

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION**  
**ULURP APPLICATION NO: C 200228 ZMX**  
**4541 Furman Avenue Rezoning**

**DOCKET DESCRIPTION**

**IN THE MATTER OF** an application submitted by Markland 4551 LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 2a:

- 1) Changing from an M1-1 District property bounded by White Plains Road, East 240<sup>th</sup> Street, Furman Avenue, and a line 300 feet northeasterly of East 239<sup>th</sup> Street; and
- 2) Establishing within the proposed R7D District a C2-4 District bounded by White Plains Road, East 240<sup>th</sup> Street, a line midway between White Plains Road and Furman Avenue, and a line 300 feet northeasterly of East 239<sup>th</sup> Street.

Borough of The Bronx, Community District 12, as shown on a diagram (for illustrative purposes only) dated January 3, 2022, and subject to the conditions of CEQR Declaration E-656.

**BACKGROUND**

Approval of this application will eliminate an existing M1-1 District which permits light manufacturing, but excludes residential use. Homeless shelters however, are permitted in M1-1 districts. It would subsequently adopt a R7D District which allows for mid-rise residential development, approximating 10-11 stories. This designation is contextual, designed to produce Quality Housing buildings. This application would also establish a C2-4 commercial overlay which allows for grocery stores, restaurants, and beauty parlors, funeral homes and repair services.

The scope of this Zoning Map amendment includes seventeen tax lots which define the Project Area: Block 5084, Lots 19, 30, 35, 39, 40, 41, 49, 53-61, 63, 138, and 140. The Project Area approximates 90,000 square feet, bounded by East 240<sup>th</sup> Street on the north, the elevated subway line to the south, White Plains Road to the west and Furman Avenue on the east. This area offers 520 feet of frontage on White Plains Road, 199 feet of frontage on East 240<sup>th</sup> Street, and approximately 483 feet of frontage on Furman Avenue.

The applicant is also requesting a zoning text amendment to Appendix F, to designate this Project Area as a Mandatory Inclusionary Housing (MIH) area. This designation requires that affordable housing be permanently provided and that either Option 1 or Option 2 be provided. The applicant intends to develop this project pursuant to Option 1. This will mandate that approximately 38 units (25% of all units) in this development would be provided at an average of 60% of Area Median Income (AMI) permanently.

As part of this application, an amendment to the Zoning Resolution would expand an existing Transit Zone to include the southern half of Block 5084, which is not included in the Project Area. This proposal is founded on the close proximity of the Project Area to the Wakefield-241<sup>st</sup> Street subway station (Number 2-train)

Existing development within the Project Area includes auto repair facilities, one and two family residences that are predate the M1-1 designation and therefore are grandfathered, undeveloped lots used for off-street parking and vehicular storage and a warehouse with a church occupying the building's second story. A substation maintained by the New York City Transit Authority is also within the Project Area. The specific status of each Lot subject to the proposed Zoning Map amendment includes:

Block 5084:

- 4530 White Plains Road (Lot 19): 2-story substation for the Transit Authority
- 4550 White Plains Road (Lot 30 & 138): Lots owned by Triumphant Church
- 4556 White Plains Road (Lot 35): 2-story, two family residence\*
- 4560 White Plains Road (Lot 39): Off street parking lot for 12 vehicles
- 4562 White Plains Road (Lot 40 & 140): Three family residence with retail\*
- 4564 White Plains Road (Lot 41): 2-story auto-repair location
- 712 East 240<sup>th</sup> Street (Lot 49): 2-story auto-repair location
- 4562 Gordon Place (Lot 53): 2-story, one family residence\*
- 4575 Furman Avenue (Lot 54): 2-story, two family residence\*
- 4573 Furman Avenue (Lot 55): 2-story, two family residence\*
- 4571 Furman Avenue (Lot 56): 2-story, two family residence\*
- 4569 Furman Avenue (Lot 57): 2-story, two family residence\*
- 4567 Furman Avenue (Lot 58): Undeveloped, used for vehicular storage, parking
- 4565 Furman Avenue (Lot 59): Undeveloped, used for vehicular storage, parking
- 4563 Furman Avenue (Lot 60): 2-story, two family residence\*
- 4557 Furman Avenue (Lot 61): 2-story building used for auto repair location

\*Currently non-complying use which, among other factors denies loans for improving sites for residential purposes.

The Development Site pertains to 4541 Furman Avenue (Block 5084, Lot 63). This site approximates 24,729 square feet, offering 102 feet of frontage on White Plains Road and 193 feet of frontage on Furman Avenue. A one-story industrial building occupies this property. This building, consisting of 24,810 square feet is currently vacant.

Pending approval of this application, the applicant proposes to construct a residential building consisting of two wings:

The West Wing: Fronting on White Plains Road, this wing will rise 8-stories (approximately 89 feet). Above the 8<sup>th</sup> story a setback of ten feet from the building's street line allow for an additional story topping off the building at 9 stories. The entrance to this residence will be on White Plains Road. Commercial venues will also front on White Plains Road.

The East Wing: Fronting on Furman Avenue, this wing will rise 9-stories (approximately 95 feet). Above the 9<sup>th</sup> story a setback of ten feet from the building's street line will allow for an additional story topping off the building at 10 stories. The entrance to this residence will be on Furman Avenue. So too, access to community facility uses would be via Furman Avenue. A curb-cut on Furman Avenue will be installed to service the underground parking facility.

