



THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
OFFICE OF PLANNING AND PIPELINE DEVELOPMENT

BATHGATE

**URBAN
RENEWAL
PROJECT**

THIRD AMENDED PLAN

DECEMBER 2007

**THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

**THIRD AMENDED
URBAN RENEWAL PLAN**

**BATHGATE
URBAN RENEWAL AREA**

**BRONX
Community District No. 3**

December, 2007

HISTORY OF PRIOR APPROVALS

Original

City Planning Commission: April 30, 1975
Board of Estimate: June 25, 1975 (Cal. No. 7)

First Amendment

City Planning Commission: March 17, 1980
Board of Estimate: June 29, 1980 (Cal. No. 25A)

Second Amendment

City Planning Commission: December 12, 1983
Board of Estimate: January 26, 1984 (Cal. No. 40)

Third Amendment

City Planning Commission: March 12, 2008 (Cal. No. 16)
City Council: April 16, 2008 (Reso No. 1379)
Mayor: April 18, 2008

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A: URBAN RENEWAL AREA

1. LEGAL AUTHORITY

The City of New York ("City") has designated the Bathgate Urban Renewal Area ("Area") as an urban renewal area pursuant to §504 of Article 15 ("Urban Renewal Law") of the General Municipal Law. The Department of Housing Preservation and Development ("HPD") represents the City in carrying out the provisions of the Urban Renewal Law pursuant to §502(5) of the Urban Renewal Law and §1802(6)(e) of the Charter.

2. AREA

The properties indicated on Map 1 and listed in Exhibit A ("Acquisition Parcels") have been or will be acquired by the City for redevelopment pursuant to this Third Amended Bathgate Urban Renewal Plan ("Plan"). These Acquisition Parcels comprise the entire Area and, as such, are the only properties to be redeveloped pursuant to this Plan.

3. BOUNDARY

The Area is located in Community District No. 3 in the borough of The Bronx and is generally bounded by (i) the Cross Bronx Expressway on the north, (ii) Fulton Avenue on the east, (iii) St. Paul's Place and East 171st Street on the south, and (iv) Webster Avenue on the west. The perimeter described in Exhibit B and shown on Map 1 ("Project Boundary") encompasses all of the Acquisition Parcels which comprise the Area, but may also encompass other properties which are not part of the Area. The Acquisition Parcels, and not the Project Boundary, define the Area.

4. OTHER PROPERTIES

Any properties located within the Project Boundary which are not listed in Exhibit A ("Exempt Parcels") will not be acquired by the City for redevelopment pursuant to this Plan. Notwithstanding the fact that they are located within the Project Boundary, Exempt Parcels are not part of the Area and are not subject to the controls of this Plan, even if they are or become City-owned.

5. ELIGIBILITY

The Area is eligible for designation as an urban renewal area pursuant to the Urban Renewal Law. The following insanitary and substandard conditions adversely affect the quality of life in the Area and its immediate vicinity:

- a. Abandoned, vacant, substandard, underutilized, and/or obsolete buildings and structures characterized by physical deterioration, high levels of code violations, defective construction, outmoded design, lack of proper sanitary facilities, and/or inadequate fire or safety protection.
- b. Abandoned, vacant, underutilized, substandard, and/or insanitary, lots.

- c. Insufficient light and ventilation.
- d. Incompatible adjacent uses.
- e. Illegal uses and conversions.
- f. Blocks and lots of irregular form or shape or of insufficient size, width, or depth.
- g. Lack of suitable off street parking.
- h. Inadequate loading and unloading facilities.
- i. Unsuitable topography, subsoil, or other physical conditions.

B: URBAN RENEWAL PLAN

1. LEGAL AUTHORITY

The City has established this Plan for the redevelopment of the Area pursuant to §505 of the Urban Renewal Law.

2. STATEMENT OF COMPLIANCE

In accordance with §502(7) of the Urban Renewal Law, this Plan states the following information:

a. Proposed Land Uses

See Section C.

b. Proposed Land Acquisition, Demolition, And Removal Of Structures

See Section D.

c. Proposed Acquisition Of Air Rights And Concomitant Easements Or Other Rights Of User Necessary For The Use And Development Of Such Air Rights

None.

d. Proposed Methods Or Techniques Of Urban Renewal

See Section D.

e. Proposed Public, Semi-Public, Private, Or Community Facilities Or Utilities

See Section C.

