



October 18, 2017/Calendar No. 14

C 170445 ZMX

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 amendment of the Zoning Map, Section Nos. 4a and 4b:

1. changing from an M1-1 District to an R5 District property bounded by the centerline of former Morris Park Avenue, the southerly prolongation of a Railroad Right-Of-Way, Waters Place, and Marconi Street;
2. changing from an M1-1 District to a C4-2 District property bounded by the centerline of former Morris Park Avenue, Marconi Street, a line 900 feet southerly of the centerline of former Morris Park Avenue and its westerly prolongation, and the northwesterly boundary of the New York New Haven Railroad Right-Of-Way; and
3. changing from an M1-1 District to a C4-2A District property bounded by a line 900 feet southerly of the former centerline of Morris Park Avenue and its westerly prolongation, Marconi Street, Waters Place, Eastchester Road, and the northwesterly boundary of the New York New Haven Railroad Right-Of-Way;

Borough of the Bronx, Community District 11, as shown on a diagram (for illustrative purposes only) dated June 5, 2017, and subject to the conditions of CEQR Declaration E-436.

This application (C 170445 ZMX) for a zoning map amendment was filed by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC (the applicant) on May 26, 2017. The proposed zoning map amendment would change an M1-1 zoning district to R5, C4-2 and C4-2A districts. Along with the two related actions, it would facilitate the development of approximately 182 units of non-profit hospital staff housing on top of an existing parking garage and designate a Mandatory Inclusionary Housing (MIH) area.

RELATED ACTIONS

In addition to the application for a zoning map amendment (C 170445 ZMX) 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 170447 ZSX Zoning special permit to allow for construction of non-profit hospital staff dwellings.

N 170446 ZRX Zoning text amendment to allow non-profit hospital staff dwellings and to designate an MIH area.

BACKGROUND

The area to be rezoned (the rezoning area) is located in Bronx Community District 11, on the eastern edge of the Morris Park neighborhood in the northeast region of the borough. The rezoning area consists of three sections, all located on a single block. The northern section, bounded by Marconi Street to the east, a demapped portion of Morris Park Avenue to the north, the railroad right-of-way to the west, and the southern boundary of the Metro Atrium Center property to the south (Block 4226, Lots 7502 and portions of Lots 1 and 5), would be rezoned to C4-2 district. The applicant proposes building non-profit hospital staff dwelling units in this section.;

The southern section is bounded by the Metro Atrium Center property to the north, Eastchester Road to the west, Waters Place to the South, and Marconi Street to the east (Block 4226, Lots 6, 7, 10, 11, 15, 506, 507, 508, 509, 510, 511 and portions of Lots 1 and 5) would be rezoned to a C4-2A district.

The eastern portion bounded by Marconi Street to the west, the demapped portion of Morris Park Avenue to the north, Waters Place to the south and a southerly prolongation of the railroad right-of-way to the east, (Block 4226, parts of lots 30 and 35) would be rezoned to an R5 district.

All three sections are located partially within a very large and irregular zoning lot that extends as far as 2,500 feet to the north of the most northeasterly portion of the rezoning area. The entirety of Lot 7202, on which the applicant proposes to build the non-profit hospital staff dwellings, falls within that zoning lot.

The rezoning area is located on the western edge of the Hutchinson Metro Center, a 42-acre property that was a State-operated psychiatric treatment center before being auctioned off for private development in 2001. Portions of the Bronx Psychiatric Hospital have been relocated to the southern portion of the Hutchinson Metro Center and consolidated along Waters Place.

Today, the Hutchinson Metro Center includes approximately 2,000,000 square feet of commercial floor area within five different buildings, including office buildings, a hotel, a health club, a Mercy College satellite campus, a 12-story, 280,000-square-foot ambulatory surgery center completed for the Montefiore Medical Center in 2014, and the recently completed 911 Public Safety Answering Center II (PSAC II), located at the far northern extreme of the Hutchinson Metro Center. Immediately to the east of the rezoning area and within the Hutchinson Metro Center, plans outlined in a Request for Proposals (RFP) issued by the Empire State Development Corporation call for the development of an additional 1.5 million to two million square feet of office and commercial space, including four new 13-story office towers and the redevelopment of a former Bronx Psychiatric Center building into a hotel.

To the east of the rezoning area are several large, institutional medical campuses, including the Jacobi Medical Center, Yeshiva University, the Albert Einstein College of Medicine (AECOM), and the Montefiore Medical Center. This area is generally developed with high-density buildings on campus-like superblocks. This includes the eastern portion of the AECOM campus, which includes towers that range from nine to 28 stories and that include student residences. Lots east of AECOM, between Eastchester Road and the railroad right-of-way that is the western boundary of the rezoning area, are mapped with an M1-1 district and developed primarily with one- and two-story structures with commercial and industrial uses.

