



**IN THE MATTER OF** an application submitted by the Department of Housing Preservation & Development (HPD) pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property (Block 2360, Lot 3), pursuant to zoning, Borough of the Bronx, Community District 1.

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This application (C 190208 PPX) for the disposition of City-owned property was filed by the Department of Housing Preservation and Development (HPD) on November 27, 2018. This application, in conjunction with the related actions, would facilitate the development of a new nine-story residential building comprising approximately 54 affordable dwelling units plus one unit for a superintendent on Block 2360, Lots 1 and 3 in the Melrose neighborhood of Community District 1 in the Bronx.

**RELATED ACTIONS**

In addition to the disposition (C 190208 PPX) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are considered concurrently with this application:

- C 190207 ZMX**            Zoning Map Amendment to rezone the Project Area from R7-2 to C6-2
  
- C 190210 ZSX**            Zoning Special Permit pursuant to ZR 74-681 to allow development over a discontinued railroad right-of-way
  
- N 190209 ZRX**            Zoning Text Amendment to Appendix F of the Zoning Resolution designating the Project Area as a Mandatory Inclusionary Housing (MIH) Area

## **BACKGROUND**

HPD and Phipps Houses, are seeking approval of several actions to facilitate a residential development to be constructed on Block 2360, Lots 1 and 3 (the “site”) in the Melrose neighborhood of Community District 1 in the Bronx. For the purposes of this report, the site and the rezoning area are the same. HPD is seeking approval for the disposition of Block 2360, Lot 3, which is the City-owned portion of the site. Additionally, as co-applicants, HPD and Phipps Houses are seeking a zoning map amendment to rezone the site from R7-2 to C6-2, a zoning text amendment to establish an MIH area, and a special permit pursuant to ZR Section 74-681 to allow development over a discontinued railroad right-of-way. Approval of these actions would facilitate the development of approximately 54 units of affordable housing plus one unit for a superintendent, comprising approximately 45,231 square feet of residential space and 1,115 square feet of community facility space.

The approximately 7,438 square-foot site is located at the northeast corner of Brook Avenue and East 156th Street and consists of two adjacent, unimproved tax lots (Block 2360, Lots 1 and 3). The site is bounded by East 156th Street to the south, the former Hegney Place to the east, the former East 157th Street to the north, and Brook Avenue to the west. Lot 1 is an inactive railroad trench owned by Phipps Houses. Lot 3 is a vacant triangular parcel on Brook Avenue owned by HPD. Directly across Brook Avenue, to the west, is the boundary of the Melrose Commons Urban Renewal Area, which was adopted in 1994.

The site is in the eastern portion of the Melrose neighborhood. The built character of the surrounding area is mixed, with multi-family walk-ups and commercial buildings of various sizes common along East 156th Street. In the last decade, the area has seen a significant amount of new construction and considerable City investment in affordable housing. New buildings have mostly consisted of two- and three- unit row-houses and larger apartment buildings. In the immediate surrounding area there are several high density residential developments. Immediately to the south of the site, across East 156 Street, is Via Verde, a 222 unit mixed-income rental and cooperative residential development completed in 2012. To the east and northeast of the project site is the Melrose Court parking lot. Adjacent to Via Verde to the east is the New York City Housing

Authority (NYCHA) Bronxchester development, containing approximately 209 units, and rising to 18 stories. Several blocks south of the site is the La Central development, which is currently under construction. La Central will have a maximum height of 25 stories and contain approximately 992 units in five buildings. In addition to residential land uses, there is significant commercial and retail activity to the west of the site along Third Avenue, while the area is more residential in character to the east along St. Ann's Avenue. The site itself has remained undeveloped and has been a source of blight for the area.

The site is located in an R7-2 zoning district and much of the surrounding area is zoned for moderate-and higher-density residential and commercial districts. Immediately to the south of the site is a C6-2 district, which has an R8 equivalent. C6-2 districts permit a maximum floor area ratio (FAR) of 6.02 for residential uses, or up to to an FAR of 7.2 (with MIH), commercial development to an FAR of 6.0 and community facility development to an FAR of 6.5. In the proposed C6-2 district, the maximum building height permitted under MIH is 215 feet. Other zoning districts in the area include a R8 zoning district, which is located one block to the west of the site, and permits a maximum FAR of 6.02 for residential uses. There is also a C4-4 district to the south of the site which has a residential equivalent of R7-2, and permits a maximum FAR of 3.44 for residential uses and 3.4 for commercial uses. A C2-3 commercial overlay and an R7X district are to the east of the site. The C2-3 district regulations permit a maximum commercial FAR of 2.0 and R7X districts allow a maximum FAR of 5.00 or 6.00 with MIH.

