



CITY PLANNING COMMISSION

June 21, 2006/Calendar No. 9

C 060214 ZMX

IN THE MATTER OF an application submitted by Manhattan College pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 1d:

1. changing from an M1-1 District to an R6 District property bounded by West 242nd Street, Broadway, the property line of the New York City Transit Authority and its southeasterly and northwesterly prolongations, a line 150 feet southeasterly of Manhattan College Parkway, a line 150 feet southerly of West 242nd Street, and a line 150 feet northwesterly of Broadway; and
2. establishing within an existing and proposed R6 District a C2-3 District bounded by West 242nd Street, Broadway, the property line of the New York City Transit Authority and its southeasterly and northwesterly prolongations, and Manhattan College Parkway;

Borough of The Bronx, Community District 8, as shown on a diagram (for illustrative purposes only) dated March 6, 2006, and subject to the conditions of CEQR Declaration E-167.

The application for an amendment of the zoning map was filed by Manhattan College on November 9, 2005 to rezone a portion of one block from M1-1 to R6 and to establish a C2-3 overlay within the R6 District. The rezoning would facilitate development of a supermarket and an accessory parking facility on a site generally bounded by Broadway, West 242nd Street, Manhattan College Parkway, and the New York City Transit 240th Street railyards, in the Riverdale section of The Bronx, Community District 8.

RELATED ACTION

In addition to the amendment of the zoning map which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 060215 GFX An application for a Revocable Consent for a pedestrian bridge over
Manhattan College Parkway

BACKGROUND

The proposed rezoning area is generally bounded by Manhattan College Parkway, West 242nd Street, Broadway, and the prolongation of the northerly property line of New York City Transit's 240th Street trainyards. The rezoning area includes Block 5776, Lots 605, 609, 611, 612, 614, 619, 621, and 622, and 632. The proposed supermarket and parking garage would occupy the approximately 85,000 square-foot Lot 632 which is owned by the applicant. The remaining lots, which are not owned by the applicant, range in area from about 2,500 to 16,000 square feet, and are occupied with a variety of uses including two six-story apartment buildings, restaurants and an auto repair shop.

The applicant's development site, is currently zoned M1-1 and occupied by a 13,530 square-foot maintenance and storage facility for Manhattan College. The balance of the site is used as a 220 vehicle accessory parking lot for the college. The rezoning area is located adjacent to the New York City Transit 240th Street rail storage and maintenance yards which border the site on the south and west. In addition, a portion of the rezoning area located along West 242nd Street west of Broadway is presently zoned R6. This area which includes four commercial establishments (a restaurant, art store, a deli and a bar/nightclub) which are presently non-conforming uses, as they are located in a district which permits only residential use. The main campus of Manhattan College, which serves 3,000 students, is located across Manhattan College Parkway to the north of the site. Van Cortlandt Park, an 1,100 acre regional park, is located across Broadway to the

east. There is a 32-foot change in elevation between the Broadway and the Manhattan College sides of the project site. The site is located next to the 242nd Street Terminal of the elevated #1 subway line on Broadway. It is also served by the Bx-9 local and BxM3 express busses, and is a terminal for Westchester County Bee-Line bus routes #1, 2, and 3.

Manhattan College proposes to construct a new six-level building plus rooftop parking on the site described above. It will consist of:

- 1) a supermarket of approximately 55,000 square feet at the first level
- 2) required accessory parking of 187 spaces for the supermarket on the second level
- 3) a new accessory group parking facility of 738 spaces for Manhattan College, (including replacement of about 220 spaces in the existing surface lot) on the third through roof levels.
- 4) a pedestrian bridge across Manhattan College Parkway connecting the college parking to the Hayden Hall building within the Manhattan College campus.

The supermarket would occupy most of the 72,734 square-foot ground floor of the proposed building. The pedestrian entrance to the supermarket would be on Broadway. Access to the supermarket parking and loading area would be from a 24 foot-wide driveway located along the south property line of the parcel, also on Broadway. A second entrance to the parking garage, restricted for Manhattan College use only, would be located on Manhattan College Parkway. Supermarket customer parking would be located on the second floor. Elevators and stairs located at the southeast corner of the building would bring customers to the supermarket level. The delivery / loading area would be located at the rear of the ground floor.

The second level would also have a controlled-access ramp to the garage's upper five levels, which will be restricted to traffic associated with Manhattan College. Most Manhattan College traffic, however, is expected to enter the facility from an entrance on Manhattan College Parkway. This access would be restricted for use by persons affiliated with Manhattan College by use of a key-card system.

