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April 7, 2021 / Calendar No. 7

N 200275 ZRX

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**IN THE MATTER OF** an application submitted by Concord Realty 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 1.

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This application 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 applicant to establish a Mandatory Inclusionary Housing (MIH) area on Block 2755, p/o Lots 15, 16 and 18. This application, in conjunction with the related zoning map amendment (C 200274 ZMX), would facilitate the construction of an 11-story residential development with 88 dwelling units, 22 of which would be permanently affordable, at 431 Concord Avenue in the Mott Haven neighborhood of Bronx, Community District 1.

#### **RELATED ACTION**

In addition to the zoning text amendment (N 200275 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 200274 ZMX**      Zoning map amendment to rezone an M1-2 district to an R7D district.

#### **BACKGROUND**

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 200274 ZMX).

## **ENVIRONMENTAL REVIEW**

This application (N 200275 ZRX), in conjunction with the application for the related action (C 200274 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 21DCP007X.

A summary of the environmental review appears in the report for the related zoning map amendment (C 200274 ZMX).

## **PUBLIC REVIEW**

This application (N 200275 ZRX), in conjunction with the application for the related action (C 200274 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 21DCP007X.

A summary of the environmental review appears in the report for the related zoning map amendment (C 200274 ZMX).

## **Community Board Public Hearing**

Bronx Community Board 1 held a public hearing on this application (N 200275 ZRX) on November 19, 2020, and on the same date, by a vote of none in favor, 23 opposed, and none abstaining, recommended disapproval of the application. CB 1 did not submit a recommendation to the Department of City Planning

## **Borough President Recommendation**

The Bronx Borough President held a public hearing on this application (N 200275 ZRX) on January 7, 2021, and on February 10, 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 200274 ZMX).

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

On February 3, 2021 (Calendar No. 2), the City Planning Commission scheduled February 17, 2021, for a public hearing on this application (N 200275 ZRX), in conjunction with the related application (C 200274 ZMX). The hearing was duly held on February 17, 2021 (Calendar No. 23).

Two speakers testified in favor of the application and none in opposition, as described in the report for the related zoning map amendment (C 200274 ZMX), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 200275 ZRX), in conjunction with the application for the related action (C 200274 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 200274 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:

431 CONCORD AVENUE

CD 1

N 200275 ZRX

IN THE MATTER OF an application submitted by Concord Realty 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.

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

\* \* \*

### Bronx Community District 1

\* \* \*

Map 9 - [date of adoption]



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

Area **10** — [date of adoption] — MIH Program Option 1 and Option 2

The above resolution (N 200275 ZRX), duly adopted by the City Planning Commission on April 7, 2021 (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 Chairman*

**DAVID BURNEY, ALLEN P. CAPPELLI, Esq.**

**ALFRED C. CERULLO, III, JOSEPH I. DOUEK, ANNA HAYES LEVIN,**

**RICHARD W. EADDY, HOPE KNIGHT, ORLANDO MARIN,**

**LARISA ORTIZ**, *Commissioners*

**RAJ RAMPERSHAD**, *Commissioner, Recused*



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> 431 Concord Avenue	
<b>Applicant:</b> Nissan Cohen	<b>Applicant’s Administrator:</b> Frank St. Jacques
<b>Application #</b> 200274ZMX	<b>Borough:</b> Bronx
<b>CEQR Number:</b> 77DCP599X	<b>Validated Community Districts:</b> X01


**Docket Description:**  
IN THE MATTER OF an application submitted by Concord Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, by changing from an existing M1-2 District to an R7D District property bounded by East 145th Street, Concord Avenue, a line 150 feet southerly of East 145th Street, and a line midway between Jackson Avenue and Concord Avenue, Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-588.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Favorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>CONSIDERATION:</b> Attached please find the Bronx Borough President's ULURP regarding Concord Avenue		
Recommendation submitted by	BX BP	Date: 2/10/2021 5:40 PM

<b>BOROUGH PRESIDENT RECOMMENDATION</b>	<b>CITY PLANNING COMMISSION</b> 22 Reade Street, New York, NY 10007 Fax # (212)720-3356
<b>INSTRUCTIONS</b>  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.	
<b>APPLICATION # C 200274ZMX N200275ZRX-431 Concord Avenue</b>  <b>DOCKET DESCRIPTION</b>  PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION	
<b>COMMUNITY BOARD NO. 1</b>	<b>BOROUGH: BRONX</b>
<b>RECOMMENDATION</b>  <input checked="" type="checkbox"/> <b>APPROVE</b>  <input type="checkbox"/> <b>APPROVE WITH MODIFICATIONS/CONDITIONS (List below)</b>  <input type="checkbox"/> <b>DISAPPROVE</b>  <b>EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)</b>  PLEASE SEE ATTACHMENT FOR BOROUGH PRESIDENT'S RECOMMENDATION	
<div></div> <div><div><div></div><div>BOROUGH PRESIDENT</div></div><div><div><u>2/10/21</u></div><div>DATE</div></div></div>	

**BRONX BOROUGH PRESIDENT'S RECOMMEDATION  
ULURP APPLICATION NOS: C 200274ZMX N200275ZRX  
431 Concord Avenue**

**DOCKET DESCRIPTION**

**CD #1-ULURP APPLICATION NO: C 200274ZMX N200275ZRX -431 Concord Avenue:**

**IN THE MATTER OF** an application submitted by Concord Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, by changing from an existing M1-2 District to an R7D District property bounded by East 145th Street, Concord Avenue, a line 150 feet southerly of East 145th Street, and a line midway between Jackson Avenue and Concord Avenue, as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-588.

