

CITY PLANNING COMMISSION



April 5, 2017 / Calendar No. 12

N 160327(A) ZRX

IN THE MATTER OF an application submitted by Westchester Mews 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 Article II, Chapter 3 relating to bulk regulations in Mandatory Inclusionary Housing areas, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 9.

An application (N 160327 ZRX) for an amendment to the Zoning Resolution was filed by the applicant on May 9, 2016, to establish a Mandatory Inclusionary Housing (MIH) area in Bronx Community District 9 and to amend ZR Section 23-154(d) (Inclusionary Housing) to apply the maximum floor area ratio (FAR) of 3.6 to MIH developments in R6 Districts, regardless of their proximity to wide streets.

On January 27, 2017, pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure rules, the applicant filed an application (N 160327(A) ZRX) to modify the proposed text amendment. These proposed changes in ZR Section 23-153 (For Quality Housing buildings), are to apply the maximum residential lot coverage of 65 percent to MIH developments in R6 Districts, regardless of their proximity to wide streets. The modified application (N 160327(A) ZRX) is the subject of this report.

RELATED ACTION

In addition to the amendment to the Zoning Resolution (N 160327(A) ZRX) which 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 160326 ZMX Zoning map amendment to change property from R5 and R5/C2-2
Districts to R6 and R6/C2-4 Districts

BACKGROUND

A description of this application, the surrounding area and the proposed project is included in the report for the related zoning map amendment action (C 160326 ZMX).

ENVIRONMENTAL REVIEW

This application (N 160327(A) ZRX), in conjunction with the originally referred application (N 160327 ZRX) and the related action (C 160326 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 designated CEQR number is 17DCP080X. The lead is the City Planning Commission.

A summary of the environmental review appears in the report for the related zoning map amendment action (C 160326 ZMX).

PUBLIC REVIEW

The original application (N 160327 ZRX) was referred for information and review in accordance with the procedures for non-ULURP matters on December 12, 2016, in conjunction with the application for the related action (C 160326 ZMX), which was certified as complete by the Department of City Planning and duly referred to Bronx Community Board 9 and the Bronx

Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

On January 30, 2017, the modified application (N 160327(A) ZRX) was duly referred to Bronx Community Board 9 and the Bronx Borough President in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 9 adopted a resolution recommending approval of the application on January 19, 2016, by a vote of 19 in favor, 5 opposed, and 3 abstaining.

A summary of the recommendations of Community Board 9 appears in the report for the related zoning map amendment action (C 160326 ZMX).

Borough President Recommendation

This application, in conjunction with the related action, was considered by the Bronx Borough President, who issued a recommendation approving the application on March 3, 2017.

A summary of the recommendations of the Borough President appears in the report for the related zoning map amendment action (C 160326 ZMX).

City Planning Commission Public Hearing

On February 22, 2017 (Calendar No. 5), the City Planning Commission scheduled March 8, 2017, for a public hearing on this application (N 160327(A) ZRX) and the related applications (C 160326 ZMX and N 160327 ZRX). The hearing was duly held on March 8, 2017 (Calendar No. 21), in conjunction with the public hearings on the applications for the related actions.

Two members of the applicant team testified in favor of the project, as described in the report for the related action (C 160326 ZMX), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed amendment to the Zoning Resolution in conjunction with the related zoning map amendment is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appear in the report for the related action (C 160326 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 modified, 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

Article II

RESIDENCE DISTRICT REGULATIONS

Chapter 3

Residential Bulk Regulations in Residence Districts

* * *

23-10

OPEN SPACE AND FLOOR AREA REGULATIONS

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

23-15

Open Space and Floor Area Regulations in R6 through R10 Districts

R6 R7 R8 R9 R10

* * *

23-153

For Quality Housing buildings

R6 R7 R8 R9 R10

In the districts indicated, for #Quality Housing buildings#, the maximum #floor area ratio# and maximum #residential lot coverage# for #interior lots# or #through lots# shall be as set forth in the table in this Section. The maximum #residential lot coverage# for a #corner lot# shall be 100 percent.

