



CITY PLANNING COMMISSION

July 2, 2003/Calendar No. 10

C 030213 ZMX

IN THE MATTER OF an application submitted by Procida Realty and Construction Group pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 6c** changing from an M1-1 District to a C4-4 District property bounded by East 164th Street, Washington Avenue, East 163rd Street, and Brook Avenue, Borough of the Bronx, Community District 3, as shown on a diagram (for illustrative purposes only) dated February 18, 2003 and subject to the conditions of CEQR Declaration E-115.

The application for an amendment of the Zoning Map was filed by Procida Realty and Construction Group on November 15, 2002. The applicant proposes a zoning map amendment to rezone a city block from M1-1 to C4-4 in the Morrisania neighborhood of Community District 3. The rezoning area is generally bounded by East 163rd Street to the south, East 164th Street to the north, Brook Avenue to the west and Washington Avenue to the east.

BACKGROUND

Procida Realty and Construction Group proposes a zoning map amendment to rezone a city block in the Morrisania neighborhood from M1-1 to C4-4 to facilitate the development of a 45,000 square-foot supermarket, 3,500 square feet of local retail, and a 123-space accessory parking lot. In the existing M1-1 zoning district, food stores over 10,000 square feet are not permitted as of right. The rezoning area is generally bounded by East 163rd Street to the south, East 164th Street to the north, Brook Avenue to the west and Washington Avenue to the east and includes Block 2385, Lots: 7, 11, 30, 33, 34, 35, 36, 44, 45, 50, 51, 53, 55, and portions of lots 1, 3, 15, 57, and 59.

The majority of the proposed rezoning area is currently vacant. Automobile repair and car service and towing businesses are located at the corner of East 164th Street and Washington Avenue (Lot 38) and farther south on Washington Avenue (Lot 49). These businesses are not part of the proposed development and will become non-conforming uses under the proposed C4-4 zoning. The city-owned parcels that constitute the project site were previously approved for disposition through ULURP (C 990450 PPX, Cal. No. 22, 4/25/01; C 850504 PPX, Cal. No. 42, 4/24/1985; C 810119 PPX, Cal. No.75, 6/3/1981; C 820291 PPX, Cal. No. 56, 2/26/1982; C 850839 PPX, Cal. No. 61, 8/28/1985; C 020271 DMX, Cal. No. 10, 6/12/2002; C 820578 PPX, Cal. No. 5, 4/5/1982; and C 831171 PPX, Cal. No.62, 9/21/1983).

The current M1-1 zoning permits commercial and light manufacturing uses and certain community facilities (Use Groups 4-14,16 and 17) with an overall FAR of 1.00. The proposed C4-4 district permits a wide range of commercial, community facility and residential uses (Use Groups 1-6, 8-10, and 12). C4-4 districts allow commercial uses with a maximum FAR of 3.4, community facility uses with a maximum FAR of 6.5 and residential uses with a maximum FAR of 3.4.

The proposed rezoning area, lies within an M1-1 district. The area to the north is zoned R7-1, to the east the area is zoned M1-1 and R6, to the southeast the primary zoning district is C4-4, to the south the area is zoned residential (R6, R7-2 and R8) and to the west it is zoned M1 and R7-1. Land uses in the immediate vicinity of the project site include manufacturing uses,

warehouses and automobile-related uses, as well as some residential uses. A significant amount of the area is vacant land and buildings or land used for automobile parking. Third Avenue is primarily a retail corridor and contains mixed residential/commercial buildings, small businesses, restaurants, and community facilities serving residents of the apartment buildings nearby. Farther east, residential buildings of various sizes (occupying up to one full block) are interspersed with homes for the elderly, local retail establishments, automotive businesses, community facilities such as houses of worship and public schools, as well as open space.

The Melrose Commons Urban Renewal, approved by the City Planning Commission and City Council in 1994, is located immediately south of East 161st Street. Plans call for the development of 1,470 low and moderate-income units and 80 rehabilitated units of housing ; 175,000 square feet of commercial/office space; 200,000 square feet of community facility space; 1.7 acres of mapped parkland and an additional 2.4 acres of designated open space.

