



CITY PLANNING COMMISSION

October 7, 2008/Calendar No. 11

C 080522 HAX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at Block 2359, part of Lot 1; and Block 2359, part of Lots 3, 9001, and 255 (Negative Easement Interest), sites 1A, 13, and part of site 11 and 14 of the Bronxchester Urban Renewal Area, as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a mixed-use development, ranging in height from 3 to 20 stories, tentatively known as Via Verde/The Green Way, with approximately 220 residential units, commercial, and community facility uses, Community District 1, Borough of the Bronx.

Approval of three separate matters is required:

1. The designation of property located at Block 2359, part of Lot 1; and Block 2359, part of Lots 3, 9001, and 255 (Negative Easement Interest), sites 1A, 13, and part of site 11 and 14 of the Bronxchester Urban Renewal Area, as an Urban Development Action Area; and
2. An Urban Development Action Area Project for such property; and
3. The disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development.

The application for the Urban Development Action Area designation and project approval and disposition of city-owned property, including a negative easement interest for light and air, was filed by the Department of Housing Preservation and Development (HPD) on June 24, 2008.

Approval of this application would facilitate the construction of a mixed-use development, ranging in height from 3 to 20 stories, tentatively known as Via Verde/The Green Way, with approximately 220 residential units, commercial, and community facility uses.

The Department of Housing Preservation and Development states in its application that:

The Project Area consists of underutilized vacant properties, which tend to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The Project Area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

RELATED ACTIONS

In addition to approval of the UDAAP designation and disposition of City-owned property 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 080517 ZMX Zoning Map amendment changing from an M1-1 District to an C6-2 District
- N 080518 ZRY Zoning Text Amendment
- C 080519 ZSX Special Permit to permit development over a rail right-of- way
- C 080520 ZSX Special Permit to permit modifications of height and setback, rear yard, minimum distances between buildings, minimum distance between legally required windows and walls or lot lines, and inner court regulations within a General Large Scale Development
- C 080521 PQX Acquisition of privately-owned property
- N 080523 HCX Minor Change to the First Amended Bronxchester Urban Renewal Plan

BACKGROUND

The Department of Housing Preservation and Development (HPD) is seeking the designation of property located at (Block 2359, part of Lot 1; and Block 2359, part of Lots 3, 9001, and 255 (Negative Easement Interest)) as an Urban Development Action Area, approval as an Urban Development Action Area Project and disposition of city-owned property (C 080522 HAX). In addition, HPD requests a zoning map amendment (C 080517 ZMX), zoning text amendment (C 080518 ZRY), a special permit to permit development over a rail or transit right-of-way (C080519 ZSX), a special permit to permit modifications of height and setback, rear yard, minimum distances between buildings, minimum distance between legally required windows and walls or lot lines, and inner court regulations (C 080520 ZSX) and acquisition of privately-owned property (C 080521 PQX) in order to facilitate the construction of a mixed-use development to provide approximately 221 units of affordable housing, approximately 8,532 square feet of ground floor retail and community facility use, and approximately 27,700 square feet of open space with interior courtyards and an amphitheatre. The project, to be known as

Via Verde/Green Way consists of sites 1A, 13 and a portion of 14 in the Bronxchester Urban Renewal Area (BURA). The Bronxchester First Amended Urban Renewal Plan (C960252HUX) was approved by the City Council on September 11, 1996.

Site Description:

The proposed project site, generally bounded by East 156th Street to the north, a NYC Housing Authority (NYCHA) residential development to the east, South Bronx High School and athletic fields to the south and Brook Avenue to the west, contains 65,917 square feet of lot area (approximately 1.51 acres) and is currently vacant. This irregularly shaped site is comprised of three parcels on (Block 2359 Lots p/o 1, p/o 3, p/o 9001, p/o 255): Parcel A, p/o Lot 3, Site 1A in the BURA and contains 42,028 sf of lot area. Parcel B, p/o Lot 1 and p/o Lot 9001, contains 19,395 sf of lot area and is an abandoned former railroad right of way. The parcel contains Site 13 and a portion of Site 14 of the BURA. Parcel C, p/o Lot 3, contains 4,494 sf of lot area and is a portion of Site 10A of the BURA. Though this parcel would be part of the project site zoning lot, it would remain as a ballfield under Department of Education jurisdiction. The proposed building would be constructed on Parcels A and B only.

