



## **CITY PLANNING COMMISSION**

June 20, 2012 / Calendar No. 19

C 120161 HAX

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IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 493 Brook Avenue and 457/467 East 147<sup>th</sup> Street (Block 2292, Lots 49 and 50) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of property (Block 2292, Lot 49 to a developer to be selected by HPD;

to facilitate development of a five-story building and a seven-story building with a total of approximately 66 dwelling units, 1,710 square feet of commercial space, to be developed under the Department of Housing Preservation and Development's Low Income Rental Program, Community District 1, Borough of The Bronx.

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Approval of three separate items is required:

- a) the designation of property located at 493 Brook Avenue and 457/467 East 147<sup>th</sup> Street (Block 2292, Lots 49 and 50) as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area; and
- c) the disposition of property (Block 2292, Lot 49) to a developer selected by HPD.

The application was submitted by the Department of Housing Preservation and Development (HPD) on January 10, 2012. Approval of this action will facilitate the development of two mixed-use buildings, containing approximately 66 affordable dwelling units, 6,476 square feet of open space, 1,710 square feet of commercial space and 28 accessory parking spaces.

The Department of Housing Preservation and Development states in its application that:

The Project Area consists of underutilized property that tends to impair or arrest the sound development of the surrounding community, with or

without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The project area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

## **BACKGROUND**

The Department of Housing Preservation and Development (HPD) is seeking the designation of properties located at 493 Brook Avenue (Block 2292, Lot 49) and 457/467 East 147th Street (Block 2292, Lot 50) as an Urban Development Action Area and Project; and to dispose of city-owned property (Block 2292, Lot 49) to developers to be selected by HPD. Block 2292, Lot 50 was previously approved for disposition by the City Planning Commission and by the Board of Estimate in 1981 (C 820108 PPX). HPD seeks only UDAAP designation and project approval for Lot 50. The action will facilitate development of two buildings, one with five-stories (Building 1) and one with seven-stories (Building 2). Together the buildings will have a total of approximately 66 dwelling units (targeted to individuals and families that earn up to 38% and 58% of Area Medium Income (AMI); 6,476 square feet of open space, 1,710 square feet of commercial space and 28 accessory parking spaces.

The project site is comprised of two adjoining parcels that are currently vacant (Block 2292, Lots 49 and 50) The parcels are flanked by adjacent Con Edison substations to the north and west which are located on Brook Avenue (Block 2292, Lot 46) and East 147<sup>th</sup> Street (Block 2292, Lot 56). Building One is proposed to be comprised of a zoning lot containing Block 2292, Lots 50 and 56; Building Two is proposed to be comprised of a zoning lot containing Block 2292, Lots 46 and 49. The Con Edison properties provide an additional 15,000 square feet of floor area. The project will be financed through HPD's Low-Income Rental Program, which is targeted to families making up to 60% of the Area Median Income.

Building 1 will consist of a five-story building with 55 affordable units, 5,691 square feet of open space in the rear yard and 28 below-grade accessory parking spaces. Building 2 will consist of a seven-story building with 11 affordable units as well as 1,710 square feet of ground floor retail and 785 square feet of recreational space located on the seventh floor terrace.

The site is surrounded by a mix of uses including one- and two-family and multi-family residential, commercial, community facilities and public utilities. Residential uses in the area include a row of two-family homes built through HPD's Partnership New Homes Program just west of the site on East 147th Street, the six-story Betances New York City Housing Authority (NYCHA) development southeast of the site on Brook Avenue, and a former casket factory located north on East 148th Street which was converted to 79 affordable housing units. The Hub, the primary retail district in the South Bronx located at the nexus of East 149th Street, Willis Avenue and Third Avenue is located two and half blocks northwest of the site. A commercial corridor also runs along Willis Avenue, including small grocery stores, laundromats, pizza shops and beauty parlors. Roberto Clemente Plaza which is scheduled to undergo a substantial redesign is located northwest of the site. Boricua College currently occupies a five-story office building east of the site on East 147th Street. Several schools are located on St. Anne's Avenue, one block away, including Crotona Academy H.S., J.H.S. 162, Green Dot Charter School and PS 277.

