



CITY PLANNING COMMISSION

February 2, 2009 /Calendar No. 1

C 090070 PCX

IN THE MATTER OF an application submitted by the New York City Police Department, the New York City Fire Department, the Department of Information Technology and Telecommunications, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 1200 Waters Place (Block 4226, Lots 75 and p/o Lots 40 and 55) for use as a public safety answering center, Community District 11, Borough of the Bronx.

This application (C 090070 PCX) was filed on August 11, 2008 by the Police Department (NYPD), Fire Department (FDNY), Department of Citywide Administrative Services (DCAS) and Department of Information Technology and Telecommunications (DOITT), for site selection and acquisition of private property (Block 4226, Lot 75 and part of lots 40 and 55) located at 1200 Waters Place. The requested action, in conjunction with the related City Map change application, would facilitate the construction of a second emergency communications 911 center (Public Safety Answering Center II [PSAC II]).

RELATED ACTION

In addition to site selection and acquisition of privately owned land, which is the subject of this report (C 090070 PCX), implementation of the proposal also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 080197 MMX: Amendment to the City Map, establishing a new two-way public street ('Marconi Street') to ensure permanent access and to provide utility services to the project site (PSAC II).

BACKGROUND

The Police Department (NYPD), the Fire Department (FDNY), Department of Citywide Administrative Services (DCAS) and Department of Information Technology and Telecommunications (DOITT) are requesting site selection and acquisition approval of privately-owned lots (Block 4226, Lot 75 and part of Lots 40 and 55) to facilitate the construction of a second emergency communications 911 center (Public Safety Answering Center II [PSAC II]) in the Pelham Parkway area, in Community District 11, of the Bronx.

The proposed facility would function as a parallel operation to the existing PSAC I facility at 11 MetroTech Center in Downtown Brooklyn that would augment and provide redundancy to the current emergency 911 response services. It would serve as a streamlined emergency call intake and dispatch center for first responders, including the NYPD, FDNY, and Emergency Medical Services (EMS) in the City, and would also house the only central command control centers for the FDNY and the NYPD to coordinate emergency response and disaster recovery throughout the entire city at a centralized location. The proposed PSAC-II facility is listed in the Statement of Citywide Needs (2006-2007).

The proposed development site (project site) encompasses the northern portion of the Hutchinson Metro Center office complex, and is located near the interchange of the Pelham Parkway and the Hutchinson River Parkway. To the west of the site is the Amtrak railroad right-of-way. The project site is currently zoned M1-1. M1 districts permit light industrial uses, certain community facilities as well as offices and most retail uses. The project site consists of Block 4226, Lot 75 and portion of Lots 40 and 55 on Block 4226. It is entirely privately owned and encompasses

approximately 8.75 acres. The northern portion (approximately 173,700 square feet) of the site (Block 4226, Lot 75) is largely vacant and unimproved. A narrow asphalt pedestrian walkway also cuts through the center of the northern portion of the site providing a pedestrian connection between Pelham Parkway to the north and the Hutchinson Metro Center to the south. The remainder (approximately 207,600 sf) of the proposed site (Block 4226, part of Lots 40 and 55) is occupied by 513 required at-grade accessory parking spaces for the adjacent Hutchinson Metro Center, a retrofitted office complex consisting of a 4-story building and single story warehouse on a 32-acre campus.

The project site currently does not have a direct access from a public street. Vehicular access to the site is only provided from the south via a private roadway, which also provides access to the Hutchinson Metro Center and the Bronx Psychiatric Center. The private roadway operates as a two-way road that extends north of Waters Place up to the northern at-grade parking of the Hutchinson Metro Center, and is approximately 0.63 miles in length.

The zoning districts in the vicinity of the project site are R6A to the north, R4 and R6 to the west, R5 to the south, and R5, R5A, and R7-1 to the east. Land uses within the surrounding area primarily consist of office, institutional, open space, light industrial/warehousing and transportation-related uses. Residential uses characterized by low- to mid-density development are predominantly located further from the site to the north, east and further west of the project site.