Area Description:

Abutting the project site to the east is Bronxchester Houses an 18-story NYCHA development with 208 units. The South Bronx High School and its athletic field are located east and south of the project site. Southwest of the project site is the BURA Sites 6, 7A and 7B. The Economic Development Corporation has selected a developer for these sites known as Plaza at the Hub, a proposed mixed-use development that will provide housing, commercial and community facility

space. West of the project site, across Brook Avenue, is the recently completed Hub Office and Retail Center, containing approximately 173,000 square feet of retail and office space together with a renovated former municipal parking garage. The Hub, the area's largest shopping district, which includes extensive retail and office space, is located on East 149th Street, Third Avenue and Westchester Avenue.

The area surrounding the project site is primarily residential in character with ground floor commercial uses and recently constructed or under construction subsidized housing developments. Northwest of the project site is the Melrose Commons Urban Renewal Area, which includes the Orion with 61 units of housing and 6,000 sf of ground floor commercial; and the El Dorado with 58 units of housing. Both developments are located on Third Avenue between East 156th and East 157th streets; and La Casa de Felicidad a housing for the elderly development, with 85 units, located on Third Avenue and East 158th Street and Melrose Court, a 265 unit condominium development located across East 156th Street on Brook Avenue.

Five bus lines stop within three blocks of the project site; Bx 41 and 21 which run along Melrose, Third and Webster avenues; the Bx 2 that runs along Melrose Avenue and the Grand Concourse; and the Bx 15, Bx 21 and Bx 55 lines which operate on Third Avenue. The BX 2 and 21 lines provide access to the 6 subway line (at the 138th Street subway station). The 2 and 5 subway lines stop at the nearby East 149th Street and Third Avenue Station, located five blocks south from project site.

Project Description

The proposed development, “Via Verde/The Green Way” is the result of the New Housing New York Legacy Design Competition sponsored by the American Institute of Architects (AIA) New York Chapter, HPD, and the New York State Energy Research and Development Authority (NYSERDA). The proposed development is intended to be LEED Gold certified and would include a range of green design features.

The proposed project, involves the construction of a mixed-use development ranging in height from 3 to 20 stories. It will provide approximately 220 units of affordable housing plus one superintendent’s unit. The project will also include approximately 258,256 square feet (sf) of residential floor area, approximately 8,532 sf of retail and community facility space and approximately 27,700 sf of open space. The proposed uses are consistent with the Urban Renewal residential designation. It is the intent of the developer to provide affordable rental and cooperative ownership housing for low to middle income families with households earning between 60% and 110% of Area Median Income.

The building components include 3- to 4-story townhouses, a 6- to 14-story mid-rise structure, and a 15- to 20-story tower that would step back from East 156th Street. The building would wrap around two interior courtyards and an amphitheater. In addition the project will include a series of gardens that begin in the courtyard, and then spiral up through a series of green roofs. The building will have two entrances on Brook Avenue, the primary entrance is located below the mid-rise structure and the secondary entrance is located directly north of the townhouses.

Commercial and community facility uses, totaling 3,200 and 5,500 sf respectively will be located along Brook Avenue and East 156th Street. The project will also include a fitness center accessible to the residents. A Mayoral override has been obtained.

Requested Actions

Zoning Map Amendment (C 080517 ZMX)

This project site is currently zoned M1-1 with an FAR of 1.0 which permits light manufacturing uses, most commercial uses and certain community facility uses but does not allow for residential uses. HPD is proposing a zoning map amendment from an M1-1 district to an C6-2 district to facilitate the proposed mixed-use development. The C6-2 commercial district permits a wide range of commercial and residential uses in Use Groups 1 to 12 and has a maximum FAR of 6.0 for commercial uses, 4.55 for residential uses (based on a Height Factor of 7) and 6.5 for community facility uses. The proposed development will have a 4.19 FAR. The rezoning area is bounded by East 156th Street to the north, Brook Avenue to the west, the prolongation of the former centerline of Rae Street to the south and the eastern edge of the railroad right of way to the east.

Zoning Text Amendment (N 080518 ZRY)

HPD is requesting to amend Section 74-743(a) of the Zoning Resolution in order to allow, by a special permit, by the City Planning Commission, the modification of minimum distance between legally required windows and walls or lot lines and requirements regarding the minimum dimensions of a court. Presently Section 74-743(a) of the Zoning Resolution for General Large-Scale Developments (GLSD) allows the City Planning Commission, to grant a

special permit waiver for the modification of the regulations of Section 23-86 which requires a 30 feet minimum distance between legal windows and wall or lot lines.

Two facades of the proposed building would contain legally required windows less than 30 feet from a lot line. The first area is the east facade of the tower component of the building, which will have legally required windows located at approximately the property line and facing an inner court. The developer will acquire a 30 foot wide light and air easement on the adjacent NYCHA property to provide the proposed text's minimum required 30 foot distance for these windows. The second area is on the east side of the townhouses. These legally required windows will be 13 feet from the lot line and will face on to a rear yard. Two light and air easements are being provided to meet the required minimum 30 foot distance for these windows. Both of these are 17 foot wide light and air easements. One will be provided on adjacent NYCHA property and the other will be provided on adjacent City property to provide the minimum 30 foot distance for these windows.

Special Permit Pursuant to Section 74-743 (C 080520 ZSX)

HPD is seeking a special permit pursuant to Section 74-743(a)(2) (Special Provisions for Bulk Modification in a General Large-Scale Development) to allow modifications of height and setback, rear yard, minimum distance between buildings, minimum distance between legally required windows and walls or lot lines, and inner court regulations. The project qualifies as a General Large Scale Development – it is 1.51 acres (65,917 square feet) and proposed to be zoned C6-2. This application is requesting the following waivers:

- **Height and setback - ZR Sections 33-432, 23-632 and 35-62** Height and setback waivers are required along the portions of the proposed building facing Brook Avenue and along the building facing East 156th Street. The building does not set back at several points above 85 feet. The application also seeks modification of the rear setback regulations of ZR Section 23-663. Above a height of 125 feet, the building is required to setback 20 feet from the rear yard line. At certain location on the upper floors of the proposed building would not comply with this regulation.
- **Rear yard - ZR Section 23-47** Modification of the rear yard regulations is required for the rear yards along the east side of the townhouses and also for the southeast corner of the building tower component. These rear yards are 13 feet from the eastern lot line of townhouses and 2 feet from the southeast corner of the tower, instead of the required 30 feet.
- **Minimum distance between buildings - ZR Section 23-711** There are three areas within the lower courtyard of the proposed development that require modification to the minimum distance between buildings regulation requirement of 60 feet. The distance between legal windows within the proposed building would range from approximately 25 to 55 feet from the first to the fourth floor.
- **Minimum distance between legally required windows and walls or lot lines - ZR Section 23-86.** This application seeks to modify the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows an Walls or Lot Lines) in

order to allow two facades of the proposed building: the east facade of the tower component of the building, which will have legally-required windows less than 30 feet from the eastern lot line and facing an inner court; and legally required windows in the east side of the townhouses and the lot lines along the eastern and south edges of the site facing the South Bronx High School which will provide 13 foot distances instead of 30 feet from the lot line, as normally required. In order to meet the required condition for such a modification pursuant of the proposed zoning text amendment, two light and air easements, encompassing areas of 17 feet by 67 feet one 1 inch and 30 feet by 105 feet 3 inches, will be obtained by the developer from NYCHA. In addition, a light and air easement, encompassing an area of 17 feet by 115 feet and 11 inch, is to be granted by the City facing the South Bronx H.S. tennis courts along the eastern side of the project site. These easements will insure that light and air to the legally required windows in the eastern tower and townhouses facades will be protected. Disposition of a negative interest easement from part of Lot 255 by the City is part of the related disposition application (C 080522 HAX).

- **Minimum dimensions of an inner court - ZR Section 23-85** This application seeks modification of the requirements of Section 23-85 (Inner Court Regulations) in order to allow the proposed building to provide a court that does not meet the minimum dimensional requirements along the east side of the tower lot line. Section 23-851 requires that inner courts have a minimum area of 1,200 square feet and a minimum dimension of 30 feet. The proposed tower component of the building would have an inner court along the easterly side lot line ranging in depth from approximately two to five feet. These dimensions would not meet either inner court dimensional requirement.

This waiver is required due to the narrow dimensions of the site at the north.

Special Permit Pursuant to Section 74-681 (C 080519 ZSX)

HPD is seeking approval of a Special Permit pursuant to Section 74-681 to permit development on or over a portion of a rail line. Parcel B contains approximately 19,395 square feet, of the former New York Central Lines rail right-of-way which runs under a portion of the project site. The New York Central Line, LLC, was officially declared abandoned in March and April of 2003 by the Surface Transportation Board.

Acquisition of Property (C 080521 PQX)

The property to be acquired consists of the portion of Block 2359, Lot 1 (Parcel B), the bed of an abandoned railroad up to a height of 22 feet 6 inches from the tracks. The City currently owns above a height of 22 feet 6 inches above the tracks (p/o Lot 9001). The property is bounded by East 156th Street to the north, Lot 3 to the west, and Lot 210 and Lot 255 to the east.

Urban Development Action Area Project (UDAAP) Disposition of property (C 080522 HAX)

HPD is seeking an Urban Development Action Area designation and project approval and the disposition of four city-owned properties. Parcels A and B (Block 2359 p/o Lots 1, 3, 9001, and 255) Site 1A, Site 13 and portion of Site 14 of BURA and totaling 61,423 sf in area, together with a light and air easement would be conveyed to a developer selected by HPD. This easement (Block 2359, Lot 255), located directly east of Parcel B, is City-owned under HPD jurisdiction. This easement is needed to ensure that adequate light and air is provided.

Minor Change to the First Amended Bronxchester Urban Renewal Plan (N 080523 HCX)

HPD is also seeking the approval of a minor change to the First Amended Bronxchester Urban Renewal Plan. HPD proposes that Section C.2.b.2. on page 11 of the Plan regarding Sites 1A and 13 be changed from “Density R7-1 with C2-2” to “Density R8 or C6-2.” The proposed change would reflect and be consistent with the proposed zoning map change from an M1-1 district to an C6-2 district and the proposed mixed-use development.

A mayoral override has been obtained to waive the ZR Section 36-352 parking requirements of 36 on site parking spaces for this development. In this instance, the City is exercising its option not to be subject to its zoning requirements when performing a governmental function.

ENVIRONMENTAL REVIEW

This application (C 080522 HAX), in conjunction with the related applications (C 080517 ZMX, N 080518 ZRY, C 080519 ZSX, C080520 ZSX and C 080521 PQX) 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 08HPD018X. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impact of the proposed action, a Negative

Declaration was issued on June 19, 2008.

UNIFORM LAND USE REVIEW

This application (C 080522 HAX), in conjunction with the related applications (C 080517 ZMX, C 080519 ZSX, C080520 ZSX, and C 080521 PQX), was certified as complete by the Department of City Planning on June 24, 2008, and was duly referred to Community Board 1 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b) along with the application for a zoning text amendment (N 080518 ZRY) which was referred for information and review.

Community Board Public Hearing

Community Board 1 held a public hearing on this application on July 31, 2008, and on that date, by a vote of 20 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 080522 HAX) was considered by the Borough President, who issued a recommendation approving this application on August 21, 2008.

City Planning Commission Public Hearing

On August 27, 2008 (Calendar No. 7), the City Planning Commission scheduled September 10, 2008, for a public hearing on this application (C 080522 HAX). The hearing was duly held on September 10, 2008 (Calendar No. 25), in conjunction with the public hearing on the related

applications (C 080517 ZMX, N 080518 ZRY, C 080519 ZSX, C080520 ZSX, and C 080521 PQX).

There were four speakers who spoke in favor and none opposed to the application. The speakers included a representative from HPD, the project architect, and two members of the developer's team. The representative of the Department of Housing Preservation and Development briefly described the proposal and the required actions within the context of the Bronxchester Urban Renewal Plan. The project architect indicated that the project would be LEEDS-certified at the Gold level. The architect also described the urban design rationale for the massing of the proposed building with the adjacent surrounding developments. The project developers also spoke in favor of the project.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application for UDAAP designation, project approval and disposition of city-owned property, along with the related actions for zoning map amendments and acquisition of privately-owned property, is appropriate.

