



## CITY PLANNING COMMISSION

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September 15, 2010/Calendar No. 5

C 100036 ZMX

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**IN THE MATTER OF** an application submitted by Crossings Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c:

1. eliminating from within an existing R7-1 District a C2-4 District bounded by Southern Boulevard, Hunts Point Avenue, Bruckner Boulevard, a line 200 feet northeasterly of Barretto Street, a line midway between Southern Boulevard and Bruckner Boulevard, and a line 400 feet northeasterly of Barretto Street; and
2. changing from an R7-1 District to a C4-5X District property bounded by Southern Boulevard, East 163<sup>rd</sup> Street, Bruckner Boulevard, a line 200 feet northeasterly of Barretto Street, a line midway between Southern Boulevard and Bruckner Boulevard, and a line 400 feet northeasterly of Barretto Street;

Borough of the Bronx, Community District No. 2 as shown on a diagram (for illustrative purposes only) dated June 7, 2010 and subject to the conditions of CEQR Declaration E-258.

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The application for an amendment to the Zoning Map was filed by Crossings Partners LLC July 24, 2009 to change from an R7-1/C2-4 District to a C4-5X District, on a site bounded by Hunts Point Avenue to the north, Bruckner Boulevard to the east and Southern Boulevard to the west, in Longwood, Community District 2, Borough of the Bronx. The requested action would facilitate the development of a 10-story mixed-use building.

### **BACKGROUND**

The applicant is seeking approval for an amendment to the zoning map to change a portion of Block 2735 (Lots 17, 19, 20 & 28) from an R7-1/C2-4 District to a C4-5X District. The area to be rezoned is generally bounded by Hunts Point Avenue to the north, Bruckner Boulevard to the east and Southern Boulevard to the west. The rezoning area is comprised of four adjoining parcels totaling approximately 55,000 square feet that contain two, 1-story commercial buildings, a gas station/convenience store and a vacant lot. Adjacent to the area to be rezoned, along Southern Boulevard, are a 3-story commercial building, two 6-story residential buildings and a 1-story commercial building on Barretto Street. Along Bruckner Boulevard adjacent to the

rezoning area, are six 3-story residential buildings, and two 5-story residential buildings with ground floor retail at the corner of Barretto Street.

The areas south and west of the rezoning are characterized by 5- to 6-story apartment buildings many with ground floor retail, several multi-family walkup buildings as well as single-story retail establishments. To the east, on the other side of the Bruckner Expressway and Amtrak Rail line is the Hunts Point neighborhood, characterized by food related industrial uses and a residential neighborhood. To the north commercial uses are concentrated along Westchester Avenue, Intervale Avenue and Southern Boulevard. These areas are supported by the Southern Boulevard Business Improvement District (BID) which was established in 2007 (ULURP No. C 070464 BDX). The BID serves 134 businesses within the boundaries of 163rd Street and east 167th Street along Southern Boulevard and Westchester Avenue between Fox and Hoe Streets.

Southern Boulevard is a major north-south thoroughfare and the Bruckner Expressway is a major east-west thruway both of which provide good access to the rezoning area. Several buses provide access to the site including: Bx6 cross town bus which runs along 163rd Street/Hunts Point Avenue, the Bx5 which runs along Bruckner Boulevard/Story Avenue and the Bx19 which runs along Southern Boulevard. The IRT No. 6 runs along Southern Boulevard/Westchester Avenue and stops at the Hunts Point Avenue station across from the project site and the IRT No. 2 and No. 5 runs along Westchester Avenue and has a stop at Westchester Avenue and Prospect Avenue within walking distance of the development site.

The area to be rezoned is currently zoned R7-1 with a C2-4 commercial overlay district. R7-1 is a medium-density height factor district, which permits buildings ranging from eight to fourteen stories. The maximum permitted FAR is 3.44 for residential and 4.8 for community facility. If developed pursuant to Quality Housing the maximum permitted residential FAR is 4.0 on a wide street. Parking is required for 60% of dwelling units, or 50% if Quality Housing provisions are used. C2-4 commercial overlays permit local retail and service establishments (Use Groups 5-9) with maximum FAR of 2.0.

