



## CITY PLANNING COMMISSION

May 26, 2010/ Calendar No. 3

C 090143 ZMX

**IN THE MATTER OF** an application submitted by 625 Fordham, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c:

1. changing from a C8-1 District to an R6 District property bounded by Hughes Avenue, a line 100 feet northeasterly of East Fordham Road, Belmont Avenue and East Fordham Road;
2. establishing within an existing and proposed R6 District a C2-4 District bounded by Hughes Avenue, a line perpendicular to the northwesterly street line of Belmont Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of East Fordham Road and the northwesterly street line of Belmont Avenue, Belmont Avenue and East Fordham Road.

as shown in a diagram (for illustrative purposes only) dated January 4, 2010, and subject to the conditions of CEQR Declaration E-244, Community District 6, Borough of the Bronx.

The application for the amendment to the Zoning Map was filed by 625 Fordham, LLC on October 10, 2008, to rezone the north side of East Fordham Road, between Hughes Avenue and Belmont Avenue, from a C8-1 District to an R6 District with a C2-4 overlay, in Community District 6 in the Borough of the Bronx. The requested action would facilitate the development of a proposed 13-story mixed-use building.

### **BACKGROUND**

The applicant is seeking approval for an amendment to the zoning map to rezone one tax lot (Block 3273, Lot 225), located on East Fordham Road, between Hughes and Belmont avenues, from a C8-1 District to an R6 District with a C2-4 overlay. The lot had previously been developed with a single-story, 7,800 sq. ft. medical building, which is currently being enlarged to a 26,646 sq. ft., three-story commercial and community facility building pursuant to a 2006 modification of a 1998 Board of Standards and Appeals (BSA) variance (BSA No. 199-96-BZ). The project site has a lot area of 25,842

square feet, with 193 feet frontage on East Fordham Road, 189 feet of frontage on Hughes Avenue and 108 feet of frontage on Belmont Avenue.

Currently, approximately two-thirds of the project site is located within a C8-1 zoning district and the remainder northern portion of the site is located in an R6 zoning district. The surrounding area is primarily zoned R6, with the exception of East Fordham Road between Bathgate Avenue and Southern Boulevard, which is zoned C8-1 to a depth of 100 feet on both sides of the street.

The C8-1 allows a range of commercial and automotive uses at an FAR of 1.0, as well as certain community facility uses (Use Group 4) at an FAR of 2.4. Residential use is not permitted in a C8-1 district. The R6 is a medium density district, which permits residential uses up to an FAR of 2.43 and community facility uses up to an FAR of 4.8. C2-4 districts permit local service commercial uses (Use Groups 5 through 9 and 14) at an FAR of 2.0.

The surrounding area is characterized by a wide range of residential, commercial and institutional uses. Across East Fordham Road, approximately three blocks to the south, is the residential core of the Belmont neighborhood, an area characterized by medium density residential buildings, many with ground floor retail. The Rose Hill Campus of Fordham University is located to the north and west of the rezoning area, and a large parking garage for Fordham University is located immediately to the east. East Fordham Road, within a C8-1 zoning district, contains a mix of commercial and auto-related uses. Several buildings along East Fordham Road contain residential apartments located above ground floor retail uses that predate the 1916 zoning. There is a Department of Motor Vehicles on the southwest corner of Crotona Avenue and East Fordham Road. Located further west on East Fordham Road is Fordham Plaza, a hub of transit and higher density retail uses, located within a C4-4 zoning district.

The subject site is well served by public transportation with four New York City Transit buses running along East Fordham Road (Bx 9, Bx 12, Bx 17, Bx 22, and Bx 12 Select)

and connecting to the B, D and 4 subway lines at the Fordham Road station and the 2 and 5 subway lines at the Pelham Parkway station. The area is also within walking distance of Fordham Plaza, a major transit hub served by seven buses (Bx 9, Bx 12, Bx 15, Bx 17, Bx 22, Bx 41, Bx 55), four Westchester Bee-Line buses (BL 60, BL 61, BL 62, BL 90), and the Metro-North Railroad.

The proposed rezoning would extend the existing R6 zoning district, located to the north of the subject site, south to cover the entire block front of Block 3273, Lot 225. In addition, the proposed zoning would map a C2-4 overlay on the block front extending from East Fordham Road to a line perpendicular to Belmont Avenue measured 100 feet from its intersection with East Fordham Road. The proposed zoning change would facilitate a proposal by the applicant to build a 13-story mixed-use building with a total of 108,041 square feet of total floor area, with approximately 59,400 square feet of residential floor area (approximately 58 dwelling units); 22,800 square feet of retail space on the ground floor; and 25,841 square feet of community facility space on the first, second and third floors. The proposed development would also contain an attended parking garage with 134 accessory parking spaces, for the residential, community facility and commercial uses in the proposed building. The garage would be located at the cellar level, and will have its entry/exit on Hughes Avenue.

