



## **CITY PLANNING COMMISSION**

September 7, 2011 / Calendar No. 4

C 100310 ZMX

**IN THE MATTER OF** an application submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d:

1. changing from an M1-1 District to an R6A District property bounded by a line midway between Longfellow Avenue and Boone Avenue and its northeasterly prolongation, a service exit of Cross Bronx Expressway, Boone Avenue, and East 172<sup>nd</sup> Street;
2. changing from an M1-1 District to an R7A District property bounded by Boone Avenue, a service exit of Cross Bronx Expressway, a line 200 feet northeasterly of East 174<sup>th</sup> Street, a line 100 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street, a line 50 feet southeasterly of Boone Avenue, a line 350 feet southwesterly of East 172<sup>nd</sup> Street, Sheridan Expressway, Westchester Avenue, Whitlock Avenue, Freeman Street, Boone Avenue, and the former centerline of Boone Avenue;
3. changing from an M1-1 District to an R7X District property bounded by a line 100 feet southeasterly of Boone Avenue, a line 200 feet northeasterly of East 174<sup>th</sup> Street, a service exit of Cross Bronx Expressway, Sheridan Expressway, East 173<sup>rd</sup> Street and its southeasterly centerline prolongation;
4. changing from an R7-1 District to an R8X District property bounded by Longfellow Avenue, Boston Road, West Farms Road, a line 250 feet northeasterly of Rodman Place, a line 100 feet southeasterly of Longfellow Avenue and its northeasterly prolongation, a line 100 feet easterly of Longfellow Avenue, and Cross Bronx Expressway;
5. changing from an M1-1 District to an R8X District property bounded by:
  - a. a line 100 feet southeasterly of Longfellow Avenue and its northeasterly prolongation, a line 250 feet northeasterly of Rodman Place, West Farms Road, the southeasterly prolongation of the northeasterly street line of Rodman Place, and a service exit of Sheridan Expressway; and
  - b. a line 50 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street and its southeasterly centerline prolongation, Sheridan Expressway, and a line 350 feet southwesterly of East 172<sup>nd</sup> Street;

6. establishing within a proposed R6A District a C2-4 District bounded by:
  - a. a line midway between Longfellow Avenue and Boone Avenue and its northeasterly prolongation, a line 100 feet northeasterly of East 174<sup>th</sup> Street, Boone Avenue, and a line 100 feet southwesterly of East 174<sup>th</sup> Street;
  - b. a line midway between Longfellow Avenue and Boone Avenue, a line 100 feet northeasterly of East 173<sup>rd</sup> Street, Boone Avenue and East 173<sup>rd</sup> Street; and
7. establishing within a proposed R7A District a C2-4 District bounded by:
  - a. Boone Avenue, a line 100 feet northeasterly of East 174<sup>th</sup> Street, a line 100 feet southeasterly of Boone Avenue, and a line 100 feet southwesterly of East 174<sup>th</sup> Street; and
  - b. Boone Avenue, a line 100 feet northeasterly of East 173<sup>rd</sup> Street, a line 100 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street, a line 50 feet southeasterly of Boone Avenue, and a line 350 feet southwesterly of East 172<sup>nd</sup> Street;
8. establishing within a proposed R7X District a C2-4 District bounded by:
  - a. a line 100 feet southeasterly of Boone Avenue, a line 100 feet northeasterly of East 174<sup>th</sup> Street, West Farms Road, and a line 100 feet southwesterly of East 174<sup>th</sup> Street; and
  - b. a line 100 feet southeasterly of Boone Avenue, a line 100 feet northeasterly of East 173<sup>rd</sup> Street, West Farms Road, and East 173<sup>rd</sup> Street; and
9. establishing within a proposed R8X District a C2-4 District bounded by:
  - a. Longfellow Avenue, a line 80 feet northeasterly of Rodman Place, a line 100 feet southeasterly of Longfellow Avenue, and Rodman Place;
  - b. a line 70 feet northwesterly of West Farms Road, a line 250 feet northeasterly of Rodman Place, West Farms Road, and Cross Bronx Expressway; and
  - c. a line 50 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street, West Farms Road, a line 100 feet southwesterly of East 173<sup>rd</sup> Street, a line 100 feet southeasterly of Boone Avenue, East 172<sup>nd</sup> Street, West Farms Road, and a line 350 feet southwesterly of East 172<sup>nd</sup> Street;

Borough of Bronx, Community Districts 3 and 6, as shown in a diagram (for illustrative purposes only) dated May 9, 2011 and subject to the conditions of CEQR Declaration E-277.

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The application for an amendment to the Zoning Map was filed by the Industco Holdings, LLC, on April 14, 2010 to rezone all or portions of 11 blocks in Community District 3 and in Community District 6. The rezoning seeks to facilitate mixed-use residential and commercial development within a Large Scale General Development (LSGD). In addition to the proposed zoning map change, a zoning text amendment and three special permits are also required to facilitate the proposed mixed-use development in the Crotona Park East and West Farms neighborhoods of the Bronx.

### **RELATED ACTIONS**

In addition to the amendment of the Zoning Map, which is the subject of this report, implementation of the project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

N 100311ZRX	Zoning text amendment pursuant to Section 23-144 to designate the 'Rezoning Area' as an Inclusionary Housing Designated Area and to Section 74-743 to exclude portions of buildings containing parking from lot coverage in Large Scale General Developments in Community District 3 of the Bronx.
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- C 100312 ZSX Special Permit pursuant to Section 74-743 for modification of bulk regulations for Large Scale General Development.
- C 100313 ZSX Special Permit pursuant to Section 74-745 to allow accessory parking spaces to be distributed without regard to zoning lot lines.
- C 110297 ZSX Special Permit pursuant to Section 74-744 to allow commercial uses to be arranged within a building without regard to the regulations set forth in Section 32-42
- C 110234HAX UDAAP, disposition and project approval to facilitate disposition and development of 13 square feet of vacant land.

## **BACKGROUND**

Industco Holdings LLC proposes to amend the Zoning Map on all or portions of 11 blocks in Community District 3 and 6 of the Bronx. The rezoning area is predominantly located within an underutilized manufacturing district, zoned M1-1, but parts are also within a residential R7-1 district and a mixed residential and commercial district zoned R7-1/C2-4 in the area north of Cross-Bronx Expressway. The applicant owns approximately 30% of the rezoning area. The rezoning area is located in the Crotona Park East and West Farms neighborhoods in South Bronx and is well served by transportation and road infrastructure. It is generally bounded by Freeman Street and Boone Avenue to the south, a line mid-block between Longfellow Avenue and Boone

Avenue to the west, Boston Road to the north and West Farms Road to the east. Nine of the eleven blocks in the rezoning area are in the Crotona Park East neighborhood (South of Cross-Bronx Expressway) and two blocks are within the West Farms neighborhood (North of Cross-Bronx Expressway). The tax blocks which are affected by the rezoning are Blocks 2998, 3007, 3009, 3010, 3012, 3013, 3014, 3015 and 3016.

Crotona Park East is predominately developed with residential uses, characterized by 2 to 2 ½ story row houses, semi-detached houses and 5- to 6-story multi-family apartment buildings, but also contains a mix of community facility, commercial and industrial uses. The area immediately west of the rezoning area, south of 173rd Street, is predominately developed with 2 to 2 ½ story attached homes built in late 1990s. The area west of the proposed rezoning, north of 173rd Street is developed with residential buildings ranging from 5- to 6-stories in height. Southern Boulevard located four blocks west of the rezoning area is a major north–south corridor predominately developed with local commercial and community facility uses. The New Horizon Shopping Center, a 10-acre shopping center built in 2001, is located south of the Cross Bronx Expressway between Vyse Avenue and Boone Avenue and is immediately west of the rezoning area. Public facilities in the Crotona Park East neighborhood include several schools: Clara Barton Elementary School, P.S. 66 Elementary School, James Monroe High School, East Bronx School of the Future, Fannie Lou Hamer High and Middle School and P.S. X811 and other community facilities spread throughout the neighborhood. These facilities are located within a quarter mile of the rezoning area. The open spaces in the neighborhood include Rock Garden Park (located a block west of the rezoning area on Longfellow

Avenue & 173<sup>rd</sup> Street), Eae J. Mitchell Park (located a block west of the rezoning area on Longfellow Avenue and 174<sup>th</sup> Street). A triangular playground of 1.3 acres is located at the southern end of the rezoning area (bound by Boone Avenue, West Farms Road and south bound exit of the Sheridan Expressway). Crotona Park is located at a distance of half mile from the rezoning area to its west.

West Farms Road abuts the rezoning area to the east. The Sheridan Expressway runs parallel to West Farms Road on the east and is at grade in this section. The Bronx River runs on the eastern side of the Sheridan Expressway. The uses on the eastern side of Sheridan Expressway include Starlight Park and the Bronx River Greenway (both currently under construction), auto-storage and compaction facilities, a hotel and some warehouses. Concrete Plant Park, which opened in 2009, is located south of Westchester Avenue on the east of Sheridan Expressway. This park is located on the block immediately southeast of the southern tip of the rezoning area.

The southernmost portion of the rezoning area is occupied by Boone playground (Block 3012, Lot 100), a triangular park covering approximately 1.3 acres. North of the playground is a triangular area (Block 3007, Part of Lot 8) used as a parking lot for P.S. X811. The area north of the parking lot (Block 3013, Lots 1, 12, 29, 31, 35, 37, 46) is occupied by Fannie Lou Hamer High School, three vacant residential buildings, an auto repair shop and a one story warehouse which all front on West Farms Road. The rear of these buildings is a grassy and rocky undeveloped area that is surrounded by a high wall. The area north of the one-story warehouse (Block 3014, Lots 9, 15, 45) is occupied by a parking lot used for car impound and storage in the southern portion and a complex of attached one story buildings occupied by a meat packing corporation in the northern

portion. The car impounds and the meat packing facility front on Boone Avenue.

The area north of the meat packing factory (Block 3015 Lots 1, 3, 5, 17, 18, 19, 25, 26, 29, 31, 34, 49, 50, 56, 58, 62, 67, 81, 83, 84, 85, 87, 89, 95, 96, 97, 110) is occupied a series of low intensity uses including a Laundromat with a parking lot, a paint and building materials wholesaler, a construction contractor, auto body and repair shops, a self-storage facility, a Department of Sanitation garage, a plumbing/heating contractor, a small three-story residential building, a warehouse and an triangular piece of unimproved land. Block 3015 is divided into two parts by 174<sup>th</sup> Street.

The rezoning area extends half a block west of Boone Avenue between 172<sup>nd</sup> Street and Cross Bronx Expressway on Blocks 2998, 3009 and Block 3010. Blocks 2998 (Lots 92, 97, 104, 113, 124,135), 3009 (Lots 25, 33, 37, 38, 44) and 3010 (Lots 25, 26, 29, 33, 40, 46), are currently occupied by a series of single story industrial and commercial uses including auto body shops, warehouses, and auto repair shops and a glass fabricant which front on Boone Avenue. In addition to the warehouse facilities, a five-story residential building is located on Block 2998 at the intersection of Boone Avenue & 174th Street and a six story residential building is located across from this building on Block 3010.

The portion of the rezoning area lying north of the Cross Bronx Expressway (Block 3016, Lots 5, 7, 11, 13, 21, 33, 35, 36, 37, 38, 42, 60, 66, 71) is occupied by a vacant lot, a hotel, a marble contractor, an open storage yard, a parking lot, two warehouses, small and medium scale residential buildings and a synagogue. Block 3016 is divided into two portions by Rodman Place. The rezoning area also extends east to a portion of a grassy, unimproved lot, east of West Farms Road that is part of the Cross Bronx Expressway/Sheridan Expressway interchange right-of-way.

The rezoning area is well served by roadways and transit services. The 2 and 5 subway lines run north-south along Southern Boulevard with five subway stops within half mile of the rezoning area and the 6 train runs east-west with three subway stops within a half mile. Several bus routes operate along major streets in the area including 174th Street (Bx 36), West Farms Road (Bx 11, BxM 10, BxM11 and BxM 6), East Tremont Avenue (Bx 40 and Bx 42) and Westchester Avenue (Bx 4, Bx 4A and Bx 27). The Cross Bronx Expressway running east-west and the Sheridan Expressway running north-south provide regional access to the area.

The proposed actions would facilitate the development of seven buildings within a Large Scale General Development (LSGD) and three buildings outside the Large Scale General Development on properties owned by the applicant.

The proposed Large Scale General Development is generally bounded by Boone Avenue to the west, West Farms Road to the east, 172<sup>nd</sup> Street to the south and 173<sup>rd</sup> Street to the north. The Large Scale General Development (LSGD) site consists of multiple tax lots which would be merged into two zoning lots: Zoning Lot A on the northern portion of Block 3013 and Zoning Lot B on Block 3014. The existing buildings on the site would be demolished and seven mixed use buildings (1A, 1B, 2A, 2B, 3A, 3B and 3C) will be constructed on the LSGD site. The LSGD will contain a maximum of 928,267 square feet of floor area, comprised of up to approximately 885,007 square feet of residential floor area (895 units), 18,493 square feet of commercial retail/service floor area and 88,620 square feet of community facility floor area. Approximately 495 affordable housing units are proposed. In general, the development is lower along Boone Avenue to the west (3 – 6 stories), taller along West Farms Road (9 – 15 stories) and centered around central



courtyards opening onto Boone Avenue. A total of 224 car parking spaces and 457 bike parking spaces are proposed.

#### Zoning Lot A - Buildings 1A, 1B

Zoning Lot A comprises the northern portion of Block 3013. The zoning lot is bounded by West Farms Road, Boone Avenue and 172nd Street. Fannie Lou Hamer Freedom High School, which is not part of the LSGD, is located on the southern portion of this block.

Building 1A and 1B are proposed to be constructed on Zoning Lot A in a proposed R7A and R8X district and will comprise 235,933 square feet of residential floor area (237 units) and up to 11,745 square feet of commercial retail space. A publicly accessible 60-foot wide landscaped mid-block open area is proposed to separate the existing High School from the proposed buildings. Building entrances are proposed on the mid-block open space and on Boone Avenue at the intersection of 172nd Street. Ground floor retail/service uses would be located at the northwest corner of Building 1B and southwest corner of Building 1A along Boone Avenue and the southeast corner at the intersection of East 172<sup>nd</sup> Street and West Farms Road. The buildings along Boone Avenue will range from 3- to 9-stories and the buildings along West Farms Road will range from 9- to 15-stories. Two levels of accessory off-street parking, containing approximately 130 spaces, would be located beneath the buildings with vehicular entrances on West Farms Road and East 172nd Street. A total of 119 bike parking spaces are proposed in the first floor of the buildings.

### Zoning Lot B - Buildings 2A, 2B, 3A, 3B, 3C

Zoning Lot B comprises the entire area of Block 3014. It is bounded by West Farms Road, 172<sup>nd</sup> Street, Boone Avenue and 173<sup>rd</sup> Street. The proposed development on this zoning lot will be divided in two portions by a 60-foot wide landscaped mid-block open space. Building 2A & 2B would be constructed on the southern portion of Zoning Lot B in the proposed R7X and R8X zoning districts. It would comprise a total of approximately 285,617 square feet of floor area, of which up to 8,600 square feet would be used for ground floor commercial retail/service uses along Boone Avenue. The remaining floor would be used for residential apartments (approximately 288 units) and related accessory uses. The buildings would be oriented around a central landscaped courtyard for residents' use with a secured opening, approximately 73 feet wide, along Boone Avenue. A publicly accessible children's playground of approximately 1,800 square feet with an entrance on Boone Avenue, would be located along this opening. Building entrances would be located on Boone Avenue, near the corner of East 172nd Street, and the mid-block open area. Due to the presence of substantial rock outcroppings on this portion of the Zoning Lot, no parking is proposed beneath the building. The buildings will be 6 – 9 stories along Boone Avenue and 12 – 13 stories along West farms Road.

The publicly accessible 60-foot wide landscaped mid-block open area separating buildings 2A & 2B from buildings 3A, 3B & 3C will include vehicular drop-offs for both sets of buildings and allow pedestrian circulation between West Farms Road and Boone Avenue. The open space will also have landscaped areas with seating, the maintenance of which, as well as that of mid-block open area on Zoning Lot A discussed above, will be

ensured through the related restrictive declaration.