The proposed C4-5X is a commercial district that allows a range of uses, residential (Use Groups 1-2), community facilities (Use Groups 3-4) and a variety of commercial uses (Use Groups 5, 6, 8, 9, 10 and 12). The C4-5X is the commercial equivalent of the R7X and has similar bulk regulations; a street-wall is required with a minimum base height of 60 feet and a maximum base height of 85 feet. The maximum building height is 125 feet. The maximum FAR for residential and community facility uses is 5.0 and 4.0 for commercial uses. Parking is required for 50% of the dwelling units and is generally not required for commercial and community facility uses.

The proposed action would facilitate the construction of a ten-story mixed use development known as, the Crossings at Southern Boulevard. The proposed building would have two-stories of retail totaling approximately 91,000 square feet, a four-story office tower fronting Bruckner Boulevard totaling approximately 48,000 square feet and an eight-story, approximately 133,000 square feet residential tower above the Hunts Point Avenue and Southern Boulevard frontages with 136 units of housing. The residential lobby would be located along Southern Boulevard and the office lobby would be located along Bruckner Boulevard. The retail uses currently envisioned for the first floor of the project include local retailers of 1,000 and 5,000 square feet, while the second floor is currently anticipated to include larger “mid-box” retailers of between 15,000 and 40,000 square feet. In addition, a cellar level 170-space parking garage will also be provided including bicycle parking with access along Bruckner Boulevard.

On December 8, 1999 the City Planning Commission approved a previous application (ULURP No. C 990102 ZMX) to rezone a portion of the project site (Lot 28) from C8-3 district to R7-1/C2-4 district. That application included three block fronts along Bruckner Boulevard between Hunts Point and Longwood avenues. The rezoning was approved to reflect existing land use patterns by bringing existing residential uses into conformance, allow the reuse of three vacant residential buildings and allow for the redevelopment of a vacant parcel with retail uses that were more in character with the surrounding residential neighborhood.

## **ENVIRONMENTAL REVIEW**

This application (C 100036 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 09DCP070X. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action (C 100036 ZMX), a Negative Declaration was issued on June 7, 2010. The Negative Declaration included (E) designations (E-258) for hazardous material, air quality, and noise impacts.

### Hazardous Materials

To avoid any potential significant adverse hazardous materials impacts, the proposed action would place an (E) designation on Block 2735, Lots 17, 19, 20, and 28. The (E) designation would require that the fee owner of the sites conduct a testing and sampling protocol and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation will also include a mandatory construction-related health and safety plan which must be approved by NYCDEP.

### Air Quality

To avoid the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation would be placed on Block 2735, Lot 28. The (E) designation would require that any new commercial development on the above-referenced properties must ensure that the heating ventilating and air conditioning (HVAC) stack(s) are located at least 54 feet from the lot lines facing Hunts Point Avenue and Southern Boulevard with the use of natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

### Noise

To avoid the potential for significant adverse impacts related to noise, an (E) designation would be placed on Block 2735, Lot 17, 19, & 20. The text for the (E) designations is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation on all facades 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

## **UNIFORM LAND USE REVIEW PROCEDURE**

This application (C 100036 ZMX) was certified as complete by the Department of City Planning on June 7, 2010, and was duly referred to Bronx Community Board 2 and the Bronx 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 2 held a public hearing on this application on June 30, 2010, and on that date by a vote of 27 to 0 with 6 abstentions adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (C 100036 ZMX) was considered by the Bronx Borough President who issued a recommendation approving the application on August 9, 2010.

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

On July 28, 2010, (Calendar No. 3), the City Planning Commission scheduled August 11, 2010 for a public hearing on this application (C 100036 ZMX). The hearing was duly held on August 11, 2010 (Calendar No. 14). There were three speakers in favor of the application.

