



Office of the Deputy Mayor
For Housing & Economic Development

MEMORANDUM

TO: Stan Brezenoff
Interim Chair and Chief Executive Officer, NYC Housing Authority

Maria Torres-Springer
Commissioner, NYC Department of Housing Preservation and Development

FROM: Alicia K. Glen

DATE: January 24, 2019

RE: Zoning Override for Betances VI; 472-474 Willis Avenue, Bronx, NY 10455

Based on the information contained in your memo dated January 17, 2019, I support your request to proceed with the project at the named site despite non-compliance with the Zoning Resolution.

This approval is limited only to the noncompliance defined in your memo and is based solely on the information contained therein.

cc: Rick Chandler, DOB
Anita Laremont, DCP
Steve Stein Cushman, Law Department
Christina Blythe, Law Department
Kapil Longani, Counsel to the Mayor
Kate Cocklin, Counsel to the Mayor



STEVEN STEIN CUSHMAN
*Executive Assistant Corporation Counsel
for Commercial Law*

**THE CITY OF NEW YORK
LAW DEPARTMENT**
100 CHURCH STREET
NEW YORK, NY 10007

Phone: (212) 356-2100
E-mail: scushman@law.nyc.gov

MEMORANDUM

TO: ALICIA GLEN
Deputy Mayor for Housing and Economic Development

FROM: STEVEN STEIN CUSHMAN *SSC*

RE: Zoning Override for Betances VI
472-474 Willis Avenue, Bronx, NY 10455

DATE: January 18, 2019

We have reviewed the January 17, 2019 letter from the New York City Department of Housing Preservation and Development and the New York City Housing Authority concerning the need for a zoning override of various sections of the New York City Zoning Resolution, in order to facilitate construction of an affordable housing building in the Mott Haven neighborhood of the Bronx.

<u>Site</u>	<u>Zoning Resolution</u>
Block 2291, Lots 1 & 101 Bronx	§§ 23-662, 23-664, 25-251

New York courts have long recognized that governments are not subject to zoning restrictions in the same manner as private persons. Nehrbas v. Incorporated Village of Lloyd's Harbor, 2 NY 2d 190 (1958). In the most recent formulation of this rule, the Court of Appeals adopted a balancing test in determining whether a government was required to comply with zoning, comparing the public interest served by the proposed use with the purposes served by the zoning provision in question. Matter of County of Monroe, 72 NY2d 338 (1988).

The January 17, 2019 letter explains the public benefits of the project and discusses the specific zoning restrictions impacted by the project. You may authorize the project notwithstanding the provisions of the Zoning Resolution if you determine that the public purpose to be served justifies this in the circumstances described in the letter. On the basis of the

information provided in the letter, such approval would be appropriate and consistent with applicable law.

To: Alicia Glen, Deputy Mayor for Housing and Economic Development

From: Stanley Brazenoff, Interim Chair and Chief Executive Officer, New York City Housing Authority *SB*
Maria Torres-Springer, Commissioner, New York City Department of Housing Preservation and Development *MTS*

Date: January 17, 2019

Re: Zoning Override Requests To Facilitate Affordable Housing Development For 472-474 Willis Ave., Bronx (Block 2291, Lots 1 and 101)

Request

The New York City Housing Authority ("NYCHA") and the Department of Housing Preservation and Development ("HPD") request an override of the New York City Zoning Resolution ("ZR") to facilitate the proposed development of a 101-unit affordable housing building to be known as Betances VI Family Apartments (the "Proposed Project"). The Proposed Project will be located on a portion of Lots 1 and 101 of Bronx Block 2291 (the "Proposed Project Site") as currently shown on the Tax Map, adjacent to Building 1 of the existing NYCHA public housing development known as Dr. Ramon E. Betances Houses VI ("Betances VI"). The Proposed Project Site is located on Willis Avenue between East 146th Street and East 147th Street.

NYCHA and HPD are seeking overrides for the following:

1. Setback Requirements in Zoning Resolution §23-662
2. Maximum Number of Stories per Zoning Resolution §23-664 (Table 1)
3. Required Parking for Income-Restricted Housing Units in Zoning Resolution §25-251

These overrides will facilitate the creation of much needed affordable family and supportive housing in Bronx Community District 1, provide new high-quality spaces for retail business, and contribute to fulfilling the goals established as part of the Make Mott Haven community plan.

