



CITY PLANNING COMMISSION

March 12, 2008/ Calendar No. 9

C 080126 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 First amendment to the James J. Lyons Urban Renewal Plan for the James J. Lyons Urban Renewal Area, Borough of the Bronx, Community District 9.

The application for the First Amendment to the James J. Lyons Urban Renewal Plan was filed by the Department of Housing Preservation and Development (HPD) on October 16, 2007. The proposed amendment would facilitate the disposition of one city-owned property within the James J. Lyons Urban Renewal Area.

RELATED ACTIONS

In addition to the approval of the First Amended James J. Lyons Urban Renewal Plan, 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:

1. C 080128 ZMX Rezoning of Site 2A on Block 3540, Portion of Lot 1 from M1-1 to R5.
2. C 080127 HAX Urban Development Action Area Project (UDAAP) designation and project approval, and disposition of city-owned property.

BACKGROUND

The James J. Lyons Urban Renewal Plan was adopted by the City on November 5, 1969 (CP-20941). The plan governs development in the James J. Lyons Urban Renewal Area (JLURA), which is located in the Zerega section of Community District 9 and is generally bounded by the Bruckner Boulevard Expressway on the north, Westchester Creek on the east, Lacombe Avenue on the south, and Havemeyer Avenue on the west. The plan sought to redevelop this area in a comprehensive manner by removing blight and maximizing appropriate land uses. In addition, the plan would remove impediments to land assemblage resulting in a strengthening of the tax base by encouraging development and employment opportunities in the area.

The New York City Department of Housing Preservation and Development proposes the First Amendment to the James J. Lyons Urban Renewal Plan (C 080126 HUX), the rezoning of Site 2A on Block 3540, Portion of Lot 1 (C 080128 ZMX), and UDAAP designation, project approval, and disposition of city-owned property (C 080127 HAX) to facilitate the sale of an occupied small home on Block 3540, Portion of Lot 1 (Site 2A). This will be accomplished by a change in Land Use designation of the residential property from industrial to residential, by the rezoning of the residential property from M1-1 to R5 and by designating portion of Block 3540 Lot 1 as Site 2A and 2B. The amended Plan also includes the deletion of several privately-owned properties (Block 3698, Lots 1 and 3; Block 3699, Lot 73 and 77; Block 3700, Lots 61 through 64 that were designated for residential development, but were never acquired through the Plan.

Area Description

The neighborhood constituting the James J. Lyons URA is characterized by one-story manufacturing uses along Zerega Avenue. Commercial and industrial uses are found along the Zerega Avenue corridor which include bus companies, a Home Depot outlet, and several city-owned sites.

Block 3540, Lot 1 is an approximately 39,696 square foot parcel that contains a single family home (proposed Site 2A), a community garden under the jurisdiction of the Parks Department and the site of a proposed Fire Department Emergency Medical Service Station (proposed Site 2B) that was previously approved by the City Planning Commission (C 010394 PSX). The block is bounded by Havemeyer, Lacombe and Zerega avenues and is zoned M1-1. The 4,125 square foot section proposed for disposition (proposed Site 2A) is located on the southeastern corner of the lot and contains a single family home. A community garden abuts proposed Site 2A to the north and west. Immediately across the street along Zerega Avenue are industrial related uses and the NYCHA Castle Hill Houses can be found on Havemeyer Avenue, a half block away.

The surrounding area to the south and west is primarily residential in character with two and three family homes respectively.

Requested Actions

The project requires the following actions: an Urban Renewal Plan Amendment, a zoning map amendment; UDAAP designation, project approval, and disposition of city-owned property.

Urban Renewal Plan Amendment (C 080126 HUX)

The James J. Lyons Urban Renewal Area, generally bounded by the Bruckner Boulevard Expressway on the north, Westchester Creek on the east, Lacombe Avenue on the south, and Havemeyer Avenue on the west, is located in the Zerega section of Community District 9. HPD is proposing the first Amendment to the James J. Lyons Urban Renewal Plan. The plan is being amended to reflect a subdivision of Site 2A from Block 3540, Lot 1 as well as a change in the land use designation for the two-story home that is located on Site 2A from industrial to residential use. Site 2B is proposed for development as a Fire Emergency Medical Service Station and as a community garden. The amendment also deletes several properties from the urban renewal plan that are located on Block 3698, Lots 1 and 3 (which has been subdivided into Lots 1, 4, 10, 12, and 79); Block 3699, Lots 73 and 77 (which have been merged into Lot 73); and Block 3700, Lots 61 through 64. The applicant states that these sites are generally sound residential properties that are privately-owned and were never acquired through the Plan.

Zoning Map Amendment (C 080128 ZMX)

HPD is also seeking approval of a zoning map amendment from M1-1 to R5 on site 2A, which is located at the southeast corner of Block 3540, Portion of Lot 1. Currently, the property is zoned M1-1. Light manufacturing and commercial uses are allowed in the M1-1 district. However, it does not allow residential uses. This zoning change will make the residence a conforming use and would allow residential uses with a maximum height of 40 feet and an FAR of 1.25.

UDAAP/ Disposition (C 080127 HAX)

HPD is also seeking the designation of property located at 2301-2311 Lacombe Avenue (Block 3540, p/o Lot 1) Site 2A within the James J. Lyons Urban Renewal Area, as an Urban Development Action Area and an Urban Development Action Area Project for such area as well as its disposition under the Department of Housing Preservation and Development's Division Of Alternative Management Program.