The site is well-served by transit and is located within the City's Transit Zone. The nearest subway lines are the 2 and 5 trains, which have two stops (149th Street-Third Avenue and Jackson Avenue) that are located approximately a half a mile to the southwest and southeast of the site. The Melrose Metro North station is approximately six blocks northwest of the site, and several bus lines (Bx 15 and Bx 21) run north-south along Third Avenue.

The 35-acre St. Mary's Park, about one miles to the south of the site, is the largest park in the South Bronx. Flynn Playground, a few blocks north of the site, is approximately one acre. The South Bronx Educational Campus and accompanying athletic fields are located to the south of the site.

The requested actions would facilitate the development of a new nine-story building containing approximately 54 affordable dwelling units. A portion of the affordable units would be developed through HPD's *Our Space Initiative* and set aside for formerly homeless households. The building would rise to approximately 87 feet, and provide approximately 45,231 square feet of residential space and 1,115 square feet of ground-floor community facility space.

To facilitate the proposed development, the following actions are requested:

HPD requests a disposition of nonresidential City-owned property (Block 2360, Lot 3) pursuant to Article XI of the Private Housing Finance Law. HPD intends to convey this property to Phipps Houses.

HPD and Phipps Houses also propose a zoning map amendment to rezone the site from an R7-2 to a C6-2 district. The existing R7-2 zoning district has a maximum residential FAR of 3.44 (4.0 FAR within 100 feet of a wide street outside of the Manhattan Core). Community facilities may be developed to an FAR of 6.5. In R7-2 districts, building height is governed by the sky exposure plane but under optional Quality Housing regulations, the maximum building height is 80 feet and the maximum base height is 75 feet (on wide streets outside the Manhattan Core). The proposed zoning map amendment would function as an extension of the C6-2 district mapped immediately to the south of the site, across East 156th Street.

A zoning text amendment to Appendix F of the Zoning Resolution to designate an MIH area (establishing Options 1 and 2) is also proposed. The MIH area would be concurrent with the rezoning area and require that permanently affordable housing be provided within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH area. Option 1 requires that 25 percent of the residential floor area shall be provided as housing permanently affordable to households at an average of 60 percent of the Area Median Income (AMI), with 10 percent of units made affordable to households at or below 40 percent of the AMI. Option 2 requires that 30 percent of residential floor area be devoted to housing units affordable to residents with household incomes at an average of 80 percent of the AMI. No more

than three income bands can be used to average out to the 80 percent, and no income band can exceed 130 percent of the AMI.

The applicants also request a special permit pursuant to ZR Section 74-681 (a)(2) to permit development on or over a portion of the discontinued railroad right-of-way. The site includes a section of the former Port Morris Branch of the New York and Harlem Railroad line, which is owned by Phipps Houses. Formal abandonment of the Port Morris Branch by the New York Central Lines, Limited Liability Company (LLC) and CSX Transportation, Inc. occurred in 2003. In 2005, the State Department of Transportation released its rights to use the abandoned railroad right-of-way for future transportation uses.

The special permit has several findings that must be met: that the streets providing access to the proposed development be adequate to handle the additional traffic resulting from the proposed development; that the distribution of floor area and the number of dwelling units does not adversely affect the character of the neighborhood; that all uses, developments or enlargements located on the zoning lot or below a platform do not adversely affect one another; and if such railroad or transit right-of-way or yard is deemed appropriate for future transportation use, that the site plan and structural design of the development does not preclude future use of, or improvements to, the right-of-way for such transportation use.

## **ENVIRONMENTAL REVIEW**

This application (C 190208 PPX) 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 19HPD011X. The lead agency is HPD.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 28, 2018.