Project Background

In May 2015, NYCHA launched Next Generation NYCHA, a 10-year strategy to preserve and enhance public housing as safe, clean and connected communities through improved operations, resident engagement, revenue generation, and provision of affordable housing. In June 2016, HPD and NYCHA released a Request for Proposals ("RFP") inviting applicants to submit development proposals for affordable housing on two sites in the Mott Haven neighborhood of the Bronx, including the Proposed Project Site at Betances VI. In April 2017, HPD and NYCHA selected the development team led by Lemle & Wolff, Alembic Community Development, and The Bridge ("Development Team") for the Proposed Project Site. The

Proposed Project includes a 15-story building with 101 affordable and supportive housing units for low-income families and ground floor retail uses. The Development Team will ground lease the Proposed Project Site from NYCHA for a 99-year term. In addition to the terms of the ground lease, the Proposed Project will also be subject to a Regulatory Agreement with HPD and the NYC Housing Development Corporation.

Proposed Project Description

The Proposed Project Site is located along Willis Avenue between East 146th Street and East 147th Street in the Bronx and is approximately 10,000 square feet. The Proposed Project Site is part of the Dr. Ramon E. Betances Houses VI NYCHA development on Block 2291, Lots 1 and 101. The property currently contains a 5-story NYCHA residential building with 49 apartments (approximately 45,550 SF of floor area), an outdoor playground, and a single-story commercial building with three storefronts and an unused underground parking garage. The single-story commercial building will be demolished in order to construct the Proposed Project. There is currently only one active lease in the commercial building, which expired December 31, 2018. The Proposed Project Site is currently zoned R6 with a C1-4 commercial overlay. In order to allow more floor area for affordable housing while expanding the potential ground floor retail uses, Lots 1 and 101 of Bronx Block 2291 will proceed through ULURP to rezone up to R7X with a C2-4 overlay. The surrounding area is mapped primarily within an R6 district, with a C4-4 district to the north.

The Proposed Project will deliver much-needed affordable housing in the Mott Haven neighborhood while activating and revitalizing the pedestrian thoroughfare on Willis Avenue with ground floor retail. The Proposed Project will be a 15-story mixed-use building with 101 affordable housing units for low-income families; 30% of the units will be set aside for chronically homeless individuals, with the remaining units available for families between 40% AMI and 80% AMI. The total zoning floor area for the Proposed Project is approximately 90,000 square feet, including approximately 82,500 square feet of Use Group 2 Residential Zoning Floor Area and approximately 7,500 square feet of Use Group 6 Commercial Floor Area. The zoning floor area for the Proposed Project added to the existing 45,550 square feet of Residential Floor Area from the existing Betances VI Building 1 situated on the same zoning lot results in total Floor Area for the zoning lot of 135,550 square feet, and a resultant FAR of 4.93. The ground floor and cellar levels will include space for to-be-determined retail tenants. At this point in time, two prospective healthcare franchises have expressed interest in leasing the ground floor retail spaces.

Status of Required Approvals and Public Financing

An application will be submitted to the U.S. Department of Housing and Urban Development ("HUD") for approval to dispose of the Proposed Project Site through a ground lease to the Development Team pursuant to Section 18 of the U.S. Housing Act of 1937, as amended (the "Section 18 Application"). The conveyance of the Site for the Proposed Project is not subject to the Uniform Land Use Review Procedure ("ULURP"). As part of the disposition approval and as required by HUD, a use restriction or reversionary interest will be recorded against the

Proposed Project Site. NYCHA will maintain ownership of the land and ground lease the Proposed Project Site based on HUD's approval of the Section 18 Application. NYCHA and the Development Team will engage the Betances Resident Association and Bronx Community Board 1 to engender support for the Proposed Project.

Building Plans were filed with the Department of Buildings in December 2018. Plan Approval is anticipated prior to project financing, tentatively scheduled for June of 2019. The ULURP application was certified on October 15th, 2018, and is currently going through ULURP. Construction will commence upon project financing. The Proposed Project is being financed with considerable public funds and will secure financing in the form of tax-exempt bonds with as-of-right low-income housing tax credits and subsidies provided by HDC, HPD, and New York City and State as part of the NY/NYIII Agreement.

State Environmental Quality Review

As lead agency, NYCHA has completed an environmental review for the Proposed Project. The environmental review was completed pursuant to Part 167 of the implementing regulations pertaining to Article 8 (City Environmental Quality Review/ State Environmental Quality Review Act) of the Environmental Conservation Law, and pursuant to 24 CFR 58.36 of the National Environmental Policy Act. A comprehensive Environmental Assessment Form and Supplemental Environmental Studies were completed and issued in October of 2018. NYCHA has determined that the Proposed Project will have no significant adverse impacts based upon those documents. Subsurface environmental conditions discovered as part of the environmental analysis requiring remediation are identified in the Remedial Action Plan approved by New York City Department of Environmental Protection and New York State Department of Environmental Conservation.

