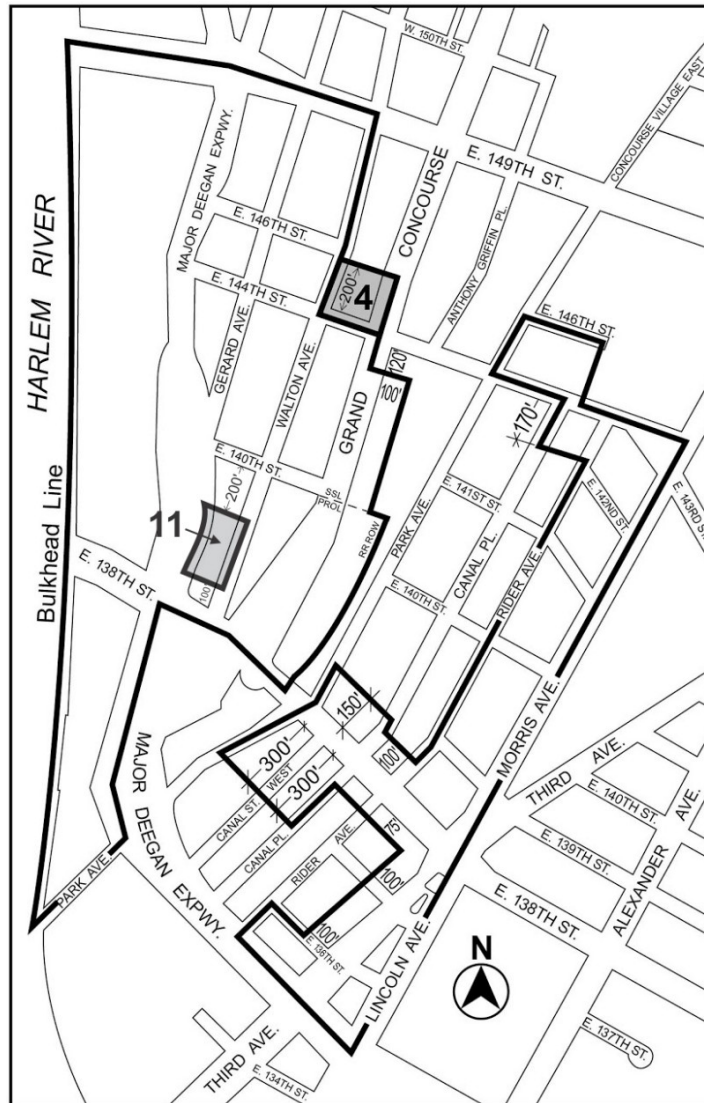
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# The Bronx Community District 1

\* \* \*

Map 1- [Date of Adoption]

[PROPOSED MAP]



- Inclusionary Housing designated area
- Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
- Area 4 – 2/14/18 MIH Program Option 1
- Area 11 — [date of adoption] — MIH Program Option 1

Portion of Community District 1, The Bronx

The above resolution (N 200287 ZRX), duly adopted by the City Planning Commission on April 21, 2021 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

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

**DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO III,  
JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARIN, RAJ RAMPERSHAD** *Commissioners*

**LARISA ORTIZ**, *Commissioner, Voting No*

**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.

**APPLICATION # C 200286 ZMX-261 WALTON AVENUE**

**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 BOROUGH PRESIDENT'S RECOMMENDATION**



\_\_\_\_\_  
**BOROUGH PRESIDENT**

\_\_\_\_\_  
**DATE**

**BRONX BOROUGH PRESIDENT RECOMMENDATION  
ULURP APPLICATION NO: C 200286 ZMX-261 WALTON AVENUE**

**DOCKET DESCRIPTION**

**IN THE MATTER OF AN** application submitted by Mott Haven Gateway, LLC pursuant to section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a:

1. Eliminating a Special Mixed-Use District (MX-13) bounded by a line 200 feet southwesterly of East 140<sup>th</sup> Street, Walton Avenue, a line 100 feet northeasterly of East 138<sup>th</sup> Street, and Major Deegan Boulevard;
2. Changing from an M1-4/R6A district to an R8A district property bounded by a line 200 feet southwesterly of East 140<sup>th</sup> Street, Walton Avenue, a line 100 feet northeasterly of East 138<sup>th</sup> Street, and Major Deegan Boulevard; and
3. Establishing within the proposed R8A District a C2-4 District bounded by a line 200 feet southwesterly of East 140<sup>th</sup> Street, Walton Avenue, a line 100 feet northeasterly of East 138<sup>th</sup> Street, and Major Deegan Boulevard;

Borough of The Bronx, Community District #1, as shown on a diagram (for illustrative purposes only) dated November 16, 2020, and subject to conditions of CEQR Declaration E-590.

