



## **CITY PLANNING COMMISSION**

December 16, 2009/Calendar No. 8

C 090397 ZMX

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**IN THE MATTER OF** an application submitted by Webster Commons, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 1d, by changing from an R6 District to an R7X District property bounded by Webster Avenue, a line 1,910 feet northerly of East Gun Hill Road, the westerly boundary of a railroad right-of-way (New York and Harlem Line), and a line 800 feet northerly of East Gun Hill Road, as shown on a diagram (for illustrative purposes only) dated August 17, 2009, and subject to the conditions of CEQR Declaration E-240, Borough of The Bronx, Community District 12 .

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The application for an amendment to the Zoning Map was filed by Webster Commons, LLC on April 22, 2009, to change from an R6 district to an R7X district a portion of block 3360, Norwood, Community District 12, Bronx. The requested action would facilitate four residential buildings with community facility space.

### **BACKGROUND**

The applicant, Webster Commons, LLC proposes to rezone an approximately 2-acre parcel comprised of one unimproved irregularly shaped zoning lot, (Block 3360, Lot 76) from R6 to R7X to facilitate a predominantly residential development. The rezoning area is bounded by Webster Avenue to the west, East Gun Hill Road to the south, Bronx Boulevard to the east and East 233rd Street to the north and is trisected by the Metro-North railroad tracks and the Bronx River Parkway creating three irregularly shaped areas.

The rezoning area, located in the Norwood section of the Bronx has frontage of approximately 1,083 feet along the east of Webster Avenue and is also located east of Woodlawn Cemetery. All of the property within the rezoning area is owned by the applicant and is located within an R6 zoning district, which is a medium-density height factor district with a maximum permitted FAR of 2.43 for residential and 4.8 for community facility. If developed pursuant to Quality Housing, the maximum permitted FAR is 3.0 on a wide street and 2.2 on a narrow street.

The project site is currently vacant and unimproved. A small gorge, located approximately midway along the Webster Avenue street frontage, cuts through the property from east to west. The gorge contains a water feature at its base which connects two culverts, one under Webster

Avenue to the east, and the other under the Metro North tracks to the west, carrying surface water drainage from the adjacent Woodlawn Cemetery property to the Bronx River. The gorge area occupies approximately 12.0% of the total area.

The southern portion of the block, which is not the subject of the rezoning area, is located within a C8-2 zoning district and is predominately characterized by commercial development including, two open parking lots and two-story commercial buildings. R6 and R5A zoning districts are mapped east of the site. The area is characterized by one- and two-family houses and two- and three-story residential buildings with larger community facilities located on East 216th Street. Further east along White Plains Road are several commercial, industrial and mixed use buildings. Southwest of the rezoning area is an R7-1 zoning district which contains a mix of six-story apartment buildings, one- and two-family houses as well as mixed-use residential buildings with ground floor commercial use along East Gun Hill Road.

Webster Avenue is a major north-south thoroughfare. The Metro North–Williamsbridge stop is one block south of the site, the East Gun Hill Road subway stations on the #2 and #5 trains are located five blocks from the site and the Norwood-205<sup>th</sup> Street station on the D train is eight blocks away. The BX 28, 30, 41 and 55 bus routes are accessible one block south of the site at the intersection of East Gun Hill Road and Webster Avenue.

### **Proposed Action**

The proposed zoning map amendment would rezone the site from R6 to R7X. . If approved, the R7X district would permit an increase in the allowable residential FAR from 3.0 to 5.0, and require a base height of between 60 to 85 feet, before rising to a maximum height of 125 feet. The applicant proposes to change the current zoning designation to facilitate more residential units than currently allowed.

## **Project Description**

The applicant intends to develop four residential buildings which would contain approximately 400 affordable residential units. The development would also include 10,616 square feet of community facility space. Building A, located on the southernmost portion of the lot, is proposed to be a 13-story, mixed-use building with 143 dwelling units for low-income residents and a 10,616 sq ft daycare center. The building would be a mix of studio, one, two and three-bedroom units. Building B is proposed to be a 13-story residential building with 105 dwelling units for middle-income residents. The building would be a mix of studio, one, two and three-bedroom units. Building C is proposed to be a 12-story residential building with 55 dwelling units for senior residents. The building would be a mix of one and two-bedroom units.

Building D, located on the northern most portion of the lot is proposed to be a 9-story residential building with 97 dwelling units. The building would be a mix of studio, one-, two- and three-bedroom units. The applicant also intends to provide a total of 94 accessory below-grade parking spaces on site.

## **ENVIRONMENTAL REVIEW**

This application (C 090397 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 09DCP028X. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action (C 090397 ZMX), a Conditional Negative Declaration was issued. The Conditional Negative Declaration included an (E) designation. To avoid any potential impacts associated with noise, the proposed action will place an (E) designation on Block 3360, Lot 76. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

Noise:

Block 3360, Lot 76

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dBA window/wall attenuation on the eastern façade and 30 dBA window/wall attenuation on the northern, southern, and western facades in order to maintain an interior noise level of 45 dBA. 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 or air conditioning sleeves containing air conditioners.

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

Air Quality

The applicant, Webster Commons, LLC, has agreed to enter a restrictive declaration which includes measures related to stationary source air quality. The restrictive declaration, prepared by the Department of City Planning in consultation with the Department of Environmental Protection, will be executed by the owner and recorded prior to the City's approval of the proposed action.

