



CITY PLANNING COMMISSION

September 9, 2009 / Calendar No. 8

C 060288 ZMX

IN THE MATTER OF an application submitted by City Island Estates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4d, by changing from an M1-1 District to an R3A District property bounded by Fordham Street, the shoreline of Long Island Sound, the northeasterly prolongation of a line 100 feet northwesterly of Carroll Street (straight line portion), and Fordham Place, Community District 10, Borough of the Bronx, as shown on a diagram (for illustrative purposes only) dated May 4, 2009, and subject to the conditions of CEQR Declaration E-237.

The application for the zoning map amendment was filed by City Island Estates, LLC on January 10, 2006, to facilitate the “On the Sound at City Island” development project, a residential development containing 43 dwelling units at 226 Fordham Place on City Island, Community District 10, Borough of the Bronx.

RELATED ACTIONS

In addition to the proposed the zoning map amendment which is the subject of this report (C060288 ZMX), implementation of the proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

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| C 060289 ZSX | Special Permit pursuant to ZR Section 112-107 for modification of height and setback regulations. |
| N 060290 ZAX | Authorization pursuant to ZR Section 22-43 to permit side-by-side dwelling units in a detached two-family house. |
| N 060291 ZCX | Chairperson certification of waterfront public access and visual corridors pursuant to Section 62-711. |
| N 060292 ZCX | Chairperson certification of special requirement for waterfront public access pursuant to Section 112-14. |

BACKGROUND

The project site consists of Block 5643, Lot 235, a waterfront site on the eastern shore of City Island with approximately 850 feet of shoreline frontage on Long Island Sound. The

project site and the rezoning area is zoned M1-1 within Area A of the Special City Island District. On its upland side, the project site is bounded by Fordham Place on the west, Fordham Street on the north, and Banta Lane to the south. The site contains several small buildings, including a marine salvage and repair business employing approximately five people. The site slopes down towards the shoreline and is approximately 8 feet higher in elevation at its upland edge than at the shoreline.

The rezoning area is larger than the project site, as it includes an adjacent single-family residential lot to the southwest of the project site, at the corner of Banta Lane and Fordham Place. This 1,540 square foot lot is Block 5643, Lot 296. The entire rezoning site consists of Block 5643, Lots 235 and 296.

Context and Zoning

Most of City Island is zoned R3A, including the area directly west of the site, which predominantly consists of single-family residential units. To the south of the site is a C3 zoning district which contains the Boatyard Condominium development. The Boatyard Condominium is a 70 unit townhouse development consisting of attached and semi-detached 3-story buildings fifty feet in height. It was the subject of previous CPC approvals (August 1980 and July 1984) which included a special permit increasing the maximum allowable building height of the development from 35 feet to 50 feet. The area to the north is zoned M1-1 and contains the dock for the ferry to Hart Island. The surrounding area is predominantly residential.

Project Description

The applicant proposes a residential development containing 43 dwelling units in 21 two-family side-by-side detached residences and one single-family detached residence on the eastern shore of City Island. The site has an area of 279,154 square feet (approximately 6.4 acres), of which 224,790 square feet (approximately 5.2 acres) is upland area.

As certified, each unit of the two-family houses would contain on average approximately

3,100 square feet of floor area. The development would provide a total of 72 parking spaces, 65 individual spaces and 7 located in a group parking area. Each two-family house would be designed to give the appearance of a single-family house. The one single-family home would be located near the southern boundary of the property and would contain approximately 3,100 square feet of floor area.

Five of the homes would face onto Fordham Place, and the remaining seventeen homes would be accessed from a private roadway system connecting to Fordham Street. Pursuant to Section 112-14 of the Special City Island District the project would also incorporate a publicly accessible waterfront walkway and seating area along the shoreline. The walkway would commence at the terminus of Fordham Street and would follow the shore to a 2,909 square foot sitting area containing eight benches. The walkway would contain an additional six benches at intervals along the walkway. The walkway and seating area would be landscaped and maintained by a homeowners association as a community amenity, and would be publicly accessible from dawn to dusk.

