



IN THE MATTER OF an application submitted by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-70(a)(2) of the Zoning Resolution to allow non-profit hospital staff dwellings to be located not more than 1,500 feet from a non-profit or voluntary hospital and related facilities to facilitate the construction of a 12-story non-profit hospital staff dwelling building, on property located at 1776 Eastchester Road (Block 4226, Lots 1101 and 1102), in a C4-2 District, Borough of the Bronx, Community Board 11.

This application (C 170447 ZSX) for a Special Permit pursuant to amended ZR 74-70, to allow for the construction of non-profit hospital staff dwellings to be leased to resident physicians of Montefiore Hospital, was filed by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC on May 26, 2017. The special permit, in conjunction with two related actions, would facilitate the development of 182 units of non-profit hospital staff housing on top of an existing parking garage.

RELATED ACTIONS

In addition to the application for a zoning special permit (C 170447 ZSX) that 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:

C 170445 ZMX Zoning map amendment to change an M1-1 district to R5, C4-2, and C4-2A districts.

N 170446 ZRX Zoning text amendment to allow non-profit hospital staff dwellings and to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

A full background discussion and description of this application appears in the report for the related application for a zoning map amendment (C 170445 ZMX).

ENVIRONMENTAL REVIEW

This application (C 170447 ZSX), in conjunction with the related actions (C 170445 ZMX and N 170446 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 lead is the City Planning Commission. The designated CEQR number is 17DCP165X.

A summary of the environmental review, including the revised Environmental Assessment Statement (EAS), issued on October 13, 2017, appears in the report on the related application for a zoning map amendment (C 170445 ZMX).

UNIFORM LAND USE REVIEW

This application (C 170447 ZSX), in conjunction with the application for the related zoning map amendment (C 170445 ZMX), was certified as complete by the Department of City Planning on June 5, 2017, and was duly referred to Community Board 11 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 170446 ZRX), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 11 held a public hearing on this application (C 170447 ZSX) on August 9, 2017, and on that date, by a vote of 27 in favor, five opposed, and with one abstention, adopted a resolution recommending approval of the application with a condition. A summary of the Community Board's recommendation appears in the report for the related zoning map amendment (C 170445 ZMX).

Borough President Recommendation

This application (C 170447 ZSX) was considered by the Bronx Borough President, who held a public hearing on August 24, 2017 and issued a recommendation on September 11, 2017 for approval of this application. A summary of the Borough President's recommendation appears in the report for the related zoning map amendment (C 170445 ZMX).

City Planning Commission Public Hearing

On September 6, 2017 (Calendar No. 5), the City Planning Commission scheduled September 19, 2017 for a public hearing on this application (C 170447 ZSX) and the applications for the related actions. The hearing was duly held on September 19, 2017 (Calendar No. 27). Four speakers testified in favor of the application, as described in the report for the related zoning map amendment (C 170445 ZMX), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 170445 ZMX) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*) The designated WRP number is 17-123.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the application for the proposed special permit (C 170447 ZSX), in conjunction with the related actions, is appropriate. A full consideration and analysis of issues and the reasons for approving this application appear in the related report for the zoning map amendment (C 170445 ZMX).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-70 of the Zoning Resolution:

- (1) that the #bulk# of such #non-profit hospital staff dwelling# and the density of population housed on the site will not impair the essential character or the future use or development of the surrounding area; and
- (2) that the number of #accessory# off-street parking spaces provided for such #use# will be sufficient to prevent undue congestion of #streets# by such #use#.

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, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; 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 application submitted by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-70(a)(2) of the Zoning Resolution to allow non-profit hospital staff dwellings to be located not more than 1,500 feet from a non-profit or voluntary hospital and related facilities to facilitate the construction of a 12-story non-profit hospital staff dwelling building, on property located at 1776 Eastchester Road (Block 4226, Lots 1101 and 1102), in a C4-2 District, Borough of the Bronx, Community Board 11, is approved, and subject to the following conditions:

- 1) The property that is the subject of this application (C 170447 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and

zoning computations indicated on the following plans, prepared by Newman Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Analysis Chart	5-22-17
Z-002.00	Zoning Analysis	5-22-17
Z-003.00	Overall Site Plan Zoning Lot	5-22-17
A-001.00	Site Plan	5-22-17

- 2) Such development shall confirm to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- 3) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4) All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
- 5) Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City

Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

- 6) Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 170447 ZSX), duly adopted by the City Planning Commission on October 18, 2017 (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.

MARISA LAGO, *Chair*
KENNETH J. KNUCKLES, Esq., Vice Chair
RAYANN BESSER, ALFRED C. CERULLO, III,
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ORLANDO MARIN, LARISA ORTIZ, *Commissioners*