



March 12, 2008/ Calendar No. 16

C 080232 HUX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the 3rd amendment to the Bathgate Urban Renewal Plan for the Bathgate Urban Renewal Area, Community District 3, Borough of the Bronx.

The application for the Third Amendment to the Bathgate Urban Renewal Plan was filed by the Department of Housing Preservation and Development on December 21, 2007 to facilitate the Roscoe C. Brown, Jr. Apartments development.

The proposed amendment removes from the Early Action Industrial Area (EAIA) the six tax lots which comprise the project site, tentatively known as Roscoe C. Brown Jr. Apartments (Block 2929, Lots 50, 58, 65, 66, 67, and 68) and designates the lots as a separate urban renewal Site Five. The amendment also includes a density limit of 280 dwelling units, a maximum building height limit of 105 feet above the base plane, and a maximum residential FAR of 5.6.

Additionally, the amendment changes the name of the EAIA to the Bathgate Industrial Area, and the language, format of the Urban Renewal Plan, and the time schedule for effectuation have been updated.

RELATED ACTIONS

In addition to the Third Amendment to the Bathgate Urban Renewal Plan, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 080233 ZMX Rezoning of a block bound by East 173rd Street, a line 100 feet southeasterly of Third Avenue, East 172nd Street, and Third Avenue from M1-4 to R8A and R8A/ C2-4.
2. C 080234 HAX UDAAP designation, project approval, and disposition of city-owned properties to a developer to be selected by HPD.

BACKGROUND

The Bathgate Urban Renewal Plan was adopted by the City Planning Commission on April 30, 1975 (CP-22899) and amended on March 17, 1980 (C 790839 HUX) and December 12, 1983 (C 831979 HUX). The plan governs development in the approximately 20-block Bathgate Urban Renewal Area, which is generally bounded by the Cross Bronx Expressway on the north, Fulton Avenue on the east, E. 171st Street and St. Paul's Place on the south, and Park and Third Avenues on the west. The original plan designated then existing residential sites, primarily along Fulton Avenue, and an "Early Action Industrial Area." To date, most of the vacant land within the EAIA has been developed with one and two story industrial uses. The site of the proposed Roscoe C. Brown, Jr. Apartments is included within this EAIA but remains vacant.

The site has a unique physical characteristic, a large rock outcropping, which makes it difficult to develop for industrial use.

Site and Area Description

The project site is located in the mixed residential and industrial Bathgate neighborhood and is located within the Bathgate URP. The project site is on Block 2929 and includes lots 50, 58, 65, 66, 67, and 68 located along Third Avenue between East 172nd Street and East 173rd Street. The proposed project site and rezoning area are coterminous. The site is currently occupied by city-owned vacant land, the southern portion of which is occupied by a large rock outcropping. The site is zoned M1-4 which allows manufacturing and some commercial uses with an FAR of 2.0 and certain community facility uses with an FAR of 6.5. Current zoning does not permit residential development.

Other uses immediately surrounding the site include one-story light industrial buildings across Third Avenue to the west, P.S. 4, a public school across E. 173rd Street to the north, 6 story residential buildings share the block to the east, and a charter school to the south. The surrounding area consists of single-story industrial buildings to the west, four to seven-story apartment buildings to the east and Crotona Park one block to the east. Local retail is located along Third Ave. The area is well-served by public transportation. The Bx 15 local and 55 express bus lines serve the site along Third Ave, leading to stops on the 2 and 5 trains at 149th Street.

Project Description

The project will consist of two eleven-story buildings with approximately 279 residential units, 6,777 sq. ft. of retail space, 23 parking spaces, and 10,062 sq. ft. of accessory open space. One of the two buildings will be cantilevered over the existing rock outcropping. All of the units will be affordable housing for low- income households making up to 60% of the area median income (AMI). The project will be developed through the Housing Development Corporation's Low Income Affordable Marketplace Program (LAMP) and HPD's Mixed-Income Rental Program (MIRP).

