



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.

This application for a zoning map amendment was filed by Concord Realty LLC on March 2, 2020. This application, in conjunction with the related zoning text amendment (N 200275 ZRX), 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 map amendment (C 200274 ZMX) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

N 200275 ZRX Zoning text amendment to designate a Mandatory
Inclusionary Housing (MIH) area.

BACKGROUND

The applicant requests a zoning map amendment to change an M1-2 zoning district to an R7D zoning district, and a zoning text amendment to create an MIH area coterminous with the rezoning area.

The project area consists of portions of three contiguous lots of approximately 15,000-square feet (Block 2578, part of Lots 15, 16 and 18), bounded by East 145th Street to the north, Concord Avenue to the east, East 144th Street to the south, and Jackson Avenue to the west. The project area is comprised of the development site (Block 2578, part of Lots 16 and 18), as well as one lot not under the applicant's control (Lot 15) that is not expected to result in development from the proposed actions.

The development site contains approximately 13,750 square feet of total area and is comprised of applicant-owned vacant land (Lot 18) and an adjacent lot containing two vacant buildings (Lot 16) that were previously used as a mixed-use two-story building with a house of worship on the ground floor and a one-story building with a house of worship.

Block 2578 also contains several lots not included in the project area. Lot 21, located directly south of the project area in an M1-2 zoning district, is a 13,476-square-foot corner and interior lot improved with a one-story industrial building. The western portion of Block 2578, comprised of lots outside of the project area, is located in an R7-1 zoning district. Lot 6 is an approximately 12,255-square foot corner lot improved with a six-story, 60-foot residential building with 47 units. Lot 1 is an approximately 12,225 square foot corner and interior lot improved with a non-conforming industrial building with an open yard/loading area. The rezoning boundary would extend over a non-applicant owned lot (Block 2578, part of Lot 15), though no development or other changes on this site are anticipated as a result of this action.

The area surrounding the project area contains a mix of one- and two-family residences, multi-family walk-up and elevator buildings, and one-to three-story light industrial warehouses with high lot coverage. Concord Avenue transitions from primarily industrial uses south of East 144th Street to more residential uses moving north of East 144th Street. Concord Avenue does not have significant commercial activity and the closest retail corridor is located along East 149th Street, approximately two blocks north from the project area.

The project area is well served by public transit. The East 143rd Street Station, providing

service to the 6 line, is located approximately two blocks southeast of the project area. The Bx17 bus line is available four blocks northeast of the project area providing a connection from Port Morris to Fordham Plaza. The Bx 19 bus line is available two blocks north of the project area providing a connection from Riverbank Park to the New York Botanical Garden, and the Bx33 bus line runs along East 138th Street six blocks to the south, providing a connection from Port Morris to Harlem.

The project area is located within an M1-2 zoning district. M1-2 zoning districts are light industrial zoning districts that permit uses subject to M1 performance standards. Commercial offices and most retail uses are also permitted along with certain community facility uses. Residential use is not permitted within M1 zoning districts. The maximum floor area ratio (FAR) for permitted manufacturing and commercial uses within M1-2 districts is 2.0, and 4.8 for permitted community facility uses. The maximum base height before setback is 60 feet or four stories, whichever is lower, with maximum building height controlled by a sky exposure plane.

The applicant also proposes an amendment to Appendix F of the Zoning Resolution to designate an MIH area coterminous with the project area. The applicant proposes to use MIH Option 1, which requires that 25 percent of residential floor area be set aside for households with incomes averaging 60 percent of the Area Median Income (AMI), with 10 percent of residential floor area set aside for households with incomes averaging 40 percent of the AMI.

The proposed actions would facilitate the development of an 11-story Quality Housing residential development with approximately 88 dwelling units, which would result in 22 units of permanently affordable housing under MIH. The proposed development would contain 75,736 square feet of residential floor area and a total FAR of 5.51. The proposed development would have an overall height of 115 feet after a 15-foot setback above a base height of 95 feet. An approximately 41-foot rear yard would be provided. The first floor of the building would contain the residential lobby, amenities, and mechanical rooms, and approximately 29 enclosed

and unenclosed off-street parking spaces accessible via a new 12-foot-wide curb cut on Concord Avenue. The second through ninth floors would contain 76 units, and the tenth and eleventh floors would contain six units each for a total of 88 dwelling units.

ENVIRONMENTAL REVIEW

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

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 2, 2020. The Negative Declaration included an E-designation to avoid the potential for significant adverse impacts related to air quality and hazardous materials (E-588). The requirements of the (E) Designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 200274 ZMX) was certified as complete by the Department of City Planning on November 2, 2020 and was duly referred to Community Board 1 and the Bronx Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 200275 ZRX), which was duly referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Bronx Community Board 1 held a public hearing on this application (C 200274 ZMX) 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 (C 200274 ZMX) on January 7, 2021, and on February 10, 2021 issued a recommendation to approve the application.

City Planning Commission Public Hearing

On February 3, 2021 (Calendar No. 1), the City Planning Commission scheduled February 17, 2021, for a public hearing on this application (C 200274 ZMX), in conjunction with the related application (N 200275 ZRX). The hearing was duly held on February 17, 2021 (Calendar No. 22). Two speakers testified in favor of the application, and none in opposition.

