

BRONX BOROUGH PRESIDENT'S RECOMMENDATION  
ULURP APPLICATION NO: C 090365 ZMX EAST 161<sup>ST</sup> STREET REZONING  
6/24/09

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 3b and 6a:

1. Eliminating from within an existing R7-1 District a C1-4 District bounded by Morris Avenue a line 100 feet northeasterly of East 161<sup>st</sup> Street, a line 100 feet southeasterly of Morris Avenue and East 161<sup>st</sup> Street;
2. Eliminating from within an existing R8 District bounded by River Avenue, a line 250 feet northeasterly of East 161<sup>st</sup> Street, East 162<sup>nd</sup> Street, Gerard Avenue, East 161<sup>st</sup> Street, a line midway between Gerard Avenue and Walton Avenue, a line 100 feet southwesterly of East 161<sup>st</sup> Street, a line midway between River Avenue and Gerard Avenue, a line 150- feet northeasterly of East 158<sup>th</sup> Street;
3. Changing from an R7-1 District to an R8A District property bounded by East 162<sup>nd</sup> Street and its southeasterly prolongation, Park Avenue, East 161<sup>st</sup> Street, and Morris Avenue;
4. Changing from an R8 District to a C6-2 District property bounded by East 161<sup>st</sup> Street, Concourse Village West, a line 50 feet northeasterly of East 159<sup>th</sup> Street, and a line 100 feet northwesterly of Concourse Village West;
5. Changing from a C4-6 District to a C6-2 District property bounded by a line 140 feet northeasterly of East 161<sup>st</sup> Street; Sheridan Avenue, East 161<sup>st</sup> Street, and a line 100 feet northwesterly of Sheridan Avenue;
6. Changing from a C8-3 District to a C6-2 District property bounded by East 161<sup>st</sup> Street, Concourse Village East, a line 150 feet southwesterly of East 161<sup>st</sup> Street, and Concourse Village West;
7. Changing from an R8 District to a C6-3D\* District property bounded by River Avenue, a line 250 feet northeasterly of East 161<sup>st</sup> Street, East 162<sup>nd</sup> Street, Gerard Avenue, East 161<sup>st</sup> Street a line midway between Gerard Avenue and Walton Avenue, a line 110 feet southwesterly of East 161<sup>st</sup> Street, a line midway between River Avenue and Gerard Avenue, a line 150 feet northeasterly of East 158<sup>th</sup> Street;

8. Changing from an C8-3 District to a C6-3D\* District property bounded by River Avenue, a line 150 feet northeasterly of East 158<sup>th</sup> Street, a line midway between River Avenue and Gerard Avenue, a line perpendicular to the southeasterly street line of River Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of River Avenue and the northeasterly street line of East 153<sup>rd</sup> Street; and
9. Establishing within the proposed R8A district a C2-4 District bounded by East 162<sup>nd</sup> Street, a line 100 feet southeasterly of Morris Avenue, a line midway between East 161<sup>st</sup> Street and East 162<sup>nd</sup> Street, a line 100 feet northwesterly of Park Avenue, a line 100 feet northeasterly of East 161<sup>st</sup> Street, a line perpendicular to the northeasterly street line of East 161<sup>st</sup> Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of East 161<sup>st</sup> Street and the northwesterly street line of Park Avenue, East 161<sup>st</sup> Street, and Morris Avenue;

Borough of The Bronx, Community District 4, as shown on a diagram (for illustrative purposes only) dated March 30, 2009 and subject to the conditions of CEQR Declaration E-225.

\*Note: a C6-3D District is proposed to be created under a related application N 090364 ZRY for an amendment of the Zoning Resolution.

## BACKGROUND

This rezoning seeks to promote a variety of mixed-use development along the East 161<sup>st</sup> Street corridor between River and Park Avenues and a section of River Avenue from East 153<sup>rd</sup> Street to East 162<sup>nd</sup> Street. East 161<sup>st</sup> Street serves as an important major corridor housing much of the Bronx' Civic Center, Yankee Stadium, Concourse Plaza Mall, private offices, parks, retail and residential uses. The New York City Department of City Planning initiated this rezoning to compliment the major investment along the corridor, including the Bronx Hall of Justice, redevelopment of Lou Gehrig Plaza, Joyce Kilmer Park and the Grand Concourse, as well as the development of the new Yankee Stadium to the west, the redevelopment of Melrose Commons to the east, and development of the Bronx Terminal Market into the Gateway Center to the south.

The rezoning area consists of all or portions of nine blocks along East 161<sup>st</sup> Street and River Avenue divided into three separate nodes:

- **Transit Node-** the eastern side of River Avenue bound by East 153<sup>rd</sup> Street to the south and East 162<sup>nd</sup> Street to the north, East 161<sup>st</sup> Street bound by River Avenue

to the west, Gerard Avenue to the east on the north side, and midblock between Gerard and Walton Avenues on the south side.

