



CITY PLANNING COMMISSION

February 11, 2004/Calendar No. 16

C 030544 ZSX

IN THE MATTER OF an application submitted by the New York City Housing Authority and the New York City Police Department pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution:

- to allow a police station in a Residence District; and
- to modify the requirements of Sections 23-14 and 23-60 to increase the permitted floor area ratio and the height and setback requirements to that permitted by Sections 24-11 and 24-52, respectively;

to facilitate the construction of a 4-story, approximately 25,774 square foot police station on a zoning lot located at 650 Buttrick Avenue (Block 5568, Lots 1, 50 and 100), in an R4 District, Community District 10, Borough of The Bronx.

The application for the special permit was filed by the New York City Housing Authority and the New York City Police Department on June 23, 2003, to permit a police station in a residence district pursuant to Section 74-67 of the Zoning Resolution and to permit the use of appropriate community facility bulk regulations.

BACKGROUND

The New York City Housing Authority (NYCHA) and the New York City Police Department (NYPD) propose to construct a new Police Service Facility (PSA #8) to replace the existing facility, which is located at Building 29 (2794 Randall Avenue) of the Throggs Neck Houses. The existing facility, located on the ground floor of a residential building, is operating under overcrowded and overburdened conditions. PSA #8 serves thirty-one (31) NYCHA residential projects containing over 14,530 units of low-income housing in the eastern and northern Bronx. The site of the proposed PSA #8 facility is located approximately 1,300 feet south of the existing facility, within the adjacent Randall Balcom Houses at the northeast corner of Schley and Buttrick avenues. The site is in an R4 zoning district and is currently used as a 39-space parking lot. No changes in the PSA #8 service area are planned.

The proposed building will be four stories tall with approximately 25,774 square feet of floor area. The facility will include administrative offices, officer dormitory areas, temporary detention cells, locker room and shower facilities, and other functional areas relating to the operations of a police station, such as a community briefing room, waiting area, main desk and interviewing rooms. The proposal also includes an adjacent parking area consisting of approximately 48 accessory parking spaces (employee parking and police car exchanges) and landscaping. As the building will be built over an existing 39-space parking lot, NYCHA and the NYPD also propose to redistribute the displaced parking spaces throughout the entire project site (Block 5568). An existing 36-space parking lot on the northwest corner of the site will be expanded to 56 spaces, an existing 13-space lot at the northeastern area of the site will be expanded to 24 spaces, and an area in the southeastern portion of the site that currently contains waste receptacles will be enlarged and reorganized to accommodate 8 parking spaces, for a total of 39 spaces.

The proposed facility will accommodate a total of 229 employees (158 uniform members, 15 clerical staff, 13 auxiliary policemen, and 43 adolescents in the Explorer Program for youth). Although deployment time varies depending on conditions that are targeted for enforcement, up to fifty (50) people will be working at the facility at any given time. There are three shifts per day.

In order to construct PSA #8 NYCHA and the NYPD seek a special permit pursuant to Section 74-67 of the Zoning Resolution. Police stations, which are classified as Use Group 6, are permitted as-of-right only in commercial and manufacturing districts. The subject site is located in a residential (R4) zoning district, which allows a variety of housing types.

The application also requests that the proposed PSA be allowed to use Community Facility bulk regulations to increase the FAR from the 0.75 maximum allowable for residential uses in residence districts, to 2.0 for community facilities in R4 districts. The FAR of the proposed PSA #8 will be 0.91 greater than the maximum 0.75 permitted. Additionally, the application requests that the proposed PSA be allowed to use Community Facility bulk regulations for height and setback. The maximum permitted height for residential buildings in R4 districts is 35 feet. With Community

facility bulk, the maximum allowable building height for this facility would be 67 feet. The actual height of the proposed PSA #8 will be 57 feet.

ENVIRONMENTAL REVIEW

This application (C 030544 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 New York City Housing Authority.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 18, 2002.

UNIFORM LAND USE REVIEW

This application (C 030544ZSX) was certified as complete by the Department of City Planning on September 8, 2003, and was duly referred to Community Board 10 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

The Community Board held a public hearing on this application (C 030544ZSX) on October 16, 2003, and on that date, by a vote of 29 to 0 with 0 abstentions, adopted a resolution recommending approval of the application. However, the community board's recommendation was received after the clock expired and was therefore non-complying.

Borough President Recommendation

This application (C030544ZSX) was considered by the Borough President, who issued a

recommendation on December 19, 2003 approving the application with the following conditions:

I am, however, troubled by two critical issues. The first concerns the building's design. My review of the proposed facility shows it to be a stark, cube-like structure, neither integrated with the surrounding community, nor a place of dignity appropriate for law enforcement activities. I also object to plans that include high-wattage exterior lighting that could "spillover" into the nearby residential area. To mitigate these observations I am recommending that a comprehensive landscaping plan be adopted to "soften" the harsh profile of the new building.