Buildings 3A, 3B and 3C are proposed to be constructed on the northern portion of Zoning Lot B in the proposed R7A, and R8X districts. As mitigation for a potential significant adverse impact on elementary schools identified in the Environmental Impact Statement for the proposed actions, the School Construction Authority (“SCA”) will have the option to construct in Building 3C a 6-story elementary school (plus cellar space and a rooftop play area and mechanical equipment) serving grades pre-kindergarten through 5 (the “Elementary School”). If the SCA elects to construct the Elementary School, the three buildings (3A, 3B, 3C) would contain a maximum of 406,717 square feet of floor area, of which up to 318,097 square feet would be used for residential floor area (317 units), 8,067 square feet would be used for commercial retail/service uses and 88,620 square feet would be used for Use Group 3 school uses. If the SCA elects not to construct the Elementary School, the three buildings would contain a maximum of 375,345 square feet of floor area, of which up to approximately 363,457 square feet would be used for residential apartments (370 units), 8,067 square feet would be used commercial retail/service uses and 11,888 square feet would be used for a Use Group 4 children’s daycare or other community facility use. In both cases, with or without the school, the buildings would be oriented around an enclosed central landscaped courtyard, which will be at grade with the second residential story. Building entrances would be located on Boone Avenue, in the mid-block open area and on East 173rd Street. Ground floor retail/service uses would be located at the northwest corner and, if the Elementary School is not constructed, on the southwest corners of the building along Boone Avenue. Ground floor retail may also be located at the northeast corner at the intersection of East

173rd Street and West Farms Road. A total of 94 accessory parking spaces are proposed in an enclosed parking garage located at the first floor level. This configuration of parking comprises the “At-Grade Parking configuration” for Zoning Lot B. The “Below-Grade Parking Configuration”, is proposed in case no underground rock formation is discovered upon site excavation. In the Below-Grade Parking configuration, up to 94 accessory parking spaces are proposed to be located on two levels beneath buildings 3A, 3B, 3C with entrances on West Farms Road and East 173rd Street.

If the Elementary School were constructed, it would occupy the majority of Building 3C’s frontage along Boone Avenue, extending from the mid-block open area to approximately 59 feet from the corner of East 173<sup>rd</sup> Street. The 6-story school would have 14-foot floor-to-floor heights, resulting in an 84-foot high street wall. The play area for the elementary school will be located on its roof. As set forth in the related restrictive declaration, the applicant will enter into an agreement with the SCA that will set forth, among other terms and conditions governing the school construction, the timing of the SCA’s option to purchase the school site and construction of the school in relation to the construction of Buildings 3A and 3B. The buildings along West Farms Road will range from 12 – 14 stories.

Three buildings would be developed on an as-of-right basis under the proposed rezoning, on parcels controlled by the applicant outside the LSGD site (Buildings 4, 5 and 6). These buildings would contain an aggregate of 429,300 square feet of floor area, of which up to 27,540 square feet would be used for Use Group 6A or 6C commercial retail or service uses. The remaining floor area would be used for Use Group 2 residential apartments (approximately 430 total units) and related accessory uses.

Building 4 will be located in the proposed R6A district on Block 3009, Lot 33 on Boone Avenue between 172<sup>nd</sup> and 173<sup>rd</sup> Street. It is expected to comprise approximately 36,000 square feet of residential floor area and contain 36 dwelling units. Fronting Boone Avenue, the rectangular building would have a 6-story base and a seventh floor with a 15-foot setback. Accessory parking is proposed to be accommodated partly within the footprint of the first floor and partly in the rear yard.

Buildings 5 and 6 will be located in the proposed R8X district north of Cross Bronx Expressway on Block 3016 in the West Farms neighborhood two blocks north of the LSGD site. Building 5 would comprise approximately 199,598 square feet of floor area, of which up to 10,040 would be used for ground floor commercial retail/service uses. The remaining floor area would be used for residential apartments (approximately 200 units) and related accessory uses. The building would also contain approximately 17,633 square feet of covered accessory parking. Building 6 would comprise approximately 193,702 ZSF of floor area, of which up to 17,500 square feet would be used for ground floor commercial retail/service uses. The remaining floor area would be used for residential apartments (approximately 194 units) and related accessory uses. The building would also contain approximately 15,080 square feet of covered accessory parking space.

Buildings 5 and 6 would be organized around landscaped courtyards that would cover accessory off-street parking facilities. The bulk of the buildings would be aligned along West Farms Road, across from a school playground and open space associated with the Cross Bronx – Sheridan Expressway interchange. A wing of Building 5 would extend along Rodman Place, oriented away from the Expressway. The two buildings would

have complementary massing, reinforcing a street wall along West Farms Road, but would maintain individual architectural identities. The buildings will have 8 – 10 story bases and will step up to 15 stories. Entries to the buildings would be located across the street from each other on Rodman Place, near the corner of West Farms Road. Commercial spaces would be provided on the ground floor along West Farms Road for neighborhood retail and to reinforce the emerging retail center at West Farms Square.

The implementation of the project requires six actions. A zoning map amendment, a zoning text amendment, three Special Permits and a UDAAP/Disposition of city owned property.

### **Zoning Map Amendment (C 100310 ZMX)**

The proposed action seeks a change in the Zoning Map (Section No. 3d) to change the zoning in the ‘Rezoning Area’ from M1-1, R7-1, and R7-1/C2-4 district to a mix of medium- high density residential districts R6A, R7A, , R7X and R8X with C2-4 overlays on selected blocks. The Inclusionary Housing Area designation is also requested.

The rezoning area is currently zoned M1-1, R7-1 and R7-1/C2-4 with M1-1 being the predominant zoning designation. The M1-1 district covers the rezoning area lying south of the Cross-Bronx Expressway (Blocks 2998, 3007, 3009, 3010, 3012, 3013, 3014) and a portion of the rezoning area lying north of the Cross Bronx Expressway (Block 3016). The M1-1 district allows for commercial and light manufacturing uses (Use groups 4-14, 16-17) and has a maximum Floor Area Ratio (F.A.R.) of 1.0. The height and setback are

governed by a sky-exposure plane, however, buildings are typically single story. Parking and loading requirements vary with the use of the site. For example, a warehouse in an M1-1 district requires one off-street parking space per 2,000 square feet of floor area or per three employees, whichever would be less.

The R7-1 zoning designation applies to a part of Block 3016 located north of the Cross-Bronx Expressway. A C2-4 commercial overlay exists on an R7-1 district along Boston Post Road. The R7-1 district allows for multi-family residential uses (Use Group 1-4) and a maximum F.A.R. of 3.44 (up to 4.0 with Quality Housing option on wide streets). Height factor regulations apply and the buildings typically set back from the street and are surrounded by open space and on-street parking. In R7-1 zoning districts, parking is required for 60% of the dwelling units.

A C2-4 overlay is currently mapped over the R7-1 district on portions of Block 3016. C2-4 commercial overlays allow for local retail and service uses including grocery stores, restaurants, and beauty parlors catering to the immediate neighborhood. The maximum permitted F.A.R. in a C2-4 overlay in R7-1 district is 2.0. One parking space is required for every 1000 square feet of commercial floor area.

An R6A zoning district is proposed on portions of three blocks on the western side of Boone Avenue and south of Cross Bronx Expressway (Blocks 2998, 3009 and 3010) that are currently zoned M1-1. The proposed R6A district would permit residential and community facility uses (Use Groups 1 – 4). The maximum allowable residential F.A.R. is 2.7 (3.6 with the Inclusionary Housing bonus), community facility F.A.R. of 3.0 and commercial F.A.R. of 2.0 where C2-4 commercial overlays are mapped. The base height allowed for buildings in R6A ranges between 40 – 60 feet with 15-foot setbacks on wide

streets and 10-foot setbacks on narrow streets. A maximum building height of 70-feet is allowed. Parking is required to be provided for 50 percent of the market-rate dwelling units, which may be reduced for government assisted housing.

An R7A zoning district is proposed on portions of five blocks fronting on Boone Avenue and on the Boone Playground (Blocks 3007, 3013, 3014, 3015) that are currently zoned M1-1. The R7A district allows residential and community facility uses with a maximum residential F.A.R. of 3.45 (4.6 with the Inclusionary Housing bonus), community facility F.A.R. of 4.0 and commercial F.A.R. of 2.0 where a C2-4 overlay is mapped. The base height allowed for buildings in R7A ranges between 40 – 65 feet with 15-foot setbacks on a wide street and 10-foot setbacks on narrow streets. A maximum building height of 80 feet is allowed. Off-street parking is required for 50 percent of the dwelling units. This parking requirement may be reduced for government assisted housing.

An R7X zoning district is proposed on portions of Block 3015 fronting on West Farms Road both north and south of 174th Street, which is currently zoned M1-1. The R7X district allows residential and community facility uses with a maximum residential F.A.R. of 3.75 (5.0 with the Inclusionary Housing bonus), community facility F.A.R. of 5.0 and commercial F.A.R. of 2.0 where the C2-4 overlay is mapped. The base height allowed for buildings in R7X ranges between 60 – 85 feet with 15 feet setbacks on wide streets and 10feet setbacks on narrow streets. A maximum building height of 125 feet is permitted in the R7X district. Off-street parking is required for 50 percent of dwelling units. This parking requirement may be reduced for government assisted housing.

An R8X zoning district is proposed on portions of Blocks 3013, 3014 and 3016 fronting on West Farms Road and Boston Road and which are currently partially zoned M1-1 and



partially R7-1. The R8X district allows high density residential and community facility uses. It allows the maximum permitted residential F.A.R. of 6.02 (7.02 with Inclusionary Housing). The base height can vary between 60 – 85 feet and the maximum permitted building height is 150 feet. Parking is required for 40% of the dwelling units which may be reduced for government assisted housing.

A C2-4 overlay for a depth of 100 feet is proposed along portions of Boone Avenue, West Farms Road, 173<sup>rd</sup> and 174<sup>th</sup> streets south of the Cross Bronx Expressway. North of the Cross Bronx Expressway, a 70 feet deep C2-4 overlay is proposed along the service road of Cross Bronx Expressway. The existing C2-4 overlay along Longfellow Avenue would be extended to Rodman Place. A C2-4 overlay district requires the provision of one parking space per 1,000 square feet of general retail or service use.

### **Zoning Text Amendments (N 100311ZRX)**

The applicant seeks to amend Section 23-144 of the Zoning Resolution in order to designate the rezoning area as an Inclusionary Housing designated area. Inclusionary housing designation would allow bonus floor area (up to 30% of the permitted floor area) upon setting aside at least 20% of the floor area (exclusive of ground floor non-residential floor area) for affordable housing units. The applicant intends to provide approximately 663 affordable housing units in conjunction with the development of its properties in the rezoning area. These units will be affordable to households earning less than or equal to 80% of Area Median Income.

The applicant also seeks to amend Section 74-743 to grant the Commission the authority to exclude any level of a building containing accessory off-street parking from the lot coverage requirements in large-scale general developments within Community District 3 in the Bronx, provided the Commission finds that such off-street parking spaces and bicycle parking spaces will be conveniently located in relation to the use to which such spaces or berths are accessory; that such location of off-street parking spaces and bicycle parking spaces will result in a better site plan; and that such location of off-street parking spaces and bicycle parking spaces will not unduly increase the number of spaces in any single block, draw excessive traffic through local streets, or otherwise adversely affect traffic conditions in the surrounding area.

This text amendment would facilitate the At-Grade Parking Configuration for Buildings 3A, 3B, 3C.

**Large Scale General Development Special Permit pursuant to ZR 74-743: Special provisions for bulk modification (C 100312 ZSX)**

This special permit would establish envelopes for each of the proposed buildings, granting specific modifications to required bulk regulations. To grant this special permit, the Commission must make findings relating to the quality of the overall site plan and its relationship to the surrounding area, access to light and air, and the adequacy of the surrounding streets.

### Distribution of floor area

Pursuant to ZR Section 77-02 of the Zoning Resolution, when a zoning lot is divided by a boundary between zoning districts with different floor area, each portion of the zoning lot is regulated by the provisions applicable to the district in which such portion is located. The applicant is seeking to distribute floor area between zoning districts on Zoning Lot A. The applicant proposes to utilize 2,428 square feet of the floor area permitted on the R7A/C2-4 portion on the R8X/C2-4 portion of the Zoning Lot. The overall floor area proposed on Zoning Lot A (235,933 square feet) would not exceed the total floor area permitted (258,939 square feet). This distribution will facilitate greater density in the buildings along West Farms Road which is a wide street.

The applicant is also seeking the distribution of residential floor area between Zoning Lot A and Zoning Lot B. The applicant proposes to move 8,826 square feet of permitted floor area from Zoning Lot A to Zoning Lot B. While the proposed floor area for both the R8X and R7A portions of Zoning Lot B would exceed the maximum permitted floor areas, the overall proposed floor area on the LSGD Site (928,267 square feet) would not exceed the total floor area permitted (942,447 sq. ft.). This modification will facilitate the proposed building arrangement, which creates variations in building heights across the development and concentrates the higher density development along West Farms Road.

### Distribution of lot coverage

When a zoning lot is divided by a boundary between zoning districts with different lot coverage requirements, each portion of the zoning lot is regulated by the provisions applicable to the district in which such portion is located. For through lots and interior lots, the maximum lot coverage is 70% in R8X districts and 65% in R7A districts. For

corner lots, the maximum lot coverage is 80% in both R8X and R7A districts. The applicant is requesting to permit distribution of residential lot coverage without regard to corner or through lot lines on Zoning Lots A and B. In the proposed LSGD, the northeast corner lot on Zoning Lot A and the through lot and southeast, northeast and northwest corner lots on Zoning Lot B would each exceed the maximum permitted lot coverage while the lot coverage on the remaining lots would be below the permitted maximums. In addition, if the At-Grade Parking Configuration were implemented, up to 12,735 square feet of accessory off-street parking beneath the courtyard would be excluded from lot coverage pursuant to the text amendment discussed above. After excluding the off-street parking beneath the courtyard, the overall proposed lot coverage for the LSGD Site (98,584 square feet) would not exceed the total lot coverage permitted (106,589 square feet).

#### Distribution of dwelling units

The applicant is requesting to allow distribution of dwelling units without regard to zoning district boundaries on Zoning Lot B. On the portion of Zoning Lot B lying within the R7A district, a maximum of 93 dwelling units would be permitted, while 112 dwelling units are proposed. A total of 29 dwelling units permitted on the R8X/C2-4 portion of Zoning B are proposed to be built on the R7A/C2-4 portion. The total number of dwelling units proposed for Zoning Lot B (658) would be less than the total permitted (795).

#### Street Wall location

In R8X districts, the street wall of new developments is required to be located on the street line up to the minimum base height of 85 feet. The proposed development scenario

includes a 60-foot wide landscaped mid-block open area on Zoning Lot A, separating Building 1 from the high school to the south, and a 60-foot wide landscaped mid-block open area on Zoning Lot B, separating Building 2 on the south end of the block from Building 3 on the north. The eastern portions of these mid-block open areas would be located in R8X districts and therefore subject to the street wall location requirements. This modification will allow punctuation between the buildings in this development, which is situated on long blocks.

#### Maximum base height

The maximum permitted base height is 65 feet in the R7A district and 85 feet in R8X districts. On Zoning Lot A, base heights would range between 41.99 and 73.99 feet in the R7A district and 71.99 to 101.99 in the R8X district. On Zoning Lot B, base heights in the R7A district would range from 71.77 to 78.99 feet for residential portions of the buildings and up to 95.99 feet for the Elementary School, while base heights in the R8X district would range from 71.77 to 100.77 feet. The applicant is requesting to permit the base heights in buildings 1, 2 and 3 to exceed the maximum permitted base height.

#### Building Height and Setback

The maximum permitted building height is 80 feet in R7A districts and 150 feet in R8X districts. The building heights of portions of the proposed development on the R7A portion of Zoning Lot A would range from 100.99 feet to 101.99 feet for the occupiable floors and 117.99 feet for mechanical and elevator penthouses that exceed the dimensions allowed for permitted obstructions under ZR Section 23-62. The building heights of portions of the proposed development on the R8X portion of Zoning Lot A would reach a maximum of 156.99 feet for the occupiable floors and up to 177.99 feet for mechanical

and elevator penthouses exceeding the dimensions for permitted obstructions. The building heights of portions of the proposed development on the R7A portion of Zoning Lot B would range from 95.99 to 100.77 feet for occupiable floors and 115.99 feet for mechanical and elevator penthouses, while portions of the proposed development on the R8X portion would range from 100.77 to 155.29 feet for the occupiable floors and up to 175.29 feet for mechanical and elevator penthouses exceeding the dimensions for permitted obstructions. The base height and building height modifications will facilitate the development to achieve the proposed number of stories given the variation in topography on the site and allow for variation in base and building heights along West Farms Road and Boone Avenue. In both R7A and R8X districts, 10-foot setbacks are required above the maximum base height on wide streets, such as West Farms Road, while 15-foot setbacks are required from narrow streets, such as Boone Avenue, East 172<sup>nd</sup> Street and East 173<sup>rd</sup> Street. For both Zoning Lot A and Zoning Lot B, 8-foot setbacks are proposed along West Farms Road, East 172<sup>nd</sup> Street and East 173<sup>rd</sup> Street. The setback modifications will facilitate efficient floor plates in the proposed development within the constraints of the narrow blocks.

