



IN THE MATTER OF an application submitted by Azimuth Development Group 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 9.

This application (N 190103 ZRX) for a zoning text amendment was filed by Azimuth Development Group LLC on September 14, 2018, in conjunction with a related action. The proposed actions would facilitate a mixed-use development consisting of affordable housing and ground-floor retail space in Bronx Community District 9.

RELATED ACTION

In addition to the zoning text amendment (N 190103 ZRX) 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:

C 190102 ZMX	Zoning Map amendment to change an R5 zoning district to an R7A/C2-4 district.
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BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 190102 ZMX).

ENVIRONMENTAL REVIEW

This application (N 190103 ZRX), in conjunction with the application for the related action (C 190102 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 19DCP082X.

A summary of the environmental review appears in the report for the related zoning map amendment (C 190102 ZMX).

PUBLIC REVIEW

This application (N 190103 ZRX) was duly referred to Bronx Community Board 9 and the Borough President on January 7, 2019 in accordance with the procedures for non-ULURP matters, along with the related application for a zoning map amendment (C 190102 ZMX), which was certified as complete by the Department of City Planning 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 9 adopted a resolution recommending approval of this application (N 190103 ZRX) with conditions on January 17, 2019 by a vote of 21 in favor, one opposed, and with one abstention.

Borough President Recommendation

This application (N 190103 ZRX) was considered by the Bronx Borough President, who issued a recommendation approving the application on February 19, 2019.

City Planning Commission Public Hearing

On February 13, 2019 (Calendar No. 2), the City Planning Commission scheduled February 27, 2019 for a public hearing on this application (N 190103 ZRX) and the application for the related action. The hearing was duly held on February 27, 2019 (Calendar No. 25). Three speakers testified, as described in the report for the related zoning map amendment (C 190102 ZMX), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 190103 ZRX), in conjunction with the related application for a zoning map amendment (C 190102 ZMX), is appropriate.

A full consideration and analysis of the issues and the reasons for approving this application appear in the report for the related zoning map amendment (C 190102 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 the related report (C 190102 ZMX), 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 with # # is defined in Section 12-10;

*** indicates where unchanged text appears in the Zoning Resolution.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

The Bronx

* * *

The Bronx Community District 9

* * *

Map 5 – [Date of Adoption]



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

Area **5** — [date of adoption] — MIH Program Option 1

Portion of Community District 9, The Bronx

* * *

The above resolution (N 190103 ZRX), duly adopted by the City Planning Commission on March 13, 2019 (Calendar No. 14) 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*

**ALFRED C. CERULLO, III, JOSEPH I. DOUEK, RICHARD W. EADDY,
HOPE KNIGHT, ANNA HAYES LEVIN, LARISA ORTIZ, RAJ RAMPERSHAD,**
Commissioners

ORLANDO MARIN, *Commissioner*, recused.

Application #: **C 190102 ZMX**

CEQR Number: 19DCP082X

Project Name: **2069 Bruckner Boulevard Rezoning**

Borough(s): Bronx

Community District Number(s): 9

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 and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st 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:

IN THE MATTER OF an application submitted by Azimuth Development Group LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 4b & 7a:

- changing from an R5 District to an R7A District property bounded by Chatterton Avenue, Olmstead Avenue, Bruckner Expressway, and a line 300 feet westerly of Olmstead Avenue; and
- establishing within the R7A District a C2-4 District bounded by Chatterton Avenue, Olmstead Avenue, Bruckner Expressway, a line 300 feet westerly of Olmstead Avenue, a line midway between Chatterton Avenue and Bruckner Boulevard (northerly portion), and a line 100 feet westerly of Olmstead Avenue;

Borough of the Bronx, Community District 9, as shown on a diagram (for illustrative purposes only) dated January 7, 2019, and subject to the conditions of CEQR Declaration E-515.

