CITY PLANNING COMMISSION

April 10, 2013 / Calendar No. 7 C 130064 ZMX

IN THE MATTER OF an application submitted by NR Property 2 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

1. changing from an M1-2 District to an R7A District property bounded by a line 360 feet northerly of East 150th Street, a line midway between Gerard Avenue and Walton Avenue, East 150th Street, and Gerard Avenue; and

2. establishing within a proposed R7A District a C2-4 District a line 360 feet northerly of East 150th Street, a line midway between Gerard Avenue and Walton Avenue, East 150th Street, and Gerard Avenue;

as shown on a diagram (for illustrative purposes only) dated November 13, 2012, and subject to the CEQR Declaration E-292, in the Borough of the Bronx, Community District 4.

The application for an amendment to the Zoning Map was filed by NR Property 2 LLC on September 5, 2012 to change an M1-2 district to an R7A district with a C2-4 overlay to facilitate the construction of a seven-story, 147,821 square foot, mixed use development with 124 residential units and ground floor retail located at the corner of East 150th Street and Gerard Avenue (Block 2353, Lot 1) in the Borough of the Bronx, Community District 4.

RELATED ACTIONS

In addition to the Zoning Map amendment that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 130065 ZRX Zoning Text amendment to apply the Inclusionary Housing program to the proposed R7A district.

BACKGROUND

NR Property LLC is seeking zoning map and text amendments to rezone a site on East 150th Street and Gerard Avenue from M1-2 to R7A with a C2-4 overlay and to apply the Inclusionary Housing program to the proposed rezoning area. These actions are requested to facilitate the development of a seven-story, approximately 147,821-square-foot, building with 124 dwelling units and

approximately 24,131 square feet of ground floor commercial.

The rezoning area is located at the intersection of East 150th Street and Gerard Avenue (Block 2353, Lots 1, p/o 16, p/o 45, p/o 46, p/o 47, p/o 48 and p/o 49). The applicant owns Lot 1, which is approximately 32,135 square feet in area and is occupied by a 1-story garage building that was constructed in 1950. The building was utilized as a vehicle maintenance and storage facility by the U.S. Post Office until approximately 2000. From approximately 2001 to 2010, the building was occupied by automotive service, vehicle repair and parking uses, and then by a construction company for general office use and storage. Currently, the building is utilized as a storage facility for a furniture retail store. Lot 16, just north of Lot 1, is occupied by a one-story printing facility. Approximately 187 square feet of lot 16 will be rezoned as part of the proposal. Lots 45 through 49 are located east of the development site and are occupied by 3-4 story one and two-family homes. Small portions of their rear yards (about 8.5-9.5 feet) will be rezoned as part of the proposal. Each lot has a depth of 100 feet.

The rezoning area is located in an M1-2 zoning district in a mixed use neighborhood. The surrounding area includes a C4-4 zoning district west of the rezoning area, and an R6 zoning district to the east, which contains a variety of residential, commercial and institutional uses. The M1-2 zoning district includes a vacant two-story commercial building directly north of the rezoning area and vacant city- owned parcel currently used for parking to the northwest. The blocks to the south are occupied by a mix of low-rise commercial, auto-related, light manufacturing uses, and a Department of Sanitation garage. A self-storage facility and a school for children with special needs are located to the west on Gerard Avenue. The C4-4 zoning district west of the rezoning area includes the Bronx Gateway Center between River Avenue and the Major Deegan Expressway which contains over a million square feet of retail and is comprised of several buildings ranging in height from 30 to 100 feet. The R6 zoning district located directly east of the rezoning area includes one and two family homes on Walton Avenue, a six-story apartment building and a nine-story commercial building on the corner of East 151st Street and Walton Avenue. The Grand Concourse is a major north-south thoroughfare located east of the site. It is predominantly characterized by 6-8 story apartment buildings with ground floor retail and includes historically significant structures like

The Bronx County Courthouse and the Concourse Plaza Hotel. East 149th is a major east-west thoroughfare located south of the site. It is lined with a variety of commercial, mixed use, and institutional buildings, including Hostos Community College. The 2, 4 and 5 subway trains stop at the intersection of these two streets.