Pursuant to the restrictive declaration, the space heating and hot water (HVAC) systems for any new residential and/or commercial development on the above-referenced properties shall use Natural Gas as the fuel type. In addition, the building stacks in the proposed development (Buildings A through D) will be located:

*Building A Stack*

Not closer than approximately 84' 8" from Building B at its closest point

*Building B Stack*

Not closer than approximately 62'-0" from Building A at its closest point and not closer than 84' 8" from Building C at its closest point

*Building C Stack*

Not closer than approximately 35' 1" from Building B at its closest point

*Building D Stack*

Not closer than approximately 235' 6" from Building C at its closest point

In addition, the restrictive declaration will restrict the height, square footage, and arrangement of Buildings A through D as shown on the proposed site plan and as disclosed in the EAS.

With the implementation of the Restrictive Declaration measures, no significant adverse impacts related to stationary source air quality would occur.

## Natural Resources

The applicant, Webster Commons, LLC, has agreed to enter into a restrictive declaration which includes provisions related to natural resources. The restrictive declaration, prepared by the Department of City Planning in consultation with the Department of Environmental Protection, will be executed by the owner and recorded prior to the City's approval of the proposed action.

Pursuant to the restrictive declaration, the gorge area and water feature below the 70' elevation line on either side of the gorge shall be protected and maintained during and after construction at the project site.

The location of the no development area is shown on the site plan in the EAS, and will be attached to the restrictive declaration.

With the implementation of the Restrictive Declaration measures, no significant adverse impacts related to natural resources would occur.

The applicant signed the conditional negative declaration on August 14, 2009. The conditional negative declaration was published in the City Record and in the New York State Environmental Notice Bulletin. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received and the conditional negative declaration was issued on December 14, 2009.

## **UNIFORM LAND USE REVIEW**

This application (C 090397 ZMX) was certified as complete by the Department of City Planning on August 17, 2009, and was duly referred to Community Board 12 and the 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 12 held a public hearing on this application on September 24, 2009, and on that date by a vote of 23 to 0 with 0 abstentions adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation on October 30, 2009 approving the application.

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

On November 4, 2009 (Calendar No. 1), the City Planning Commission scheduled November 18, 2009, for a public hearing on this application (C 090397 ZMX). The hearing was duly held on November 18, 2009 (Calendar No.15).

There were three speakers, all representatives of the applicant who spoke in favor of the proposal. The first speaker (the applicant's land use consultant,) described that the proposed project that would be facilitated by this rezoning and emphasized that the proposed rezoning and buildings facilitated by the action were appropriate given that Webster Avenue is a wide street and the site is accessible to several modes of mass transit. The second speaker (the applicant's architect) described the gorge area and that it will be maintained as a natural feature by the applicant and that seating will be provided for residents in this area. The third speaker explained that different types of financing are being utilized to finance this proposal based on the different income levels intended to be accommodated within the development

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this zoning map amendment (C 090397 ZMX) is appropriate. The applicant seeks approval of a zoning map amendment from R6 to R7X on a portion of the Block 3360, lot 76 bounded by Webster Avenue to the west, East Gun Hill Road to the south, Bronx Boulevard to the east and East 233rd Street to the north and is trisected by the Metro-North railroad tracks and the Bronx River Parkway creating three irregularly shaped areas in the Norwood Area of the Bronx, Community District 12. The applicant proposes to change the current zoning designation to facilitate more residential units than currently allowed on property that is vacant and unimproved. The requested action is intended to facilitate approximately 400 units of affordable housing on the applicant's property.

The Commission notes that there are existing multi-story apartment buildings located south and east of the proposed development. The height and bulk of the proposed R7X district is appropriate given the proposed development site's frontage along Webster Avenue, a major north-south thoroughfare in addition to its proximity to mass transit and the Bronx River Parkway. The Commission believes that the increased residential development facilitated by this rezoning will create a much more active streetscape and bring vitality to this area.

The Commission acknowledges the Borough President's concern regarding pedestrian and vehicular conflicts and the request to include a center median along Webster Avenue east of East Gun Hill Road. The Commission notes that the Department of City Planning is conducting a Transportation Study as part of the Webster Avenue/Norwood/Bedford Park rezoning, which will examine the feasibility of a center median on Webster Avenue.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following conditions:

The applicant, Webster Commons LLC., has entered into a restrictive declaration (Block 3360, Lot 76) related to stationary source air quality and natural resources to ensure that

Natural Gas is used, building stacks are properly located, and that the gorge area and water feature are protected during and after construction.

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 amended, is hereby further amended by changing from an R6 District to an R7X District property bounded by Webster Avenue, a line 1,910 feet northerly of East Gun Hill Road, the westerly boundary of a railroad right-of-way (New York and Harlem Line), and a line 800 feet northerly of East Gun Hill Road, the westerly boundary of a railroad right-of-way (New York and Harlem Line), and a line 800 feet northerly of East Gun Hill Road, as shown on a diagram (for illustrative purposes only) dated August 17, 2009, and subject to the conditions of CEQR Declaration E-240, Borough of The Bronx, Community District 12 .

The above resolution (C 090397 ZMX), duly adopted by the City Planning Commission on December 16, 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, ANNA HAYES LEVIN,**  
**SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners**