

**A. INTRODUCTION**

Under the 2014 *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a project, and determines whether that project is compatible with those conditions or may affect them. The analysis also considers the project's compliance with, and effect on, the area's zoning and other applicable public policies, including the City's Waterfront Revitalization Program (WRP).

As described in Chapter 1, "Project Description," the proposed actions would facilitate the demolition of the existing Lambert Houses buildings and the redevelopment of the Development Site with an incremental increase of 934 affordable residential units, approximately 21,610 square feet (sf) of retail uses, and a new school of up to approximately 86,608 sf.

This chapter considers the proposed project's potential impacts on land use, zoning, and public land use policies, including the WRP. As detailed in this chapter, the proposed project would not result in significant adverse impacts on land use or zoning, and it would be consistent with all applicable public policies.

**B. METHODOLOGY**

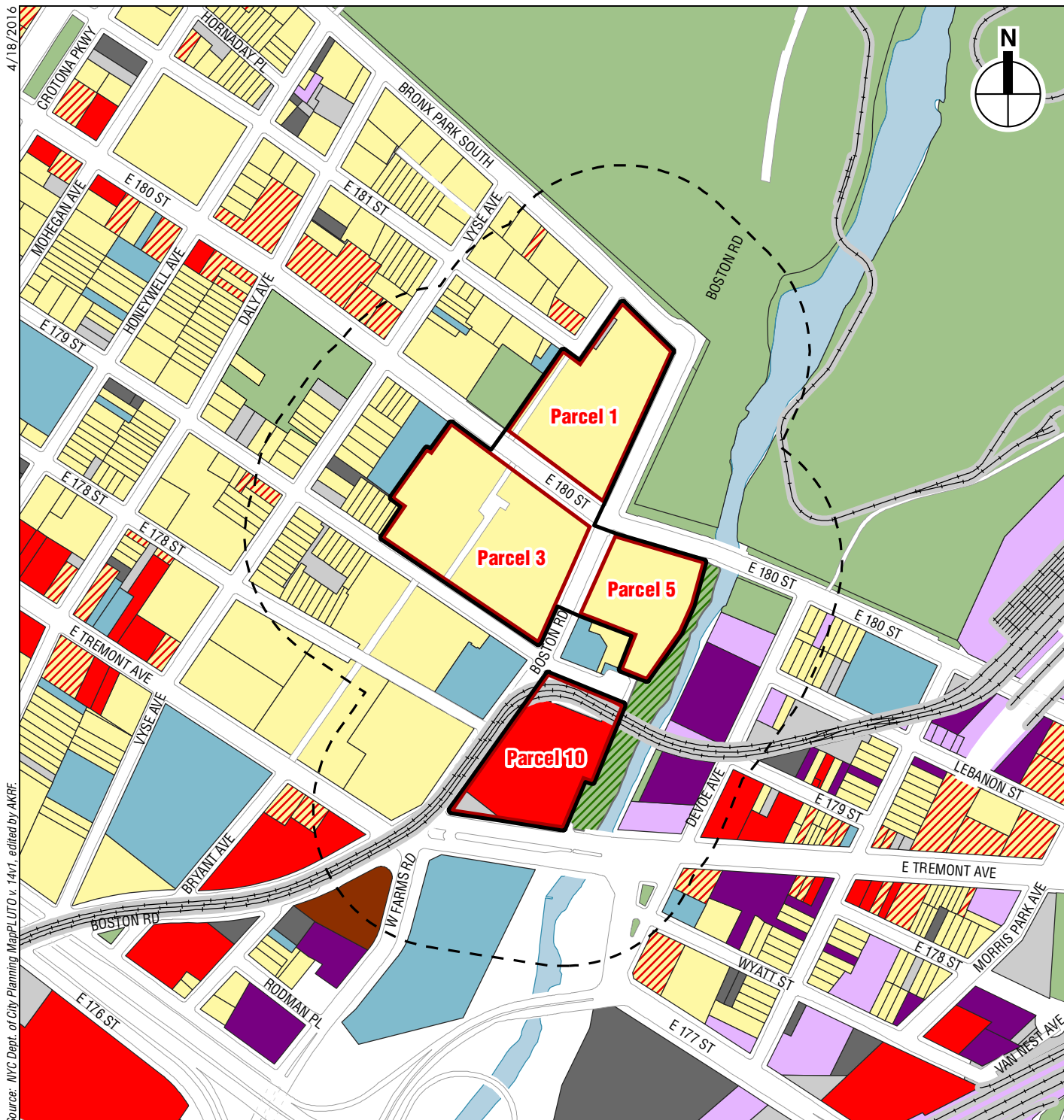
According to the *CEQR Technical Manual*, a land use assessment, which includes a basic description of existing and future land uses and public policy, should be provided for all projects that would affect land use or public policy, regardless of the project's anticipated effects. Accordingly, an analysis has been prepared that describes existing and anticipated future conditions for the 2029 analysis year, assesses the nature of any changes on these conditions that would be created by the proposed project, and identifies those changes, if any, that could be significant or adverse.