The existing M1-2 zoning district permits industrial and commercial uses up to an FAR of 2.0 and limited community facility uses up to an FAR of 4.8. In M1-2 districts, buildings may rise to 60 feet at the street, above which they are controlled by the sky-exposure plane after a required setback. The proposed R7A district would with the proposed text amendment permit residential uses to an FAR of 3.45, bonusable to 4.6 with the provision of affordable housing. Community facility uses would be permitted an FAR of 4.0. Buildings would be permitted to a height of 65 feet at the street, and 80 feet after a setback and contextual streetwall lineup provisions would apply.

The proposed C2-4 commercial overlay would permit ground floor retail. C2-4 districts permit local retail uses such as grocery stores and beauty parlors and have a maximum permitted FAR of 2.0. with commercial uses always located below residential uses.

The Inclusionary Housing Program under the proposed R7A zoning district would have a base FAR of 3.45 that could be increased to 4.6 with the development of affordable housing pursuant to the Inclusionary Housing Program. This could facilitate the creation of 24 units of affordable housing on Block 2353 Lot 1.

ENVIRONMENTAL REVIEW

This application (C 130064 ZMX) in conjunction with the related application (N 130065 ZRX) 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 11DCP143X. The lead agency is the Department of City Planning.

After a study of the potential environmental impacts of the proposed actions, a Negative Declaration was issued on November 13, 2012.

To avoid any potential impacts associated with noise and hazardous materials an (E) designation, (E-292), would be applied to Block 2353, Lot 1.

The (E) designation text related to noise is as follows:

> **To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 DBA window/wall attenuation on all facades to maintain an interior noise level of 45 DBA. To maintain a closed-window condition, an alternative means of ventilation must also be provided. Alternative means of ventilation includes, but is not limited to, air conditioning.**

The (E) designation text related to hazardous materials is as follows:

<u>Task 1 – Sampling Protocol</u>

The applicant submits to OER for review and approval, a Phase 1A of the site along with a soil and groundwater testing protocol including a description of methods and a site map with all sampling locations clearly and precisely represented

If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination or non-petroleum based contamination) and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

<u>Task 2 – Remediation Determination and Protocol</u>

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by the OER.

If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper

documentation that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan 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. This plan would be submitted to OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead -based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

UNIFORM LAND USE REVIEW

This application (C 130064 ZMX) was certified as complete by the Department of City Planning on November 13, 2012 and was duly referred to Community Board 4 and the Bronx Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related application for a Zoning Text amendment (N 130065 ZRX), which was referred for information and review on November 13, 2012 in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 4 held a public hearing on this application (C 130064 ZMX) on January 22, 2013, by a vote of 26 in favor and 1 in opposition with 0 abstentions, adopted a resolution recommending approval of the application with the following conditions:

That the applicant explains the following at a future Committee and Full Board Meeting:

- Inclusionary Zoning
- Area Median Income Proposal
- Number Units
- Height of Development
- Number of 1, 2, 3 Bedroom Apartments
- Bedroom Dimensions
- Commercial Tenancy

Borough President Recommendation

This application (C 130064 ZMX), in conjunction with the related application (N 130065 ZRX), was considered by the Bronx Borough President, who, on February 14, 2013, recommended approval of the application.

City Planning Commission Public Hearing

On February 20, 2013 (Calendar No.1), the City Planning Commission scheduled March 6, 2013, for a public hearing on this application (C 130064 ZMX). The hearing was duly held on March 6, 2013 (Calendar No. 11) in conjunction with the related application for a Zoning Text amendment (N 130065 ZRX). There was one speaker in favor of the application and no speakers opposed.

The applicant's representative described the surrounding area including current uses and building heights. She described the proposed project and stated her belief that the proposed R7A zoning district was an appropriate transition from the C4-4 zoning district mapped west of the rezoning area and the R6 zoning district mapped east of the rezoning area. She confirmed that the building would be 80 feet in height, the applicant would utilize the Inclusionary Housing bonus, and that the affordable units would be at a maximum of 80% of Area Median Income (AMI) and possibly lower depending on the available subsidies. She also stated that the proposed C2-4 overlay would facilitate ground floor retail that would activate the streetscape improving the pedestrian experience and the intent was for two retail establishments on the ground floor of the proposed development.

She also stated that the applicant is willing to return to both the Community Board and the Borough President to discuss the project in greater detail as requested by the Community Board in its recommendation. She confirmed that the applicant was willing to comply with the Borough President's request for more two-bedroom units and fifteen percent of the units as three-bedrooms. She also indicated that the applicant was in the process of seeking funding sources for the affordable units to lower the proposed rents.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the amendment to the zoning map (C 130064 ZMX), in conjunction with the related amendment to the zoning resolution (N 130065 ZRX), is appropriate.