Within the southern portion of the rezoning area, uses include a Calvary Hospital campus (Lot 6), a supermarket and liquor store (Lot 1), a small manufacturing building (lot 15), a small commercial building (Lot 6) that includes a coffee shop, a day spa, and an event planner, as well as vacant land, and a large amount of surface parking.

The eastern portion of the rezoning area includes a series of baseball fields, an abandoned building that was formerly part of the Bronx Psychiatric Center, two abandoned holding towers, and vacant land. This area lies immediately east of Marconi Street, which was mapped in 2011 in order to provide access to PSAC II. It was the mapping of that street that led to this sliver of M1-1 zoning between Marconi Street and the R5 district to the east.

Within the northern section of the rezoning area, Lot 7502 is currently improved with three buildings: a commercial building (Building E) and two multi-story parking garages (Buildings G and F). The proposed non-profit hospital staff dwelling units would be constructed on top of Building G. Building F will remain as is. Building E, also known as the Metro Atrium Center, is an eight-story, 96-foot-tall mixed-use building comprising about 353,000 square feet of floor area and containing a hotel, three floors of class A office space, medical uses, retail, community facility uses, and a gym. This building will remain. Building F consists of a three-story parking garage comprising approximately 125,100 square feet and containing 380 parking spaces, including 130 rooftop spaces. This building will also remain.

The west garage (Building G), the site of the proposed development, is 61,471 square feet, contains 479 parking spaces, and is five stories high with a cellar. In addition to the spaces in the garage, there are 170 at-grade open parking spaces adjacent to that structure.

The non-profit hospital staff dwellings would comprise a seven-story addition over the garage. Floors 1 through 5 of the resulting structure, as well as the cellar, would continue to be used for parking. The required 128 accessory parking spaces for the non-profit hospital staff dwellings would be provided within this structure, which consists of a total of 464 spaces, down from the 479 spaces currently listed due to the additional structure. The proposed seven-floor addition (floors 6 through 12) would accommodate approximately 182 non-profit hospital staff dwellings. The proposed development, including the existing parking garage, would total 331,554 square feet, have a floor area ratio (FAR) of 0.6, and would rise to 142 feet.

The project is intended to meet housing demand for the staff of Montefiore Medical Center, which has a shortfall of some 350 units per year for resident physicians. Montefiore currently

maintains approximately 100 units for such uses. With over 1,400 intern doctors, residents, and sub-specialty fellows, Montefiore considers the proposed units to be necessary to maintaining a competitive advantage in attracting students, as well as critical to ensuring that resident physicians can quickly get to and from the hospitals they serve regardless of inclement weather. The units would be owned by Montefiore and leased to resident physicians at its 1825 Eastchester Road location, within 500 feet of the project site.

The nearest subway stations are the Westchester Square and Middletown Road stations on the 6 train (within less than one-half mile) and the Morris Park Avenue station on the 5 train (approximately one mile away). Express bus service is also available, as is local bus service. Montefiore Medical Center and the Hutchinson Metro Center also provide private shuttles to and from the subway stations. The site is also immediately southeast of the planned location for the Morris Park Avenue Metro-North train station, anticipated to begin operations in 2022. Running on the existing Amtrak rail lines, the new service is projected to provide greatly improved regional connectivity in the four planned station areas in the Bronx, reducing travel time to Midtown Manhattan to as little as 30 minutes. The new station at Morris Park Avenue would also provide better pedestrian connectivity between Montefiore's campus to the west of the rail line and the proposed development site immediately to the west.

The proposed development requires three actions to facilitate the proposed floor area, height, and bulk of the proposed development, as well as to allow the non-profit staff dwelling use: A zoning map amendment, a zoning text amendment, and a special permit.

The zoning map amendment would change the existing M1-1 district to C4-2, C4-2A, and R5 districts. The C4-2 district would be mapped over the northern section of the rezoning area. Under the current zoning the permitted FAR in that area is 1.0 for manufacturing and commercial uses and 2.4 for community facility uses. C4-2 districts permit an FAR of 4.8 for commercial and community facility uses. The equivalent R6 residential district, a height-factor districts, permits a maximum FAR of 2.43. Manufacturing uses would no longer be allowed.

A C4-2A district would be mapped over the southern section of the rezoning area. The current M1-1 zoning permits an FAR of 1.0 for manufacturing and commercial uses and 2.4 for community facility uses. The proposed C4-2A district allows an FAR of 3.0 for commercial and community facility, and residential uses and a maximum height of 70 feet. The equivalent R6A residential district permits a maximum an FAR of 3.6 for areas mapped MIH. Manufacturing uses would no longer be allowed, and uses that the applicant maintains are disruptive to the establishment of continuous retail frontage at this important corner, such as home maintenance and repair service stores, would be prohibited. The applicant considers the change appropriate in order to better match the nearby R4, R5, and R6 zoning districts and in light of the prominence of this corner at Eastchester Road and Waters Place. The contextual district was also chosen owing to the significant amount of street frontage here and the desire to ensure future development is more contextually sensitive than development on the site today, which was developed through zoning overrides on state-owned land.