- **Civic Node-** the south side of East 161<sup>st</sup> Street between Concourse Village East and Concourse Village West, and the west side of Concourse Village West/Sheridan Avenue between East 159<sup>th</sup> and 162<sup>nd</sup> Streets.
- **Residential Node-** full block bound by East 161<sup>st</sup> Street to the south, Park and Teller Avenues to the east, East 162<sup>nd</sup> Street to the north and Morris Avenue to the west.

The rezoning calls for the following actions:

#### **Transit Node**

- Change from C8-3 to C6-3D along River Avenue
- Change from R8/C1-4 to C6-3D along East 161<sup>st</sup> Street

#### **Civic Node**

- Change from C8-3 to C6-2 along East 161<sup>st</sup> Street
- Change from C4-6 to C6-2 at the intersection of East 161<sup>st</sup> Street and Sheridan Avenue
- Change from R8 to C6-2 at the intersection of East 161<sup>st</sup> Street and Concourse Village West

#### **Residential Node**

- Change from R7-1 to R8A
- Change from C1-4/C2-4 overlays to C2-4 overlay along East 161<sup>st</sup> Street, Morris and Park Avenues

#### **Inclusionary Housing**

Inclusionary Housing regulations would be applied to the C6-3D and R8A districts. For residential development without an affordable housing component, the maximum FAR within the selected areas would be limited to a base FAR of 7.52 in the C6-3D and 5.4 in the R8A. Developments could qualify for a maximum FAR of 10.0 in the C6-3D and 7.2 in the R8A by providing 20 percent of the residential floor area in the development as permanently affordable housing for low- and moderate-income households, or by constructing or preserving off-site affordable units for low-income households. Off-site units must be located within Community District 4, or within one half-mile of the bonused development if outside of Community District 4.

Below are descriptions of the proposed changes:

#### **C2-4**

Commercial uses are allowed up to 2.0 FAR; however, in a mixed residential/commercial building, commercial uses are limited to the ground floor.

## **C6-2**

The C6-2 district would allow high-density residential, commercial and community facility uses with a maximum permitted FAR of 6.02, 6.0 and 6.5, respectively. C6-2 is an R8 residential equivalent district. There is no maximum building height, and the building envelope is regulated by the sky exposure plane. Because C6 districts are mapped in areas well served by mass transit, no parking is required for commercial and community facility uses. Off-street parking is required for 40% of the residential units.

The optional Quality Housing regulations allow residential development a maximum permitted FAR of 7.2 on a wide street and 6.02 on a narrow street. Under Quality Housing rules, the base height of the building at the street may rise between 60 to 80 feet then must set back from the street before rising to a maximum building height of 120 feet.

## **C6-3D**

The proposed C6-3D district would allow high-density residential, commercial and community facility uses with a maximum permitted FAR of 9.0. The 161st Street rezoning proposal would apply the Inclusionary Housing Program to the proposed C6-3D rezoning area. Under the Inclusionary Housing Program, the maximum base residential FAR in the C6-3D would be 7.52; however, developments utilizing the Inclusionary Housing Program bonus could achieve a maximum FAR of 10.0. Parking would be required for 40% of the residential units. There would be reduced parking requirements for public, publicly-assisted and government assisted housing. There would be no parking requirement for commercial or community facility uses.

The C6-3D bulk regulations are designed to facilitate tower development adjacent to an elevated train. The building base would be limited to 15 to 25 feet on sites that front the elevated train; although a secondary base would be allowed to reach a total height of 60 to 85 feet. Both the secondary base and the unlimited height tower would be required to set back a minimum of 20 feet from the lot line that fronts the elevated train (for sites less than 110 feet deep, the setback would be reduced to between 10 to 19 feet). Where an existing building with windows is located within 30 feet of an adjacent lot line, a minimum 15-foot setback would be required. On corner sites that front an elevated train, a corner setback at the ground level would be required to create additional pedestrian circulation space (a corner setback would be optional on other corner locations). In addition, if a subway station entrance is located along the frontage of a property, new development would be required to improve and relocate the subway entrance inside the building. Sidewalk widening requirements would apply along all wide streets within the rezoning area.

## **R8A**

The R8A zoning designation would allow higher-density development with a contextual envelope that would match existing and proposed buildings in the Melrose Commons area.

The Inclusionary Housing Program would be employed in the Residential Node. Under

the Inclusionary Housing Program, the maximum base residential FAR in the R8A would be 5.4; however, developments utilizing the Inclusionary Housing Program bonus could achieve a maximum FAR of 7.2. The base height of the building at the street must be between 60 to 85 feet and the building then must set back from the street before rising to a maximum building height of 120 feet. Off-street parking is required for 40% of the residential units. The proposed R8A would allow high-density community facility uses up to a maximum FAR of 6.5.

## ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application was reviewed pursuant to SEQRA and CEQR. An Environmental Assessment Statement was prepared for this application and designated as a Type I action, meaning there would be a significant impact, and resulted in a Positive Declaration. The City Planning Commission certified this application as complete on March 25<sup>th</sup>, 2009.

## COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board 4 held a public hearing and approved this application on May 19<sup>th</sup>, 2009 with a vote of 10 in favor, 2 against, and 3 abstaining.

## BRONX BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President held a public hearing on this application on June 4<sup>th</sup>, 2009. Five members of the public representing the 161<sup>st</sup> Street Business Improvement District (BID), local property owners, and Carpenters Union Local 608 were present. The representatives of BID and local property owners spoke in favor of the rezoning.

Strohmayer Real Estate Corp., property owners at 810 River Avenue, had the following suggestions for their site:

- Permit windows on the south side of their property to provide “eyes on the street” for the park and parking lot across the street.
- Permit a taller streetwall of 60-85 feet.
- Permit greater flexibility in the location of a potential tower away from East 158<sup>th</sup> Street (a narrow street), and closer to the park.

## BRONX BOROUGH PRESIDENT'S RECOMMENDATION

The East 161<sup>st</sup> Street rezoning will facilitate a much-needed transformation of the East 161<sup>st</sup> Street and River Avenue corridors. When The Bronx developed, it developed rapidly without opportunity for a central node to call a “downtown” or “center”. This rezoning will connect development taking place in Melrose Commons, The Hub, Yankee

Stadium and the Bronx Terminal Market to create a continuously active center for the borough. Increasing density at the borough's busiest transfer station, with three line access to the East and West Sides of Manhattan, as well as Brooklyn, transforms the 161<sup>st</sup> Street-Yankee Stadium station into the major hub it should be.

### Recommended Modifications

- Assure sufficient analysis is done to identify ways to mitigate overcrowding and delays for the BX6 bus. Significant impacts (though no mitigation) were identified for the BX13, which follows the BX6 route along East 161<sup>st</sup> Street only during rush hours. The BX6 currently has significant overflow and bunching during rush hours. The potential creation of 894 units in this rezoning, in addition to the thousands of units being created at Borcia Village, Courtlandt Corners, St. Ann's Terrace and the Melrose Commons North RFP sites; 553,484 square feet of potential office space; and 113,553 square feet of potential retail space, will only impact this line even further, as it provides a primary conduit to subway access. Bus-only lanes during rush hours should be considered.
- Mitigate the impact of a 2% increase of needed day care slots to 135% utilization. I acknowledge that this figure is below the five percent increase mitigation CEQR threshold, but increasing need in one of the most underserved areas of the City deserves mitigation. Administration for Children's Services (ACS) is currently looking to build a facility in the area given the high need. I understand that DCP is working with ACS to further analyze the matter. I hope sufficient accommodation is made to alleviate this situation.
- The Environmental Impact Statement projects school enrollment increases that exceed seat capacity, yet do not meet the CEQR threshold, it is my position that any over enrollment is unacceptable. I therefore require assurance that school seating capacity will be addressed.

In June 2008 the Bronx Borough President's Office, along with other elected officials and education advocates, engaged the Department of Education and met with Chancellor Joel Klein, to discuss Bronx neighborhoods most impacted by overcrowding. Among these were the Highbridge and West Concourse communities (CSD9). Local public education advocates remain concerned about the enrollment impact of the increase in population anticipated through 2010 and, in particular, say there is an urgent need for a middle school in Highbridge that has to be addressed. Department of City Planning population increase estimates for Highbridge and West Concourse are 14.1% and 4.7% respectively.

These increases are being driven by extensive subsidized housing construction with the financial support of the Community Preservation Corporation, the New York City Housing Development Corporation, the Department of Housing Preservation and Development and other sources. Since much of this housing, as

aforementioned in the first bullet, is still either under construction or yet to be developed, many of the elementary and middle school students who will occupy these units were not counted in the October 2006 Blue Book data, nor were they considered in the Grier Partnership projections.

- I am profoundly concerned about the projected impacts reported in the Environmental Impact Statement (EIS) at the intersection of East 149<sup>th</sup> Street at River Avenue, which has no spare capacity and for which the EIS indicates mitigation is not possible. This is the worst of several intersections projected to be impacted.

While the EIS proposes mitigation for impacted intersections on East 161<sup>st</sup> Street, this is a critical east/west corridor deserving of a more thorough multi-modal assessment, including the benefits of replacing the already mapped and designed East 153<sup>rd</sup> Street Bridge.

I recommend approval of this application with the aforementioned modifications.