The project site is in an area that is in transition and has seen significant investment from the public and private sectors in recent years, specifically the redevelopment of the Bronx Terminal Market Gateway Center (2009), Mill Pond Park (2009), 161st Street Rezoning (2009) and the new Yankee Stadium (2009). The Commission believes that the proposed project builds upon the momentum created by these projects. The Commission notes that while the project site is zoned for manufacturing the surrounding area is predominantly characterized by residential and commercial development. The Commission believes that the proposed R7A will facilitate new development that would be consistent with the height and bulk of the surrounding residential structures, including the six- to eight-story apartment buildings located just north of the site, on Walton and Gerard Avenues. The proposed C2-4 commercial overlay will facilitate active ground floor uses that will provide necessary services for residents and significantly enhance the pedestrian experience, making this a safer and more walkable neighborhood.

The Commission believes that the application of the Inclusionary Housing program is appropriate, providing affordable units to accommodate the continued growth of the Borough and the City. The Commission notes that Inclusionary Housing Designated Areas are mapped south of the rezoning area, as part of the Lower Concourse Rezoning, which was adopted by City Council in June of 2009; and north of the rezoning area, as part of the 161st Street Rezoning adopted by City Council in September of 2009. The application of the Inclusionary Housing Program here would be consistent with the policy of applying the Inclusionary Housing program in growth areas where affordable housing is needed.

With respect to the conditions of the Community Board's recommendation and the considerations requested by the Bronx Borough President, the Commission notes that the applicant's representative stated at the Commission's public hearing that he is willing to return to both to further discuss the

project details and address the concerns and issues outlined in their recommendations.

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 No. 6a:

1. changing from an M1-2 District to an R7A District property bounded by a line 360 feet northerly of East 150th Street, a line midway between Gerard Avenue and Walton Avenue, East 150th Street, and Gerard Avenue; and

2. establishing within a proposed R7A District a C2-4 District a line 360 feet northerly of East 150th Street, a line midway between Gerard Avenue and Walton Avenue, East 150th Street, and Gerard Avenue; and

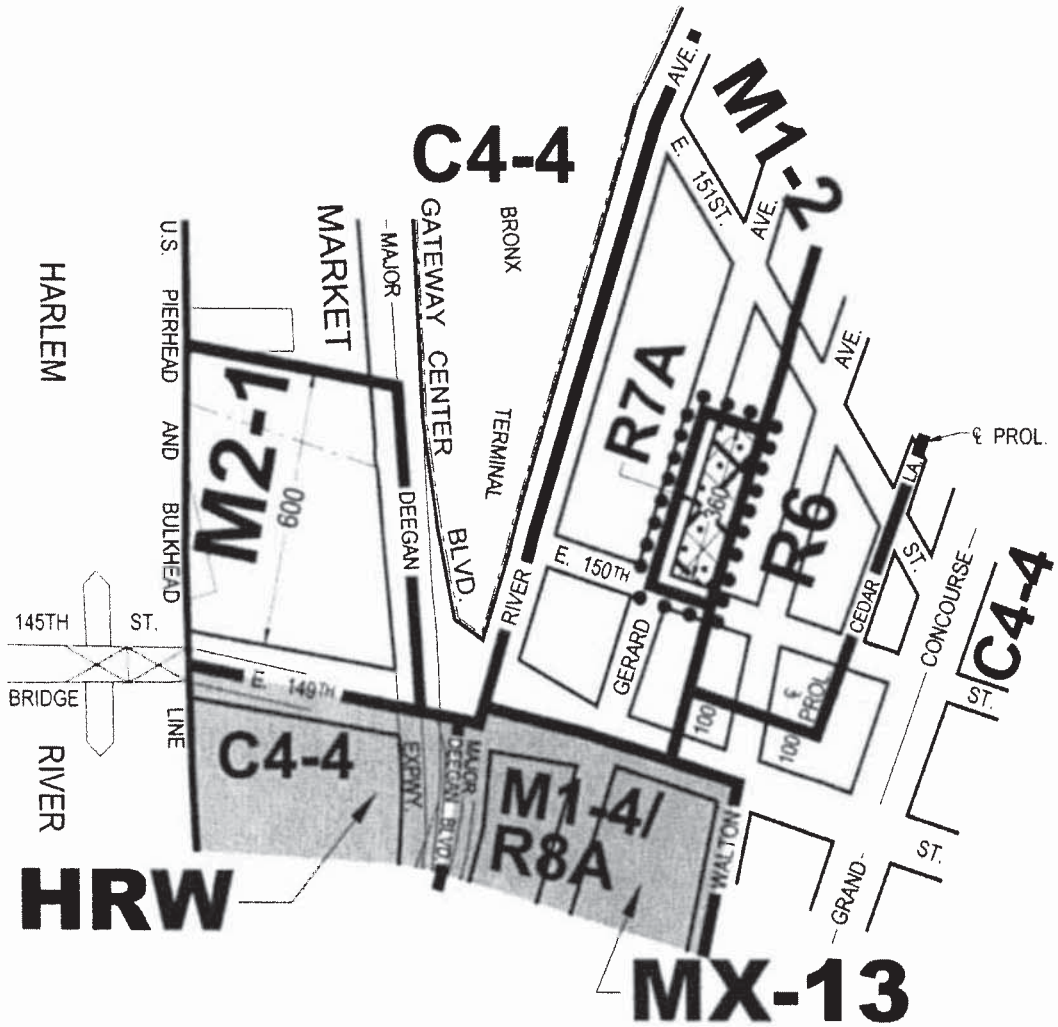
Borough of the Bronx, Community District 4, as shown on a diagram (for illustrative purposes only) dated November 13, 2012 and subject to the CEQR Declaration E-292, in the Borough of the Bronx, Community District 4.