**BACKGROUND**

The site this application is considering is bounded by Walton Avenue on the east, Gerard Avenue on the west, 100 feet north of 138<sup>th</sup> Street to the south, and 200 feet south of East 140<sup>th</sup> Street to the north. Proposed land use actions would:

- Eliminate an existing M1-4 and R6A Zoning Districts (MX-13) consisting of Block 2344, part of Lot 52 and Lot 60;
- Establish an R8A/C2-4 Zoning District consisting of Block 2344, part of Lot 52 and Lot 60;
- Approve a Zoning Text Amendment to Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing (MIH) Areas for Bronx Community District #1
- Establish the Project Area as an MIH Area (Option 1).

Establishing an R8A District with a C2-4 commercial overlay will:

- Permit residential development up to a maximum of 7.2 Floor Area Ratio (FAR)
- Permit commercial development up to a maximum 2.0 FAR
- Permit community facility development up to a maximum 6.5 FAR

- Permit a maximum building height of 145 feet (approximately 14 stories)
- Prohibit manufacturing uses

The Project Area is composed of approximately 25,414 square feet of property. This includes Block 2344, Lot 60, as well as Block 2344, Lot 52. Lot 52 measures approximately 10,500 square feet of property. A gas station is located towards the southern end of on Lot 52. It can be accessed from East 138<sup>th</sup> Street, Walton Avenue and Gerard Avenue. The Project Area is zoned M1-4/R6A, within the MX-13 Special Mixed-Use District and within an Inclusionary Housing Designated Area.

Approval of this application will facilitate construction of a 12-story mixed-use building to be located at 261 Walton Avenue (Block 2344, Lot 60), the “Development Site”). The Development Site is composed of 25,182 square feet of property. Existing development at this location includes a six-story industrial/factory building that most recently accommodated a self-storage facility. A fire caused severe damage to the building resulting in the structure being vacant and sealed.

As currently envisioned, 261 Walton Avenue will include:

- 181,307 square feet of floor area (7.2 Floor Area Ratio (FAR))
- 162,307 square feet of residential floor area
- 193 income restricted dwelling units (Extremely Low and Low Income Affordability Program (ELLA))
- 48 permanently affordable units as per MIH Option 1
- 12 indoor parking spaces – access to this facility is via Gerard Avenue
- 19,000 square feet of set aside for retail and/or community facility uses
- Enterprise Green Environmental requirements will be satisfied

Residential unit counts are anticipated to include:

- Studio Units: 47
- 1 Bedroom Units: 67
- 2 Bedroom Units: 56
- 3 Bedroom Units: 19
- Total Unit Count: 189

An on-site superintendent will be provided with a 2-bedroom unit, thereby increasing the total number of residences to 190

As development plans have not been finalized, specific unit measurements are not yet available. Additionally, specific on site amenities have not been finalized.

All commercial and/or community facility development will front onto Walton Avenue. These locations will feature extensive glazing, allowing for ambient light to provide additional illumination on Walton Avenue.



Existing development in the surrounding community is typified by low-rise industrial type buildings, some of which have been repurposed as retail venues. A majority of these uses include auto related commercial locations. What appears to be a nightclub is located on the northeast corner of Walton Avenue at East 140<sup>th</sup> Street. During the business day it is not active. Residential development in adjacent area is not present.