Immediately adjacent to the project site, the Department of City Planning is proposing to rezone all or portions of 13 blocks from M1-1 and R6/C2-4 to a mixed use MX(M1-1/R7-2) district. This application (C 030333 ZMX and N 030334 ZRX) was certified by the Department on March 3, 2003. The Morrisania area rezoning is generally bounded by East 168th Street to the north, East 163rd Street to the south, Washington Avenue to the west and Third Avenue to the east.

The proposed supermarket would be situated on the northern portion of the site along East 164th Street, with the smaller retail component occupying the southeast corner of the site, at East 163rd Street and Washington Avenue. The supermarket's enclosed loading berth would be located at the corner of East 164th Street and Brook Avenue. The applicant proposes entrances and exits at Brook Avenue, Washington Avenue and East 163rd Street, and an additional exit at the corner of East 163rd Street and Washington Avenue. The applicant has proposed plantings and lighting around the perimeter on the site and within the parking lot.

The project site is readily accessible to major thoroughfares in the Bronx. Bus routes border the site directly to the south, along East 163rd Street, as well as along the major arterials within one block east and west of the site, making it accessible to area residents via the Bx2, Bx41, Bx15, Bx21, and Bx55 buses.

ENVIRONMENTAL REVIEW

This application (C 030213 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 02DME017X. 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 December 17, 2002, which includes an "E" designation on six lots (Block 2385, Lots 17, 18, 23, 38, 49 and the western portion of lot 15) for potential of residual contamination.

UNIFORM LAND USE REVIEW

This application (C 030213 ZMX) was certified as complete by the Department of City Planning on February 18, 2003, and was duly referred to Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 3 held a public hearing on this application on March 11, 2003, and on that date, by a vote of 20 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on April 25, 2003 with the following conditions:

1. The city's Department of Transportation must realign the existing roadbed at East 163rd Street, between Brook and Washington Avenues, conforming to the City Map as redrawn pursuant to the Melrose Commons Urban Renewal Plan.

2. The developer agrees to offer storefront windows and/or access to the retail shops located on the eastern side of the development along Washington Avenue, which in turn will provide additional illumination to Washington Avenue.

City Planning Commission Public Hearing

On May 21, 2003 (Calendar No.1), the City Planning Commission scheduled June 4, 2003, for a public hearing on this application (C 030213 ZMX). The hearing was duly held on June 4, 2003 (Calendar No.15). There was a speaker in favor and none in opposition.

A representative of the applicant spoke in favor. The applicant's representative described the action requested and the proposed project in the context of the surrounding area.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The Commission notes that the proposed rezoning of Block 2385, to facilitate retail development would complement the Department of City Planning's proposed Morrisania area rezoning applications (C 030333 ZMX and N 030334 ZRX) consisting of 13-blocks, immediately adjacent to the project site. The Department's proposal includes changing the existing M1-1 and R6/C4-2 zoning to MX (M1-1/R7-2) a mixed-use district. The Commission believes that the proposed rezoning, of Block 2385 from M1-1 to C4-4, is in keeping with the Department's

efforts to create new residential and retail development opportunities in a community that has experienced disinvestment for the last three decades.

Immediately south of the Morrisania rezoning area is the Melrose Commons Urban Renewal Area. The Melrose Commons Urban Renewal Plan calls for the development of 1, 470 low-and-moderate income housing units. Approximately 376 housing units have been built or are in the construction process. This section of The Bronx is undeserved as far as retail amenities are concerned. The community has expressed the need for a supermarket. The proposed retail development would serve an important unmet need in a community that is transforming into a mixed residential and commercial neighborhood.

The Commission acknowledges the Borough President recommendation to realign East 163rd Street. The realignment was an element of the approved Melrose Commons Urban Renewal Plan. The Commission encourages the Department of Transportation to complete this street realignment in a timely manner.

The Commission considers the proposed rezoning to be consistent with the existing land uses in the area, and appropriate for this location.