Those speaking in favor of the application included a representative for the applicant, the architect and a representative from the Southern Boulevard BID. The applicant described the proposal and emphasized the site's prominent location and stated that the redevelopment of the

site would serve as a catalyst in the continued revitalization of the area. The architect described the building's design and that its proximity to the elevated Bruckner Expressway influenced the design of the building specifically the residential portion beginning above the level of the Bruckner Expressway. A representative of the Southern Boulevard BID stated that the project would beautify the area, bring more businesses and shoppers and provide an opportunity to expand BID membership. There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the proposed zoning map amendment (C 100036 ZMX) is appropriate.

The Commission notes that the proposed zoning map change from R7-1/C2-4 to C4-5X would facilitate the construction of a new 10-story mixed use building with two-stories of retail totaling approximately 91,000 square feet, a four-story office tower fronting Bruckner Boulevard totaling approximately 48,000 square feet and an eight-story, approximately 133,000 square feet residential tower above the Hunts Point Avenue and Southern Boulevard frontages with 136 units of housing on a currently underutilized site that contains 1 story retail, a gas station and a vacant lot. The Commission believes that the proposed C4-5X zoning district is appropriate given the site's prominent location along Southern Boulevard, a major north-south thoroughfare in addition to its proximity to mass transit and the Bruckner Expressway. The Commission further believes that the additional commercial development at this location will strengthen the existing commercial character of the neighborhood and enhance the Southern Boulevard BID.

The Commission believes that the previous application (ULURP No. C 990102 ZMX) to rezone of a portion of the project site (Lot 28) to R7-1/C2-4 district was appropriate given the land use patterns at the time, however the area has a stronger commercial character today and the formation of the Southern Boulevard BID make the C4-5X more appropriate as it allows for more commercial development than the previous action. In addition the C4-5X provides more predictability with a required street wall and fixed height limit versus the R7-1 which has no street wall requirement and no fixed height limit.

The Commission believes that the redevelopment of this highly visible site will benefit the continued revitalization of Community Board 2 in the Borough of the Bronx, particularly the Longwood and Hunts Point neighborhoods.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant effect on the quality of 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 and Section 5-430 et seq. of the New York City Administrative Code, 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 modified, is further amended by changing the Zoning Map, Section No. 6c:

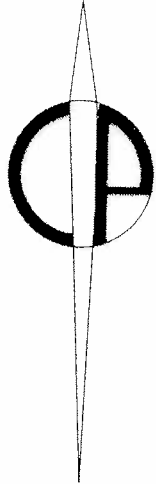
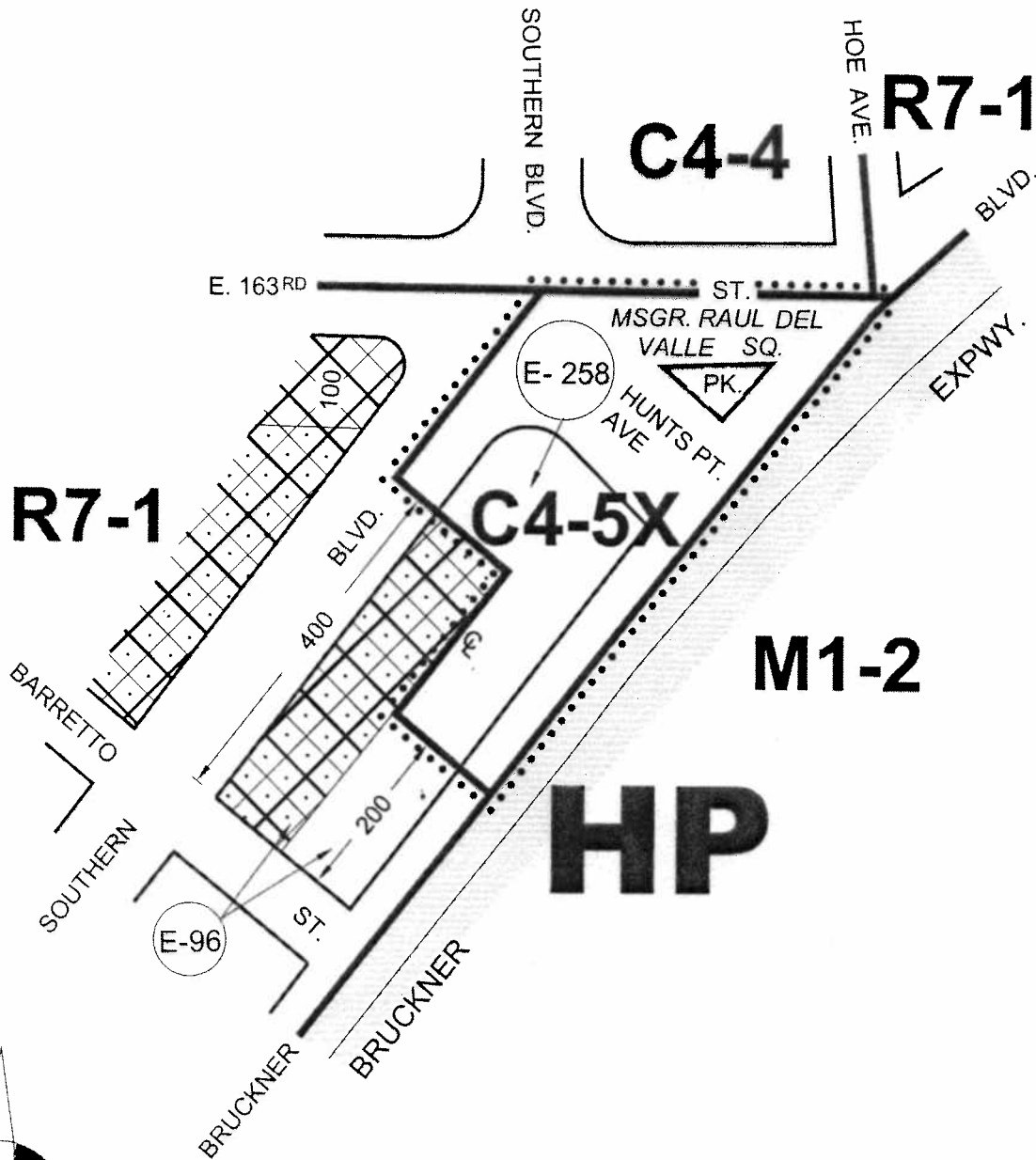
1. eliminating from within an existing R7-1 District a C2-4 District bounded by Southern Boulevard, Hunts Point Avenue, Bruckner Boulevard, a line 200 feet northeasterly of Barretto Street, a line midway between Southern Boulevard and Bruckner Boulevard, and a line 400 feet northeasterly of Barretto Street; and
2. changing from an R7-1 District to a C4-5X District property bounded by Southern Boulevard, East 163<sup>rd</sup> Street, Bruckner Boulevard, a line 200 feet northeasterly of Barretto Street, a line midway between Southern Boulevard and Bruckner Boulevard, and a line 400 feet northeasterly of Barretto Street;

Borough of the Bronx, Community District No. 2 as shown on a diagram (for illustrative purposes only) dated June 7, 2010 and subject to the conditions of CEQR Declaration E-258.

The above resolution (C 100036 ZMX), duly adopted by the City Planning Commission on September 15, 2010 (Calendar No. 5), is filed with the Office of the Speaker, City Council, and Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**BE TTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,**  
**NATHAN LEVENTHAL, ANNA HAYES LEVIN, SHIRLEY A. MCRAE,**  
**KAREN A. PHILLIPS, Commissioners.**

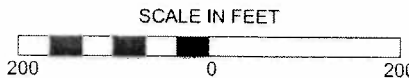










CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
 6c  
 BOROUGH OF  
**THE BRONX**

*S. Voyages*  
 For S. Voyages, R.A. Director  
 Technical Review Division

New York, Certification Date  
 JUNE 7, 2010



- NOTE:**
-  Indicates Zoning District Boundary.
  -  The area enclosed by the dotted line is proposed to be rezoned by eliminating a C2-4 District from an existing R7-1 District and changing an R7-1 District to a C4-5X District.
  -  Indicates a C1-4 District.
  -  Indicates a C2-4 District.
  -  Indicates a Special Hunts Point District.
  -  Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R. sheet.