The study area for this analysis of land use, zoning, and public policy encompasses the area within 400 feet of the Development Site. As shown on **Figure 2-1**, the 400-foot study area roughly extends north to Bronx Park South and East 180th Street, east past Devoe Avenue, south past East Tremont Avenue, and west past Vyse Avenue.














This chapter also provides an assessment of the proposed project's consistency with the City's coastal policies, including the WRP.

Sources for this analysis include field surveys, the New York City Department of City Planning (DCP) and the New York City Department of Buildings (DOB).

Source: NYC Dept. of City Planning MapPLUTO v. 14v1, edited by AKRF.



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|---|--------------------------------|---|------------------------------------|
|  | Development Site               |  | Public Facilities and Institutions |
|  | Study Area (400-Foot Boundary) |  | Residential                        |
|  | Commercial                     |  | Residential with Commercial Below  |
|  | Hotels                         |  | Transportation and Utility         |
|  | Industrial and Manufacturing   |  | Vacant Land                        |
|  | Parking Facilities             |  | Open Space and Outdoor Recreation  |
|   |                                |  | Open Space (Future)                |

## C. EXISTING CONDITIONS

### LAND USE

#### *DEVELOPMENT SITE*

The Development Site consists of six tax lots, which correspond to Parcels 1, 3, 5, and 10 of the Bronx Park South Large Scale Residential Development (LSRD) (see **Figure 2-1**),<sup>1</sup> as well as a small, triangular City-owned parcel at the intersection of East Tremont Avenue and Boston Road. The approximately 11.7-acre Development Site is composed of five groups of six-story buildings containing a total of 731 residential units, which are located on Parcels 1, 3, and 5 of the LSRD; one two-story building on Parcel 10 contains approximately 39,490 square feet (sf) of retail use and 375 parking spaces. A small public seating area is located on the City-owned lot.

#### *STUDY AREA*

The portion of the study area west of Boston Road and north of Parcel 10 is predominantly residential, while the remainder of the study area is largely characterized by transportation and utility and commercial uses.

Residential uses in the study area largely consist of multifamily apartment buildings, which encompass a variety of building typologies, ranging from three-story attached rowhomes to 22-story “tower in the park”-style developments. The westernmost portion of the study area, particularly along Vyse Avenue, is generally characterized by lower-density buildings, with a higher concentration of rowhomes and small apartment buildings of up to five stories.

Commercial uses in the study area generally consist of neighborhood retail, including the two-story building located on Parcel 10 of the LSRD. There are ground-floor retail uses within multifamily residential buildings located along East Tremont Avenue and Devoe Avenue, as well as a McDonald’s fast food restaurant and a wholesale beverage distributor. In addition, there is a two-story Howard Johnson hotel with an accessory parking lot located along Boston Road, to the southwest of Parcel 10.

Community facility uses within the study area include P.S. 214—Lorraine Hansberry Academy, an elementary school located on West Farms Road, directly south across East Tremont Avenue from Parcel 10; Kennedy Child Study Center, a pre-kindergarten and educational facility for developmentally-disabled children located on the through-block lot between East 178th and East 179th Streets, on the west side Boston Road; the Bronx River Art Center, located at the northeast corner of Boston Road and East 179th Street, adjacent to Parcel 5; the currently vacant Beck Memorial Presbyterian Church, located on East 180th Street east of Vyse Avenue; and Grace Episcopal Church, located on Vyse Avenue south of East 181st Street.

There are a few transportation and utility uses located along Devoe Avenue north of East Tremont Avenue, including several automobile repair shops. In addition, the study area is bisected by elevated sections of New York City Transit’s (NYCT) Nos. 2 and 5 subway lines, which run along Boston Road. The West Farms Square—East Tremont Avenue station, which

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<sup>1</sup> The Bronx Park South Large Scale Residential Development also includes four additional parcels: 7, 8s, 8b, and 9.

provides access to the 2 and 5 lines, is located at the intersection of Boston Road and East Tremont Avenue, directly northeast of the Development Site. The study area is also served by the Bx9, Bx21, Bx36, Bx40, and Bx42 bus lines.

