

251-13-BZ

CEQR #14-BSA-029X

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Hutch Realty Partners, owner.

SUBJECT – Application August 29, 2013 – Special Permit (§73-49) to allow 109 parking spaces on the roof of an accessory parking structure. M1-1 zoning.

PREMISES AFFECTED – 1240 Waters Place, east side of Marconi Street, approximately 1678 ft. north of intersection of Waters Place and Marconi Street, Block 4226, Lot 35, Borough of Bronx.

COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated July 30, 2013, acting on DOB Application No. 220246197, reads:

Proposed roof parking in an M1-1 zoning district is contrary to ZR Section 44-11 and requires a special permit; and

WHEREAS, this is an application under ZR § 73-49 to permit 109 parking spaces on the rooftop of a four-story parking garage located on a site partially within an M1-1 zoning district and partially within an R5 zoning district, contrary to ZR § 44-10; and

WHEREAS, a public hearing was held on this application on April 29, 2014, after due notice by publication in the *City Record*, and then to decision on June 10, 2014; and

WHEREAS, the site and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 11, Bronx, recommends approval of this application; and

WHEREAS, the subject site is the Hutchinson Metro Center, an approximately 42-acre parcel bounded by the Hutchinson River Parkway, Pelham Parkway, Bassett Avenue, Eastchester Road, Loomis Street, and Waters Place, partially within an M1-1 zoning district and partially within an R5 zoning district; and

WHEREAS, the site is a single zoning lot comprising Tax Lots 16, 35, 40, 55, 70, and 73; it has 1,826,000 sq. ft. of lot area; the vast majority of the site (1,814,571 sq. ft.) is within an M1-1 zoning district and the balance (11,249 sq. ft. – all within Lot 35) is located within an R5 zoning district; and

WHEREAS, the applicant notes that a companion case has been filed to permit rooftop parking for 130 automobiles on Lot 16 (1776 Eastchester Road) under BSA Cal. No. 277-12-BZ; and

WHEREAS, the site is occupied by a series of buildings, both completed and under construction, which comply with the applicable bulk regulations and are used for parking, offices, retail space, and various community facility uses; and

WHEREAS, the applicant proposes to construct a four-story parking garage on the M1-1 portion of Lot 35; the parking garage will include rooftop parking for 109 automobiles, which is not permitted as-of-right in an M1-1 district; accordingly, the applicant seeks a special permit pursuant to ZR § 73-49; and

WHEREAS, the applicant states that the proposed rooftop parking is not required but is permitted accessory parking for the various uses on the zoning lot; likewise, the proposed parking complies with ZR § 44-12, which limits non-required accessory parking spaces to 150; and

WHEREAS, pursuant to ZR § 73-49, the Board may permit parking spaces to be located on the roof of a building if the Board finds that the roof parking is located so as not to impair the essential character or the future use or development of the adjacent areas; and

WHEREAS, the applicant represents that the rooftop parking will not impair the essential character or future use or development of adjacent areas and will not adversely affect the character of the surrounding area; and

WHEREAS, the applicant notes that there are no buildings or open uses immediately adjacent to the proposed rooftop parking, nor are there any residential uses that would be impacted; similarly, the applicant states that the nearest uses are commercial buildings or parking facilities; and

WHEREAS, at hearing, the Board requested additional information regarding the proposed lighting of the rooftop parking area; and

WHEREAS, in response, the applicant provided a plan sheet detailing the proposed lighting, which has been designed to reflect inward and away from adjacent uses; and

WHEREAS, based upon its review of the record, the Board concludes that the findings required under ZR § 73-49 have been met; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-03; and

WHEREAS, the project is classified as an unlisted action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the

251-13-BZ
CEQR #14-BSA-029X

Final Environmental Assessment Statement CEQR No. 14-BSA-029X, dated August 26, 2013; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617.5 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings application under ZR § 73-49 to permit 109 parking spaces on the rooftop of a four-story parking garage located on a site partially within an M1-1 zoning district and partially within an R5 zoning district, contrary to ZR § 44-10, *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 9, 2014"- ten (10) sheets; and *on further condition*:

THAT the maximum number of parking spaces on the rooftop will be 109, as approved by DOB;

THAT all lighting on the roof will be directed down and away from adjacent uses;

THAT the rooftop parking will be screened from neighboring residences as per the BSA-approved plans;

THAT the site will be maintained safe and free of debris;

THAT the above conditions will appear on the certificate of occupancy;

THAT the parking layout will be reviewed and approved by DOB;

THAT this approval is limited to the relief granted

A true copy of resolution adopted by the Board of Standards and Appeals, June 10, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 10, 2014.