Many of the commercial and institutional uses in the vicinity of the proposed site occupy large, expansive properties that feature campus-like settings that contain clusters of several buildings

surrounded by landscaped open areas, at-grade accessory parking, interior roadways and/or pedestrian paths. Commercial uses are primarily concentrated to the south of the proposed site. Institutional uses, such as the Rehabilitation Center for the United Cerebral Palsy of New York City (8-acre campus) are located to the north across the Pelham Parkway, the Bronx Psychiatric Center, Bronx Development Center, and the Bronx Children's Psychiatric Center (53 acres) are located to the south, and Jacobi Medical Center, Yeshiva University's Albert Einstein College of Medicine, and Montefiore Medical Center are located slightly more than a quarter-mile to the west of the project site. Industrial uses are generally located to the west of the proposed site on large properties that contain bulky low-rise warehouses or lofts and have open vehicular storage areas and accessory parking lots.

The applicant is proposing to acquire privately owned lots (Block 4226, Lot 75 and part of lots 40 and 55) in order to construct a new, approximately, 640,000 gsf building for operation of PSAC II, with a building footprint of up to approximately 41,160 sf, and a 500-space above-grade accessory parking garage structure.

The proposed PSAC II development would require exterior security measures, including a minimum 100-foot buffer ("stand-off") zone on all sides of the proposed call center building. The proposed building is expected to be a contemporary design with minimal fenestration due to security reasons, and it would comply with Local Law 86 governing sustainable design. The building would be approximately 14 levels above grade (including three mezzanine levels and four mechanical floors) with a height of approximately 350 feet to the parapet roofline, plus one below-grade cellar level. Floor to floor ceiling heights in the building are expected to range between 20 to

45 feet tall due to the extensive mechanical infrastructure systems. The building's main pedestrian entrance is expected to be located on the southern façade of the building.

A three-level accessory parking structure would be constructed at the southern edge of the development site that would accommodate approximately 500 parking spaces. It would be accessible from the proposed public street through a gated security entrance to the site. An enclosed walkway would interconnect the security screening office in the garage to the main entrance of the office building. A publicly accessible pedestrian path would be established along the western edge of the property just outside the perimeter fence, the path would continue to provide a public pedestrian connection between Pelham Parkway to the north and the Hutchinson Metro Center to the south. There is a secondary emergency entrance located to the north of the project site.

The proposed project would operate 24 hours a day and 7 days per week. The majority of employees would work in three separate shifts, and shift changes would typically occur at approximately 7:00 am, 3:00 pm, and 11:00 pm. On a typical day, the proposed development would have a staff size of approximately 850 employees that would work in several eight to twelve hour overlapping shifts (a maximum shift of 315 employees) throughout a 24-hour period. When operating in backup mode or during heightened security days, the facility would have a maximum staff size of up to approximately employees that includes the staffs of both PSAC I and II (with a maximum of 630 employees at any given time), that would work over a 24-hour period in overlapping shifts.

The proposed facility would not comply with the parking requirements pursuant to ZR Section 44-20. In this instance, the City is exercising its option not to be subject to its zoning requirements when performing a governmental function. The override allows the provision of 500 accessory parking spaces instead of the required 963.

REQUESTED ACTIONS

Public Facility Site Selection (C 090070 PCX)

The Police Department (NYPD), Fire Department (FDNY), Department of Citywide Administrative Services (DCAS) and Department of Information Technology and Telecommunications (DOITT) are proposing to acquire privately owned lots (Block 4226, Lot 75 and part of lots 40 and 55) on approximately 8.75 acres, in order to construct a new, approximately, 640,000 gsf building for operation of PSAC II, with a building footprint of up to, approximately, 41,160 sf, and a 500-space above-grade accessory parking garage structure.

City Map Change (C 080197 MMX)

The Police Department (NYPD), Fire Department (FDNY), Department of Citywide Administrative Services (DCAS) and Department of Information Technology and Telecommunications (DOITT) are seeking to amend the City Map to establish a new city street to be called “Marconi Street”. Vehicular access to the site of the proposed PSAC II facility is currently provided from the south via a privately-owned, shared driveway called Industrial Street. The proposed street would be mapped from Waters Place, in the south, and terminating at a hammerhead-shaped cul-de-sac on the secured southerly boundary of the development site. The applicants are proposing to acquire the privately-owned land (portions of Lots 30, 35, and 40 in

Block 4226) and state owned property that comprise Industrial Street. The street would extend for approximately 3,340 feet (0.63 mile), with the proposed street would being mapped at a width of 60 feet for approximately 1,670 feet, and at a width of 50 feet for approximately 1,300 feet.

ENVIRONMENTAL REVIEW

This application (C 090070 PCX), in conjunction with the related application (C 080197 MMX) 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07NPD004X. The lead agency is the Police Department.

