

BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: **C 110154 ZSX**
731 Southern Boulevard

DOCKET DESCRIPTION

CD 2-ULURP APPLICATION NO: C 110154 ZSX: IN THE MATTER OF an application submitted by Liska NY, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to an eight-story non-profit institution with sleeping accommodations (UG3), on property located at 731 Southern Boulevard (Block 2720, Lot 28), in an R7-1 District, Borough of the Bronx, Community District #2.

BACKGROUND

The purpose of this application is to legalize a building that is currently over the allowable 3.44 FAR for structures built in a R7-1 district under Use Group 3, and the maximum 4.80 FAR for a community facility. The current structure is a 26,950 square-foot, eight-story, 57-unit homeless shelter for single mothers with children with a FAR of 4.90. The proposed action requests a special permit that would allow the building to exist according to the 4.80 community facility FAR. The owner proposes to reduce the building by 745 square feet to a 4.76 FAR. The resulting action would reduce the unit count by two to 55 studio units. The owner originally applied for a building permit to construct a residential apartment building under Use Group 2.

The site itself, located 731 Southern Boulevard on Block 2720, Lot 28, is a 5,500 square-foot lot, with a width of 25 feet and depth of 110 feet. The immediate surrounding area is characterized by two six-story apartment buildings on either side of the shelter. Immediately to the north are multi-family apartment buildings. Immediately to the east, across the street, is a C8-3 district containing automobile and parking facilities. Immediately to the south is a one-story laundromat. Immediately to the west is Fox Playground.

The site contains on-site social services, managed by New Hope Transitional Housing, employs two social workers managing programs and making referrals for external substance abuse, mental health, educational and therapy programs.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application was reviewed pursuant to CEQR and SEQRA and received a Negative Declaration as an unlisted action. The City Planning Commission certified this application as complete on March 18, 2013.

COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board #2 held a public hearing on this application on May 22, 2013. A vote recommending disapproval of this application had 17 voted against the special permit, three in favor of the special permit, and eight abstentions.

BRONX BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President held a public hearing on this application on June 11, 2013. Representatives of the applicants were present and spoke in favor of this application. Bronx Community Board #2 District Manager Rafael Salamanca was present and expressed his concerns about the history of the building and its future use on behalf of the board. Bronx Department of Buildings (DOB) Commissioner Werner DeFoe and staff were present to discuss the filing history of the building, including violations and missteps on behalf of the owner and the agency. A representative from the Department of City Planning was also in attendance.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

This building has had a long controversial history. On August 19, 2003 this office originally issued a house number for a 32-unit apartment building, which is classified under Use Group 2 of the Zoning Resolution. In August 2007, the owner filed with DOB to change the building to a 57-unit project with "Sleeping Accommodations for the Homeless," but neglected to make the change from Use Group 2 to Use Group 3. In 2009, a Temporary Certificate of Occupancy (TCO) was mistakenly issued for the building under Use Group 2, and it began to operate as a homeless shelter. Later in 2009, following a series of complaints, it was discovered that not only was the TCO issued in error for the wrong Use Group, but that the building had been severely overbuilt. The Borough Commissioner decided to pursue carefully resolution of the egregious error as the building now housed a number of homeless single mothers with children.

The culmination of these series of missteps could be simply categorized as lack of oversight and ineptitude, but DOB discovered almost the same exact situation occurring at 1073 Hall Place by the owner, where the building was filed under Use Group 2 and the proceeded to operate as a shelter under the auspices of New Hope. In this case, DOB caught the error and are working toward a resolution. This building has not had a TCO since 2008.

It is clear to me that the owner, and possibly the operator, was fully aware of the actions taking place and gambled that he would be able to overbuild, profit from switching to a shelter and then rectify the situation if the ruse was made public. This ULURP represents an attempt by the applicant to rectify the situation. When asked why they did not go to the Board of Standards and Appeals for a variance, the owner's attorney explained that

while ULURP was not the favored route, they recognized the hardship was self-inflicted and a variance was unlikely.

Approving this application would not only encourage the owner and other developers to engage in bad practices that violate the Zoning Resolution, it would mean he won his gamble by paying a pittance to remove only 745 square feet, while he profited all these years. The precedent that would be set is dangerous. The real losers in this situation are the families being sheltered in this building and the residents of Bronx Community Board #2, who have had to deal with the problems this building represents. Not only is it overbuilt and an improper use it is not aesthetically pleasing, and there have been a number of issues, such as presence of rats, reported at this location. The fact is, if this structure is to remain, it must comply with the R7-1 zoning FAR, which for this building type and Use Group is 3.44. This would result in a reduction to 39 units, which means while some tenants would have to relocate; it would still be able to operate as a homeless shelter.

I do not recommend approval of this application and urge the City Planning Commission to reject it.