The area is well served by mass transit with the #2 and #5 trains located at East 149th Street and 3rd Avenue approximately three blocks away. In addition, several bus lines serve the area including the BX4 and BX19 along East 149 Street, the BX2 and BX21 along 3rd Avenue and the BX15, BX41 and BX55 along Melrose Avenue.

## **ENVIRONMENTAL REVIEW**

The application (C 120161 HAX) 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 07HPD019X. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 28, 2011.

### **UNIFORM LAND USE REVIEW PROCEDURE**

This application (C 120161 HAX) was certified as complete by the Department of City Planning on February 6, 2012 and was duly referred to Bronx 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).

#### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application (C 120161 HAX) on March 29, 2012, and on that date, by a vote of 24 in favor, 0 opposed with 0 abstentions, adopted a resolution recommending approval.

#### **Borough President Recommendation**

The Borough President held a public hearing on this application on May 1, 2012, and issued a recommendation on May 11, 2012, approving the application with a comment that there be additional three-bedroom units and that the developer is sensitive to the site proximity to Con Edison facilities.

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

On May 9, 2012 (Calendar No. 1), the City Planning Commission scheduled May 23, 2012, for a public hearing on this application (C 120161 HAX). The hearing was duly held on May 23, 2012 (Calendar No. 8).

There were 3 speakers in favor of the application and none opposed.

A representative of the New York City Department of Housing Preservation and Development (HPD) described the history of the site and other completed HPD developments in the area. She also addressed the Borough President's comment in his recommendation for more three bedroom units, explaining that the program for the proposal was the result of the unique site configuration and funding to make the project financially feasible.

The project architect explained the design principles of the development, described the open space amenities proposed to be provided to the tenants of the buildings and the proposed unit mix. The developer for the project also spoke in favor of the application, reiterating the programming, selection process for prospective residents and levels of affordability.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the application for UDAAP designation, project approval and disposition of city owned property (C 120161 HAX) is appropriate.

The action will facilitate development of two buildings, one with five stories and one with seven stories. Together, the buildings will have a total of approximately 66 dwelling units, 6,476 square feet of open space, 1,710 square feet of commercial space and 28 accessory parking spaces.

The Commission notes that both buildings will provide open space and recreational amenities to serve the residents of each building. Building One will also have a proposed children play area in the rear yard. With respect to access to the rear play area for residents of both buildings, in a letter to Department staff dated June 12, 2012, HPD stated that "the project sponsor believes that implementation of this would create a number of logistical and security issues which would make it inappropriate to allow

persons from another building to have free access to Building 1.” While the Commission is aware that the open space being provided for both buildings is in compliance with the Zoning Resolution, it encourages the developer to continue to examine a way to provide access to the play area for the residents of both buildings.

The Commission believes that the proposed action will facilitate the redevelopment of vacant land in the Mott Haven neighborhood resulting in the creation of affordable housing to serve the residents of Bronx, Community District 1 and the City as a whole. In addition, the project will provide local retail to serve community residents. The Commission believes the project will contribute to the continued redevelopment of the South Bronx.

## **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

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of property located at 493 Brook Avenue and 457/467 East 147<sup>th</sup> Street (Block 2292, Lots 49 and 50) as an Urban Development Action Area Urban Development Action Area; and

**WHEREAS**, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

**THEREFORE**, be it further **RESOLVED**, that the City Planning Commission, after due consideration of the appropriateness of the actions certifies its unqualified approval of the matters pursuant to the Urban Development Action Area Act:

- a) the designation of property located 493 Brook Avenue and 457/467 East 147<sup>th</sup> Street (Block 2292, Lots 49 and 50) as an Urban Development Action Area, and
- b) an Urban Development Action Area Project for such area; and

**BE IT FURTHER RESOLVED**, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of city-owned property located at 493 Brook Avenue (Block 2292, Lot 49) in Community District 1, Borough of the Bronx, to a developer to be selected by the Department of Housing Preservation and Development, is approved.