After a study of the potential environmental impacts of the proposed action, it was determined that the proposed action may have a significant effect on the environment and that an environmental impact statement would be required for the following reasons:

1. The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The action, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.
3. The action, as proposed, may result in significant adverse impacts on community facilities in the vicinity of the affected area.
4. The action, as proposed, may result in significant adverse impacts on publicly accessible open space facilities in the vicinity of the affected area.
5. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
6. The action, as proposed, may result in significant adverse impacts on historic resources (architectural resources) in the affected area.

7. The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.
8. The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
9. The action, as proposed, may result in significant adverse impacts on natural resources in the vicinity of the affected area.
10. The action, as proposed, may result in significant adverse hazardous materials impacts in the affected area.
11. The action, as proposed, may result in inconsistencies in Coastal Zone policies in the vicinity of the affected area with respect to the Waterfront Revitalization Program.
12. The action, as proposed, may result in significant adverse impacts on infrastructure systems in the vicinity of the affected area.
13. The action, as proposed, may result in significant adverse impacts on solid waste and sanitation services in the vicinity of the affected area.
14. The action, as proposed, may result in significant adverse impacts on energy in the vicinity of the affected area.
15. The action, as proposed, may result in significant adverse impacts to traffic and parking conditions in the vicinity of the affected area.
16. The action, as proposed, may result in significant adverse impacts on transit services and pedestrian flows in the vicinity of the affected area.
17. The action, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
18. The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
19. The action, as proposed, may result in significant adverse construction-related impacts.
20. The action, as proposed, may result in significant adverse public health impacts in the vicinity of the affected area.

A Positive Declaration was issued on July 26, 2007 and distributed, published and filed and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). A public scoping meeting was held on the Draft Scope of Work on September 6, 2007 and Final Scope of Work was issued on June 9, 2008.

The lead agency prepared a DEIS and issued a Notice of Completion on August 18, 2008. Pursuant to SEQRA regulations and CEQR procedures, a joint public hearing was held on the DEIS on December 17, 2008, in conjunction with the Uniform Land Use Review Procedure (ULURP) applications (C 090070 PCX and C 080197 MMX). The Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion of the FEIS was issued on January 23, 2009. The Notice of Completion for the FEIS identified significant adverse impacts and proposed mitigation measures that are summarized in the executive summary of the FEIS attached hereto.

UNIFORM LAND USE REVIEW

This application (C 090070 PCX) in conjunction with the related action (C 080197 MMX) was certified as complete by the Department of City Planning on August 25, 2008, and was duly referred to Community Board 11 and the Borough President of the Bronx in accordance with the Title 62 of the Rules of the City of New York, Section 2-02 (b).

Community Board Public Hearing

Community Board 11 held a public hearing on this application (C 090070 PCX) in conjunction with the related action (C 080197 MMX) on September 11, 2008 and on September 25, 2008, by a vote of 36 to 0 with 2 abstentions with cause adopted a resolution disapproving the applications.

Borough President Recommendation

This application (C 090070 PCX) in conjunction with the related action (C 080197 MMX) was considered by the Bronx Borough President who issued a recommendation approving the application on November 25, 2008, subject to the following conditions:

1. The Department of Transportation and Department of Parks and Recreation must commit to reconstruct and improve all of Pelham Parkway.
2. Direct MTA bus service into the Hutchinson Metro Center via Marconi Street must be implemented as soon as possible, but no later than the PSAC II opening.
3. The installation of an entrance-exit ramp between the Hutchinson River Parkway and the Hutchinson Metro Center facility must accompany construction of PSAC II.
4. The City of New York and its construction contractors must commit to employ Bronx residents in construction and long-term jobs and support Bronx based suppliers and contractors the Buy Bronx/Buy New York and Bronx-at-Work programs.
5. Construction practices for the project must utilize the most advanced technology for emission controls. These include low sulfur-emissions for on-road vehicles and electric vehicles for on-site use, compliance with Local Law 77 which requires City construction projects to use ultra-low sulfur diesel fuels and the best available emissions controls.
6. All concrete mixing must occur on-site to minimize truck traffic during construction and concomitant air and noise pollution.
7. A comprehensive traffic management plan, including a routing plan for construction related vehicles and long term circulation must be designated and implemented.
8. The city must commit to seeking reactivation of the Morris Park railroad station along with Metro North service to Co-Op City, Parkchester and Hunts Point. Within a ¼ mile radius of the PSAC II site, this additional station stop would serve major Bronx institutions three of which include the Albert Einstein Medical Center, Mercy College, Jacobi Hospital.
9. A landscape plan designed to minimize tree loss, especially the pine trees now lining the existing pedestrian path must be incorporated.
10. The City must commit to brief Bronx Community Board 11 and interested citizens on a routine basis during the construction period, concerning progress and issues associated with the project as raised by residents and neighboring institutions.