Highlights of this proposed development include:

- A residential/commercial complex offering a total of 136,544 square feet floor area
- Residential space will offer 129,398 square feet of floor area
- Commercial space will offer 7,146 square feet of floor area on White Plains Road
- Community facility space offer 11,098 square feet of floor area on Furman Avenue
- Income restricted units will offer a total of 148 units
  - The West wing on White Plains Road will offer 46 Units
  - The East Wing on Furman Avenue will offer 102 Units
- These include
  - 24 studio units: @ 440 gross square feet 16% of total unit count
    - ✓ West Wing: 7 units (15% of total units)
    - ✓ East Wing: 17 units (17% of total units)
  - 73 1-bedroom units @ 580 gross square feet 49% of total unit count
    - ✓ West Wing: 18 units (39% of total units)
    - ✓ East Wing: 55 units (54% of total units)
  - 32 2-bedroom units @ 798 gross square feet 22% of total unit count
    - ✓ West Wing: 14 units (30% of total units)
    - ✓ East Wing: 18 units (18% of total units)
  - 19 3-bedroom units @ 1,050 gross square feet 13% of total unit count
    - ✓ West Wing: 7 units (15% of total units)
    - ✓ East Wing: 12 units (12% of total units)

The grand total of 2 and 3 bedroom units: 51 units out of 148 units

Monthly rent charges include:

- Studio units: AMI @ 30%: \$419 up to AMI @ 80%: \$1,314
- 1 Bedroom units: AMI @ 30%: \$532 up to AMI @ 80%: \$1,651
- 2 Bedroom units: AMI @ 30%: \$631 up to AMI @ 80%: \$1,974
- 3 Bedroom units: AMI @ 30%: \$722 up to AMI @ 80%: \$2,273

Amenities include:

- 52 underground attended parking spaces plus bicycle parking
- On site gym, community room, afterschool study room,
- Storage and package room
- Exterior garden and recreation space approximating a total of 8,121 square feet. This area will located between the two residential wings of the proposed development. Owing to the site's hilly topography, this area is divided into two sections:
  - Furman Avenue: 5,321 square feet, passive & recreational areas
  - White Plains Road: 2,800 square feet, passive only

Sustainable features include:

- Energy efficient appliances
- Composite wood products
- Cool roof using Energy Star certified roofing products to reduce heat island impacts
- Smoke free building

Total estimated development cost: \$116 million. The applicant is requesting public financing from the Department of Housing Preservation and Development's (HPD's) ELLA program

Development in this area is typified by low-rise industrial buildings. A multi-acre subway storage and service yard is located on the east side of Furman Avenue, opposite the site this application is considering. Residential development in this community is composed of one and two family, wood-frame homes. Commercial activity is found on White Plains Road. Subway service via the #2 train is available at the 241<sup>st</sup> Street station, within a two block radius of the Development Site. Metro North Railroad is accessible from the Woodlawn Station.

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

This application was reviewed pursuant to CEQR and SEQR and received a Negative Declaration. The City Planning Commission certified this application as complete on January 3, 2022.

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

Bronx Community Board #12 held a public hearing on this application on January 27, 2022. A vote recommending this application be denied was 21 in favor of denying approval of this application, 7 in favor of approving this application and 5 abstaining.

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

A virtual public hearing was convened by the Bronx Borough President on February 23, 2022. Representatives of this applicant were present and spoke in favor of this application. There being no others wishing to offer testimony, the hearing was closed.

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

As the demand for affordable housing continues to grow and the availability of underutilized sites diminishes across The Bronx, it is appropriate to consider Zoning Map amendments that address areas where unused or underutilized manufacturing facilities are in place. This application does just that, as its approval would facilitate construction of a 148 unit affordable housing residence on a site now occupied by a vacant industrial building.

If Bronx communities are to thrive, families with children must be accommodated. Reviewing the specifics of this proposed development, the number of 2 and 3 bedroom units totals 51, or approximately 35% out of 148 units. The number of studios and 1-bedroom flats total 97, or approximately 65% out of 148 units. I object to this disparity as studio and 1-bedroom apartments virtually block out a family's need for housing. As such, while the overall unit count may be admirable, my administration will vigorously object and may not approve affordable housing developments where less than forty percent of the units planned are able to safely accommodate families with even one youngster. To force people to relocate once a child joins the family is to deny the community of those who otherwise would remain and contribute to the long term success of their neighborhood.

I do applaud the overall profile this development. It will bring to a community where no comparable residential development is in place. The inclusion of a study room, gym, as well as ample space for both passive and limited active outdoor recreation, will surely appeal to those families. I am also satisfied that as Bronx Community Board #12 voted to deny approval of this application owing to a lack of on-site parking, the inclusion of an underground facility able to accommodate 52 vehicles, is an appropriate response to the Board's objection. Finally, and critical to my endorsement of this application, is a community facility space that will offer both residents and neighbors the potential of a daycare center which is in high demand. The inclusion of a commercial space will also offer both a retail accommodation to the neighborhood and an opportunity for employment.

Mindful of my objection to the unit size ratio, I find that to deny this application's approval is to also eliminate the potential of additional affordable housing development in the surrounding community. This to be sure, is not acceptable.

I again want to commend the applicant for responding to the need for on-site parking, as this was of primary concern to Community Board 12 and to my administration. I will also remain vigilant as to the number of multi bedroom units to be included in all future affordable housing proposals.