



CITY PLANNING COMMISSION

May 12, 2010/Calendar No. 15

C 080157 ZMX

IN THE MATTER OF an application submitted by CBC Associates and the South Bronx Overall 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. 3d:

1. changing from a C8-3 District to an R7-1 District property bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard; and
2. establishing within the proposed R7-1 District a C2-4 District bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard;

Borough of the Bronx, Community District 3, as shown on a diagram (for illustrative purposes only) dated January 4, 2010 and subject to the conditions of CEQR Declaration E- 243.

The application for an amendment of the Zoning Map was filed by CBC Associates and the South Bronx Overall Economic Development Corporation (SOBRO) on November 7, 2007 for a zoning change from a C8-3 District to an R7-1/C2-4 District to facilitate the construction of a mixed-use building.

BACKGROUND

CBC Associates and SOBRO propose to rezone the entire block bounded by E. 176th Street on the north, Boston Road on the east, E. 175th Street on the south, and Southern Boulevard on the west, from a C8-3 District to an R7-1/C2-4 District, in the Crotona Park East section of Bronx Community District 3. The rezoning area (Block 2984, Lot 46) is approximately 48,992 square feet and is currently undeveloped, vacant and fenced. A commercial storage facility and general commercial uses front on Boston Road opposite the subject site as well as directly south of the site. There are existing multi-story apartment buildings located north and northwest of the proposed development. Immediately west of the property at the intersection of Southern

Boulevard and E. 175th Street is Crotona Park, a vacant lot adjacent to a commercial building, and a cluster of new one-and-two family homes. The area to the east, fronting on Boston Road is developed with a mix of a commercial uses, including self-storage facilities. The No. 2 and No. 5 trains also run on an elevated track above Boston Road, adjacent to the area being rezoned. The New Horizons Shopping Center is located two-blocks east of the project site and contains a supermarket and convenience store. Between Boston Road and the new Horizon Shopping Center are a mix of apartment buildings, a few warehouses, and commercial properties consisting of very light industrial uses. The surrounding side streets are predominately developed with residential buildings, one to six stories in height.

The subject site was part of a city-owned bus and trolley repair facility until it was conveyed to the applicant pursuant to a competitive Request for Proposals (RFP) issued by the New York City Economic Development Corporation (NYCEDC) following the adoption of a ULURP application for the disposition of City-owned property (C 950507 PPX).

In 2002, NYCEDC conveyed the property to CBC Associates. Under the terms of the disposition agreement, CBC Associates has already developed a new self-storage facility on Block 2984, Lot 10 in compliance with EDC deed restrictions.

The existing C8-3 District is a general service district which allows Use Groups 5 through 14 and 16 to develop up to a maximum Floor Area Ratio (F.A.R.) of 2.0 and allows Community Facility

uses (Use Group 4) up to a maximum F.A.R. of 6.5. Residential use is not permitted in the C8-3 District.

The application proposes to rezone Block 2984, Lot 46 from a C8-3 District to R7-1/C2-4 District. The proposed R7-1 District allows residential uses to develop to a maximum F.A.R. of 4.0. A base height of 40 to 65 feet in height is required and a maximum height of eighty feet for Quality Housing development is allowed within 100 feet of a wide street. Parking is required for 50% of the dwelling units in a residential use. A maximum F.A.R. of 4.8 is allowed for Community Facility uses. The proposed C2-4 overlay permits local service retail uses (Use Groups 5-9) with a maximum F.A.R. of 2.0.

The applicant proposes to construct an eight-story building containing approximately 175 units of rental apartments intended for low, moderate and middle income residents, combined with approximately 29,629 square feet of ground floor retail space and about 1,700 square feet of community facility space. Approximately 100 accessory parking spaces would be provided below grade, as well as 27 spaces at-grade, for residents and commercial tenants. In addition, approximately 9,650 square feet of residential recreation area will be located on the second floor above the retail space fronting Boston Road.

ENVIRONMENTAL REVIEW

This application (C 080157 ZMX) was reviewed pursuant to the New York State Environmental

Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DCP054X. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action (C 080157 ZMX), a Conditional Negative Declaration was issued. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

That the applicant, CBC Associates, and co-applicant SOBRO, agree via a restrictive declaration to prepare a hazardous material sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval if necessary, remediation measure would be undertaken pursuant to the remediation plan.

With the implementation of the condition described above, no significant adverse impact related to hazardous material would occur.

The environmental analysis also includes an (E) designation for noise to be placed on Block 2984, Lot 46. The text of the (E) designation (E-243) for noise is as follows:

In order to ensure an acceptable interior noise environment, future residential and commercial uses must provide a closed window condition with a minimum of 30 dB(A)

window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to central air conditioning or air conditioning.

With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur. The applicant signed the conditional negative declaration on December 28, 2009. The conditional negative declaration was published in the City Record on December 30, 2009 and in the New York State Environmental Notice Bulletin on January 7, 2010. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed.

No comments were received. Since that time the restrictive declaration was updated and re-filed on May 7, 2010 with the Department of Environmental Protection. A revised conditional negative declaration was issued on May 12, 2010.

UNIFORM LAND USE REVIEW

This application (C 080157 ZMX) was certified as complete by the Department of City Planning on January 4, 2010, and was duly referred to Community Board 3 and the 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 3 held a public hearing on this application on February 9, 2009 and on that

date, by a vote of 22 in favor, 0 against with 1 abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on March 22, 2010 with the following condition:

My approval is entirely conditional based on the inclusion of 90-100 percent AMI residents which diversify not only the project, but the neighborhood.

City Planning Commission Public Hearing

On March 10, 2010 (Calendar No. 2), the City Planning Commission scheduled March 24, 2010 for a public hearing on this application (C 080157 ZMX). The hearing was duly held on March 24, 2010 (Calendar No. 8).

There were three speakers in favor of the application. The speakers in support of the proposal included a representative from the co-applicant (SOBRO), the architect and a representative from HPD. The co-applicant described the proposal and stated that this rezoning would be beneficial to the neighborhood by bringing in a new use to replace a formerly blighted site. The project architect described the architectural features of the proposed building and described how it was designed to set back the residential bulk of the building as far back as possible to avoid noise and vibration impacts from the elevated subway line. A representative from HPD responded to the Borough President's comments by stating that funding eligibility applies up to 100% AMI.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The applicant seeks approval of a zoning map amendment from a C8-3 District to an R7-1/C2-4 District on an entire block which is currently undeveloped, vacant and fenced. The proposed action would facilitate a proposal by the applicant to construct a mixed-use building. The Commission notes that there are existing multi-story apartment buildings located north and northwest of the proposed development.

The property is currently zoned C8-3, which does not permit residential use. The Commission notes, however, that the proposed rezoning is proximate to a number of residential buildings, multi-family residential buildings to the north, which are zoned R7-1, as well as new residential development immediately to the west and multi-family residential buildings two blocks to the south, along East 174th Street. In addition, the site is across the street from Crotona Park, which has both active and passive recreational facilities to serve the new residents.

Regarding the conditions of the Bronx Borough President, the Commission notes that, at the public hearing, the representative from HPD stated that the funding mechanisms for the proposed development allow for eligibility for residents making up to 100% of AMI. In a letter dated

April 28, 2010, the applicant stated that he is in agreement with HPD's testimony at the CPC public hearing.

The Commission further notes that the proposed rezoning would facilitate the redevelopment of a block that has been vacant for many years with an appropriate land use that predominately reflects the surrounding neighborhood.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following condition(s):

That the applicant, CBC Associates, and co-applicant SOBRO, agree via a restrictive declaration to prepare a hazardous material sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval if necessary, remediation measure would be undertaken pursuant to the remediation plan.

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(s) and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning

Map, Section No. 3d, from a C8-3 District to an R7-1/C2-4 District, property bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard, Borough of the Bronx, Community District 3, as shown on a diagram (for illustrative purposes only) dated January 4, 2010 and which includes CEQR Designation E-243.

The above resolution (C 080157 ZMX), duly adopted by the City Planning Commission on May 12, 2010, (Calendar No. 15), 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.,
ALDRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners

Community/Borough Board Recommendation

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

080157

Application # C 080157 ZMX
CEQR # 08DCP054X
Community District No. 09 Borough: The Bronx
Community District No. _____ Borough: _____
Project Name: 1426 Boston Road

INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by CBC Associates and the South Bronx Overall 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. 3d:

1. changing from a C8-3 District to an R7-1 District property bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard; and
3. establishing within the proposed R7-1 District a C2-4 District bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard;

Borough of the Bronx, Community District 3, as shown on a diagram (for illustrative purposes only) dated January 4, 2010, and subject to the conditions of CEQR Declaration E-243.

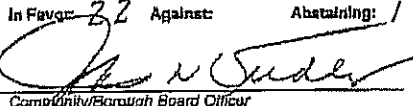
Applicant(s):	Applicant's Representative:
CBC Associates 6931 N. Boulevard, Norwich, NY 11732	Fred Rubin 28 East 78 th Street New York, NY 10021
South Bronx Overall Economic Development Corp. 666 Bergen Avenue, 3 rd Floor, Bronx, NY 10466	

Community Board No. 3 Borough: Bronx	Borough Board
Date of public hearing: <u>2/9/10</u>	Location: <u>1426 BOSTON RD.</u>
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.
Vote adopting recommendation taken: <u>2/9/10</u>	Location: <u>1426 BOSTON RD</u>

RECOMMENDATION

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

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

Voting		
In Favor: <u>32</u>	Against: _____	Abstaining: <u>1</u>
		Total members appointed to the board: <u>36</u>
		<u>DIST. MGR</u>
Community/Borough Board Officer		Title
<u>2/18/10</u>		
Date		V.012006w

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

**BOROUGH PRESIDENT
RECOMMENDATION**

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

INSTRUCTIONS

- 1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
- 2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # C 080157 ZMX

DOCKET DESCRIPTION

PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 3

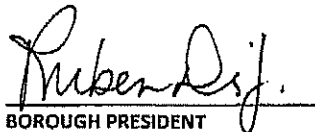
BOROUGH: BRONX

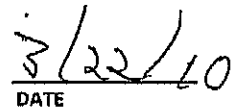
RECOMMENDATION

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

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

PLEASE SEE ATTACHMENT FOR THE BOROUGH PRESIDENT'S RECOMMENDATION


 RUBEN DIAZ
 BOROUGH PRESIDENT


 DATE

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 080157 ZMX
SoBRO 1825 Boston Road**

DOCKET DESCRIPTION

CD 3-ULURP APPLICATION NO: C 080157 ZMX-IN THE MATTER OF an application submitted by CBC Associates and the South Bronx Overall 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. 3d:

1. Changing from a C803 District to an R7-1 District property bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard; and
2. Establishing within the proposed R7-1 District a C2-4 District bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard;

Borough of the Bronx, Community District 3, as shown on a diagram (for illustrative purposes only) dated January 4, 2010, and subject to the conditions of CEQR Declaration E-243.

BACKGROUND

This project is being built on a currently vacant 48,992 square-foot parcel, located at 1825 Boston Road, at the northern end of Bronx Community Board Number 3 in the Crotona Park East neighborhood. The project will be a 174-unit, two-building serving low to moderate-income residents. The site, bound by East 176th Street to the north, Boston Road to the east, East 175th Street to the south, and Crotona Parkway to the west is currently zoned C8-3. The proposed actions would rezone the site to R7-1 with a C2-4 overlay. 30,000 square feet of ground-floor retail will be provided, as well as approximately 100 spaces of underground parking.

The zoning and land use in the immediate surrounding area contains a R7-1 district to the north and west, a C4-2 district containing the New Horizons shopping mall to the east, and a C8-3 district with a storage facility to the south. The general area comprising of the Crotona Park East and West Farms neighborhoods is comprised of R1-2, R6, R7-1, C4-2, C8-3, M1-1 and M1-2 districts with various commercial overlays. The building stock is comprised of a mix of one-to-three family homes, five and six-story apartment houses, ten to 30 story subsidized and public housing, a commercial shopping mall, commercial taxpayer buildings, and small automobile & manufacturing-related uses.

Access to transportation is extensive with the IRT 2 & 5 trains running immediately east of the site. The BX19, 21 & 36 run adjacent to the site, with the BX11 running along East 172nd Street three blocks south, the BX 40/42 running along East Tremont Avenue two blocks north, and the BX9 & Q44 terminating at West Farms Square four blocks to the northeast. The Cross Bronx Expressway is located one block north, and the Sheridan Expressway is located three blocks east.

The site is one block from the 127.5 acre Crotona Park and adjacent to Crotona Parkway, which links Crotona Park to the Bronx Zoo and Bronx Park.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application was reviewed pursuant to CEQR and SEQRA and received a Conditional Negative Declaration as an unlisted action. The City Planning Commission certified this application as complete on January 4th, 2010.

COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board 1 held a public hearing on this application on February 9th, 2010. A vote recommending approval of this application had 22 in favor, zero against, and one abstaining.

BRONX BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President held a public hearing on this application on March 9th, 2007. Representatives of the applicants were present and spoke in favor of this application. No other members of the public attended and the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

This large vacant parcel is visible from the Cross Bronx Expressway, IRT 2 & 5 trains and Crotona Park, and marks one of the last large parcels in the revitalized Crotona Park East to be developed. Crotona Terrace will galvanize a full reconnection between Crotona Park East and West Farms, north of the Cross Bronx Expressway. Redevelopment will provide a continuity that has been lacking in the area for so long. The size and scale of this project is appropriate for this site.

With that said, there are some concerns I must address. This office allocated \$790,000 to this project with the intent of it partially including homeownership opportunities. Given the current economic environment, the homeownership model was removed and converted to a moderate-middle income component. According to the original ULURP documents the area median income range (AMI) was from 80-130 percent. At the hearing, my office was informed that these units would only be at 80 percent AMI. This is entirely unacceptable. Crotona Park East is a unique neighborhood. While it faces many of the same economic struggles as other South Bronx neighborhoods, it also has a

relatively high rate of one to three family homeownership. There is a need to have moderate and middle-income rental opportunities to address this significant gap. The neighborhood can sustain it and should have the chance to offer such opportunities. The applicant stated during the hearing that they would set aside units for residents earning 90-100 percent AMI, but the building would be underwritten at 80 percent AMI. My approval is entirely conditional based on the inclusion of 90-100 percent AMI residents which diversify not only the project, but the neighborhood.

Additionally, I am pleased that SOBRO has applied for the NYSEDA Multi-Family Performance Program. Assuring a greener Bronx is a cornerstone of my administration, and I insist that anyone looking to do development in The Bronx engage this program, LEED or Enterprise Green Communities. It is vital for our borough and its people.

I recommend approval of this application with the aforementioned conditions.