Publicly-accessible open spaces within the study area include Vidalia Park, located in the northwest corner of the study area along East 180th Street between Vyse Avenue and Daly Avenue; River Park, a waterfront park along the Bronx River with active and passive recreation space with an entrance at East 180th Street and Boston Road; and several community gardens. To the east of Parcels 5 and 10 is West Farms Rapids Park, a future segment of the Bronx River Greenway, which is not yet publicly-accessible. The northern edge of the study area includes a portion of the Bronx Zoo, a 265-acre zoo located within the 718-acre Bronx Park. In addition, the Old West Farms Soldiers' Cemetery is located at the northwest corner of East 180th Street and Bryant Avenue; the cemetery is not regularly accessible to the public.

## **ZONING**

### *DEVELOPMENT SITE*

As shown on **Figure 2-2**, the Development Site is located within an R7-1 residential district, which allows a maximum residential floor-area ratio (FAR) of 3.44<sup>2</sup>, a maximum commercial FAR of 2.0, and a maximum community facility FAR of 4.8. R7-1 districts are medium-density districts widely mapped across the Bronx that generally produce lower multifamily apartment buildings on smaller lots and taller, lower-lot-coverage apartment buildings on larger lots.

In addition, Parcel 10 is located within a C1-4 commercial overlay. C1-4 districts are typically mapped along commercial corridors within residential neighborhoods, and allow for local retail uses such as grocery stores, restaurants, and salons, as well as local services such as insurance or realty offices; the maximum commercial FAR for a C1-4 overlay is 2.0.

### *STUDY AREA*

In addition to the R7-1 and C1-4 districts, the study area also contains an R8X residential district, C2-4 commercial overlays, and an M1-1 industrial district. A summary of these zoning districts is provided in **Table 2-1**.

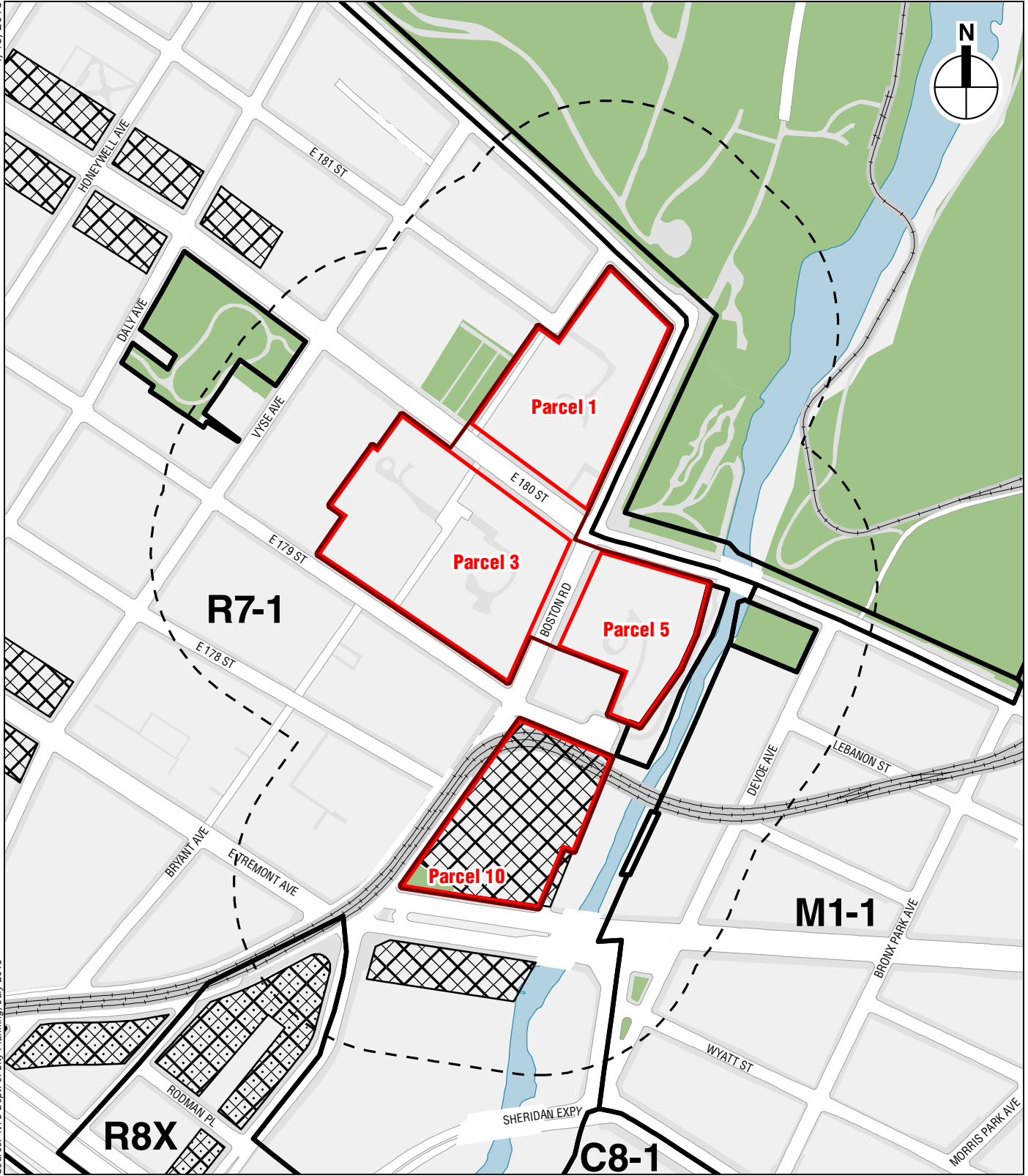
The majority of the study area is, like the Development Site, located within an R7-1 district. The southern portion of the study area, to the southeast of Boston Road, is located within an R8X district, which is governed by Quality Housing regulations and generally produces 14- to 16-story multifamily apartment buildings with a maximum residential FAR of 6.02. That R8X district was mapped by the Crotona Park East/West Farms rezoning, adopted in 2011, which was intended to facilitate new residential and commercial development in a former manufacturing neighborhood.

