



October 4, 2017/Calendar No. 2

C 170413 ZMX
Corrected

IN THE MATTER OF an application submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

1. eliminating a Special Mixed Use District (MX-1) from property bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line; and
2. establishing a Special Harlem River Waterfront District (HRW) bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line;

Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated June 5, 2017.

The New York City Department of City Planning (DCP) is proposing a zoning map amendment (C 170413 ZMX) to the NYC Zoning Resolution to expand the existing Special Harlem River Waterfront District (HRW) to encompass two waterfront blocks to the south.

RELATED ACTIONS

In addition to the application for a zoning map amendment (C 170413 ZMX) that 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:

N 170414 ZRX Zoning text amendment to modify the existing Special Harlem River Waterfront District.

BACKGROUND

DCP proposes a zoning map amendment (C 170413 ZMX) to expand the HRW to encompass two waterfront blocks (2316, 2319) located just south of the existing special district. A related zoning text amendment (N 170414 ZRX) would designate the expansion area as a subdistrict of the HRW called the “South Subdistrict.”

The existing HRW was established in 2009 as part of the Lower Concourse Rezoning (N 090302 ZRX, C 090303 ZMX and C 090166 MMX). The Lower Concourse Rezoning created new mixed use and special use districts, mapped a new voluntary Inclusionary Housing area and new waterfront parkland, established the HRW and a Waterfront Access Plan, divided the area into nine parcels, and instituted related actions. The rezoning was intended to encourage new investment and expand open space in the underutilized but transit-rich Lower Concourse area.

The HRW was designed as part of the Lower Concourse Rezoning to ensure development maintains a human scale, promote a variety of building types, create a varied skyline, maximize waterfront views, facilitate a vibrant streetscape, encourage “eyes on the street”, ensure a range of uses on the waterfront, and encourage people to use waterfront open spaces. But since it was established in 2009, no development has occurred within the special district boundaries.

The existing HRW comprises two blocks (2323 and 2349) that would be designated as the Core Subdistrict under the proposed zoning text amendment. The Core Subdistrict is on the eastern shore of the Harlem River, generally bounded by 149th Street to the north, Park Avenue to the south, and to the east by Exterior Street and the Major Deegan Expressway.

The area surrounding the proposed Core Subdistrict is generally developed with manufacturing uses and large institutions such as Lincoln Hospital and Hostos Community College, two prominent community facilities, located northeast of the proposed special district, and the Bronx Terminal Market shopping mall is just north of East 149th Street. The State owned 104-acre Harlem River Yard Transportation and Distribution Center is located to the southeast of the rezoning area in Port Morris, along the Harlem River and Bronx Kill south of Lincoln Avenue.

New York City Housing Authority's (NYCHA) Mitchel and Patterson Houses are located to the east. Three large city-owned properties are within the area – 425 Grand Concourse, Pier 5 north of East 149th Street, and 63 Exterior Street.

Notable public open spaces in the vicinity include Mill Pond Park, Garrison Playground, and a community garden called La Finca del Sur. Harlem River Park in Manhattan is accessible by crossing the Third Avenue Bridge. A small pocket of three to four story residential buildings is located along Walton Avenue just northeast of the HRW.

The special district regulations were initially created to overcome obstacles to public use and enjoyment of the waterfront. The Major Deegan Expressway, completed in 1957, isolated the waterfront from upland neighborhoods. The proposed subdistrict is further isolated by the Oak Point Rail Link, which was built along the Harlem River in this area in the 1990s to divert freight traffic away from busy commuter rail lines. The Oak Point Rail Link runs along the coastline at the western edge of the proposed subdistrict, and a small, inaccessible green space lies at the end of Park Avenue. This rail line runs through immediately adjacent sections of the Harlem River, cutting off access to waterfront lots in this area and precluded water-dependent uses.

Projects are also under construction, or are planned, on sites that were subject to the original Lower Concourse Rezoning. Along Exterior Street, Gerard Avenue, and the Grand Concourse, 359 residential units are being built. In this same area, 671 hotel rooms are also under construction. Just outside the Lower Concourse Rezoning area, the landmarked Bronx General Post Office building, at 558 Grand Concourse, is being redeveloped with retail and commercial space. Additionally, the former P.S. 31 building at 425 Grand Concourse is proposed to be redeveloped into a new mixed-use building with 241 affordable units, a charter school, medical facility, a supermarket, and cultural space.