~~The maximums for #zoning lots#, or portions thereof, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.~~

MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO
FOR QUALITY HOUSING BUILDINGS

District	Maximum #Lot Coverage# for an #Interior Lot# or #Through Lot# (in percent)	Maximum #Floor Area Ratio#
R6	60	2.20
R6 ** ₂	60	2.43
R6 * _{1,3} R6A R7B	65	3.00
R6B	60	2.00
R7	65	3.44
R7* ₁ R7A	65	4.00
	* * *	
R8* ₁	70	7.20
	* * *	

- ¹ for #zoning lots#, or portions thereof, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#
- ² for #zoning lots# in an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#
- ³ the maximum #lot coverage# for #zoning lots# in an R6 District utilizing the height and setback provisions of paragraph (c) of Section 23-664

**23-154
Inclusionary Housing**

* * *

- (d) Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

* * *

- (2) Maximum #floor area ratio#

The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section shall apply to any #MIH development#. However, the maximum #floor area ratio# for any #MIH development# in an R6 District without a letter suffix shall be 3.6, and in an R7-3 or R7X District, the maximum #floor area ratio# shall be 6.0 for any #MIH development#.

* * *

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

* * *

The Bronx

* * *

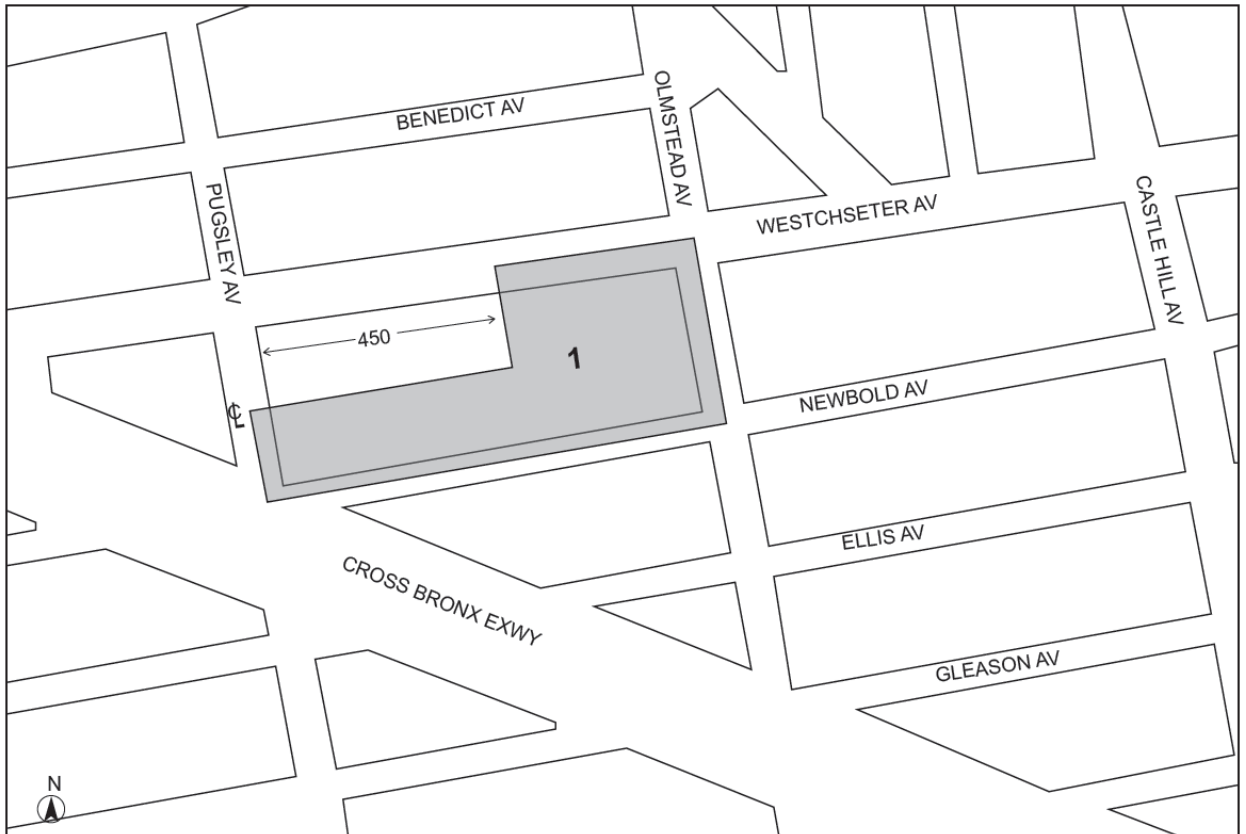
The Bronx Community District 9

* * *

In the R6 District within the areas shown on the following Map 1:

Map 1 - [date of adoption]

[PROPOSED MAP]



■ Mandatory Inclusionary Housing area *see Section 23-154(d)(3)*
Area 1 (date of adoption) – MIH Program Option 1 and Option 2

Portion of Community District 9, The Bronx

* * *

The above resolution (N 160327(A) ZRX), duly adopted by the City Planning Commission on April 5, 2017 (Calendar No. 12) 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

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISSA ORTIZ,**
Commissioners



COMMUNITY BOARD NUMBER 9

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RUBEN DIAZ JR.
