



**IN THE MATTER OF** an application submitted by 2712 Radcliff Yates 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 11.

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This application for an amendment to the Zoning Resolution was filed on February 14, 2018 by 2712 Radcliff Yates Realty LLC, in conjunction with an application for a zoning map amendment. The applicant requests to designate a Mandatory Inclusionary Housing (MIH) area. Along with the related action, the requested action would facilitate the development of a new nine-story mixed-use building at 2712 Williamsbridge Road and 2721 Colden Avenue in the Allerton neighborhood of Bronx, Community District 11.

### **RELATED ACTION**

In addition to the zoning text amendment (N 180262 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 180261 ZMX**      Zoning Map amendment to change a C8-1 zoning district to an R7A and R7A/C2- 3 district.

### **BACKGROUND**

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 180261 ZMX).

## **ENVIRONMENTAL REVIEW**

This application (N 180262 ZRX), in conjunction with the applications for the related action (C 180261 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 18DCP071X. The lead is the City Planning Commission.

A summary of the environmental review appears in the report for the related zoning map amendment (C 180261 ZMX).

## **PUBLIC REVIEW**

This application (N 180262 ZRX) was duly referred to Bronx Community Board 11 and the Bronx Borough President in accordance with the procedures for non-ULURP matters, along with the application for the related zoning map amendment (C 180261 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 11 held a public hearing on this application (N 180262 ZRX) on November 19, 2018, and on November 29, 2018, disapproved the application by a vote of 14 in favor, 20 opposed, and two abstentions. A summary of Community Board 11's recommendation appears in the report for the related zoning map amendment (C 180261 ZMX).

### **Borough President Recommendation**

This application (N 180262 ZRX) was considered by the Bronx Borough President, who issued a recommendation with conditions on December 13, 2018. A summary of the Borough President's recommendation and conditions appear in the report for the related zoning map amendment (C 180261 ZMX).

## City Planning Commission Public Hearing

On December 5, 2018 (Calendar No. 2), the City Planning Commission scheduled December 19, 2018 for a public hearing on this application (N 180262 ZRX), in conjunction with the related application (C 180261 ZMX). The hearing was duly held on December 19, 2018 (Calendar No. 22). There were six appearances, as described in the report for the related zoning map amendment (C 180261 ZMX), and the hearing was closed.

## CONSIDERATION

The Commission believes that this application for a zoning text amendment as modified by the change in the rezoning area (N 180262 ZRX), in conjunction with the related application as modified (C 180261 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 180261 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 180261 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 within # # 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