## **UNIFORM LAND USE REVIEW**

This application (C 190208 PPX) and the applications for the related actions (C 190207 ZMX, C 190210 ZSX) were certified as complete by the Department of City Planning on December 3, 2018 and 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), along with the application for a zoning text amendment (N 190209 ZRX), which was referred in accordance with the procedures for non- ULURP actions.

### **Community Board Public Hearing**

Bronx Community Board 1 held a public hearing on this application (C 190208 PPX) on February 7, 2019, and on that date, by a vote of 24 in favor, one opposed, and with two abstentions, adopted a resolution to approve the application.

### **Borough President Recommendation**

This application (C 190208 PPX) was considered by the Bronx Borough President, who held a public hearing on February 5, 2019 and on March 6, 2019, issued a recommendation to approve the application.

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

On March 13, 2019 (Calendar No. 2) the City Planning Commission scheduled March 27, 2019 for a public hearing on this application (C 190208 PPX). The hearing was duly held on March 27, 2019 (Calendar No. 26). Three persons appeared in favor of the application and none were opposed.

An applicant team consisting of two representatives from HPD and one from Phipps Houses, described the project and the requested actions, noting that the development would bring much needed affordable housing to the area, including units for homeless individuals. The representative from Phipps Houses stated that their outreach plans to potential renters would focus on encouraging local seniors to apply for units.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the application (C 190208 PPX) for the disposition of City-owned property, in conjunction with the related actions (C 190207 ZMX, N 190209 ZRX and C 190210 ZSX), are appropriate.

This requested disposition of Block 2360, Lot 3 will facilitate the development of vacant and underutilized City-owned land that has had a blighting influence on the surrounding area. The proposed development will be an asset to the community and contribute approximately 54 affordable housing units plus one unit for a superintendent to the housing stock in Community District 1, which has a great need for rental units that are affordable to very low- and low- income households.

The proposed zoning map amendment (C 190207 ZMX), from an R7-2 district to a C6-2 district to facilitate the proposed residential development, is appropriate. The requested zoning map amendment would permit development that is consistent with the density and context of the surrounding area. Further, the C6-2 district would permit a higher density development than is allowable under the existing R7-2 district, and allow the proposed project to provide a larger number of units of affordable housing.

The proposed zoning text amendment (N 190209 ZRX) is appropriate. It will require permanent affordability for a portion of any new residential development within the rezoning area, consistent with the City's objectives for housing production and affordability in the Bronx and in the City overall.

The proposed special permit (C 190210 ZSX) is appropriate. The Commission believes that the streets providing access to the residential and community facility uses are adequate to handle traffic resulting from the proposed development. The Commission notes that the Environment Assessment Statement (EAS) prepared for the project assessed traffic and parking needs generated by the project and found that there would be no significant impact. In addition, the future residents of the proposed development will have access to a range of public transportation options.

The distribution of floor area and dwelling units will not adversely affect the character of the neighborhood, and the proposed building, which will rise to nine stories, relates to the scale of the surrounding buildings, which range from two to 14 stories. The Commission recognizes the urban design principles shown in the proposed development as presented. These include:

- Thoughtful design articulation that addresses key frontages in the northern portion of the building and in the rear facing the existing Melrose Court development;
- Where possible, incorporating transparency at the ground floor level to encourage a safe and dynamic walking environment on both Brook and 156 streets; and
- Encouraging visual variety and breaking up the massing by exploring an array of building materials and colors.

The Commission believes that the proposed development has been designed to be appropriate with the scale of the surrounding block. The building configuration locates the mass of the building where most appropriate and is mindful of its surrounding built context.

The Commission believes that the proposed residential and community facility uses on the zoning lot will not adversely affect one another. Because the right-of-way has been formally abandoned, there is no concern about a railroad use being incompatible with one of the new uses to be introduced on the site.

## **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**, that 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 & Development, for the disposition of city-owned property located at Block 2360, Lot 3 in Community District 1, Borough of the Bronx, is approved.