City Planning Commission Public Hearing

On December 3, 2008 (Calendar No 2), the City Planning Commission scheduled December 17, 2008, for a public hearing on this application (C 090070 PCX). The hearing was duly held on December 17, 2008 (Calendar No. 31) in conjunction with the hearing on the related action (C 080197 MMX). There were seven speakers who spoke in favor of the application and none opposed to the application.

A representative of the Police Department (NYPD) spoke to recent budget cuts in the project, citing a letter to the Commission dated December 16, 2008, that changes have been made to the project since the application was certified. The changes include:

- Lowered building height (from 343' to approximately 250') though a roof mounted radio antenna support structure will be needed;
- Reduction of gross square footage of the building (from 640,000gsf to 500,000gsf);
- Elimination of the operations centers of the program;
- These reductions will require fewer employees;
- Possible changes to the parking garage.

The NYPD representative also stated the proposed site was the best site location in the city for the PSAC II project. A representative of the Fire Department of New York (FDNY) spoke in favor the project. The Deputy Commissioner of the Department of Design and Construction (DDC) spoke in favor and addressed the budget cuts and how the building was affected. The project architect discussed the future design changes of the building. A representative of the Hutchinson Metro Center spoke in favor of the Borough President's traffic recommendations while supporting the project overall. A second representative of the Hutchinson Metro Center supported the overall project while also supporting the Borough President's traffic recommendations. A representative of the Mayor's Office spoke in support of the project.

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

CONSIDERATION

The Commission believes that the application (C 090070 PCX), filed by the Police Department (NYPD), Fire Department (FDNY), Department of Citywide Administrative Services (DCAS) and Department of Information Technology and Telecommunications (DOITT), for site selection and acquisition of property (Block 4226, Lot 75 and part of lots 40 and 55) located at 1200 Waters Place, for use as a public safety answering center, in connection with the related application, is appropriate. The Commission acknowledges that the need for this facility was included in the Citywide Statement of Needs for FY 2006-2007.

The Commission believes the proposed development is critical to improving the emergency response ability and disaster recovery capacity within the City, and that the proposed actions will permit the construction of a necessary, modern facility. The Commission notes that the existing ‘PSAC I’ facility, located at 11 MetroTech Center in Downtown Brooklyn, is currently the only facility responsible for call transfer and dispatch of the City’s first responders for all emergency services in the five boroughs, including NYPD, FDNY, and EMS. A December 16, 2008 letter from the Police Department to the Commission states that “PSAC 2 is critical because it will provide the redundancy that the City needs to ensure that it can provide emergency services to the public when the unexpected happens.”

The proposed site is zoned M1-1, which permits the proposed facility. The project site is readily available and can accommodate its unique programmatic requirements. The project site is adequate in terms of its size, configuration, availability of primary roadway access, and

compatibility with neighboring land uses. It is located in close proximity to the Pelham Parkway and the Hutchinson River Parkway.

The Commission acknowledges the concerns of the community with respect to the overall height of the building. The Commission notes that the project height has now been reduced to approximately 250 feet with an antennae support structure reaching 300 feet. However, the Commission believes that the design of the PSAC II facility including the garage has evolved out of security measures and a unique program that requires taller floor-to-ceiling heights to house extensive mechanical infrastructure systems. The Commission commends sustainable design components for the proposed development and its compliance with Local Law 86. The Commission also acknowledges the publicly accessible pedestrian path proposed along the western edge of the property, which would continue to provide a public pedestrian connection between the Pelham Parkway on the north and the Hutchinson Metro Center on the south.

The Commission believes the application to amend the City Map establishing a city street (“Marconi Street”) that would extend from Waters Place to the southern boundary of the project site, (C 080197 MMX), is appropriate. The Commission believes that in the absence of any direct access to the project site, the mapping of a two-way city street is critical in providing permanent access and utility services to the project site.