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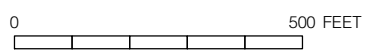
<sup>2</sup> With the optional Quality Housing regulations, the R7-1 district permits a maximum residential FAR of 4.0 along wide streets outside the Manhattan Core.

4/18/2016

Source: NYC Dept. of City Planning, July 2015



- Development Site
- Study Area (400-Foot Boundary)
- Zoning Districts
- C1-4 Commercial Overlay District
- C2-4 Commercial Overlay District



**Table 2-1**  
**Zoning Districts in the Study Area**

Zoning District	Maximum FAR <sup>1</sup>	Uses/Zone Type
<b>Residential Districts</b>		
R6	2.43 residential <sup>2</sup> 4.8 community facility	Contextual residential district, medium-density housing, compatible with built-up neighborhoods.
R7-1	3.44 residential <sup>3</sup> 4.8 community facility	Contextual residential district, medium-density housing, compatible with built-up neighborhoods.
R8X	6.02 residential 6.0 community facility	Contextual residential district governed by Quality Housing bulk regulations; typically produces 14- to 16-story apartment buildings
<b>Commercial Districts</b>		
C1-4	2.0 commercial	Commercial overlay districts mapped within residence districts. Provide for neighborhood retail needs along commercial corridors. In mixed buildings, all commercial uses must be located below residential uses.
C2-4	2.0 commercial	Commercial overlay districts mapped within residence districts. Provide for neighborhood retail needs along commercial corridors. In mixed buildings, all commercial uses must be located below residential uses.
<b>Industrial Districts</b>		
M1-1	1.0 manufacturing 1.0 commercial 2.4 community facility	Manufacturing districts with stringent performance standards; uses generally include light industrial uses, as well as office, hotel, and retail uses.
<b>Notes:</b> 1. FAR is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 sf with a FAR of 1 has an allowable building area of 10,000 sf. The same lot with an FAR of 10 has an allowable building area of 100,000 sf. 2. Maximum of 3.0 FAR using Quality Housing regulations on a wide street outside the Manhattan Core. 3. Maximum of 4.0 FAR using Quality Housing regulations on a wide street outside the Manhattan Core.		
<b>Source:</b> <i>New York City Zoning Resolution.</i>		

In addition to the C1-4 overlay district located on Parcel 10, there is a C1-4 overlay located on the south side of East Tremont Avenue, between Boston Road and the Harlem River. There is also a C2-4 commercial overlay located within the R8X district in the southern portion of the study area. Both C1-4 and C2-4 districts are mapped along commercial corridors within residential neighborhoods, and allow for local retail uses such as grocery stores, restaurants, and salons, as well as local services such as insurance or realty offices; C2-4 districts allow a slightly wider range of commercial uses, like funeral homes. The maximum commercial FAR for both C1-4 and C2-4 overlays is 2.0.

The eastern portion of the study area—the portion to the east of the Harlem River—is located within an M1-1 district, which allows for light industrial and manufacturing uses and certain commercial uses, with a maximum floor-area ratio (FAR) of 1.0.