The above resolution (C 120161 HAX), duly adopted by the City Planning Commission on June 20, 2012 (Calendar No. 19), 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.

**AMANDA M. BURDEN, FAICP**, Chair

**KENNETH J. KNUCKLES, ESQ.**, Vice Chairman

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ, , RICHARD W. EADDY, ANNA HAYES LEVIN, SHIRLEY A. MCRAE**, Commissioners

**ORLANDO MARIN**, Commissioner, **Voted No**

# Community/Borough Board Recommendation

**CITY PLANNING COMMISSION**  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # **C120161HAX**  
CEQR # **07HPD019X**  
Community District No. 01 Borough: The Bronx  
Project Name: **Brook Avenue**

**INSTRUCTIONS**

1. Complete this form and return one copy date to the Calendar Information Office City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed above, 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 the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 493 Brook Avenue and 457/467 East 147<sup>th</sup> Street (Block 2292, Lots 49 and 50) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a five-story building and a seven story building with a total of approximately 66 dwelling units and 1,710 square feet of commercial space, to be developed under the Department of Housing Preservation and Development's Low-Income Rental Program.

**Related Applications:**

**Applicant(s):**

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

**Applicant's Representative:**

Theresa Arroyo  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 1 Borough: THE BRONX

Borough Board of THE BRONX

Date of public hearing: MARCH 29, 2012

Location: 3024 THIRD AVENUE, BRONX

Was a quorum present? YES  NO

*A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.*

Vote adopting recommendation taken: 24 YES  
3/29/12  
0-NO

Location: 3024 THIRD AVENUE, BRONX

**RECOMMENDATION**

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

**Explanation of Recommendation-Modification/Conditions** (Attach additional sheets if necessary)

**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 120161 HAX**

**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 THE BOROUGH PRESIDENT'S RECOMMENDATION**

**BOROUGH PRESIDENT**



**DATE**

**5/11/12**

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION**  
**ULURP APPLICATION NO: C 120161 HAX**  
**BROOK AVENUE APARTMENTS**  
**May 1, 2012**

**DOCKET DESCRIPTION**

IN THE MATTER OF AN application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 493 Brook Avenue and 457/467 East 147<sup>th</sup> Street (Block 2292, Lots 49 and 50) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter the disposition of such property to a developer to be selected by HPD:

To facilitate development of a five-story building and a seven-story building, with a total of approximately 66 dwelling units and 1,710 square feet of commercial space, to be developed under the Department of Housing Preservation and Development's Low-Income Rental Program.

**BACKGROUND**

Approving this application will facilitate construction of two multi-family residences to be constructed on adjacent vacant lots. The two sites are located on the north side of East 147<sup>th</sup> Street, on Block 2292. Lot 49 (the East Lot) offers 2,248 square feet, on the northwest corner of Brook Avenue and is zoned R6/C1-4. Lot 50 (the West Lot) offers 14,991 square feet and is located on the north side of East 147<sup>th</sup> Street, between Bergen Avenue and Brook Avenue and zoned R6. Consolidating these sites, they comprise 17,239 square feet and are situated in Bronx Community District #1. To increase additional floor area to the project site, the developer is purchasing unused development rights (air rights) from two adjacent properties (Block 2292, Lots 46 and 56), owned by Con Edison. Lot 46 yields 6,746 square feet and Lot 56 yields 9,994 square feet, which when combined the developer achieves an additional 16,740 square feet for development purposes.