The eastern section of the rezoning area would be mapped with an R5 district. The relocation of the existing zoning boundary so that it is aligned with Marconi Street, and the subsequent change from M1-1 to R5 in that portion of the rezoning area, would ensure that the zoning in that area is consistent with the zoning on the remainder of those lots. R5 districts permit residential and community facility uses at 1.25 FAR and 2.0 FAR, respectively. The residential FAR typically produces three- and four-story attached houses and small apartment houses. R5 districts have a height limit of 40 feet and can be useful in providing a transition between lower- and higher-density neighborhoods.

The proposed zoning text amendment to permit the construction of non-profit hospital staff dwellings, which would apply only to C4-2 districts without a letter suffix in Community District 11 in the Bronx, is necessary in order to grant the special permit. Currently, the special permit stipulates that no portion of the zoning lot on which non-profit hospital staff dwelling units are to be located can be more than 1,500 feet from the non-profit or voluntary hospital and related facilities they are to serve. The proposed zoning text amendment seeks to provide relief in this instance by allowing the permit to be issued when the non-profit hospital staff dwellings themselves—rather than the entirety of the zoning lot on which they sit—are within 1,500 feet of

the non-profit or voluntary hospital they are to serve. Despite the close proximity of the hospital to be served under the arrangement (within 500 feet), the very large size of the zoning lot on which the project site would be located would otherwise preclude the special permit from being issued.

The proposed zoning text amendment would also designate the portions of the rezoning area that would be mapped with C4-2 and C4-2A districts as an MIH area in which Options 1 and 2 would be applicable. Option 1 requires that 25% of residential floor area be dedicated as affordable housing for residents with incomes averaging 60% of Area Median Income (AMI), with a minimum of 10% of housing units to be affordable at 40% AMI. Option 2 requires that 30% of residential floor area be affordable for residents with incomes averaging 80% AMI. While no general residential uses are proposed for the site, the designation would ensure that, if the site were to be developed for residential use in the future, a portion of the units would be required to be permanently affordable.

Finally, the special permit pursuant to Section 74-70(a)(2) of the Zoning Resolution for the development non-profit hospital staff dwellings, as modified by the proposed zoning text change outlined above, is necessary to facilitate the proposed development. In order to grant the permit, the Commission must find that the density of the population housed on the site will not impair the essential character or the future use or development of the surrounding area and that the number of accessory off-street parking spaces provided is enough to prevent undue congestion of the streets by such use. The Commission may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

ENVIRONMENTAL REVIEW

This application (C 170445 ZMX), in conjunction with the related actions (N 170446 ZRX and C 170447 ZSX), 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.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on June 5, 2017. On October 13, 2017, a revised Environmental Assessment Statement (EAS) and revised Negative Declaration were issued. The revised EAS and Negative Declaration reflect revisions to the Waterfront Revitalization Program (WRP) Consistency Assessment Form.

In connection with the Proposed Actions an (E) designation (E-436) would be assigned to sites within the proposed Rezoning Area, to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials.

The (E) designation requirements related to air quality would apply to the following development sites:

Block 4226, Lot 7502 (Projected Development Site 1, Project Site)

Block 4226, Lot 15 (Projected Development Site 2)

Block 4226, Lot 510/511 (Projected Development Site 3)

Block 4226, Lot 507 (Potential Development Site 1)

Block 4226, Lot 508/509 (Potential Development Site 2)

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

Block 4226, Lot 7502 (Projected Development Site 1) : Any new commercial or residential development on Block 4226 Lot 7502 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 135 feet above grade.

Block 4226, Lot 15 (Projected Development Site 2): Any new commercial or residential development on Block 4226 Lot 15 must exclusively use natural gas as the

type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 88 feet above grade.

Block 4226, Lots 510 and 511 (Projected Development Site 3): Any new commercial or residential development on Block 4226 Lots 510 and 511 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 88 feet above grade.

Block 4226, Lot 507 (Potential Development Site 1): Any new commercial or residential development on Block 4226 Lot 507 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 88 feet above grade.

Block 4226, Lots 508 and 509 (Potential Development Site 2): Any new commercial or residential development on Block 4226 Lots 508 and 509 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 88 feet above grade.

With the assignment of the above-referenced (E) designation for air quality, the Proposed Actions would not result in significant adverse impacts.