BRONX BOROUGH PRESIDENT

February 21, 2017

NICHOLAS HIMIDIAN JR.
CHAIRPERSON

WILLIAM RIVERA
DISTRICT MANAGER



New York City Department of Planning
Calendar Office
120 Broadway, 31st Floor
New York NY 10271

SERVING

BRONX RIVER

CASTLE HILL/
ZEREGA

CLASON POINT

HARDING PARK

PARKCHESTER

PARK STRATTON

SOUNDVIEW/
BRUCKNER

UNIONPORT

REF: CB Recommendation #C160326 ZMX

To whom it may concern:

I am writing to notify your office, that on January 19, 2017, the Community Board voted to approve the of above mentioned recommendation with the modifications and conditions listed below, in pursuant to the Uniform Land use Review Procedure. (Community/Borough Board Recommendation form attached)

Modifications/Conditions: The applicant, Westchester Mews LLC is requested to

Contribute \$5,000.00 to the Virginia Park & Hugh J. Grant Circle Park community group for startup costs, counseled with the New York City Parks Department, Partnership for Parks – City Parks Foundation and Bronx Community Board 9.

(This community park group is in the process of being officially formed, due to the announcement of the NYC Parks - Parks Without Border re-construction grant award for these parks. The formation of this group is expected to be completed this year.)

Contribute \$3,000.00 yearly to the Virginia Park & Hugh J. Grant Circle Park community group for 60 years, to assist with operating costs and programming.

Contribute \$1000.00 yearly to the closest neighboring school for 60 years, to assist with a specific program or need.

Contribute \$1,000.00 yearly to a local youth community-policing event for 60 years.

Collaborate with the independent non-profit, United Hispanic Construction Workers (UHCW) to facilitate and ensure that up to 25% of the construction work forces of these developments are residents in our Community Board's zip codes and The Bronx. (Zip codes: 10473, 10472, 10462, 10460)

If you have any questions please feel free to contact our office.