Applicant(s): Azimuth Development Group LLC 40 Fulton Street New York, NY 10038		Applicant's Representative: Jaclyn C. Scarinci, Esq. Akerman, LLP 666 Fifth Avenue, 20th Floor New York NY 10103	
Recommendation submitted by: Bronx Community Board 9			
Date of public hearing: 1/17/19		Location: Shoprite Community Room 1994 Bruckner Blvd, Bx NY 10473	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: 1/17/19		Location: Shoprite Community Room, 2nd Floor 1994 Bruckner Blvd, Bx NY 10473	
RECOMMENDATION <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions			
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting # In Favor: 21 # Against: 1 # Abstaining: 1 Total members appointed to the board: 31			
Name of CB/BB officer completing this form  WILLIAM RIVERA District Manager Bronx CB9 City of New York		Title WILLIAM RIVERA District Manager Bronx CB9 City of New York	
		Date 1/18/19	



COMMUNITY BOARD NUMBER 9

CITY OF NEW YORK
1967 TURNBULL AVENUE
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RUBEN DIAZ JR.
BRONX BOROUGH PRESIDENT

NICHOLAS HIMIDIAN JR
CHAIRPERSON

WILLIAM RIVERA
DISTRICT MANAGER



January 18, 2019

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

EXECUTIVE OFFICERS

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Chairperson

Mohammad Mujumder
1st Vice Chairperson

Brandon Ganaishlal
2nd Vice Chairperson

Benigno Cuevas
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Treasurer

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Executive & Operations
Land, Zoning, Planning, &
Economic Development
Parks & Recreation
Public Safety &
Transportation
Social Services & Housing
Youth & Education

NEIGHBORHOODS

Bronx River
Bruckner
Castle Hill
Clason Point
Harding Park
Parkchester
Soundview
Unionport
Shorehaven
Zerega

REF: CB Recommendation #C190102 ZMX - 2069 Bruckner Boulevard, Bronx NY 10472

To whom it may concern:

I am writing to notify your office, that on January 17, 2019, Bronx Community Board 9 voted to approve the of above mentioned recommendation with the modifications and conditions listed below, in pursuant to the Uniform Land use Review Procedure.

Modifications/Conditions: The Applicant Azimuth Development Group, LLC:

- | |
|---|
| 1. Collaborate with the independent non-profit, United Hispanic Construction Workers (UHCW) & Buildings Skills NYC to facilitate and ensure that up to 25% of the construction work forces, for these developments are residents in our Community Board's zip codes and/or The Bronx. (Zip codes: 10473, 10472, 10462, 10460) |
| 2. Set aside sufficient retail / community space for community programing & implement a senior/veteran preference, if possible. |
| 3. Contribute yearly to the closest neighboring schools, to assist with a specific program or need, in council w/ the NYC Department of Education & Bronx Community Board 9. |
| 4. Sponsor yearly to the Virginia Park & Hugh J. Grant Circle Park community group to assist with operating costs & programming, and local youth community initiative. |
| 5. Set aside a portion of allocated parking for retail space in building. |
| 6. Commit to creating high quality building service jobs that pay all building service workers the union standard wages and benefits. |

Thank You,

William Rivera,
District Manager

CC: NYC Council Member Ruben Diaz Sr, 18th Council District & Local Elected Officials
Chairman Nicholas Himidian, Bronx Community Board 9
Bronx Office, NYC Department of City Planning
Planning Office, Bronx Borough President's Office
Land, Zoning, Planning & Economic Development Committee, BX Community Board 9

**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 NO: C 190102 ZMX

DOCKET DESCRPTION-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

2/17/17

DATE

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 190102 ZMX
2069 Bruckner Boulevard Rezoning**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Azimuth Development Group LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 4b & 7a:

- 1) Changing from an R5 District to an R7A District property bounded by Chatterton Avenue, Olmstead Avenue, Bruckner Expressway, and a line 300 feet westerly of Olmstead Avenue; and
- 2) Establishing within the R7A District a C2-4 District bounded by Chatterton Avenue, Olmstead Avenue, Bruckner Expressway, a line 300 feet westerly of Olmstead Avenue, a line midway between Chatterton Avenue and Bruckner Boulevard (northerly portion) and a line 100 feet westerly of Olmstead Avenue;

Borough of The Bronx, Community District #9, as shown on a diagram (for illustrative purposes only) dated January 7, 2019, and subject to the condition of CEQR Declaration E-515.

