

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NOS:
C 170217 PPX, C 170218 ZMX, C 170221 ZSX, C 170222 ZSX,
C 170223 ZSX
BAYCHESTER SQUARE**

DOCKET DESCRIPTION

C 170217 PPX:

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, (DCAS) pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property located on Block 4804, p/o Lot 100, pursuant to zoning.

C 170218 ZMX:

IN THE MATTER OF an application submitted by Gun Hill Square, LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4a, changing from an M1-1 District to a C4-3 District property bounded by East Gun Hill Road, a line 320 feet southeasterly of Allerton Avenue and its southwesterly prolongation, a line 490 feet southwesterly of Edson Avenue, a line 465 feet southeasterly of Allerton Avenue and its northeasterly prolongation, and Edson Avenue, Borough of The Bronx, Community District #12, as shown on a diagram (for illustrative purposes only) dated January 17, 2017.

C 170221 ZSX:

IN THE MATTER OF an application submitted by Gun Hill Square, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 (a)(2) of the Zoning Resolution to modify the height and setback requirements of Section 23-64 (Basic Height and Set back Requirements) and the rear yard requirements of Section 23-47 (Minimum Required Rear Yards_ and 33-26 (Minimum Required Rear Yards), in connection with a proposed mixed-use development on a property located at 1769-1771 East Gun Hill Road (Block 4804, part of Lot 100), in a C4-3* District, within a large-scale general development, Borough of The Bronx, Community District #12.

C 170222 ZSX:

IN THE MATTER OF an application submitted by Gun Hill Square, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the signage regulations of Sections 32-641 (Total Surface Area of Signs), 32-642 (Non-Illuminated Signs), 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts), 32655 (Height of signs in all other Commercial Districts), 32-656 (Height of signs above roof) and 32-657 (Roof signs), in connection with a proposed mixed-use development on a property located at 1769-1771 East Gun Hill Road (Block 4804, part of Lot 100), in a C4-3* District, within a large scale-development, Borough of The Bronx, Community District #12.

*Note; the site is proposed to be rezoned by changing an M1-1 District to a C4-3 District under a concurrent related application for a Zoning Map change (C 170218 ZMX).

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

C 170223 ZSX:

IN THE MATTER OF an application submitted by Gun Hill Square, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-531 of the Zoning Resolution to modify the requirements of:

1. Section 36-12 (Maximum Size of Accessory Group Parking Facilities) to allow an accessory group parking facility with a maximum capacity of 1,169 spaces; and
2. Section 36-11 (General Provisions) to allow some of such off-street parking to be located on the roof of a building.

In connection with a proposed mixed-use development on a property located at 1769-1771 East Gun Hill Road (Block 4804, part of Lot 100) in C4-3* District, within a large-scale general development, Borough of The Bronx, Community District #12.

*Note: The site is proposed to be rezoned by changing an M1-1 District to a C4-3 District under a concurrent related application for a Zoning Map Change (C 170218 ZMX).

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

BACKGROUND

Approval of these applications will facilitate construction of a retail shopping complex and a residence for senior citizens. The site is located on East Gun Hill Road, and is generally bounded by Edson Avenue and Allerton Avenue, (1769-1771 East Gun Hill Road, Block 4804, p/o Lot 100). The total site these applications are considering is composed of 12.6 acres and is currently vacant. Previous uses on the site included a golf driving range and prior to that, it was used as a parking facility for bus equipment operated by the New York City Transportation Authority (NYCT), a division of the Metropolitan Transportation Authority, (MTA). This property is owned by the City of New York and is zoned M1-1. It is in Bronx Community District #12.

Amending the Zoning Map (application #C 170218 ZMX) will eliminate the current M1-1 District and subsequently establish a C4-3 District. This change of zone is necessary to facilitate development of the proposed shopping complex to be located on Block 4804, p/o Lot 100.