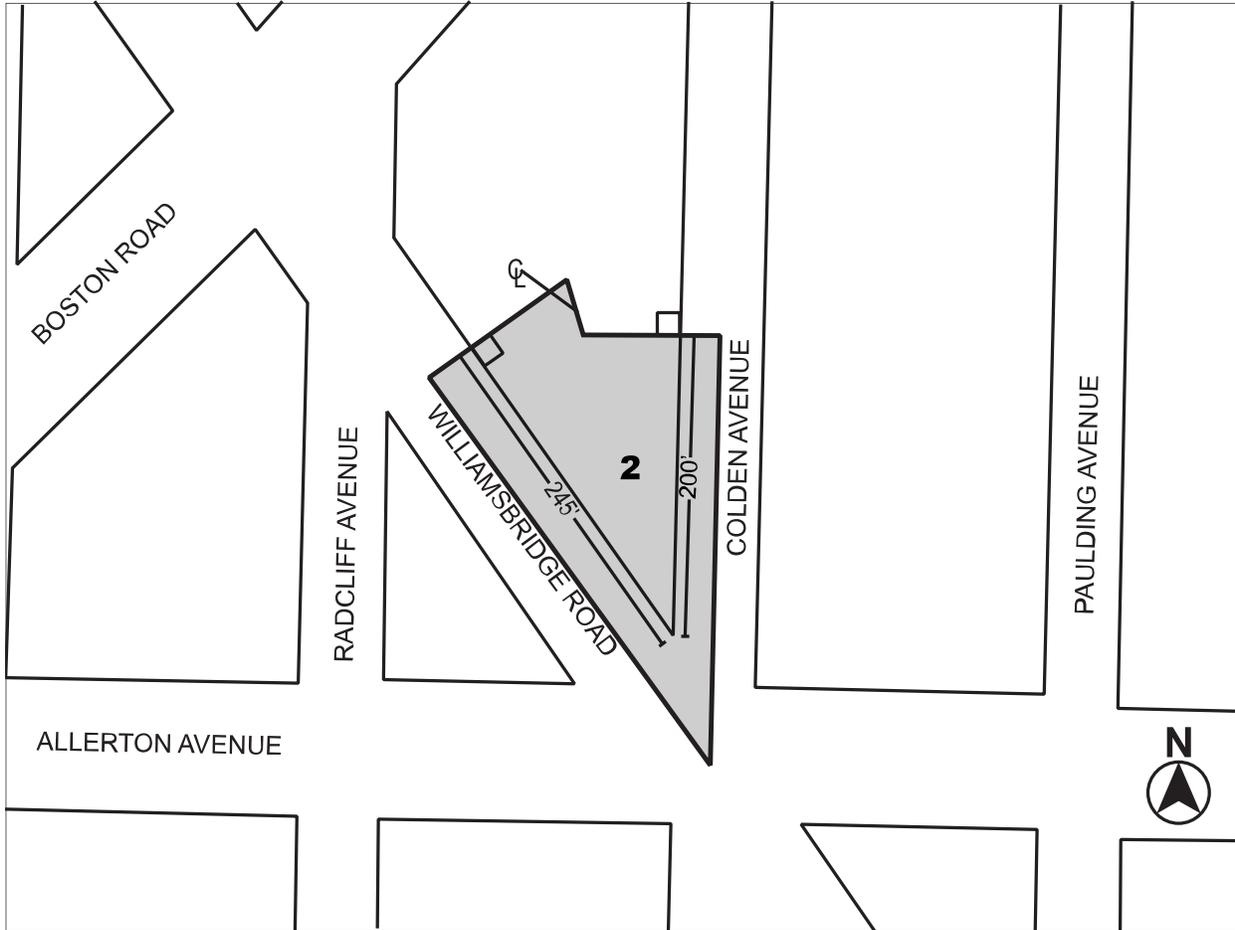
\* \* \*

# THE BRONX

\* \* \*

## Bronx Community District 11

\* \* \*



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

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

Portion of Community District 11, The Bronx

\* \* \*

The above resolution (N 180262 ZRX), duly adopted by the City Planning Commission on January 30, 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*

**ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,**

**MICHELLE de la UZ, JOSEPH I. DOUEK,**

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

**ANNA HAYES LEVIN, ORLANDO MARIN,**

**LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*



**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 180261 ZMX**

**DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION**

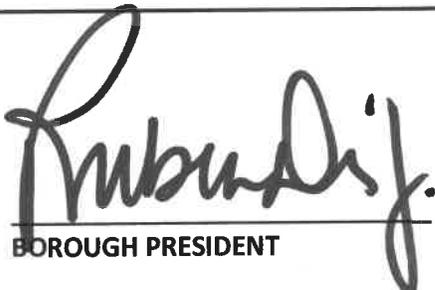
**COMMUNITY BOARD NO. # 11**

**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

12/13/2018  
DATE

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION  
ULURP APPLICATION NO: C 180261 ZMX  
Williamsbridge Road Rezoning**

**DOCKET DESCRIPTION**

**IN THE MATTER OF** an application submitted by 2712 Radcliff Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4a:

1. Changing from a C8-1 District to an R7A District property bounded by a line perpendicular to the northeasterly street line of Williamsbridge Road distant 245 feet northwesterly (as measured along the street line) from the point of intersection of the westerly street line of Colden Avenue and the northeasterly street line of Williamsbridge Road, a line midway between Colden Avenue and Williamsbridge Road, a line perpendicular to the westerly street line of Colden Avenue distant 275 feet (as measured along the street line) from the point of intersection of the westerly street line of Colden Avenue and the northeasterly street line of Williamsbridge Road, Colden Avenue, and Williamsbridge Road; and
2. Establishing within the proposed R7A District a C2-3 District bounded by a line perpendicular to the northeasterly street line of Williamsbridge Road distant 245 feet northwesterly (as measured along the street line ) from the point of intersection of the westerly street line of Colden Avenue and the northeasterly street line of Williamsbridge Road and a line 80 feet northeasterly of Williamsbridge Road, Colden Avenue, and Williamsbridge Road;

Borough of The Bronx, Community District #11, as shown on a diagram (for illustrative purposes only) dated September 4, 2018, and subject to the conditions of CEQR Declaration E-498.