SV/SO/JM/BK ✓

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100036 ZMX  
CEQR # 09DCP070X  
Community District No. 02 Borough: The Bronx  
Community District No. \_\_\_ Borough: \_\_\_  
Project Name: The Crossings at Southern Boulevard

### INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

### Docket Description:

IN THE MATTER OF an application submitted by Crossings Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c:

- eliminating from within an existing R7-1 District a C2-4 District bounded by Southern Boulevard, Hunts Point Avenue, Bruckner Boulevard, a line 200 feet northeasterly of Barretto Street, a line midway between Southern Boulevard and Bruckner Boulevard, and a line 400 feet northeasterly of Barretto Street; and
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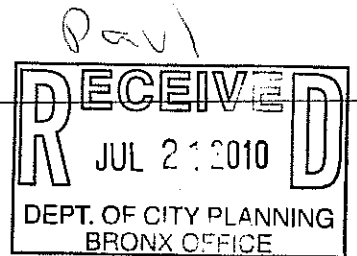
as shown on a diagram (for illustrative purposes only) dated June 7, 2010 and subject to the conditions of CEQR Declaration E-258.

### Applicant(s):

Crossings Partners LLC  
111 Eighth Avenue, Suite 1506  
New York, NY 10011

### Applicant's Representative:

Jesse Masyr, Esq.  
Wachtel & Masyr, LLP  
110 East 59<sup>th</sup> Street  
New York, NY 10022  
(212) 909-9513



Community Board No. 2 Borough: The Bronx

Borough Board

Date of public hearing: 6/30/10

Location: THE POINT, CDC  
940 GARRISON AVE., Bx 10474

Was a quorum present? YES  NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: 6/30/10

Location: THE POINT, CDC  
940 GARRISON AVE.  
BRONX, NY 10474

### RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

CITY PLANNING COMMISSION  
2010 JUL -9 PM 12:54  
DEPT. OF CITY PLANNING

### Voting

In Favor: 27 Against: 0 Abstaining: 6

Total members appointed to the board: 44

John Robert  
Community/Borough Board Officer

DISTRICT MANAGER  
Title

7/1/10  
Date

v.012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

**BOROUGH PRESIDENT  
RECOMMENDATION**

**CITY PLANNING COMMISSION  
22 Reade 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 100036 ZMX**

**DOCKET DESCRIPTION**

**PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION**

**COMMUNITY BOARD NO. 2**

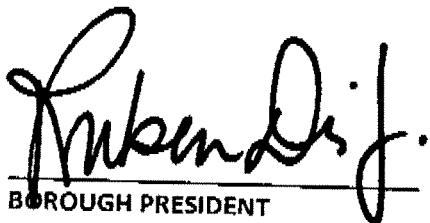
**BOROUGH: BRONX**

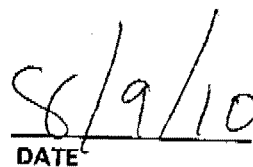
**RECOMMENDATION**

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

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

**PLEASE SEE ATTACHMENT FOR THE BOROUGH PRESIDENT'S RECOMMENDATION**

  
 \_\_\_\_\_  
**BOROUGH PRESIDENT**

  
 \_\_\_\_\_  
**DATE**

BRONX BOROUGH PRESIDENT'S RECOMMENDATION  
ULURP APPLICATION NO: C 100036 ZMX  
THE CROSSINGS AT SOUTHERN BOULEVARD  
8/9/10