The (E) designation requirements related to noise would apply to the following development sites:

Block 4226, Lot 15 (Projected Development Site 2)

Block 4226, Lot 507 (Potential Development Site 1)

Block 4226, Lots 508 and 509 (Potential Development Site 2)

Block 4226, Lots 510 and 511 (Projected Development Site 3)

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

Block 4226, Lot 15 (Projected Development Site 2): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all facades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 4226, Lot 507 (Potential Development Site 1): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all facades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 4226, Lots 508 and 509 (Potential Development Site 2): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all facades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 4226, Lots 510 and 511 (Projected Development Site 3): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all facades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

The (E) designation requirements related to hazardous materials would apply to the following development sites:

Block 4226, Lot 15 (Projected Development Site 2)

Block 4226, Lot 507 (Potential Development Site 1)

Block 4226, Lots 508 and 509 (Potential Development Site 2)

Block 4226, Lots 510 and 511 (Projected Development Site 3)

With the assignment of the above-referenced (E) designation for noise, the Proposed Actions would not result in significant adverse impacts.

The (E) designation text related to hazardous materials for all development sites is as follows:

Task 1- Sampling Protocol

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 and 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.

Task 2 (Remediation Determination and Protocol)

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 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 evacuation and construction and 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.

With the assignment of the above-referenced (E) designation for hazardous materials, the Proposed Actions would not result in significant adverse impacts.

UNIFORM LAND USE REVIEW

This application (C 170445 ZMX), in conjunction with the application for the related application for a special permit (C 170447 ZSX), 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 170445 ZMX) 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 the condition that the zoning changes only apply to the parcel on which the non-profit hospital staff dwellings are to be built.

Borough President Recommendation

This application (C 170445 ZMX) was considered by the Bronx Borough President, who held a public hearing on August 24, 2017 and issued a recommendation to approve the application on September 11, 2017.

City Planning Commission Public Hearing

On September 6, 2017 (Calendar No. 3), the City Planning Commission scheduled September 19, 2017 for a public hearing on this application (C 170445 ZMX) and the applications for the related actions. The hearing was duly held on September 19, 2017 (Calendar No. 25).

Four representatives from the applicant team testified in favor of the application. A representative of the development team outlined the intent and character of the project. A representative from Montefiore Hospital spoke to Montefiore's need for additional housing for resident physicians. The architecture team described the architectural aspects of the proposed development.

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 this application for a zoning map amendment (C 170445 ZMX), in conjunction with the related applications for a zoning text amendment (N 170446 ZRX) and a zoning special permit (C 170447 ZSX), is appropriate.

The requested actions would facilitate the development of 182 units of non-profit hospital staff dwellings in a seven-story addition over an existing five-story parking garage on the project site. These units would help to meet Montefiore's current demand for such housing, estimated to exceed 350 per year. Currently Montefiore has only 100 units of housing for resident physicians.

The proposed C4-2, C4-2A and R5 zoning districts are appropriate. Under the existing M1-1 manufacturing district, the development of the non-profit hospital staff dwellings would not be permitted. The C4-2 district and the associated ability to build height-factor buildings is necessary to facilitate the height of the proposed development and the 182 units of non-profit hospital staff dwellings. In the area to be rezoned to C4-2A, the contextual district will help to promote a continuous frontage and pedestrian condition along the important confluence of Waters Place and Eastchester Road. In the area to be rezoned to R5, the designation will ensure that the zoning on those portions of those lots matches the zoning on the eastern portions of those same lots.

Additionally, much of the current development within the rezoning area, as well as within the Hutchinson Metro Center in general, is not in conformance with M1-1 and R5 zoning districts in place, but was instead facilitated by state overrides of the zoning in those areas. Given the character of development in the surrounding area and on the development site itself, the proposed zoning

districts would more accurately reflect the character of recent and future development in the area, particularly in light of the forthcoming Morris Park Avenue Metro-North station.

The proposed zoning text amendment (N 170446 ZRX) is appropriate. It would facilitate the proposed development by providing relief from the current requirements for granting special permits for non-profit hospital staff dwellings. Those requirements fail to account for instances in which non-profit hospital staff dwelling units, despite being adjacent to the non-profit or voluntary hospitals they are to serve, would nevertheless be disallowed owing to the uniquely large nature of the zoning lots on which they are to be located. While the project site is well within the 1,500-foot requirement laid out in the zoning resolution, portions of the zoning lot on which it is to be located are well beyond the 1,500 foot requirement. The proposed zoning text amendment will only apply to C2-4 districts without a letter suffix in Community District 11 in the Bronx, of which the proposed development site is the only extant case, and therefore provides for limited and rational relief.