## **PUBLIC POLICY**

### *WATERFRONT REVITALIZATION PROGRAM/COASTAL ZONE MANAGEMENT ACT*

The project site is located within the New York State Coastal Zone Boundary (see **Figure 2-3**). The federal CZM Act of 1972 was established to support and protect the distinctive character of the waterfront, and to assist coastal states in establishing policies for managing their coastal zone areas. In 1982, New York adopted a State Coastal Management Program (CMP), designed to balance economic development and preservation in the coastal zone by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, public access to the shoreline and farmland, and minimizing adverse changes to ecological systems and erosion and flood hazards. The state program, administered by the New York State Department of State (NYSDOS), is consistent with the federal CZM Act and contains 44 coastal policies. It also provides for local implementation when a municipality adopts a local waterfront revitalization program that is consistent with the federal CZM Act.

In accordance with the State program, New York City adopted a local waterfront revitalization program, the New York City Waterfront Revitalization Program (WRP), in 1999, and was subsequently approved by NYSDOS with the concurrence of the U.S. Department of Commerce. The WRP, as amended, incorporates the state's 44 coastal policies, and contains an additional 10 policies. The program is administered by DCP. It establishes the city's policies for development and use of the waterfront and provides a framework for evaluating activities proposed in the Coastal Zone. NYSDOS and the U.S. Department of Commerce are reviewing the revisions.

The coastal zone management program consistency review process is described in federal regulations at 15 Code of Federal Regulations (CFR) 930: Federal Consistency with Approved CMPs, as amended, as well as in the WRP. Consistency review is required for any project that:

- Is in, or is expected to affect the resources or land or water uses of, the New York coastal zone; and
- Requires a state- or federally listed permit, is federally, state, or locally funded, or is a direct activity of a federal, state, or local agency.

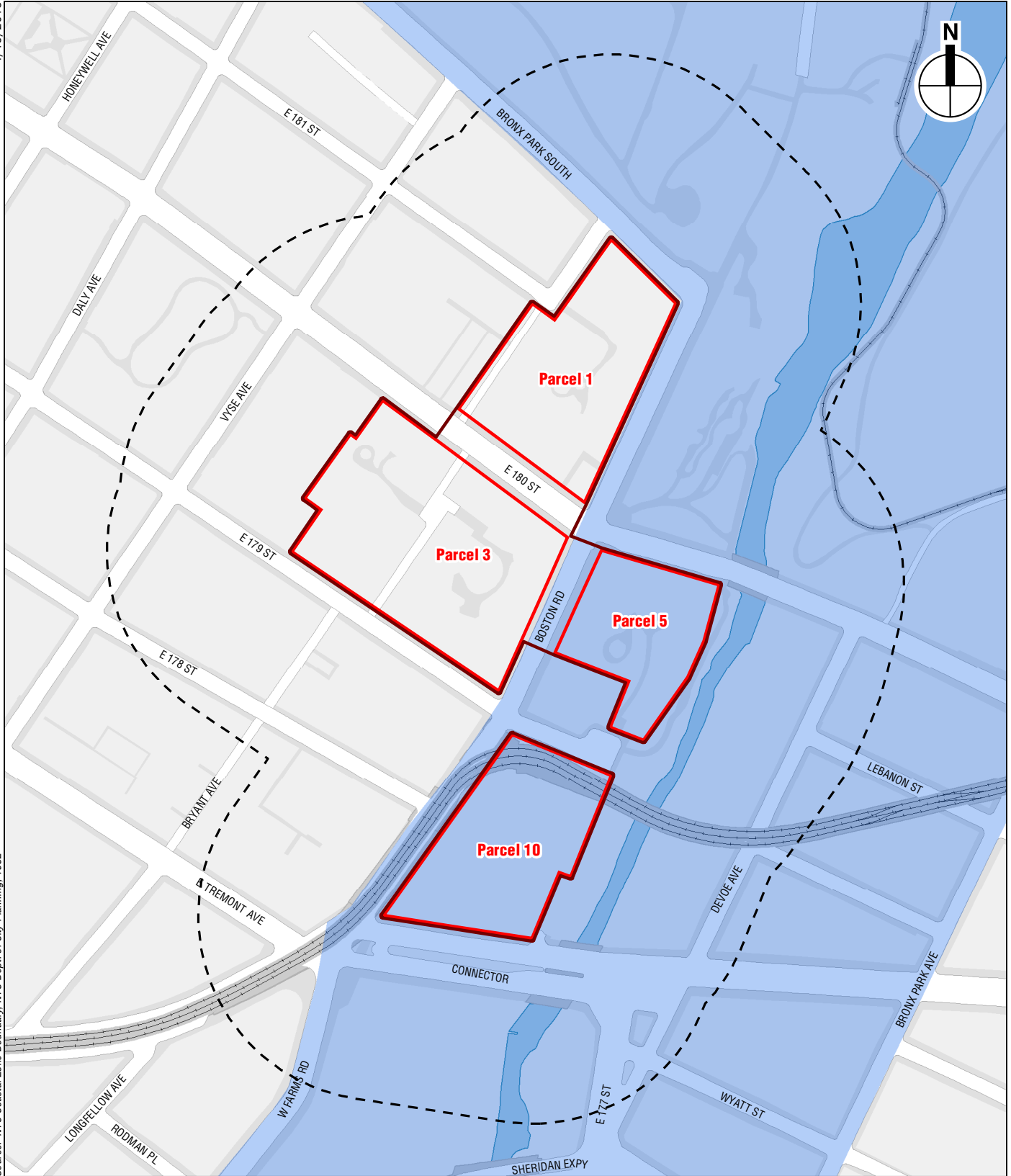
The city's policy is to review a project's consistency with the WRP policies, if it is within the Coastal Zone and requires a local discretionary review. These WRP policies are consistent with the state's CMP; both promote a balance of economic development and preservation and revitalization of the coastal zone; protect fish and wildlife, open space and scenic areas, and public access to the shoreline; and minimize adverse changes to ecological systems and erosion and flood hazards.