BACKGROUND

Approving this application will amend the Zoning Map, Section Numbers 4b and 7a pertains to property located on Block 3797, Lots 33 and p/o Lots 1 and 32; the Project Area, from an R5 District to a R7A/C2-4 District. This "Project Area" is bounded by Chatterton Avenue on the north, Bruckner Boulevard on the south, Olmstead Avenue to the east. Block 3797 is bounded by Pugsley Avenue on the west. The Project Area extends up to 300 feet west from Olmstead Avenue. Bruckner Boulevard and Olmstead Avenue are wide streets, Chatterton Avenue is a narrow street. A zoning text amendment to Appendix F of the Zoning Resolution to designate the Project Area a Mandatory Inclusionary Housing (MIH) Area with Option 1 is pending approval with this application.

The Development Site includes Block 3797, Lot 33. This Development Site is composed of 61,101 square feet. Located on this property is a 1-story, vacant building approximating 10,200 square feet. At one time this building was a supermarket and subsequently a church. It will be demolished. An off-street parking lot offering 95 spaces surrounds the vacant building.

Approving this proposed Zoning Map amendment will facilitate construction of two buildings:

Building A: A 7-story residential building fronting on Chatterton Avenue

Building B: A 9-story residential building, fronting on Bruckner Boulevard and Olmstead Avenue.

Azimuth Development Group LLC (the applicant) is proposing both buildings and all associated development be considered as one proposal. Highlights of this proposal include:

- Total Development Cost: \$130 million
- Total Development Site: 61,101 square feet
- Total Floor Area: 281,064 square feet
- Total Residential Floor Area: 263,041 square feet (4.31 FAR)
- Total Commercial Space: 18,023 square feet (0.29 FAR)
- Total Residential Units: 330
- Permanently Affordable Units: 86 (25% of Residential Floor Area)
- Outdoor Recreational Area: 2,586 square feet
- Off-street Parking: 159 vehicular spaces
(103 space minimum is required)

The off-street parking to be provided will be accessible via Bruckner Boulevard at the western lot line of this development. A total of 99 spaces will be located in the cellar and 60 spaces at-grade.

Development of both buildings will comply with Enterprise Green Environmental requirements.

Building A

Building A is a 7-story residential building fronting on the south side of Chatterton Avenue. As Chatterton Avenue is a narrow street, this 7-story building “steps down” from 70 feet on the east, to 50 feet at its western property line. It is anticipated that this building will be developed pursuant to the Department of Housing Preservation and Development’s Open Door home ownership program. This building includes:

- 64,231 square feet of residential floor area
- 65 dwelling units, including:
 - 17 one-bedroom units-offering 548 gross square feet (gsf)
 - 33 two-bedroom units-offering 723 gsf
 - 15 three-bedroom units-offering 920 gsf
- Building A will not offer any studio units.

The applicant is proposing Building A participate in HPD's Open Door home ownership program for financing. Pursuant to this program, the Area Median Income (AMI) minimum is 80%. Consequently:

- 1 Bedroom units will market at: \$243,750 household income is: 84% of AMI
- 2 Bedroom units will market at: \$276,000 household income is: 82% of AMI
- 3 Bedroom units will market at: \$340,000 household income is: 89% of AMI

These sales prices and AMI's are subject to approval by HPD.

Amenities in Building A include:

- Washer and dryer equipment in each unit
- Energy Star appliances
- Will satisfy Enterprise Green environmental standards.

Building B

Building B is a 9-story residential building fronting on north side of Bruckner Boulevard and on the west side of Olmstead Avenue. Entrance to this building will be via Olmstead Avenue. This building will be developed pursuant to HPD's Mixed Income Program: Mix and Match. This building includes:

- 198,810 square feet of residential floor area
- 18,023 square feet of commercial floor area
- 265 residential units, including:
 - 56 Studio units offering 450 gross square feet (gsf)
 - 111 one bedroom units offering: 650 gsf
 - 80 two bedroom units offering: 825 gsf
 - 18 three bedroom units offering: 1,150 gsf

The percentage of residential units to be allocated pursuant to Area Median Income include:

- 15% formally homeless
- 5% at 30% of Area Median Income (AMI)
- 5% at 40% of AMI
- 10% at 60% of AMI
- 25% at 70% of AMI
- 30% at 80% of AMI
- 10% at 90% of AMI

The 18,023 square feet of commercial space to be included in Building B will be accessible from both Bruckner Boulevard and Olmstead Avenue; two on Bruckner Boulevard and two on Olmstead Avenue. The disposal of refuse associated with these non-residential locations will be

accommodated on the cellar level. The Project Area is within an area where FRESH discretionary tax credits are available.