The above resolution (C 190208 PPX), duly adopted by the City Planning Commission on April 24, 2019 (Calendar No. 7), 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. CAPELLI**, *Esq.*, **ALFRED C. CERULLO, III**, **MICHELLE R. DE LA UZ**,

**JOSEPH I. DOUEK**, **HOPE KNIGHT**, **ANNA HAYES LEVIN**, **ORLANDO MARIN**,

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



# BRONX COMMUNITY BOARD #1

3024 THIRD AVENUE

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DISTRICT MANAGER

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Date: *2-8-79*

Fax Number: *(212) 720-3488*

Pages Including Cover Sheet: *(3)*

Sender's Name: Cedric L. Loftin  
Sender's Firm: Bronx Community Board #1

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**Community/Borough Board Recommendation**  
Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190208 PPX**

Project Name: **Brook 156**

CEQR Number: 19HPD011X

Borough(s): **Bronx**

Community District Number(s): **1**

*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](mailto: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, 31<sup>st</sup> 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 the Department of Housing, Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property (Block 2360, Lot 3), pursuant to zoning.

Applicant(s): Department of Housing, Preservation and Development 100 Gold Street New York, NY 10038	Applicant's Representative: Key Real HPD - 100 Gold Street, Room 9X NY, NY 10038 212-863-8317
Recommendation submitted by: <b>BRONX COMMUNITY BOARD ONE</b>	
Date of public hearing: <b>2/7/19</b>	Location: <b>3024 THIRD AVE, BRONX N.Y.</b>
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>
Date of Vote: <b>2/7/19</b>	Location: <b>3024 THIRD AVENUE, BRONX N.Y.</b>
<b>RECOMMENDATION</b>	
<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>	
<b>Voting</b>	
# In Favor: <b>24</b>	# Against: <b>1</b> # Abstaining: <b>2</b> Total members appointed to the board: <b>44</b>
Name of CB/BB officer completing this form <b>Cedric L. Lythens</b>	Title: <b>DISTRICT MANAGER</b> Date: <b>2/8/19</b>



**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 190207 ZMX, C 190208 PPX, C 190210 ZSX**

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

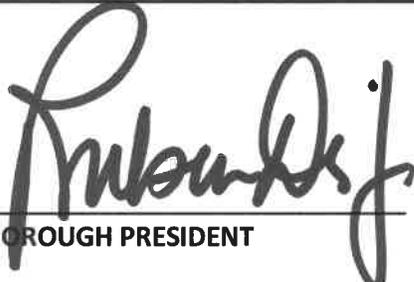
**COMMUNITY BOARD NO. # 1**

**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**

**3/6/19**  
**DATE**

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION**  
**ULURP APPLICATION NOS: C 190207 ZMX, C 190208 PPX, C 190210 ZSX**  
**Brook 156**

**DOCKET DESCRIPTION**

**C 190207 ZMX: IN THE MATTER OF** an application submitted by the New York City Department of Housing Preservation and Development (HPD) and Phipps Houses pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6z & 6c, changing from an R7-2 District to a C6-2 District property bounded by Brook Avenue, a southwesterly street line of Brook Avenue and its northwesterly and southeasterly prolongations, the westerly street line of the former Hegney Place, and East 156<sup>th</sup> Street, Borough of The Bronx, Community District #1, as shown on a diagram (for illustrative purposes only) dated December 3, 2018.

**C 190208 PPX: IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property (Block 2360, Lot 3), pursuant to Zoning.

**C 190210 ZSX: IN THE MATTER OF** an application submitted by the New York City Department of Housing Preservation and Development (HPD) and Phipps Houses pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be include in the lot area, in connection with a proposed mixed use development on property located at 740 Brook Avenue, a.k.a. East 156<sup>th</sup> Street (Block 2360, Lots 1 & 3), in a C6-2\* District, Borough of The Bronx, Community District #1.

\*Note: The site is proposed to be rezoned from an R7-2 District to a C6-2 District under a concurrent related application (C 190207 ZMX).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31<sup>st</sup> Floor, New York, N.Y. 10271-0001.

## BACKGROUND

The site these applications pertain to is an assemblage of two adjacent lots on Block 2360, Lots 1 & 3. Together these lots offer 7,123 square feet of vacant property. This property is situated on the northeast corner of Brook Avenue at East 156<sup>th</sup> Street. The general boundaries of the development site include Brook Avenue on the west, Hegney Place on the east, East 156<sup>th</sup> Street on the south and East 157<sup>th</sup> Street to the north. Hegney Place and East 157<sup>th</sup> Street provide entry to Melrose Condominiums, a residential complex typified by 4-story buildings which are situated both to the north and east of the proposed development site.

