



CITY PLANNING COMMISSION

December 5, 2007 | Calendar No. 17

C 060320 ZMX

IN THE MATTER OF an application submitted by American Self Storage Landing Road LLC pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c:

1. changing from a C8-3 District to an R7-1 District property bounded by a southerly boundary line of a park and its westerly prolongation, a westerly boundary line of a park and its southerly prolongation, Landing Road and its northwesterly centerline prolongation, and the westerly street line of the Major Deegan Expressway;
2. changing from an R6 District to an R7-1 District property bounded by a line 100 feet northerly of Landing Road, a line 100 feet northwesterly of West Fordham Road, a line 100 feet northwesterly of Sedgwick Avenue, the westerly prolongation of the northerly street line of West Fordham Road, Sedgwick Avenue, West Fordham Road, Andrews Avenue North, a line 100 feet southerly of West Fordham Road, Sedgwick Avenue, a line 130 feet northeasterly of the southeasterly prolongation of the southwesterly street line of Landing Road, Landing Road, and a westerly boundary line of a park and its southerly prolongation; and
3. establishing within a proposed R7-1 District a C2-4 District bounded by:
 - a. a southerly boundary line of a park and its westerly prolongation, an westerly boundary line of park and its southerly prolongation, Landing Road, and the Major Deegan Expressway; and
 - b. West Fordham Road, Sedgwick Avenue, and a line 130 feet northeasterly of the southeasterly prolongation of the southwesterly street line of Landing Road;

as shown on a diagram (for illustrative purposes only) dated July 9, 2007, and subject to the conditions of CEQR Declaration E-189.

The application for an amendment of the Zoning Map was filed by American Self Storage Landing Road LLC on February 3, 2006 to facilitate the development of a mixed-use building with approximately 140 dwelling units, approximately 3,000 square feet of ground floor retail, and approximately 160 underground accessory parking spaces at 233 Landing Road (Block 3236, Lot 25) in the University Heights section of The Bronx in Community District 7.

BACKGROUND

American Self Storage Landing Road, LLC seeks a zoning map amendment from R6/C1-4 to R7-1/C1-4 and from C8-3, R6, R6/C2-4 to R7-1/C2-4 on a total of four block fronts in the University Heights section of The Bronx in Community District 7. The proposed rezoning would facilitate the development of a mixed-use building with approximately 140 dwelling units, approximately 3,000 square feet of ground floor retail, and 160 underground accessory parking spaces at 233 Landing Road (Block 3236, Lot 25).

The proposed rezoning area is located along West Fordham Road and Landing Road between the Major Deegan Expressway to the west and Andrews Avenue North to the east, and includes portions of Blocks 3225, 3234 and 3236. West Fordham Road is a multi-lane thoroughfare and major retail corridor in The Bronx. The area is well served by transit, including local and express buses along West Fordham Road that connect to trains in the Bronx and Manhattan, and the University Heights station of the Metro North Hudson Line which is located one block west of the rezoning area.

The rezoning area is developed with a mixture of residential, commercial, institutional uses and open space. Residential uses include attached, semi-detached and detached multi-family houses, as well as five- and six-story apartment buildings. A high-rise housing development with towers 16-17 stories high is located north of the proposed rezoning area between Sedgwick and Webb Avenues.

In the proposed rezoning area along Landing Road there is a public parking lot, a small portion a

wooded vacant lot (approximately 170,400 square feet), and the applicant's site, which is currently used as a parking lot. Additional automobile-related uses are located south of the proposed rezoning area along West Fordham Road between the Major Deegan Expressway and Sedgwick Avenue.

The proposed rezoning area includes the southernmost portion of an existing R6 residential district with C1-4 and C2-4 overlays, as well as a portion of a C8-3 district that is located near the Major Deegan Expressway. On August 22, 2001, the applicant's property located at 233 Landing Road was rezoned from R6 to C8-3 (ULURP No. C 970578 ZMX) at the request of the owner of Jimmy's Bronx Café, located directly south of Landing Road, in order to use the site for accessory parking. Jimmy's Bronx Café has since closed. The area to the south of the proposed rezoning area is zoned C8-3, R5 and R7-1.

The R6 district is a medium density residential district with a maximum residential FAR of 2.43. The parking requirement is 70 percent of dwelling units. The C8-3 district is a general service district with a maximum FAR of 2.0 and is intended for automobile and heavy commercial uses, including automobile showrooms, automobile service facilities and warehouses. All commercial uses and some community facility uses are permitted, although residential uses are not.