Requested Actions

The project requires the following actions:

Urban Renewal Plan Amendment (C 080232 HUX)

The proposed 3rd amended Bathgate URP would include several changes. First, the area which comprises the proposed Roscoe C. Brown, Jr. Apartments project site (Block 2929, Lots 58, 65, 66, 67, and 68) would be removed from the Early Action Industrial Area. This site would be designated Site 5 and would be given a residential land use designation. Development limits would be placed on the proposed Site 5 in the form of a maximum of 280 residential units, a maximum 5.6 floor area ratio (FAR), and a maximum building height of 105 feet. These height and density controls will ensure that the proposed project will fit into the existing built context of

the area while meeting the housing goals of the applicant and the project sponsor.

Additionally, the amendment changes the name of the EAIA to the Bathgate Industrial Area, and the language, format of the Urban Renewal Plan, and the time schedule for effectuation have been updated. The proposed controls of the Urban Renewal Plan are stricter than the underlying zoning in order to ensure that the development is consistent with the built context. The FAR of the proposed project, the Roscoe C. Brown Apartments, is 5.14.

Zoning Map Amendment (C 080233 ZMX)

The proposed Roscoe C. Brown, Jr. Apartments site is currently zoned M1-4. The M1-4 zoning district allows light manufacturing and some commercial uses at a maximum FAR of 2.0 and certain community facility uses at a maximum FAR of 6.5. Residential uses are not permitted in M1-4 zoning districts.

The proposed zoning map amendment would rezone the entire 30,728 square foot site to R8A. A portion of the site bound by East 173rd Street, a line 100 feet southeasterly of Third Avenue, a line 225 feet southwesterly of East 173rd Street and Third Avenue would be mapped with a C2-4 overlay. The R8A is a contextual zoning district that would allow residential development with a maximum FAR of 6.02 and a community facility FAR of 6.5. The portion of the site mapped with the C2-4 commercial overlay would allow a range of commercial uses with a maximum FAR of 2.0. The development would also be limited by proposed changes to the Bathgate Urban Renewal Plan, which would place a density cap of 5.6 FAR and 280 units of housing. In addition, a height limit of 105 feet would be placed on the site.

UDAAP/ Disposition (C 080234 HAX)

The UDAAP designation, project approval, and disposition area consists of 6 vacant city-owned lots to facilitate the proposed development, the Roscoe C. Brown, Jr. Apartments.

ENVIRONMENTAL REVIEW

This application (C 080232 HUX) in conjunction with the related actions (C 080233 ZMX, and C 080234 HAX), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08HPD011X. The lead agency is the Department of Housing Preservation and Development (HPD).

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on December 20, 2007.

UNIFORM LAND USE REVIEW

This application (C 080232 HUX), in conjunction with the applications for the related actions (C 080233 ZMX and C 080234 HAX), was certified as complete by the Department of City Planning on January 7, 2008, 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 Hearings

Community Board 3 held a public hearing on this application on January 8, 2008, and on that date, by a vote of 21 to 0 with one abstention, adopted a resolution recommending approval of this application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on February 11, 2008.

The Borough President's recommendation included the following conditions:

- Increasing the number of three-bedroom units to 10% of the total unit count.
- Maximize illumination by prohibiting the installation of solid-steel security gates over retail windows and through the installation of accent lighting in the vicinity of the rock outcropping.
- Plant street trees and foundation greenery to improve the desolate profile of the site and reduce the likelihood of graffiti.

City Planning Commission Public Hearing

On January 30, 2008 (Calendar No. 7), the City Planning Commission scheduled February 13, 2008, for a public hearing on this application (C 080232 HUX). The hearing was duly held on February 13, 2008 (Calendar No. 37), in conjunction with the public hearings on the applications for the related actions (C 080233 ZMX) and (C 080234 HAX). There were three speakers in favor of the application and none opposed.

A representative of HPD spoke in favor of the application and gave a description of the amendment to the Urban Renewal Plan. The project sponsor described the project financing and

said the project will revitalize the area. The project architect described the design and program for the site.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the amended Urban Renewal Plan for the Bathgate Urban Renewal Area (C 080232 HUX) in conjunction with the related applications to amend the zoning map (C 080233 ZMX), and UDAAP designation, project approval, and disposition of City-owned property (C 080234 HAX), is appropriate.