The application would facilitate the development of vacant and underutilized city-owned land that has had a blighting influence on this area. The proposed project, involves the construction of a mixed-use development ranging in height from 2 to 20 stories. It will provide approximately 220 units of affordable housing plus one superintendent's unit. The project will also include

approximately 258,256 square feet (sf) of residential floor area, approximately 8,532 sf of retail and community facility space and approximately 27,700 sf of open space. The proposed uses are consistent with the Urban Renewal residential designation. It is the intent of the developer to provide affordable rental and cooperative ownership housing for low to middle income families with households earning between 60% and 110% of AMI.

The Commission notes that this project is consistent with the goals set forth in the Bronxchester Urban Renewal Plan (Sites 1A, 13 and a portion of 14) to develop new housing on the subject site. The Commission believes that the proposed project offers an opportunity to address the need for affordable housing for low to middle income families and will contribute to the continued revitalization of the area. The Commission also notes the project's range of green design features including landscape courtyards, amphitheater, roof gardens, energy efficient mechanical systems, sustainable building materials, photovoltaic panels and superior overall design.

Zoning Map Amendment (C 080517 ZMX)

The Commission believes that the proposed zoning map amendment from an M1-1 district to an C6-2 district to facilitate the proposed mixed-use development, located on area that is bounded by East 156th Street to the north, Brook Avenue to the west, the prolongation of the former centerline of Rae Street to the south and the eastern edge of the railroad right of way to the east is appropriate.

The existing M1-1 zoning on the project site would preclude development of residential uses.

The Commission also believes that the proposed C6-2 zoning is appropriate for the project site to permit construction of the proposed development that would provide much needed sustainable and affordable housing. The C6-2 district would permit a maximum FAR of 6.0 for commercial uses, a FAR of 4.55 for residential uses (based on a Height Factor of 7) and an FAR of 10.0 for community facility or mixed use.

Zoning Text Amendment (N 080518 ZRY)

The Commission believes that the application to amend Section 74-743(a) of the Zoning Resolution in order to waive the minimum distance between a legally required window and wall or lot line and requirements regarding the minimum dimensions of a court, is appropriate.

In response to Queens Community Board 6's concern with the ambiguity of the term "adjacent", the Commission is modifying the proposed text by changing "adjacent" to "abutting."

Special permit for development over a railroad right-of-way (C 080719 ZSX)

The Commission believes that the streets providing access to the proposed development will be adequate to handle the traffic generated. The Commission notes that the Environment Assessment Statement (EAS) prepared for the project assessed traffic and parking needs generated by the project found there would be no significant impact.

The Commission also believes that the development would not result in floor area being unduly concentrated on any one portion of the project site. Only a small portion of the eastern side of the proposed building would be located on the bed of the abandoned railroad right-of-way. The

Commission notes that the project site surrounding area is characterized by a broad range of commercial uses (concentrated to the west), community facility uses (concentrated to the east), and residential uses (located throughout the area). The Commission believes the proposed mixed-use building is in character with the surrounding area. The height, bulk and proposed residential density of the proposed building have been designed to be sympathetic to the scale of the surrounding blocks. The southern side of the building near the ballfield is low-scale while the taller part of the building is shifted north, closer to the existing 18-story NYCHA building. The Commission believes the proposed building scale would be compatible with the surrounding context. The Commission believes that all uses located on the zoning lot do not adversely affect one another. The proposed uses on the proposed site (residential, retail, community facility and open space) are compatible within the building and do not adversely affect one another and would have their own entrances.

Special Permit Pursuant to Section 74-743 (C 080520 ZSX)

The City Planning Commission believes that the grant of this special permit pursuant to Section 74-743(a)(2) (Special Provisions for Bulk Modification in a General Large-Scale Development) to allow modifications of height and setback, rear yard, minimum distance between buildings, minimum distance between legally required windows and walls or lot lines, and inner court regulations, is appropriate.

The Commission notes that the massing of the proposed building is a product of an irregular, long and narrow shaped zoning lot. The proposed development program allows the building to step up from the south to the north in a way that enhances natural ventilation and day-lighting for

the proposed residential units, while improving the project site's open space.

The Commission notes that the proposed building, which will not exceed the maximum floor area permitted by the C6-2 zoning, will not obstruct access to light and air to the occupants or users of buildings or open spaces in nearby blocks. The ballfields to the south of the project site will not be shaded or unduly impacted. The building would not adversely affect the NYCHA development to the east because that building is of similar height and is significantly set back from the eastern edge of the building's zoning lot.