## **ENVIRONMENTAL REVIEW**

This application (C 090143 ZMX) 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 08DCP067X. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action (C 090143 ZMX), a Negative Declaration was issued on January 4, 2010.

The environmental analysis also includes an (E) designation for noise to be placed on Block 3273, Lot 225. The text of the (E) designation (E-244) for noise is as follows:

In order to ensure an acceptable interior noise environment, future residential and commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur.

## **UNIFORM LAND USE REVIEW PROCEDURE**

This application (C 090143 ZMX) was certified as complete by the Department of City Planning on January 4, 2010, and was duly referred to Bronx Community Board 6 and the Bronx Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 6 held a public hearing on this application (C 090143 ZMX) on February 3, 2010, and on February 17, 2010, by a vote of 17 to 5 with 2 abstentions, approved the application with following recommendations:

1. That the applicant agrees to utilize local vendors, as much as possible.
2. That the applicant agrees to issue quarterly status reports to the community board on the progress of the project.
3. That the applicant agrees to provide the community board with a timeframe for the completion of the project.
4. That, as a goodwill gesture, the applicant agrees to advise the community board of any changes to the project.
5. That the applicant agrees that the tenancy of the project is to be moderate income, co-op, or condos. The community board will not agree to a low-income shelter or other similar program.

### **Borough President Recommendation**

This application (C 090143 ZMX) was considered by the Bronx Borough President who issued a recommendation approving the application on April 2, 2010 with the following conditions:

1. That the applicant commit to providing 134 parking spaces in the cellar as stated in the application.
2. That the applicant provides an alternate entrance on Belmont Ave to the parking garage.
3. That the applicant agrees that the lot that is currently being used as accessory parking for the medical facility, will continue to be used for parking as long as it is vacant.

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

On April 14, 2010 (Calendar No. 2), the City Planning Commission scheduled April 28, 2010 for a public hearing on this application (C 090143 ZMX). The hearing was duly held on April 28, 2010 (Calendar No. 24). There were ten speakers in favor of the application and three in opposition.

Those speaking in favor of the application included the applicant, his representative, employees of Med Alliance, LLC, and residents and property owners in the community. The applicant and his representative described the proposal, explaining the construction of the building in three phases. They also addressed the issues that were raised by both the Community Board and the Bronx Borough President, with regards to the constraints of locating an alternate entrance for the cellar parking garage on Belmont Avenue and the continued use of the lot currently being used as accessory parking for the existing medical facility.

The speakers in opposition included two representatives from the Belmont Business Improvement District (BID), and a representative of the Four Bronx Institutions Alliance (FBIA). The speakers in opposition expressed concerns regarding the height of the proposed development, the height permitted under the proposed zoning, the location of the access to the on-site parking garage and the proposed project's effect on traffic congestion on East Fordham Road.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The City Planning Commission believes that this application (C 090143 ZMX) to amend the zoning map from C8-1 to R6 with a C2-4 overlay is appropriate.

This application would facilitate a proposal by the applicant to construct a 108,041 sq. ft., 13-story, mixed-use building with 59,400 square feet of residential floor area (approximately 58 dwelling units); 22,800 square feet of retail space on the ground floor; and 25,841 square feet of community facility space on the first, second and third floors. The proposed development would also contain an attended parking garage with 134 accessory parking spaces. The garage would be located at the cellar level, and would have its entry/exit on Hughes Avenue. Residential use is not permitted in the existing C8-1 zoning district.

The Commission finds that there are similar land uses that surround the proposed rezoning area and that there are buildings taller than 100 feet within close proximity to the project site, including two buildings on the Fordham University campus. The Commission notes that the proposed height is not out of character with the surrounding area and is acceptable on a wide street. The Commission believes that the zoning regulations, including FAR and open space requirements, and the existing building base (under construction) would not result in a building taller than the proposed height of 138 feet.

The Commission acknowledges the community's desire for a broader zoning study of East Fordham Road and notes that the Department is currently conducting a zoning study of the corridor. The Commission encourages the Department of City Planning to continue to work with the Community Board, local property and business owners and institutions to formulate a zoning proposal for the corridor as a whole, taking into account this rezoning action.