The Commission believes that the requested zoning special permit for non-profit hospital staff dwellings is appropriate. The special permit will allow for the development of 182 units of non-profit hospital staff dwellings to be leased to resident physicians at Montefiore. This addresses an important citywide goal of facilitating the development of new housing, particularly affordable and workforce housing. It also aligns well with best practices in land use planning, taking into account the importance and proximity of the Metro-North service that is set to begin at the northwest corner of the development site in 2022. As relates to the condition for permitting such facilities—as modified by the related zoning text amendment—the non-profit hospital staff dwellings would be well within (500 feet) the required 1,500 foot distance from the non-profit or voluntary hospital they are to serve, which in this case is Montefiore.

The Commission agrees that the bulk and of the proposed 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. The proposed bulk is comparable to that of existing and proposed developments in the surrounding area, and the proposed density is appropriate to the surrounding built context, which includes existing towers ranging from five to 28 stories. The

proposed tower would total 12 stories, including the existing five-story parking garage on which it would be built. The development itself would be immediately adjacent to an existing eight-story structure, located on the same lot. Development of the former Bronx Psychiatric Hospital, on which four new 13-story office buildings, a multi-story hotel, and other commercial and community facility uses are proposed, is also continuing.

The Commission also agrees that the number of accessory off-street parking spaces will be sufficient to prevent undue traffic congestion. The proposed development would fully meet the requirement for accessory off-street parking for the proposed non-profit hospital staff dwellings (127 spaces for the 182 units). While Marconi Street is the only point of access into the Hutchinson Metro Center, the applicant maintains that most residents to be housed in the proposed development would be unlikely to use private automobiles to travel to and from the Montefiore Medical Center, as it is located within 500 feet of the proposed development and easily accessible by foot. The future Metro-North station at Morris Park Avenue, which is projected to open in 2022, includes a bridge across the tracks to the medical center and would provide an additional means of regional access to and from the site for those living there.

The Commission acknowledges the recommendation by Community Board 11 that the rezoning only apply to the portion of the project area to be rezoned to C4-2, but believes that it is appropriate to establish zoning on the southern portion of the project area that is consistent with current uses and the emerging context of the area. Limiting the rezoning area to the development site alone would effectively create a midblock island of C4-2 zoning amid M1-1 districts on the block between Marconi Street and the rail lines. Additionally, limiting the rezoning area to the proposed development site would do nothing to address the anomalous ribbon of M1-1 zoning to the east of Marconi Street, a byproduct of the mapping of Marconi Street in 2011 in order to provide access to the recently-completed PSAC II Center at the far northern edge of the Hutchinson Metro Center.

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

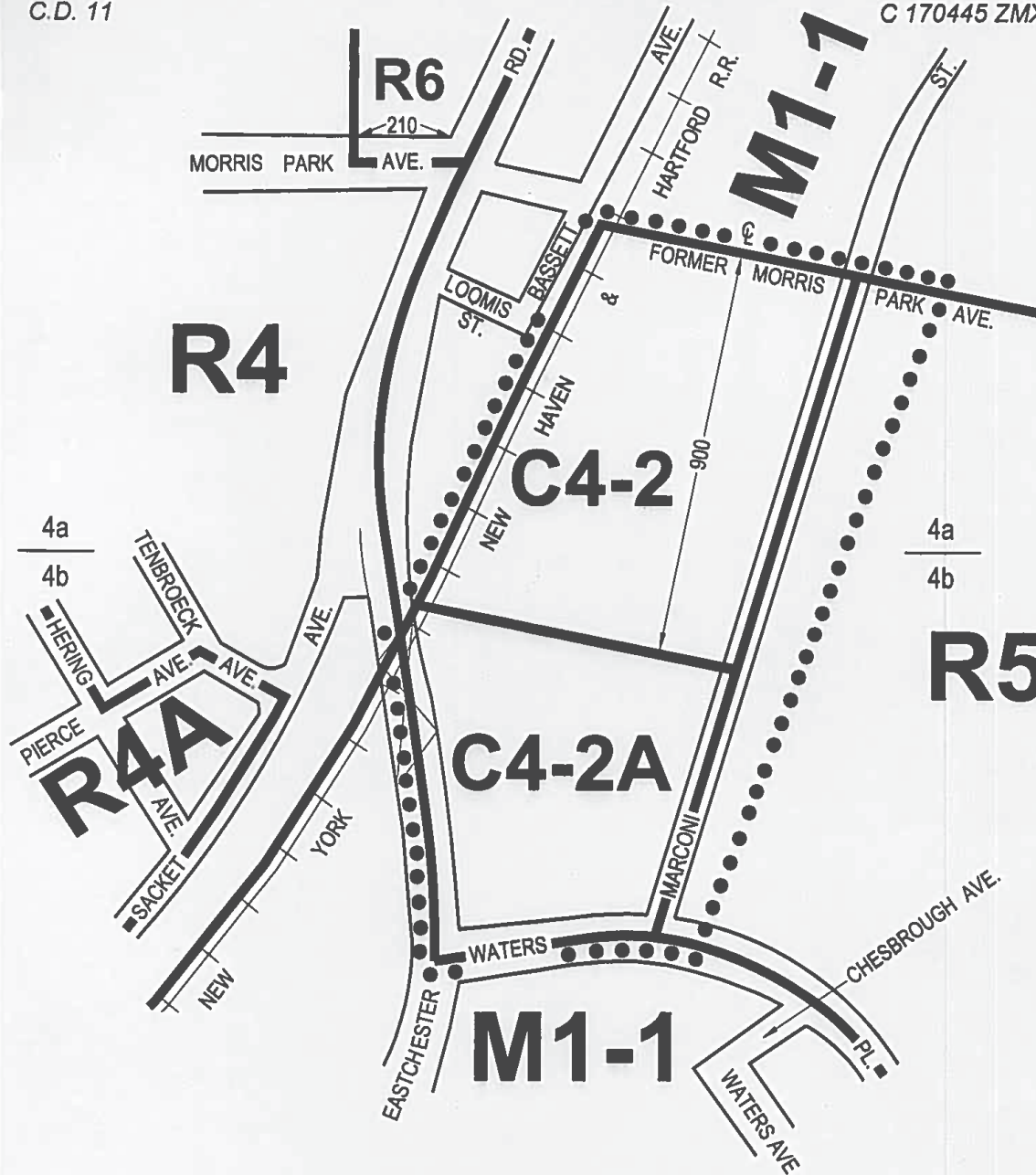
RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section Nos. 4a and 4b:

1. changing from an M1-1 District to an R5 District property bounded by the centerline of former Morris Park Avenue, the southerly prolongation of a Railroad Right-Of-Way, Waters Place, and Marconi Street;
2. changing from an M1-1 District to a C4-2 District property bounded by the centerline of former Morris Park Avenue, Marconi Street, a line 900 feet southerly of the centerline of former Morris Park Avenue and its westerly prolongation, and the northwesterly boundary of the New York New Haven Railroad Right-Of-Way; and
3. changing from an M1-1 District to a C4-2A District property bounded by a line 900 feet southerly of the former centerline of Morris Park Avenue and its westerly prolongation, Marconi Street, Waters Place, Eastchester Road, and the northwesterly boundary of the New York New Haven Railroad Right-Of-Way;

Borough of the Bronx, Community District 11, as shown on a diagram (for illustrative purposes only) dated June 5, 2017, and subject to the conditions of CEQR Declaration E-436.

The above resolution (C 170445 ZMX), duly adopted by the City Planning Commission on October 18, 2017 (Calendar No. 14), 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,
MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,
CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ, *Commissioners*



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
4a & 4b
BOROUGH OF
BRONX

New York, Certification Date
JUNE 05, 2017

S. Lenard, Director
Technical Review Division



NOTE:

- Indicates Zoning District Boundary.
- • • • The area enclosed by the dotted line is proposed to be rezoned by changing an existing M1-1 District to an R5 District, a C4-2 District and a C4-2A District.

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application # **C 170445 ZMX**

Project Name **1776 Eastchester Road**

CEQR Number **17DCP165X**

Borough(s) **Bronx**
Community District Number(s) **11**

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

SUBMISSION INSTRUCTIONS

- 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 + (8-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- 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 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 amendment of the Zoning Map, Section Nos. 4a and 4b:

- changing from an M1-1 District to an R5 District property bounded by the centerline of former Morris Park Avenue, the southerly prolongation of a Railroad Right-Of-Way, Waters Place, and Marconi Street;
- changing from an M1-1 District to a C4-2 District property bounded by the centerline of former Morris Park Avenue, Marconi Street, a line 900 feet southerly of the centerline of former Morris Park Avenue and its westerly prolongation, and the northwesterly boundary of the New York New Haven Railroad Right-Of-Way; and
- changing from an M1-1 District to a C4-2A District property bounded by a line 900 feet southerly of the former centerline of Morris Park Avenue and its westerly prolongation, Marconi Street, Waters Place, Eastchester Road, and the northwesterly boundary of the New York New Haven Railroad Right-Of-Way;

Borough of the Bronx, Community District 11, as shown on a diagram (for illustrative purposes only) dated June 5, 2017, and subject to the conditions of CEQR Declaration E-436.

