



## **CITY PLANNING COMMISSION**

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August 5, 2009/ Calendar No. 8

C 090342 ZMX

IN THE MATTER OF the application submitted by the Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d by;

1. eliminating within an R7-1 District a C1-4 District bounded by a line 100 feet northwesterly of Southern Boulevard, a line 70 feet southwesterly of East 176<sup>th</sup> Street, and a line 80 feet southeasterly of Trafalgar Place; and
2. establishing within an existing R7-1 District a C1-4 District bounded by:
  - a. Trafalgar Place, East 176<sup>th</sup> Street, a line 100 feet northwesterly of Southern Boulevard, and a line 70 feet southwesterly of East 176<sup>th</sup> Street; and
  - b. a line 80 feet southeasterly of Trafalgar Place, a line 100 feet northwesterly of Southern Boulevard, and East 175<sup>th</sup> Street;

Borough of the Bronx, Community District 6, as shown on the diagram (for illustrative purposes only) dated April 20, 2009.

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This application for zoning map amendment was filed by the Department of Housing Preservation and Development on March 2, 2009 to facilitate development of an accessory parking and to make an existing parking lot a conforming use for a building occupied by the Social Security Administration, located on Southern Boulevard between East 175<sup>th</sup> and East 176<sup>th</sup> Street.

### **RELATED ACTIONS**

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

**N 090343 HAX:** UDAAP designation and project approval pursuant to Article 16 of the General Municipal Law of New York State.

## **BACKGROUND**

The Department of Housing Preservation and Development is proposing a zoning map amendment to establish a C1-4 District within an R7-1 District, to eliminate an existing C1-4 District; UDAAP designation and project approval. These actions will facilitate the development of additional accessory parking and make an existing parking lot conforming, for a building occupied by the Social Security Administration located on Southern Boulevard between East 175<sup>th</sup> and East 176<sup>th</sup> Street.

The Social Security Administration (SSA) office building is located on a portion of the Block 2958. The block is bounded by Southern Boulevard on the East, Trafalgar Place on the West, East 176<sup>th</sup> Street on the North and East 175<sup>th</sup> Street on the South. The block is also characterized by three-family homes on Trafalgar Place, the existing parking (20 spaces) for the SSA office building on East 176<sup>th</sup> Street and a vacant lot on East 175<sup>th</sup> Street which is proposed for additional parking (10 spaces) for the SSA office building. The block is currently zoned R7-1 and R7-1/C1-4 which extends 100 feet from Southern Boulevard.

The existing SSA office building and accessory parking are located on lots 106, 109, 113, and 118. Lot 120, currently vacant, is being proposed for additional parking. Lots 109, 120 and 106 were the subject of previous disposition actions, which were approved by the City Planning Commission on September 21, 1983, June 19, 1985 and October 2, 1985 respectively (C831174PPX, C850660PPX and C850995PPX). Portions of the existing SSA office building and the existing accessory parking received a UDAAP approval on November 25, 1998 (N990057HAX). The SSA office building is currently being leased by a private developer. The current zoning on the existing parking site and the vacant lot for the proposed parking is R7-1, but only a portion of the lots are zoned C1-4.

The immediate area consists of Crotona Park on the south side of East 175th Street, three-family homes on Trafalgar Place, and the adjacent one-story Federal General Services

Administration (GSA) Social Security office building on Southern Boulevard. The East 174th Street elevated station of the #2 and 5 subway lines is one block north. That station is at the intersection of Southern Boulevard and Boston Road, both active commercial strips.

The Department of Housing Preservation and Development (HPD) proposes the expansion of the C1-4 commercial overlay on the west side of Southern Boulevard between East 175th and East 176th Streets, to encompass portions of the Social Security Administration office site including the accessory parking (Site A, portions of lots 106 and 109 and Site B, portions of lot 120) that do not currently lie within the overlay. This zoning map amendment would make the existing parking of 20 spaces (Block 2958, p/o lot 106 and p/o lot 109) conforming and facilitate additional accessory parking of 10 spaces on a vacant lot (Block 2958, lot 120) for the existing SSA building. The proposed zoning amendment also seeks to eliminate the C1-4 overlay from Block 2958, lots 402, 403, 404, 405 and 406, in order to protect the existing three-family homes.

In addition to the zoning map amendment the proposed project requires a UDAAP action and project approval. The sites subject to the UDAAP action and project approval are Site A (Block 2958, p/o lot 106 and p/o lot 109) and Site B (Block 2958, lot 120). Subsequent to a prior action (N 010649 HAX) these lots were approved for disposition, the UDAAP action is required in order to facilitate the sale of the three city-owned properties.

