



CITY PLANNING COMMISSION

March 2, 2011/ Calendar No. 5

C 110101 HAX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of properties located at 1172 East Tremont Avenue (Block 3909, Lot 8) and 1160 Lebanon Street (Block 4007, Lot 15), as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of three mixed use buildings with a total of approximately 141 dwelling units to be developed under the Department of Housing Preservation and Development's Low Income Rental Program in Bronx Community District 6.

Approval of three separate matters is required:

1. The designation of property located at 1172 East Tremont Avenue (Block 3909, Lot 8) and 1160 Lebanon Street (Block 4007, Lot 15), as an Urban Development Action Area; and
2. An Urban Development Action Area Project for such area; and
3. The disposition of such property to a developer selected by New York City Department of Housing Preservation and Development.

The application (C 110101 HAX) for the Urban Development Action Area designation, project approval and the disposition of two city-owned properties was filed by the Department of Housing Preservation and Development (HPD) on September 30, 2010.

Approval of this application would facilitate the construction of a mixed-use affordable housing development to be known as East Tremont Apartments, which will include three buildings ranging from 8 to 10 stories. The three buildings will contain approximately 141 units of affordable housing units and approximately 7,444 square foot of commercial space on the ground floors, as well as approximately 10,567 square foot of open space and an 11space parking lot.

The Department of Housing Preservation and Development states in its application that:

The project area consists of underutilized property which tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary and blighting conditions. The project activities would protect and promote sound growth and development. The project area is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

RELATED ACTIONS

In addition to the UDAAP designation, project approval and disposition of city-owned property, which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- C 110100 ZSX Special Permit pursuant to Section 74-681(a) (2) of the Zoning Resolution to allow a portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development (Block 4007, Lot 15), in an M1-1 District.
- C 110103 ZSX Special Permit pursuant to Section 74-681(a) (2) of the Zoning Resolution to allow a portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development (Block 3909, Lot 8), in an M1-1 District.

BACKGROUND

The Department of Housing Preservation and Development (HPD) seeks an Urban Development Action Area Project (UDAAP) designation, approval as an Urban Development Action Area Project (UDAAP), disposition of city-owned property and the approval of two special permits

pursuant to Section 74-681(a) (2) of the Zoning Resolution, to facilitate the construction of mixed-use affordable housing developments.

The project sites are located along East Tremont Avenue, between Bronx Park Avenue and Morris Park Avenue, in Bronx Community District 6. The sites are two city-owned parcels; Site A, located at 1175 East Tremont Avenue a.k.a. 1160 Lebanon Street (Block 4007, Lot 15) and Site B, located at 1172 East Tremont Avenue (Block 3909, Lot 8). Site A has a lot area of 23,986 square feet and Site B has a lot area of 10,024 square feet. The sites are currently undeveloped and vacant.

The project sites are owned by the City and leased to the Metropolitan Transportation Authority (MTA). The project parcels used to be part of the New York Westchester & Boston Railway (“NYW&B”), an interurban system that operated from 1912 to 1937 between terminals at 133rd Street at the Harlem River in the Bronx and Port Chester and White Plains in Westchester County. The railway ceased operations in 1937. In 1940, the City of New York purchased the segment from East 180th Street to Dyre Avenue and incorporated it into the subway system in 1941. The long viaduct south of East 180th Street station was removed in parts through 2001. A small portion of the viaduct remains on the northern edge of the northern parcel (Site A), over Lebanon Street, and will be removed to enable the construction of the proposed project.

The surrounding neighborhood contains a range of uses, including light manufacturing, transportation/utility, residential, open space and surface parking. The immediate vicinity of the project site is predominately developed with 5 and 6-story tenement buildings, older multi-unit homes, and vacant lots, some of which are used for industrial storage and parking. The proposed development would be well served by public transportation, including the West Farms subway station and the East 180th Street express station for the 2 and 5 lines, located three blocks to the west and north respectively. The Bronx River Parkway is located to the east, and the Cross Bronx Expressway is to the south. West Farms Square, to the west on East Tremont Avenue, is also a bus hub and terminus for the BX9, 21, 36, 40 and 42, as well as Q44 buses. The BXM10 express bus runs on East Tremont Avenue and operates between Eastchester Rd/Boston Rd, Williamsbridge and 23 St/5Av, Manhattan, also serves this area.