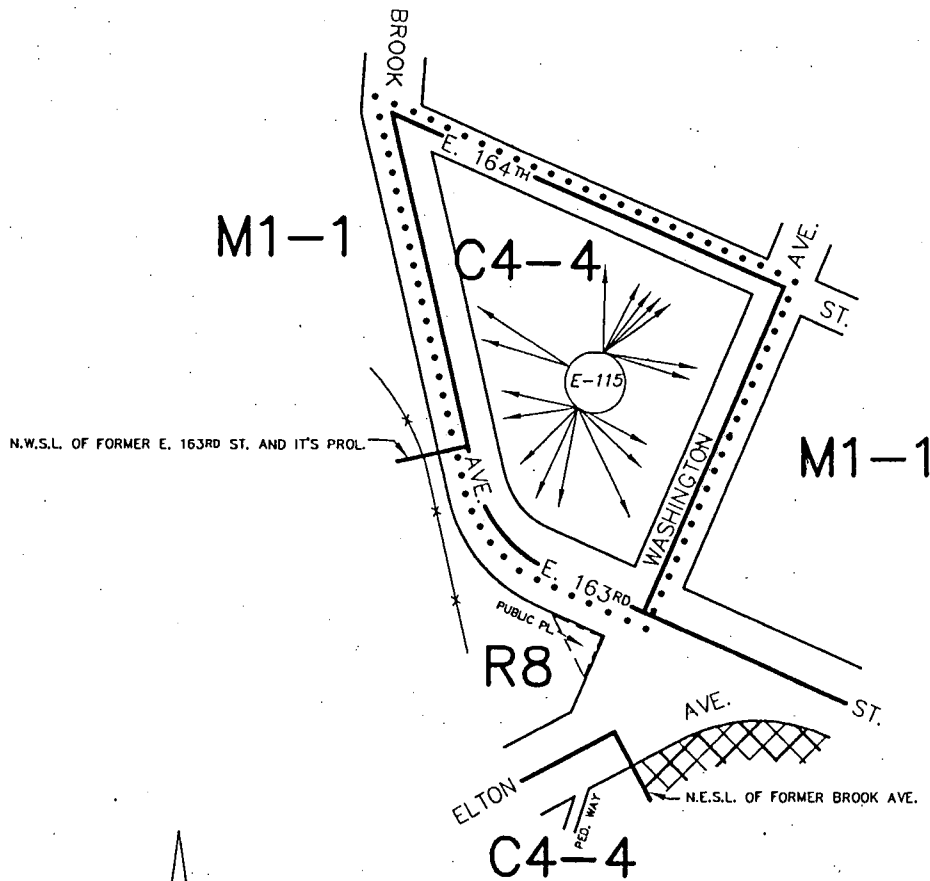
RESOLUTION

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 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. 6c, changing from an M1-1 District to a C4-4 District property bounded by East 164th Street, Washington Avenue, East 163rd Street, and Brook Avenue, Borough of the Bronx, Community District 3, as shown on a diagram (for illustrative purposes only) dated February 18, 2003 and which includes the CEQR Designation E-115.

The above resolution (C 030213 ZMX), duly adopted by the City Planning Commission on July 2, 2003 (Calendar No. 10), 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.

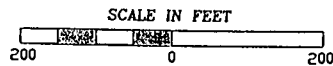
AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
RICHARD W. EADDY, ALEXANDER GARVIN,
JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS,
JOSEPH B. ROSE, DOLLY WILLIAMS, Commissioners



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
6c
 BOROUGH OF
THE BRONX

New York, Certification Date
 FEBRUARY 18, 2003

Subyaga
 Director of Technical Review



- NOTE:**
- Indicates Zoning District boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by changing an M1-1 District to a C4-4 District.
 - ▨ Indicates a C1-4 District.
 - ⊙ E Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R. sheet.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Rensselaer 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 28 at the above address.
2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the notice of certification, one copy to the current President, and one copy to the Borough Board, when applicable.

APPLICATION # C 03213 ZKK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Provida Realty & Construction Group pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a changing from an M1-1 District to a C4-4 District property bounded by East 164th Street, Washington Avenue, East 163rd Street, and Brook Avenue, Borough of the Bronx, Community District 3, as shown on a diagram (for illustrative purposes only) dated February 16, 2003 and subject to the conditions of CEM Declaration E-115.