Requested Zoning Overrides

The requested overrides will permit the timely construction of a building that maximizes the number of affordable and supportive rental units, contributes to the financial feasibility of the project, and provides important retail activation that will serve both NYCHA residents and community members alike. NYCHA and HPD are requesting the following zoning overrides:

1. Setback Requirements pursuant to Zoning Resolution ("ZR") §23-662

In the proposed R7X zoning district, ZR §23-662 requires a 10 ft. setback along wide streets (Willis Avenue) and a 15 ft. setback along narrow streets (East 146th Street) above the maximum base height of 105 ft. In response to the guidelines of the RFP, the Development Team submitted a proposal that considers waiving the required setbacks and proposes to maintain the street walls at Willis Avenue and East 146th Street up to the permitted maximum height of 145 feet (Exhibit A). NYCHA and HPD are requesting an override of the required setbacks to provide more affordable housing units, to allow for better building design and site planning, and to improve the financial feasibility of the Proposed Project.

The massing strategy of the Proposed Project places most of the bulk at the southern portion of the Proposed Project Site to maximize the daylight for the existing NYCHA building and playground directly to the north (Exhibit B). The resulting massing is far less imposing on the existing Betances VI residents while having minimal impact to the light and air reaching pedestrians and buildings to the east, south, and west. Most of the facade surfaces are off-white to reflect light to the building's surroundings and reduce its perceived volume. The building's exterior features a recessed horizontal strip at the 7th Floor on both the south and west elevations to match the height of the existing buildings to the east, reinforcing the scale of the neighborhood. Finally, the grey areas of the elevations are set back two feet from the property line to reduce both the actual building volume and its perception. This massing strategy furthers Active Design goals by creating a prominent and well-lit staircase to an outdoor rooftop space (Exhibit B).

This proposed design allows for the most efficient use of the available floor area in order to achieve the greatest number of dwelling units while still reducing the impact to the existing NYCHA buildings on the zoning lot. The proposed dwelling unit mix satisfies the community's goal of having a higher number of family sized apartments (two-bedroom and three-bedroom units account for almost 50% of the units in the building) as well as the unit mix stipulated by the Proposed Project's financing term requirements.

Revising the current building design to comply with the 15' setback above base height at East 146th Street, and the 10' setback at Willis Avenue (while retaining permitted dormers), would reduce the gross area by approximately 5,905 square feet and eliminate between 10 and 15 dwelling units (depending on unit mix requirements), seriously affecting the feasibility of the project. Revising the design more extensively by flipping the existing floor plans so that the high rise is 60' from the existing building to the north and providing a 10' setback at Willis Avenue, would eliminate between four and eight dwelling units (depending on unit mix requirements). This strategy would also require a much bulkier base portion of the building than is currently contemplated in order to support the upper floors of the building. This would eliminate a large portion of the 2nd floor outdoor terrace, which is an active design component of the Proposed Project and an important amenity. Overall, these revisions would seriously affect the feasibility of the Proposed Project and compromise both the quality of urban and active design.

NYCHA and HPD therefore find that waiving the setback requirements would result in more affordable housing units to be constructed at a mix requested by the residents and result in better building design that is less intrusive on the neighboring playground and NYCHA building.

2. Maximum Number of Stories pursuant to ZR §23-664 (Table 1)

In the proposed R7X zoning district, Table 1 in the Zoning Resolution §23-664 permits a building to contain up to 14 floors. NYCHA and HPD are requesting that this requirement be waived to permit a total of 15 floors in the building. This will advance the creation of more affordable housing units while still achieving quality building design. The lofty ground level floor to floor height of 15' 1 1/2" is nearly entirely glazed and will create a welcoming and well-lit street. The residential unit floor-to-floor heights conform to Building Code requirements for clear ceiling heights. Additionally, the intent of the zoning requirement to keep the building height under 145' is met by the proposed design. Complying with the maximum number of permitted stories would

reduce the gross area of the building by approximately 6,105 square feet and eliminate seven units, severely impacting the feasibility and design of the Proposed Project and providing fewer affordable housing units.

3. Required Parking for Income-Restricting Housing Units pursuant to ZR §25-251

Although the Temporary Certificate of Occupancy ("TCO") issued on October 1, 1987 for the two buildings currently situated on the zoning lot indicates that 27 parking spaces are provided, parking has not been provided on the zoning lot for many years. While the Proposed Project has no parking requirements, NYCHA and HPD are requesting an override of ZR §25-251 to accommodate the reduction in the number of required parking spaces for the existing public housing building and the to-be-demolished commercial building. This override will correct an existing non-compliance and facilitate the Proposed Project.

Pursuant to the applicable parking requirements effective upon receipt of the TCO (ZR §25-25), 17 parking spaces are required for the 49 residential units in the 5-story building. The provision of 10 parking spaces for the single-story commercial building will be rendered obsolete through the planned demolition to construct the Proposed Project. As the Proposed Project is situated within a Transit Zone and will contain income-restricted housing, pursuant to ZR §25-251 no off-street parking is required, and none will be provided. Additionally, the parking requirement for the contemplated retail uses within the Proposed Project is less than 40 spaces and is waived pursuant to ZR §36-232.

An override of ZR §25-251 is requested rather than pursuing alternative zoning mechanisms for reduction of parking spaces. Pursuant to ZR §73-433, a special permit section enacted as part of the Zoning for Quality and Affordability ("ZQA") zoning text amendment adopted on March 22, 2016, a Board of Standards and Appeals ("BSA") special permit may be sought to reduce parking requirements for an income-restricted housing development in a Transit Zone built prior to the adoption of ZQA. Pursuing relief through a BSA special permit would require significant additional costs and precious staff time better spent on furthering other affordable housing projects. Preparing a BSA special permit would also negatively impact the planned timeline for disposition, delaying the creation of affordable housing and new retail. The resultant provision of zero parking spaces on the zoning lot will have no discernable impacts.

Remedying the existing non-compliance through a Mayoral Zoning Override will not change the conditions for residents, businesses, or community facilities in the surrounding area. In order to provide 17 parking spaces on the zoning lot to meet the residential requirements for the existing NYCHA building, an existing playground space on the zoning lot would have to be demolished and converted into surface parking, and curb cut modifications would be needed to provide access. Alternatively, NYCHA would have to provide off-site parking elsewhere at a prohibitive cost. Neither of these options are suitable, would compromise other planned activities on the zoning lot, and are not in the public interest.

The neighborhood is well served by public transportation, and the Proposed Project does not have an adverse effect on parking or traffic patterns. Overriding the parking requirements will facilitate the timely construction of a new affordable housing building with 101 units and ground

floor retail and facilitate the preservation of the 5-story residential building and the associated playground.

Conclusion

The requested zoning overrides are intended to achieve a feasible and improved mixed-use affordable housing project at Betancés VI Houses and are narrowly tailored to apply only if the Proposed Project Site is rezoned to an R7X zoning district with C2-4 commercial overlay. Approval of this request will result in the development of 101 units of affordable and supportive housing along with re-activating ground floor retail along Willis Avenue. The requested overrides of the ZR will assist in addressing Mott Haven residents' needs by creating new commercial opportunities and providing long-term affordability for New Yorkers. In addition, the requested zoning overrides will not adversely affect public health and safety, nor result in a building that compromises on quality of design. The requested overrides do not result in any significant impact on land use, traffic, parking, streetscape, or quality of the neighborhood. NYCHA and HPD therefore believe that these mayoral overrides, which result in more affordable housing units and improved building design, are in the public interest.

If you have any questions, please contact Matthew Charney, Deputy Director of the Department of Real Estate Development at 212-306-4019, or Ted Weinstein, HPD Director of Bronx Planning at 212-863-6279.

CC: Laurel Zabel, Esq., NYC Law Department

Anita Laremont, Esq., NYC Department of City Planning

William Martin, Esq., NYC Department of Housing Preservation and Development

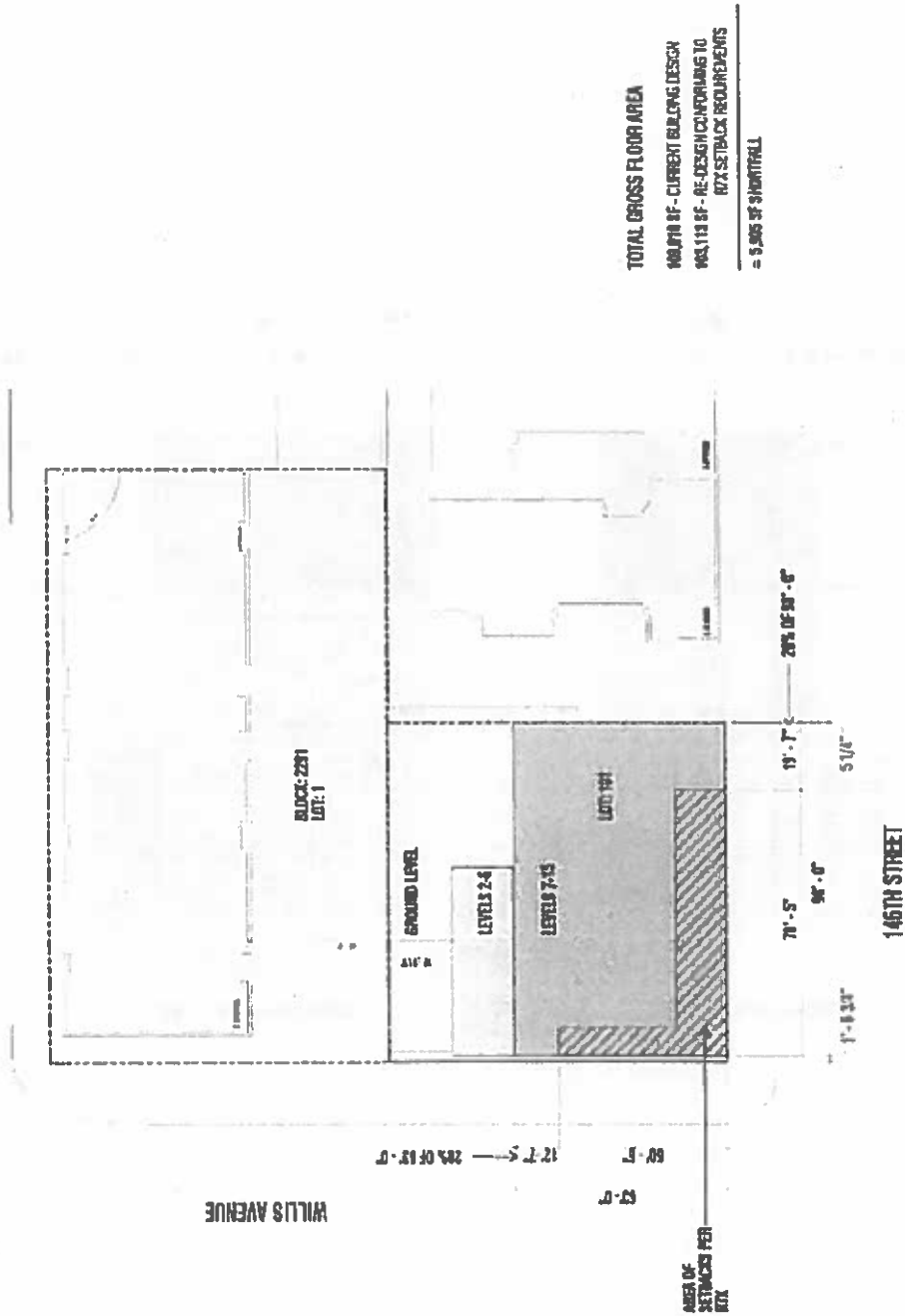
Alessandro Olivieri, Esq., New York City Department of Parks and Recreation