The above resolution (C 130064 ZMX), duly adopted by the City Planning Commission on April 10, 2013 (Calendar No. 7), 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
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.
ALFRED C. CERULLO, *III*, BETTY Y. CHEN, MICHELLE DE LA UZ,
MARIA M. DEL TORO, JOSEPH DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN Commissioners

C.D. 04

C 130064 ZMX



CITY PLANNING COMMISSION

CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED

ZONING CHANGE

ON SECTIONAL MAP

6a

BOROUGH OF

BRONX

New York, Certification Date
NOVEMBER 13, 2012

J. Miraglia, Director
Technical Review Division

SCALE IN FEET

400 0 400

NOTE:

Indicates Zoning District Boundary

Community District Number(s): 04

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
   - **EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
   - **MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
   - **FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
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 NR Property 2 LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a:

1. changing from an M1-2 District to an R7A District property bounded by a line 360 feet northerly of East 150th Street, a line midway between Gerard Avenue and Walton Avenue, East 150th Street, and Gerard Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by a line 360 feet northerly of East 150th Street, a line midway between Gerard Avenue and Walton Avenue, East 150th Street, and Gerard Avenue;

Borough of the Bronx, Community District 4, as shown on a diagram (for illustrative purposes only) dated November 13, 2012.

Applicant(s):	Applicant's Representative:
NR Property 2 LLC 420 Lexington Avenue, Suite 900 New York, NY 10170	Jennifer Dickson Herrick, Feinstein LLP 2 Park Avenue New York, NY 10016

Recommendation submitted by:
Bronx Community Board 4

Date of public hearing: 1/22/2013 Location: 1040 Grand Concourse, Bx, NY 10456

Was a quorum present? YES [X] NO [ ] *A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.*

Date of Vote: 1/22/2013 Location: 1040 Grand Concourse, Bx, NY 10456

Feb. 13. 2013 12:41PM 718-299-7870 No. 4251 P. 5

1/23/2013 Location: 1040 Grand Concourse, Bx, NY 10456

RECOMMENDATION

- [ ] Approve
- [ ] Disapprove
- [x] Approve With Modifications/Conditions – see attached
- [ ] Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting

In Favor: 26 # Against: 1 # Abstaining: 0 Total members appointed to the board: 39

Name of CB/BB officer completing this form	Title	Date
José Rodriguez	District Manager	1/23/2013

Received Time Feb. 13. 12:30PM

The City of New York
COMMUNITY BOARD 4
1650 Selwyn Avenue, Suites 11A & 11B
The Bronx, New York 10457
Tel.: 718-299-0800 FAX: 718-294-7870
Email: bx04@cb.nyc.gov

Honorable Ruben Diaz, Jr.
Bronx Borough President

Pastor Wendell Jackson
Board Chair

Mr. José Rodriguez
District Manager

January 23, 2013

Jennifer Dickson
Herrick, Feinstein LLP
2 Park Avenue
New York, New York 10016

Re: 580 Gerard Avenue

Although the matter voted upon at our General Board Meeting on January 22, 2013 was pursuant to Sections 197-c and 201 of the New York City Charter the full Board insist that the developer return to address concerns regarding the building development.