Thank You,

William Rivera
District Manager

CC: Chairman Nicholas Himidian, Bronx Community Board 9
Land, Zoning, Planning, & Economic Development Committee, Bronx Community Board 9
Manny Lagares, NYC Department of City Planning.
Local Elected Officials

**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 160326 ZMX-Westchester Mews

DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 9

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 160326 ZMX
Westchester Mews**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Westchester Mews LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4b:

1. Changing from an R5 District to an R6 District property bounded by Westchester Avenue, Olmstead Avenue, new bold Avenue, Pugsley Avenue, a line midway between Westchester Avenue and Newbold Avenue, a line perpendicular to the southerly street line of Westchester Avenue originating at a point 450 feet easterly of Pugsley Avenue; and
2. Changing from an C2-2 District within an R5 District to a C2-4 District within an R6 District on property bounded by Westchester Avenue, Olmstead Avenue, a line midway between Westchester Avenue and Newbold Avenue and a line perpendicular to the southerly street line of Westchester Avenue originating at a point 450 feet easterly of Pugsley Avenue.

Borough of The Bronx, Community District #9, as shown on a diagram (for illustrative purposes only) dated December 12, 2016.

BACKGROUND

The Project Area

Approval of this application will amend the Zoning Map by changing an existing R5 District located on Block 3805, to R6. Also proposed is to change an existing R5/C2-2 to R6/C2-4. The specific Block and Lots known as the Proposed Project Area include:

Block 3805, Lots: 69, 71, 72, 73, 75, and 76, from R5 to R6

Block 3805, Lots: 30, 34, and 41, from R5/C2-2, to R6/C2-4

Block 3805, Lots: 11, 43, 55, 56, 78, 123, and 124, portions of these lots would be rezoned from R5/C2-2 to R6/C2-4.

This project is subject to Mandatory Inclusionary Housing mandates (MIH).

The Development Site

Adoption of the proposed zoning changes will facilitate construction of two residential buildings, Building A and Building B. Together, this development will be known as Westchester Mews. These proposed buildings will be constructed on Block 3805, Lot 123 and Lot 124, “the development site.” It consists of 47,060 square feet, approximately 1.08 acres. The site is currently vacant. The two proposed buildings will be constructed under the Quality Housing Program. This project will meet Enterprise Green requirements.

Building A:

2044 Westchester Avenue (Block 3805, Lot 124)

This site is located on the east side of Westchester Avenue, midblock, between Pugsley Avenue on the south and Olmstead Avenue on the north. The site is composed of 17,158 square feet, offering 134.08 feet of frontage on Westchester Avenue. The proposed mixed residential/commercial building will rise 11-stories and offer 82 residential units. Specific measurements and unit counts include:

- 87,000 gross square feet-residential floor area
 - 8,000 gross square feet-commercial floor area
- 95,000 gross square feet-TOTAL

Residential units include:

Studios:	13	Measuring approximately 350 square feet
1 Bedroom:	32	Measuring approximately 500 square feet
2 Bedrooms:	22	Measuring approximately 650 square feet
<u>3 Bedrooms:</u>	<u>15</u>	Measuring approximately 850 square feet
Total:	82	

No on-site vehicular parking will be provided. Interior parking for 51 bicycles will be provided.

Given Building A’s proximity to the elevated subway that is in place on Westchester Avenue, the required sound mitigation measures to reduce the noise associated with passing trains are being installed.

Building B

2044 Newbold Avenue (Block 3805, Lot 123)

This site is located on the west side of Newbold Avenue, midblock between Pugsley Avenue on the south and Olmstead Avenue on the north. The site is composed of 29,911 square feet, with 200 feet of frontage on Newbold Avenue. The proposed building will rise 10-stories and will include 124 residential units. Specific measurements include:

- 114,132 gross square feet of residential floor area
 - 1,319 gross square feet of community use facility floor area
- 115,451 gross square feet-TOTAL

Residential units include:

Studios:	35	Measuring approximately 350 square feet
1 Bedroom:	33	Measuring approximately 500 square feet
2 Bedrooms:	36	Measuring approximately 650 square feet
<u>3 Bedrooms:</u>	<u>20</u>	Measuring approximately 850 square feet
Total:	124	

No on site vehicular parking will be provided. Interior parking for approximately 63 bicycles will be provided.

