



## **CITY PLANNING COMMISSION**

September 13, 2010/Calendar No. 1

C 070550 ZMX

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**IN THE MATTER OF** an application submitted by High Hawk, 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 a C8-3 District to an R7-1 District property bounded by Boston Road, Hoe Avenue, and East 174<sup>th</sup> Street; and
2. establishing within the proposed R7-1 District a C2-4 District on property bounded by Boston Road, Hoe Avenue, and East 174<sup>th</sup> Street;

Borough of the Bronx, Community District 3, as shown on a diagram (for illustrative purposes only) dated May 10, 2010 and subject to the conditions of CEQR Declaration E- 251.

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The application for an amendment of the Zoning Map was filed by High Hawk, LLC on September 11, 2006, for a zoning change from a C8-3 District to an R7-1/C2-4 District to facilitate the construction of an eight-story mixed-use building.

### **BACKGROUND**

High Hawk, LLC proposes to rezone an entire triangular block bounded by E. 174<sup>th</sup> Street on the south, Boston Road on the west, and Hoe Avenue on the east 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 2991, Lots 1, 3, 5, and 26) is approximately 25,000 square feet. Lot 5, the development site, is the only parcel owned by the applicant. It currently contains a parking lot. The rest of the block proposed to be rezoned is developed with a three-story office building (Lot 3), a two-story retail building (Lot 1), and a one-story retail building (Lot 26). The area to the west of the proposed rezoning, fronting on Boston Road, is developed with a mix of commercial uses, including a self-storage facility. There are existing multi-story apartment buildings located east, south and southwest of the proposed rezoning area. The New Horizons Shopping Center is

located two-blocks east of the area to be rezoned and contains a supermarket and convenience stores. Between Boston Road and the new Horizon Shopping Center are a mix of apartment buildings, a few warehouses, and commercial properties. The No. 2 and No. 5 trains run on an elevated track above Boston Road, adjacent to the area being rezoned.

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 2991, Lots 1, 3, 5, and 26, 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 68 units of rental apartments intended for low income residents, combined with 9,473 square feet of ground floor retail space and about 10,000 square feet of community facility space. Seventeen accessory

parking spaces would be provided below grade and would have ingress/egress from Boston Road. In addition, approximately 1,314 square feet of open space would be provided at ground level for the residents of the proposed building.

## **ENVIRONMENTAL REVIEW**

This application (C 070550 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 07DCP001X. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action (C 070550 ZMX), a Negative Declaration was issued on May 10, 2010, which included (E) designations for air quality, noise and hazardous materials.

To avoid any potential significant adverse impacts, an (E) designation for air quality (E-251) would be mapped as part of the proposed rezoning on the applicant owned site (Block 2991, Lot 5). The text of the (E) designation for air quality for the property identified below is as follows:

### Bronx Block 2991, Lot 5

Any new residential and/or commercial development on the above-referenced property 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.

With the placement of the (E) designation for air quality, no impacts related to air quality are expected.

The Negative Declaration also includes an (E) designation for noise to be placed on Block 2991, Lots 1, 3, 5 and 26. The text of the (E) designation (E-251) 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 35 dB(A) window wall attenuation on all facades. 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.

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

An (E) designation for hazardous materials (E-251) would be mapped as part of the proposed rezoning on the non-applicant owned sites (Block 2991, Lots 1, 3 and 26). The text of the (E) designation for hazardous materials for the properties identified below is as follows:

Bronx Block 2991, Lots 1, 3 and 26

Task 1

The fee owner of the lots restricted by this (E) designation will be required to prepare a scope of work for soil and groundwater sampling and testing to determine whether contamination exists and, if so, the extent of the contamination and the nature and extent of required remediation. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. The scope of work will be submitted to DEP for review and approval prior to implementation, 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 DEP. The number and location of sampling sites should be selected to adequately characterize the type and extent of any 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 the choice of sampling sites, sampling procedures, and tests to be performed will be provided by DEP upon request.

#### Task 2

A written report with findings and a summary of the data must be submitted to DEP after completion of the testing phase and laboratory analysis for review and approval. After reviewing the test results, DEP will determine whether the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, the agency will give written notice.

If DEP determines that remediation is necessary, a proposed remediation plan will be prepared and submitted to DEP for its review and approval. The fee owner of the lots restricted by the (E) designation must perform such remediation as determined by DEP to be necessary. After completing the remediation, the fee owner should provide DEP with proof that the work has been completed satisfactorily. Once DEP determines that the required remediation has indeed been completed satisfactorily, the agency will give written notice.