- f. Proposed New Codes And Ordinances And Amendments To Existing Codes And Ordinances As Are Required Or Necessary To Effectuate The Plan

See Section E.

- g. Proposed Program Of Code Enforcement

Properties will be required to comply with applicable United States ("Federal"), State of New York ("State"), and City laws, codes, ordinances, and regulations (collectively, "Laws").

- h. Proposed Time Schedule For Effectuation Of Plan

<u>Project Activity</u>	<u>Estimated Commencement Date</u>	<u>Estimated Completion Date</u>
Land Acquisition	April 1981	March 1984
Relocation of Site Occupants	November 1983	April 1984
Demolition and Site Clearance	December 1983	April 1984
Land Disposition	May 1986	June 2008
Project Completion		June 2010

3. OBJECTIVES

This Plan seeks to:

- a. Redevelop the Area in a comprehensive manner, removing blight and maximizing appropriate land use.
- b. Remove impediments to land assemblage and orderly development.
- c. Strengthen the tax base of the City by encouraging development and employment opportunities in the Area.
- d. Provide new housing of high quality and/or rehabilitated housing of upgraded quality.
- e. Provide appropriate community facilities, parks and recreational uses, retail shopping, public parking, and private parking.

- f. Provide a stable environment within the Area which will not be a blighting influence on surrounding neighborhoods.

4. DESIGN OBJECTIVES

It is the intent of this Plan that, to the extent deemed feasible by HPD, (i) the Area should be developed in a manner compatible with or beneficial to the surrounding community, (ii) the project should harmonize in scale, configuration, and materials to the prevailing neighborhood pattern, and (iii) in areas with exceptionally strong or uniform street character, the new construction should reinforce the existing urban pattern.

C: CONTROLS ON REDEVELOPMENT

1. ZONING

The controls of this Plan will be concurrent with, and will not preempt or supersede, the controls of the Zoning Resolution of the City, as amended ("Zoning Resolution"). The controls of the Zoning Resolution will apply to all Acquisition Parcels at all times to the extent permitted by Law. The controls of this Plan will commence to apply to any Acquisition Parcel upon acquisition by the City or at such later date as may be specified in this Plan. Thereafter, if there is any conflict between the controls imposed by the Zoning Resolution and the controls imposed by this Plan, the more restrictive of the two will govern.

2. PROPOSED USES

Map 2 indicates the permitted use of each Acquisition Parcel following disposition by the City to a redeveloper. Each use indicated in Map 2 will have the meaning set forth in this Section C.2.

a. Residential

Residential, commercial, recreational, and community facility uses will be permitted in accordance with the Zoning Resolution.

b. Industrial

Industrial uses will be permitted in accordance with the Zoning Resolution.

3. SUPPLEMENTARY CONTROLS

a. Controls On Specific Sites

(1) Density and Building Height Limits

Residential development on Site 5 will not exceed an aggregate total of 280 dwelling units. The residential floor area ratio on Site 5 will not exceed 5.6. Except for obstructions permitted in

accordance with the applicable controls of the Zoning Resolution, no building on Site 5 will exceed a height of 105 feet above the base plane.

(2) Bathgate Industrial Area

The following controls pertain to the Bathgate Industrial Area, as identified in Exhibit A (Part 2), Map 1, and Map 2.

- (a) No loading bays will front on Third Avenue or Washington Avenue without the approval of HPD, in consultation with the New York City Economic Development Corporation ("EDC").
- (b) Each open loading and/or parking area will be screened from adjacent streets with a densely planted strip of shrubs or trees not less than ten feet wide.
- (c) Industrial buildings that front directly on East 174th Street, East 173rd Street, or East 172nd Street will have a landscaped setback of not less than ten feet.
- (d) Where required accessory off-street parking requirement is provided on a separate zoning lot from the project, not less than one tree per 1,200 square feet of parking will be planted in order to enhance the appearance of the off-street parking areas.
- (e) Trees will be planted on all streets within the Bathgate Industrial Area at intervals of thirty feet (except at intersections and entrances to parking and loading areas).

b. Building Bulk

Building bulk requirements will be as required by the Zoning Resolution, except as is more restrictively set forth below.

c. Parking

Parking requirements will be as required by the Zoning Resolution, except as is more restrictively set forth. All buildings developed within the Bathgate Industrial Area will be provided with parking at a ratio of one space for every five employees.

d. Utilities

- (1) Any existing overhead telecommunications, electrical, and cable network lines in the Area will be removed and relocated underground and all new or additional telecommunications, electrical, and cable network lines will be placed underground,

unless HPD determines that such placement underground is either unnecessary or infeasible.