The second critical issue deals with the significant chance of finding on-site contaminated soil and/or pockets of methane gas. Given the history of nearby construction sites, I believe this threat to be genuine and propose that both city and state agencies monitor environmental conditions within the basements of nearby buildings, in addition to on-site monitoring.

With my modifications noted, I recommend approval of this application.

City Planning Commission Public Hearing

On December 17, 2003 (Calendar No.2), the City Planning Commission scheduled January 7, 2004, for a public hearing on this application (C 030544 ZSX). The hearing was duly held on January 7, 2004 (Calendar No. 6). There were two speakers in support of the application. A representative of the New York City Police Department gave a description of PSA#8 proposal to the Commission. An architect representing NYCHA responded to the Commission's questions regarding building design and materials. He noted that this type of material has been used in other attractive buildings throughout the City and stated that a landscape architect would work on the landscaping of the surrounding area, including the parking lot. He also stated that the high wattage on the building facade are riot lights and would only be used in the event of an emergency.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

PSA #8 serves thirty-one (31) NYCHA residential developments containing over 14,530 units of low-income family housing in the eastern and northern Bronx. The existing facility, located on the ground floor of Building 29 (2794 Randall Avenue) of the Throggs Neck Houses, is operating under overcrowded conditions. The site of the proposed PSA #8 facility is located at the northeast corner of Schley and Buttrick avenues, approximately 1,300 feet south of the existing facility.

The New York City Housing Authority (NYCHA) proposes to construct the new police facility to alleviate the overcrowding at the existing Police Service Area (PSA) #8 in the Bronx. PSA #8 currently services the Throggs Neck Houses, the adjacent Randall Balcom Houses, as well as approximately 30 other residential developments in the surrounding area. Currently located within the Throggs Neck Houses, NYCHA plans to relocate PSA #8 within the Randall Balcom Houses. No changes in the PSA service area are planned. The site is zoned R4.

Despite a thorough search, NYCHA and NYPD were unable to locate an appropriately zoned site large enough and in the general vicinity of the present PSA 8 facility. In 2000, the NYPD and NYCHA looked at eleven locations in the Bronx as potential sites for the new PSA 8. Of all the sites, only one, bordered by Zerega, Lacombe and Havemeyer avenues, was deemed suitable by the NYPD. However, that parcel was subsequently transferred to the New York City Fire Department for the development of an EMS station. The other sites were deemed inappropriate because of access and response time difficulties or due to insufficient lot size.

The site is large enough to accommodate the facility and an accessory parking lot, and the subject lot is accessible to NYCHA sites via the Cross Bronx Expressway.

Construction of the new PSA will provide a state-of-the art facility that will house approximately

229 employees. The new four-story building will also provide administrative offices, officer dormitory areas, temporary detention cells, locker room and shower facilities, and other functional areas relating to the operations of a police station, such as community briefing room, waiting area, main desk and interviewing rooms. The proposal also includes an adjacent parking area consisting of approximately 48 accessory parking spaces and landscaping.

The Commission shares the Bronx Borough President's concerns about the building's design. In response, the applicant's architect noted that this type of brick material has been used in other buildings throughout the City. The applicant also noted that a landscape architect would work on the landscaping of the surrounding area, including the parking lot. Regarding the Borough President's concern about the high wattage lighting on the facade of the proposed facility, the Commission was informed by the applicant that these are riot lights and would only be used in the event of an emergency. Regarding the Borough President's concern about the possibility of soil contamination on the site, NYCHA has informed the Commission in a letter dated December 31, 2003, that HUD requires that NYCHA monitor all excavation sites for the presence of methane gas and to take appropriate action in the event that methane gas is discovered.

The Commission believes that the grant of this special permit to allow the new PSA is appropriate.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-67 (Fire or Police Stations) of the Zoning Resolution:

Z.R. 74-67 Fire or Police Stations

a) that such use will serve the residential area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such use within a Residence District.

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, 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 and findings described in this report, the application of the New York City Housing Authority and the New York City Police Department for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution

- to allow a police station in a Residence District; and
- to modify the requirements of Sections 23-14 and 23-60 to increase the permitted floor area ratio and the height and setback requirements to that permitted by Sections 24-11 and 24-52, respectively;

to facilitate the construction of a 4-story, approximately 25,774 square foot police station on a zoning lot located at 650 Buttrick Avenue (Block 5568, Lots 1, 50 and 100), in an R4 District, is approved subject to the following terms and conditions:

1. The property that is the subject of this application shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by the NYCHA Design Department, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
g-005	ULURP Site Plan	May 29, 2003

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans 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 the 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 and the attached restrictive declaration whose provisions shall constitute conditions of the special permit and authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit and authorization. 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 030544 ZSX) duly adopted by the City Planning Commission on February 11, 2004 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH KNUCKLES, ESQ., Vice-Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA CAVALUZZI, R.A., RICHARD EADDY,
ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,
KAREN A. PHILLIPS, Commissioners