



## CITY PLANNING COMMISSION

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May 22, 2013, Calendar No. 2

C130131 PCX

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**IN THE MATTER OF** an application submitted by the Bronx County District Attorney's Office 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 260 East 161<sup>st</sup> Street (Block 2443, part of Lot 100), Borough of the Bronx, Community District 4, for use as a storage facility.

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This application for site selection and acquisition of property was filed by the Office of the Bronx District Attorney and the Department of Citywide Administrative Services on December 5, 2012, to facilitate the continued use of the basement of 260 East 161<sup>st</sup> Street as storage space, in Bronx Community District 4.

### **BACKGROUND**

The Bronx District Attorney's office (Bronx DA) and Department of Citywide Administrative Services (DCAS) request site selection and acquisition of property located at 260 East 161<sup>st</sup> Street for continued use of approximately 9,600 square feet in the basement of the building as storage space. The Bronx DA's office has been using this space for file storage since 1997.

The building is located in the Concourse Village neighborhood of the Bronx and is situated two blocks east of the Grand Concourse. The area contains several major City and State institutions including the Bronx County Courthouse (Rotunda), two Bronx Criminal Court buildings, three Bronx District Attorney's offices and the Human Resources Administration. Other uses in this area include seven- to ten-story residential buildings with several law offices, retail and restaurant uses occupying the ground floor. The Concourse Village shopping complex is situated on the same block as the project site. The shopping complex contains a grocery store, several restaurants, retail uses, a parking garage and an open parking lot. The area was rezoned in 2009 as part of the East 161st Street rezoning (C090365 ZMX).

The subject 10-story building is mostly within a C6-2 zoning district, with a small portion zoned C8. It is located at the southeast corner of East 161<sup>st</sup> Street and Concourse Village East and is mainly occupied by New York City offices. The Human Resources Administration is the

principal tenant occupying six and a half floors in the building. Other tenants include the Administration for Children's Services, Legal Aid Society, Bronx Defenders and the Albert Einstein clinic. A restaurant occupies a storefront area on the ground floor. The Bronx DA's office occupies 9,600 square feet in the basement to store about 50,000 file folders containing evidentiary, investigatory and court documents related to each prosecution as well as non-prosecutorial documents. The record retention time for the documents typically exceeds 25 years.

The Bronx DA has office space in three buildings at 198, 215 and 265 East 161st Street and a small satellite office on White Plains Road in the North Bronx. The space in these office buildings is insufficient for adequate and secure file storage of the files generated by the Bronx DA's office. The storage space at the subject property is within a 5 minute walking distance of the Bronx DA's offices on East 161st Street which facilitates rapid retrieval and storage of files. The files are accessed from a loading area on Morris Avenue between 6am and 5pm Monday through Saturday.

The storage space has undergone significant renovations since 2007, when the property was purchased by the current owner. Improvements were made to repair leaks and drainage problems. The space was repainted, the electrical and lighting system was refurbished and a consistent pest control regime was instituted.

## **ENVIRONMENTAL REVIEW**

This application (C130131PCX) 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 agency is the Bronx District Attorney's office. The designated CEQR number is 13DAX001X.

After a study of the potential impacts of the proposed action, a Negative Declaration was issued on August 6, 2012.

## **UNIFORM LAND USE REVIEW**

This application (C130131PCX) was certified as complete by the Department of City Planning on January 7, 2013, and was duly referred to Community Board 4 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

### **Community Board Public Hearing**

Community Board 4 did not submit a recommendation for this application ( C130131PCX) .

### **Borough President Recommendation**

This application (C130131PCX) was considered by the Borough President, who issued a recommendation approving this application on April 17, 2013.

### **City Planning Commission Public Hearing**

On April 10, 2013, Cal. No. 1, the City Planning Commission scheduled April 24, 2013, for a public hearing on this application (C130131PCX). The hearing was duly held on April 24, 2013 (Calendar No. 12). There was one speaker in favor of the application and none in opposition.

A representative from the Bronx District Attorney's Office appeared in favor of the application and stated that the Bronx DA's office expected to occupy the facility for the long term. There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that site selection and acquisition of property located at 260 East 161<sup>st</sup> Street (C130131PCX) by the Bronx District Attorney's Office and the Department of Citywide Administrative Services for the continued use as a storage facility is appropriate.

A storage facility for the Bronx District Attorney's Office has been operating at this site since 1997, providing the needed storage space located at a convenient distance from the Bronx DA's office locations. It is an as of right use in the C6-2 district.

The Commission heard testimony from a representative of the Bronx District Attorney's Office that the facility is expected to be used by the office in the long term. Therefore, the Commission believes that the proposed facility is well maintained and well located to continue to provide the needed storage space for the Bronx District Attorney's office.

The project was not included in the Citywide Statement of Needs, however, a letter pursuant to Section 204-g of the New York City Charter was sent to the Borough President of the Bronx.

## **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 Section 197-c of the New York City Charter, that based on the environmental determination and consideration described in this report, the application submitted by the Bronx County District Attorney's Office 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 260 East 161<sup>st</sup> Street (Block 2443, part of Lot 100), Borough of the Bronx, Community District 4, for use as a storage facility is approved.

The above resolution (C130131PCX), duly adopted by the City Planning Commission on May 22, 2013 (Calendar No. 2), 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, RAYANN BESSER, IRWIN G. CANTOR, P.E., BETTY Y. CHEN, MICHELLE DE LA UZ, MARIA M. DEL TORO, JOSEPH DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN**, *Commissioners*



**Bronx Borough President Ruben Diaz Jr.**

OFFICE OF THE  
CHAIRPERSON

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April 17, 2013

Amanda Burden, Chair  
The Planning Commission of the City of New York  
22 Reade Street  
New York, NY 10007

Re: Application No: 130131 PCX

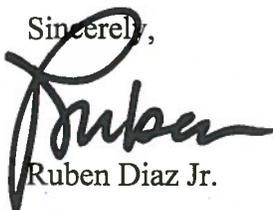
Dear Chair Burden:

The purpose of this letter is to endorse the proposed site selection and acquisition of property, located at 260 East 161<sup>st</sup> Street (Block 2443, part of lot 100), for use as a storage facility by the Bronx County District Attorney's Office.

I am pleased to submit this letter expressing my support for the continued leasing of this space.

I thank you for considering my comments.

Sincerely,



Ruben Diaz Jr.

RD:p&d/wr/sg