Thank you in advance.

Sincerely,

José Rodriguez
District Manager
Community Board Four

cc: NR Property 2 LLC
420 Lexington Avenue, Suite 900
New York, New York 10170

The City of New York
COMMUNITY BOARD 4
1650 Selwyn Avenue, Suites 11A & 11B
The Bronx, New York 10457
TEL: 718-299-0800 FAX: 718-294-7870
Email: bx04@cb.nyc.gov

Honorable Ruben Diaz, Jr.
Bronx Borough President

PASTOR WENZELL JACKSON
Board Chair

MR. JOSÉ RODRIGUEZ
District Manager

February 20, 2013

Jennifer Dickson
Herrick, Feinstein LLP
2 Park Avenue
New York, New York 10016

RE: 580 Gerard Avenue

Although the matter voted upon at our General Board Meeting on January 22, 2013 was pursuant to Sections 197-c and 201 of the New York City Charter the full Board approved with the following conditions to be explained at a future Committee and Full Board Meeting.

- Inclusionary Zoning
- Area Median Income Proposal
- Number Units
- Height of the Development
- Number of 1, 2, 3 Bedroom Apartments
- Bedroom Dimensions
- Commercial Tenancy

Thank you in advance.

Sincerely,

District Manager
Community Board Four

cc: NR Property 2 LLC
420 Lexington Avenue, Suite 900
New York, New York 10170

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 130064 ZMX

DOCKET DESRCRIPTION

PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 4 BOROUGH: THE BRONX

RECOMMENDATION

- [x] **APPROVE**
- [ ] **APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- [ ] **DISAPPROVE**

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

PLEASE SEE ATTACHMENT FOR BOROUGH PRESIDENT'S RECOMMENDATION

Ruben Diaz Jr.
BOROUGH PRESIDENT

2/22/2013
DATE

BRONX BOROUGH PRSIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 130064 ZMX
580 Gerard Avenue
February 14, 2013

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by NR Property 2 LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a:

1. changing from an M1-2 District to an R7A District property bounded by a line 360 feet northerly of East 150th Street, a line midway between Gerard Avenue and Walton Avenue, East 150th Street, and Gerard Avenue; and

2. establishing within the proposed R7A District a C2-4 District bounded by a line 360 feet northerly of East 150th Street, a line midway between Gerard Avenue and Walton Avenue, East 150th Street, and Gerard Avenue;

Borough of The Bronx, Community District #4, as shown on a diagram (for illustrative purposes only) dated November 13, 2012.

BACKGROUND

Approving this application will eliminate an existing M1-2 District and establish an R7A District plus include a C2-4 commercial overlay on Block 2353, Lot 1 and part of Lots 16, 45, 46, 47, 48 and 49 (45-49). The applicant is also proposing an amendment to the text of the Zoning Resolution to apply the Inclusionary Housing program to the site.

The site occupies the east side of Gerard Avenue, extending north 360 feet from the northeast corner of East 150th Street. The proposed amendment extends 100 feet east from Gerard Avenue on the north side of East 150th Street. The entire site consists of 32,884 square feet, of which 32,135 square feet are located within Lot 1. The remaining 749 square feet of property are located within portions of Lots 16, 45-49. Property immediately east of these lots on Block 2353 fronting on Walton Avenue are zoned R6.

Existing development on the applicant's site include a one-story garage building constructed in 1950. Originally used for the parking of post office vehicles, the site is now used for furniture storage. Pursuant to the applicant's site-development plan this structure will be demolished. East of this site existing development of surrounding properties include three-story residences fronting on Walton Avenue. To the west, existing development is typified by low-rise industrial type buildings that include a self-storage facility, light manufacturing, auto-related uses and a Sanitation Department garage. The Bronx Terminal Market Gateway Shopping center, consisting of approximately one million square feet of retail development, is located approximately two blocks west of the applicant's property. Additional retail activity and mass

transportation (subway and bus) are found on the Grand Concourse, two blocks east of the site. Access to the Major Deegan Expressway (Interstate 87) and local Harlem River crossings into Manhattan are available within a four block radius of the site. Hostos Community College is also located on the Grand Concourse at East 149th Street.