BAYCHESTER SQUARE

Proposed Non-Residential Development

It is proposed by Gun Hill Square, LLC (the applicant), to construct a shopping complex which will offer 376,206 square feet of commercial space. The applicant projects that this new facility will create 1,200 permanent jobs and 830 construction jobs. Highlights of this new commercial development include:

- A total of 7 buildings composed of 1, 2 and 3 stories, designed to accommodate approximately fifty retail venues:
 - 5 buildings, ranging in height between 2 and 3 stories, to be situated around two plaza-areas which will be interconnected via sidewalks. These buildings will range in size from 24,595 gross square feet, to approximately 152,709 gross square feet.
 - 2 “stand-alone” buildings, (1 story in height) to be situated adjacent to East Gun Hill Road. The buildings will approximate 2,490 gross square feet.
- Approximately 1 acre of open space accessible to the public, this includes
 - 2 plaza areas (a north square being the larger of the two) the focus of which will include outdoor dining locations and a fountain to be situated in the southern square
 - Extensive landscaping
 - Benches and other amenities for passive recreation
 - Pedestrian walkways will be designed to accommodate emergency vehicles if such services are necessary
- This complex will meet LEED Silver requirements

The 5 larger retail buildings will be designed to optimize continuous grand level retail frontage, offering 4,000 linear feet of transparent continuous ground level retail frontage. The two smaller buildings located along East Gun Hill Road will offer 220 feet of transparent linear frontage.

Non-retail uses to be located within the shopping complex include:

- Approximately 4,000 square feet will be occupied by a business resource center
- A media lab will be located in the center (approximately 30,000 square feet)
- Approximately 40,000 square feet for fitness related uses
- On-site parking for 1,169 vehicles, including
 - At grade parking to accommodate 454 spaces
 - 5-story garage to accommodate 715 spaces
 - 2-curb cuts will be provided on East Gun Hill Road, 1-curb cut on Edson Avenue. A third curb cut onto East Gun Hill Road will allow for egress only from the parking garage.

This retail complex would be active from approximately 7 a.m. through 10 p.m. on a daily basis.

Proposed Residential Development

In addition to the proposed retail development, the applicant is proposing to construct a residence for residents over the age of 55. This development will consist of 2-phases and, when complete, will offer 180 units. Phase 1 will provide 100 units. Phase 2 will provide 80 units. This complex will be located on the northwest corner of the project site, fronting onto East Gun Hill Road. The specific plans for this building include:

- A total of 180 units of affordable housing for senior citizens
- The building will rise 13 stories, approximately 151 feet in height
- Unit size will range from a minimum of 595 gross square feet to a maximum of 832 gross square feet (actual living area within each unit will be less)
- Phase 1 will feature:
 - 9 units will be located on stories 2-11.
 - 5 units will be located on stories 12 & 13
 - Interior space for activities and support services will approximate 2,517 square feet
 - Wellness and support service area will approximate 857 square feet
 - An outdoor terrace accessible from 12th story
- Phase 2 will feature:
 - 8 units will be located on stories 2-10
 - 4 units will be located on stories 11-12
 - Interior space for activities and support services will approximate 1,910 square feet
 - Wellness and support services area will approximate 888 square feet
 - An outdoor terrace accessible from 12th story
- A common exterior garden area for passive recreation featuring
 - Built in benches
 - Movable tables and chairs
 - Barbeque area
- Affordable units will offer accommodations for
 - 50% of all units will be at 40% AMI
 - 25% of all units will be at 50% AMI
 - 25% of all units will be at 60% AMI
- Mechanical services for the complex will be located on the top story

Development of the surrounding community is typified by retail venues that occupy substantial size lots and include a Home Depot. As typical of such development, a significant portion of these locations is devoted to off-street parking lots. Additional retail uses on East Gun Hill Road include numerous auto-related venues.

The remaining 19 acres of property that makes up Block 4804, Lot 100 includes three Little League softball fields and a bus garage and parking facility operated by the Metropolitan Transportation Authority's New York City Transit Division. Residential development in much of the surrounding community includes low-rise multi-unit buildings, one and two family homes and nursing home facilities. Co-op City, which consists of approximately 15,000 units of housing, is within one mile of Block 4804, Lot 100. The Bay Plaza Shopping Mall is situated on Bartow Avenue, adjacent to the southern boundary of the Co-op City community.

The surrounding community is also dominated by the New England Thruway (Interstate 95) and the Hutchinson River Parkway. Ample bus transportation is available throughout this community. No subway service is accessible within a two mile radius of Block 4804, Lot 100.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

These applications have been reviewed pursuant to CEQR and SEQRA and received a Type I, Positive Declaration. These applications have been certified as complete by the New York City Planning Commission on January 17, 2017.

BRONX COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board #12 held a public hearing on these applications on March 23, 2017. A vote on each application recommending approval of these applications was 29 in favor, 5 against, and 2 abstaining. The vote tally was exactly the same for each application associated with the Baychester Square matter.

