



CITY PLANNING COMMISSION

February 18, 2009 / Calendar No. 17

C 090146 ZMX

IN THE MATTER OF an application submitted by Kingsbridge 230th LLC and the NYC 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. 1d:

1. eliminating from within an existing R6 District a C2-3 District bounded by Verveelen Place, the northwesterly boundary line of a Rail Road right-of way, West 230th Street, and Broadway; and
2. changing from an R6 District to a C4-4 District property bounded by Verveelen Place and its southeasterly centerline prolongation, the Major Deegan Expressway, West 230th Street and its southeasterly centerline prolongation, and Broadway;

Borough of the Bronx, Community District 8, as shown on a diagram (for illustrative purposes only) dated October 27, 2008, and subject to the conditions of CEQR Declaration E-223.

The application for the zoning map amendment was filed by Kingsbridge 230th LLC and the NYC Economic Development Corporation, on October 14, 2008, to facilitate the development of an approximately 166,000 square foot retail center with 166 parking spaces on an approximately 79,880 square-foot site across site in Kingsbridge, Community District 8, Borough of the Bronx.

RELATED ACTIONS

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

C 080014 MMX	Amendment to the City Map to eliminate Kimberley Place between Broadway and a point 100 feet east of Broadway and adjust the grades and alignments thereto.
C 090147 PPX	Disposition of City-owned property pursuant to zoning

BACKGROUND

The New York City Economic Development Corporation (EDC), Department of Citywide Administrative Services (DCAS) and Kingsbridge 230th LLC have submitted applications to

facilitate the construction of an approximately 166,000 square foot retail center with 166 parking spaces in the Kingsbridge neighborhood of The Bronx.

The project site is located on one tax block (Block 3266), and is bounded approximately by Broadway on the west, Verveelen Place on the north, the former Conrail Putnam Division right-of-way on the east, and West 230th Street on the south. The site is currently occupied as an open 175- car parking lot (Lot 13), and a 50 by 100 foot dead-end street known as Kimberley Place which extends east from Broadway. The proposed rezoning site is bordered by Broadway on the west, Verveelen Place on the north, Major Deegan Expressway on the east, and West 230th Street on the south. It is comprised of Tax Block 3266, Lots 11, 13, 21, 23, 155, and 159, and includes the bed of Kimberly Place east of Broadway. The rezoning area is larger than the project site as it extends approximately 150 feet east of the project site and includes the railroad right-of-way (Lot 10), and four additional tax lots which border Broadway and contain single-story retail stores (hardware, pet supplies, movies and electronics and a vacant unit on lots 155 and 159), a gas station / convenience store (Lot 21), and a vacant parcel (Lot 23).

Context and Zoning

The properties in the immediate vicinity of the project site are predominately commercial in nature. In addition to commercial uses, the area also contains 5-6 story residential development and the 14-15-story NYCHA Marble Hill Houses development which consists of 11 buildings which straddle the Bronx – Manhattan border just south of the proposed rezoning site. The project site is bordered by major thoroughfares. Broadway, to the west, is a major access route into Manhattan, and is used by the Bx 7, Bx-9, and Bx 20 local bus lines. The #1 train runs on an elevated structure above Broadway. The former New York Central Putnam Division right-of way

borders the site on the east. Current plans are to convert this former rail line into a pedestrian / bike route which links up with an existing multi-use trail system in Westchester and Putnam counties. The Major Deegan Expressway (I-87) lies immediately to the east of the rail right-of-way. West 230th Street, the southern boundary of the project site, is a main access route to an interchange with I-87 and presently sees little pedestrian activity. Both Broadway and West 231st Street to the north of the site are active commercial streets with much pedestrian activity. The areas beyond these streets are almost entirely residential, consisting of 5-6 story multiple dwellings. The site is currently zoned R6 / C2-3 which permits mid-rise residential buildings with ground floor local commercial and service uses. A small area of M1-1 zoning exists immediately south of West 230th Street along the former Putnam rail line to where it meets with the present Metro North Hudson Division.