Pending adoption of the proposed zoning amendment, the applicant will construct an 80-foot tall, seven-story residential building fronting on Gerard Avenue. This residential structure will offer 124 units, comprising 147,821 square feet of space and include:

- 12 studios
- 56 one-bedroom units
- 37 two-bedroom units
- 19 three-bedroom units

(The square footage of each of these units has not been finalized)

Twenty percent of these units will lease for 60 percent of Area Median Income (AMI). The remaining 80 percent will lease for market rate.

The proposed building features retail space consisting of 24,000 square feet. As now envisioned, this space will be subdivided into two separate storefronts, approximating 12,000 square feet each. On site underground parking accessible from Gerard Avenue will provide parking for 26 retail patron vehicles and 63 spaces for residence-vehicles. No details as to what additional amenities will be afforded residents are available. This proposed building will satisfy Enterprise Green environmental mandates.

Preliminary design features for this building's Gerard Avenue frontage include two formal lobbies and therefore two elevators banks, four sun-courts and a seventh-story setback. Additionally, a 30-foot, rear "green buffer" between this proposed 80-foot building and the existing low rise residences fronting on Walton Avenue will be included.

The applicant is also proposing that an amendment to the text of the Zoning Resolution applying the Inclusionary Housing program to this site. A key provision of this amendment would increase the base Floor Area Ratio (FAR) from 3.45 to a maximum of 4.6. The proposed C2-4 commercial overlay permits a commercial FAR of up to 2.0.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application was reviewed pursuant to CEQR and SEQR and received a Negative Declaration, meaning that the proposed development will have no impact on the surrounding environment. The City Planning Commission certified this application as complete on November 13, 2012.

BRONX COMMUNITY BOARD HEARING

Bronx Community Board #4 held a public hearing on this application on January 22, 2013. A vote recommending approval of this application with modification was 26 in favor, one against and zero abstaining. The community board's modification includes an insistence that the developer return to the community board to address concerning regarding the building development.

BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President convened a public hearing on this application on February 7, 2013. Representatives of the applicant were present and spoke in favor of this application. No members of the public offered any comment on this matter and the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

Ostensibly approving this application will amend the Zoning Map by eliminating an existing M1-2 District and establishing an R7A District with the inclusion of a C2-4 commercial overlay. This amendment pertains to property located on the east side of Gerard Avenue, at East 150th Street. However, the reason for this action is indeed "groundbreaking." As proposed, it would facilitate construction of a 124-unit residential building, with the inclusion of retail space approximating 24,000 square feet, in a community that today is typified by under-utilized garages and industrial buildings. In addition, pursuant to the Inclusionary Housing bonus, the applicant will allocate approximately 24 units for low-income residents, with the remaining units rented at the market rate. Again, not only would this development dramatically change the "built profile" of this community, but as envisioned by the developer it represents the first newly constructed, unsubsidized market rate mid-rise residences to be constructed in this section of Bronx Community District #4 since the 1960's. These facts, coupled with the recently adopted Lower Grand Concourse Rezoning and the Bronx Terminal Market Gateway Center along with its extraordinary mass transportation infrastructure, suggest that this entire area is poised for redevelopment.

Given that this project will be the first residential development in an area that is now decidedly non-residential, it will establish a benchmark for future development in this community. It is therefore imperative that when detailed plans for construction are finalized, my office have an opportunity to review these plans. Key consideration will be given to:

- The inclusion of foundation plantings where appropriate, street trees and a maintenance plan for the long-term care of such planted areas
- An understanding that storefront windows will remain unobstructed so as to allow interior lighting to illuminate the street and that any security gates installed be located inside the storefront.

- The installation of windows be considered a priority so as to offer additional illumination within the building's four anticipated "sun courts."

- Maximizing the use of natural lighting in the building's common areas, including stairwells. Specifically, we want to encourage resident use of the public stairwells pursuant to the City's Active Design Guidelines which both reduce energy consumption and encourage healthy and active lifestyle choices.
- Kitchens include higher quality cabinetry and granite surfaces and that appliances be as energy efficient as possible.
- The square footage of each unit be ample rather than the minimum permitted and that at least 15 percent of the units available offer three-bedrooms. The developer has agreed to increase the number of two-bedroom units.
- Exterior lighting not be intrusive-especially where such lighting is located near existing residences fronting on Walton Avenue.
- We continue to question the number of parking spaces required for buildings in areas where access to mass transit is easily available, and as in this example provides rapid transit to a host of communities across the city.

I recommend approval of this application and look forward to reviewing the finalized plans for this site.