The Commission acknowledges that although the recommendations of Community Board 6 are not within its purview, the applicant in a letter to the Commission dated May 10, 2010, said, “it will indeed comply with the conditions that the board included in the Recommendation”.

Regarding the Borough President’s recommendations, the Commission acknowledges that in a letter to the Commission dated May 4, 2010 the applicant stated that once the phased construction has been completed, all of the parking required for the project will be provided on-site in the cellar of the proposed building. The Commission acknowledges that in a letter dated May 10, 2010 the applicant stated the constraints in locating an alternate entrance to the cellar parking garage on Belmont Avenue. While it is outside the Commission’s purview to mandate changes to the proposed site plan, the Commission nonetheless encourages the applicant to continue to work with the Community Board and the Borough President’s office to address on-going concerns.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant effect on the quality of the environment, and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended by changing the Zoning Map, Section No. 3c;

1. changing from a C8-1 District to an R6 District property bounded by Hughes Avenue, a line 100 feet northeasterly of East Fordham Road, Belmont Avenue and East Fordham Road;
2. establishing within an existing and proposed R6 District a C2-4 District bounded by Hughes Avenue, a line perpendicular to the northwesterly street line of Belmont Avenue distant 100 feet northeasterly (as measured along the street line)

from the point of intersection of the northeasterly street line of East Fordham Road and the northwesterly street line of Belmont Avenue, Belmont Avenue and East Fordham Road.

as shown in a diagram (for illustrative purposes only) dated January 4, 2010, and subject to the conditions of CEQR Declaration E-244.

The above resolution (C090143 ZMX), duly adopted by the City Planning Commission on May 26, 2010 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and Borough President, in accordance with the requirements of Section 197-d of the New York City Charter

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

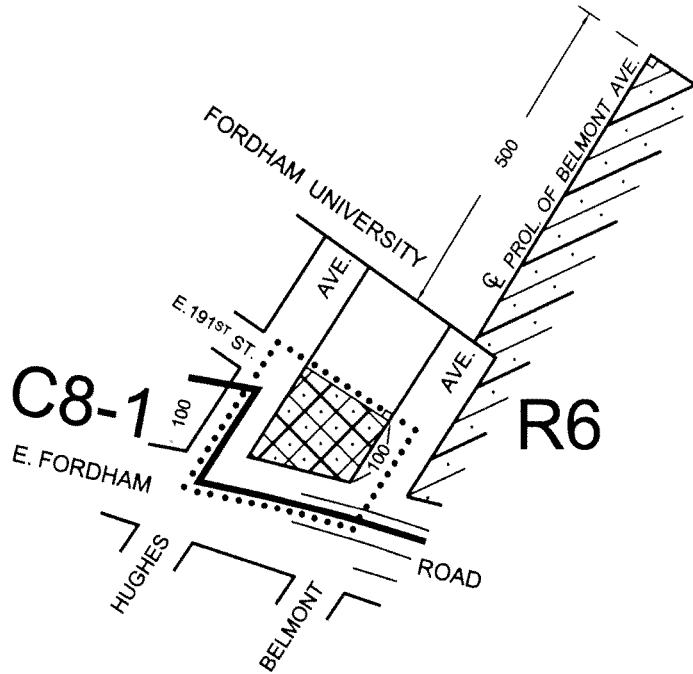
**KENNETH J. KNUCKLES, Esq., Vice Chairman**

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**

**BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN**

**LEVENTHAL, ANNA HAYES LEVIN, SHIRLEY A. MCRAE, Commissioners**

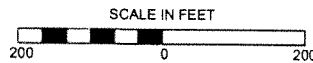








CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
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 BOROUGH OF  
 THE BRONX

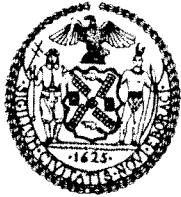
New York, Certification Date  
 JANUARY 4, 2010

S. Voyages, R.A. Director  
 Technical Review Division



- NOTE:**
-  Indicates Zoning District Boundary.
  -  The area enclosed by the dotted line is proposed to be rezoned by changing from a C8-1 District to an R6 District and establishing a C2-4 District within a proposed R6 District.
  -  Indicates a C2-3 District.
  -  Indicates a C2-4 District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