The Commission notes that the requested modifications would allow the massing of the building to better relate to the project site's context and improve the layout of the proposed program, and would result in a better site plan. The modifications would allow for a better relationship between the different building components while allowing for a continuous green roof stepping down from the top of the tower to the top of the townhouses.

The Commission also notes that the project's EAS assessed traffic and parking needs generated from the project and determined that surrounding streets would be adequate to accommodate the proposed project. The Commission notes the EAS concluded that the project would generate a maximum of only 28 trips at any intersection during any peak hour and is not expected to negatively affect traffic conditions in the area. Given the pedestrian-oriented character of the area and the relatively low rates of vehicle ownership, the EAS notes that most peak hour person trips generated by the project would be made via public transportation and walking.

Finally, the Commission notes that light and air easements on the adjacent NYCHA and City properties will be obtained to provide adequate light and air for the legally required windows located at the east façade of the tower and townhouses component of the proposed building.

The Commission believes that the proposed project could serve as a model for the development of sustainable and architecturally innovative affordable housing developments.

Acquisition of Property (C 080521 PQX)

The Commission notes that the property area to be acquired consists of the portion of Block 2359, Lot 1 (Parcel B) which consists of the bed of an abandoned railroad up to a height of 22 feet 6 inches from the tracks. The City currently owns the air rights starting at a height of 22 feet 6 inches above the tracks (p/o Lot 9001). The property is bounded by East 156th Street to the north, Lot 3 to the west, and Lot 210 and Lot 255 to the east.

Minor Change to the First Amended Bronxchester Urban Renewal Plan (N 080523 HCX)

The Commission believes that the proposed minor change to the First Amended Bronxchester Urban Renewal Plan is appropriate. The proposed change would modify the language in the Plan to reflect the proposed project. Text within the plan is being changed to reflect the proposed zoning map amendment from an M1-1 district to an C6-2 district. The proposed urban renewal minor change would edit Section C.2.b.2. on page 11 of the Plan regarding Sites 1A and 13 be changed from “Density R7-1 with C2-2” to “Density R8 or C6-2.”

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, that the City Planning Commission finds that the proposed disposition of city-owned property located at (Block 2359, part of Lot 1; and Block 2359, part of Lots 3, 9001, and 255 (Negative Easement Interest), sites 1A, 13, and part of site 14 of the Bronxchester Urban Renewal Area, conforms to the objectives and provisions of the Bronxchester Urban Renewal Plan approved (C960252HUX) by the City Planning Commission on July 31, 1996..

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of property located at (Block 2359, part of Lot 1; and Block 2359, part of Lots 3, 9001, and 255 (Negative Easement Interest), sites 1A, 13, and part of site 14 of the Bronxchester Urban Renewal Area, in Community District 1, Borough of The Bronx, as an Urban Development Action Area; and

WHEREAS, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

THEREFORE be it RESOLVED, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the matters pursuant to the Urban Development Action Area Act.

- a) the designation of property located at (Block 2359, part of Lot 1; and Block 2359, part of Lots 3, 9001, and 255 (Negative Easement Interest), sites 1A, 13, and part of site 14 of the Bronxchester Urban Renewal Area, as an Urban Development Action Area; and

- b) an Urban Development Action Area Project for such area;

and the City Planning Commission recommends that the New York City Council find that:

- a) The present status of the area tends to impair or arrest the sound development of the municipality;
- b) The financial aid in the form of tax incentives to be provided by the municipality pursuant to Section 696 of the Urban Development Action Area Act is necessary to enable the project to be undertaken; and
- c) The project is consistent with the policy and purposes stated in Section 691 of the Urban Development Action Area Act; and

BE IT FURTHER RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of city-owned property located at (Block 2359, part of Lot 1; and Block 2359, part of Lots 3, 9001, and 255 (Negative Easement Interest), sites 1A, 13, and part of site 14 of the Bronxchester Urban Renewal Area, Community District 1, Borough of The Bronx, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 080522 HAX).

The above resolution (C 080522 HAX), duly adopted by the City Planning Commission on October 7, 2008 (Calendar No.11), 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, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, A.I.A.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. McRAE,
JOHN MEROLO, Commissioners