A final component of the proposed development consists of a pedestrian bridge, which would connect the Manhattan College portion of the parking garage with Hayden Hall, a building on the Manhattan College Campus. The bridge will provide users of the Manhattan College parking garage 24-hour access from the parking facility to the campus without having to cross a winding portion of Manhattan College Parkway. The bridge would be 137.5 foot-long, seven foot-wide and would be accessed through an Americans with Disabilities Act accessible tower with stairs and elevators on the parking garage side of the parkway. The main span of the bridge will be approximately 71.5 feet long and elevated over 23 feet above the Parkway. The applicant explored alternatives to the proposed pedestrian bridge such as crosswalks and traffic lights, however, these were found to be inappropriate due to the winding layout of Manhattan College Parkway. The applicant, however, has designed the overpass in a manner which minimizes visual impact on the surrounding community. The tower on the garage side of the Parkway would be faced with materials compatible with nearby campus structures and an adjacent apartment building. The protective screening along the sides of the bridge would consist of a thin mesh, designed to transmit as much light as possible. The support post on the campus side of the bridge would be screened with foliage and wrought iron fencing.

PROPOSED ACTIONS

The applicant is requesting two actions, a zoning map amendment and a revocable consent in order to develop the combined supermarket and parking structure.

Zoning Map Amendment (C 060214 ZMX)

The applicant seeks a zoning change from M1-1 to R6 and establishment of a C2-3 overlay in an R6 district. The rezoning area includes the proposed development site and the eight lots located north of the project site. Slightly more than half of the rezoning area, including all frontage on Broadway, is currently zoned M1-1, with the remainder in an R6 residential district.

The existing M1-1 district permits light manufacturing uses with a maximum Floor Area Ratio (FAR) of 1.0. Residential uses are not allowed. The proposed supermarket is not permitted in the existing M1-1 district. The applicant's site would be rezoned to R6. A C2-3 overlay would be mapped over the properties now zoned R6 and the applicant's property. The proposed R6/C2-3 would permit the supermarket and would make most of the existing commercial uses conforming.

The R6 district has a maximum residential FAR of 2.43 and 4.8 for community facilities. C2-3 commercial overlays, within an R6 residence district permit a wide range of local retail and service establishments intended to serve a wide area. The maximum commercial FAR is 2.0. Required parking (for food stores 2,000 square feet or larger) is one space for 300 square feet of floor space, and one per 400 square feet of floor space for general retail or service uses.

Revocable Consent (C 060215 GFX)

The applicant is seeking a revocable consent in order to construct a 137.5 foot-long, seven foot-wide pedestrian bridge over Manhattan College Parkway. The applicant is proposing the bridge at a mid-block location between the 738-space accessory parking garage and the main campus of Manhattan College.

In addition to the application for an amendment to the zoning map (C 060214 ZMX) and the related application (C 060215 GFX) for a revocable consent, Manhattan College has applied to the Board of Standards and Appeals (BSA) for special permits pursuant to Sections 73-49 and 73-482 to allow rooftop parking (as per ZR Section 73-49), and to allow an accessory group parking facility with more than the maximum number of permitted spaces (BSA Application 32-06-BZ). The applicant has also applied to the BSA for a variance to waive height and setback requirements.

ENVIRONMENTAL REVIEW

This application (C 060214 ZMX), in conjunction with the application for the related action (C 060215 GFX), 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 designated CEQR number is 06DCP076X. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 6, 2006.

The Negative Declaration includes (E) designations for hazardous materials, air quality, and noise.

Hazardous Materials

To avoid the potential for hazardous materials impacts, the proposed zoning map amendment includes (E) designations for hazardous materials on the following properties:

Block 5776 Lot 619
Block 5776 Lot 621

The text of the (E) designation for hazardous materials for the above properties is as follows:

Task 1

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction 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 DEP for review and approval prior to implementation.

Air Quality

To avoid the potential for air quality impacts the proposed zoning map amendment includes (E) designations on the following properties:

**Block 5776 Lot 619
Block 5776 Lot 621**

The text of the (E) designation for air quality for Block 5776, Lot 619 is as follows:

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 55 feet from the lot line facing Manhattan College Parkway and at least 55 feet from the lot line facing Broadway, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

The text of the (E) designation for air quality for Block 5776, Lot 621 is as follows:

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 55 feet from the lot line facing Broadway, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

Noise

To avoid the potential for noise impacts, the proposed zoning map amendment includes (E) designations on the following properties:

Block 5776 Lot 619
Block 5776 Lot 621

The text of the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 45 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). 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, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the implementation of the above (E) designations, no significant adverse impacts related to hazardous materials, air quality, or noise would occur.

UNIFORM LAND USE REVIEW

This application (C 060214 ZMX), in conjunction with the application for the related action (C 060215 GFX), was certified as complete by the Department of City Planning on March 6, 2006, and was duly referred to Community Board 8 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 8 held a public hearing on this application on April 4, 2006, and on April 10, 2006, by a vote of 23 to 2 with 1 abstention, adopted a resolution recommending approval of the application, subject to the following conditions:

- 1) there will not be permitted at anytime a left turn exiting the garage on Manhattan College Parkway;
- (2) there will not be permitted between the hours of 6:30 AM and 7:00 PM a left turn from Manhattan College Parkway into the garage;
- (3) the security guards of Manhattan College shall be instructed to enforce the forgoing and Manhattan College will prominently display signage to these effects; and

- (4) the resolutions of the BSA and CPC shall include the requirement or request that DOT will erect or permit Manhattan College to erect approved DOT signage reflecting items 1 and 2 above.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on May 9, 2006.

City Planning Commission Public Hearing

On May 10, 2006 (Calendar No. 1), the City Planning Commission scheduled May 24, 2006, for a public hearing on this application (C 060214 ZMX). The hearing was duly held on May 24, 2006 (Calendar No. 9), in conjunction with the public hearing on the application for the related action (C 060215 GFX).

There were four speakers in favor of the application and none in opposition. The City Council Member from the 11th Council District spoke of the benefits the proposal will bring to the community both in terms of providing a supermarket and relieving an area-wide parking problem. The president of Manhattan College described how the proposed Manhattan College garage will address local parking issues and indicated that the College agreed to abide by the Community Board's recommendations. Two speakers representing the developer described the project components, access, and building layout.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that the application for an amendment of the zoning map and revocable consent are appropriate.

The applicant is proposing an amendment of the zoning map to rezone a portion of one block from M1-1 to R6 and to establish a C2-3 overlay within the R6 District in order to facilitate development of a supermarket and an accessory parking facility. The proposed R6/C2-3 district permits the proposed supermarket use and accessory parking garage for Manhattan College students, faculty and staff, subject to BSA approval of the special permits described earlier. The proposed changes would also bring four existing commercial uses into conformance. The proposed district would be consistent with existing R6 and R7-1 zoning which is found along Broadway and Van Cortlandt Park South. Similarly, the area immediately west of the proposal is within an R6 district.

In response to the conditions of the Community Board, the Commission notes that the applicant in a letter to the Community Board dated April 10, 2006, stated that Manhattan College will instruct its security personnel to enforce the left turn prohibitions on Manhattan College Parkway, and will seek Department of Transportation approval to place official DOT signs on Manhattan College Parkway. It is beyond the purview of the actions before the Commission to make this a requirement of its approval.

In addition to the rezoning, the applicant is seeking a revocable consent to permit construction of a bridge across Manhattan College Parkway directly to Hayden Hall, a building on the

Manhattan College campus. Manhattan College Parkway at this location is a curving street with no nearby pedestrian crossing. The college explored alternatives to the bridge, none of which were deemed practical. The Commission notes that the bridge is designed to minimize visual impact on the surrounding community.

The proposed zoning map amendment would result in development which would be more in keeping with the residential, commercial, and academic context of the immediate area, while the granting of the revocable consent would result in a sensitively designed bridge that addresses the safety concerns of the applicant.

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 described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 1d;

1. changing from an M1-1 District to an R6 District property bounded by West 242nd Street, Broadway, the property line of the New York City Transit Authority and its southeasterly and northwesterly prolongations, a line 150 feet southeasterly of Manhattan College Parkway, a line 150 feet southerly of West 242nd Street, and a line 150 feet northwesterly of Broadway; and
2. establishing within an existing and proposed R6 District a C2-3 District bounded by West 242nd Street, Broadway, the property line of the New York City Transit Authority and its southeasterly and northwesterly prolongations, and Manhattan College Parkway;

Borough of The Bronx, Community District 8, as shown on a diagram (for illustrative purposes only) dated March 6, 2006, and which includes CEQR Designation E-167.

The above resolution, duly adopted by the City Planning Commission on June 21, 2006 (Calendar No. 9), 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.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, **IRWIN G. CANTOR**, P.E., **ANGELA R. CAVALUZZI**, R.A.,
ALFRED C. CERULLO, III, **JANE D. GOL**, **LISA A. GOMEZ**, **CHRISTOPHER KUI**,
JOHN MEROLO, **KAREN A. PHILLIPS**, Commissioners