# THE CITY OF NEW YORK

## BRONX COMMUNITY BOARD #6

Honorable Ruben Diaz Jr., Bronx Borough President

Honorable Joel Rivera, New York City Council, 15<sup>th</sup> Council District

MS. WENDY RODRIGUEZ  
Board Chairperson

MS. IVINE GALARZA  
District Manager

Vacant  
1<sup>st</sup> Vice Chairperson

Ms. Sara N. Logan  
2<sup>nd</sup> Vice Chairperson

Vacant  
Treasurer

Ms. Marie G. Riolo  
Secretary

Ms. Cheryl Holt-Andrews  
Parliamentarian

### MEMBERS

Francine Acevedo  
Jannie Armstrong  
Jose Francisco Avila  
Virginia Bird  
Santhamani Choudhary  
Claudette Coles  
Will Crittendon  
Annette De Jesus  
Diana Diaz  
Margarita Espinosa  
Frank J. Franz  
Marie Howse  
Kenneth Jackson  
Melissa Libran  
Magdamari Marcano  
Michael Menotti  
Thomas Murray  
Floretta A. O'Brien  
Lorine Padilla  
Rosa Peraza  
Rev. Torrence Robinson  
Hector Torres  
Magdalena Vega  
Marie Washington  
Perquida Williams

Pursuant to a motion adopted at its meeting of February 17, 2010, Bronx Community Board #6 recommends approval of Uniform Land Use Review Procedure application # C090143 ZMX with the following modifications/conditions:

- 1) That the applicant agrees to utilize local vendors, as much as possible.
- 2) That the applicant agrees to issue quarterly status reports to the community board on the progress of the project.
- 3) That the applicant agrees to provide the community board with a timeframe for the completions of the project.
- 4) That, as a goodwill gesture, the applicant agrees to advise the community board of any changes to the project.
- 5) That the applicant agrees that the tenancy of the project is to be for moderate income, co-op, or condos). The community board will not agree to a low-income shelter or other similar program.

The vote on this motion was:

In Favor:	17
Opposed:	5
Abstaining:	2
Ineligible to vote:	1

Note: The ineligible member insisted on voting against the application despite being advised that he was prohibited from voting on this matter because of his conflict of interest.

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Serving the communities of Bathgate, Belmont, Bronx Park South, East Tremont, Crotona Park North and West Farms

**BOROUGH PRESIDENT  
RECOMMENDATION**

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

**INSTRUCTIONS**

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

**APPLICATION # C 090143 ZMX**

**DOCKET DESCRIPTION**

**PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION**

**COMMUNITY BOARD NO. 6**

**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**

*Ruben Dif.*  
**BOROUGH PRESIDENT**

*4/26/10*  
**DATE**

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION  
ULURP APPLICATION NO: C 090143 ZMX  
625 East Fordham Road**

**DOCKET DESCRIPTION**

CD 6-ULURP APPLICATION NO: C 090143 ZMX- **IN THE MATTER OF** an application submitted by 625 Fordham, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c:

1. changing from a C8-1 District to an R6 District property bounded by Hughes Avenue, a line 100 feet northeasterly of East Fordham Road, Belmont Avenue and East Fordham Road;
2. establishing within an existing and proposed R6 District a C2-4 District bounded by Hughes Avenue, a line perpendicular to the northwesterly street line of Belmont Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of East Fordham Road and the northwesterly street line of Belmont Avenue , Belmont Avenue and East Fordham Road

as shown in a diagram (for illustrative purposes only) dated January 4, 2010, and subject to the conditions of CEQR Declaration E-244.

**BACKGROUND**

This project is being built on a 25,842 square-foot parcel located at 625 East Fordham Road in the Belmont neighborhood of Bronx Community Board Number 6. The site had consisted of a one-story, 7,816 square-foot medical facility that is currently being transformed into a three-story 25,841 square-foot medical center to be anticipated the first phase of a greater 108,041 square-foot project, if this rezoning is approved.

The proposed rezoning would change the site from C8-1 to R6 with a C2-4 overlay. This would allow the developer to construct a proposed ten-story residential tower on top of the three-story building currently under construction, totaling 13-stories with a height of 138 feet. The footprint of the tower would be 93' x 60' from 35-feet above street level, resulting in 27 percent coverage of the entire lot. Aside from medical space at the base, the building would consist of 58 residential units, 22,800 square feet of ground floor retail space, and 134 parking spaces below grade with access along Hughes Avenue.

Fordham Road east of Bathgate Avenue to Southern Boulevard is zoned C8-1 and is characterized by a mix of automobile-related uses, one-to three-story retail, and some three-and four-story office uses. The rest of the immediate surrounding area is zoned R6 with C1 and C2 overlays consisting of one to three-family homes, three to six-story apartment buildings, the 29-story Keith Plaza, ground floor retail, restaurants, Arthur

Avenue Retail Market, and parking facilities. To the north of the site is Fordham University's Rose Hill Campus, which is characterized by a varied series of institutional facilities ranging from one to twelve stories in height, as well as athletic and recreational facilities. Approximately three blocks to the east are the Bronx Zoo and New York Botanical Garden. To the west is the Fordham Road shopping district characterized by one to three-story retail facilities, and six to fourteen-story office buildings.