**BACKGROUND**

This application pertains to property located at 2712 Williamsbridge Road and 2705, 2721, 2723, 2727, 2729 Colden Avenue. These addresses identify the *Project Area* which includes Block 4516, Lots 8, 43-46, 48 and 144. Approving this application will amend the Zoning Map by changing an existing C8-1 District to the proposed R7A District and establish within this District a C2-3 District. Existing development within the *Project Area* includes:

2705 Colden Avenue (Block 4516, Lot 48), consisting of 7,480 square feet of property and includes a non-conforming and non-complying 6-story residential building offering 40 dwelling units.

2723 Colden Avenue (Block 4516, Lot 45) consisting of 1,224 square feet of property and includes a 3-story, one and two family residential building

2725 Colden Avenue (Block 4516, Lot 144) consisting of 1,458 square feet of property and includes a 3-story, one and two family residential building.

2729 Colden Avenue (Block 4516, Lot 43) consisting of 1,653 square feet of property and includes a 3-story, one and two family residential building.

The proposed *Development Site* includes 2712 Williamsbridge Road and 2721 Colden Avenue (Block 4516, Lots 8 and 46). The total lot area of the proposed *Development Site* is 8,727 square feet. It offers 92 feet of frontage on Williamsbridge Road and 50 of frontage on Colden Avenue. Improvements on this site include a 1-story mixed use building offering two residential units fronting on Williamsbridge Road. Fronting on Colden Avenue is a 1-story 3-bay parking garage. The site is an irregular shaped lot, located at the intersection of Williamsbridge Road, Allerton Avenue and Colden Avenue. These site improvements will require demolition. The general boundaries include Boston Road on the north, Colden Avenue on the east, Allerton Avenue on the south and Williamsbridge Road on the west.

The *Project Area* includes 13,165 square feet of property plus the proposed *Development Site* offers 8,727 square feet. This yields 21,892 square feet of property on Block 4516 which will be rezoned pending approval of this application.

The applicant also proposes to amend Appendix F, the Inclusionary Housing Designated Area and Mandatory Inclusionary Housing Areas for Bronx Community District #11. The intent is to establish the proposed Project Area as a Mandatory Inclusionary Housing (MIH) Designated Area. It is proposed that Option 1 and Option 2 be included to provide maximum flexibility for non-applicant controlled sites (those properties that include Lots that are within the development area, but not the project area. The applicant has not determined which Option will be selected for the Project Area.

Approving this application will facilitate construction of a 9-story, mixed use commercial and residential building with approximately 38,712 square feet of floor area (FAR 4.43). The proposed building will include 30 residential units. Below ground parking for 16 vehicles and 16 bicycles will be provided. Commercial floor space will approximate 4,825 square feet and be accessible from Williamsbridge Road. Residential space will approximate 33,887 square feet and be accessible from and ADA compliant entrance on Colden Avenue.

The number of units and their size includes:

18-one bedroom units	approximating	586-668 gross square feet
7-two bedroom units	measuring	783 gross square feet
5-three bedroom units	measuring	1,204 gross square feet

Additional amenities to be located on the 9<sup>th</sup> floor will include:

Gym:	measuring:	512 square feet
Gym accessory room:	measuring:	457 square feet
Roof-top terrace:	measuring	1,994 square feet

Storage facilities for residents will be provided on site.

This proposed development will satisfy Enterprise Green Communities environmental standards.

The affordability of this proposed development is contingent on which MIH option is adopted. The following breakdown reflects the minimum allocations:

- Option 1:
  - 40% of Area Median Income (AMI)
    - 1 one-bedroom
    - 1 two-bedroom
    - 1 three bedroom
  - 60% of AMI
    - 5 one-bedroom
    - 2 two-bedroom
    - 2 three-bedroom
  
- Option 2:
  - 80% of AMI
    - 6 one-bedroom
    - 3 two-bedroom
    - 2 three bedroom

The remaining units will be market rate.

Option 2 does not mandate a unit-minimum for those earning 40% of AMI. No unit set-aside for formally homeless families is required if subsidies from the Department of Housing, Preservation and Development (HPD) are not sought by the developer.

Residential development in the surrounding community is typified by low-rise, attached, one and two family homes, and mid-rise multi-family buildings compose of five and six stories.

Commercial development is located on Williamsbridge Road and includes auto-related retail venues consistent with the existing C8-1 zone. Bus transportation via the Bx 8 operates on Williamsbridge Road, the Bx 26 on Allerton Avenue. The Westchester Bee Line 60, 61 and 62 serve Boston Road Subway access is available at the Allerton Avenue station of the #2 and rush-hour #5 trains approximately ½ mile east, and #5 train service at Pelham Parkway station approximately ½ south of the Project Area.

## **ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION**

This application was reviewed pursuant to CEQR and SEQRA and received a Negative Declaration. The Planning Commission certified this application as complete on September 4, 2018.

## **BRONX COMMUNITY DISTRICT PUBLIC HEARING**

A public hearing was called by Bronx Community Board #11. The hearing was held on November 19, 2018. Bronx Community Board #11 voted to *disapprove* this application. Those voting to approve the application were 14 in favor of approval, 20 voting against approval of this application and two abstaining.

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

The Bronx Borough President convened a public hearing on this application on November 13, 2018. Representatives of the applicant were present and spoke in favor of this application. A member of the public offered testimony expressing opposition to this application. No other members of the public were present and the hearing was closed.

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

Approving this application will facilitate construction of a 9-story residential building, comprised of 30 units of housing. As proposed, this new building to be located 2712 Williamsbridge Road and 2721 Colden Avenue (Block 4516, Lots 8 and 46), will offer retail venues fronting on Williamsbridge Road, while residential access would be available on Colden Avenue. This proposed building would be located directly north of an existing 6-story residential building located at 2705 Colden Avenue, (Block 4516, Lot 48). 2705 Colden Avenue offers 40 units of housing, and like the proposed building, it provides for retail activity on Williamsbridge Road and residential access via Colden Avenue. 2705 Colden Avenue was constructed in 1928 and therefore predates the current C8-1 designation which was adopted in 1961.

Also predating 1961 are the many low-rise, one and two family homes that typify the residential profile of this community, most notably on Colden Avenue. Therefore, in order for me to endorse this application, I must insist the boundaries of the proposed zoning map amendment this application would adopt *exclude* the four lots to the north of the proposed development, on which low-rise, privately owned residential homes are now located. The scope of the larger *project area* as defined in this application must be reduced to include only Lots 8, 46 and 48 on Block 4516. These lots will accommodate the proposed building to be constructed and the existing six-story building, bringing this latter building into compliance.

We in The Bronx must do all that is necessary to protect homes owned by Bronx families from being demolished and eventually replaced by multi-family developments that are all but certain to become rental housing. I make this stipulation fully mindful of our city's urgent need for affordable residential accommodations. I also believe however, that home ownership is essential for strong vibrant communities and that approving this application as presented threatens the low-rise, owner-occupied profile of this neighborhood. The fact that The Bronx represents the county with the lowest percentage of home ownership in New York State further substantiates my rationale for modifying this application pursuant to my recommendation.

Pending the modification I insist be made to the proposed Zoning Map amendment this application is considering, I approve this application.



**Sheldon Lobel &**

**ATTORNEYS AT LAW**

18 East 41st Street, 5th Floor  
New York, New York 10017  
212-725-2727 FAX 212-725-3910  
info@sheldonlobelpc.com  
[www.sheldonlobelpc.com](http://www.sheldonlobelpc.com)

January 3, 2019

**VIA EMAIL AND HAND DELIVERY**

Chair Marisa Lago  
Department of City Planning  
120 Broadway, 31<sup>st</sup> Floor  
New York, New York 10271

**Re: ULURP Nos.: 180261ZMX and N180262ZRX**  
**Williamsbridge Road Rezoning**  
**Bronx, New York**

Dear Chair Lago and Commissioners:

In response to the comments and questions raised at the December 19, 2018 public hearing for the above-referenced rezoning application, enclosed please find a revised plan set that illustrates the location of the accessibility ramp and planters along the Colden Avenue frontage. *See* A-05. The architect is in the process of revising the illustrative rendering, which we unfortunately cannot provide to the Commission at this time. However, the revised rendering will be included in the materials presented to the New York City Council.

At this time, the Applicant is selecting MIH Option 2 for the proposed development site, but will still seek additional input from Council Member Mark Gjonaj.

Should you have any questions, please do not hesitate to contact our office.

Respectfully submitted,

Richard Lobel

RL:fb  
Encl.

cc: Manny Lagares (DCP)