The Commission encourages the Police Department to continue to work with the Community Board and the Borough President to address their concerns. The Commission notes that in response to concerns of the Borough President, in its letter of December 16, 2008 the Police Department states:

1. The NYC Department of Transportation and the NYC Department of Environmental Protection are planning a major reconstruction of Pelham Parkway beginning in 2010. In addition, the Project Team is committed to reconstructing any damage caused by our work.
2. While it is unclear whether any bus routes can be added in the current fiscal environment, the City is including a bus turnaround at the end of Marconi Street to accommodate bus service that may become economically feasible in the future and will discuss the possibility of adding a route with the MTA closer to the opening date of PSAC II.
3. Any infrastructure improvements of the Hutchinson River Parkway are made at the discretion of the New York State Department of Transportation (NYS DOT). The City has reached out to NYS DOT to express support for any infrastructure enhancements in the vicinity of the Hutchinson Metro Center campus, including the addition of entrance/exit ramps from the Hutchinson River Parkway.
4. The PSAC II team will do everything allowable under City procurement rules to ensure that the local community benefits from this important project, and will work with the Borough President's office on this issue. NYPD and FDNY strongly believe that as permanent jobs are posted for PSAC II, they will attract Bronx residents, and maintenance contracts will also be bid-out to operate the facility.
5. As per standard City contracts, Ultra-Low Sulfur Diesel vehicles will be used and all contractors will comply with Local Law 77 regarding Best Available Technology (BAT) emission controls.
6. The Construction Management firm, Tishman Technologies Corporation (TTC), has outlined a site logistics plan that includes an on-site concrete plant.
7. TTC has drafted a routing plan for construction related vehicles and is currently in negotiation with the owner of the Hutchinson Metro Center to minimize impacts on the neighboring buildings. A long term circulation plan is a part of the site design and takes into account emergency access to the site.
8. The Morris Park railroad station is not a part of the PSAC II scope or budget. The ultimate decision to re-open the station will be a business decision made by Metro North or Amtrak. We support as many feasible transportation options in the area as possible, though it is unlikely that this station will reopen in the near future.
9. The PSAC II team is dedicated to the Mayor's 1,000,000 Trees program and will both minimize tree loss and plant new native trees. The PSAC II team will work with the Parks Department to select appropriate plantings for this area.
10. The City is committed to communicating on the progress of the project during design as well as during construction. DDC has an active community outreach program and TTC has experience in community briefings as evidenced by their recent work at Einstein Medical Center. DDC will work with the architects, Tishman, client agencies and Community Board 11 to create a briefing schedule.

The Commission recognizes that budget cuts have affected the facility's program that necessitates a redesign of the project that could not be completed prior to the Commission's vote on the project.

The newly proposed PSAC II design will be shorter, at approximately 250 feet with an antennae support structure reaching 300 feet instead of the previous 350 feet, and the overall gross square footage of the building will be reduced from approximately 640,000 to approximately 500,000 square feet. The building will still house the 911 call center operations, but will eliminate the operation centers for the NYPD and FDNY.

During its review, the Commission expressed concerns about the design and height of the proposed facility. In a letter dated January 20, 2009, the Deputy Mayor for Operations stated that:

We recognize the CPC's concerns about the PSAC II design, and I want to assure you that the concerns and comments of the Design Commission will be taken into account as redesign proceeds. DDC will certainly share its proposed revisions with the Planning Commission as they become available. I assure you that the Mayor's Office and DDC are committed to continuing the dialogue between the PSAC II team, the CPC, and the Design Commission to ensure that the design for this critical public-safety infrastructure is a seamless and welcome addition to the Bronx.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on January 23, 2009, with respect to this application (CEQR No. 07NPD004X), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the 911 Call Center and Dispatch Center Alternative minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the FEIS with respect to the 911 Call Center and Dispatch Center Alternative will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standard, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application (C 090070 PCX) and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, pursuant to Sections 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 090070 PCX) of the Police Department (NYPD), Fire Department (FDNY), Department of Citywide Administrative Services (DCAS) and Department of Information Technology and Telecommunications (DOITT), for the site selection and acquisition of property located at 1200 Waters Place (Block 4226, Lot 75 and part of lots 40 and 55), Community District 11, Borough of The Bronx, for use as a public safety answering center, is approved.

The above resolution (C 090070 PCX), duly adopted by the City Planning Commission on February 2, 2009 (Calendar No. 1), 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, FAICP, Chair
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA.
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL,
JOHN MEROLO, KAREN A. PHILLIPS, Commissioners