Requested Actions

The project requires the following actions:

Zoning Map Amendment (C 060288 ZMX)

The applicant is seeking a zoning map amendment from an M1-1 zoning district to an R3A zoning district for the project site (Block 5643, Lot 235) as well as an adjacent lot (Block 5653, Lot 296). The additional lot is a 1,540 square foot lot on the southwest corner, adjacent to the project site, at the intersection of Fordham Place and Banta Lane. The lot contains a one-story wood frame residential building.

The existing M1-1 zoning district allows low intensity industrial uses and limited commercial uses (Use Groups 4-14, 16, 17). It does not permit residential uses and it has a maximum FAR of 1.0 for manufacturing and commercial and 2.4 FAR for community facilities. The proposed R3A zoning district allows one- and two-family detached

residences (Use Groups 1-4) with a 0.6 residential FAR and a 1.0 community facility FAR.

Special Permit pursuant to Section 112-107 to permit modification of the height and setback regulations (C 060289 ZSX)

In the Special City Island District new development is limited to a maximum height of 35 feet with a perimeter wall height of 26 feet. The special permit is being requested because seventeen homes on the interior portion of the project site (excludes the five buildings fronting Fordham Place) have a maximum building height of 41.5 feet and a maximum perimeter wall height of 29.5 feet. The City Planning Commission may grant the special permit for height and setback modifications within Area A of the special district, provided the Commission finds the proposed project permits adequate light and air to the surrounding streets and properties and does not impair the view of and to the water, that the modification of building heights permits better site planning and distribution of open space, and the height of the development does not exceed 50 feet.

Authorization pursuant to Section 22-43 to permit side-by-side dwelling units in a semi-detached two-family residence (N 060290 ZAX)

Section 22-43 requires that in detached two-family homes, at least 75% of the floor area of one dwelling unit is located directly above or below the other. The authorization is requested because the proposed two-family homes are side by side. In order to grant the authorization, the Commission must find that the proposed project is compatible with the scale and character of the surrounding area, and that the proposed semi-detached buildings do not give the appearance of being semi-detached.

Chairperson of the City Planning Commission Certifications pursuant to Sections 62-711 (N 060291 ZCX) and 112-14 (N 060292 ZCX)

The proposed development must comply with the waterfront public access and visual corridor requirements of Section 62-711 and Section 112-14 of the Zoning Resolution, that the project meets the Special City Island District public access requirements.

ENVIRONMENTAL REVIEW

This application (C 060288 ZMX) in conjunction with the related actions (C 060289 ZSX and N 060290 ZAX), 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 06DCP084X. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on May 4th, 2009. A revised Environmental Assessment Statement was prepared August 31st, 2009 to reflect the revisions to the project discussed below, and a revised Negative Declaration was issued on September 8th, 2009

The revised Negative Declaration includes an (E) designation. To avoid any potential impacts associated with air quality, the proposed action will place an (E) designation on Block 5642, Lot 235. The text of the (E) designation is as follows:

Block 5643, Lot 235

Any new development on the above referenced property must use natural gas as the type of fuel for the HVAC system.

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

UNIFORM LAND USE REVIEW

This application (C 060288 ZMX) in conjunction with the related action (C 060289 ZSX), was certified as complete by the Department of City Planning on May 4, 2009, and was duly referred to Bronx Community Board 10 and the Bronx Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along

with the related action (N 060290 ZAX), which was referred for information and review in accordance with procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 10 held a public hearing on this application (C 060288 ZMX) on June 2, 2009, and on June 18, 2009, by a vote of 27 to 0 with 3 abstentions, adopted a resolution recommending approval of the application subject to the condition that there be “a restrictive declaration limiting the property to 43 one family units in perpetuity.”

On the related non-ULURP action (N 060290 ZAX), by a vote of 25 to 0 with 2 abstentions and 3 no votes, the Community Board adopted a resolution approving the related authorization to permit side-by-side dwelling units in a detached two-family house.

Borough President Recommendation

This application (C 060288 ZMX) and the related actions (C 060289 ZSX and N 060290 ZAX) were considered by the Bronx Borough President who issued a recommendation approving the application on July 27, 2009.

City Planning Commission Public Hearing

On July 22, 2009 (Calendar No. 1), the City Planning Commission scheduled August 5, 2009 for a public hearing on this application (C 060288 ZMX). The hearing was duly held on August 5, 2009 (Calendar No. 15) in conjunction with the hearing on the related action (C 060289 ZSX).