- (2) Sewers, water lines, street lighting, and electrical and gas services will be installed as required. Water supply, sanitary sewers, and storm sewers will be provided in accordance with the requirements of the City's Department of Environmental Protection.

D: PROPOSED METHODS AND TECHNIQUES OF URBAN RENEWAL

1. ACQUISITION

a. Method Of Acquisition

Acquisition Parcels may be acquired by any means permitted by applicable Laws. Regardless of the method of acquisition, every Acquisition Parcel acquired by the City will be subject to the controls of, and developed in accordance with, this Plan.

b. Properties Acquired or to be Acquired

The Acquisition Parcels have been or will be acquired by the City. All Acquisition Parcels have been or are intended to be acquired with City funds, without Federal assistance.

2. RELOCATION

There is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe, and sanitary dwellings, which are or will be provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment. HPD will relocate residential and commercial site occupants, if any, in compliance with all applicable Federal, State, and City Laws. No relocation is anticipated at this time.

3. DEMOLITION AND/OR REHABILITATION

The structures on properties acquired in accordance with this Plan will either be demolished and cleared for new construction or retained for rehabilitation.

4. LAND DISPOSITION

Properties acquired will be disposed of for redevelopment in accordance with this Plan.

E: RELATED ACTIONS

1. ZONING MAP AMENDMENTS

The zoning of the Area will be as set forth in the Zoning Resolution. Zoning Map Amendments may be necessary in order to implement this Plan, but any proposed amendments set forth in this Section E.1 will have no force or effect until they are approved and become effective pursuant to the applicable provisions of the Charter. The proposed Zoning Map Amendments are:

Site	Block	Lot	Current Zoning	New Zoning
p/o 5	2929	50, p/o 58	M1-4	R8A
p/o 5	2929	p/o 58, 65, 66, 67, 68	M1-4	R8A with C2-4 overlay

2. STREET MODIFICATIONS

It may be necessary to map, demap, or modify streets within and/or adjacent to the Area in order to implement this Plan, but any proposed street modifications set forth in this Section E.2 will have no force or effect until they are approved and become effective pursuant to the applicable provisions of the Charter. However, no street modifications are proposed at this time.

F: REDEVELOPER OBLIGATIONS

1. RECORDABLE AGREEMENTS

The instruments by which the City disposes of any Acquisition Parcel or part thereof to a redeveloper will be recorded in the Office of the City Register and will contain covenants running with the land which (i) incorporate this Plan by reference, (ii) require compliance with the terms and restrictions set forth in this Plan, and (iii) require compliance with Section F.4. An amendment to this Plan which becomes effective after the date of disposition of an Acquisition Parcel to a redeveloper will not apply to the real property comprising such Acquisition Parcel unless, following the effective date of such amendment, the City and the owner of such real property execute a written agreement, approved as to form by the Corporation Counsel, providing that such amendment shall thereafter apply to such real property.

2. LAND USE RESTRICTION

Each redeveloper will be required to devote the land solely to the uses specified as permitted uses in this Plan and to comply with all other terms and restrictions set forth in this Plan.

3. TIMELY PERFORMANCE

Each redeveloper will be required to expeditiously apply for all required governmental approvals and to begin and complete the redevelopment and construction of the improvements mandated by this Plan and agreed upon in the disposition instruments within a reasonable time.