Lots that front West Fordham Road east of Sedgwick Avenue are mapped with a C1-4 commercial overlay, and a portion of the rezoning area located west of Sedgwick Avenue is mapped with a C2-4 commercial overlay. The C1 commercial overlay accommodates retail and personal service shops needed in residential neighborhoods, and generally includes small grocery stores, dry cleaning

establishments, restaurants and barber shops. The C2 commercial overlay permits additional uses, including small lumber stores, household appliance repair shops, and art, dance, music or theatrical studios. C1-4 and C2-4 overlays are mapped in areas that are well served by mass transit and have lower off-street parking requirements.

The applicant proposes that the existing R7-1 zoning district be extended north to West Fordham Road from Andrews Avenue North to Sedgwick Avenue, which would bring five existing three- to six-story buildings into compliance. The R7-1 district would extend north of Fordham Road approximately 100 feet between Sedgwick Avenue and the Major Deegan Expressway in order to facilitate housing construction on the applicant's property. The R7-1 district is a medium density district with a maximum FAR of 3.44 for residential uses and 4.8 for community facilities. This typically produces residential buildings between twelve to fourteen-stories with low lot coverage and set back from the street. The parking requirement in the R7-1 is 60 percent of the dwelling units.

In addition, the applicant proposes to extend the C2-4 commercial overlay that is located along Sedgwick Avenue south to West Fordham Road in order to include Block 3234, Lots 57, 59 and 63, an area that currently does not have a commercial overlay but includes commercial uses. The C2-4 overlay would be extended west from Sedgwick Avenue to the Major Deegan Expressway in order to facilitate the development of a mixed-use building on the applicant's property.

ENVIRONMENTAL REVIEW

This application (C 060320 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 06DCP062X. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on July 9, 2007. To avoid the potential for impacts related to hazardous materials, noise, and air quality, the proposed rezoning includes (E) designations.

The (E) designations for hazardous materials would be placed on four potential development sites on the following parcels:

- Block 3225, Lot 108
- Block 3225, Lot 111
- Block 3225, Lot 114
- Block 3225, Lot 116
- Block 3225, Lot 117
- Block 3225, Lot 164
- Block 3225, Lot 168
- Block 3225, Lot 227
- Block 3236, Lot 1
- Block 3236, Lot 220

The text of the (E) designation is as follows:

Task 1-Sampling Protocol

A. Petroleum

A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to NYCDEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what

remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtained, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

With the placement of the (E) designations on the above block and lots, no impacts related to hazardous materials are anticipated.

The (E) designations for noise would be placed on the applicant's site and all four potential development sites. These sites are comprised of the following parcels:

- Block 3225, Lot 108
- Block 3225, Lot 111
- Block 3225, Lot 114
- Block 3225, Lot 116
- Block 3225, Lot 117
- Block 3225, Lot 164
- Block 3225, Lot 168
- Block 3225, Lot 227
- Block 3236, Lot 1
- Block 3236, Lot 25
- Block 3236, Lot 220

The text of the (E) designation for noise for the above properties is as follows:

Applicant's Site (Block 3236, Lot 25)

In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation on the west façade 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 or air conditioning sleeves containing air conditioners or HUD-approved fans.

Site 1 (Block 3225, Lots 164 and 168)

In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation 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 or air conditioning sleeves containing air conditioners or HUD-approved fans.

Site 2 (Block 3225, Lots 108, 111, and 114)

In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation on all but the West Fordham Road facades in order to maintain an interior noise level of 45 dB(A). Along the West Fordham Road façade, a minimum of 35 dB(A) window/wall attenuation is required. 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 or HUD-approved fans.

Site 3 (Block 3225, Lots 116, 117, and 227)

In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation on all but the West Fordham Road facades in order to maintain an interior noise level of 45 dB(A). Along the West Fordham Road façade, a minimum of 35 dB(A) window/wall attenuation is required. 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 or HUD-approved fans.

Site 4 (Block 3236, Lots 1 and 220)

In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation 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 or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the placement of the (E) designations for noise on the above block and lots, no impacts related to noise are expected.

To avoid the potential for impacts related to air quality, the proposed rezoning includes (E) designations for air quality on the applicant's site. Accordingly, an (E) designation will be mapped on the following parcel:

Block 3236, Lot 25

The text for the (E) designations is as follows:

Block 3236, Lot 25 (Applicant's Site)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 75 and 65 feet for Oil No. 4 and Oil No.2 from the lot line, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

With the placement of the (E) designation for air quality on the above block and lot, no impacts related to air quality are expected.