#### Outer Court

Pursuant to Section 23-843 the width of an outer court recess should be at least twice its depth. Portions of the outer court recesses adjacent to Building 1 on Zoning Lot A and Building 2 on Zoning Lot B would have widths less than twice their respective depths. The applicant is requesting the modification of outer court recess requirements to permit outer court recesses with greater than the permitted depths on Zoning Lots A and B. The modification will facilitate the proposed courtyards in the development to service all

adjacent buildings while allowing for feasible floor plates in the buildings.

Exclusion of accessory parking from lot coverage

The applicant is requesting the modification of lot coverage requirements to permit 12,735 square feet of enclosed accessory parking to be excluded from lot coverage calculations, pursuant to the proposed text amendment described above. This modification will allow the applicant to exercise the At-Grade Parking Garage option for Building 3A, 3B and 3C where encountering underground rock formation is anticipated.

**Large Scale General Development Special Permit pursuant to ZR74-744:**

**Modification of Use Regulations ( C 110297 ZSX)**

The applicant is seeking a Special Permit pursuant to ZR Section 74-744 to allow the location of commercial uses without regard to the regulations set forth in Section 32-42. In mixed buildings in C1 and C2 commercial overlay districts commercial uses are limited to floor area located below the ceiling of the first story. Due to the change in grade between Boone Avenue and West Farms Road, retail fronting on Boone Avenue is above the first story of several of the buildings. To grant this Special Permit the City Planning Commission must make findings regarding the separation of access to the commercial uses from the residential uses; that the commercial uses are not above dwelling units; and that the location of the uses does not have an adverse effect in any of the uses in the building.

**Large Scale General Development Special Permit pursuant to ZR 74-745: Location of accessory parking spaces and loading berths (C 100313 ZSX)**

The applicant is seeking a Special Permit pursuant to ZR 74-745 to allow, in connection with the proposed development of the LSGD Site, the distribution of accessory off-street parking spaces on the LSGD Site without regard to zoning lot lines. Sections 25-23, 25-25, 25-30 and 36-20 set forth off-street accessory parking requirements for government assisted housing in residential and mixed buildings located in Inclusionary Housing Designated Areas. Based on the parking requirements of Section 25-25(e), 59 off-street parking spaces would be required to be provided on Zoning Lot A and 165 parking spaces would be required to be provided on Zoning Lot B. The overall number of accessory off-street parking spaces required for the proposed LSGD uses would be provided (220 spaces if the At-Grade Parking Configuration is implemented or 224 spaces if the Below-Grade Parking Configuration is implemented), 71 of the required spaces that would be generated by the uses on Zoning Lot B would be provided instead on Zoning Lot A.

**UDAAP, Project Designation & Disposition (C 110234 HAX)**

HPD is requesting the disposition of a 13 square foot city owned parcel located at 1525 West Farms Road (Block 3014 Lot 45) to facilitate the development of the Large Scale General Development. Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) designations are also requested as part of this application. The UDAAP project area will consist of Lot 45 on Block 3014.



## **ENVIRONMENTAL REVIEW**

This application (C 100310 ZMX), in conjunction with the related applications (N 100311 ZRX, C 100312 ZSX, C 100313 ZSX, C 110297 ZSX, C 110234 HAX), 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 10DCP017X. The lead agency is the New York City Planning Commission.

It was determined that the proposed actions (the “Proposed Action”) may have a significant effect on the environment. A Positive Declaration was issued on January 25, 2010, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on January 25, 2010. A public scoping meeting was held on the Draft Scope of Work on March 4, 2010. A Final Scope of Work, reflecting the comments made during the scoping, was issued on May 6, 2011.

The applicant prepared a Draft Environmental Impact Statement and a Notice of Completion for the DEIS was issued on May 6, 2011. On July 27, 2011 a joint public hearing was held on the DEIS pursuant to SEQRA regulations and CEQR procedures in conjunction with the Uniform Land Use Review Procedure (ULURP) applications. A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion for the FEIS was issued on August 26, 2011.

The FEIS identified significant adverse impacts in the following areas: community facilities and services (related exclusively to elementary schools), open space, historic and cultural resources (related exclusively to archaeological resources), transportation (related exclusively to traffic), and construction (related to construction era traffic and noise). Details of these impacts and measures to minimize or eliminate these impacts where feasible and practicable are described below.

*Community Facilities and Services – Public Schools*

The FEIS concluded that the Proposed Action would have a significant adverse impact on the collective elementary school utilization rate in Sub-district 2 of Community School District (CSD) 12. Within Sub-district 2, the addition of the 1,028 public elementary school students generated by projected development with the Proposed Action would exacerbate projected shortfalls in elementary school seats under future no-action conditions. In Sub-district 2, the shortfall would increase from 1,553 seats under future no-action conditions to 2,581 seats with the Proposed Action, and the schools' collective utilization rate would increase from 122 percent to 136 percent.

To address the Proposed Action's significant adverse impact on elementary schools in Sub-district 2, the applicant will enter into an agreement with the SCA to provide the SCA with an option to acquire for one dollar a site for a new 88,860 square foot (sf) public elementary school serving grades pre-kindergarten through five (to accommodate between 540 and 576 students). The site is located on the east side of Boone Avenue approximately 59 feet south of East 173rd Street, which is part of applicant-controlled Site 2N. The SCA and DOE would monitor school utilization rates as the Proposed Project (defined for the purposes of this section as proposed development on properties owned/controlled by the applicant) and other projected developments on non-applicant-controlled sites are built to determine whether a new school is needed. If school utilization rates justify the construction of a new school, the SCA would exercise its option to acquire the school site and construct the school thereon. The SCA's option would extend until the later to occur of (i) September 30, 2015 and (ii) the point at which the applicant is ready to begin design of the rest of Site 2N which is projected to be the final site within the LSGD to be developed under the applicant's intended phasing plan.

By ceding this development site, the applicant would reduce the size of the Proposed Project by 53 residential units and eliminate the 11,888 sf child care center.

The proposed mitigation would reduce the projected utilization rate for elementary schools in Sub-district 2 in the future with the Proposed Action from

136.2 percent to 126.4 percent. In the future without the Proposed Action, a 1,553 seat shortfall would occur resulting in a 121.8 percent utilization rate. In the future with the Proposed Action, the mitigation would reduce the incremental increase in the utilization rate to 4.6 percent, which falls below the *CEQR Technical Manual* threshold of 5 percent for a significant adverse impact. Therefore, the new school would fully mitigate the significant adverse impact on elementary schools resulting from the Proposed Action.

### *Open Space*

The Proposed Action would have an adverse indirect effect by adding population and thus increasing the demand for open space in the area. The overall open space ratios for the residential study area would decrease from 0.76 acres per thousand persons under no-action conditions to 0.71 acres per thousand persons as the result of the Proposed Action, a reduction of 7.0 percent. The active open space ratio in the residential study area would drop from 0.26 to 0.24 acres per thousand users, or a 7.4 percent drop. The passive open space ratio for combined residents and non-residents would drop from 0.50 to 0.47, a 6.8 percent drop. Given the size of the decreases in the active and passive open space ratios, the Proposed Action would result in a significant adverse open space impact in the residential study area.

Mitigation measures for the significant adverse open space impact that would be caused by the Proposed Action were developed in consultation with the NYC Department of Parks and Recreation (DPR). Based on the current conditions DPR has identified potential mitigation measures designed to address impacts to open space. With the required capital and expense funds provided in the City Capital Plan or through private sources, mitigation measures could include, but are not limited to: a) increasing the usability of the Daniel Boone Playground, located at Boone Avenue, West Farms Road and the Sheridan Expressway exit ramp; b) the development of public play space at Hoe Avenue North Tot Lots; c) restoring the usability of the community space located within the Longfellow Gardens located at the intersection of Longfellow Avenue, Lowell Street and E. 165<sup>th</sup> Street; d) provision of public access to existing schoolyards during non-school hours, which may require capital improvements and necessitates coordination with Parks and the NYC Department of Education; and, e) supporting the long-term sustainability of Starlight Park and the Bronx River Greenway, funding for long-term maintenance, programmatic assistance, or funding for seasonal Playground Associates and Recreation Specialists.

Because these impacts would not materialize until the completion of the applicant-controlled Site 2S and the analysis makes conservative assumptions about background growth that may not come to pass, the following approach to mitigation will be pursued. The applicant shall be obligated to inform DPR in writing when preliminary design of Site 2S has begun. At that time DPR will evaluate the current open space conditions to determine which mitigation options, if any, need to be implemented.

If DPR determines the mitigation measures are needed and if funds are found for the above improvements, the significant adverse open space impact could be partially mitigated. However, if no funding source can be found to implement these measures, the significant adverse impact would not be partially mitigated and would remain.

#### *Historic and Cultural Resources - Archaeological Resources*

The Proposed Action would result in ground disturbance on 49 tax lots, consisting of the 15 lots on which the applicant intends to construct the Proposed Project and the 34 other lots that are within the other projected development sites identified under the Proposed Action. A Phase 1A Documentary Study was performed and it was concluded that eight of the current (i.e., “modern”) tax lots (which include 15 historical lots) may contain subsurface archaeological artifacts. These lots may contain burial remains from two cemeteries that were formerly located on the lots, burial vaults associated with a church that once occupied one of the lots, and filled former privy, well, or cesspool shafts in which artifacts may have been deposited as part of the fill. Unless in-ground testing is done and any identified artifacts are recovered prior to excavation, the redevelopment of these sites could result in the disturbance and destruction of archaeological resources, which would constitute a significant adverse impact.

Four of the modern lots (11 of the historical lots) are under the control of the project applicant (within Sites 1, 2S, 2N, and 9D). To the extent possible, the applicant has redesigned the building program of the Proposed Project to minimize disturbance of sensitive areas, and the applicant will enter into a restrictive declaration to follow a testing and recovery protocol that has been reviewed and approved by NYC Landmarks Preservation Commission (LPC) and the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP). If the Proposed Action is approved, the protocol will be implemented in coordination with the LPC. This component of the Proposed Action (i.e., development on parcels controlled by the applicant) would avoid any impact on archaeological resources.

The other four historical lots, two of which may contain human remains from a former cemetery and two of which may contain former privies (shafts) in which artifacts may have subsequently been disposed, are not under the applicant’s control. No mechanism is available to ensure that the redevelopment of these four archaeologically sensitive non-applicant-controlled sites would not result in unavoidable adverse impacts to archaeological resources. Their redevelopment would therefore result in unmitigated significant adverse impacts to archaeological resources.

#### *Transportation – Traffic*

The Proposed Action would result in significant adverse impacts at seven study area intersections during one or more analyzed peak hours (weekday AM, weekday midday, and weekday PM), with significant adverse impacts at four intersections during the AM peak hour, six intersections during the midday peak hour, and five intersections during the PM peak hour. The impacted intersections

all currently signalized, are: a) East Tremont Avenue at East 177th Street and Devoe Avenue; b) East Tremont Avenue at Boston Road and West Farms Road; c) East 177th Street at the Sheridan Expressway On/Off-Ramp; d) Bronx River Avenue at East 174th Street; e) Boone Avenue at East 174th Street; f) Longfellow Avenue at East 174th Street; and, g) West Farms Road at Home Street and Longfellow Avenue.

In addition to the seven impacted signalized intersections noted above, if the proposed mitigation for the public schools impact (i.e., a new public elementary school on Site 2N) as discussed above is implemented, an additional traffic significant adverse impact would occur in the AM peak period at the unsignalized intersection of West Farms Road at East 172nd Street. This potential additional impacted intersection is discussed separately below.

Mitigation measures were developed for the impacted intersections in consultation with the NYC Department of Transportation (DOT) with the exception of two intersections – East Tremont Avenue, Boston Road, and West Farms Road during the PM peak hour; and East 177<sup>th</sup> Street and the Sheridan Expressway on/off ramps during the AM, midday, and PM peak hours. DOT determined that the proposed mitigation measures for those two locations were not feasible and/or practicable. Therefore, significant adverse impacts due to the Proposed Action would remain at these two intersections.

The approved mitigation measures involve small adjustments to signal timing at signalized intersections, as well as restriping on one approach at one intersection. Each impacted intersection and its corresponding proposed mitigation measure, where approved, is discussed below.

*East Tremont Avenue at East 177<sup>th</sup> Street and Devoe Avenue*

This intersection consists of the two-way (east-west) East Tremont Avenue, the partially two-way (north-south) Devoe Avenue, and two-way East 177<sup>th</sup> Street. North of East Tremont Avenue, Devoe Avenue runs both north and south, while south of East Tremont Avenue, Devoe Avenue only runs north. East 177<sup>th</sup> Street only runs south of East Tremont Avenue. The northbound approach on Devoe Avenue would be impacted in the midday and PM peak periods. The proposed mitigation would shift two to four seconds from the east-west phase on East Tremont Avenue and add them to the north-south phase on Devoe Avenue. With the proposed mitigation measures the impacts at this intersection would be fully mitigated.

*East Tremont Avenue at Boston Road and West Farms Road*

This intersection consists of the two-way (east-west) East Tremont Avenue, the two-way (northeast-south) Boston Road, and the two-way (north-south) West Farms Road. The westbound approach on East Tremont Avenue would be impacted in the midday and PM peak periods. The northbound approach on West Farms Road would be impacted in the AM and PM peak periods. The northeast-bound approach on Boston Road would be impacted in the AM, midday, and PM peak periods. The southbound de facto left turn on Boston Road would be

impacted in the AM, midday and PM peak periods. The northbound approach on West Farms Road is proposed to be restriped from its current two unstriped, effective ten feet wide lanes to one ten-foot wide left/through lane and one ten-foot wide right turn only lane. Along with signal timing adjustments, this would fully mitigate the impacts during the AM and midday peak periods. However, these measures would only partially mitigate the PM peak period.

The southern pedestrian phase across West Farms Road will be removed during the East Tremont Avenue westbound phase to allow northbound West Farms Road right turns to also take place. The westbound East Tremont Avenue and northbound West Farms Road phase will be reduced by one second. The eastbound East Tremont Avenue phase will be reduced by two seconds. The northbound West Farms Road and southbound Boston Road phase will remain unchanged. The northeast-bound Boston Road phase will be increased by three seconds. The northbound approach on West Farms creates a second lane group with the restriping for the addition of the right hand turning lane.

In the midday peak period, the southern pedestrian phase across West Farms Road will be removed during the East Tremont Avenue westbound phase to allow northbound West Farms Road right turns to also take place. The westbound East Tremont Avenue and northbound West Farms Road phase will be increased by one second. The eastbound East Tremont Avenue phase will be reduced by three seconds. The northbound West Farms Road and southbound Boston Road phase will have no change. The northeast-bound Boston Road phase will be increased by two seconds.

In the PM peak period, the southern pedestrian phase across West Farms Road will be removed during the East Tremont Avenue westbound phase to allow northbound West Farms Road right turns to also take place. The westbound East Tremont Avenue and northbound West Farms Road phase will be increased by two seconds. The eastbound East Tremont Avenue phase will have no change. The northbound West Farms Road and southbound Boston Road phase will be reduced by three seconds. The northeast-bound Boston Road phase will be increased by one second. The northbound approach on West Farms creates a second lane group with the restriping for the addition of the right hand turning lane. The southbound approach on Boston Road would remain unmitigated.

*East 177<sup>th</sup> Street at Sheridan Expressway On/Off-Ramp and Bus Depot Entrance/Exit*

No mitigation measures would be implemented at this intersection. The following significant adverse impacts would remain unmitigated: a) the left-through-right movement of the northbound approach and the left/through movement of the southbound approach during the AM peak hour; b) the left movement of the eastbound approach, the left-through-right movement of the northbound approach and the left/through movement of the southbound approach during the midday peak hour; and c) the left/through movement of the southbound approach during the PM peak hour. This intersection will remain unmitigated in all peak periods.

*Bronx River Avenue at East 174<sup>th</sup> Street*

The intersection consists of the two-way (east-west) East 174<sup>th</sup> Street and the two-way (north-south) Bronx River Avenue. The eastbound approach on East 174<sup>th</sup> Street would be impacted in the AM and midday peak periods. During both the AM and midday peak periods, the proposed mitigation would shift one second of green time from the current north-south phase to the east-west phase. With the proposed mitigation measures the impacts at this intersection would be fully mitigated.

*Boone Avenue at East 174<sup>th</sup> Street*

The intersection consists of the two-way (east-west) East 174<sup>th</sup> Street and the one-way (south) Boone Avenue. The southbound approach on Boone Avenue would be impacted in the AM peak period. The proposed mitigation would shift one second of green time from the current east-west phase to the southbound phase. With the proposed mitigation measures the impacts at this intersection would be fully mitigated.

*Longfellow Avenue at East 174<sup>th</sup> Street*

The intersection consists of the two-way (east-west) East 174<sup>th</sup> Street and the one-way (north) Longfellow Avenue. The northbound approach on Longfellow Avenue would be impacted in the midday and PM peak periods. In the midday peak period the proposed mitigation would shift two seconds of green time from the current east-west phase to the northbound phase. During the PM peak period, the proposed mitigation would shift four seconds of green time from the current east-west phase to the northbound phase. With the proposed mitigation measures the impacts at this intersection would be fully mitigated.