The proposed actions will facilitate the construction of a mixed-use affordable housing development, which will include three buildings ranging from 8 to 10 stories. The three buildings will contain approximately 141 units of affordable housing and approximately 7,444 square feet of commercial space on the ground floors, as well as approximately 10,567 square feet of open space and an 11-space parking lot. Two of the proposed buildings will be located on the northern parcel (Block 4007, Lot 15) and one on the southern parcel (Block 3009, Lot 8).

On the northern parcel, Building 1 will have 8 stories (approximately 56,136 square feet), with a building height of approximately 74 feet, 8 inches and a street-wall height of approximately 65 feet, 4 inches. It is expected to contain 51 dwelling units. Building 2 will have 10 stories (approximately 69,798 square feet), with a building height of approximately 96 feet, 8 inches and a street-wall height of approximately 78 feet, 4 inches. Building 2 is expected to contain 54 dwelling units and approximately 4,374 square feet of commercial space on the ground floor. Approximately 10,567 square feet of open space will be provided on the northern parcel between Building 1 and 2.

Building 3, located on the southern parcel, will have 10 stories (approximately 52,595 square feet), with a building height of approximately 96 feet, 8 inches and a street-wall height of approximately 78 feet, 4 inches. Building 3 is expected to contain 36 dwelling units and approximately 3,070 square feet of commercial space on the ground floor. The proposed open parking lot, with approximately 11-spaces, would be located south of Building 3 along East 178th Street.

The project site is located within an M1-1 zone which does not permit residential development. Therefore, the project sponsor, with HPD as co-applicant, sought and successfully obtained a Boards of Standards and Appeals (BSA) variance for the use, height, and bulk needed for the proposed project. The BSA approved this project on October 26, 2010.

In order to facilitate the project, HPD is requesting two special permits pursuant to Section 74-681(a) (2) 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 included in the lot area on property located at 1175 East Tremont Avenue a.k.a. 1160 Lebanon Street (Site A, Block

4007, Lot 15), and on property located at 1172 East Tremont Avenue (Site B, Block 3909, Lot 8).

The Special Permit requires the following findings to be made by the City Planning Commission: the ability of surrounding streets to handle traffic generated by the project; the distribution of floor area in the project and its affect on the character of the surrounding area; the affect of the components of the project on each other; and the ability of the transit right-of-way to accommodate future transportation uses.

The applicant is also seeking an Urban Development Action Area Project (UDAAP) designation, approval as an Urban Development Action Area Project (UDAAP), disposition of two city-owned properties, 1175 East Tremont Avenue (Block 4007, Lot 15) and 1172 East Tremont Avenue (Block 3909, Lot 8).

ENVIRONMENTAL REVIEW

The application (C 110101 HAX), in conjunction with the related applications (C 110100 ZSX and C 110103 ZSX) was reviewed pursuant to New York State Environmental Quality Review Act (SEQR), and the SEQR 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 10HPD001X. The lead agency is the Department of Housing Preservation and Development (HPD).

After a study of the potential impact of the proposed action, a Negative Declaration was issued on August 11, 2010.

UNIFORM LAND USE REVIEW

The application (C 110101 HAX), in conjunction with the related applications (C 110100 ZSX and C 110103 ZSX) was certified as complete by the Department of City Planning on October 12, 2010, and was duly referred to the 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).

Community Board Public Hearing

Community Board 6 held a public hearing on this application on December 8, 2010, and on that date, by a vote of 11 in favor, 5 opposed and 4 abstentions, adopted a resolution recommending approval of the application.

Borough President Public Hearing

The Borough President held public hearings on this application on December 21, 2010, and January 4, 2011, and issued a recommendation disapproving the application on January 12, 2011. With comments regarding the building heights and income ranges.

Planning Commission Public Hearing

On January 5, 2011 (Calendar No. 3) the Commission scheduled January 26, 2011 for a public hearing on this application (C 110101 HAX). The hearing was duly held on January 26, 2011 (Calendar No.16), in conjunction with the public hearing on the related applications (C 110100 ZSX and C 110103 ZSX). There were five speakers in favor of the application and three in opposition.

Speakers in favor of the project included a representative from the Department of Housing Preservation and Development (HPD), three representatives from the project sponsor, and the project architect.

HPD and the project sponsor provided background information on the project, which included the neighborhood context, predominant land-uses in the area, and the existing site conditions/constraints. They also noted the need for affordable housing in the neighborhood. The project sponsor also provided information on the detailed tenant selection process used to select appropriate residents and the various amenities located on the project sites for the building residents. The project architect highlighted the design features of the building.