A zoning text amendment of Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas or Community District 1, Bronx to establish the Project Area as an MIH Area.

**BACKGROUND**

The Applicant intends to pursue HPD discretionary funding to make the project a 100% affordable housing development. The Proposed Actions would facilitate the development on Projected Development Site 1 with an 11-story, 115-foot tall, 87,369 gross square foot (5.51 FAR) Quality Housing residential building with approximately 88 affordable residential dwelling units and 29 accessory parking spaces located on the first/ground floor of the building.

The unit breakdown is as follow:

- 12 Studios- 14%
- 38 One-Bedrooms- 43%
- 28 Two-Bedrooms- 32%
- 10 Three-Bedrooms- 11%

Although Potential Development Site 1 is not proposed for development, it is anticipated that it could be developed with an 8-story, 85-foot tall, 18,480 gross square foot residential building containing 22 residential dwelling units based on the standard average unit size of 850 square feet. For the purposes of a conservative analysis, the EAS assumes that 20% of the residential floor area would be reserved as affordable to households with incomes at or below 80% of the AMI resulting in 4 affordable units. No accessory parking would be required or provided.

The proposed rezoning is well-served by open space, with St. Mary's Park located one block west of the site. It is also located approximately one mile from the Randall's Island Connector across the Bronx Kill, allowing access to open space on Randall's Island.



This project is well-served by public transportation. The IRT 6 East 143<sup>rd</sup> Street-St. Mary's Street station is located approximately three blocks southeast of the proposal, and the IRT 2 and 5 Jackson Avenue station located approximately ½ mile north of the proposed rezoning. The BX17 and 19 are located two blocks north of the site, along East 149<sup>th</sup> Street, and the BX33 approximately six blocks south along East 138<sup>th</sup> Street, where another BX17 stop and the IRT 6 Cypress Avenue station are located. The proposed rezoning is also approximately five blocks from a southbound exit ramp from the Bruckner Expressway, and is approximately 2/3 mile from where the Bruckner and Major Deegan Expressways meet at the access point for the Triborough Robert F. Kennedy Bridge.

#### **ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION**

These applications have been reviewed pursuant to CEQR and SEQR and received a Negative Declaration. The City Planning Commission certified these applications as complete on October 30, 2020.

#### **BRONX COMMUNITY BOARD PUBLIC HEARING**

A public hearing was called by Bronx Community Board #1 on November 19, 2020. A vote recommending approval of these applications was zero in favor, 23 against, and zero abstaining.

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

The Bronx Borough President convened a public hearing on these applications on January 7, 2021. Representatives of the applicant were present and spoke in favor of these applications. No members of the public were in attendance. The hearing was closed.

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

Mott Haven is in the process of going through dramatic changes. "The South Bronx" has become a tagline and destination for real estate developers. Given its excellent transit access and proximity to Manhattan, some people have felt this is inevitable. While that may be the case to a certain extent, we must not let development run rampant, and without a coordinated effort to provide opportunities to those that have lived in the country's poorest Congressional District for decades.

Affordable housing is key to assuring the stability of a neighborhood. During this crisis, that statement rings true more than ever. I have put my money where my mouth is when it comes to affordable housing, not only in dollars, but in assuring that the right type and size of units are constructed, and that these buildings provide the aesthetics and amenities that residents have earned.

This proposed rezoning looks to change the subject properties from manufacturing to residential. Usually, I would raise concern about losing industrial land, but the location of this project one block from St. Mary's Park and a few blocks from one of the most underutilized subway stations in the borough, make it difficult to be against such a rezoning. The proposed project highlighted in this rezoning is an extremely attractive building that offers units at a wide range of incomes. Half of the units are between 27-47% of area median income (AMI), with more than a third below 37% AMI.

I would be remiss, if I did not note that Bronx Community Board #1 has raised serious objections regarding this project focused around the existing and long-term maintenance of these sites. First, there were concerns about the management company. While usually it is not usually the business of ULURP to decide management companies, Bronx Community Board #1 has had a particular issue with the original management company chosen. In subsequent discussions with the developers, I understand they are close to signing with a new management company that I hope meets satisfaction with the community board. Second, the community board has claimed that the property owner has not been a good neighbor, allowing two fires to occur without proper cleanup and maintenance. That is unacceptable. The site has since been cleaned up, but it is reactive to desired approval of this application.

While I agree that the second concern of the community board is particularly valid, I am hard-pressed to vote against an affordable housing project in Mott Haven that otherwise meets all of our criteria, and located near open space during a pandemic. Our open spaces have become a safe harbor for both our physical and mental health, and providing a wide array of affordable opportunities among these 88 units near one of our flagship parks, makes too much sense.

I recommend approval of this application, but with the reminder that if you come to our borough, you must treat our borough right. If you look to do business in our borough, you must engage our community right. Everybody gets one, but that may not be the case next time. Let this be notice.