



CITY PLANNING COMMISSION

February 18, 2009 / Calendar No. 16

C 080014 MMX

IN THE MATTER OF an application, submitted by the New York City Economic Development Corporation (EDC), and Kingsbridge 230th LLC, pursuant to Sections 197- c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Kimberly Place, east of Broadway;
- any adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 8, Borough of The Bronx, in accordance with Map No. 13121 dated April 14, 2008 and signed by the Borough President.

The application (080014 MMX) for an amendment to the City Map to eliminate, discontinue and close Kimberley Place between Broadway and a point 100 feet east of Broadway was filed by Kingsbridge 230th LLC and the NYC Economic Development Corporation, on July 20, 2007, to facilitate the development of an approximately 166,000 square-foot retail center with 166 parking spaces on an approximately 79,880 square-foot site in the Kingsbridge neighborhood of The Bronx.

RELATED ACTIONS

In addition to the amendment to the City Map, which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- C 090147 PPX Disposition of City-owned property pursuant to zoning
- C 090146 ZMX Zoning Map amendment eliminating from within an existing R6 District a C2-3 District and changing from an R6 District to a C4-4 District in an area approximately bounded by Verveelen Place and its southeasterly centerline prolongation, the Major Deegan Expressway, West 230th Street and its southeasterly centerline prolongation, and Broadway.

BACKGROUND

The applicants propose the elimination, discontinuance and closing of Kimberly Place, east of Broadway, in the Kingsbridge neighborhood in the Bronx to facilitate a mixed-use development.

Kimberly Place, east of Broadway is currently mapped and improved to a 50-foot width, open for two-way traffic and City-owned. It has a length of approximately 100 feet and it provides access to an existing public parking lot on Block 3266, Lot 13, owned by the New York City Department of Transportation. The parking lot is unattended, has a capacity of 175 vehicles and is also used for overnight vehicle storage for delivery vans and small trucks. Kimberly Place currently provides the only access point to this parking facility.

The applicant proposes this change in the City Map to build a mixed-use development on the portion of Kimberly Place to be eliminated, discontinued and closed, combined with several privately-owned and City-owned abutting lots, the latter of which the applicant intends to acquire. Kimberly Street, east of Broadway would become an approximately 5,000 square foot parcel that would be incorporated into the development.

The project site lies within an R6 zoning district with a C2-3 commercial overlay. There is a C1-3 adjacent commercial overlay to the north along W. 231st Street. The adjacent zoning districts include M1-1 along the Major Deegan Expressway to the east of the site, and R5 to the

southwest of the project site. The IRT #1 Broadway/Seventh Avenue train line runs elevated along Broadway, to the west of the project site.

An interagency conference was held on August 28, 2007 and no city agency had any objections to the proposal.

A full background discussion and description appears in the report on the related application for an amendment of the zoning map (C 090146 ZMX).

ENVIRONMENTAL REVIEW

This application (C 080014 MMX) in conjunction with the related actions (C 090146 ZMX and C 090147 PPX), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.*, and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DME010X. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on October 23, 2008.

UNIFORM LAND USE REVIEW

This application (C 080014 MMX) in conjunction with the related actions (C 090146 ZMX and C 090147 PPX) was certified as complete by the Department of City Planning on October 27, 2008, and was duly referred to Bronx Community Board 8 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 8 held a public hearing on this application (C 080014 MMX) together with the related actions (C 090146 ZMX and C 090147 PPX) on December 2, 2008, and on December 9, 2008, by a vote of 29 to 0 with 1 abstention, adopted a resolution recommending approval of the application subject to conditions as described in the report for the related application for an amendment of the zoning map (C 090146 ZMX).

Borough President Recommendation

This application (C 080014 MMX) together with the related actions (C 090146 ZMX and C 090147 PPX) was considered by the Bronx Borough President who issued a recommendation approving the application with conditions on January 5, 2009. A summary of the Borough President's recommendation appears in the report on the related application for an amendment of the zoning map (C 090146 ZMX).

City Planning Commission Public Hearing

On January 7, 2009 (Calendar No. 2), the City Planning Commission scheduled January 21, 2009 for a public hearing on this application (C 080014 MMX). The hearing was duly held on January 21, 2009 (Calendar No. 20) in conjunction with the hearing on the related actions (C 090146 ZMX, and C 090147 PPX).

There were a number of speakers, as described in the report on the related application for an amendment of the zoning map (C 090146 ZMX), and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for an amendment of the zoning map (C 090146 ZMX).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition of real property related thereto to be appropriate, adopts the following resolution:

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.*, of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application (C 080014 MMX) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of Kimberly Place, east of Broadway;
- any adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 8, Borough of The Bronx, in accordance with Map No. 13121 dated April 14, 2008 and signed by the Borough President; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 13121 dated April 14, 2008, providing for the discontinuance and closing of Kimberly Place east of Broadway, said street to be discontinued and closed being more particularly described as follows:

Beginning at a Point located at the intersection of the easterly line of Broadway and the former southerly line of Kimberly Place, said Point being 190 feet north of the intersection of the northerly line of West 230th Street and the easterly line of Broadway, as said streets are shown on Map No. 13121 dated April 14, 2008;

1. Thence, running easterly 100.000 feet, along the former southerly line of Kimberly Place, discontinued and closed, to a point;
2. Thence, running northerly 50.055 feet, along the former easterly terminus line of Kimberly Place, discontinued and closed, which forms an interior angle of 92 degrees, 41 minutes, and 40 seconds with the previously mentioned course, to a point;
3. Thence, running westerly 100.000 feet, along the former northerly line of Kimberly Place, discontinued and closed, which forms an interior angle of 87 degrees, 18 minutes, and 20 seconds with the previously mentioned course, to a point on the easterly line of Broadway;
4. Thence, running northerly 50.055 feet, along a line which forms an interior angle of 92 degrees, 41 minutes, and 40 seconds with the previously mentioned course, to the Point of Beginning.

Said lands have an area of 5,005.5 square feet or 0.115 acres; and be it further

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated

within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13121 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and
- c. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution, duly adopted by the City Planning Commission on February 18, 2009 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
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