Applicant(s): 1776 Eastchester Realty LLC, 1250 Waters Place, Bronx, NY 10461 Hutch 34 Industrial Street, LLC, 1250 Waters Place, Bronx, NY 10461 Hutch 35 LLC, 1250 Waters Place, Bronx, NY 10461		Applicant's Representative: Adam W. Rothkrug, Esq. Rothkrug Rothkrug & Spector, LLP 55 Watermill Lane Great Neck, NY 11021
Recommendation submitted by: Bronx Community Board 11		
Date of public hearing: 8/9/17	Location: Morris Park Community Association	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>		
Date of Vote: 8/9/17	Location: 	
RECOMMENDATION <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting # In Favor: 27 # Against: 5 # Abstaining: 1 Total members appointed to the board: 50		
Name of CB/BB officer completing this form Jeremy Warneke	Title District Manager	Date 8/14/17



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application # **C 170447 ZSX**

Project Name **1776 Eastchester Road**

CEQR Number: **17DCP165X**

Borough(s) **Bronx**

Community District Number(s) **11**

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

SUBMISSION INSTRUCTIONS

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 - 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 #C1000002SQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- 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 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.

*Note: A zoning text amendment is proposed to Section 74-70 (Special Permit for Non-Profit Hospital Staff Dwellings) to create a new special permit 74-70(a)(2), under a concurrent related application N 170446 ZRX.

** Note: The site is proposed to be rezoned by changing an existing M1-1 District to a C4-2 District under a concurrent related application for a Zoning Map change (C 170445 ZMX).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0901.

Applicant(s): 1776 Eastchester Realty LLC, 1250 Waters Place, Bronx, NY 10461 Hutch 34 Industrial Street, LLC, 1250 Waters Place, Bronx, NY 10461 Hutch 35 LLC, 1250 Waters Place, Bronx, NY 10461		Applicant's Representative: Adam W. Rothkrug, Esq. Rothkrug Rothkrug & Spector, LLP 55 Watermill Lane Great Neck, NY 11021
Recommendation submitted by: Bronx Community Board 11		
Date of public hearing: 8/9/17		Location: Morris Park Community Association
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>
Date of Vote: 8/9/17		Location:
RECOMMENDATION		
<input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Modifications/Conditions		
<input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting		
# In Favor: 27 # Against: 5 # Abstaining: 1 Total members appointed to the board: 50		
Name of CB/BB officer completing this form Jeremy Warneke	Title District Manager	Date 8/14/17

**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.

APPLICATIONS NOS: C 170445 ZMX, C 170447 ZMX

DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 11

BOROUGH: BRONX

RECOMMENDATION

- ☒ **APPROVE**
- ☐ **APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- ☐ **DISAPPROVE**

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary): PLEASE SEE ATTACHMENT FOR THE BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT


DATE

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 170445 ZMX, C 170447 ZMX
1776 EASTCHESTER ROAD
Bronx Community District #11**

DOCKET DESCRIPTION

C 170445 ZMX

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 amendment of the Zoning Map, Section Nos. 4a and 4b:

- 1) Changing from an M1-1 District to an R5 District property bounded by the centerline of former Morris Park avenue, the southerly prolongation of a Railroad Right-Of-Way, Waters Place, and Marconi Street;
- 2) Changing from an M1-1 District to a C4-2 District property bounded by the centerline of former Morris Park Avenue, Marconi Street, a line 900 feet southerly of the centerline of former Morris Park Avenue and its westerly prolongation, and the northwesterly boundary of the New York New Haven Railroad Right-Of-Way; and
- 3) Changing from an M1-1 District to a C4-2A District property bounded by a line 900 feet southerly of the former centerline of Morris Park Avenue and its westerly prolongation, Marconi Street, Waters Place, Eastchester Road, and the northwesterly boundary of the New York New Haven Railroad Right-Of-Way;

Borough of The Bronx, Community District 11, s shown on a diagram (for illustrative purposes only) dated June 5, 2017 and subject to the conditions of CEQR Declaration E-436.

C 170447 ZMX

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.

*Note: A zoning text amendment is proposed to Section 74-70 (Special Permit for Non-profit Hospital Staff Dwellings) to create a new special permit 74-70 (a)(2), under concurrent related application N 170446 ZRX.

** Note: The site is proposed to be rezoned by changing an existing M1-1 District to a C4-2 District under a concurrent related application for a Zoning Map change (C 170445 ZMX)

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

BACKGROUND

Approving these applications will facilitate the construction of a residence facility known as 1776 Eastchester Road. The proposed building will be located and made part of the Hutchinson Metro Center. This new building will serve as staff housing constructed specifically to provide accommodations to doctors that are serving as residence-physicians at the Montefiore Medical Center, a non-profit hospital. 1776 Eastchester Road will be constructed on Block 4226, Lot 7502 (the development site). The proposed Zoning Map amendment is bounded by the former Morris Park Avenue on the north, Waters Place on the south, the New York New Haven Railroad Right-Of-Way on the west, and Marconi Street to the east. The development site is situated 475 feet from the existing hospital which is located on the west side of Eastchester Road.