The area is well-served by transportation. The Bronx River Parkway is located less than a mile east of the site, and the Major Deegan Expressway is located at the opposite end of Fordham Road. In terms of public transit, the BX9, 12, 17 and 22 stop in front of the site, and is within walking distance to the BX12 Select Bus Service, 15, 19, 41 & 55, and the Westchester Bee Line BL60, 61, 62 & 90. The Fordham Metro-North Station is within walking distance from the site. IRT 2, 4 & 5 and IND B & D trains are approximately a 20-minute walk from the site or connected via the BX12 bus.

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

This application was reviewed pursuant to CEQR and SEQR and received a Negative Declaration as an unlisted action. The City Planning Commission certified this application as complete on January 4, 2010.

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

Bronx Community Board 1 held a public hearing on this application on February 3, 2010. A vote recommending approval of this application had 17 in favor, five against, and two abstaining.

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

The Bronx Borough President held a public hearing on this application on March 23, 2010. Representatives of the applicants were present and spoke in favor of this application. Twelve members of the public attended, with six speaking, one in favor and five against, and the hearing was closed.

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

The transformation of this portion of Fordham Road has been a long time coming. The area between Bathgate Avenue and Southern Boulevard was zoned for a time when it was believed that Fordham Road and the surrounding neighborhoods would survive as an automobile-based community. While Fordham Road does have its traffic problems, 90 percent of patrons walk or take public transit to the shopping district, which is one of the largest in the City. This project can serve as a catalyst to development along Fordham Road by introducing a mixed-use building amongst a series of underutilized structures for such an important commercial destination. This desire is typified in that the New York

City Department of City Planning (DCP) is interested in rezoning the strip at a future date.

This proposal is not without its legitimate concerns. Given that it is a historically low-rise strip, and DCP's preliminary zoning study proposes to cap building height at 100 feet, many community residents and institutions feel this building is too large for the site.

While I acknowledge and understand the concerns of these community members, the proposed 138-foot height would not tower over any future development that would be uncharacteristic of the neighborhood. If the developer was proposing something similar to the 29-story Keith Plaza, then I would agree the building would be egregiously out of character and a visual nuisance to the neighborhood. The developer has shown that the ten-story tower will only cover 27 percent of the lot, while maintaining a streetwall character of three-stories, which is more characteristic with the present land use. The developer is also asking for a zoning that is characteristic of the surrounding neighborhood, an R6 zone. Immediately to the east Fordham University currently has a four-story office structure along Fordham Road, but nothing would prevent Fordham from building higher at a future date. Furthermore, the overall surrounding area is characterized with buildings similar to the height of the proposed development. The tower will be closer to East 191<sup>st</sup> Street, north of Fordham Road. A block and a half west, Fordham University has a 12-story building on the edge of its campus along the northside of East 191<sup>st</sup> Street. Farther west, Fordham Plaza and Fordham Place are both 14-story office complexes, with 412,117 and 276,475 square feet, respectively. To the southeast is the aforementioned 29-story Keith Plaza. Finally, many objectors have noted that DCP is studying the area for a contextual rezoning capping buildings along the corridor at 100 feet. While this sounds reasonable on its surface, the FAR proposed maxes out at 5.6, which would result in a much larger, denser building with a significant amount of more units. The fact that this rezoning proposal could be up to two years from being implemented cannot factor into my decision as it may undergo many changes and would place an undue & unfair burden on the developer that may result in a taking.

There are also traffic concerns with the project, some of which are justified. The developer has proposed 134 on-site spaces below grade level to address parking needs. Additionally, the developer owns a lot across the street which houses 96 cars, resulting in 230 total parking spaces, far exceeding the 96 spaces required by zoning. My concern with this model is the developer did not appear to 100 percent commit to the on-site parking facility. For me, this is a deal breaker given the existing traffic concerns. My approval depends on this provision. Also, I request that the developer pledge that parking will be provided on the accessory lot for as long as it is vacant. Finally, I am concerned about the traffic burden along Hughes Avenue, as it will have the only entrance/exit for the project. I also request providing an alternate entrance on Belmont Avenue would alleviate some of the traffic flow by allowing those traveling from the Bronx River Parkway, Southern Boulevard or Dr. Theodore Kazimiroff Boulevard access to parking.

I recommend approval of this application with the aforementioned conditions.