DOCKET DESCRIPTION

CD # 2-ULURP APPLICATION NO: C 100036 ZMX-IN THE MATTER OF AN application submitted by Crossing Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c:

1. Eliminating from within an existing R7-1 District a C2-4 District bounded by Southern Boulevard, Hunts Point Avenue, Bruckner Boulevard, a line 200 feet northeasterly of Barretto Street, a line midway between Southern Boulevard and Bruckner Boulevard, and a line 300 feet northeasterly of Barretto Street; and
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As shown in a diagram (for illustrative purposes only) dated June 7, 2010 and subject to the conditions of CEQR Declaration E-258.

BACKGROUND

The proposed rezoning would create a C4-5X zone at the intersection of Southern Boulevard, Bruckner Boulevard, and Hunts Point Avenue at Cramers Square, facilitating the development of a 277,000 square foot retail, office and residential development. The current zoning is R7-1/C2-4. The site comprises four parcels at Block 2735, Lots 17, 19, 20 & 28. The project will contain 136 units in 133,000 square feet of residential space, 91,000 square feet of retail space, 48,000 square feet of office space, and 170 parking spaces. The retail portion will wrap around the site, utilizing the first two floors. The residential portion will rise eight stories above the retail uses along Southern Boulevard and Hunts Point Avenue, totaling ten stories, while the office portion will rise four stories above the retail uses along Bruckner Boulevard, totaling six stories. The retail make-up of the site will include smaller, local retailers facing Southern Boulevard and Hunts Point Avenue ranging from 1,000 to 5,000 square feet, while retail along Bruckner Boulevard will be aimed at "mid-box" retailers between 15,000 - 40,000 square feet.

The change in zoning will increase the residential Floor-to-Area Ratio (FAR) from 4.0 to 5.0, commercial FAR from 2.0 to 4.0, and community facility FAR from 4.8 to 5.0. C4-5X is a contextual zone and caps the building height at 125 feet, with a setback between 60-85 feet.

## ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application was reviewed pursuant to SEQRA and CEQR. An Environmental Assessment Statement was prepared for this application and designated as an Unlisted action, receiving a Conditional Negative Declaration. The City Planning Commission certified this application as complete on June 7<sup>th</sup>, 2010.

## COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board #2 held a public hearing and approved this application on July 1<sup>st</sup>, 2010 with a vote of 27 in favor, zero against, and six abstaining.

## BRONX BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President held a public hearing on this application on July 30<sup>th</sup>, 2010. Representatives of the applicants were present and spoke in favor of this application. Two members of the public, including the Executive Director and Chairperson of the Southern Boulevard Business Improvement District, were present and spoke in favor of the applicant.

## BRONX BOROUGH PRESIDENT'S RECOMMENDATION

This rezoning would allow what is currently a gas station at the center of the Hunts Point and Longwood's business district, to become a beacon of the revitalization that has taken place in this once devastated neighborhood. Located on a prominent corner, this curved, 13-story structure has an attractive design that would provide a mix of uses, with architectural features that echo The Bronx' Art Deco legacy. I am pleased the developer took into account my office's recommendation to include residential in this development, as it now stands to be a striking piece of urban design. I support the diverse retail uses the developer has proposed by focusing on local retailers, but providing for larger, "mid-box" retailers that would complement the success of the Southern Boulevard and East 163<sup>rd</sup> Street shopping strips. I also appreciate the 48,000 square feet of office space along Bruckner Boulevard, which can be used either for offices for local businesses, or institutional uses, such as a school or community center.

As a matter of principle, I urge the developer to create a mixed-income community in the residential portion of the building, and if the market allows for it, homeownership. I want successful residents of Hunts Point and Longwood to feel that they have the opportunity to move up, without moving out. I also urge the developer to "Buy Bronx," by hiring local businesses to construct this project.

Finally, I ask the developer to seek green building certification, through either LEED or Enterprise Green Communities.

I recommend approval of this application.