



CITY PLANNING COMMISSION

October 19, 2009 / Calendar No. 3

C 090437 ZMX

IN THE MATTER OF an application submitted by Related Retail Armory, LLC and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c: changing from an R6 district to a C4-4 District property bounded by West 195th Street, Jerome Avenue, West Kingsbridge Road, and Reservoir Avenue, as shown in a diagram (for illustrative purposes only) dated May 18, 2009, Community District 7, Borough of the Bronx.

The application for the zoning map amendment was filed by the New York City Economic Development Corporation and Related Armory, LLC on May 12, 2009, to facilitate the development of an approximately 600,000 square foot retail, entertainment, and community facility development within an existing building, the Kingsbridge Armory in the Kingsbridge neighborhood of Community District 7, Borough of the Bronx.

RELATED ACTIONS

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

C 090438 PPX Disposition of City-owned property;

C 090236 MMX Amendment to the City Map involving the elimination, discontinuance and closing of a portion of Reservoir Avenue and West Kingsbridge Road, and the mapping of Barnhill Triangle as parkland;

C 090237 MMX Amendment to the City Map involving the elimination, discontinuance and closing of a portion of West 195th Street between Reservoir Avenue and Jerome Avenue.

BACKGROUND

Approval is sought for the following actions: a zoning map amendment from R6 to C4-4 by Related Retail Armory, LLP and the Economic Development Corporation, the disposition of City-owned property by the Department of Citywide Administrative Services, and two (2) city map amendments by the Economic Development Corporation, one of which includes the mapping of New York City parkland. These actions will facilitate the construction of an approximately 600,000 square foot retail, entertainment, and community facility development within the existing Kingsbridge Armory. The Kingsbridge Armory is located in the Kingsbridge neighborhood of the Bronx, Community District 7.

This proposal results from the ongoing work of the NYCEDC and the Kingsbridge Armory Task Force. The task force was established by the Mayor in 2006 to facilitate the development of the Kingsbridge Armory, a landmarked building which has stood mostly vacant since 1994. The Task Force included representatives of elected officials, Bronx Community Board 7, and the neighboring community, including the Kingsbridge Armory Redevelopment Alliance.

The Kingsbridge Armory site is located on the north side of West Kingsbridge Road on a block bounded by West 195th Street to the north, Jerome Avenue to the east, and Reservoir Avenue to the west. The project site consists of two City-owned lots (Block 3247, Lot 10 and part of Lot 2) with a combined area of approximately 291,000 square feet. The site is situated within an R6 zoning district, which permits medium-density residential development. The surrounding area contains R6 and higher-density R8 residential districts.

Existing Conditions

The project site is largely occupied by the Kingsbridge Armory, also known as the Eighth Regiment Armory. It was built in 1914 to house the National Guard's Eighth Artillery Regiment. Being a fine example of military architecture, the Armory was designated a New York City Landmark in 1974. After the Eighth Regiment left the building in 1994 to occupy two smaller buildings on the same lot, the Armory was ceded to the City of New York in 1996. It has been sitting predominately vacant since. The building today contains approximately 575,000 square feet in floor area, and stands 130 feet tall and 600 feet wide. The drill hall floor occupies 180,000 square feet of floor area. Located to the north of the Armory on the same zoning lot are the two buildings currently utilized by the National Guard. These buildings are controlled by the State of New York and are not a part of the Kingsbridge Armory.

The surrounding area contains a mixture of commercial and residential uses. Local commercial retail and services line Kingsbridge Road south of the project site, from Sedgwick Avenue to the Grand Concourse Special District. This area is zoned with a C1-3 overlay. Local commercial uses also line Jerome Avenue to the east of the project site, in an area zoned with a C2-3 overlay. The rest of the surrounding area is predominately residential, with a mixture of two- to three-story detached homes and five- to six- story apartment buildings, and is zoned R6 and R8. Institutions in the area include Lehman College and the Bronx Education campus, which consists of four high schools and two elementary schools, both located immediately north of the project block. Saint James Park is located one block south of the Armory.

The area is well served by mass transit, with the elevated extension of the #4 subway line running along Jerome Avenue, adjacent to the east façade of the Armory. This line contains a stop on the southeast corner of the project site. Other transit lines include the B/D subway, with a stop three blocks to the east at the Kingsbridge Road and Grand Concourse intersection, and the BX 3, 9, 22, 28 and 32 bus routes, which all run within one block of the Armory.

Project Description

The applicants propose to redevelop the Kingsbridge Armory into a 600,000 square foot facility, located entirely within the existing Armory structure. The Armory building itself would be preserved and utilized under the proposed plan. The development is proposed to contain a variety of uses, including commercial retail and restaurant space, a cinema, and a fitness facility. The total commercial area would occupy approximately 500,000 square feet. A four-story structure would be built within the Armory drill floor space, creating seven stories of usable floor area, including the three basement levels. In addition to the commercial uses, approximately 27,000 square feet of community facility space would be created, primarily within the existing Armory infrastructure. Minimal changes would be made to the exterior of the existing Armory structure.

Approximately 400 accessory parking spaces will be provided in the sub-cellar of the Armory. Access to and egress from the parking lot and loading area will be available along Reservoir Avenue, at the western end of the building. The project site will contain 30,000 square feet of public open space at the southwest corner of the Armory building. The planting of street trees along the perimeter of the project block is required as per the Zoning Resolution.

Requested Actions

Zoning Map Amendment (C 090437ZMX)

The applicants are requesting a zoning change for the entire block (3247) from the existing R6 to C4-4. This area includes the Armory site as well as the state-controlled property that is not a part of the proposed Armory project. The R6 is a medium-density residential district which permits residential and community facility uses, but does not allow for commercial development unless mapped with a commercial overlay. The maximum allowable Floor Area Ratio (FAR) in an R6 district is 2.43 for residential uses and 4.8 for community facilities. Commercial uses are not permitted in an R6 district.

To allow for the proposed commercial uses at the proposed densities, the applicants seek a rezoning to a C4-4 district. The proposed C4-4 district permits commercial, community facility, and residential development. Typical C4-4 commercial uses include department stores, and must fall within Use Group Categories 5, 6, 8-10, and 12. The maximum FAR permitted is 3.4 for commercial, 6.5 for community facilities, and 3.44 for residential. The Residential District Equivalent for a C4-4 district is R7-2. The proposed commercial FAR is 1.96; the proposed community facility FAR is 0.14.

Disposition of City-Owned Property (C 090438PPX)

DCAS intends to dispose of Kingsbridge Armory (block 3247, lot 10 and part of lot 2) to NYCEDC. NYCEDC intends to dispose of the property to Related Retail Armory, LLC for commercial development.

Changes to the City Map (C 090236MMX)

The proposed change to the City Map involves the elimination, discontinuance and closing of portions of Reservoir Avenue at its intersection with Kingsbridge Road West, in the Kingsbridge neighborhood of The Bronx, in conjunction with a commercial development on the adjacent property. The development site is comprised of Lot 10 and a portion of Lot 2 in Block 3247. The portion of street to be discontinued and closed adjacent to the site is currently occupied mostly by a wide sidewalk area and would be acquired by the developer, merged with the existing property, and would be used for creating approximately 30,000 square feet of public open space for the proposed development. Realignment of the intersection's turning lanes will also be necessary. In the middle of the subject intersection is the landscaped Barnhill Triangle which, though under the jurisdiction of the Department of Parks and Recreation, was never previously mapped as parkland. As part of this application, the Triangle would be slightly reconfigured, mapped as parkland, and its size slightly reduced in order to allow for the improved alignment of the turning lane. Reservoir Avenue and Kingsbridge Road West are City-owned, mapped to widths of 100 feet, and are opened to two-way traffic.

An interagency conference was held on February 26, 2009. No City agency expressed any objections to the proposal.

Changes to the City Map (C 090237MMX)

The proposed change to the City Map involves the elimination, discontinuance and closing of a 20-foot-wide portion of street along the southerly side of West 195th Street, between Reservoir

Avenue and Jerome Avenue in the Kingsbridge neighborhood of The Bronx, in order to facilitate future redevelopment on the adjacent parcel (Block 3247, Lot 2). This portion of West 195th Street is City-owned, mapped to a width of 100 feet, and is opened to two-way traffic. The proposed map change would result in a new mapped street-width of 80 feet. The portion of street to be eliminated is currently used for on-street perpendicular parking.

The northerly portion of Lot 2 in Block 3247 is occupied by two buildings currently used by the U.S. Army National Guard. Per a deed agreement with the City, this portion of Lot 2 is under State ownership only so long as the site is used for military purposes. Since the National Guard plans to vacate these buildings, possibly by the year 2011, the ownership of this portion of Lot 2 at that time would revert to the City. The portion of street to be eliminated would remain in its current street use as perpendicular on-street parking under DOT's jurisdiction until after the National Guard has vacated its premises, and a proposed redevelopment plan for the site is approved. At that time, the eliminated street bed would be combined with the National Guard site, which is relatively narrow being approximately 75 feet wide from north to south, to form a larger site whose redevelopment would be less limited by its size. Parallel parking would replace the existing perpendicular parking within the newly narrowed street, insofar as such parking would not interfere with the current traffic flow configuration, which accommodates MTA bus service.

An interagency conference was held on February 26, 2009. No City agency expressed any objections to the proposal.

ENVIRONMENTAL REVIEW

The application (C 090437 ZMX), in conjunction with the applications for the related actions (C 090438 PPX, C 090236 MMX, and C 090237 MMX), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DME004X. The lead agency is the Office of the Deputy Mayor for Economic Development.

It was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required. A positive declaration was issued on September 2, 2008, 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 September 2, 2008. A public scoping meeting on the DEIS was held on October 2, 2008. A Final Scope of Work, reflecting the comments made during the scoping, was issued on May 11, 2009.

The lead agency prepared a DEIS and a Notice of Completion was issued on May 14, 2009. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on September 9, 2009, in conjunction with the public hearing on the Uniform Land Use Review Procedure (ULURP) items (C 090437 ZMX, 090438 PPX, C 090236 MMX, and C 090237 MMX).

The Final Environmental Impact Statement (FEIS) was completed, and the Notice of Completion of the FEIS was issued on October 1, 2009. The Notice of Completion for the FEIS identified the following significant impacts and proposed the following mitigation measures:

Traffic and Parking

The proposed actions would result in significant adverse traffic impacts at locations within the traffic study area. The vast majority of the locations that would be significantly impacted could be mitigated using standard traffic improvements such as signal timing changes, parking regulation changes to gain a travel lane at key intersections, intersection channelization, and lane markings and signage.

Under the proposed actions, a maximum of seven intersections would experience unmitigatable impacts in the 2013 Build year (but not in all peak hours). Of these, three intersections could be partially mitigated. The four intersections that would remain unmitigated are the intersections of West Kingsbridge Road and University Avenue, and West Fordham Road at its intersections with University Avenue, and with the Major Deegan Expressway's northbound and southbound ramps. The three intersections where significant traffic impacts could be partially mitigated include the intersections of Kingsbridge Road and Jerome Avenue, Fordham Road and Jerome Avenue, and East Kingsbridge Road and Valentine Avenue/East 194th Street. At these partially mitigated intersections, traffic improvements would be able to mitigate one or more—but not all—approaches that would be significantly impacted.

UNIFORM LAND USE REVIEW

This application (C 090437 ZMX), in conjunction with the related applications (C 090438 PPX, C 090236 MMX, and C 090237 MMX), was certified as complete by the Department of City Planning on May 18, 2009, and was duly referred to Bronx Community Board 7 and the Bronx Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 7 held a public hearing on this application on June 24, 2009, and on July 14, 2009, by a vote of 24 in favor and 4 opposed, adopted a resolution recommending approval of the action subject to the following condition:

1. Regarding Application # C090437ZMX, an amendment of the Zoning Map, changing from an R6 District to a C4-4 District, the area bounded by West 195th Street, Jerome Avenue, West Kingsbridge Road, and Reservoir Avenue, the Board recommends approval of the application with the condition that the city retain the development rights for any unused rights and not transfer them to the developer.
2. Regarding Application # C090236MMX, involving the elimination, discontinuance and closing of a portion of Reservoir Avenue at its intersection with West Kingsbridge Road, the Board recommends approval of the application with the condition that the NYC Parks & Recreation properties of Barnhill Triangle and the portion of Aqueduct Walk along West Kingsbridge Road are to be provided funding by the developer and be included in the public plaza design as the “Gateway to the Armory”.
3. Regarding Application # C090237MMX, involving the elimination, discontinuance and closing of a portion of West 195th Street between Reservoir Avenue and Jerome Avenue, the Board recommends approval of the application with the following conditions:
 - a. A proviso that the de-mapping be delayed until the construction in the Armory is completed or until the Dept. of Education acquires the sites and commits to the building of schools.
 - b. Additionally, if the buildings used currently by the National Guard are not acquired by the School Construction Authority for the purposes of building 2 schools, that the de-mapping application be rescinded.
4. Regarding Application # C090438PPX, for the disposition of one city-owned property known as the Kingsbridge Armory, the Board recommends approval of the application with the following conditions:
 - a. A legally-binding, enforceable Community Benefits Agreement is negotiated and established.
 - b. A market survey is done at the developer’s cost by an independent entity to be determined by the Community Board to ascertain the needs of the community prior to the renting of Armory space.
 - c. The “Shops at the Armory” be 100% constructed by union construction workers.

- d. A first Source Hiring Plan is implemented for all jobs at the Armory.
- e. Community Space is allotted and designed as per the Social Venture Mall concept proposed by the Community Board. This space would include recommendations made by the Community Board, including, but not limited to, a career and technology center. It is recommended that between 50,000-60,000 sq. ft. of total community space be identified and allocated at a rate of \$10/sq. ft. for non-profits entities who wish to occupy the Armory space.
- f. A “World Peace Atrium” public arts project as outlined by the Community Board is included.
- g. Minimum LEED Silver standard for construction be implemented and include the ability to capture storm water from the roof for irrigation of the landscaping.
- h. A youth recreation facility is built in the Armory.
- i. Wi-Fi and broad band services are provided throughout the Armory and include the public plazas.
- j. An advisory group is established to follow-up on the construction and implantation phases of the development.
- k. The CB supports a supermarket committed to providing our community with a vast selection of organic food option in the Armory.

Borough President Recommendation

This application was considered by the Bronx Borough President, who issued a recommendation disapproving the application on September 4, 2009 with the following comments:

Community Benefits Agreement

The developer has not agreed to a socially equitable Community Benefits Agreement. I cannot understand why the developer would not act in good faith with The Bronx and the City as a whole, by not considering the needs of the community. The provisions in the proposed Community Benefits Agreement are both fair and negotiable. Among the most important disagreements with the developer is their refusal to assure living wage provisions, defined by Local Law 38 adopted in 2002, as \$10 per hour with health benefits. EDC made it clear in the site RFP that it would favorably view development plans that maximize the number of jobs meeting the City’s living wage and health benefit standards. All the community wishes to do is to be a participant in what could be its greatest socioeconomic investment for generations to come.

Socioeconomics and Business

1. No market study analyzing commercial patronization, impact on local businesses, and best possible uses.
2. The community does not need a 60,000 square-foot supermarket, when there are a number of viable, successful, union supermarkets within ½ mile of the Armory.
3. No promise that the Armory will have living wage, full-time jobs, although it is identified in the RFP that projects with living wage and benefit provisions would be given priority.
4. There is no or inadequate socioeconomic analysis for River Plaza and Fordham Road.

Schools and Community Facilities

1. Lack of assurance from the Department of Education (DOE) that siting of at least two schools occurs.
2. No commitment to develop a community facility adjacent to a school along West 195th Street to assure street life after school hours.
3. No identification as to how the City plans to use the \$5 million acquisition price or annual taxes, which I feel should go towards the development and maintenance of the community facility, and not to the General Fund.
4. No identification for non-DOE educational facilities within the Armory, such as space for Lehman College, or practice, rehearsal and performance space for performing arts, as desired by the community.

Design

1. No identification as to whether internal design components would reflect the Romanesque architectural characteristics and former use of the building.
2. No provision of transparency for the archway facing the elevated train along Jerome Avenue, similar to the fenestration along Reservoir Avenue, which would provide visual access from the elevated train.
3. No provision of transparency guarantees for all entrances without historically significant elements.
4. No provision of identifiable street lighting surrounding the perimeter of the Armory, which both the community and I wish to be decorative to reflect the character of the structure.

5. No transparent landscape plan for Reservoir Avenue and Barnhill Square that the community can comment on, to assure the newly landscaped area is aesthetically pleasing and appropriate.

Traffic and Parking

1. Disagreement with the analysis and immitigable conclusion for West Kingsbridge Road and University Avenue.
2. Lack of a traffic study for Van Cortlandt Park South at the intersections of the Major Deegan Expressway, Bailey and Sedgwick Avenues.
3. No promise to allow only school-related vehicles, including teacher and school administrative vehicles, along West 195th Street between 2-4 PM on weekdays.
4. The impact of overflow parking mitigation on the community.
5. The inappropriate use of Willets Point and Plaza at the HUB in determining trip generation/modal split analysis.
6. No commitment to restrict truck access to the ramp leading from West 195th Street to the Armory, particularly during school hours.
7. No commitment that parking fees for the garage are eliminated or patrons have the option to validate parking.

Transit and Pedestrians

1. No impact analysis on BX1 and BX2 bus service.
2. Disagreement with the analysis for BX9 bus service in both directions, which would provide better connections to Fordham Road.
3. No analysis to relocate the BX9 bus stop to the western side of Jerome Avenue to prevent traffic delays between Jerome and Morris Avenues.

City Planning Commission Public Hearing

On August 19, 2009 (Calendar No. 7), the City Planning Commission scheduled September 9, 2008 for a public hearing on this application (C 090437 ZMX). The hearing was duly held on September 9, 2008 (Calendar No. 28). There were seven speakers in favor of the application and 14 speakers in opposition.

The speakers in favor included a representative of NYCEDC, two representatives of the developer's counsel, the architect, the preservation consultant, the environmental consultant, and the traffic consultant. They described the project, explained the developer selection process, and discussed issues that were raised by both the Community Board and the Bronx Borough President, especially the possibility of including a large supermarket in the development, concerns regarding future vehicle traffic flow in and out of the Armory, and issues surrounding the development of a landmarked building.

The speakers in opposition included a representative of the Bronx Borough President, members of the Kingsbridge Armory Redevelopment Alliance, representatives of a local supermarket, Morton Williams, representatives of public advocacy groups including Good Jobs New York and the Pratt Center, and local residents. A representative of the Bronx Borough President stated the lack of a community benefits agreement attached to the agreement between the City of New York and the developer influenced the Borough President's vote. Representatives Morton Williams expressed concern for the unfair competition that this development would attract. Representatives of the Kingsbridge Armory Redevelopment Alliance and Good Jobs New York expressed concern over the lack of minimum wage guarantees by the developer and the future tenants. Several of the speakers, including the representative from the Pratt Center, expressed concern over the increased traffic congestion that the development would create.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this application to amend the zoning map (C 090437 ZMX), in conjunction with the related applications for the disposition of City-owned property (C 090438 PPX) and amendments to the city map (C090236MMX and C090237MMX), are appropriate.

The project would consist of the construction of an approximately 600,000 square foot retail, entertainment, and community facility development within the existing Kingsbridge Armory. Approximately 400 accessory parking spaces and an approximately 30,000 square foot public open space area would be included on-site as a part of the project.

The Commission supports this plan to redevelop the Kingsbridge Armory into a mixed-use commercial and community facility development. The Armory has stood primarily vacant since the property was acquired by the City of New York in 1994. Due to the New York City Landmark status of the Armory, any redevelopment of the building must strictly comply with landmarking guidelines and receive a Certificate of Appropriateness from the Landmarks Preservation Commission. Among other reasons, this may have provided an additional challenge in developing the Armory, which has stood mostly vacant since 1994. This proposal meets the requirements for landmarked building development, and in turn would create a public place that would allow residents and visitors to appreciate the uniqueness of this structure from both inside and out.

The Commission understands that the existing R6 zoning district precludes new commercial development on this site. The proposed C4-4 district allows for uses that are appropriate for a regional commercial shopping center, as proposed by the applicant. The Commission recognizes the importance of the existing Kingsbridge Road commercial corridor, and the Armory's location along such. While a rezoning from a residential to a commercial district is necessary for implementation of this project, the proposed uses would complement the surrounding uses. The facility is located near mass transit, with two subway stops located within ¼ mile of the Armory and several public bus routes stopping at intersections adjacent to the building. The plan meets accessory parking requirements as required by zoning. The Commission also notes that the development would be built entirely within an existing structure, which in turn would limit development bulk to a level below the maximum allowed in a C4-4 zoning district.

The developer has proposed a balanced program of uses, which includes commercial retail, restaurants, a fitness facility, a movie theater, and community facility space. Some uses, especially a movie theater, will fulfill a regional need that has been absent from this area of the Bronx for years. Others will provide more convenient access to services and goods than is currently available. This project will also create permanent and part-time jobs for many of the area's residents.

The Commission acknowledges that the Kingsbridge Armory Task Force, which was moderated by the NYC Economic Development Corporation (NYCEDC), incorporated a variety of stakeholders, including public officials and community groups. The Task Force advised the

NYCEDC on the development of the Request for Proposals (RFP), and review and selection of the project developer.

The Commission believes that the two mapping actions are appropriate for the facilitation of this project. The mapping action (C 090236 MMX) for the demapping of a portion of Reservoir Avenue at the West Kingsbridge Road intersection and the mapping of Barnhill Triangle as parkland performs two important functions. This action transfers to the developer a section of mapped street that is currently enclosed and raised to curb-level and not used as a street. The developer proposes to develop this area as part of a 30,000 square foot public plaza. The second function, the mapping of Barnhill Triangle as parkland, transfers jurisdiction of this Greenstreets open space from the Department of Transportation to the Department of Parks and Recreation, thereby preserving its current use as a planted gathering place and pedestrian rest area. The Commission believes that both functions contribute to the balance of the project, in essence, making the outside public areas as attractive and useful as the inside areas.

The Commission also recognizes the benefits created by the related mapping action (C 090237 MMX) for the demapping of a 20-foot section along the south side of West 195th Street. This action reduces the West 195th Street right-of-way from 100 feet to 80 feet between Reservoir Avenue and Jerome Avenue. The action allows for this 20-foot wide section to be utilized for the potential development of the National Guard buildings at the northern end of the project site. Post-disposition, the lots containing the National Guard buildings would be shallow enough to create a hindrance to future development. The additional 20 feet of lot depth would give the lots a greater developable area. While the State of New York currently controls the National Guard

lots, ownership would be ceded to the City of New York, were the National Guard to vacate the site. The Commission believes that this action contributes to the preparation of the National Guard site for future use.

During the public review, concerns were expressed about the possible inclusion of a large supermarket within the Armory. The Commission notes that opponents to supermarket development expressed a range of concerns, including the inability of existing local supermarkets to compete with a large, regional supermarket, the possibility that a large supermarket would not support union hiring, and the impact that a large market would have on traffic in the area. The Commission recognizes the importance of these items to the community and the socioeconomic development of the region. The Commission does not, however, find it appropriate to restrict supermarket development within the Armory as part of their recommendation for two primary reasons. Recent Department of City Planning studies have shown that areas adjacent to the Armory are lacking in supermarkets that sell a full line of grocery products, including fresh fruits, vegetables, meats, dairy, and other food items. A restriction on new supermarket development would conflict with the conclusions of this study. Further, a restriction on new supermarket development would be detrimental to local residents if economic changes were to affect the viability of existing markets. If, in the future, a local market were to close or relocate, the neighborhood would be left without an essential retail service. The Commission finds that these reasons are important enough to not restrict supermarket development in the Armory.

The Commission recognizes the conditions stated by Bronx Community Board 7 in their approval of the four actions. Several of the conditions are related to spatial programming. These include the requested community facility space allotment, the inclusion of a “World Peace Atrium” and a youth recreation facility, and Wi-Fi and broadband access for the entire Armory. These conditions are beyond the purview of the Commission, although the Commission encourages continued discussion between the Community Board and developer to bring these ideas to fruition. The Commission notes that in a letter addressed to the City Planning Commission dated September 24, 2009, the developer, through their representative, has agreed to provide space for the “World Peace Atrium”, as outlined by the Community Board, and provide free Wi-Fi and broadband access throughout the Armory. In addition, the developer has agreed to allocate a portion of the Armory for community facility space at below market rents. The developer remains open to the idea of creating a viable youth recreation facility within the Armory, and looks forward to working towards this goal.

Other conditions stated by Community Board 7 relate to the areas surrounding the Armory, including retention of the unused development rights by the City of New York, the funding and design of Barnhill Triangle and public open space by the developer, and the requirement that schools be built on the National Guard site. While the Commission recognizes the concern over these issues, they are beyond the scope of the Commission’s purview. The Commission, however, encourages continued discussion between the Community Board, the City of New York, and the developer to resolve these concerns. Regarding the transfer of development rights, the Commission notes that in a letter addressed to the City Planning Commission dated September 24, 2009, the developer, through their representative, has stated that they are “only

interested in obtaining sufficient development rights to build and operate the proposed project.”

The Commission also notes that the transfer of development rights from the landmarked Armory building to an adjacent site would require a full ULURP action, which would be evaluated separately, and would involve the participation and review by the Community Board and Borough President’s office.

The community benefits agreement, living wage, and hiring practice issues are beyond the purview of the Commission. However, the Commission encourages continued discussion amongst the interested parties to help resolve these concerns. The Commission notes that in a letter addressed to the City Planning Commission dated September 24, 2009, the developer, through their representative, has not ruled out working with the Community Board to resolve non-land use related issues. The Commission also notes that the developer is willing to undertake and fund a market survey of the Kingsbridge area and agrees to the creation of an ongoing community advisory group for the development, as stated in the aforementioned letter.

The Commission recognizes the importance of developing the landmarked Kingsbridge Armory, a building which has stood primarily vacant since its acquisition by the City of New York in 1994. The Commission believes that proposed project would bring needed goods and services to the area, provide employment opportunities, include community facility and public space that would enhance the surrounding neighborhood, and preserve a highly visible landmark.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on October 1, 2009, with respect to this application (CEQR No. 08DME004X), 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 consideration from among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the Final Environmental Impact Statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic, and other factors and standards, that form the basis of this decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning commission, pursuant to section 200 of the New York City Charter, that based on the environmental determination and 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 hereby amended by changing the Zoning Map, Section No. 3c:

changing from an R6 district to a C4-4 District property bounded by West 195th Street, Jerome Avenue, West Kingsbridge Road, and Reservoir Avenue,

as shown in a diagram (for illustrative purposes only) dated May 18, 2009, Community District 7, Borough of the Bronx.

The above resolution (C 090437 ZMX), duly adopted by the City Planning Commission on October 19, 2009 (Calendar No. 3), 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
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, RICHARD W. EADDY,
NATHAN LEVENTHAL, Commissioners

KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANNA HAYES LEVIN, SHIRLEY A. MCRAE, KAREN A. PHILLIPS,
Commissioners, **Voted No**

MARIA M. DEL TORO, Commissioner, Recused

Statement of Commissioner Karen A. Phillips is attached.

STATEMENT BY COMMISSIONER KAREN A. PHILLIPS

THE SHOPS AT KINGSBRIDGE ARMORY

This project is a challenging one for me, and I agree with several of the points made by other commissioners. The creative adaptive reuse of this humongous historic structure and the potential for this mixture of uses to assist with the economic revitalization of this borough is commendable.

After a careful review of the neighborhood and this project, my concern is the economic sustainability of the improvements in light of the public benefits that will be utilized to create the Shops at Kingsbridge. The short term outlook is positive, but the long term impact is questionable, especially considering the country's financial crisis that has resulted in changes in retail establishments and consumer spending patterns.

I have been informed that this project competes with regional shopping centers located just north of the Bronx, though the surrounding area is not underserved by local retail or supermarkets. My experiences in supermarket development encourage my support of providing more outlets for quality food while creating good jobs. However, the impact of a major supermarket and a regional shopping center at this location, I feel, will undermine the stability of existing businesses and overwhelm the area. Therefore I vote NO!