The total number of residential units making up the Westchester Mews development is 206 units. A percentage breakdown of this total include:

- 23.41% studio units
- 31.71% 1-bedroom units
- 27.80 % 2-bedroom units
- 17.07 % 3-bedroom units

Unit affordability (Area Median Income-AMI) for Westchester Mews includes

- 16% Our Space
- 35% at 60% of AMI
- 49% at 80% of AMI

The two residential buildings will share a common exterior courtyard designed for passive recreation. This space will be composed of 1,500 square feet. A community room in each building will also be provided.

Development of the surrounding community includes low rise commercial buildings on Westchester Avenue. Residential development includes two-family homes and mid-rise residential buildings. Retail activity, access to the #6-Train and various bus routes are in place on Westchester Avenue. Vehicular access to the Cross Bronx Expressway is also available within a one mile radius of the Westchester Mews site.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application has been reviewed pursuant to SEQR and CEQR and received a Negative Declaration, meaning the proposed development will have no impact on the surrounding environment. The City Planning Commission certified this application as complete on December 12, 2016.

BRONX COMMUNITY BOARD HEARING

A meeting was called by Bronx Community District #9 on January 19, 2017. A vote recommending approval of this application was 19 in favor, five opposed, and three abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

A public hearing was convened by the Bronx Borough President on February 1, 2017. Speakers representing the applicant were present and spoke in favor of this application. A representative of Local 32BJ was also present and submitted written testimony, which is attached to this recommendation.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

The approval of this application will achieve two very important objectives:

- 1) Development of a vacant lot which will yield over 200 affordable residential units
- 2) The rezoning of property that will facilitate higher density residential development in an area well served by mass transit.

I acknowledge that building affordable housing as represented here by the Westchester Mews proposal is critical for our city. As I have also noted, making certain that what is constructed will be able to accommodate growing families; this too must never be compromised. As such, I must vigorously object to the very modest size of what will be provided to such families at Westchester Mews. Indeed, a three-bedroom unit measuring approximately 850 square feet is simply too small. I would recommend that the Department of Housing Preservation and

Development (HPD) revise its standards and by so doing, establish increased minimum unit measurements that will prevent overcrowding and thereby allow for what must be the inclusion of a person's "private space" within a multi-bedroom unit. To ignore the essentiality of such space is to create housing which, over time will be considered sub-standard. I will continue to speak out about this matter, as for the sake of economics and demand we are now, in my judgement, compromising on the living standards of what is being built.

I recommend approval of this application, noting that for this project, my observations cannot be imposed upon the applicant.



**Testimony of Bryant Brown, SEIU 32BJ
Testifying in Opposition Westchester Mews,
Borough President Hearing
February 1, 2017**

Good morning, my name is Bryant Brown, and I am here today testifying on behalf of my union. 32BJ is the largest property service workers union in the country. 32BJ represents 70,000 building service workers in New York City. Over 4,000 of us live in Community District 9 and over 33,000 of us work in residential buildings like the one Procida is proposing to develop. I am here to tell you just how important it is that Procida commit to creating high quality jobs at Westchester Mews.

Westchester Mews is going to create badly needed affordable housing in the Bronx. My union and I understand how important this is. Many of us have struggled to stay in New York City as rents have risen. But we also know we need good jobs just as much as we need housing. We cannot build our way out of the affordable housing crisis. As long as there are working people earning too little to afford the rising housing costs, families are going to continue to get priced out of their homes.

Building service jobs can be jobs that pay \$10 an hour with no benefits, or they can be good quality jobs that pay wages that allow people to afford to put a roof over their head, save for retirement and access health benefits. My union brothers and sisters and I have been able to stay in the city and support our families because we are lucky to have these kinds of jobs. We need to make sure that Westchester Mews is creating good jobs, not poverty jobs, for Bronx residents.

This is why I am calling on the borough president and councilmember Anabelle Palma to ensure that Procida commits to creating high quality, family sustaining jobs at Westchester Mews and in all of its upcoming developments across the City.

Thank you.