4. NON-DISCRIMINATION

Each redeveloper, its successors and assigns of the land conveyed or any part thereof, and any lessee of the land conveyed or any part thereof (i) will not enter into any agreement, lease, conveyance, or other instrument which restricts the sale, lease, or occupancy of such land or any part thereof upon the basis of race, color, national origin, ancestry, alienage status, religion, creed, age, sex, marital status, sexual orientation, or disability, and (ii) will comply with all applicable Federal, State, and City laws in effect from time to time prohibiting discrimination or segregation by reason of race, color, national origin, ancestry, alienage status, religion, creed, age, sex, marital status, sexual orientation, or disability in the sale, lease, or occupancy of the property.

5. DESIGN REVIEW

HPD may require any redeveloper to (i) submit site plans, landscape plans, architectural drawings, outline specifications, schedules of materials and finishes, and/or final working drawings, in sufficient detail to permit determination of compliance with the controls of this Plan, for HPD approval prior to commencement of construction, and (ii) submit any material change to such documents thereafter proposed for HPD approval prior to commencement of construction of such change. HPD may require any redeveloper of the Bathgate Industrial Area to submit such documents to EDC. HPD will review and approve such documents concerning the Bathgate Industrial Area in consultation with EDC.

6. RESTRICTION ON TRANSFER PRIOR TO COMPLETION

No redeveloper will be permitted to sell, lease, or otherwise transfer land at any time prior to completion of the redevelopment thereof without prior written consent of HPD, except as set forth in the disposition instruments.

7. COOPERATION WITH HPD

Each redeveloper will be required to expeditiously submit all documents required by HPD for the approval and processing of the redevelopment project.

8. COOPERATION WITH OTHER CITY AGENCIES

Each redeveloper will be required to cooperate fully with the appropriate City agencies in realizing the specific objectives of this Plan.

9. CERTIFICATE OF COMPLETION

Each redeveloper will be required to provide HPD with current revised drawings as required by HPD, including, but not limited to, descriptions reflecting substantial changes during construction. HPD will use these drawings and descriptions, together with materials submitted prior to commencement of construction, for final determination of compliance and issuance of a Certificate of Completion in accordance with the terms of the disposition instruments.

G: MODIFICATION OF PLAN

1. AMENDMENTS

The City may amend this Plan at any time pursuant to §505 of the Urban Renewal Law and §197-c and §197-d of the Charter and may amend the designation of the Area at any time pursuant to §504 of the Urban Renewal Law.

2. MINOR CHANGES

HPD, with the concurrence of the City Planning Commission ("CPC"), may authorize minor changes of the terms of these restrictions which conform with the intent and purpose of this Plan. HPD will consult with EDC regarding any proposed change to the Bathgate Industrial Area.

3. MERGERS AND SUBDIVISIONS

The development sites in the Area may be merged and/or subdivided where HPD determines in writing that (i) the site plan complies with the intent and provisions of this Plan, and (ii) the unused portion of the subdivided development site, if any, is marketable and developable in accordance with this Plan and with all applicable Federal, State, and City Laws. The merger and/or subdivision of a development site will not require review or approval by CPC, but HPD will file the Plan, as modified to indicate such merger and/or subdivision, with the Department of City Planning for information purposes.

H: DURATION OF PLAN

This Plan will remain in effect for a period of forty (40) years from the date of the approval of the Second Amended Bathgate Urban Renewal Plan by the Board of Estimate, until January 26, 2024, except as provided in Section G.

EXHIBIT A

PROPERTIES ACQUIRED AND TO BE ACQUIRED

Part 1: Bathgate Residential Area

<u>Site</u>	<u>Block</u>	<u>Old Lots</u>	<u>New Lot(s)</u>	<u>Land Use</u>
1	2930	58, 60, 61, 62, 63, 65, 66, 70, 72, 74	58, 60, 61, 62, 63, 65, 66, 70, 72, 74	Residential
2	2930	75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 122, 123	75	Residential
3	2929	69, 70, 71, 72, p/o 73	169, 170, 171, 172	Residential
4	2928	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 17, 18, 20, 21, 23, 25, 27, 29, 36, 37, 38	28	Residential
5	2929	50, 58, 66, 67, 68, p/o 73	50, 58, 65, 66, 67, 68	Residential