Sara Kobocow, Esq., NYCHA Law Department

Glenn Friedman, Esq., NYCHA Law Department

Matthew Charney, NYCHA Real Estate

Exhibit A – Requested Setback Overrides



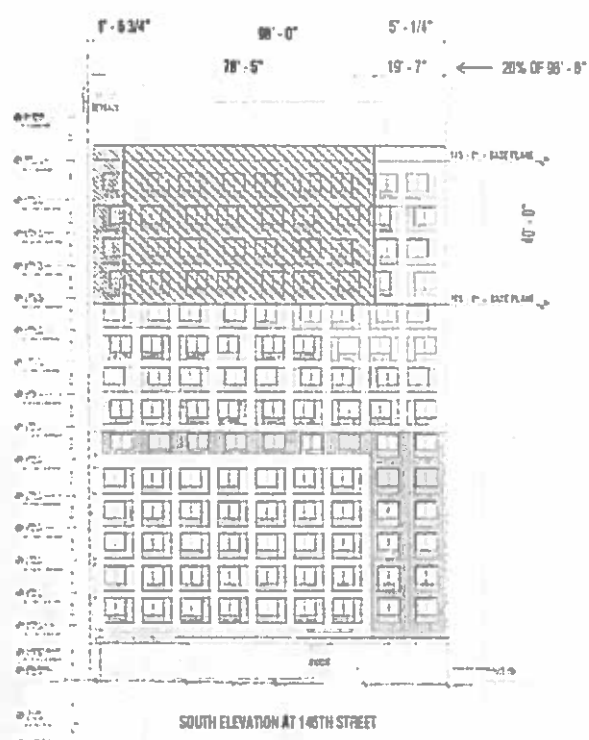


Exhibit B - Massing Strategy



SD-23 SCHEMATIC DESIGN - EXTERIOR PERSPECTIVES

9



EXTERIOR PERSPECTIVE - LOOKING SW



EXTERIOR PERSPECTIVE - LOOKING SE

MANHATTAN
47° 51' 17" N 74° 01' 27" W
38° 29' 58" N 77° 01' 27" W





NEW YORK CITY HOUSING AUTHORITY

250 BROADWAY • NEW YORK, NY 10007

STANLEY BREZENOFF
INTERIM CHAIR & CHIEF EXECUTIVE OFFICER

FROM: Real Estate Development, New York City Housing Authority (NYCHA)

DATE: January 18th, 2019

RE: Betances VI 100% Affordable Housing Development (CEQR:18CHA005X) Technical Memorandum

Executive Summary:

Changes to the proposed Betances VI 100% Affordable Housing Zoning Override Request for Street Tree Planting in Residence Districts per Zoning Resolution §23-03 and §26-41.

A. INTRODUCTION

The Proposed Actions would allow Lemle & Wolff, Alembic Community Development, and The Bridge ("Development Team") to construct a 15-story affordable housing project with approximately 101 dwelling units ("Proposed Project") at 472-474 Willis Avenue in the Bronx ("Proposed Project Site"), within Block 2291, Lots 1 & 101 as currently shown on the New York City Department of Finance's Digital Tax Map ("Zoning Lot"). The Proposed Project features affordable housing, commercial space on the first floor, and a cellar containing utilities, residential laundry, and storage. The Proposed Project will undergo a re-zoning to allow for more affordable apartments and a wider range of retail opportunities. Review and approval under the City's Uniform Land Use Review Procedure is a required action to effectuate the Proposed Project.

As Lead Agency, NYCHA has completed an environmental review for the Proposed Project. The environmental review was completed pursuant to Part 167 of the implementing regulations pertaining to Article 8 (City Environmental Quality Review ("CEQR")/ State Environmental Quality Review Act) of the Environmental Conservation Law, and pursuant to 24 CFR 58.36 of the National Environmental Policy Act. A comprehensive Environmental Assessment Form and Supplemental Environmental Studies were completed and issued in October of 2018.

The approved CEQR environmental review for the Proposed Project assumed a Mayoral Zoning Override for several sections of the New York City Zoning Resolution ("ZR"), including the requirements for street tree planting per ZR §23-03 and §26-41. NYCHA and HPD are no longer seeking a Mayoral Zoning Override of the street tree planting requirements and the Proposed Project will fulfill the street tree planting requirements in accordance with the methods outlined in ZR §26-41. This change has no impact on the environmental review or determination of Negative Declaration.



NEW YORK CITY HOUSING AUTHORITY

250 BROADWAY • NEW YORK, NY 10007

STANLEY BREZENOFF
INTERIM CHAIR & CHIEF EXECUTIVE OFFICER

B. DISCUSSION OF THE PROPOSED MODIFICATIONS

The CEQR environmental analyses for the Proposed Project were conducted assuming that Mayoral Zoning Overrides would be obtained for required setbacks, number of permitted floors, street tree planting requirements, and mandatory minimum parking requirements for existing income-restricted housing. These overrides were assessed as necessary City approvals needed to effectuate the Proposed Project.

The Proposed Project no longer contemplates the use of a Mayoral Zoning Override to waive the street tree planting requirements per ZR §23-03 and §26-41. The removal of this action from the Proposed Project does not change any conclusions reached in any technical areas of the environmental analyses nor results in the need for additional study. There are no proposed changes in the number of street trees to be planted on the street frontage of the Zoning Lot. To fulfill the requirements of the ZR, the Proposed Project will either seek a suitable off-site location or pay into the Department of Parks and Recreation's Tree Fund as permitted by ZR §26-41.