BOROUGH PRESIDENT'S PUBLIC HEARING

A public hearing was convened by the Bronx Borough President on April 4, 2017. The applicant was present and spoke in favor of these applications. A representative of City Council Member Andy King was present and read a statement indicating the Council Members' opposition to the proposed Baychester Square development. The Chairman and District manager of Bronx Community District #12 spoke in favor of these applications. A majority of the testimony offered by members of the public expressed opposition to these applications. A total of 23 people spoke, 18 expressed opposition, 5 offered support. There being no other members of the public wishing to speak, the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

Baychester Square will successfully integrate retail development and activity, a senior citizen residence, a media lab, fitness center and human resource center into a "walkable community setting" featuring extensive landscaping, areas for passive recreation and relaxation. This development will transform what is now a 12-acre vacant building lot into a vibrant destination for the Baychester community. Best of all, it can be anticipated that approximately 1,200 permanent jobs will be available to our Bronx residents.

Reasons for my support for Baychester Square include:

- A private sector investment of approximately \$300 million
- Construction of a retail complex offering over 376,000 square feet of space
- A health club approximating 40,000 square feet
- A business resource center approximating 4,000 square feet
- On-site parking for approximately 1,200 vehicles
- A food and restaurant venues approximating 37,500 square feet
- An education and medical-health center approximating 20,000 square feet
- Walkable open space approximately 104,500 square feet

What I especially appreciate is that Baychester Square will also include development of a senior citizen residence offering 180 units and 181,000 square feet of accommodation that the highly regarded RiverSpring Health/Hebrew Home for the Aged will oversee. Affordable units will offer accommodations at:

- 40% of Area Median Income (AMI)---50% of the total units will serve this demographic
- 50% of AMI---25% of the total units will serve this demographic
- 60% of AMI---25% of the total units will serve this demographic

Much is being made of how Baychester Square will undermine the functionality of Bay Plaza, specifically the concern that Baychester Square will serve as an “Outlet Center.” The developer has informed our office that it will agree to a deed restriction that would assure that no more than 40 percent of manufacturers selling off-price merchandise would be permitted on-site. We expect the developer and EDC to assure that the deed restriction run with the land. This includes “factory outlet” stores, such as those found in Woodbury Commons. I encourage the City Council to continue negotiating the cap to assure all interested stakeholders are satisfied with the aforementioned deed restriction, and the unambiguous prohibition of an “Outlet Center.”

Given the proximity of Bay Plaza to Co-op City, its profile as a regional shopping complex and the fact that Baychester Square will be located on the opposite side of the New England Thruway (Interstate 95) I do believe that the two retail centers will complement each other, attracting even more businesses to the Northeast Bronx.

I am also encouraged that Baychester Square’s proximity to a significant residential community, meaning that those who reside in this area would have an appealing place to visit and shop, as the intent of this development will be to cater more so to the local customer rather than the region.

During my public hearing the applicant offered what I believe to be a forward thinking perspective on how to integrate a retail complex into an urban community. The extensive inclusion of benches, landscaped garden areas, moveable tables and chairs, along with a water feature will all serve to draw the curious shopper and stroller into the complex. Senior citizens residing within this complex means Baychester Square will be a full functioning community.

I am aware of those who oppose the construction of Baychester Square, particularly as it pertains to traffic. I am not persuaded however, that this will add significantly more traffic as those shopping at Bay Plaza and Bartow Mall, will be those who patronize Baychester Square. I am also cognizant that retail industry will sustain many changes in the future. Nonetheless, I believe given the unique way this development incorporates retail, health and professional functions, open space and senior residences, suggests that if the current vision must change Baychester Square's layout makes such change easily achievable.

I am pleased to support Bronx Community District #12's endorsement of Baychester Square pending inclusion of two critical modifications:

- 1) The Deed Restriction that articulates the developer's intent not to develop Baychester Square as an "Outlet Center" and all the necessary language that pertains to this matter be codified into the final agreement between the applicant, the Economic Development Corporation of the City of New York (EDC), This agreement must then run with the land.
- 2) The applicant and the appropriate division of the Metropolitan Transportation Authority (MTA) establish direct bus transportation necessary to accommodate Baychester Square without adversely affecting access to Bay Plaza. Special attention must also be given to the manner by which Access-A-Ride vehicles can service the senior citizen complex to be included in this project.

With these modifications included, I recommend approval of this application.