All mapped and/or built streets within the Project Boundary

Part 2: Bathgate Industrial Area

<u>Block</u>	<u>Old Lots</u>	<u>New Lot(s)</u>	<u>Land Use</u>
2916	2, 4, 5, 7, 9, 11, 13, 15, 16, 19, 21, 49, 50, 52, 53, 54, 56, 58, 59, 60, 61, 62, 63, 64, 66, 68, 70	2	Industrial
2915	1, 2, 5, 7, 9, 11, 13, 15, 17, 18, 20, 21, 22, 23, 24, 25, 28, 29, 30, 31, 33, 34, 36, 37, 38, 40, 42, 44, 45	1	Industrial
2914	1, 3, 5, 8, 10, 12, 14, 16, 17, 18, 19, 23, 25, 26, 27, 29, 30, 32, 36, 37, 39, 40, 43	1	Industrial

<u>Block</u>	<u>Old Lots</u>	<u>New Lot(s)</u>	<u>Land Use</u>
2913	1, 3, 4, 8, 10, 11, 12, 14, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 32, 34, 36, 38, 39, 40, 45	1	Industrial
2922	2, 3, 4, 6, 8, 10, 12, 14, 15, 16, 17, 18, 19, 20, 22, 40, 45, 47, 54, 59, 61, 63, 65, 80, 140, 159	2	Industrial
2921	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 21, 22, 23, 24, 33, 37, 39, 41, 43, 45, 47, 49, 147	1	Industrial
2920	2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 15, 17, 19, 20, 21, 22, 23, 24, 28, 29, 30, 32, 34, 38, 41, 42, 51, 52, and 53	2	Industrial
2919	5, 13, 15, 16, 17, 18, 20, 21, 25 27, 28, 30, 31, 32, 33, 35	5, p/o 42	Industrial
2930	26, 28, 29, 30, 38, 39, 41, 42, 43, 44, 46	26, 28, 29, 30, 39	Industrial
2930	12, 13, 14, 15, 16, 17, 18, 19, 20, 21	12	Industrial
2929	8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 22	8	Industrial

All mapped and/or built streets within the Project Boundary of the Bathgate Industrial Area.