The Commission notes that the proposed actions would facilitate the development of the remaining urban renewal sites in the Bathgate URA with appropriate new housing and retail. The development of this site would strengthen the area by replacing vacant sites with new developments.

Urban Renewal Area Plan Amendment (C 080232 HUX)

The Commission believes the Urban Renewal Plan Amendment is appropriate. The Third Amended Bathgate Urban Renewal Plan would change land use designations, designate the proposed Roscoe C. Brown development site as Site 5, and place development restrictions on the proposed Site 5.

This Urban Renewal Plan Amendment would facilitate the development of the Roscoe C. Brown, Jr. Apartments proposal. This project would create approximately 279 units of affordable housing, 6,777 square feet of retail space, and 23 parking spaces. The community would benefit from development on this long-vacant site. The density and height controls of the Urban Renewal Plan would require the proposed development to fit into the existing built context of the area while meeting the housing needs of the applicant and project sponsor.

Zoning Map Amendment (C 080233 ZMX)

The Commission believes the zoning map amendment from M1-4 to R8A and R8A/ C2-4 is appropriate. The R8A zoning district permits development at a maximum FAR of 6.02. This, along with the controls of the amended urban renewal plan would facilitate the proposed development where currently residential uses are not permitted. The proposed C2-4 zoning designation allows a range of commercial and retail uses appropriate to the mixed commercial character of Third Avenue.

UDAAP/ Disposition (C 080234 HAX)

The Commission believes that the application for UDAAP designation, project approval, and the disposition of city-owned property are appropriate.

This application would facilitate the development of approximately 279 residential units for low and moderate income families, 6,777 square feet of retail space, and 23 parking spaces. This

proposal will bring needed new units of affordable housing to the Bathgate community as well as new retail services.

The return of these vacant lots to productive use would eliminate their blighting influence on the neighborhood and would enable these city-owned properties to be developed with uses that would serve the needs of Community District 3 and the City of New York. The Commission notes the concerns of the Borough President regarding increasing the number of three-bedroom units in this project and in the greening and illumination of Third Avenue to create a pedestrian friendly street. In response to the concerns, HPD in a letter dated February 20, 2008, stated that “The developer is currently looking into the feasibility of converting some larger two-bedroom units into three bedroom units. The developer will be providing accent lighting for the rock outcropping and will research the feasibility of maximizing illumination by prohibiting the installation of solid-steel security gates. The developer will plant street trees in front of Roscoe C. Brown Jr. Apartments and is working with a landscape architect on appropriate planting for the rock outcropping.” The Commission urges HPD and the project sponsor to work to address these concerns. The Commission recognizes that the timing and financing constraints may not allow the issue to be fully addressed in this project.

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, that the City Planning Commission finds that the proposed Third Amendment to the Bathgate Urban Renewal Plan is an appropriate plan for the area involved,

The City Planning Commission certifies that the Third Amended Urban Renewal Plan for the Bathgate Urban Renewal Area complies with provisions of Section 502, Article 15 of the General Municipal Law of New York State, conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives;

The Commission further certifies that the Third Amended Urban Renewal Plan for the Bathgate Urban Renewal Area is in conformity with the findings and designation of the Bathgate Urban Renewal Area as adopted by the City Planning Commission on April 30, 1975. The Commission certifies its unqualified approval of the Third Amended Urban Renewal Plan for the Bathgate Urban Renewal Area, pursuant to Section 505, Article 15 of the General Municipal Law of New York State.

RESOLVED, that the City Planning Commission, pursuant to Section 197-c of the New York City Charter, the Uniform Land Use Review Procedure, and Section 505, Article 15 of the General Municipal Law of New York State, and after due consideration of the appropriateness of this action, that the proposed Third Amended Urban Renewal Plan for the Bathgate Urban Renewal Area,

Community District 3, Borough of the Bronx, submitted by the Department of Housing Preservation and Development on December 21, 2007, is approved (C 0802323 HUX)

The above resolution (C 080232 HUX), duly adopted by the City Planning Commission on March 12, 2008 (Calendar No. 16), 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, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

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