Three local residents spoke in opposition to the project . They expressed concern about the height of the proposed development and the possible effects of this project on parking and safety in the neighborhood. They stated that the site would be more appropriate for use as middle-income housing or housing for seniors.

There were no other speakers on the application and the hearing was closed.

CONSIDERATION

The Commission believes that the application for UDAAP designation, project approval and disposition of two city owned properties (C 1110101 HAX), along with the related actions (C 110100 ZSX and C 110103 ZSX), is appropriate.

The proposed project is a mixed-use development and will consist of three 8 to 10 story buildings. The three buildings will contain approximately 141 units of affordable housing and approximately 7,444 square feet of commercial space on the ground floors, as well as approximately 10,567 square feet of open space and an 11-space parking lot.

The Commission notes that approval of the UDAAP designation, project approval, and disposition would facilitate the development of two city-owned parcels, which are currently unused and vacant. Furthermore, the Commission also believes that the project will address the need for affordable housing in the Bronx.

The Commission believes that the related special permit applications (C 110100 ZSX and C 110103 ZSX) to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development, is appropriate. The special permit allows the development of city-owned land, which is currently unused and vacant.

The Commission believes that the streets providing access to the proposed development are adequate to handle any traffic generated by the proposed development, and notes that the area is well served by public transportation.

The Commission believes that the distribution of floor area and the number of dwelling units does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such development, including any portion of the development located beyond the boundaries of such railroad or transit right-of-way. The floor area generated by the railroad right-of-way will be distributed in three buildings, with the highest buildings fronting on E. Tremont Avenue, which is a wide street.

The Commission believes that all uses located on the zoning lot or below the platform do not adversely affect one another. The proposed project will have separate entrances for the residential and the ground floor commercial use.

The Commission notes that the NYW&B Railway ceased operation in 1937. While portions of the viaduct continue to operate as part of the New York City Subway system, the viaduct south of East 180th Street station was severed in 1970s and was removed in parts through 2001 by MTA. The MTA and NYCT have agreed to surrender to the City their respective interests in the Project Parcel under the Master Lease. The right-of-way cannot be used in the future for transportation use.

The Commission acknowledges the Bronx Borough President's recommendation regarding the building height, especially for Building 3 on the southern site. Although the adjacent buildings are at a lower scale than the proposed buildings, the Commission believes that the proposed heights are appropriate for a wide street such as East Tremont Avenue. Furthermore, the Commission notes that in a letter dated February 4, 2011, the applicant stated:

While it is physically possible to lower the height of these buildings, the economic effects would render the project financially infeasible. Any decrease in the number of stories will result in the loss of affordable housing units – 5 units in Building 1 and 12 in Building 3 for a total loss of 17 units of housing.

The Commission also acknowledges the Bronx Borough President's recommendation regarding the provision of housing for families with income over 60% of the area median income (AMI) and notes that the applicant also stated in the February 4th letter that:

HPD strongly supports the goal of economic diversity within our neighborhoods and has encouraged the development of mixed income housing within the South and South Central Bronx. The maximum income levels used to determine eligibility are determined on a project-by-project basis, with the factors being planning goals, the marketability of the locations, the project's budget needs and the type and availability of funding sources. The result has been the construction of numerous lower income housing developments, consistent with the income

ranges within this area but also, where feasible and appropriate, an increasing number of housing opportunities for more moderate and middle-income households. In this case, the factors determined that maximums of 60% AMI (e.g. \$47, 520 for a family of four) are appropriate for this development

The Commission therefore finds that the proposed Urban Development Action Area designation and project approval, related disposition of city owned property and Special Permits, are appropriate.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of property located at 1175 East Tremont Avenue a.k.a. 1160 Lebanon Street (Block 4007, Lot 15), and of property located at 1172 East Tremont Avenue (Block 3909, Lot 8); and

WHEREAS, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

THEREFORE, BE IT FURTHER RESOLVED, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act;

- the designation of properties located at 1172 East Tremont Avenue (Block 3909, Lot 8) and 1160 Lebanon Street (Block 4007, Lot 15), as an Urban Development Action Area; and
- an Urban Development Action Area Project for such area; and

BE IT FURTHER RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of two City-owned properties located at 1175 East Tremont

Avenue a.k.a. 1160 Lebanon Street, and 1172 East Tremont Avenue, Community District 6, Borough of the Bronx, to a developer selected by HPD, is approved.

The above resolution, (C 110101 HAX) duly adopted by the City Planning Commission on March 2, 2011, (Calendar No. 5) is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of the Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
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