Approving these applications will:

**C 190207 ZMX:** Amend the Zoning Map from the current R7-2, to C6-2 (an R8 equivalent) on Block 2360, Lots 1 & 3 (the Development Site). This zoning map amendment will increase the FAR from 3.44, or 4.0 within 100 feet of a wide street, to the proposed 6.02 for residential uses and up to 6.5 FAR for community facility. At the intersection of Brook Avenue East 156<sup>th</sup> Street, Brook Avenue is 80 feet wide and East 156<sup>th</sup> Street is 70 feet wide.

**Note:** In 2008 ULURP Application C 080517 ZMX was approved, amending the Zoning Map from an M1-1 District to a C6-2 District. This Zoning Map amendment pertains to Block 2359, p/o Lots 1, 3, and 9001, thereby facilitating construction of Via Verde, a residential complex composed of 222 units. This development is located on eastside Brook Avenue and on the south side of East 156<sup>th</sup> Street, opposite the development site the current application (C 190207 ZMX) is now considering.

**C 190208 PPX:** Facilitate the disposition of Block 2360, Lot 3 to Phipps Houses, (the applicant) pursuant to zoning. Block 2360, Lot 3 is composed of 1,780 square feet of property. Lot 1 is currently owed by Phipps Houses and includes an open cut, former railroad right-of-way trench. Lot 1 offers 5,343 square feet of property.

**C 190210 ZSX:** Grant of special permit pursuant to Section 74-681 of the Zoning Resolution to allow the portion of a permanently, discontinued railroad right-of-way to be included in the lot area associated with the proposed development approving these applications will facilitate.

The applicant proposes to construct a 9-story, 52-unit residential building, offering a total of 46,346 square feet (59,492 gross square feet), of which residential space will approximate 45,231 square feet. The entrance to the building will be via Brook Avenue. A community facility space composed of 1,100 square feet will be situated on the first floor with access via Brook Avenue and East 156<sup>th</sup> Street. A rear garden area for passive recreation by residents will be accessible from the lobby area of the building. A landscaped area adjacent to the sidewalk on Brook Avenue will be accessible to the residents and general public. Total development costs will approximate \$30.8 million.

Features of this proposed development include:

- 11 Studio Units: Approximately 418 gross square feet
- 19 One Bedroom Units: Approximately 645 gross square feet
- 14 Two Bedroom Units: Approximately 813 gross square feet\*
- 8 Three Bedroom Units: Approximately 1,109 gross square feet
- 3 Units will be specifically designed pursuant to ADA mandates

\*One of the 2-bedroom units will be provided to the resident-superintendent.

Income distribution includes:

- 9 units @ 30% of Area Median Income (AMI)-Our Space
- 5 units @ 30% of AMI
- 6 units @ 40% of AMI
- 6 units @ 50% of AMI
- 6 units @ 60% of AMI
- 6 units @ 70% of AMI
- 5 units @ 80% of AMI (Low Income Housing Tax Credit-LIHTC Eligible)
- 9 units @ 90% of AMI

This development will comply with Option 1 of the Mandatory Inclusionary Housing (MIH) program.

Amenities will include:

- A community room: approximating 960 square feet
- A fitness center: approximating 350 square feet
- A laundry room: approximating 325 square feet
- A landscaped front garden: approximating 800 square feet
- A landscaped rear garden: approximating 470 square feet
- Community Facility space: approximating 1,100 square feet\*
- A bicycle storage facility: accommodating 26 bicycles

\*The applicant is intending to occupy this space for employment training programs geared to young adults.

This site is located within Transit Zone. No off-street parking accommodations are mandated and none will be provided. Mass transit via the #2 and #5 subway lines trains is available at 149<sup>th</sup> Street-3<sup>rd</sup> Avenue and at the Jackson Avenue station. Both these stations are approximately five blocks from the site. Metro North Commuter Railroad access is located on Park Avenue at East 162<sup>nd</sup> Street. Bus transportation is provided via the Bx6, Bx13, Bx15, Bx21 and Bx41. Select Bus Service (SBS-Bx41) is also available.