ENVIRONMENTAL REVIEW

This application (C 080126 HUX) in conjunction with the related actions (C 080128 ZMX), and (C 080127 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 03HPD003X. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on January 27, 2003.

UNIFORM LAND USE REVIEW

This application (C 080126 HUX), in conjunction with the applications for the related actions (C 080128 ZMX) and (C 080127 HAX), was certified as complete by the Department of City Planning on October 29, 2007, and was duly referred to Community Board 9 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 9 held a public hearing on this application on December 10, 2007, and on December 20, 2007, by a vote of 22 in favor to 0 opposed with no abstentions, adopted a resolution recommending conditional approval of this application, subject to “a letter from HPD regarding continued occupancy by the remaining tenant in the event that she does not purchase the home.”

Borough President Recommendation

This application and the related applications were considered by the Bronx Borough President, who issued a recommendation approving the application on January 31, 2008.

City Planning Commission Public Hearing

On January 30, 2008 (Calendar No. 10), the City Planning Commission scheduled February 13, 2008, for a public hearing on this application (C 080126 HUX), in conjunction with the public hearing on the related applications (C 080128 ZMX) and (C 080127 HAX). The hearing was duly held on February 13, 2008 (Calendar No. 40), in conjunction with the public hearings on

the applications for the related actions (C 080128 ZMX) and (C 080127 HAX). There was one speaker in favor of the application and none in opposition.

A representative of HPD spoke in favor of the application and gave a description of the amendment to the Urban Renewal Plan, the rezoning proposal and reason for the property's disposition.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the amended Urban Renewal Plan for the James J. Lyons Urban Renewal Area (C 080126 HUX) in conjunction with the related applications to amend the zoning map (C 080128 ZMX), and UDAAP designation, project approval, and disposition of City-owned property (C 080127 HAX), is appropriate.

The Commission believes that the proposed actions would facilitate the disposition of a one-family home to the current tenant, preventing it from becoming a blighting influence on this area.

In addition, the Commission notes that the applicant will delete several properties from the James J. Lyons Urban Renewal Plan. These properties are located on Block 3698, Lots 1 and 3 (which have been subdivided into Lots 1, 4, 10, 12, and 79); Block 3699, Lots 73 and 77 (which have been merged into Lot 73); and Block 3700, Lots 61 through 64. The applicant has stated that these sites are generally sound residential properties that are privately-owned and were

never acquired through the Plan. The Plan has also been revised to conform to HPD's current format for urban renewal plans and the maps have been modified so that only urban renewal sites are identified within site boundaries and with designated land uses.

The Commission believes that concerns of Community Board 9 have been addressed by the applicant in a letter dated January 9, 2008 which states that under HPD's Division of Alternative Management's Tenant Ownership Program (TOP), "tenants in City-owned buildings are given the opportunity to purchase the property at the appraised value. In the event that the tenant is unable to secure financing at the appraised value, HPD may pursue sale at a negotiated price affordable to the applicant. In the event that the applicant is not able to consummate the sale, HPD would consider a negotiated sale to another interested party. In this particular circumstance we are aware that the tenant is a senior citizen with limited financial resources. To ensure this tenant's continue occupancy, we would consider a negotiated sale price, including, but not limited to, sale at the nominal price of \$1.00. The difference between the sale price and the appraised value of the property in any negotiated sale would be secured through an enforcement note to protect the City's interest. In the event that the City would have to pursue a negotiated sale to a third party, we would require that the purchaser be bound by a deed restriction ensuring continued occupancy by the existing tenant at an affordable level, as determined by HPD. It is not the Agency's intent in any of our disposition programs to create financial hardships for existing tenants or foster displacement."

The Commission further believes the zoning map amendment from M1-1 to R5 for Site 2A is appropriate. The R5 zoning district permits development at a maximum FAR of 1.25. This will allow residential uses on the site and would allow for the disposition of the one-family home to the current tenant.

The Commission therefore believes that the proposed amendment to the James J. Lyons Urban Renewal Plan, the amendment to the zoning map, and UDAAP designation, project approval and disposition of city-owned property 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, that the City Planning Commission finds that the proposed First Amendment to the James J. Lyons Urban Renewal Plan is an appropriate plan for the area involved.

The City Planning Commission certifies that the First Amended Urban Renewal Plan for the James J. Lyons Urban Renewal Area complies with provisions of Section 502 Article 15 of the General Municipal Law of New York State and 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 First Amended Urban Renewal Plan for the James J. Lyons Urban Renewal Area is in conformity with the findings and the designation of the

(original) South Zerega Avenue Urban Renewal Area as adopted by the City Planning Commission on November 5, 1969.

The Commission, pursuant to Section 505, Article 15 of the General Municipal Law of New York State certifies its unqualified approval of the First Amended Urban Renewal Plan for the James J. Lyons Urban Renewal Area.

RESOLVED, by 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 First Amended Urban Renewal Plan for the James J. Lyons Urban Renewal Area, Community District 9, Borough of the Bronx, submitted by the Department of Housing Preservation and Development on October 16, 2007 is approved (C 080126 HUX).

The above resolution (C 080126 HUX), duly adopted by the City Planning Commission on March 12, 2008 (Calendar No. 9), 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

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