Section E, "Probable Impacts of the Proposed Project," reviews the New York City coastal zone policies and assesses the consistency of the proposed project with these policies. In accordance with federal regulations found at 15 CFR Part 930, the project is also reviewed for its consistency with New York State's CMP.

### *BRONX PARK SOUTH URBAN RENEWAL PLAN*

The Bronx Park South Urban Renewal Plan, under which the existing Lambert Houses were built, was adopted in 1965, with revisions in 1989 and 1998. The goal of the plan was to revitalize the neighborhood through strategic redevelopment of blighted, vacant, or underutilized parcels. As part of that plan, the Development Site was designated as Parcels 1, 3 5, and 10 of





- Development Site
- Study Area (400-Foot Boundary)
- Coastal Zone Boundary

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the LSRD that encompasses the Urban Renewal Area. Although the plan expired in 2005, the LSRD continues to govern development on the Development Site.

### *HOUSING NEW YORK: A FIVE-BOROUGH, TEN-YEAR PLAN*

On May 5, 2014, the de Blasio administration released *Housing New York: A Five-Borough, Ten-Year Housing Plan* (“*Housing New York*”), which plans to build or preserve 200,000 affordable residential units. To achieve this goal, the plan aims to double the Department of Housing Preservation and Development’s (HPD) capital budget, target vacant and underused land for new development, protect tenants in rent-regulated apartments, streamline rules and processes to unlock new development opportunities, contain costs, and accelerate affordable construction. The plan details the key policies and programs for implementation, including developing affordable housing on underused public and private sites.

## **D. FUTURE WITHOUT THE PROPOSED PROJECT**

### **LAND USE**

#### *DEVELOPMENT SITE*

Absent the proposed project, no new development is anticipated to occur in the Development Site. In the No Action condition, the existing Lambert Houses buildings will remain; no new affordable housing will be provided in the Development Site, and the outdated, inefficient buildings will continue to operate.

#### *STUDY AREA*

There are two planned development projects in the study area that are anticipated to be complete by 2029, both of which will contain affordable housing. The development planned at 1932 Bryant Avenue, on the triangular block bounded by East Tremont Avenue, Bryant Avenue, and Boston Road, will introduce up to 327 new affordable housing units, as well as approximately 14,500 gross square feet (gsf) of retail uses and a 10,000-gsf community facility use (anticipated to be a pre-kindergarten facility). The development planned at 1939 West Farms Road will introduce two new buildings containing approximately 179 affordable housing units and 23,380 sf of ground-floor retail uses.

Other than these projects, no major changes in land use are anticipated in the study area by 2029.

### **ZONING**

No changes to zoning districts in the Development Site or in the study area are currently anticipated by 2029 with the exception of one application currently being considered by DCP. This application is for the 1932 Bryant Avenue project described above, which would be located on Parcel 9 of the existing LSRD (see Figure 1-2). That project, which would be located within the modified existing LSRD that would be created as part of the proposed actions associated with the Lambert Houses redevelopment, could result in a zoning change on that site. Other than this application, the current zoning, as described above, is expected to remain in force.