A DEP-approved construction-related health and safety plan (HASP) 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. The HASP must be submitted to DEP for review and approval prior to implementation.

With the placement of the (E) designation for hazardous materials, no significant adverse impacts related to hazardous materials are anticipated.

### **UNIFORM LAND USE REVIEW**

This application (C 070550 ZMX) was certified as complete by the Department of City Planning on May 10, 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 June 8, 2010 and on that date, by a vote of 27 in favor, 0 against with no abstentions, 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 July 15, 2010 without conditions, but expressing a concern about the size of the residential units in the building which could be developed on the applicant's property.

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

On July 14, 2010 (Calendar No. 1), the City Planning Commission scheduled July 28, 2010 for a public hearing on this application (C 070550 ZMX). The hearing was duly held on July 28, 2010 (Calendar No. 17).

The applicant spoke in favor of the application, describing the proposed action and the building that could be developed on his property under the proposed zoning.

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 to change an entire triangularly-shaped block from a C8-3 District to an R7-1/C2-4 District. The proposed action would facilitate a proposal by the applicant to construct an eight-story mixed-use building.

The current C8-3 District does not permit residential use. However, an R7-1 zoning district adjacent to the rezoning area is developed with a number of residential buildings, located to the south and west of the proposed rezoning. The Commission notes that the proposed rezoning would facilitate the redevelopment of a portion of a block that has been underutilized for many years as parking lot, with an appropriate land use that predominately reflects the surrounding neighborhood. In addition, the area is already developed with facilities which can serve area residents, including Crotona Park, which has both active and passive recreational facilities, located one block away from the proposed rezoning.

The Commission is aware of the concerns of the Bronx Borough President regarding the residential unit sizes that could be developed on the applicant's property. The Commission recognizes that this application is for a zoning map amendment, and that review of a specific building or site plan is outside its purview. However, the Commission acknowledges that in a letter dated August 16, 2010, the applicant stated that "All 49-2 bedroom apartments will be at

least 800 square feet. All 3 bedrooms will be 1,100 square feet.” The Commission further acknowledges a letter dated August 9, 2010 that was submitted by the Bronx Borough President stating that he is satisfied with the proposed project revisions.

## **RESOLUTION**

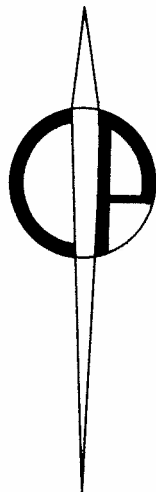
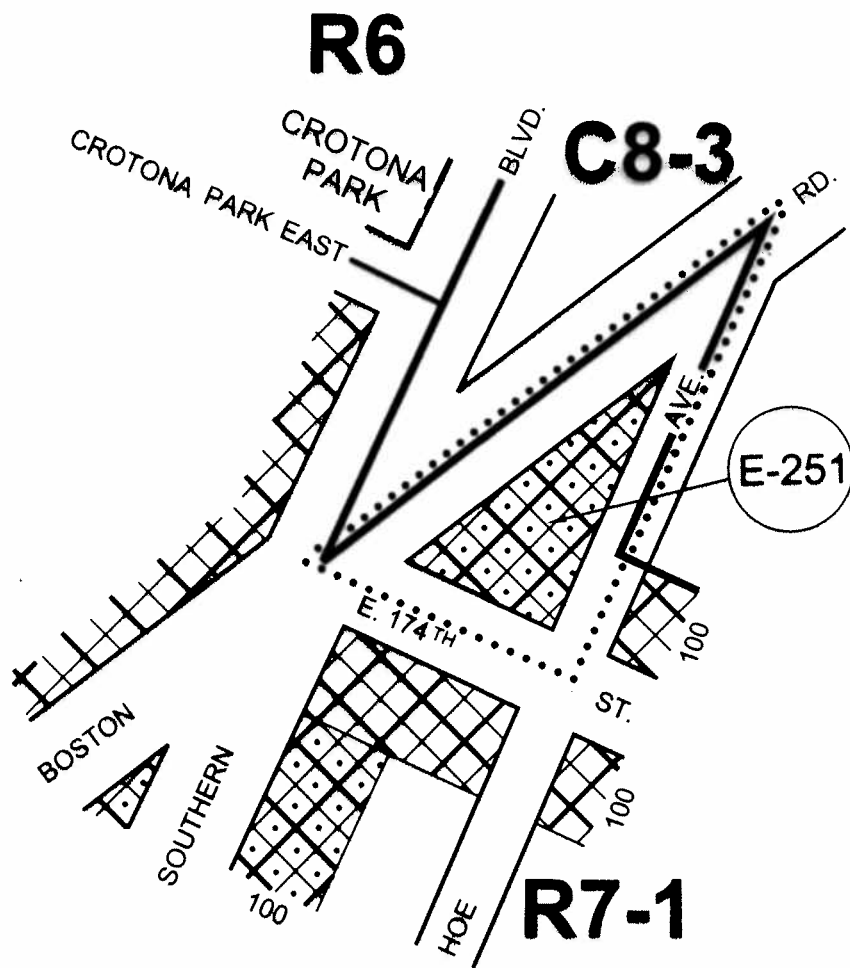
**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, and be it further

**RESOLVED**, 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, changing from a C8-3 District to an R7-1 District, property bounded by Boston Road, Hoe Avenue, and East 174<sup>th</sup> Street; and establishing within the proposed R7-1 District a C2-4 District on property bounded by Boston Road, Hoe Avenue, and East 174<sup>th</sup> Street, Borough of the Bronx, Community District 3, as shown on a diagram (for illustrative purposes only) dated May 10, 2010 and subject to the conditions of CEQR Declaration E-251.

The above resolution (C 070550 ZMX), duly adopted by the City Planning Commission on September 13, 2010, (Calendar No. 1), 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, MARIA M. DEL TORO,**  
**RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,**  
**SHIRLEY A. McRAE, Commissioners**

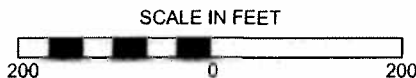







CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**3d**

BOROUGH OF  
**THE BRONX**

New York, Certification Date  
 MAY 10, 2010

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



- NOTE:**
-  Indicates Zoning District Boundary.
  -  The area enclosed by the dotted line is proposed to be rezoned by changing from a C8-3 District to an R7-1 District and by establishing a C2-4 District within a proposed R7-1 District.
  -  Indicates a C1-4 District.
  -  Indicates a C2-4 District.
  -  Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R. sheet.

SV/SO/TM/BX

Community/Borough Board Recommendation

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

Application # C 070550 ZBRX
CEQR # 07DCP001X
Community District No. 03 Borough: The Bronx
Community District No. \_\_\_ Borough: \_\_\_
Project Name: High Hawk Rezoning



Docket Description:

IN THE MATTER of an application submitted by High Hawk, 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 a C8-3 District to an R7-1 District property bounded by Boston Road, Hoe Avenue, and East 174th Street; and
2. establishing within the proposed R7-1 District a C2-4 District on property bounded by Boston Road, Hoe Avenue, and East 174th Street;

Borough of the Bronx, Community District 3, as shown on a diagram (for illustrative purposes only) dated May 10, 2010, and subject to the conditions of CEQR Declaration E-251.

Applicant(s): High Hawk, LLC
3092 Hull Avenue
Bronx, NY 10467
Applicant's Representative: Peter Bourgeois
PW Management Corporation
3092 Hull Avenue
Bronx, NY 10467

Community Board No. 3 Borough: Bronx Borough Board
Date of public hearing: 6/8/10 Location: 1426 BOSTON RD.
Was a quorum present? YES [X] NO [ ] A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.
Vote adopting recommendation taken: 6/8/10 Location: 1426 BOSTON RD.

RECOMMENDATION
[X] Approve [ ] Approve With Modifications/Conditions
[ ] Disapprove [ ] Disapprove With Modifications/Conditions
Explanation of Recommendation/Modification/Conditions (Attach additional sheets if necessary)

Voting: In Favor: 27 Against: 0 Abstaining: 0 Total members appointed to the board: 40
Community/Borough Board Officer: [Signature] Title: DISTRICT MGR.
Date: 6/15/10 v.012008w

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

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION  
ULURP APPLICATION NO: C 070550 ZMX  
High Hawk Rezoning  
July 15, 2010**

**DOCKET DESCRIPTION**

**IN THE MATTER OF** an application submitted by High Hawk, LLC, pursuant to Sections 201 and 197-c 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 Boston Road, Hoe Avenue, and East 174<sup>th</sup> Street; and
2. Establishing within the proposed R7-1 District a C2-4 District on property bounded by Boston Road, Hoe Avenue, and East 174<sup>th</sup> Street;

Borough of the Bronx, Community District #3, as shown on a diagram (for illustrative purposes only) dated May 10, 2010, and subject to the conditions of CEQR Declaration E-251.

**BACKGROUND**

Approving this application amends the Zoning Map by removing a C8-3 District and subsequently extend an existing R7-1 District north to encompass Block 2991, Lot 1,3, 5 and 26. Block 2991 is a triangular block, bounded by Boston Road on the west and north merging with Hoe Avenue from the east and East 174<sup>th</sup> Street on the south. A C2-4 overlay is also proposed.

High Hawk, LLC (the applicant) anticipates construction of a mixed use, residential building at 1776 Boston Road, (Block 2991, Lot 5). This site consists of approximately 17,000 square feet of vacant property. The applicant proposes the construction of a building consisting of eight stories, offering 68 units for low income residents. Unit sizes include a total of four studios ranging in size from a minimum of 385 square feet, to the largest studio consisting of 420 square feet. There will be 49, one bedroom units ranging in size from a minimum of 566 square feet to a maximum of 631 square feet. Five three bedroom units consisting of 938 square feet will each feature two full service bathrooms.

Amenities include underground parking for seventeen vehicles, an outdoor area for passive recreation open to residents only consisting of 1,428 square feet, a resident community room encompassing 998 square feet and an outdoor terrace offering 951 square feet of space. Laundry room facilities will also be provided. Pending additional funding, a greenhouse offering 1,250 square feet of space and roof top recreational center for youngsters consisting of 600 square feet would also be made part of this development. Access to the residential section of this building will be via Hoe Avenue.

Retail will be accessible from Boston Road occupying approximately 10,000 square feet. Community service facilities will offer an additional ten thousand square feet of space.

The apartments would be affordable to those making 60 percent of less of the area median income. Financing will be realized from the Lower-Income Affordable Marketplace (LAMP) program.

Existing development in the surrounding community is typified by low to mid rise residential buildings. Retail development is found on Boston Road, Southern Boulevard and East 174<sup>th</sup> Street. Cross Roads Plaza, a major shopping center that includes a supermarket and additional chain-stores is located on East 174<sup>th</sup> Street, two blocks east of the proposed High Hawk site. Public transportation via the 2 and 5 trains is located on Boston Road at East 174<sup>th</sup> Street. Bus transportation operates on Boston Road, Southern Boulevard and East 174<sup>th</sup> Street.

#### **ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION**

This application has been reviewed pursuant to CEQR and SEQR and received a Unlisted Declaration. The City Planning Commission certified this application as complete on May 10, 2010.

#### **COMMUNITY BOARD PUBLIC HEARING**

Bronx Community Board #3 held a public hearing on this matter on June 15, 2010. A unanimous vote recommending approval of this application was 27 in favor, zero opposed and zero abstaining.

#### **BRONX BOROUGH PRESIDENT'S PUBLIC HEARING**

The Bronx Borough President convened a public hearing on this matter on May 13, 2010. Representatives of the applicant were present and spoke in favor of this application. No members of the public were present and the hearing was closed.

#### **BOROUGH PRESIDENT'S RECOMMENDATION**

Reviewing this application I am mindful that it pertains exclusively to amending the Zoning Map and the land use merits associated with such an amendment. Therefore, having reviewed the details of this zoning matter I have no objection to eliminating a C8-3 District and establishing within the same area, a R7-1/C2-4 District

I am however very distressed as to the proposed development which, if this zoning amendment were approved, would be constructed by the applicant. Specifically, the woefully small square foot size of many of the residential units is, for me a reason to recommend disapproving this application. Studio units consisting of a minimum of 385 square feet, one bedroom units as small as 590 square feet, two bedrooms with as little as 725 square feet, and three bedroom units offering 987 square feet, demonstrate why I believe the applicant should be required to reconfigure the proposed building.

Financial incentives encourage the construction of buildings offering a maximum number of units per structure with less concern given as to the size of each unit. These factors force applicants to build accommodations that are inappropriate for families, especially those that include numerous children. Over the long term such modest accommodations will also diminish the likelihood that families will want to remain in the building. This in turn discourages a family's commitment to their community.

I recommend approval of this application as it pertains exclusively to amending the Zoning Map. I do not however approve of the proposed development as presented at my public hearing pursuant to this application.

**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 070550 ZMX**

**DOCKET DESCRIPTION**

**PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION**

**COMMUNITY BOARD NO. 3**

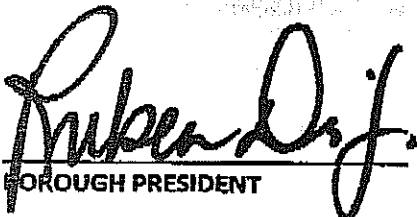
**BOROUGH: BRONX**

**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**

  
**BOROUGH PRESIDENT**

7/15/10  
**DATE**