A majority of the residential development within the "Project Area" is composed of low-rise, one and two family homes on modest size lots. These homes are primarily located on Chatterton Avenue and Olmstead Avenue. A 10-story residential building surrounded by open space is located at the Bruckner Boulevard, Pugsley Avenue intersection. Similar mid-rise buildings are located on south side of Pugsley Avenue.

Commercial development is located on Bruckner Boulevard. The Bruckner Expressway (I-278) is situated at grade, essentially dividing Bruckner Boulevard in half with southbound traffic on the west side of the expressway, northbound on the east. A pedestrian crossing is available at Pugsley Avenue. Castle Hill Avenue offers vehicular crossing over the Bruckner Expressway. Access to the Bruckner Expressway is available at White Plains Road.

Access to subway service via the #6 train is available at the Parkchester station approximately one-half mile from the Project Area. So too, the Select Bus Service (SBS) Q44 is available at the Parkchester station. Local bus transportation via the Bx5, Bx22, Bx36 and Bx39 are available within a six block radius of the Project Site. The Project Site is within a Transit Zone.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application was reviewed pursuant to CEQR and SEQR and received a Negative Declaration. This application was certified as complete by the City Planning Commission on January 7, 2019.

BRONX COMMUNITY DISTRICT PUBLIC HEARING

Bronx Community Board #9 held a public hearing on this application on January 18, 2019. A vote recommending approval of this application was 21 in favor, one against and one abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President convened a public hearing on this application was February 4, 2019. Representatives of the applicant were present and spoke in favor of this application. A member of the public representing Local 32BJ submitted written testimony. No other members of the public sought to speak and the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

I want to initiate my comments on this application by expressing my strong support for the Open Door option which the Department of Housing Preservation and Development (HPD) is now offering developers of affordable housing. This new program will provide those who qualify an opportunity to own their new residence. In The Bronx where any kind of home ownership remains the lowest in New York State, Open Door will give people a chance to make a financial commitment to their community and in return provide them an investment that can yield significant benefits as their equity increases over time. I commend those associated with this application for their participation in Open Door.

Looking specifically at the two residential buildings (Building A, Building B) approving this application will facilitate, I would want to see unit size increase. This is especially so in Building A, which will offer the sale of units pursuant to Open Door. In this case not only is the buyer likely to remain in the unit for a time that would exceed that of a renter, but when that buyer wishes to liquidate his/hers asset, square foot size is absolutely critical.

I am mindful of HPD's minimal unit size guidelines, and as my commentary record will demonstrate, I believe these minimums are too restrictive. Now however, as we consider an owner option made possible by Open Door, it is essential that HPD differentiate unit size minimums between buildings where residents rent and those in which residents own an asset.

I also believe a policy that encourages the proliferation of studio units and by so doing discourages 2 and 3 bedroom units, must be reconsidered. Again, this is especially so when owner occupied buildings are being planned, as buyers are very likely to remain in their unit as family size increases. It is to the credit of this applicant that Building A excludes studios, favoring 2 and 3 bedroom units. My only additional comment regarding Building A pertains to the roof areas created by the "stepdown" configuration of the building. While I understand that these areas will not be accessible to residents whose windows will directly overlook them, I suggest some form of landscaping or green roof be considered for these areas.

Given the proximity of this development to the Bruckner Expressway I advocate for the installation of triple-paned windows throughout the proposed complex. This would all but eliminate the endless din caused by the expressway while also dramatically reducing heat loss in winter and cool loss in summer. It is also critical that retailers not be permitted to install exterior signs that are specifically designed to distract a driver's attention. As I have seen across The Bronx, LED technology affords the installation of signs and lighting that is so bright, in addition to presenting a real hazard for drivers, the presence of such signs presents an intrusion that no nearby resident should have to tolerate. Therefore I am proposing that the applicant include in a perspective retailer's lease the size and any other relevant stipulations associated with signage illumination. Likewise, if the perspective occupant of a retail location will in fact offer professional services, for example a pre-school, that the exterior windows remain such that ambient light will improve the overall profile of this development.

Finally, I am concurring with Bronx Community Board #9's suggestion that a "roof" be considered for installation over the planned exterior parking area. Such an amenity would

dramatically improve the value of those investing in this development, but would virtually eliminate the presence of this area on all those who otherwise will overlook this lot.

I recommend approval of this application.