UNIFORM LAND USE REVIEW

This application (C 060320 ZMX) was certified as complete by the Department of City Planning on July 9, 2007, and was duly referred to Community Board 7 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 7 held a public hearing on this application on August 28, 2007, and on September 10, 2007 adopted a resolution recommending approval of the application with the following conditions:

- Construct to legal width the street and sidewalk of the Major Deegan service road from Landing Road to Fordham Landing Playground.
- Provide access to Fordham Landing Playground from city-owned property located to the east of the site.
- Provide for community board residents preference in the tenant selection process.
- Participate in the Buy Bronx program.
- Work with the Borough President's office (BOEDC) to hire local residents and contractors.
- Depending on the financing of the project, consider ownership possibilities as part of the mix.
- Work with the Department of Transportation to deal with the increase in traffic that will occur with the new building.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on October 11, 2007, with the following conditions:

- The recommendations issued by Community Board 7, as well as a recommendation that a minimum of 15% of the dwelling units contain three bedrooms in order to provide affordable housing for families.

City Planning Commission Public Hearing

On October 17, 2007 (Calendar No. 1), the City Planning Commission scheduled October 31, 2007, for a public hearing on this application (C 060320 ZMX). The hearing was duly held on October 31, 2007 (Calendar No. 13). There were three speakers in favor of the application and no speakers in

opposition.

The applicant's attorney spoke in favor of the application and addressed the recommendations of Community Board 7 and the Borough President. The project's developer and architect also appeared in favor.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application for the zoning map amendment (C 060320 ZMX) is appropriate.

The Commission believes the proposed rezoning area along Landing Road and West Fordham Road to be an appropriate location for a higher density district. Landing Road is a wide street located near transportation infrastructure, and West Fordham Road is a multi-lane thoroughfare and major retail corridor that is well served by transit.

The Commission believes that the blockfront currently zoned C8-3 presents an opportunity to encourage new residential development that would reinforce the residential character of the area north and east of the applicant's property. The Commission believes that the applicant's property, which is located adjacent to Fordham Landing Playground, to be an appropriate location for residential development.

The Commission notes that the proposed R7-1 district would be consistent with existing R6 and R7-1 zoning that is found adjacent to the rezoning area, and that the proposed R7-1 district would bring five existing three- to six-story buildings along West Fordham Road into compliance.

Finally, the Commission believes that the proposed commercial overlay changes better reflect existing commercial development and will strengthen the existing thriving commercial corridor along West Fordham Road. These blockfronts include parcels of vacant and underutilized land on a wide street which also serves as a major transit corridor.

Regarding the conditions of Community Board 7 and the recommendations of the Borough President, the Commission notes that the applicant has stated his intention to work with the Department of Transportation to address parking and traffic issues related to the proposed parking garage, and with the Department of Parks and Recreation to address access issues related to Fordham Landing Playground.

The Commission further notes that the applicant has stated his intention to provide more than 15% of the proposed dwelling units as three-bedroom units and to give Community District 7 residents preference in the tenant selection process. In addition, the applicant has agreed to consider participating in the Buy Bronx Program and providing ownership possibilities as part of the unit mix.

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. 3c:

1. changing from a C8-3 District to an R7-1 District property bounded by a southerly boundary line of a park and its westerly prolongation, a westerly boundary line of a park and its southerly prolongation, Landing Road and its northwesterly centerline prolongation, and the westerly street line of the Major Deegan Expressway;
2. changing from an R6 District to an R7-1 District property bounded by a line 100 feet northerly of Landing Road, a line 100 feet northwesterly of West Fordham Road, a line 100 feet northwesterly of Sedgwick Avenue, the westerly prolongation of the northerly street line of West Fordham Road, Sedgwick Avenue, West Fordham Road, Andrews Avenue North, a line 100 feet southerly of West Fordham Road, Sedgwick Avenue, a line 130 feet northeasterly of the southeasterly prolongation of the southwesterly street line of Landing Road, Landing Road, and a westerly boundary line of a park and its southerly prolongation; and
3. establishing within a proposed R7-1 District a C2-4 District bounded by:
 - a. a southerly boundary line of a park and its westerly prolongation, an westerly boundary line of park and its southerly prolongation, Landing Road, and the Major Deegan Expressway; and
 - b. West Fordham Road, Sedgwick Avenue, and a line 130 feet northeasterly of the southeasterly prolongation of the southwesterly street line of Landing Road;

Borough of The Bronx, Community District 7, as shown on a diagram (for illustrative purposes only) dated July 9, 2007, and subject to the conditions of CEQR Declaration E-189.

The above resolution (C 060320 ZMX), duly adopted by the City Planning Commission on December 5, 2007 (Calendar No. 17), 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 Chair

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,

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KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners

MARIA M. DEL TORO, Commissioner, ABSTAINING