This development will comply with Enterprise Green Communities certification. Rooftop solar panels are to be included. This project is participating in the New York State Department of Environmental Conservation Brownfield Cleanup Program.

Residential development in the surrounding community includes a wide range of building profiles. To the east and north is Melrose Condominiums, a complex of 4-story owner-occupied residences. Melrose Condominiums are located on the east side of Hegney Place at East 156<sup>th</sup> Street. North of East 157<sup>th</sup> Street to East 159<sup>th</sup> Street, Melrose Condominiums are located on the east side of Brook Avenue. To the south, Via Verde is located on the southeast corner of Brook Avenue at East 156<sup>th</sup> Street. Via Verde is a residential development and includes both rentals and cooperative apartments. From south to north, Via Verde steps up from 3-story town houses on the south, to a high rise building of 20-stories which is located on Brook Avenue at East 156<sup>th</sup> Street. On the west side of Brook Avenue residential development is typified by 3-story homes and five story residences. Flynn Playground, approximating 1-acre is located on the northwest side of Brook Avenue, between East 157<sup>th</sup> Street and East 158<sup>th</sup> Street. Retail activity is available on Brook Avenue, south of East 156<sup>th</sup> Street and on Third Avenue approximately 1-block west of the proposed development site.

### **ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION**

These applications have been reviewed pursuant to CEQR and SEQRA and received a Negative Declaration. The City Planning Commission certified these applications as complete on December 3, 2018.

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

A public hearing was called by Bronx Community Board #1 on February 7, 2019. A vote recommending approval of these applications was 24 in favor, one against, and two abstaining.

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

The Bronx Borough President convened a public hearing on these applications on February 5, 2019. Representatives of the applicant were present and spoke in favor of these applications. Testimony by representatives of the Carpenters Union was also heard at this hearing. There being no other members of the public wishing to speak, the hearing was closed.

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

Phipps Houses, the applicant, has a long and distinguished history of providing superior quality affordable housing to thousands of Bronx families. I note that in 2007 Phipps proposed construction of Via Verde, which at the time was one of our city's most environmentally advanced residential developments. To bring this project into fruition a Zoning Map Amendment (ULURP Application # C 080517 ZMX) establishing a C6-2 designation on property, the northern boundary of which is the south side of East 156<sup>th</sup> Street at Brook Avenue was ultimately approved by the Planning Commission. Currently, the applications I am now

considering would extend that same C6-2 zone north of East 156<sup>th</sup> Street on Brook Avenue, thereby facilitating construction of the proposed development referred to as Brook 156.

As I consider these applications, often I am compelled to point out the Department of Housing Preservation and Development's (HPD) policies that encourage developers like Phipps to offer studio and 1-bedroom flats in fact does little to assist families seeking affordable housing accommodations. Therefore, I appreciate the applicant's revised unit-distribution plan for Brook 156. This revised proposal satisfies my stipulation that a minimum of 40% of those units being constructed include 2 and 3 bedrooms. I also commend Phipps for proposing that the community facility space in Brook 156 be used for employment training programs that our young adults so urgently require.

At my public hearing concerns were raised over how Brook 156, which will stand 9-stories, will impact the low-rise condominiums situated directly east of the new building. I am satisfied with the applicant's response noting that parking on Hegney Place, coupled with a proposed residential garden area for Brook 156, will provide an additional setback. This will minimize the height-impact of the Brook Avenue building on the residences to its east.

As this proposed development advances it cannot be stated enough that the future of the abandoned railroad-right-of way as considered by ULURP Application C 190210 ZMX, remains a profound danger to all who reside nearby. Over the years this trench has become a popular location for those addicted to drugs, shelter for the homeless, and finally as a place for people to illegally dump all sorts of refuse. During the summer as heavy storms cause flooding, the standing water also breeds disease carrying insects which threaten everyone. People have proposed all sorts of "new uses" for this trench, ranging from development as "a low-line" park where it passes beneath St. Mary's Park, to the reactivation of some form a transportation venue, connecting Amtrak on the east with Metro North to the west. The fact remains that I am not aware of any plans to address what is currently taking place here. I am therefore advising both Phipps Houses and all responsible city agencies, that my office is prepared to work with you to end the scourge this trench imposes on our communities.

I recommend approval of this application.