ZR §23-03 and ZR §26-41 require one street tree for every 25 feet of street frontage of a zoning lot. The Proposed Project Site has a combined 200 feet of frontage along Willis Avenue and East 146th Street, however, the Proposed Project's Zoning Lot has approximately 475 total feet of frontage. As such, the ZR would require that a total of 19 trees be planted along the frontage of the Zoning Lot. Per the ZR, where the Department of Parks and Recreation determines that such tree planting would be infeasible, trees can be planted in alternate locations or payments can be made into the Department of Parks and Recreation's Street Tree Fund for the cost of planting such trees. The payment is based on the actual tree planting costs incurred by NYC Department of Parks and Recreation.

As originally stated in the Mayoral Zoning Override request, there are several obstructions on the frontage of the Zoning Lot which prohibit street tree planting, and the northern portion of the Zoning Lot is leased to a separate entity which may complicate on-site street tree planting. Of the 19 required trees required on the Zoning Lot, seven of the existing trees will be preserved and two additional trees will be planted, resulting in a deficit of ten trees for the Zoning Lot. To meet the requirements of the ZR, the Proposed Project will account for the deficit of ten trees by either finding an alternate planting location within the geographic parameters stated in ZR §26-41 or make a payment to the NYC Department of Parks and Recreation's Tree Fund in the required amount.

To obtain a Certificate of Occupancy for the Proposed Project, the Development Team will need to demonstrate compliance with this provision of the Zoning Resolution to the NYC Department of Buildings.



NEW YORK CITY HOUSING AUTHORITY
250 BROADWAY • NEW YORK, NY 10007

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**STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

Date: October 10th, 2018

CEQR No: 18CHA005X

Lead Agency: New York City Housing Authority
250 Broadway
New York, NY 10007

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The New York City Housing Authority (NYCHA), as Lead Agency, has determined that the proposed actions described below will not have a significant effect on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

Project Identification:

Name of Action: Betances VI
Location: 472-474 Willis Avenue Bronx, New York 10455
Block 2291, Lot 1 and 101
SEQRA Status: Unlisted

Description of Actions:

The Proposed Actions would allow the selected developers to construct an affordable housing project on the Project Site totaling approximately 101 affordable dwelling units. The Proposed Development consists of a new 15-story residential building with commercial space on the first floor and a cellar containing utilities, residential laundry, commercial uses and storage.

The Proposed Actions include the long-term ground lease of a portion of the Project Site from NYCHA to Betances VI Partners, LLC, a single-purpose entity consisting of the selected developers Lemle and Wolff Development, The Bridge, and Alembic Community Development. To facilitate the Proposed Development, the Project Site will undergo a rezoning to allow for more affordable apartments and broader commercial uses. Review under the City's Uniform Land Use Review Procedure (ULURP) will be required. The project will require mayoral zoning overrides as well as City financing.

The Project Site is in the Mott Haven neighborhood of the Bronx, New York Community District (CD) 1 and is comprised of Tax Block 2291, Lots 1 and 101 as currently shown on the New York City Department of Finance Official Tax Map. The Project Site is generally bounded by Willis Avenue to the west and between East 146th Street and East 147th Street. The Proposed Development will be located on the portion of the Project Site currently occupied by a partially vacant one-story commercial building, having addresses of 472 and 474 Willis Avenue. The Proposed Development calls for the demolition of the vacant one-story building in order to facilitate the construction. The surrounding neighborhood consists of mixed residential and commercial uses, with some community uses and open space/parkland.

No additional development beyond the Proposed Development described above would occur as a result of the proposed rezoning. Absent the Proposed Actions, the existing conditions on the Project Site would remain.

The proposed project will require the following actions/approvals:

Federal Approvals:

- Approval by HUD under Section 18 of the U.S. Housing Act of 1937, as amended, for the disposition of a portion of the Project Site, which is public housing land, to Betances VI Partners, LLC through a long-term ground lease.

City Approvals:

- Approval from the City Planning Commission to rezone the subject property from an R6/C1-4 to an R7X/C2-4 zoning district; and
- Approval of Mayoral Zoning Overrides for setbacks, number of permitted floors, minimum parking requirements for existing income-restricted housing, and street tree planting; and
- Project financing from the New York City Department of Housing Preservation and Development and the New York City Housing Development Corporation.

Reasons for Supporting This Determination:

A comprehensive Environmental Assessment Form ("EAF") and Supplemental Environmental Studies for the proposed action was completed and issued in October 2018. Based upon these documents, NYCHA has determined that the proposed actions will have no significant adverse environmental effects on proposed site.