### *ZONING FOR QUALITY AND AFFORDABILITY*

The New York City Council recently approved a zoning text amendment entitled Zoning for Quality and Affordability (ZQA). ZQA is intended to remedy several ways in which the current zoning resolution does not permit the full utilization of a site's development rights, with particular emphasis on facilitating the construction of new affordable housing. The proposed text amendment would help to increase construction of senior housing and inclusionary housing by allowing for greater flexibility in certain building design elements, as well as by better aligning zoning regulations with financial incentive programs that fund affordable housing development. ZQA would also include a provision to allow affordable housing developments in certain areas in the "transit zone" (in which the Development Site would be located) to eliminate parking requirements.

### *MANDATORY INCLUSIONARY HOUSING*

The City Council also recently approved a zoning text amendment that would establish a mandatory inclusionary housing (MIH) program. An expansion of the current voluntary inclusionary housing program, MIH would require permanently-affordable housing set-asides for projects over 10 units or 12,500 zoning square feet (zsf) within MIH-designated areas. These MIH areas would be mapped by residential rezoning actions sponsored either by the city or by private applicants.

### **PUBLIC POLICY**

No changes to public policies affecting the Development Site or the study area are anticipated by 2029. The proposed updates to the WRP policies are expected to receive federal approval.

## **E. PROBABLE IMPACTS OF THE PROPOSED PROJECT**

### **LAND USE**

#### *DEVELOPMENT SITE*

Approval of the proposed actions would facilitate the sequential demolition of the existing Lambert Houses buildings and the redevelopment of the Development Site with a combination of affordable housing, retail, and a possible school.

Overall, the proposed project would redevelop the Development Site with the following:

- A total of 1,665 residential units at the completion of the project, for an increment of 934 units over the No Action condition (i.e., the existing Lambert Houses buildings). The proposed residential units would all be affordable.
- Approximately 61,100 sf of retail, for an increment of 21,610 sf over the No Action condition.
- A new public school of approximately 86,608 sf on a portion of Parcel 10. It is expected that this school would be a 500-seat elementary school.
- A reduction in the amount of parking at the site, for a total of 110 spaces.

With the increment of 934 new residential units and 61,100 sf of new retail uses over the No Action condition, the Development Site population would increase by approximately 2,681

residents and 54 new workers. In addition, the potential new school facility would introduce up to 500 new elementary school students.

The proposed project would result in the addition of uses that are already present in the Development Site, which is currently underdeveloped relative to both the amount of floor area currently permitted by zoning and also the density of the surrounding neighborhood.

Therefore, the proposed development would be compatible and consistent with existing land uses and density in the Development Site, and would not result in any significant adverse impacts.

### ***STUDY AREA***

The proposed project would not alter the land use mix of the study area, which would continue to be characterized by residential, retail, community facility, and transportation and utility uses.

Overall, the proposed project would be compatible with existing land use trends in the study area, and would not result in any significant adverse land use impacts.

## **ZONING**

### ***DEVELOPMENT SITE***

In order to facilitate the proposed project, the Applicant is seeking several zoning-related actions, which are listed in Chapter 1, "Project Description."

The proposed LSRD and associated special permits and authorizations, including waivers of height and setback requirements, are being requested in order to allow for the redistribution of floor area across the entire Development Site, creating a site plan and building layout and design different from what would be allowed as-of-right under the current LSRD and proposed zoning districts. The potential for the actions to result in significant adverse impacts is assessed in Chapter 8, "Urban Design and Visual Resources." As discussed in detail in that chapter, the proposed project would not result in significant adverse effects on the pedestrian experience of the area's urban design, but rather would be expected to create strong streetwalls, which would enhance the pedestrian experience. Overall, the proposed project would not result in adverse impacts in the areas or urban design or visual resources.

Therefore, the proposed project would not result in any significant adverse impacts to zoning in the Development Site.

### ***STUDY AREA***

The proposed modification to the previously approved LSRD would cause the areas within the modified LSRD<sup>3</sup> along the south side of East 179th Street and the west side of Boston Road to become areas on the periphery of, rather than wholly within, the LSRD. To avoid new noncompliances within the modified LSRD, the Applicants are seeking a Special Permit pursuant to ZR 78-312:

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<sup>3</sup> The modified LSRD would include Parcels 6, 7, 8a, 8b, and 9 of the previously-approved LSRD.

- Parcel 6: Along the south side of East 179th Street, an existing building with a height of approximately 71 feet rises without setback at the property line. The R7-1 zoning at this location on a narrow street has a maximum base height of 60 feet within a setback distance of 20 feet, after which a sky exposure plane of 2.7:1 applies. A Special Permit is requested to allow the existing building to exceed the maximum base height by approximately 11 feet and to penetrate the sky exposure plane in this area.
- Parcel 7: The portion of the existing residential building on the south side of East 179th Street rises to a height of approximately 65.1 feet rises without setback at the property line in an area zoned R7-1. A Special Permit is requested to allow the existing building to exceed the maximum allowed base height of 60 feet within 20 feet of the street by approximately 5.1 feet and to penetrate the sky exposure plane in this area.

