



CITY PLANNING COMMISSION

May 20, 2009, Calendar No. 10

C 090166 MMX

IN THE MATTER OF an application, submitted by the Department of City Planning and the Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the establishment of a waterfront Park in an area bounded by Major Deegan Boulevard, the Harlem River, and the extensions of East 144th Street and East 146th Street;
- and any acquisition or disposition of real property related thereto,

Community District 1, Borough of The Bronx, in accordance with Map No. 13124 dated January 29, 2009 and signed by the Borough President.

The application (C090166 MMX) for an amendment to the City Map was filed by the Department of City Planning and the Department of Parks and Recreation on October 29, 2008, in order to facilitate the development of a public park as part of an overall rezoning plan to assist in the redevelopment of 30 city blocks in the Lower Concourse neighborhood of the southwest Bronx.

RELATED ACTIONS

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

- 1. N 090302 ZRX:** Zoning Text Amendment to establish a Special Mixed-Use District and a Special Harlem River Waterfront District.
- 2. C 090303 ZMX:** Zoning Map Amendment of 30 city blocks to allow residential and commercial development, and light industrial uses.

BACKGROUND

The applicants are requesting a change in the City Map to establish a 2.26-acre park located within

the area generally bounded by the Harlem River, The Major Deegan Expressway, East 144th Street and East 146th Street, to help meet the open space needs of the neighborhood and of the anticipated new residential population that would be added to the community due to proposed zoning changes for the area.

The location of the proposed park was chosen by DCP and DPR for its proximity to the Harlem River, and its easy accessibility from East 144th and East 146th Streets, since The Major Deegan Expressway is elevated at this block. In neighboring areas, The Major Deegan Expressway is at grade, cutting off easy access to the parcels along the river from the streets to the east of the Expressway. The proposed park is comprised of lots numbered 107, 103, and a portion of lot 100 on Block 2349, and is approximately 95,800 square feet in area. The lots, which will be acquired by the City for redevelopment as a park, are currently under private ownership and improved with buildings engaged in medium-level manufacturing uses.

The proposed park's westerly boundary will be approximately along the border of the Oak Point Link Railway line, which runs along this portion of the Harlem River. The proposed park's easterly boundary is Major Deegan Boulevard (formerly known as Exterior Street) which runs generally below The Major Deegan Expressway. A small triangular portion of the proposed park (approximately 160' long by 14' wide at its base) lies beneath the elevated portion of the Major Deegan Expressway, and would therefore be subject to the Expressway's existing Aerial Easement at this location. The southerly boundary of the proposed park is the extension of the southerly line of East 144th Street, and its northerly boundary is the extension of the northerly line of East 146th Street. All four of the above-mentioned streets are improved and open to two-way traffic.

A polling letter was issued to all affected City and State agencies and utility companies around November 6, 2008. No agency or company expressed objections to the proposal.

A full background discussion and overall project description appears in the report on the related application for a Zoning Text Amendment (N 090302 ZRX).

ENVIRONMENTAL REVIEW

This application (C 090166 MMX), in conjunction with the applications for the related actions (N 090302 ZRX and C 090303 ZMX), 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 08DCP071X. The lead agency is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement (FEIS) appears in the report on the related application for a Zoning Text Amendment (N 090302 ZRX).

UNIFORM LAND USE REVIEW

This application (C 090166 MMX), in conjunction with the applications for the related actions (N 090302 ZRX and C 090303 ZMX), was certified as complete by the Department of City Planning on February 2, 2009, and was duly referred to Bronx Community Board 1 and The Bronx 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 1 held a public hearing on this application (C 090166 MMX), in conjunction with the applications for the related actions (N 090302 ZRX and C 090303 ZMX), on February 26, 2009, and on that day, by a vote of 26 to 0, with 0 abstentions, adopted a resolution recommending the application be approved.

BOROUGH PRESIDENT RECOMMENDATION

This application (C 090166 MMX), in conjunction with the applications for the related actions (N 090302 ZRX and C 090303 ZMX), was considered by the Borough President of The Bronx, who issued a conditional recommendation of approval on March 24, 2009. A full discussion of the Borough President's recommendation and conditions appears in the report on the related application

for a Zoning Text Amendment (N 090302 ZRX).

CITY PLANNING COMMISSION PUBLIC HEARING

On March 18, 2009 (Supplemental Calendar No. 1), the City Planning Commission scheduled April 1, 2009 for a public hearing on this application (C 090166 MMX), in conjunction with the applications for the related actions (N 090302 ZRX and C 090303 ZMX). The hearing was duly held on April 1, 2009 (Calendar No. 28).

There were a number of speakers present, as described in the report on the related application for a Zoning Text Amendment (N 090302 ZRX), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 090166 MMX), in conjunction with the applications for the related actions (N 090302 ZRX and C 090303 ZMX), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 22, 2002, , pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 07-096.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

A full discussion of WRP consistency appears in the report on the related application for a Zoning Text Amendment (N 090302 ZRX).

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate.

A full consideration of the issues and reasons for approving this application (C 090166 MMX) appears in the report on the related application for a Zoning Text Amendment (N 090302 ZRX).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition of real property to be appropriate, adopts the following resolution:

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on May 8, 2009, with respect to this application (CEQR No. 08DCP071X), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the action to be approved, is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent possible 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 standards, 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 and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 090166 MMX) for the amendment to the City Map involving:

- the establishment of a waterfront Park in an area bounded by Major Deegan Boulevard, the Harlem River, and the extensions of East 144th Street and East 146th Street;
- and any acquisition or disposition of real property related thereto,

Community District 1, Borough of The Bronx, in accordance with Map No. 13124 dated January 29, 2009 and signed by the Borough President, is approved;

All such approvals being subject to the following condition:

The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13124 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter ;

The above resolution (C 090166 MMX), duly adopted by the City Planning Commission on May 20, 2009 (Calendar No. 10), 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, MARIA M. DEL TORO,
NATHAN LEVENTHAL, SHIRLEY A. MCRAE,
JOHN MEROLO, KAREN A. PHILLIPS, Commissioners