Project Description

The applicant proposes to develop a three-story commercial building occupying the entire 79,880 square foot project site. The ground floor of the building will contain a lobby/entry fronting on Broadway occupying the area now mapped as Kimberly Place. The rear of the floor is occupied by 166 accessory parking spaces accessed from ramps at both West 230th Street and Verveelen Place with egress only to Verveelen Place. Verveelen Place is also the location of all the loading docks for the project. The upper two levels accessed by escalator and elevator from the Broadway lobby contain retail uses currently divided for two users; one occupying the entire 2nd floor and half of the 3rd floor (111,726 square feet) and the other, half of the 3rd floor (33,357 square feet). The building would be approximately 54 feet tall on Broadway, 47 feet on West 230th Street, 55 feet on Verveelen Place.

Requested Actions

The project requires three discretionary actions including a zoning map amendment; changes to the City Map; and a disposition of city-owned land.

Zoning Map Amendment (ULURP # 090146 ZMX)

The applicants are seeking a zoning map amendment from an R6/C2-3 zoning district to a C4-4 zoning district. The existing R6 district allows residential development usually between three and twelve stories. The residential FAR ranges from 0.78 to 2.43, with a higher ratio applicable to buildings that provide more open space. The parking requirement is set at 70% of dwelling units. C2-3 zoning permits local retail and service establishments (in Use Groups 5-9 and 14) often found adjacent to residential neighborhoods. The maximum commercial FAR is 2.0 while maximum community facility FAR is 4.8. Required parking is one space per 400 square feet of general retail floor area and one space per 300 square feet for food stores with 2,000 or more square feet. However, the proposed retail center is at an FAR of 2.1 resulting in a proposed building of 166,092 square feet of floor area. The proposed C4-4 zoning district allows a wide range of commercial uses and residential uses (Use Groups 1-6, 8-10 and 12). It does not allow industrial uses. The maximum FAR for commercial uses is 3.40, 3.44 for residential uses and 6.50 for community facility uses.

Disposition of City-owned Property (ULURP # 090147 PPX)

This action would authorize disposition of the project site pursuant to zoning. The site has gone through the RFP process and the City intends to dispose of it to EDC.

Changes to the City Map (ULURP # 080014 MMX)

The applicants are seeking an amendment to the City Map to eliminate Kimberley Place between Broadway and a point 100 feet east of Broadway and adjust the grades and alignments thereto.

At present, Kimberly place is a 100-foot long street used for access to the existing 175-car parking lot located on the project site.

ENVIRONMENTAL REVIEW

This application (C 090146 ZMX) in conjunction with the related actions (C 080014 MMX, and C 900147 PPX), 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 08DME010X. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on October 23, 2008.

UNIFORM LAND USE REVIEW

This application (C 090146 ZMX) in conjunction with the related actions (C 080014 MMX,

and C 090147 PPX), was certified as complete by the Department of City Planning on October 27, 2008, and was duly referred to Bronx Community Board 8 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 8 held a public hearing on this application on December 2, 2008, and on December 9, 2008, by a vote of 29 to 0 with 1 abstention, adopted a resolution recommending approval of the application subject to the following conditions:

1. That the applicant will meet with the Board's Economic Development Committee once a tenant is secured or a letter or letters of intent or other agreement is signed with a tenant or tenants for some or all of the premises for the purpose, inter alia, of reviewing such tenancy; and
2. An agreement to provide a public benefit for the Community and the City, including a firm undertaking of employment opportunities for Bronx residents generally and the Board's residents specifically; and
3. An unequivocal undertaking to periodically and on appropriate notice and request of the Board's Traffic and Transportation Committee to meet and review the traffic conditions in the affected area, including the necessity and appropriateness of additional traffic lights, traffic light synchronization and/or other means to deal with traffic problems that may be generated by the applicant's proposed facility; and
4. An unequivocal undertaking that, if, at the end of one year of operation, the parking facility for the proposed premises has additional capacity beyond the direct and immediate needs of the Broadway Plaza, the parking garage or a designated segment thereof made be made available for general public use on reasonable terms.

Borough President Recommendation

This application was considered by the Bronx Borough who issued a recommendation approving the application on January 5, 2009 subject to the following conditions:

1. That the applicant will complete and submit to the New York City Department of Transportation (NYC DOT) within six months of the shopping plaza's opening signal warrant analyses at the following locations:

- Broadway and Verveelen Place;
 - Broadway and West 230th Street;
 - The northbound Major Deegan exit ramp intersection with West 230th Street;
 - The eastbound left lane of West 230th Street directly opposite Broadway Plaza's entrance.
2. That prior to the opening of Broadway Plaza the developer, in coordination with NYC DOT, install "no left turn" signs over the eastbound left lane of West 230th Street directly opposite Broadway Plaza's entrance.
 3. That prior to opening of Broadway Plaza the developer, in coordination with NYC DOT, install "quick curb" stanchions at the eastbound left lane of West 230th Street directly opposite Broadway Plaza's entrance, to prevent illegal left turns into the parking lot.
 4. That the project commences construction with twelve months of final City Council approval of this ULURP application.