The first of the two buildings (Building One) to be constructed is 457-467 East 147<sup>th</sup> Street (Block 2292, Lot 50). The site is zoned R6. Occupying the western portion of the two adjacent lots, this building will consist of five-stories and contain fifty five residential units; including:

7 studios offering between:	440-500 square feet of living space
35 one-bedroom units offering between:	560-700 square feet of living space
12 two-bedroom units offering between:	790-835 square feet of living space
3 three-bedroom units offering:	1,050 square feet of living space

Building One will include underground parking for 28 vehicles with access on East 147<sup>th</sup> Street. A rear garden area featuring space for both passive recreation and a play area for children, will consist of 5,700 square feet.

The second building (Building Two) to be constructed is 493 Brook Avenue (Block 2292, Lot 49). The site is zoned R6/C1-4. Occupying the northwest corner of Brook Avenue at East 147<sup>th</sup> Street, this building will consist of seven-stories, offering 11 residential units, including

1 one-bedroom unit offering:	800 square feet of living space
10 two-bedroom units offering:	905-915 square feet of living space

A community room providing 925 square feet is envisioned. Additional amenities to be included in the cellar are interior bicycle storage facilities, personal property storage rooms and a laundry room. A roof garden area consisting of 785 square feet will be accessible from the 7<sup>th</sup> floor. Commercial space in the building will offer two locations; the first with access from Brooke Avenue is to be 810 square feet, the second with access on East 147<sup>th</sup> Street will offer 900 square feet. No on-site parking is to be provided.

Development of the surrounding community is typified by low and midrise residential buildings. Flanking the northern property line of this proposed development are two one cooling stations operated by Con Edison. A one-story retail building is on the southwest corner of Brooke Avenue at East 147<sup>th</sup> Street. Additional retail activity and access to bus transportation are found on Willis Avenue and at the nexus of East 149<sup>th</sup> Street, Melrose Avenue, Third Avenue and Willis Avenue (aka The Hub). Subway services via the #2 and #5 trains are also available at The Hub. St. Mary's Park consists of 35-acres and is located two blocks south of the site. A year-round recreational center including swimming facilities are offered at St. Mary's Park.

#### **ENVIRONMENTAL REVIEW AND ULRUP CERTIFICATION**

This application has been reviewed pursuant to CEQR and SEQRA and received a Negative Declaration, meaning the proposed development will have no impact on the surrounding environment. The City Planning Commission certified this application as complete on February 6, 2012.

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

Bronx Community Board #1 held a public hearing on this application on March 29, 2012. A unanimous vote recommending approval of this application was 24 in favor, zero opposed and zero abstaining.

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

A public hearing was convened by the Bronx Borough President on April 24, 2012. The applicant was present and spoke in favor of this application. No other members of the public offered comment and the hearing was closed.

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

Development at this location has a protracted history of potential projects that, for numerous reasons, did not advance. Among these is the constricted building lot size. I am therefore pleased to learn that, through the purchase of air rights from two adjacent Con Edison sites, this challenge is resolved. Of comparable importance is that these sites are likely to be brownfields. When alternative sites were plentiful, developers considered that mitigating a brownfield was a cost they could avoid by selecting another location. Now however, as vacant land is scarce, the proper cleaning of a polluted site followed by its development results in a remediated brownfield and new, job creating construction.

The proposed development reviewed at my public hearing suggests that a comprehensive, well designed plan for residential and retail construction is now envisioned. The structures proposed for both lots will offer the community well-designed affordable housing while introducing to the surrounding neighborhood dignified structures featuring formal façade treatments. In addition, by incorporating a roof garden into the design of 493 Brook Avenue, this open space requirement is creatively provided.

There are, however, two additional matters that require comment. The first of these is the lack of ample three-bedroom units. Given the need many families have for newly constructed affordable housing, I am compelled to note that this project fails to satisfy my policy-preference that a minimum of ten percent of the units to be built offer three-bedroom accommodations. The second matter pertains to the Con Edison facilities abutting this proposed development. While it is understood that no safety requirements are being overlooked by the developer of these properties or Con Edison, nonetheless it is necessary to emphasize that every consideration be given to assure that over time no hazardous conditions ever materialize.

I recommend approval of this application.