COMMUNITY BOARD NO. _____

BOROUGH BRONX

BOROUGH BOARD _____

DATE OF PUBLIC HEARING March 11, 2003

LOCATION 1426 Boston Road

WAS QUORUM PRESENT? YES NO

(A public hearing shall require a quorum of 2/3 of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE March 11, 2003

LOCATION 1426 Boston Road

RECOMMENDATION

- APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (attach additional sheets if necessary):

VOTING

IN FAVOR 26 AGAINST 0 ABSTAINING 0

TOTAL MEMBERS APPOINTED TO BOARD 32

COMMUNITY/BOROUGH BOARD OFFICER

DATE May 8, 2003

District Manager
TITLE

**Borough President
Recommendation**

CITY PLANNING COMMISSION
22 Rensselaer 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 030213 BMX
DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Precida Realty & Construction Group pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 60 changing from an M1-1 District to a C4-4 District; property bounded by East 164th Street, Washington Avenue, East 163rd Street, and Brook Avenue, Borough of The Bronx, Community District 3, as shown in a diagram (for illustrative purposes only) dated February 18, 2003 and subject to the conditions of CEQR Declaration E-115.

COMMUNITY BOARD NO. 3

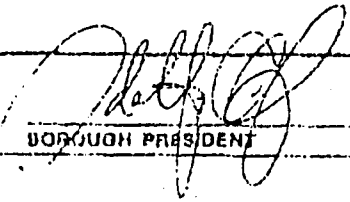
BOROUGH THE BRONX

RECOMMENDATION

- APPROVE
 APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
 DISAPPROVE

EXPLANATION OF RECOMMENDATION - MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

PLEASE SEE ATTACHMENT FOR BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT

4/25/03
DATE

BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 030213 ZMX

BACKGROUND

This application has been submitted by Proceda Realty and Construction Group pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6c changing from an M1-1 District to a C4-4 District. The site is bounded by East 164th Street, Washington Avenue, East 163rd Street, and Brook Avenue, (Block 2385, Lots 7, 11, 30, 33-36, 44, 45, 50, 51 & 55, and part of Lots 1, 2, 15, 59). The site is located in Bronx Community District 3.

This rezoning application will facilitate construction of 50,000 square feet of retail space with off-street parking for 110 vehicles. It is to be constructed on a vacant site consisting of 99,000 square feet of property. The proposal envisions three separate structures, the first being a 20,000 square foot building for a supermarket. The second structure, consisting of 10,000 square feet, can accommodate a maximum of four individual retail outlets. The third building will provide 5,000 square feet designed for a diner, featuring drive-thru accommodations and table services. The supermarket will front south from East 164th Street, the smaller structure will front west from Washington Avenue and the diner will be constructed on the southeast corner of the site, fronting northwest from the intersection of Washington Avenue and East 163rd Street.

Existing development adjacent to the site includes an auto repair shop located on the northeast corner of Block 2385, Lot 38 and an off-street parking lot situated on the north west corner of the Block, Lots 17, 18 and 23. Surrounding development includes a recently constructed auto-service and refreshment facility located on the northeast corner of Washington Avenue at East 163rd Street. Remaining structures in the area are typified by actively used industrial buildings that front onto East 164th Street and underutilized mid-rise industrial facilities fronting on Brook Avenue. There is no residential development within a four-block radius of Block 2385.

Washington and Brook Avenues provide north-south vehicular access. Bus transportation operates on East 163rd Street. There is no subway transportation within a six-block radius of the site.

rezoning ULURP lends further support for the need of this project. The neighborhoods extend north from East 149th Street to East 169th Street, and from Park Avenue on the west, to Third Avenue to the east. The subject of this application (Block 2385) is situated in the center of this area.

Construction of a retail complex will provide these emerging communities with attractive venues for shopping, while offering residents employment opportunities. I therefore support this rezoning application, doing so with the following modifications:

- 1) The city's Department of Transportation must realign the existing roadbed at East 163rd Street, between Brook and Washington Avenues, conforming to the City Map as redrawn pursuant to the Melrose Commons Urban Renewal Plan.
- 2) The developer agrees to offer storefront windows and/or access to the retail shops located on the eastern side of the development along Washington Avenue, which in turn will provide additional illumination to Washington Avenue.