The Zoning Map amendment eliminates an existing M1-1 District, and establishes an R5, C4-2 and C4-2A District, affecting 16 tax lots on Block 4226. These include lot 6, 7, 10, 11, 15, 506-511, and 7502, as well as portion of Lot 1, 5, 30, and 35. This area totals 1,140,712 square feet. The proposed R5 District includes portions of Lots 30 and 35. The area to be zoned C4-2 includes the development site, Lot 7502 as well as portions of Lots 1, 5 and 6. The area to rezoned C4-2A consist of portions of Lots 1, 5, and 6 as well as Lots 7, 10, 11, 15, 506-511.

The proposed development site located on Block 4226, Lot 7502 includes 349,508 square feet of lot area. Located on this site are three buildings; a commercial building (Building E) and two multi-story garages (Buildings G and F).

Building E: an eight-story mixed-use building, accommodates 353,000 of which 349,291 square feet, serve a variety of purposes. These include, 177,933 square feet of offices, 97,884 square feet making up the Marriot Hotel, plus 45,291 square feet for the LA Fitness Center. There is an additional 14,949 square feet of retail space and 13,234 square feet serving an ambulatory medical space and daycare center. This building (Building E) will remain.

Building F: The North Garage consists of a three-story facility containing 380 parking spaces, plus 130 rooftop spaces. This building is composed of 125,100 gross square feet and will remain.

Building G: The West Garage consists of a five-story facility containing 479 parking spaces. There are 170 open parking spaces at grade. This building is composed of 61,471 square feet.

It is proposed that a seven-story residence-addition be constructed and be made part of the existing Building G. This addition would therefore increase the height of Building G from the current five-stories to 12-stories. This new building will offer 182 dwelling units, within 209,589 square feet of zoning floor area, along with the parking facility. The garage will contain 464 spaces, 15 fewer than are now available. This proposed residence will be located on Floors 6-12 and will offer:

77 studio apartments; measuring 480 square feet
105 one-bedroom apartments: measuring 630 square feet

The garage facility will be located on floors 1-5. The overall number of parking spaces to be provided within the Hutchinson Metro Center will be 4,198.

Development of the surrounding community includes a wide-ranging variety of non-residential buildings. Such development consists of the Montefiore Medical Center complex and campus, located on Morris Park Avenue and on Eastchester Road which are west of the proposed 1776 Eastchester Road location. The Hutchinson Metro Center includes, among other uses, a Marriot Hotel, and an LA Fitness Center. The recently completed PSAC II building is also located within the Hutchinson Metro Center complex. Commercial activity and access to bus transportation are found on Eastchester Road. The nearest access to subway service is provided at the Westchester Square-East Tremont Avenue station via the #6 Train. Shuttle bus transit to this subway station is available within the Hutchinson Metro Center. It is also anticipated that by 2025 Metro North Commuter Railroad services will be accessible at a newly constructed Morris Park railroad station located to be located on Eastchester Road, within a few hundred feet of both the Montefiore Medical Center facility and the Hutchinson Metro Center complex. This new railroad service will operate on existing Amtrak lines between Penn Station in Manhattan and on the New Haven division of Metro North in Westchester and in Connecticut.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

These applications have been reviewed pursuant to CEQR and SEQR and received a Type 1 Declaration. These applications were certified as complete by the City Planning Commission on June 5, 2017.

BRONX COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board #11 held a public hearing on these applications on August 14, 2017. A vote recommending approval of these applications with conditions was 27 in favor, five opposed and one abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President convened a public hearing on August 24, 2017. Representatives of the applicants were present and spoke in favor of these applications. No other members of the public offered testimony. The hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

What is being proposed by 1776 Eastchester Road LLC, Hutch 34 Industrial Street LLC, and Hutch 35 LLC, will provide physicians and nurses with an affordable place to live while doing their residency work at the Montefiore campus. This in turn means that these folks will not only benefit from such accommodations, but will also contribute to the social and economic activities that will allow our borough to prosper even more. It is also my contention that as Montefiore grows it will add further credence for the new Metro North Commuter Railroad's services now being envisioned at Co-Op City, Morris Park, Parkchester-Van Nest and Hunts Point. Indeed, it was because of what this medical complex means for The Bronx that Metro North Railroad agreed to add the Morris Park station to its planned station-locations.

There are two facts about The Bronx about which many people are not aware. First, we have one of the city's most diverse array of universities found in New York; hence the nickname, "Borough of Universities." Second, it is the medical profession that employs more people in Bronx County than just about any other. Acknowledging these two points, it is therefore with much enthusiasm that I support this application.

I recommend approval of this application.