Currently under construction on the northwest corner of the Grand Concourse at East 144<sup>th</sup> Street (approximately three blocks north east of the Walton Avenue site, is 425 Grand Concourse, a high rise building approximating 28 stories offering 277 units of affordable housing. When completed, this building will be the tallest on the boulevard. Additional residential development includes a 12-story residential building located on the northeast corner of the Grand Concourse at East 138<sup>th</sup> Street. Ground has been broken for the construction of Bronx Point. It will occupy a five-acre site, the southern boundary of which is on the northeast corner of Exterior Street at East 149<sup>th</sup> Street. Bronx Point will include a 25-story residential tower, retail venues as well as a museum dedicated to Hip-Hop. A park consisting of approximately 2.5 acres will serve Bronx Point and be open to the public. Furthermore, property located on Exterior Street at East 144<sup>th</sup> Street is now mapped as a public park.

Numerous mass transportation options are conveniently accessible. These include the 2, 4 and 5 trains at East 149<sup>th</sup> Street on the Grand Concourse. An alternative station at East 138<sup>th</sup> Street on the Grand Concourse offers access to the 4 and 5 trains. Bus transit includes the Bx 1 bus on the Grand Concourse at East 140<sup>th</sup> Street. The Bx 2 bus is available on the Grand Concourse at East 149<sup>th</sup> Street. East-west travel which includes service into Manhattan, is available via the Bx 19 at East 149<sup>th</sup> Street. The Bx 33 operates on East 138<sup>th</sup> Street. Railroad transportation into Manhattan or to points north is provided by Metro North's Hudson Line at the "Yankees-E. 153<sup>rd</sup> Street" station.

Access to the Major Deegan Expressway (Interstate 87) is available at 138<sup>th</sup> Street and 149<sup>th</sup> Street. Both these locations are within a one mile radius of the Walton Avenue development site.

## **ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION**

This application was reviewed pursuant to SEQR and CEQR and received a Type II Declaration. The City Planning Commission certified this application as complete on November 16, 2020.

## **BRONX COMMUNITY BOARD PUBLIC HEARING**

A virtual public hearing was conducted by Bronx Community Board #1 on January 28, 2021. A vote to recommend approval of this application was 15 in favor, 3 opposed and 2 abstaining.

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

A virtual public hearing was convened by the Bronx Borough President on February 16, 2021. Representatives of the applicant participated in this hearing and spoke in favor of this application. No members of the public participated and the hearing was closed.

## **BOROUGH PRESIDENT'S RECOMMENDATION**

Development of superior quality affordable housing dedicated to our borough's low-income population is a prime objective of my administration. I am therefore pleased to note that the anticipated construction of 261 Walton Avenue will satisfy this objective. I am also gratified to see that the site selected will bring about the demolition of a derelict, sealed building that, for numerous years has been a blight on this community since being severely damaged by fire.

Following up on what transpired at my public hearing, I am pleased to note that the applicant did resubmit unit distribution counts and increased the number of 3-bedroom units from the original 10 units, to 19. This increase is critical given that so many families in need of affordable housing require larger accommodations. Furthermore, I believe it is essential that unit-size exceed the minimum measurements as provided by the Department of Housing, Preservation and Development (HPD). My office looks forward to working with the applicant as plans for 261 Walton Avenue advance towards final design.

One critical comment pertains to how this proposed building will affect Gerard Avenue. As presented, the Gerard Avenue frontage is entirely void of any use that would encourage pedestrian traffic, offer ambient lighting on the sidewalk or give those driving by a welcoming impression of what has been constructed. I recognize that access to the building's interior garage will be via Gerard Avenue. The fact that the proposed twelve-space garage is in a community well served by mass transportation begs the question as to if this space might be reprogrammed for better purposes. Specifically, I would suggest that this remain a possible option, and while I will not press this matter further, I believe my observation warrants consideration.

At my public hearing, the applicant indicated that a supermarket chain is considering this location as a site for such a venue. Given that there are virtually no competing markets nearby and that this location is within walking distance of East Harlem, it would seem to me any number of chains would be receptive to this new location. As such, I can only ask that the applicant invite numerous supermarket chains to consider this prime site rather than simply settling for what is already found across The Bronx. It is also worth noting that the nearest full service bank branch serving The Bronx is on Courtland at East 149<sup>h</sup> Street, or on River Avenue at East 161<sup>st</sup> Street.

I recommend approval of this application.