As a condition of the approval, the proposed project includes measures to avoid potential impacts with respect to hazardous material. These measures are identified below and will be required through the Development Agreement between the NYCHA and the project sponsor, Betances VI Partners, LLC (or an affiliated entity).

Hazardous Material:

Following the completion of the ASTM Phase I Environmental Site Assessment E 1527-05 and the ASTM Phase II Environmental Site Assessment E 1903-11, the project sponsor enrolled in the New York State Department of Environmental Conservation's (NYSDEC) Brownfield Cleanup Program (BCP). Currently, NYSDEC is reviewing the Phase II Site Investigation report and the Remediation Plan. Written approval of the Remediation Plan (BCP Decision Document) from NYSDEC would be required prior to closing. At the completion of the remedial activities, NYSDEC would review and approve a Closure Report documenting the implementation of the site remedy.

For further information contact:

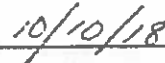
Contact: Takisia Whites
Executive Vice President, Real Estate Development Department

Address: New York City Housing Authority
250 Broadway, 3rd Floor
New York, NY 10007

Telephone: (212) 306-4021



Takisia Whites



Date



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

MEMORANDUM

To: Laurel Zabel, Law Department
Carl Rodrigues, Office of the Deputy Mayor for Housing and Economic Development

From: Hilary Semel, Mayor's Office of Environmental Coordination *Hilary Semel*

Re: Betances VI Family Apartments
Bronx, NY
Community District I
Block 2291, Lots 1 and 101, R6 Zoning District with a C1-4 commercial overlay

Date: January 24, 2019

The New York City Housing Authority ("NYCHA") and the Department of Housing Preservation and Development ("HPD") request an override of the New York City Zoning Resolution ("ZR") to facilitate the proposed development of a 101-unit affordable housing building to be known as Betances VI Family Apartments (the "Proposed Project"). The Proposed Project will be located on a portion of Lots 1 and 101 of Bronx Block 2291 (the "Proposed Project Site") as currently shown on the Tax Map, adjacent to Building 1 of the existing NYCHA public housing development known as Dr. Ramon E. Betances Houses VI ("Betances VI"). The Proposed Project Site is located on Willis Avenue between East 146th Street and East 147th Street in Bronx Community District 1.

The Proposed Project will be a 15-story mixed-use building with 101 affordable housing units for low-income families; 30% of the units will be set aside for chronically homeless individuals, with the remaining units available for families between 40% AMI and 80% AMI. The total zoning floor area for the Proposed Project is approximately 90,000 square feet, including approximately 82,500 square feet of Use Group 2 Residential Zoning Floor Area and approximately 7,500 square feet of Use Group 6 Commercial Floor Area. The zoning floor area for the Proposed Project added to the existing 45,550 square feet of Residential Floor Area from the existing Betances VI Building 1 situated on the same zoning lot results in total Floor Area for the zoning lot of 135,550 square feet, and a resultant FAR of 4.93. The ground floor and cellar levels will include space for to-be-determined retail tenants. At this point in time, two prospective healthcare franchises have expressed interest in leasing the ground floor retail spaces.

As lead agency, NYCHA completed an environmental review for the Proposed Project under the State Environmental Quality Review Act ("SEQRA"), Title 6 of the New York Codes, Rules and Regulations Part 617 ("6 NYCRR 617") and City Environmental Quality Review ("CEQR"), Executive Order No. 91. A comprehensive Environmental Assessment Form ("EAF") with Supplemental Environmental Studies was completed and a Negative Declaration was issued on October 10, 2018. Following the EAF, a

Technical Memorandum was issued on January 18, 2019, which describes certain changes to the required approvals for the project. Notwithstanding the completion of the environmental review, the Proposed Project requires an override of §§ 23-662, 23-664 and 25-251 of the New York City Zoning Resolution. Having reviewed all background documents related to the Project, the Mayor's Office of Environmental Coordination has concluded that the Proposed Project would cause no significant environmental impacts that have not been previously disclosed.

Conclusion

Based on materials submitted by NYCHA, and with the implementation of the requirements set forth above, OEC concludes there would be no significant adverse environmental impacts due to the construction of the affordable housing building with the zoning non-compliances identified in the January 17th, 2019 zoning override request.

- c. Stanley Brezenoff, New York City Housing Authority
Matthew Charney, New York City Housing Authority
Maria Torres-Springer, New York City Department of Housing Preservations and Development
Anita Laremont, New York City Department of City Planning