There were four speakers, two in favor of the application and two opposed.

Speakers in favor included the applicant's attorney and architect. The attorney summarized the proposed development including the changes the applicant made in response to the Community Board's concerns. The architect also discussed the project and discussed the reasoning for needing the Special Permit to increase the building heights.

Speakers opposed to the application included the District Manager of Community Board 10 and a resident of City Island. The speakers objected to the proposed height of the buildings which they believed was not consistent with the character of City Island and would if approved create a precedent for other new developments

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

Waterfront Revitalization Program Consistency Review

This application (C 060288 ZMX), in conjunction with those for the related actions (C 060289 ZSX and N 060290 ZAX), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 06-032.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The City Planning Commission believes that this zoning map amendment (C 060288 ZMX) in conjunction with the related applications, a special permit to allow for the modification of height and setback regulations (C 060289 ZSX), and an authorization to

permit side-by-side dwelling units in a detached two-family house (N 060290 ZAX), is appropriate.

The Commission notes that August 12, 2009 the applicant filed revised plans the proposal that responds to several of the concerns during the review process by increasing the total parking spaces on the project site to the maximum allowed by zoning (from 72 spaces to 86 spaces), by eliminating three curb cuts along Fordham Place to increase on-street parking, by providing a centralized garbage pick-up service area within the project area, and by lining up the homes on Fordham Place with the homes within the development to increase the view corridors.

The Commission notes that a condition of its approval is that the applicant record a restrictive declaration against the property that would, among other things, preclude development of more than 43 dwelling units, or any community facility uses unless it has been demonstrated that such additional development will not result in a significant adverse environmental impact.

The Commission notes that the lot is minimally improved and currently underutilized, with only a marine salvage and repair business employing approximately five people, as the only activity on the site. The proposed project would transform the site into high quality residential development with substantial open space, 21 more parking spaces than required by zoning, and a publicly accessible waterfront and seating area near the Long Island Sound. This is consistent with recent development over the last several years to redevelop manufacturing and marine related sites to residential. The waterfront and seating area would provide the community with publicly accessible waterfront open space which is currently not available at the site.

Zoning Map Amendment (C 060288 ZMX)

The Commission believes the rezoning from M1-1 to R3A is appropriate. As most of City Island is currently zoned R3A, the rezoning would be consistent with the residential zoning of the remainder of City Island.

Special Permit pursuant to ZR 112-107 modification of height and setback regulations (C 060289 ZSX)

The Commission recognizes the unique conditions and limitations of the site, including being within the 100 year floodplain and the topography of the site sloping downward toward Long Island Sound. Although seventeen homes are higher than the maximum permitted height, the Commission notes that they are located on the lower portion of the site and will not appear visually taller than the homes on Fordham Street. The location of these taller homes on the site's interior permits adequate access to light and air to surrounding properties and their maximum height of 41.5 feet, will not block views of the water from the upland. The Commission also believes that by allowing the buildings to be taller, the development is able to provide more open space to the residents and waterfront public access that is larger than required.

The Commission recognizes the community's concerns that by granting the special permit a precedent could be created for future developments, but notes that each special permit is reviewed on an individual basis. In addition the Commission notes that this special permit is available only in Area A of the special district which comprises a small part of City Island.

Authorization pursuant to ZR Section 22-43 to permit side-by-side dwelling (N 060290 ZAX)

The Commission believes the authorization to allow a side-by-side dwelling unit in a detached two-family house is appropriate. The buildings do not give the appearance of being semi-detached and are similar in scale and character to those in the surrounding area, including Boatyard Condominiums.

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, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with the WRP policies; 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. 4d by changing from an M1-1 District to an R3A District property bounded by Fordham Street, the shoreline of Long Island Sound, the northeasterly prolongation of a line 100 feet northwesterly of Carroll Street (straight line portion), and Fordham Place, Community District 10, Borough of the Bronx, as shown on a diagram (for illustrative purposes only) dated May 4, 2009, and which includes CEQR Designation E-237

The above resolution (C 060288 ZMX), duly adopted by the City Planning Commission on September 9, 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.,

BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,

NATHAN LEVENTHAL, KAREN A. PHILLIPS, *Commissioners*

ANNA HAYES LEVIN, *Commissioner*; **ABSTAINING**