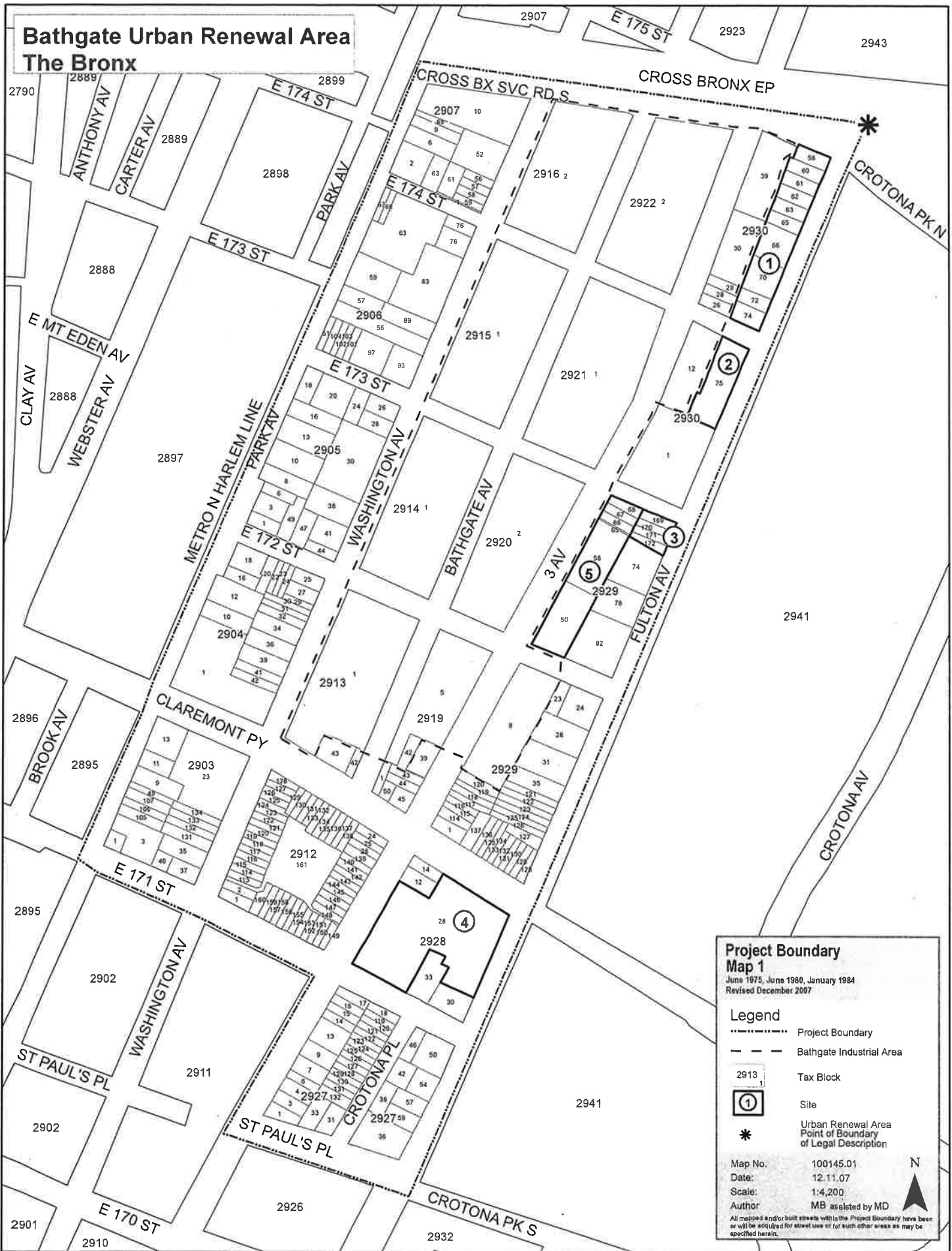
EXHIBIT B

PROJECT BOUNDARY DESCRIPTION

Beginning at a point formed by the intersection of the easterly line of Fulton Avenue with the northerly line of the South Service Road of the Cross Bronx Expressway and running:

1. Thence southerly along the easterly line of Fulton Avenue to its intersection with the southerly line of St. Paul's Place;
2. Thence westerly along the southerly line of St. Paul's Place until its intersection with the westerly line of Third Avenue;
3. Thence northerly along the westerly line of Third Avenue until its intersection with the southerly line of East 171st Street;
4. Thence westerly along the southerly line of East 171st Street until its intersection with the westerly line of Park Avenue;
5. Thence northerly along the westerly line of Park Avenue until its intersection with the northerly line of the South Service Road of the Cross Bronx Expressway;
6. Thence easterly along the northerly line of the South Service Road of the Cross Bronx Expressway to the point or place of beginning.