City Planning Commission Public Hearing

On January 7, 2009 (Calendar No. 3), the City Planning Commission scheduled January 21, 2009 for a public hearing on this application (C 090146 ZMX). The hearing was duly held on January 21, 2009 (Calendar No. 21) in conjunction with the hearing on the related actions (C 080014 MMX, and C 090147 PPX). There were four speakers in favor of the application and no speakers in opposition.

Speakers in favor included a representative from the New York City Economic Development Corporation, together with the applicant's attorney, the architect, and the traffic consultant for the project. The speakers discussed the design of the proposed building, and details concerning exterior finish and internal circulation. The traffic consultant discussed the methodology used in the traffic study, and the layout and functioning of the project's parking garage.

There were no other speakers on the application and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this application to amend the zoning map (C 090146 ZMX), in conjunction with the related applications to change the city map (C 080014 MMX), and disposition of City-owned property (C 090147 PPX), is appropriate.

The Commission believes the zoning map amendment from R6 to C4-4 is appropriate. The C4-4 zoning district permits a wide range of commercial uses at a maximum FAR of 3.4. This will allow retail establishments to be developed in this part of the Bronx at a comparable scale to that found in the surrounding area. The proposed C4-4 zoning designation allows a wide range of commercial and retail uses and is typically found in major regional shopping areas.

The Commission notes that the proposed actions would facilitate the redevelopment of an underutilized site and therefore strengthen an otherwise thriving retail district in the Kingsbridge neighborhood of The Bronx. At present, the site is occupied by an open air parking lot. The proposed development would create approximately 166,000 square feet of retail facilities with indoor ground floor parking, create permanent jobs and generate tax new revenues for the City of New York.

The Commission notes that the applicant has designed the proposed development in a manner that responds to several of the concerns raised during the review process. Traffic concerns raised by both the Community Board and the Borough President will be addressed by limiting ingress

and egress to the site in a manner that minimizes traffic conflicts based on origin and destination projections. After completion of the project, the Department of Transportation has indicated it will re-evaluate traffic in the area and if necessary, use further traffic management measures to bring about a better traffic flow.

Both the Borough President and the Community Board have recommended as a condition of approval that the applicant enter into a “Community Benefits Agreement.” Such agreements are unrelated to the land use impacts and implications of the proposal and are beyond the scope of the land use review process; as such the proposed agreement is outside of the Commission’s purview.

The community board has recommended that the parking on site should be made available for general public use if space allows. This on-site parking however is restricted by zoning as required accessory parking for the commercial facility and cannot be converted to a public lot without additional land use approvals.

Changes to the City Map (C 080014 MMX)

The Commission believes that the elimination of a 100-foot portion of Kimberley place is appropriate. The elimination of this street segment will allow the applicant to consolidate the site and allow for a better site plan by providing direct pedestrian access from Broadway. The street to be eliminated is a 100-foot segment which currently provides access to the existing at-grade parking lot which will be replaced by the proposed retail center.

Disposition of City-owned Property (C 090147 PPX)

The Commission believes that the disposition of the site to allow for its re-development as a retail center pursuant to the land use applicant's discussed above is appropriate.

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 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. 1d;

1. eliminating from within an existing R6 District a C2-3 District bounded by Verveelen Place, the northwesterly boundary line of a Rail Road right-of way, West 230th Street, and Broadway; and
2. changing from an R6 District to a C4-4 District property bounded by Verveelen Place and its southeasterly centerline prolongation, the Major Deegan Expressway, West 230th Street and its southeasterly centerline prolongation, and Broadway;

Borough of the Bronx, Community District 8, as shown on a diagram (for illustrative purposes only) dated October 27, 2008, and subject to the conditions of CEQR Declaration E-223.

The above resolution, duly adopted by the City Planning Commission on February 18, 2009

(Calendar No. 17), 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
KENNETH J. KNUCKLES, ESQ., Vice Chairman
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JOHN MEROLO, **KAREN A. PHILLIPS**, Commissioners