Other than this, the proposed actions would apply only to the Development Site and would have no effect on zoning in the surrounding area. Therefore, the proposed project would not result in a significant adverse impact to zoning in the surrounding study area.

## **PUBLIC POLICY**

### *WATERFRONT REVITALIZATION PROGRAM/COASTAL ZONE MANAGEMENT ACT*

In accordance with the City's WRP and the federal Coastal Zone Management (CZM) Act, the proposed project requires review for its consistency with the City's WRP policies; the City's Consistency Assessment Form is provided in **Appendix 2**. In addition, because the proposed project requires a federal approval from HUD that is subject to review under the National Environmental Policy Act (NEPA), an assessment of the proposed project's consistency with WRP policies on the Federal Consistency Assessment Form is also provided in **Appendix 2**. The questions presented in the CAFs are designed to identify whether a proposed project has potential effects upon a policy. Where the answers to the CAF indicate that the proposed project does not have any potential effect upon the achievement of any particular policy, no further assessment of the project's potential effects on WRP policies is necessary. Where answers to the questions indicate that the project may have a potential effect on the achievement of a particular identified policy or policies set forth in the WRP, further examination is warranted to assess the potential effects the proposed project may have on the achievement of the noted policy or policies. See **Appendix 2** for the CAFs and the detailed policy questions.

As detailed in Appendix 2, for each policy and sub-policy question that was answered "yes" in both the City and Federal forms, the proposed project would be consistent with that policy, and overall, with applicable coastal zone policies. On February 19, 2016, the Department of City Planning's Waterfront and Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of the proposed actions, found that the actions will not substantially hinder the achievement of any WRP policy and concurred with HPD's finding that the proposed project is consistent with the WRP policies. The proposed project was assigned WRP#15-120 (See **Appendix 2**). On February 29, 2016, the New York State Department of State's Office of Planning and Development issued a letter of no objection to federal funding in support of the proposed project (See **Appendix 2**). No significant adverse impacts related to coastal zone consistency would result from the proposed project.

***BRONX PARK SOUTH URBAN RENEWAL PLAN***

As described above, the Bronx Park South Urban Renewal Plan, which designated the Development Site parcels for residential uses, expired in 2005. The establishment of the new LSRD and the other requested zoning actions would facilitate the creation of a site plan and building layout and design different from what would be allowed as-of-right under the current LSRD and proposed zoning districts. The new LSRD would facilitate the project's creation of new affordable housing in the Development Site, which would be consistent with the original goal of the Bronx Park South Urban Renewal Plan. Therefore, the proposed project would not affect any public policy related to the Urban Renewal Area.

***HOUSING NEW YORK: A FIVE-BOROUGH, TEN-YEAR PLAN***

As noted above, a major public policy goal in the City is to build or preserve 200,000 affordable residential units. The proposed project would help to achieve that goal by replacing 731 units of outdated and inefficient housing with 1,665 new affordable housing units (for an increment of 934 affordable housing units relative to the No Action condition). Therefore, the proposed project would support and advance the goals of this policy.

**F. CONCLUSION**

Overall, this analysis finds that the proposed project would not result in any significant adverse impacts to land use, zoning, and public policy.

The proposed actions would facilitate the proposed redevelopment of the Lambert Houses building, resulting in a total of 1,665 affordable housing units at the completion of the project (for an increment of 934 units over the No Action condition); approximately 61,100 sf of retail uses (for an increment of 21,610 sf over the No Action condition); a possible new public school of approximately 86,608 sf, with seats for 500 students; and a reduction in the amount of parking in the Development Site to 110 total spaces.

The proposed new buildings would be compatible with the uses currently present in the study area, which is characterized by residential apartment buildings, many with ground-floor retail uses. The proposed project would improve quality of life for current Lambert Houses residents by remedying several design and operational constraints currently present in the existing buildings; in addition, the proposed project would introduce a substantial number of new affordable housing units to the study area. The proposed project would include a special permit that would avoid new noncompliances within the modified LSRD, and other than this special permit, the zoning actions would apply only to the Development Site and would have no effect on zoning elsewhere in the study area. The proposed project would also be consistent with the relevant policies of the City's WRP, and would contribute to *Housing New York's* goal of building and preserving affordable housing.

Therefore, the proposed project would not result in any significant adverse impacts to land use, zoning, and public policy. \*