*West Farms Road at Home Street and Longfellow Avenue*

The intersection consists of the two-way (northeast-southwest) West Farms Road, the one way (northwest-bound) Home Street, and the one way (northbound) Longfellow Avenue. The northwest-bound approach on Home Street would be impacted in the midday and PM peak periods. In the midday peak period the proposed mitigation would shift one second of green time from the current northeast-southwest (West Farms Road) phase to the northwest-bound phase (Home Street). During the PM peak period, the proposed mitigation would shift four seconds of green time from the current northeast-southwest (West Farms Road) phase to the northwest-bound phase (Home Street). With the proposed mitigation measures the impacts at this intersection would be fully mitigated.

As noted earlier, if the proposed mitigation for the public schools impact (i.e., a new public elementary school on Site 2N) is implemented, an additional traffic significant adverse impact would occur in the AM peak period at the unsignalized intersection of West Farms Road at East 172nd Street. The Proposed Action with the addition of a new public school would impact the same seven signalized intersections as that found with the Proposed Action without the new school. While some movements at these seven signalized intersections would experience slightly worse delays, no new significant adverse impacts are expected for these locations. The additional impacted intersection of West Farms Road at East

172nd Street would experience a significant adverse impact at the eastbound approach on East 172nd Street. No feasible and/or practicable mitigation measure was found to address this impact; therefore, this intersection will remain unmitigated in the AM peak period if the new public elementary school on Site 2N is constructed.

As part of the traffic mitigation, the applicant has committed to conduct a traffic monitoring program (TMP), in conjunction with DCP and DOT. It is estimated that the significant traffic impact(s) due to the Proposed Action would first occur after completion of the applicant's Site 2S. Therefore, an interim monitoring plan will be submitted to both agencies within six months of a Temporary Certificate of Occupancy (TCO) being granted to the applicant's Site 2S and the final monitoring plan within six months of a TCO being granted to the applicant's Site 3B (i.e., last of the applicant-controlled development sites). Details of specific measures will be identified during the TMP for the significant impact locations, including those where unmitigated traffic impacts are anticipated. A detailed scope of work for the TMP will be submitted for DOT's review and approval before commencing the monitoring plan. The TMP will consist of: a) 24-hour automatic traffic recorder (ATR) machine counts; b) one-day manual intersection through and turning movement counts; c) sample vehicle classification counts; d) pedestrian counts; e) physical inventory; and, f) preparation and submission of a report that includes: i) intersection capacity and level of service analyses; ii) specifications of the significant traffic impacts and recommended mitigation measures to address the impacts; and, iii) all relevant drawings/design as per AASHTO and DOT specifications. The findings of the TMP will be used by DCP and DOT as the basis for approving the actual mitigation measures that would be implemented. The applicant will be responsible for the cost of the design and construction of any mitigation measure, should it be needed, consistent with customary and standard DOT practice.

#### *Construction Impacts – Traffic and Noise*

The construction traffic analysis for the Proposed Action concluded that there would be significant adverse traffic impacts during construction at six study area intersections. The intersections are: a) East Tremont at East 177<sup>th</sup> Street and Devoe Avenue in the PM peak period; b) East Tremont at Boston Road and West Farms Road in the PM peak period; c) East 177<sup>th</sup> Street at Sheridan Expressway in the PM peak period; d) Bronx River Avenue at East 174<sup>th</sup> Street in the PM peak period; e) Longfellow Avenue at East 174<sup>th</sup> Street in the AM peak period; and, f) West Farms Road at Home Street in the AM peak period.

Mitigation measures comparable to those approved to mitigate operational traffic impacts (described under the Transportation – Traffic section above) would successfully mitigate the significant adverse construction traffic impacts at four of the six intersections. This will be confirmed during the TMP (also described above). The significant adverse construction traffic impacts at East 177<sup>th</sup> Street at the Sheridan Expressway and at East Tremont Avenue and Boston Road at West Farms Road, the two intersections at which the operation traffic impacts would



remain unmitigated, would also remain unmitigated during construction of the Proposed Action.

Even though no long-term construction noise impacts are expected to occur as a result of the Proposed Action, there are shorter periods during which very high levels of construction noise would occur. The analysis found that very high levels of construction noise would affect the rear facades of existing residential buildings fronting on the east side of Longfellow Avenue between East 173rd and East 174th Streets, specifically the third through sixth floor windows of the rear façade of the six-story residential building located on Block 3010, Lot 4. Because of the repeated nature of the high noise levels predicted to occur at Lot 4, a significant adverse construction noise impact was declared.

The source of the construction noise on Block 3010, Lot 4 (i.e., from construction activities at Sites 3A, 5C, 5D, and 5E) is not from development sites controlled by the applicant. Although there are measures that a construction contractor can take to screen the construction site to reduce noise levels at the sensitive receptor sufficiently to avoid a significant impact, no means have been identified that to ensure that such measures are taken. The impact would therefore remain unmitigated.

The mitigation measures identified above would fully mitigate the significant adverse impacts to public schools, but they would not completely mitigate the impacts to open space, archaeological resources, traffic, or construction traffic and noise. Therefore, some portion of the Proposed Action's significant adverse impacts to all identified impact categories except that for public schools may be unavoidable.

#### *Protective Measures Related to the Environment*

To avoid the potential for certain significant adverse impacts to occur, the Proposed Action includes an (E) designation for hazardous materials, air quality, and noise (E-277). In addition the applicant will record restrictive declarations in conjunction with the Proposed Project which will require the implementation of project components related to the environment and mitigation measures, consistent with the FEIS.

To avoid the potential for significant hazardous materials, air quality, and noise impacts, the Proposed Action includes an (E) designation (E-277) for the following properties:

#### **Hazardous Materials**

Block 2998, Lots 97, 104, 113, 124

Block 3009, Lots 25, 37, 38, 44

Block 3010, Lots 26, 29, 33, 40, 46

Block 3015, Lots 1, 3, 5, 17, 18, 19, 25, 26, 29, 31, 34, 50, 56, 62, 67, 81, 83, 84,  
85, 87, 89, 95, 96, 97, 110

Block 3016, Lots 33, 35, 36, 37, 38, 42, 71

The applicable text for the (E) designations would be as follows:

#### Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, 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 the NYC Office of Environmental Remediation (OER) 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.

No sampling program may begin until written approval of a work plan and sampling protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by OER upon request.

#### Task 2

A written report with findings and a summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by OER. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to OER for review and approval prior to implementation.

#### **Air Quality**

Block 2998, Lots 104, 113, 124

Block 3009, Lots 25, 37, 38, 44

Block 3010, Lots 29, 33, 40, 46

Block 3015, Lots 1, 3, 5, 17, 18, 19, 25, 26, 29, 31, 34, 50, 56, 62, 67, 81, 83, 84,  
85, 87, 89, 95, 96, 97, 110

Block 3016, Lots 33, 35, 36, 37, 38, 42, 71

The applicable text for the (E) designations would be as follows:

Block 2998, Lots 104, 113, and 124 (Site 7B): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the HVAC stack(s) are located at least 30 feet from the lot line facing E. 176th Street to avoid any potential significant adverse air quality impacts.

Block 3009, Lot 25 (Site 3A): 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 70 feet from the lot line facing E. 172nd Street and 20 feet from the lot line facing Boone Avenue and 20 feet from the lot line fronting E. 173rd Street for fuel oil #2 or use natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

Block 3009, Lot 37 (Site 3C): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

Block 3009, Lot 38 (Site 3D): 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 60 feet from the lot line facing E. 172nd Street and 60 feet from the lot line facing E. 173rd Street for fuel oil #2 or at least 20 feet from the lot line facing E. 172nd Street and 20 feet from the lot line adjoining facing E. 173rd Street for natural gas to avoid any potential significant adverse air quality impacts.

Block 3009, Lot 44 (Site 3E): 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 60 feet from the lot line facing E. 173rd Street for fuel oil #2 or at least 20 feet from the lot line facing E. 173rd Street for natural gas to avoid any potential significant adverse air quality impacts.

Block 3010, Lot 29 (Site 5B): 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 40 feet from the lot line facing E. 174th Street and 40 feet from the lot line facing E. 173rd Street for fuel oil #2 or use natural gas to avoid any potential significant adverse air quality impacts.

Block 3010, Lot 33 (Site 5C): 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 60 feet from the lot line facing E. 174th Street and 60 feet from the lot line facing E. 173rd Street for fuel oil #2 or 20 feet from the lot line facing E. 174th Street and 20 feet from the lot line facing E. 173rd Street for natural gas to avoid any potential significant adverse air quality impacts.

Block 3010, Lot 40 (Site 5D): 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 60 feet from the lot line facing E. 174th Street and 60 feet from the lot line facing E. 173rd Street for fuel oil #2 or 20 feet from the lot line facing E. 174th Street and 20 feet from the lot line facing E. 173rd Street for natural gas to avoid any potential significant adverse air quality impacts.

Block 3010, Lot 46 (Site 5E): 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 50 feet from the lot line facing E. 174th Street for fuel oil #2 or 20 feet from the lot line facing E. 174th Street for natural gas to avoid any potential significant adverse air quality impacts.

Block 3015, Lot 1 (Site 4A): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the HVAC stack(s) are located at least 20 feet from the lot line facing E. 174th Street to avoid any potential significant adverse air quality impacts.

Block 3015, Lots 3 and 5 (Site 4B): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the HVAC stack(s) are located at least 20 feet from the lot line facing E. 174th Street and 20 feet from the lot line facing E. 173rd Street to avoid any potential significant adverse air quality impacts.

Block 3015, Lots 17, 18, 29 and 31 (Site 4C): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the HVAC stack(s) are located at least 20 feet from the lot line facing E. 174th Street and 20 feet from the lot line facing E. 173rd Street to avoid any potential significant adverse air quality impacts.

Block 3015, Lot 19 (Site 4D): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the HVAC stack(s) are located at least 20 feet from the lot line facing West Farms Road and 20 feet from the lot line facing E. 173rd Street to avoid any potential significant adverse air quality impacts.

Block 3015, Lots 25 and 26 (Site 4E): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type

of fuel for space heating and hot water (HVAC) systems and ensure that the HVAC stack(s) are located at least 20 feet from the lot line facing E. 173rd Street and 20 feet from the lot line facing Boone Avenue to avoid any potential significant adverse air quality impacts.

Block 3015, Lot 34 (Site 4F): 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 80 feet from the lot line facing E. 173rd Street and 80 feet from the lot line facing E. 174th Street for fuel oil #2 or at least 20 feet from the lot facing E. 173rd Street and 20 feet from the lot line facing E. 174th Street for natural gas to avoid any potential significant adverse air quality impacts.

Block 3015, Lots 50, 56, and 110 (Site 6A): 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 70 feet from the s lot line facing E. 174th Street and 70 feet from the lot line facing E. 176th Street and 20 feet from the lot line facing Boone Avenue for fuel oil #2 or at least 20 feet from the lot line facing E. 174th Street and 20 feet from the lot line facing E. 176th Street for natural gas to avoid any potential significant adverse air quality impacts.

Block 3015, Lots 62, 87, 89 (Site 6B): 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 60 feet from the lot line facing E. 176th Street fuel oil #2 or at least 20 feet from the lot line facing E. 176th Street for natural gas to avoid any potential significant adverse air quality impacts.

Block 3015, Lots 67, 83, 84, and 85 (Site 6C): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the HVAC stack(s) are located at least 20 feet from the lot line facing E. 176th Street and 20 feet from the lot line facing E. 174th Street to avoid any potential significant adverse air quality impacts.

Block 3015, Lot 81 (Site 6D): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

Block 3015, Lot 95 (Site 6E): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

Block 3015, Lot 96 (Site 6F): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

Block 3015, Lot 97 (Site 6G): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the HVAC stack(s) are located at least 20 feet from the lot line facing E. 176th Street and 20 feet from the lot line facing Boone Avenue to avoid any potential significant adverse air quality impacts.

Block 3016, Lots 33 and 35 (Site 9A): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

Block 3016, Lots 36 and 37 (Site 9B): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the HVAC stack(s) are located at least 20 feet from the lot line facing E. 177th Street and 20 feet from the lot line facing Rodman Place to avoid any potential significant adverse air quality impacts.

Block 3016, Lots 38 and 42 (Site 9C): 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 140 feet from the lot line facing Rodman Place for fuel oil #2 and 40 feet from the lot line facing Rodman Place for natural gas to avoid any potential significant adverse air quality impacts.

Block 3016, Lot 71 (Site 9E): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the HVAC stack(s) are located at least 20 feet from the lot line facing West Farms Road and 20 feet from the lot line facing Longfellow Avenue to avoid any potential significant adverse air quality impacts.

### **Noise**

Block 2998, Lots 97, 104, 113, 124

Block 3009, Lots 25, 37, 38, 44,

Block 3010, Lots 26, 29, 33, 40, 46

Block 3015, Lots 1, 3, 5, 17, 18, 19, 25, 26, 34, 50, 56, 62, 67, 81, 83, 84, 85, 87,  
89, 95, 96, 97, 110

Block 3016, Lots 33, 35, 36, 37, 38, 42, 71

Block 2998, Lot 97; Block 3009, Lot 25; Block 3010, Lot 40; Block 3015, Lots 67, 81, 83, 84 and 85; and Block 3016, Lot 71 – these lots will require 28 dBA of attenuation and the text for the (E) designations is as follows:

To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. 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, air conditioning.

Block 2998, Lots 104, 113 and 124; Block 3009, Lots 37, 38 and 44; Block 3010, Lots 26, 29, 33 and 46; and Block 3015, Lots 1, 3, 5, 17, 18, 19, 50, 56, 62, 87, 89 and 110 – these lots will require 31 dBA of attenuation and the text for the (E) designations is as follows:

To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. 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, air conditioning.

Block 3015, Lots 25, 26, 34, 95, 96 and 97 – these lots will require 33 dBA of attenuation and the text for the (E) designations is as follows:

To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. 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, air conditioning.

Block 3016, Lots 33, 35, 36, 37, 38 and 42 – these lots will require 42 dBA of attenuation and the text for the (E) designations is as follows:

To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 42 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. To achieve 42 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. 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, air conditioning.

As noted above, restrictive declarations recorded against the applicant's properties in conjunction with the Proposed Project will ensure the implementation of PCREs (i.e., certain Project components relating to archaeological resources, hazardous materials, air quality, noise, and construction practices) and mitigation measures (relating to public schools, open space, traffic, and construction traffic), substantially consistent with the FEIS. The restrictive declarations will be recorded at the time all land use related actions are approved. The commitments related to public schools, open space, archaeological resources, traffic, and construction traffic are noted in the above discussion of mitigation measures for those impact categories. Those related to hazardous materials, air quality, noise, and construction practices are summarized below.

For those lots under the applicant's control, NYC Department of Environmental Protection (DEP) has reviewed the Environmental Site Assessment (ESA) Phase I and Phase II reports that have been prepared to date and has determined that additional investigation and/or remediation will be required. For lots under the applicant's control, the restrictive declaration will bind the applicant to perform all investigative or remedial activities required by DEP, in accordance with protocols devised by the agency, and to the agency's or a successor agency's satisfaction, before submitting any permit applications to the NYC Department of Buildings (DOB).

For Sites 1, 2S, and 2N (the applicant's LSGD), the heating and hot water (HVAC) stacks are to be located on the mechanical penthouse bulkheads on the roofs of the tallest building segments (Buildings 1A, 2A, and 3C respectively), and the stacks are to be seven feet high in order to exceed the height of the nearby elevator penthouses by three feet. In addition, for these sites and the other applicant-controlled sites, the fuel types for the HVAC systems and/or stack locations will be restricted as follows:

Block 3013, Lots 12, 46, and 29 (Site 1, Building 1A): 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 20 feet from the lot line facing E. 172nd Street for fuel oil #2 or use for natural gas to avoid any potential significant adverse air quality impacts.

Block 3014, Lots 15 (part) (Site 2N, Building 3C): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

Block 3014, Lots 9 (part) (Site 2S, Building 2A): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

Block 3009, Lot 33 (Site 3B, Building 4): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the HVAC stack(s) are located at least 30 feet from the lot line facing E. 172nd Street and 30 feet from the lot line facing E. 173rd Street to avoid any potential significant adverse air quality impacts.

Block 3016, Lots 11, 13, and 21 (Site 8, Building 5): 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 20 feet from the lot line facing Rodman Place for fuel oil #2 or use natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.



Block 3016, Lots 60 and 66 (Site 9D, Building 6): Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the HVAC stack(s) are located at least 30 feet from the lot line facing E. 177th Street and 30 feet from the lot line facing Longfellow Avenue to avoid any potential significant adverse air quality impacts.

The applicant-controlled sites must provide a closed-window condition with the specified minimum window/wall attenuation as detailed in the table below to ensure an acceptable interior noise environment of 45 dBA. 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, air conditioning.

Site/Building	Block	Lot(s)	Required Attenuation (dBA)
Site 1 (Bldg 1A)	3013	12, 46, 29	
Facing north			28 1st Fl. to 2nd Fl., 25 all other floors
Facing south			28 1st Fl. to 2nd Fl., 25 all other floors
Facing east			35 1st Fl. to 4th Fl., 33 5th-8th Fl., 31 9th Fl.
Facing west			28 1st Fl. to 2nd Fl., 25 all other floors
Site 1 (Bldg 1B)	3013	31,35, 37	
Facing north			33 1st Fl. to 4th Fl., 31 5th Fl. to 8th Fl., 28 all other floors
Facing south			28 1st Fl. to 3rd Fl., 25 all other floors
Facing east			35 1st Fl. to 4th Fl., 33 5th Fl. to 7th Fl., 31 8th Fl. to 14th Fl., 28 15th Fl.
Facing west			31 1st Fl. to 4th Fl., 28 5th Fl. to 8th Fl., 25 all other floors
Site 2S (Bldg 2A)	3014S	9 (part)	
Facing north			28 1st Fl. to 6th Fl., 25 all other floors
Facing south			33 1st Fl. to 6th Fl., 31 all other floors
Facing east			35 1st Fl. to 4th Fl., 33 5th Fl. to 8th Fl., 31 all other floors
Facing west			28 1st Fl. to 6th Fl., 25 all other floors
Facing playground			35 1st Fl., 33 2nd to 3rd Fl., 31 4th Fl., 28 all other floors
Site 2S (Bldg 2B)	3014S	9 (part), 45	
Facing north			28 1st Fl. to 6th Fl.,

Site/Building	Block	Lot(s)	Required Attenuation (dBA)
			25 all other floors
Facing south			28 1st Fl. to 6th Fl., 25 all other floors
Facing east			35 1st Fl. to 4th Fl., 33 5th Fl. to 8th Fl., 31 all other floors
Facing west			28 1st Fl. to 6th Fl., 25 all other floors
Facing playground			35 1st to 2nd Fl., 33 3rd Fl., 28 4th to 6th Fl., 25 all other floors
Site 2N (Bldg 3A)	3014N	15 (part)	
Facing north			28 1st Fl. to 5th Fl., 25 all other floors
Facing south			28 1st Fl. to 5th Fl., 25 all other floors
Facing east			33 1st Fl. to 4th Fl., 31 5th Fl. to 10th Fl., 28 all other floors
Facing west			28 1st Fl. to 5th Fl., 25 all other floors
Site 2N (Bldg 3B)	3014N	15 (part)	
Facing north			31 1st Fl. to 9th Fl., 28 all other floors
Facing south			28 1st Fl. to 6th Fl., 25 all other floors
Facing east			33 1st Fl. to 4th Fl., 31 5th Fl. to 11th Fl., 28 all other floors
Facing west			28 1st Fl. to 6th Fl., 25 all other floors
Site 2N (Bldg 3C)	3014N	15 (part)	
Facing north			28 1st Fl. to 3rd Fl., 25 all other floors
Facing south			28 1st Fl. to 4th Fl., 25 all other floors
Facing east			33 1st Fl. to 3rd Fl., 31 all other floors
Facing west			28 1st Fl. to 4th Fl., 25 all other floors
Site 3B (Bldg 4)	3009	33	28 1st Fl. to 5th Fl., 25 all other floors
Site 8 (Bldg 5)	3016	11, 13, 21	31 North, 35 all others
Site 9D (Bldg 6)	3016	60, 66	28 1st Fl. to 7th Fl., 25 all other floors

To minimize the potential for construction impacts, the applicant has agreed to implement a diesel particulate matter (DPM) emissions reduction program during construction of the LSGD that would include best management practice comprised of the following components: a) minimize the use diesel engines and

maximize the use of electric engines where practical for construction of Site 2N; b) use of ultra-low sulfur diesel fuel (ULSD) would be used exclusively for diesel engines throughout Site 2N; c) utilize best available tailpipe reduction technology and the use of Tier 2 or later construction equipment for nonroad diesel engines greater than 50 hp; d) locate emissions sources such as concrete trucks and pumps away from Site 2S to the extent practicable; and, e) strict adherence to all applicable laws, regulations and building codes including those for fugitive dust and vehicle idling times.

The restrictive declaration also incorporates two additional provisions that would be necessary if the proposed mitigation for the public schools impact (i.e., a new public elementary school on Site 2N) as noted above is implemented. The first would ensure that the applicant would be responsible for the testing for and remediation of any hazardous materials located on the Site 2N (excluding such materials considered typical for urban fill) and require that the applicant provide copies of all related documentation (e.g. sampling protocol, CHASP, RAP) to the SCA as they become available. The second pertains to the new school's recreation area on the rooftop of the 6<sup>th</sup> floor as it would introduce one new stationary noise source to the adjacent residential building on Site 2N. As a consequence, the restrictive declaration for this site will provide that the minimum required window/wall noise attenuation for any windows facing the school's recreation area shall be 35 dBA for floors at and above the recreation area.

In accordance with CEQR, alternatives to the Proposed Action were analyzed as part of the FEIS and included a No-Action Alternative that assumes the Proposed Action is not implemented and existing zoning continues, a No-Impact Alternative which considers development that would not result in any identified unmitigated significant, adverse impacts, and a Lesser Density Alternative, which considers lower density zoning districts that would result in reduced residential development.

The No-Action Alternative would not be a feasible alternative to the Proposed Action because it would not achieve the action's stated goals and objectives, including encouraging new affordable and market, work-force housing, improving street presence and activity within the rezoning area, reinforcing adjacent residential neighborhoods and providing new opportunities for redevelopment and economic growth. The No-Impact Alternative would effectively be the same as the No-Action Alternative. Like the No-Action Alternative, the No-Impact Alternative would not meet the objectives of the Proposed Action and therefore would not be a feasible alternative to the Proposed Action. The Lesser Density Alternative would be less successful than the Proposed Action at achieving the intended objectives of the action. Fewer new housing units would be built, including fewer units that would be permanently affordable to low and moderate income households. In addition, the Lesser Density Alternative would be less successful in meeting the goals of improving street presence and activity within the rezoning area, reinforcing adjacent residential neighborhoods and providing new opportunities for redevelopment and economic growth.

## **UNIFORM LAND USE REVIEW**

This application (C 100310 ZMX), in conjunction with the related applications (C 100312 ZSX, C 100313 ZSX, C 110297 ZSX, and C 110234 HAX), was certified as complete by the Department of City Planning on May 9, 2011, and was duly referred to Bronx Community Board 3, Community Board 6, the Bronx Borough President and the Bronx Borough Board in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related non-ULURP application (N 100311 ZRX) which was duly referred to Community Board 3, Community Board 6, the Bronx Borough President and the Bronx Borough Board in accordance with the procedure for referring non-ULURP matters.

### **Community Board Public Hearing**

Community Board 6 held a public hearing on this application (C 100310 ZMX) on June 8, 2011 and on that day, by a vote of 18 in favor, 0 against, and 0 abstentions, adopted a resolution recommending approval of this application with the following condition:

- the developer is requested to work closely with the trade unions in order to construct this development with union labor.

Community Board 3 held a public hearing on this application (C 100310 ZMX) on June 14, 2011 and, on that day, by a vote of 21 in favor, 0 against, and 1 abstentions, adopted a resolution recommending approval of this application.

### **Borough President Recommendation**

This application (C 100310 ZMX) was considered by the Borough President of the Bronx who issued a recommendation approving the application on July 14, 2011.

### **Borough Board Recommendation**

The Borough Board held a public hearing on June 23, 2011, and on that day, recommended approval of this application (C 100310 ZMX).

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

On July 13, 2011 (Calendar No. 1) the City Planning Commission scheduled July 27, 2011 for a public hearing on this application (C 100310 ZMX). The hearing was duly held on July 27, 2011 (Calendar No. 4) in conjunction with the hearing on the related applications (N 100311 ZRX, C 100312 ZSX, C 100313 ZSX, C 110297 ZSX, and C 110234 HAX).

There were six speakers in favor of the application, and five in opposition.

A speaker representing the project's developers spoke in favor of the application. He noted that the proposed project is an opportunity to turn an underutilized industrial area into a series of dynamic mixed income housing blocks. He also noted that the development would complement the public investment in housing and open space made in the adjoining areas. The speaker further noted that the rezoning area was identified as an area for future housing in the PlanNYC 2030 and enjoys good transit accessibility. He

also noted that the proposed rezoning will result in a net increase in jobs and that many of the existing employers were planning to relocate irrespective of the proposed rezoning.

The project architect spoke in favor of the application. He acknowledged the input from the Department of City Planning, the Community Boards, community organizations, the Bronx Borough President's office, the Department of Housing Preservation and Development and the Mid-Bronx Desperadoes in the designing the project. The speaker described the design concept of the buildings and noted that as part of the Large Scale Development plan, two mid-block open spaces would be provided which will connect Boone Avenue with West Farms Road with staircases leading down to West Farms Road. The speaker also noted that a public children's playground would be located along Boone Avenue as part of the project and that ground floor retail space along Boone Avenue and West Farms Road will provide neighborhood services and a positive street presence. The speaker stated that the buildings will be sustainably designed to meet the Enterprise Green Communities standards, that the buildings would have noise attenuation features to buffer the noise from the Sheridan Expressway, and that various comments from the community have been taken into account in designing the project.

The attorney for the applicant also spoke in favor of the application. He described the City Planning Commission actions requested by the applicant and also noted that a Restrictive Declaration will be signed as a condition for the use of the three Special Permits (C 100312 ZSX, C 100313ZSX, C 110297 ZSX) by the applicant.

A representative from the Department of Housing Preservation and Development spoke in favor of the application. He stated that one of the actions before the Commission is the UDAAP designation and disposition of 13 square feet of city-owned-property. The

speaker further noted that the proposed project would be a positive influence on the surrounding communities of Crotona Park East and West Farms.

A speaker representing the Bronx River Alliance (BRA) stated that the BRA supported the application with the condition that the developer contributes to the maintenance of Starlight Park and Bronx River Greenway in order to mitigate the significant adverse impact on open space identified in the Draft Environmental Impact Statement. The speaker noted that the rezoning area has a high youth population and that a decline in the open space ratio for active open space as a result of the project will adversely affect the community. The speaker cited Riverside Center as an example of a project, which had a requirement for developer contribution towards maintenance of open space.

A speaker representing the Pratt Center for Community Development reiterated the concerns raised by representative from the Bronx River Alliance. The speaker cited the High Line as an example of a project where developer contributions were made towards open space maintenance in addition to the Riverside Center project cited by BRA. The speaker noted that the communities of Crotona Park East and West Farms have lower income than that in the Riverside Center neighborhood and therefore are less capable of meeting the open space/recreation needs through private means.

Four speakers representing the Building and Construction Trades Council spoke in opposition of the application. One of the speakers noted that recent housing development in the area had used non-union construction labor and paid low wages. The speaker noted that the applicant had met with the representatives of the Building Trades however no agreement was reached about the use of union labor. The speaker further noted that the proposed development should not occur at the expense of the workers who help construct

it. A speaker representing the Elevators Constructors Union affiliated with the Building and Constructions Trades Council noted that there has been no commitment made by the applicant to ensure that the construction jobs created by the project will be well paying jobs. The speaker noted that there are various agreements, which can be made between the developer and the labor unions, which can make affordable housing, possible to be built at a higher labor standard. A speaker representing Labors Local 78 noted that the Draft Environmental Impact Statement pointed out potential petroleum contamination on some of the sites. The speaker noted that the developer must ensure that proper precautions will be taken during the construction of the project to minimize any potential harm and that union labor will be used during the construction. A speaker representing the International Union of Operating Engineers noted that construction trades apprenticeship jobs need to be created for veterans returning home and the project developer should look into creating such opportunities through this project.

A Bronx resident spoke in opposition of the application. The speaker noted that the public review process, as part of this ULURP application had not been entirely representative. The speaker noted that input from actual community residents had been largely missing.

There were no other speakers and the hearing was closed.

## **WATERFRONT REVITALIZATION PLAN REVIEW**

This application (C 100310 ZMX), in conjunction with the related actions 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 22, 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 10-027. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that the application to amend the Zoning Map (C 100310 ZMX), in conjunction with the related applications (N 100311 ZRX, C 100312 ZSX, C 100313 ZSX, C 110297 ZSX, and C 110234 HAX), is appropriate.

The rezoning area is located at the eastern edge of the residential communities of Crotona Park East and West Farms. It comprises a narrow, isolated stretch of predominantly M1-1 zoned property developed with light industrial uses, unoccupied buildings and vacant land surrounded by a stable residential community. The Commission believes that the existing, underutilized M1-1 zoning district has hindered private investment and redevelopment opportunities in this community.

The Commission believes that the change of zoning from an industrial district (M1-1) to a mix of residential districts (R6A, R7A, R7X, and R8X) with commercial overlays (C2-4), is appropriate. The South Bronx, including the neighborhood of Crotona Park East, will benefit from the redevelopment of this isolated light industrial area with residential

development including affordable housing, commercial and community facility uses, passive and active open space. The Commission believes that the redevelopment of this area would strengthen the overall neighborhood.

The Commission believes that there has been a low level of land use activity in the rezoning area which has seen a decline in manufacturing uses and a trend towards less intensive industrial/heavy commercial uses like warehousing, auto-repair, laundromats, parking garages and open parking lots. The Commission further believes that the change from R7-1, R7-1/C2-4 district to R8X with selected C2-4 overlays in the northern portion of the rezoning area, is appropriate, as this will allow for a variety of uses within a contextual development at a density which is appropriate for this area. The sites in the area north of the Cross Bronx Expressway front on West Farms Road (a wide street) and are located one block from the West Farms Square/E Tremont Avenue Station.

The Commission believes that the rezoning and the related actions will directly facilitate the development of ten buildings by the applicant which are expected to contain up to 1,357,567 square feet of floor area consisting of approximately 1,314,307 square feet of residential floor area (1,325 units), 46,033 square feet of commercial floor area for local retail and service uses and 88,620 square feet of community facility floor area. The proposed project includes the development of 663 of the total dwelling units as affordable housing units. The Commission notes that, in order to mitigate a potential significant adverse impact, the School Construction Authority (SCA) will have an option to construct a 540 seat elementary school within the project. If the SCA elects not to build the school, an 11,888 square feet day care center and 53 residences will be developed in the building.

The proposed rezoning covers an area that extends beyond the properties owned or controlled by the applicant. The Commission believes rezoning of the entire M1-1 district (bounded by Boone Avenue to the south, a line midway between Longfellow and Boone Avenue to the west, a line midway between Longfellow Avenue and West Farms Road to the north and West Farms Road to the east), is essential to effectuate a comprehensive revitalization of the area. The Commission believes that extending the residential zoning to the areas not under the control of the applicant would facilitate an extension of the residential neighborhood of Crotona Park East eastward. The Commission believes that incorporation of these blocks in the rezoning area will foster uses that are compatible with the existing and future residential uses and will avoid leaving a residual pocket of manufacturing district sparsely occupied by heavy commercial uses. The inclusion of these middle blocks will encourage Boone Avenue to acquire a strong residential character and better connect the existing residential community to the new development.

The Commission believes that the proposed development will foster good urban design by creating streetscapes which reinforce the surrounding context and provide a variety in the pedestrian experience through articulation of building heights, setbacks and location of street walls. The Commission believes that the lower scale of buildings (3- 6 story) proposed along Boone Avenue will integrate well with the adjacent 2-2 ½ story row houses in the Crotona Park East neighborhood while the taller buildings proposed along West Farms Road will provide a strong urban edge along West Farms Road. The Commission notes that the change in the grade of land between Longfellow Avenue and West Farms Road ranges from 10-30 feet in the rezoning area, with the neighborhood to the west being at a higher elevation than the rezoning area. As a result, the development

in the rezoning area along Boone Avenue and West Farms Road will result in a gradual increase in building heights moving west to east. The Commission also notes that the proposed project will provide an inviting streetscape by creating breaks in the street wall along the long blocks through the proposed mid-block passageways. The Commission notes that the proposed development will also create opportunities for retail and service uses along Boone Avenue and West Farms Road, which will further activate the streets.

The Commission acknowledges the comments made by the Bronx River Alliance and the Pratt Center for Community Development and notes that measures that would result in partial mitigation of the significant adverse impact on open space have been identified in the FEIS. The applicant will be obligated through the restrictive declaration to inform the Department of Parks and Recreation (DPR) prior to when the active open space impact is anticipated to materialize, so that DPR may evaluate the current open space conditions to determine which mitigation options, if any, need to be implemented. The Commission also notes that the proposed public open spaces in the project, including the mid-block passageways and the proposed playground, will provide additional active and passive recreational opportunities to existing and future residents.

The Commission acknowledges the concern raised by the members of Buildings and Construction Trades Association regarding the use of union labor for the construction of the proposed project. The Commission further notes that placement of such a requirement is beyond the purview of the City Planning Commission.

The Commission acknowledges the Bronx Borough President's concern regarding the potential loss of jobs from the Bronx and the need for the Department of Small Business Services' involvement in rezoning of manufacturing districts. The Commission notes that

the Department of City Planning has shared the Borough President's recommendation with the Department of Small Business Services. The Commission also notes that the applicant, in a letter dated August 18, 2011, has expressed willingness to work with the Department of Small Business Services and the Economic Development Corporation to try to ensure that any affected employer in the area relocates within the Bronx.

### **Rezoning**

The Commission believes that the rezoning area is suitable for redevelopment for residential, commercial and community facility uses due to its good transit accessibility and proximity to the neighborhoods of Crotona Park East and West Farms. The Commission notes that the neighborhoods of Crotona Park East and West Farms which experienced a loss in population during the 1970s and 1980s have stabilized over the last two decades with significant City investment in housing and public facilities. The Commission believes that the proposed rezoning will help in further strengthening the neighborhood by expanding the residential area eastward, creating an urban edge along West Farms road and creating opportunities for retail, service and public facility uses. The Commission further believes that the proposed Large Scale General Development and the as-of-right development by the applicant, pursuant to the proposed zoning change, will enliven the streetscape along Boone Avenue, West Farms Road and the portion of Longfellow Avenue North of Cross Bronx Expressway. The Commission further believes that the Inclusionary Housing designation proposed throughout the rezoning area will create an incentive for affordable housing development in the area.

The Commission believes that the incorporation of a site for a 540 seat elementary school

within the project will allow the development to meet the education needs of the future residents in the event that a determination is made by the School Construction Authority that the existing schools are not able to meet the demand.

### **Large Scale Development Special Permits**

The Commission believes that the Special Permits associated with the Large Scale Development plan are appropriate. The Commission notes that the sites of the Large Scale General Development have several challenging site conditions including a steep grade change between Boone Avenue and West Farms Road, rock out-cropping and shallow and long blocks. The Commission notes that the Special Permits requested by the applicant will allow the proposed development to respond to the site conditions and create an inviting and well designed community.

**The Large Scale Development Special Permit pursuant to Section 74-743** would give the applicant the opportunity to achieve functional building designs taking into account the difficult site conditions. The Commission notes that that the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access to light and air to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets. The distribution of floor area and dwelling units between zoning districts will allow the development to orient the higher density development towards West Farms Road which is a wide street. The Commission also notes that considering the size of the proposed large-scale general development, the streets providing access to such large-scale general development will be

adequate to handle traffic resulting therefrom. The distribution of lot coverage within a zoning lot without regard to corner or through lots will allow the buildings to achieve the proposed courtyard configuration. Exclusion of at grade parking from lot coverage calculations in a LSGD will allow the applicant to provide covered parking on the ground floor on Zoning Lot B where rock outcropping is suspected. The Commission believes that the exclusion of lot coverage will result in a better site plan and a better relationship among buildings and open areas than would be possible without such exclusion and therefore benefit the residents of the large-scale general development. The Special Permit allowing punctuation in the street wall in the R8X district will facilitate the development of landscaped mid-block open spaces between the buildings in the LSGD. These publicly accessible open spaces will be an asset to the area by providing safe pedestrian links between Boone Avenue and West Farms Road. They will also provide a visual relief in the street wall along the long blocks. The Special Permits relating to reduction in building setbacks will allow efficient floor plates in the buildings given the constraints of the shallow blocks. The base and building height modifications will permit the developer to achieve the proposed residential floors taking into account the steep grade change between Boone Avenue and West Farms Road in addition to the rock outcropping between 172<sup>nd</sup> and 173<sup>rd</sup> Streets which will form the base of the building on Zoning Lot B. These modifications will also allow greater articulation in the base and building height enabling superior urban design.

**The Large Scale Development Special Permit pursuant to Section 74-744** will allow the location of commercial uses without regard to the regulations set forth in ZR Section

32-42. Due to the change in grade between Boone Avenue and West Farms Road, retail fronting on Boone Avenue is above the first story of several of the buildings. This waiver will allow commercial uses to be located along West Farms Road facilitating activity on the street. The Commission believes that this waiver is appropriate because the commercial uses will be located in a portion of the mixed building that has separate access to the street with no access of any kind to the residential portion of the building at any story. The Commission further notes that the commercial uses will not be located directly over any story containing dwelling units; and the modifications shall not have any adverse effect on the uses located within the building.

**The Large Scale Development Special Permit pursuant to Section 74-745** will allow the distribution of accessory parking spaces without regard to zoning lot lines. The existence of rock outcropping on the southern portion of Zoning Lot B makes the location of accessory parking on this portion prohibitively expensive. This modification will allow the location of 71 parking spaces required for Zoning Lot B to be located on Zoning Lot A. The Commission believes that the proposed off-street parking spaces and bicycle parking spaces will be conveniently located in relation to the use to which such spaces or berths are accessory. The Commission further notes that the proposed location of off-street parking spaces and bicycle parking spaces will result in a better site plan; and that the location of off-street parking spaces and bicycle parking spaces will not unduly increase the number of spaces in any single block, draw excessive traffic through local streets, or, with the implementation of the mitigation measures identified in the FEIS, otherwise adversely affect traffic conditions in the surrounding area.



## **Disposition of City Owned Property**

The Commission believes that the designation of property as an Urban Development Action Area and Project and the disposition of 13 square feet of city owned property located at 1525 West Farms Road is appropriate. This property is located within the site of the Large Scale Development Plan and is essential for the unified development of the LSGD.

The Commission believes that the proposed rezoning and the related actions will result in a positive transformation of the rezoning area and the surrounding neighborhood. The Commission believes that the addition of residential, commercial and community facility uses will activate the rezoning area which is otherwise underutilized and strengthen the adjoining neighborhoods of Crotona Park East and West Farms.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion ratified herein was issued on August 26, 2011, with respect to this application (CEQR No. 10DCP017X), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is the one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated September 1, 2011 described in the Resolutions for applications C 100312 ZSX, C 100313 ZSX, and C 110297 ZSX, and in addition with respect to application C 100310 ZMX, the three restrictive declarations dated September 1, 2011 and respectively executed by Boone West Farms LLC, 1903 West Farms LLC, and 1931 West Farms LLC, those project components related to the environment and mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; 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 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 Nos.3d.

1. changing from an M1-1 District to an R6A District property bounded by a line midway between Longfellow Avenue and Boone Avenue and its northeasterly prolongation, a service exit of Cross Bronx Expressway, Boone Avenue, and East 172<sup>nd</sup> Street;
2. changing from an M1-1 District to an R7A District property bounded by Boone Avenue, a service exit of Cross Bronx Expressway, a line 200 feet northeasterly of East 174<sup>th</sup> Street, a line 100 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street, a line 50 feet southeasterly of Boone Avenue, a line 350 feet southwesterly of East 172<sup>nd</sup> Street, Sheridan Expressway, Westchester Avenue, Whitlock Avenue, Freeman Street, Boone Avenue, and the former centerline of Boone Avenue;
3. changing from an M1-1 District to an R7X District property bounded by a line 100 feet southeasterly of Boone Avenue, a line 200 feet northeasterly of East 174<sup>th</sup> Street, a service exit of Cross Bronx Expressway, Sheridan Expressway, East 173<sup>rd</sup> Street and its southeasterly centerline prolongation;
4. changing from an R7-1 District to an R8X District property bounded by Longfellow Avenue, Boston Road, West Farms Road, a line 250 feet northeasterly of Rodman Place, a line 100 feet southeasterly of Longfellow Avenue and its northeasterly prolongation, a line 100 feet easterly of Longfellow Avenue, and Cross Bronx Expressway;
5. changing from an M1-1 District to an R8X District property bounded by:
  - a. a line 100 feet southeasterly of Longfellow Avenue and its northeasterly prolongation, a line 250 feet northeasterly of Rodman Place, West Farms Road, the southeasterly prolongation of the northeasterly street line of Rodman Place, and a service exit of Sheridan Expressway; and
  - b. a line 50 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street and its southeasterly centerline prolongation, Sheridan Expressway, and a line 350 feet southwesterly of East 172<sup>nd</sup> Street;
6. establishing within a proposed R6A District a C2-4 District bounded by:
  - a. a line midway between Longfellow Avenue and Boone Avenue and its northeasterly prolongation, a line 100 feet northeasterly of East 174<sup>th</sup> Street, Boone Avenue, and a line 100 feet southwesterly of East 174<sup>th</sup> Street;
  - b. a line midway between Longfellow Avenue and Boone Avenue, a line 100 feet northeasterly of East 173<sup>rd</sup> Street, Boone Avenue and East 173<sup>rd</sup> Street; and

7. establishing within a proposed R7A District a C2-4 District bounded by:
  - a. Boone Avenue, a line 100 feet northeasterly of East 174<sup>th</sup> Street, a line 100 feet southeasterly of Boone Avenue, and a line 100 feet southwesterly of East 174<sup>th</sup> Street; and
  - b. Boone Avenue, a line 100 feet northeasterly of East 173<sup>rd</sup> Street, a line 100 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street, a line 50 feet southeasterly of Boone Avenue, and a line 350 feet southwesterly of East 172<sup>nd</sup> Street;
8. establishing within a proposed R7X District a C2-4 District bounded by:
  - a. a line 100 feet southeasterly of Boone Avenue, a line 100 feet northeasterly of East 174<sup>th</sup> Street, West Farms Road, and a line 100 feet southwesterly of East 174<sup>th</sup> Street; and
  - b. a line 100 feet southeasterly of Boone Avenue, a line 100 feet northeasterly of East 173<sup>rd</sup> Street, West Farms Road, and East 173<sup>rd</sup> Street; and
9. establishing within a proposed R8X District a C2-4 District bounded by:
  - a. Longfellow Avenue, a line 80 feet northeasterly of Rodman Place, a line 100 feet southeasterly of Longfellow Avenue, and Rodman Place;
  - b. a line 70 feet northwesterly of West Farms Road, a line 250 feet northeasterly of Rodman Place, West Farms Road, and Cross Bronx Expressway; and
  - c. a line 50 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street, West Farms Road, a line 100 feet southwesterly of East 173<sup>rd</sup> Street, a line 100 feet southeasterly of Boone Avenue, East 172<sup>nd</sup> Street, West Farms Road, and a line 350 feet southwesterly of East 172<sup>nd</sup> Street;

Borough of Bronx, Community Districts 3 and 6, as shown in a diagram (for illustrative purposes only) dated May 9, 2011 and subject to the conditions of CEQR Declaration E-277.

The above resolution (C 100310 ZMX), duly adopted by the City Planning Commission on September 7, 2011 (Calendar No. 4), 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**  
**RICHARD W. EADDY, VICE CHAIRMAN**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**  
**NATHAN LEVENTHAL, ANNA HAYES LEVIN,**  
**SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners**

**ORLANDO MARIN, Commissioner, Abstained**

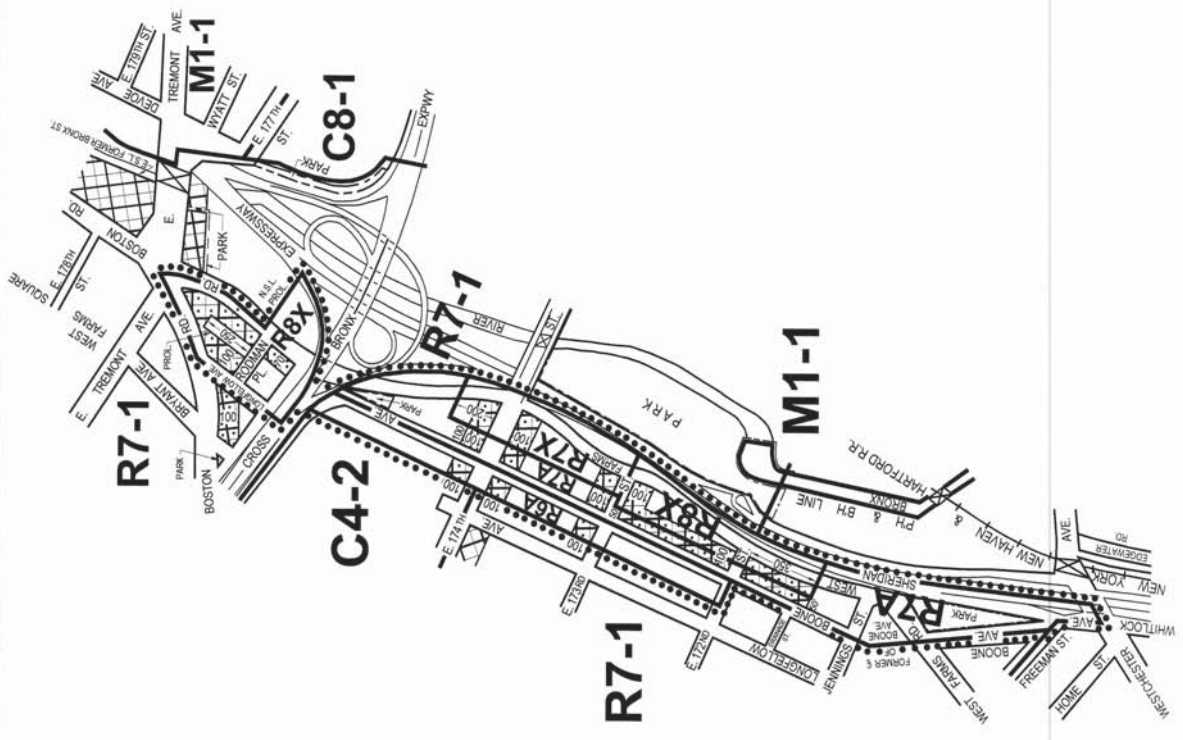
CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**3d**




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

New York, Certification Date  
 MAY 09, 2011

BOROUGH OF  
**BRONX**



**NOTE:**

- Indicates Zoning District Boundary.
- ..... The area enclosed by the dotted line is rezoned by changing from M1-1 and R7-1 Districts to R6A, R7A, R7X and R8X Districts and by establishing a C2-4 District within the proposed R6A, R7A, R7X and R8X Districts.
-  Indicates a C1-4 District.
-  Indicates a C2-4 District.



**THE CITY OF NEW YORK  
BRONX COMMUNITY BOARD 6**

**1932 Arthur Avenue, Room 709, Bronx, NY 10457**

Telephone: (718) 579-6990 Fax: (718) 579-6875 Email: [brxcb6@optonline.net](mailto:brxcb6@optonline.net)

Honorable Ruben Diaz Jr., Bronx Borough President

Honorable Joel Rivera, New York City Council, 15<sup>th</sup> Council District

MS. WENDY RODRIGUEZ  
Board Chairperson

MS. IVINE GALARZA  
District Manager

**BRONX COMMUNITY BOARD #6 RECOMMENDATION  
REGARDING ULURP APPLICATION C 100310 ZMX**

In the matter of Uniform Land Use Review Procedure application # C 100310 ZMX, Bronx Community Board #6 approved the application with the following modification/condition:

“We request that the developer work closely with the trade unions in order to construct this development with union labor.”

Recommendation adopted June 8, 2011

Public School 6  
1000 East Tremont Avenue  
Bronx, New York

Vote: 18 in favor  
2 opposed  
Zero abstentions

Total members appointed to the board: 29

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Ivine Galarza,  
District Manager

Application #: **C 100310 ZMX**

Project Name: **Crotona Park East / West Farms**

CEQR Number: 10DCP017X

Borough(s): **Bronx**  
Community District Number(s) **03 & 06**

*Please use the above application number on all correspondence concerning this application*

**SUBMISSION INSTRUCTIONS**

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- 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:*

**Please see attached.**

<b><u>Applicant(s):</u></b> Industco Holdings, LLC 853 Broadway – Suite 2014 New York, NY 10003		<b><u>Applicant's Representative:</u></b> Jay A. Segal Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166	
<b><u>Recommendation submitted by:</u></b> Bronx Community Board 6			
Date of public hearing: <b>Wednesday, June 8, 2011</b>		Location: <b>Public School #6 @ 1000 East Tremont Avenue</b>	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: <b>Wednesday, June 8, 2011</b>		Location: <b>Public School #6, 1000 East Tremont Avenue</b>	
<b><u>RECOMMENDATION</u></b>			
<input type="checkbox"/> Approve		<input checked="" type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
<b><u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u></b>			
Voting# In Favor: <b>18</b> # Against: <b>2</b> # Abstaining: <b>0</b> Total members appointed to the board: <b>29</b>			
Name <b>Ivine Galarza</b>		Title <b>District Manager</b>	
Date <b>June 10, 2011</b>			




**IN THE MATTER OF** an application submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d:

1. changing from an M1-1 District to an R6A District property bounded by a line midway between Longfellow Avenue and Boone Avenue and its northeasterly prolongation, a service exit of Cross Bronx Expressway, Boone Avenue, and East 172<sup>nd</sup> Street;
2. changing from an M1-1 District to an R7A District property bounded by Boone Avenue, a service exit of Cross Bronx Expressway, a line 200 feet northeasterly of East 174<sup>th</sup> Street, a line 100 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street, a line 50 feet southeasterly of Boone Avenue, a line 350 feet southwesterly of East 172<sup>nd</sup> Street, Sheridan Expressway, Westchester Avenue, Whitlock Avenue, Freeman Street, Boone Avenue, and the former centerline of Boone Avenue;
3. changing from an M1-1 District to an R7X District property bounded by a line 100 feet southeasterly of Boone Avenue, a line 200 feet northeasterly of East 174<sup>th</sup> Street, a service exit of Cross Bronx Expressway, Sheridan Expressway, East 173<sup>rd</sup> Street and its southeasterly centerline prolongation;
4. changing from an R7-1 District to an R8X District property bounded by Longfellow Avenue, Boston Road, West Farms Road, a line 250 feet northeasterly of Rodman Place, a line 100 feet southeasterly of Longfellow Avenue and its northeasterly prolongation, a line 100 feet easterly of Longfellow Avenue, and Cross Bronx Expressway;
5. changing from an M1-1 District to an R8X District property bounded by:
  - a. a line 100 feet southeasterly of Longfellow Avenue and its northeasterly prolongation, a line 250 feet northeasterly of Rodman Place, West Farms Road, the southeasterly prolongation of the northeasterly street line of Rodman Place, and a service exit of Sheridan Expressway; and
  - b. a line 50 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street and its southeasterly centerline prolongation, Sheridan Expressway, and a line 350 feet southwesterly of East 172<sup>nd</sup> Street;
6. establishing within a proposed R6A District a C2-4 District bounded by:
  - a. a line midway between Longfellow Avenue and Boone Avenue and its northeasterly prolongation, a line 100 feet northeasterly of East 174<sup>th</sup> Street, Boone Avenue, and a line 100 feet southwesterly of East 174<sup>th</sup> Street;
  - b. a line midway between Longfellow Avenue and Boone Avenue, a line 100 feet northeasterly of East 173<sup>rd</sup> Street, Boone Avenue and East 173<sup>rd</sup> Street; and
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- b. Boone Avenue, a line 100 feet northeasterly of East 173<sup>rd</sup> Street, a line 100 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street, a line 50 feet southeasterly of Boone Avenue, and a line 350 feet southwesterly of East 172<sup>nd</sup> Street;
8. establishing within a proposed R7X District a C2-4 District bounded by:
- a. a line 100 feet southeasterly of Boone Avenue, a line 100 feet northeasterly of East 174<sup>th</sup> Street, West Farms Road, and a line 100 feet southwesterly of East 174<sup>th</sup> Street; and
  - b. a line 100 feet southeasterly of Boone Avenue, a line 100 feet northeasterly of East 173<sup>rd</sup> Street, West Farms Road, and East 173<sup>rd</sup> Street; and
9. establishing within a proposed R8X District a C2-4 District bounded by:
- a. Longfellow Avenue, a line 80 feet northeasterly of Rodman Place, a line 100 feet southeasterly of Longfellow Avenue, and Rodman Place;
  - b. a line 70 feet northwesterly of West Farms Road, a line 250 feet northeasterly of Rodman Place, West Farms Road, and Cross Bronx Expressway; and
  - c. a line 50 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street, West Farms Road, a line 100 feet southwesterly of East 173<sup>rd</sup> Street, a line 100 feet southeasterly of Boone Avenue, East 172<sup>nd</sup> Street, West Farms Road, and a line 350 feet southwesterly of East 172<sup>nd</sup> Street;

Borough of Bronx, Community Districts 3 and 6, as shown in a diagram (for illustrative purposes only) dated May 9, 2011 and subject to the conditions of CEQR Declaration E-277.


 <b>Crotona Park East / West Farms Community/Borough</b> <b>Board Recommendation</b> Pursuant to the Uniform Land Use	
Application #: <b>C 100310 ZMX</b> CEQR Number: 10DCP017X	Project Name: <b>Crotona Park East / West Farms</b> Borough(s): <b>Bronx</b> Community District Number(s) <b>03 &amp; 06</b>
Please use the above application number on all correspondence concerning this application.	

**SUBMISSION INSTRUCTIONS**

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  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (8-digit application number), e.g., "CB Recommendation #C100000ZSC"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
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Docket Description:  
 Please see attached.

<b>Applicant(s):</b> Industco Holdings, LLC 853 Broadway - Suite 2014 New York, NY 10003		<b>Applicant's Representative:</b> Jay A. Segal Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166	
<b>Recommendation submitted by:</b> Bronx Community Board 3			
Date of public hearing: <u>6/14/11</u>		Location: <u>1426 Boston Rd. Bx NY 10456</u>	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
Date of Vote: <u>6/14/11</u>		Location: <u>1426 BOSTON Rd. Bx NY 10456</u>	
<b>RECOMMENDATION</b>			
<input checked="" type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
<b>Voting</b> # In Favor: <u>25</u> # Against: <u>0</u> # Abstaining: <u>1</u> Total members appointed to the board: <u>40</u>			
Name: <u>John W. Dudley</u>		Title: <u>DISTRICT MGR.</u>	
Date: <u>6/21/11</u>			

 <b>Crotona Park East / West Farms Community/Borough</b> <b>Board Recommendation</b> Pursuant to the Uniform Land Use	
Application #: <b>C 100312 ZSX</b> CEQR Number: 10DCP017X	Project Name: <b>Crotona Park East / West Farms</b> Borough(s): <b>Bronx</b> Community District Number(s) <b>03</b>
Please use the above application number on all correspondence concerning this application.	

**SUBMISSION INSTRUCTIONS**

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (8-digit application number), e.g., "CB Recommendation #C10000250"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3358 and note "Attention of the Calendar Office"
- 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 Industro Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743\* of the Zoning Resolution:


- to allow the distribution of total allowable floor area, dwelling units and lot coverage without regard for zoning lot line and zoning district boundaries;
- allow the location of buildings without regard for the applicable height and setback and court regulations; and
- to exclude portions of a building containing permitted or required accessory off-street parking spaces to be excluded from the calculation of lot coverage;

in connection with two proposed mixed use developments (Zoning Lot A, Block 3013, Lots 12, 29, 31, 35, 37 & 46 and Zoning Lot B, Block 3014, Lots 9, 15 & 45), in R7A/C2-4\*\*, R8X\*\* and R8X/C2-4\*\* Districts, within a Large-Scale General Development bounded by Boone Avenue, East 173<sup>rd</sup> Street, West Farms Road, and a line approximately 331 feet southwesterly of East 172<sup>nd</sup> Street, Borough of the Bronx, Community District 3.

\* Note: Section 74-743 is proposed to be changed under a concurrent related application (N 100311 ZRX) for a zoning text amendment.  
 \*\* Note: The site is proposed to be rezoned from an M1-1 District to R7A/C2-4, R8X and R8X/C2-4 Districts under a concurrent related application (C 100310 ZMX).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

<b>Applicant(s):</b> Industro Holdings, LLC 853 Broadway - Suite 2014 New York, NY 10003	<b>Applicant's Representative:</b> Jay A. Segal Greenberg Traurig, LLP 200 Park Avenue New York, NY 10168
<b>Recommendation submitted by:</b> Bronx Community Board 3	
<b>Date of public hearing:</b> 6/14/11	<b>Location:</b> 1426 Boston Rd Bronx NY 10456
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.
<b>Date of Vote:</b> 6/14/11	<b>Location:</b> 1426 Boston Rd Bronx NY 10456
<b>RECOMMENDATION</b> <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.	
<b>Voting</b> # In Favor: 25 # Against: 0 # Abstaining: 1 Total members appointed to the board: 40	
<b>Name:</b> John W. Dudley	<b>Title:</b> DISTRICT MGR
<b>Date:</b> 6/21/11	

	<b>Crotona Park East / West Farms Community/Borough</b> <b>Board Recommendation</b> Pursuant to the Uniform Land Use
	Application #: <b>C 100313 ZSX</b> CEQR Number: 10DCP017X

**SUBMISSION INSTRUCTIONS**

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BF) Recommendation + (8-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- 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 Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745 of the Zoning Resolution to allow the distribution of required or permitted accessory off-street parking spaces without regard for zoning lot lines, in connection with two proposed mixed use developments (Zoning Lot A, Block 3013, Lots 12, 29, 31, 35, 37 & 46 and Zoning Lot B, Block 3014, Lots 9, 15 & 45), in R7A/C2-4\*\*, R8X\*\* and R8X/C2-4\*\* Districts, within a Large-Scale General Development bounded by Boone Avenue, East 173<sup>rd</sup> Street, West Farms Road, and a line approximately 331 feet southwesterly of East 172<sup>nd</sup> Street, Borough of the Bronx, Community District 3.

\*\* Note: The site is proposed to be rezoned from an M1-1 District to R7A/C2-4, R8X and R8X/C2-4 Districts under a concurrent related application (C 100310 ZMX).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

<b>Applicant(s):</b> Industco Holdings, LLC 853 Broadway - Suite 2014 New York, NY 10003	<b>Applicant's Representative:</b> Jay A. Segal Greenberg Traurig, LLP 200 Park Avenue New York, NY 10186
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**Recommendation submitted by:** Bronx Community Board 3

**Date of public hearing:** 6/14/11 **Location:** 1426 BOSTON AVE. BX NY 10456

**Was a quorum present?** YES  NO  A public hearing requires a quorum of 20% of the appointed members of the board, but in no event lower than seven such members.

**Date of Vote:** 6/14/11 **Location:** 1426 BOSTON AVE. BX NY 10456


**RECOMMENDATION**

Approve  Approve With Modifications/Conditions  
 Disapprove  Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

**Voting**  
 # In Favor: 25 # Against: 0 # Abstaining: 1 Total members appointed to the board: 40

<b>Name:</b> John W. Dudley  <b>Date:</b> 6/21/11	<b>Title:</b> D.S. - M.C.A.
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 <b>Crotona Park East / West Farms Community/Borough</b> <b>Board Recommendation</b> Pursuant to the Uniform Land Use	
Application #: <b>C 110297 ZSX</b> CEQR Number: 10DCP017X	Project Name: <b>Crotona Park East / West Farms</b> Borough(s): <b>Bronx</b> Community District Number(s) <b>03</b>

**SUBMISSION INSTRUCTIONS**

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BF) Recommendation + (8-digit application number), e.g., "CB Recommendation #C100000230"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3396 and note "Attention of the Calendar Office"
- 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 Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744 of the Zoning Resolution to allow residential and non residential uses to be arranged within a building without regard for the use regulation set forth in Section 32-42 (Location within buildings), in connection with two proposed mixed use developments (Zoning Lot A, Block 3013, Lots 12, 29, 31, 35, 37 & 46 and Zoning Lot B, Block 3014, Lots 9, 15 & 45), in R7A/C2-4\*\*, R8X\*\* and R8X/C2-4\*\* Districts, within a Large-Scale General Development bounded by Boone Avenue, East 173<sup>rd</sup> Street, West Farms Road, and a line approximately 331 feet southwesterly of East 172<sup>nd</sup> Street, Borough of the Bronx, Community District 3.

\*\* Note: The site is proposed to be rezoned from an M1-1 District to R7A/C2-4, R8X and R8X/C2-4 Districts under a concurrent related application (C 100310 ZMX).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

<b>Applicant(s):</b> Industco Holdings, LLC 853 Broadway - Suite 2014 New York, NY 10003	<b>Applicant's Representative:</b> Jay A. Segal Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166
<b>Recommendation submitted by:</b> Bronx Community Board 3	
<b>Date of public hearing:</b> 6/14/11	<b>Location:</b> 1426 BOSTON RD BX NY 10456
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>
<b>Date of Vote:</b> 6/14/11	<b>Location:</b> 1426 BOSTON RD BX NY 10456
<b>RECOMMENDATION</b> <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions Please attach any further explanation of the recommendation on additional sheets, as necessary.	
<b>Voting</b> # In Favor: 25 # Against: 0 # Abstaining: 1 Total members appointed to the board: 40	
Name: <u>John W. Dudley</u>	Title: <u>DISTRICT MGR.</u>
Date: <u>6/21/11</u>	

**NYC PLANNING** **Community/Borough Board Recommendation**  
 Pursuant to the Uniform Land Use Review Procedure

Application # <b>C 110234HAX</b>	Project Name: 1525 West Farms Road
CEQR Number: 10DCP017X	Borough(s): Bronx Community District Number(s): 3

Please use the above application number on all correspondence concerning this application

**SUBMISSION INSTRUCTIONS**

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "B Recommendation #C100002SQ"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Rensselaer Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- 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 the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
    - the designation of property located at 1525 West Farms Road (Block 3014, Lot 45) as an Urban Development Action Area; and
    - an Urban Development Action Area Project for such area; and
  - pursuant to Section 197-c of the New York City Charter for the disposition of such property.
- to facilitate the disposition of the property to an adjacent leasehold owner for future development of affordable housing, Community District 3, Borough of the Bronx.

<b>Applicant(s):</b> Dept. of Housing Preservation and Development 100 Gold Street NY, NY 10038	<b>Applicant's Representative:</b> Winifred Campbell Dept. of Housing Preservation and Development 100 Gold Street NY, NY 10038
<b>Recommendation submitted by:</b>	
<b>Date of public hearing:</b> 6/14/11	<b>Location:</b> 1426 BOSTON RD BX NY 10456
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>
<b>Date of Vote:</b> 6/14/11	<b>Location:</b> 1426 BOSTON RD BX NY 10456
<b>RECOMMENDATION</b>	
<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>	
<b>Voting</b>	
# In Favor: 25 # Against: 0 # Abstaining: 1	Total members appointed to the board: 40
<b>Name of CB/BB officer completing this form</b> John W. Dudley	<b>Title:</b> DIST. M. Arliger
	<b>Date:</b> 6/21/11

**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 110234 HAX, C 110297 ZSX, C 100310 ZMX, N 100311, ZRX, C 100312 ZSX, C 100313 ZSX**

**DOCKET DESCRIPTION**

**PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION**

**COMMUNITY BOARD NOS. 3 & 6**

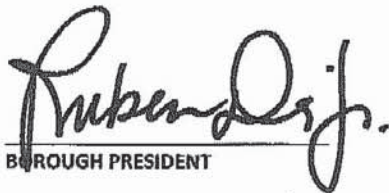
**BOROUGH: THE BRONX**

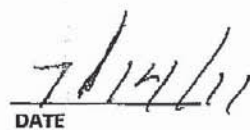
**RECOMMENDATION**

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

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

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

  
**BOROUGH PRESIDENT**

  
**DATE**



BRONX BOROUGH PRESIDENT'S RECOMMENDATION  
ULURP APPLICATION NOS: C 100310 ZMX C 100312 ZSX C 110234 HAX C 110297 ZSX  
CROTONA PARK EAST-WEST FARMS REZONING  
7/12/11

DOCKET DESCRIPTION

CD 3 & 6-ULURP APPLICATION NO: C 100310 ZMX-IN THE MATTER OF an application submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d:

1. changing from an M1-1 District to an R6A District property bounded by a line midway between Longfellow Avenue and Boone Avenue and its northeasterly prolongation, a service exit of the Cross Bronx Expressway, Boone Avenue, and East 172<sup>nd</sup> Street;
2. changing from an M1-1 District to an R7A District property bounded by Boone Avenue, a service exit of the Cross Bronx Expressway, a line 200 feet northeasterly of East 174<sup>th</sup> Street, a line 100 southeasterly of Boone Avenue, East 173<sup>rd</sup> Street, a line 50 feet southeasterly of Boone Avenue, a line 350 feet southwesterly of East 172<sup>nd</sup> Street, Sheridan Expressway, Westchester Avenue, Whitlock Avenue, Freeman Street, Boone Avenue, and the former centerline of Boone Avenue;
3. changing from an M1-1 District to an R7X District property bounded by a line 100 feet southeasterly of Boone Avenue, a line 200 feet northeasterly of East 174<sup>th</sup> Street, a service exit of the Cross Bronx Expressway, Sheridan Expressway, East 173<sup>rd</sup> Street and its southeasterly centerline prolongation;
4. changing from an R7-1 District to an R8X District property bounded by Longfellow Avenue, Boston Road, West Farms Road, a line 250 northeasterly of Rodman Place, a line 100 feet southeasterly of Longfellow Avenue and its northeasterly prolongation, a line 100 feet easterly of Longfellow Avenue, and the Cross Bronx Expressway;
5. changing from an M1-1 District to an R8X District property bounded by:
  - a. a line 100 feet southeasterly of Longfellow Avenue and its northeasterly prolongation, a line 250 feet northeasterly of Rodman Place, West Farms Road, the southeasterly prolongation of the northeasterly street line of Rodman Place, and a service exit of the Sheridan Expressway; and
  - b. a line 50 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street and its southeasterly centerline prolongation, Sheridan Expressway, and a line 350 feet southwesterly of East 172<sup>nd</sup> Street;
6. establishing within a proposed R6A District a C2-4 District bounded by:

- a. a line midway between Longfellow Avenue and Boone Avenue and its northeasterly prolongation, a line 100 feet northeasterly of East 174<sup>th</sup> Street, Boone Avenue, and a line 100 feet southwesterly of East 174<sup>th</sup> Street;
  - b. a line midway between Longfellow Avenue and Boone Avenue, a line 100 feet northeasterly of East 173<sup>rd</sup> Street, Boone Avenue and East 173<sup>rd</sup> Street; and
7. establishing within a proposed R7A District a C2-4 District bounded by:
- a. Boone Avenue, a line 100 feet northeasterly of East 174<sup>th</sup> Street, a line 100 feet southeasterly of Boone Avenue, a line 100 feet southwesterly of East 174<sup>th</sup> Street; and
  - b. Boone Avenue, a line 100 feet northeasterly of East 173<sup>rd</sup> Street, a line 100 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street, a line 50 feet southeasterly of Boone Avenue, and a line 350 feet southwesterly of East 172<sup>nd</sup> Street;
8. establishing within a proposed R7X District a C2-4 District bounded by:
- a. a line 100 feet southeasterly of Boone Avenue, a line 100 feet northeasterly of East 174<sup>th</sup> Street, West Farms Road, and a line 100 feet southwesterly of East 174<sup>th</sup> Street; and
  - b. a line 100 feet southwesterly of Boone Avenue, a line 100 feet northeasterly of East 173<sup>rd</sup> Street, West Farms Road, and East 173<sup>rd</sup> Street; and
9. establishing within a proposed R8X District a C2-4 District bounded by:
- a. Longfellow Avenue, a line 80 feet northeasterly of Rodman Place, a line 100 feet southeasterly of Longfellow Avenue, and Rodman Place;
  - b. a line 70 feet northwesterly of West Farms Road, a line 250 feet northeasterly of Rodman Place, West Farms Road, and the Cross Bronx Expressway; and
  - c. a line 50 feet southeasterly of Boone Avenue, East 173<sup>rd</sup> Street, West Farms Road, a line 100 feet southwesterly of East 173<sup>rd</sup> Street, a line 100 feet southeasterly of Boone Avenue, East 172<sup>nd</sup> Street, West Farms Road, and a line 350 feet southwesterly of East 172<sup>nd</sup> Street;

Borough of Bronx, Community Districts 3 and 6, as shown in a diagram (for illustrative purposes only) dated May 9, 2011 and subject to the conditions of CEQR Declaration E-277.

CD 3 ULURP Application No; C 100312 ZSX –IN THE MATTER OF an application submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit to Section 74-743\* of the Zoning Resolution:

- a. to allow the distribution of total allowable floor area, dwelling units and lot coverage without regard for zoning lot line and zoning district boundaries;
- b. allow the location of buildings without regard for the applicable height and setback and court regulations; and
- c. to exclude portion of a building containing permitted or required accessory off-street parking spaces to be excluded from the calculation of lot coverage;

in connection with two proposed mixed use developments (Zoning Lot A, Block 3013, Lots 12, 29, 31, 35 37 & 46 and Zoning Lot B, Block 3014, Lots 9, 15 & 45), in R7A/C2-4\*\*, R8X/C2-4\*\* Districts, within a Large Scale General Development bounded by Boone Avenue, East 173<sup>rd</sup> Street, West Farms Road, and a line approximately 351 feet southwesterly of East 172<sup>nd</sup> Street, Borough of The Bronx, Community District 3.

- Note: Section 74-743 is proposed to be changed under a concurrent related application (N 100311 ZRX) for a zoning text amendment.

\*\* Note: The site is proposed to be rezoned from an M1-1 District to R7A/C2-4 Districts under a concurrent related application (C 100310 ZMX).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, New York 10007.

CD 3 ULURP APPLICATION NO: C 110234 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 1525 West Farms Road (Block 3014, Lot 45) 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 disposition of such property.

To facilitate the disposition of the property to an adjacent leaseholder for the future development of affordable housing, Community District 3, Borough of the Bronx.

CD 3 ULURP APPLICATION NO: C 110297 ZSX-IN THE MATTER OF an application submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744 of the Zoning Resolution to allow residential and non residential uses to be arranged within a building without regard for the use regulation set forth in Section 32-42 (Location within buildings), in connection with two proposed mixed use developments (Zoning Lot A, Block 3013, Lots 12, 29, 31, 35, 37 & 46 and Zoning Lot B, Block 30-14, Lots 9, 15 & 45), in R7A/C2-4\*\*, R8X\*\* and R8X/C2-4\*\* Districts, within a Large-Scale General Development bounded by Boone Avenue, East 173<sup>rd</sup> Street, West Farms Road, and a line approximately 331 feet southwesterly of East 172<sup>nd</sup> Street, Borough of the Bronx, Community District 3.

\*\* Note: The site is proposed to be rezoned from an M1-1 District to a R7A/C2-4, R8X and R8X/C2-4 Districts under a concurrent related application (C 100310 ZMX).

## BACKGROUND

The purpose of this ULURP is to rezone an 11-block area along West Farms Road and Boone Avenue between East Tremont Avenue to the north and Freeman Street to the south from a M1-1 zone to provide a mix of residential, commercial and community facility uses. This application also looks for approval of a number of special permits to designate Block 3013, Lots 12, 29, 31, 35, 37 and 46, and Block 3014, Lots 9, 15 and 45 as a Large Scale General Development (LSGD) area; to lift restrictions on the location commercial uses; and to allow parking spaces to be distributed without the confinement of zoning lot boundaries.

The proposed rezoning would allow for the creation of approximately 2,635 housing units, 92,941 square feet of commercial space, 11,888 square feet of community facility space, and publicly accessible, mid-block open space corridors. The sites controlled by the applicant would produce 1,325 housing units, 46,033 square feet of commercial space, and 11,888 square feet of community facility space intended for daycare. The applicant is also considering the development of an 88,620 square foot, 540-seat elementary school, pending New York City Department of Education siting approval, in lieu of the daycare facility and one of the residential buildings.

The proposed rezoning straddles two community boards, Bronx Community Boards 3 and 6, and will thus be first analyzed in the context of each community board, and then as a whole.

### **Bronx Community Board 3**

The proposed rezoning area in Bronx Community Board 3 is bound by the Cross Bronx Expressway to the north, Sheridan Expressway to the east, Freeman Street to the south, and Boone Avenue, and the midblock of Boone and Longfellow Avenues to the west. The entire area is currently zoned M1-1. The following zones are being proposed:

- **R6A:** Western side of Boone Avenue between East 172<sup>nd</sup> Street and the Cross Bronx Expressway.

- **R7A:** Eastern side of Boone Avenue between Freeman Street and the Cross Bronx Expressway; West Farms Road between Freeman Street and 240 feet north of Jennings Street; and West Farms Road between 200 feet north of East 174<sup>th</sup> Street and the Cross Bronx Expressway.
- **R7X:** West Farms Road between East 173<sup>rd</sup> Street and 200 feet north of East 174<sup>th</sup> Street.
- **R8X:** West Farms Road between 240 feet north of Jennings Street and East 173<sup>rd</sup> Street.
- **C2-4:** Eastern side of Boone Avenue between 268 feet north of Jennings Street and 100 feet north of East 173<sup>rd</sup> Street; the northwest corner of Boone Avenue and East 173<sup>rd</sup> Street; the northwest and southwest corners of Boone Avenue and East 174<sup>th</sup> Street; East 173<sup>rd</sup> Street between Boone Avenue and West Farms Road; East 174<sup>th</sup> Street between Boone Avenue and West Farms Road; and West Farms Road between 240 feet north of Jennings Street and East 172<sup>nd</sup> Street.

These actions would allow for the construction of six-to-fifteen story residential buildings along West Farms Road and Boone Avenue, with commercial overlays on the corners. Also, the Large-Scale General Development Plan would allow for setback and height requirements to be adjusted that allows for taller buildings on certain blocks, while allowing shorter buildings on others. Additionally, this action will allow parking to be configured under certain sites that do not have issues with rock outcroppings that will remain.

Currently this area is a mix of manufacturing, wholesale, warehouse and automobile uses. The immediate surrounding neighborhood is characterized by primarily one-to-three family homes, five-to-six story apartment buildings, and public schools to the west and south, New Horizons shopping mall and the Cross Bronx Expressway to the north and northwest, and the Sheridan Expressway, manufacturing, hotel, automobile uses and Starlight Park to the east.

This area is well-served by transportation with the IRT 2 and 5 local trains stopping at 174<sup>th</sup> Street and Freeman Street stations 4½ blocks west from the western most edge of the proposed rezoned area, and the IRT 6 local train stopping at Whitlock Avenue two blocks south from the southernmost point of the proposed rezoning. The area also has a number of buses, including the BX4, 4A and 27 along Westchester Avenue; BX5 and 35 terminating at Westchester Avenue and East 165<sup>th</sup> Street, three blocks south of the proposed rezoned area; BX11 along East 172<sup>nd</sup> Street, Jennings Street and West Farms Road; BX19 along Southern Boulevard; BX21 along Boston Road; and BX36 along East 174<sup>th</sup> Street. Also, as mentioned, the area is abutted by the Cross Bronx Expressway to the north and Sheridan Expressway to the east. Access to the Bronx River Parkway is ½ mile to the east.

### **Bronx Community Board 6**

The proposed rezoning area in Bronx Community Board 6 is bound by East Tremont Avenue to the north, West Farms Road and Sheridan Expressway to the east, East 176<sup>th</sup> Street to the south, and Longfellow Avenue and Boston Road to the west. The entire area is proposed to be rezoned from M1-1 to R8X with a C2-4 overlay along Boston and West Farms Roads. These actions would allow for the development of residential buildings up to 15 stories in height with first floor commercial uses.

Currently this area is a mix of hotel, manufacturing, automobile and vacant uses. The immediate surrounding area is characterized by five-to-six story apartment buildings to the north, east and west, high-rise towers to the northwest, one-to-three family homes to the north and east, commercial taxpayer and mall structures to the north and west, the Bronx River Art Center to the north, a bus depot to the south east and underutilized manufacturing uses to the east. The Bronx Zoo and River Park are also ¼ mile to the north.

The area is well-served by transportation with the IRT 2 and 5 local trains stopping at West Farms Square-East Tremont Avenue station along the north and west boundaries of the site. Additionally, the East 180<sup>th</sup> Street station for these lines is four blocks to the northeast and provides express train service via the IRT 5 during rush hours. The area is also well-served by bus transportation with the BX9 and Q44 buses terminating around West Farms Square; the BX21, 36, 40 and 42 buses at West Farms Square; and the BXM10 Express Bus along East Tremont Avenue. The area is also abutted by the Cross Bronx Expressway to the south and Sheridan Expressway to the east. Access to the Bronx River Parkway is 2/5 mile to the east.

#### 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 a Type I action on January 25, 2010, resulting in a Positive Declaration that requires an Environmental Impact Statement. The City Planning Commission certified this application as complete on May 9, 2011.

#### COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board #6 held a public hearing and approved this application on June 8, 2011 with a vote of 18 in favor, two against, and zero abstentions. Bronx Community Board #3 held a public hearing and approved this application on June 21, 2011 with a vote of 25 in favor, zero against and one abstention.

#### BRONX BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President held a public hearing on this application on June 16, 2011. The applicants were present and spoke in favor of this application. Four members from the community were also present and expressed some concerns over the scope of the project. The following comments were noted:

- There would be reduced open space acreage per person as a result of this project and is identified in the Draft Environmental Impact Statement.
- The creation of an open space fund to support Starlight Park and the surrounding neighborhood parks.
- Whether or not there was adequate community involvement in the process.

- Whether or not the project was explained clearly to residents at the Community Board hearings.
- Request for at least 30% of the units to be low-income.

There were additional written statements from The Metallic Lathers & Reinforcing Ironworkers Union, Local 46 and the International Union of Elevator Constructors, Local 1, requesting approval only if a union labor agreement is reached for the project.

The Bronx Borough Board also held a hearing on the matter on June 23, 2011 and unanimously voted in favor of the project.

#### BRONX BOROUGH PRESIDENT'S RECOMMENDATION

The Crotona Park East-West Farms rezoning has the potential to transform a desolate stretch of West Farms Road and an underutilized corner of West Farms Square into a vibrant and active stretch of street. The applicant plans on constructing over 1,300 of the potential 2,600 units over a ten-year period.

I applaud the applicant in their initiative to work with the community and elected officials to create a plan that incorporates the needs of the neighborhood. A number of public hearings took place, as well as a scoping session on March 4, 2010. I appreciate that our suggestions of adding commercial overlays on West Farms Road and step streets at the mid-block open space corridors were readily included. Also, I am happy that the applicant will be committing to constructing a mixed-income community. To achieve a balance, I request that at least 30% of the units proposed will be for low-income residents, and at least 30% will be for moderate and middle-income residents. If there is opportunity for homeownership, then I strongly urge the applicant to pursue it. Crotona Park East has a number of stable, homeownership developments and is one of the few neighborhoods in the South Bronx that provides a substantial number of homeownership opportunities. A cooperative or condominium option would be complimentary.

In terms of community input, I am pleased a site is set aside for an elementary school, if the need arises, and appreciate the outreach to the Department of Education to potentially facilitate this option. Even if this site is not used for a school, the applicant has committed to providing daycare, which is desperately needed in our communities. Also, I am glad the applicant has been in talks with community groups to explore the creation of an open space fund that would support neighborhood parks, such as Starlight Park and River Park. I urge that discussion continue to create such a fund.

I also am excited to see the transformation of West Farms Square. West Farms Square's presence as a crossroads of major Bronx streets, bus terminus, proximity to the Bronx Zoo and Bronx River Arts Center, and excellent subway access through its own station and its proximity to the East 180<sup>th</sup> Street express station, has been underappreciated and underutilized. West Farms Square can become a vibrant and safe intersection with the addition of streetlife on the southern end that compliments the activity around the subway entrances on the northside. The

scale of the proposed buildings would match the existing character of the high rise project-based Section 8 buildings on the northwest corner.

As much as I applaud this rezoning, I do have some concerns, the first of which deal with Boone Street and the area immediately west. The character of Boone Street will drastically change as a result of the rezoning. Boone Street, unlike West Farms Road, is an active, narrow corridor currently bustling with jobs. Although the applicant has indicated many of the 184 existing manufacturing, wholesale and warehouse jobs are planning to relocate, I remain concerned about the loss of skilled labor jobs in the borough. The economy of The Bronx cannot thrive on low-paying, part-time retail employment. The Department of Small Business Services needs to play a larger role in the ULURP process when manufacturing jobs are impacted by a rezoning.

Furthermore, I am concerned about the height of the buildings along Boone Street and their impact and influence on the existing community to the west in Crotona Park East. Crotona Park East is a mixed-density neighborhood that contains a series of low-rise, homeownership developments, such as Charlotte Gardens, Salter Square and the West Farms Homeowners Association (located one block from the rezoning). Development in the neighborhood recently has dwarfed these structures. Crotona Park East provides one of the few comprehensive clusters of homeownership opportunities in the South Bronx. Additionally, there are a number of century-old detached homes in West Farms at the north end of this rezoning. If a plan like this is to move forward, then City Planning needs to make sure that the balance of density is limited to this rezoning by downzoning a good portion of Crotona Park East and West Farms.

Finally, I ask the applicant to strongly consider two things. First, whether or not the Sheridan Expressway is decommissioned, streetlife must be encouraged along West Farms Road. Aside from the promised commercial space, entrances to the residential portion of the buildings are also a necessity. True transformation can only take place if people are given a reason to walk along the street, otherwise this will create a high-rise, yet desolate corridor. Second, I urge the developer to hire Bronx residents and use Bronx certified suppliers and vendors for construction. The Bronx is abundant in qualified skilled labor, and these Bronxites deserve the opportunity to work on a project of such impact and magnitude.

Overall, I believe that the Crotona Park East-West Farms rezoning will benefit both Bronx Community Boards 3 and 6. I ask both the applicant and the City to address my concerns mentioned above to make this project a true success.

I recommend approval of this application.





**Bronx Borough President Ruben Diaz, Jr.**

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July 22, 2011

City Planning Commission  
Calendar Information Office, Room 2 E  
22 Reade Street  
New York, New York 10007

Dear Ladies and Gentlemen:

Please be advised that on June 23, 2011, the Bronx Borough Board voted to approve the following ULURP application:

ULURP Application No: C 100310 ZMX, N 100311 ZRX,  
C 100312 ZSX, C 110234 HAX, C 110297 ZSX  
Crotona Park East/West Farms Rezoning

Please do not hesitate to contact Marisol Halpern, Director of Borough Operations, at (718) 590-3882 if you have any questions or require any assistance.

Sincerely,  
  
Ruben Diaz Jr.