## **REQUESTED ACTIONS**

### **Zoning Map Change (C 090342 ZMX)**

The applicant is seeking a zoning map amendment to establish/eliminate a C1-4 District within an R7-1 District. The existing R7-1 zoning has a maximum FAR of 3.44 for residential and 4.8 for community facility. This would remain unchanged. The proposed zoning map amendment to establish a C1-4 district within the R7-1 district on portion of

the subject lots would allow a commercial FAR of 2.0. The portion of lots subject to elimination of the C1-4 District will not allow commercial development.

#### **UDAAP Designation (N 090343 HAX)**

The proposed project requires the designation of property listed above as an Urban Development Action Area and project approval.

#### **ENVIRONMENTAL REVIEW**

This application (C 090342 ZMX) was reviewed pursuant to New York State Environment 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 07HPD010X. The lead agency is Department of Housing Preservation and Development.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on October 24, 2006, which determined that the proposed action will have no significant effect on the quality of the environment.

#### **UNIFORM LAND USE REVIEW**

This application (C 090342 ZMX) was certified as complete by the Department of City Planning on April 20, 2009. Along with the related action (N 090343 HAX), it was duly referred to Bronx Community Board 6 and Bronx Borough President for information and review, 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 090342 ZMX) and the related action (N 090343 HAX) on May 13, 2009 and by a vote of 14 to 1 with 0 abstentions, adopted a resolution recommending approval of this application, in conjunction with the related action (N 090343 HAX).

### **Borough President Recommendation**

This application (C 090342 ZMX) in conjunction with the related action (N 090343 HAX) was considered by the Bronx Borough President who issued a recommendation approving the application on June 23, 2009, with the following conditions:

1. No chain link fencing be installed where such fencing is visible by the public
2. Trees and foundation plantings be used to minimize the impact of the parking lots on adjacent properties and that exterior lighting not illuminate neighboring residences.

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

On June 17, 2009 (Calendar No. 3), the City Planning Commission scheduled July 1, 2009 for a public hearing on this application (C 090342 ZMX). The hearing was duly held on July 1, 2009 (Calendar No. 26), in conjunction with the hearing for the related application (N 090343 HAX).

There were three speakers in favor and none in opposition. The speakers in favor included a representative from the Department of Housing Preservation and Development (HPD), one representative of the developer and a representative of the project architect. The representative from HPD presented the project, at the public hearing and the representatives from the developer and the architect also appeared in favor.

There were no other speakers on the application and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application (C 090342 HAX) for a zoning map amendment, along with the related application (N 090343 HAX) for UDAAP designation and project approval, is appropriate.

The actions would facilitate development, on a city-owned vacant property, of an accessory parking lot for the Social Security Administration building. The proposed zoning change would also make an existing parking lot conforming for a building occupied by the Social Security Administration located on Southern Boulevard between East 175<sup>th</sup> and East 176<sup>th</sup> Street.

Additionally the elimination of the commercial overlay would protect the three-family homes on Trafalgar Place.

The Bronx Borough President has recommended that no chain link fencing be installed and tree and plantings be used to minimize the impact of the parking area on the neighboring residences. The Commission notes that a representative from HPD stated at the public hearing that the developer will comply by these recommendations.

The Commission believes that the applications for a zoning map amendment, UDAAP designation and project approval are appropriate.

## **RESOLUTION**

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

**RESOLVED**, that 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 amended, is further amended by changing the Zoning Map Section No. 3d by;

1. eliminating within an R7-1 District a C1-4 District bounded by a line 100 feet northwesterly of Southern Boulevard, a line 70 feet southwesterly of East 176th Street, and a line 80 feet southeasterly of Trafalgar Place; and
2. establishing within an existing R7-1 District a C1-4 District bounded by:
  - c. Trafalgar Place, East 176th Street, a line 100 feet northwesterly of Southern Boulevard, and a line 70 feet southwesterly of East 176th Street; and
  - d. a line 80 feet southeasterly of Trafalgar Place, a line 100 feet northwesterly of Southern Boulevard, and East 175th Street;

Borough of the Bronx, Community District 6, as shown on the diagram (for illustrative purposes only) dated April 20, 2009.

The above resolution (C 090342 ZMX), duly adopted by the City Planning Commission on August 5, 2009 (Calendar No. 8), 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

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

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

**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**

**RICHARD W. EADDY, NATHAN LEVENTHAL,**

**SHIRLEY A. MCRAE**, Commissioners