Bathgate Urban Renewal Area The Bronx



Project Boundary Map 1

June 1975, June 1980, January 1984
Revised December 2007

Legend

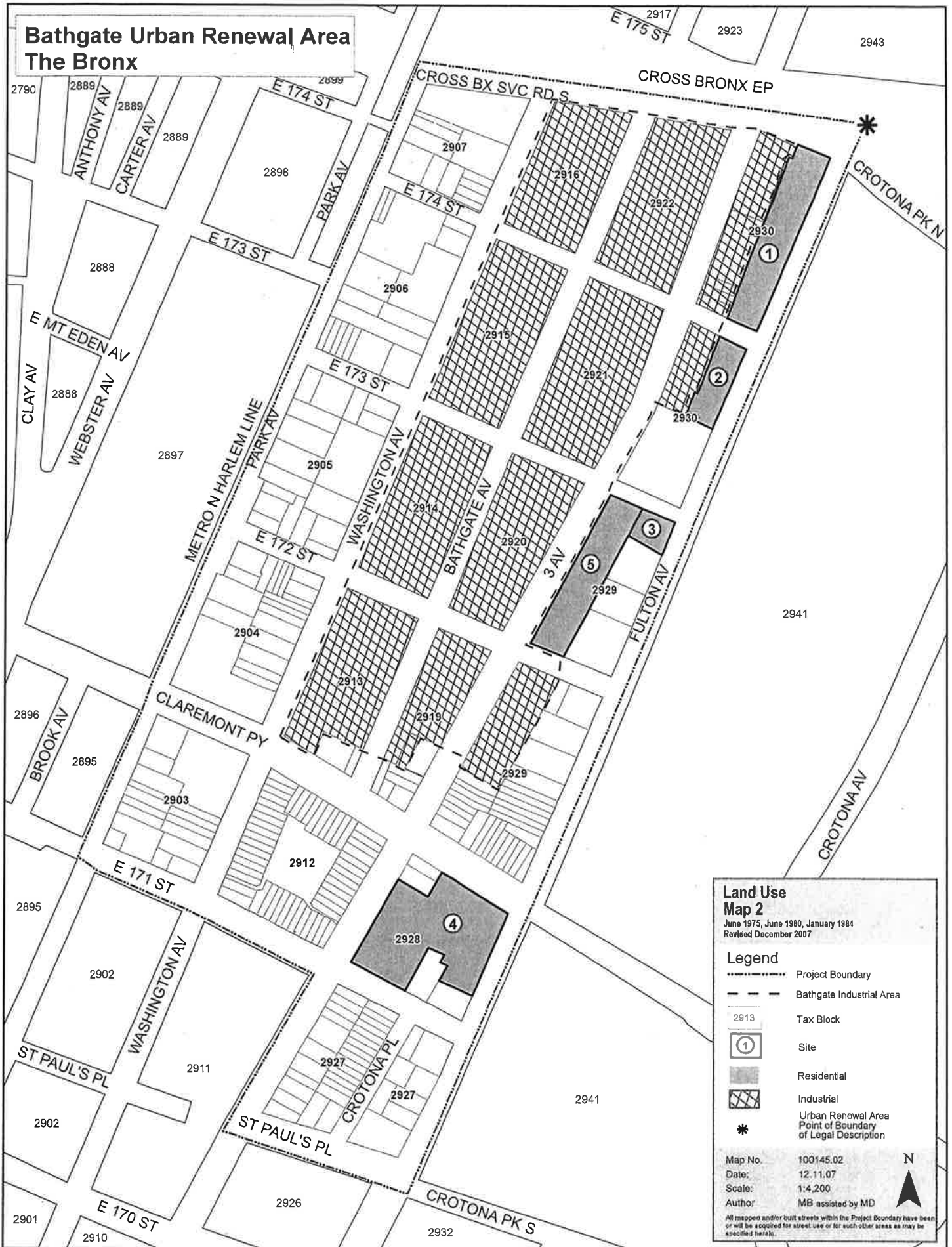
- Project Boundary
- Bathgate Industrial Area
- 2913 Tax Block
- ① Site
- * Urban Renewal Area Point of Boundary of Legal Description

Map No. 100145.01
Date: 12.11.07
Scale: 1:4,200
Author MB assisted by MD

All mapped and/or built streets within the Project Boundary have been or will be adopted for street use or for such other areas as may be specified herein.



Bathgate Urban Renewal Area The Bronx



Land Use

Map 2

June 1975, June 1980, January 1984
Revised December 2007

Legend

- Project Boundary
- Bathgate Industrial Area
- 2913 Tax Block
- 1 Site
- Residential
- Industrial
- * Urban Renewal Area Point of Boundary of Legal Description

Map No. 100145.02
Date: 12.11.07
Scale: 1:4,200
Author: MB assisted by MD

All mapped and/or built streets within the Project Boundary have been or will be acquired for street use or for such other uses as may be specified herein.



FACT SHEET

THIRD AMENDED BATHGATE URBAN RENEWAL AREA

December 2007

REASONS FOR AMENDMENT

1) Block 2929, Lots 50, 58, 65, 66, 67, and 68 are currently within the boundary of the Early Action Industrial Area (EAIA) of the Second Bathgate Urban Renewal Area (properties within the EAIA do not have specific site numbers). These lots will be removed from the EAIA and designated as a separate urban renewal site, Site 5, for which the land use will be residential.

2) In order to limit potential development on Site 5, a density limit of 280 dwelling units is being added to the plan along with a restriction that no building on Site 5 will exceed a height of 105 feet above the base plane. The residential floor area ratio on Site 5 will not exceed 5.6.

Other Changes

1) The name of the EAIA is changed to Bathgate Industrial Area.

2) The language and format of the Urban Renewal Plan have been changed to the current standard form, and the time schedule for the effectuation of the plan has been updated.

FOR INFORMATION ONLY
NOT PART OF URBAN RENEWAL PLAN
NOT PART OF ULURP APPLICATION