Speakers testifying in favor of the application included two members of the applicant team. The applicant's representative presented an overview of the application and the land use rationale for the proposed zoning district and described the proposed development. He also stated his belief that the proposed development is appropriate due to its proximity to R7-1 districts immediately east and north of the development site. He noted that the applicant submitted a letter to the City Planning Commission detailing a reduction in the number of residential units from 92 to 88. He added that the applicant has selected Option 1, which would result in 22 units of permanently affordable housing targeted to persons at or below 60% of the AMI.

The applicant states that he has operated a minority-owned business in the Bronx for 30 years. He also stated that he would provide the street view renderings that were requested by the Commission.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 200274 ZMX), in conjunction with the related application for a zoning text amendment (N 200275 ZRX), is appropriate.

Together, the actions will facilitate the development of an 11-story residential building with 88 units, 22 of which will be permanently affordable.

The proposed R7D zoning district will be mapped along the northeastern portion of the block where there is currently a vacant lot, an adjacent lot containing two vacant buildings, and a non-applicant-owned lot containing a one-story auto repair shop. The Commission notes the presence of residential six-story uses immediately west and north of the project area, and believes that the proposed density is appropriate at the development site and consistent with surrounding zoning, land use and built form. The Commission is pleased that the proposed development will convert an existing underutilized site into affordable housing in a transit-rich area with a significant need for new income-restricted units, consistent with the goals outlined in *Housing New York*.

The proposed zoning text amendment (N 200275 ZRX) is appropriate. Designating an MIH area coterminous with the rezoning area is consistent with the City's objectives of promoting the production of affordable housing outlined in *Housing New York*. The text amendment will require any future residential development within the rezoned area to set aside 25 percent of the residential floor area for income-restricted tenants in perpetuity.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on November 2, 2020 with respect to this application (CEQR No. 21DCP007X), 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 Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and subsequently amended, is further amended by changing 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.

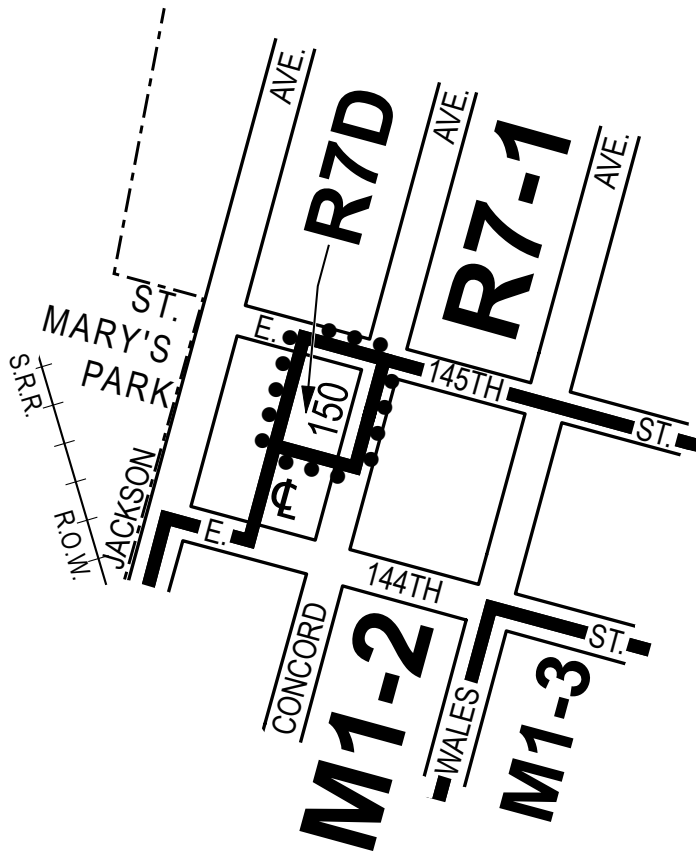
The above resolution (C 200274 ZMX), duly adopted by the City Planning Commission on April 7, 2021 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, *Vice Chairman*

**DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,
JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ**, Commissioners

RAJ RAMPERSHAD, *Commissioner, Recused*



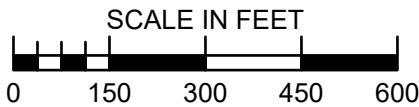
CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

6c
 BOROUGH OF
BRONX

S. Lenard, Director
 Technical Review Division



New York, Certification Date:
 November 2, 2020



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by changing an existing M1-2 District to an R7D District.



BOROUGH PRESIDENT RECOMMENDATION

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

CONSIDERATION: Attached please find the Bronx Borough President's ULURP regarding Concord Avenue

Recommendation submitted by	BX BP	Date: 2/10/2021 5:40 PM
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**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 200274ZMX N200275ZRX-431 Concord Avenue

DOCKET DESCRIPTION

PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 1

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 BOROUGH PRESIDENT'S RECOMMENDATION



BOROUGH PRESIDENT

2/10/21
DATE

**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 143rd 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 149th Street, and the BX33 approximately six blocks south along East 138th 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.