Since the special district was established, development activity in the Lower Concourse area (285 dwelling units to date, all affordable housing) has occurred upland of the waterfront, mainly along Morris Avenue, East 149th Street, and East 138th Street. Along Bruckner Boulevard, 479 units of affordable housing have been developed, and 75 residential units were created in the converted

Clock Tower Building at Lincoln Avenue. While no development has occurred on the waterfront, since 2015 private property owners in the waterfront portion of the proposed HRW expansion area, or South Subdistrict, have taken steps toward developing housing and retail on sites flanking the Third Avenue Bridge.

The proposed South Subdistrict, just south of and abutting the Core subdistrict, is generally bounded by Park Avenue to the north, Third Avenue and Lincoln Avenue to the south, the Harlem River to the east, and East 135th Street and Bruckner Boulevard to the west. It is predominantly developed with small manufacturing buildings, including the Bruckner Building, which was recently converted into an office space and light manufacturing facility; the old Beethoven Piano Factory Building; and a personal storage facility on a large lot that comprises almost half of the area of the proposed subdistrict. The rest of the proposed subdistrict is undeveloped.

The proposed South Subdistrict is composed of multiple lots under separate ownership, making adequate and coordinated waterfront access challenging. Access to the South Subdistrict is limited. A portion of East 134th Street enters into the subdistrict on its southern edge as a dead-end street. The Third Avenue Bridge descends from Manhattan both onto Third Avenue and Bruckner Boulevard, creating walled-off areas and leftover spaces under its elevated portions. The Major Deegan Expressway is raised along most of the subdistrict's northern edge.

Pier 5, also known as Lower Concourse North, is proposed to be rezoned and redeveloped by the New York City Economic Development Corporation (NYCEDC) as a mixed-use building with up to 1,045 residential dwelling units and roughly three acres of open space. Once approved, the Lower Concourse North application (C 17031 ZMX, C 170315 ZSX, C 170314 PPX and C 170312 ZRX) included zoning text amendments and the site will be incorporated into the HRW as the North Subdistrict. Special bulk and other controls will be applied as part of this special subdistrict. This City-sponsored project is currently in public review.

In 2016, the Mayor committed approximately \$200 million in capital investment to the Lower Concourse neighborhood. NYCEDC worked with City agency partners to create a plan intended to create jobs, build housing, and promote connections within the neighborhood.

Recommendations were finalized in early 2016 and included a redesign of Exterior Street to improve pedestrian and vehicular conditions, improvement to the utilities underneath the street to support existing and future development, and a commitment to create high-speed broadband infrastructure to facilitate a better environment for local businesses, support new business development, and help sustain job growth in the neighborhood. NYCEDC's Lower Concourse North project discussed above, will receive city funds for its surrounding waterfront open space. Finally, the funding will be used to acquire, design and construct the parkland that was mapped as part of the Lower Concourse Rezoning. All of these would provide a better environment for improved access to the waterfront and investment opportunities.

Two actions are required to facilitate the proposed project:

Zoning Map Amendment to extend the Special Harlem River Waterfront District to the blocks bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue (C 170413 ZMX)

The area within the proposed south Subdistrict was rezoned in 2005 as part of the Port Morris/Bruckner Boulevard Rezoning (C 050120 ZMX). This project established the first mixed-use zoning district in the city, permitting a mix of industrial and residential uses. That district, MX1: M1-3/R8, permits a floor area ratio (FAR) of 7.2 - 6.02 for residential and 5.0 for manufacturing and commercial uses, as well as a 210-foot maximum height limit with an additional 40 feet allowed for a setback articulation at the tower top.

The proposed action would expand the existing Special Harlem River Waterfront District to encompass two waterfront blocks to the south. The Special Mixed Use District (MX-1) mapped on the two blocks in the proposed expansion area would be removed, but the existing M1-3/R8 zoning designation would not be changed and the applicable zoning regulations of Article XII, Chapter 3 (Special Mixed Use Districts), as modified by the proposed HRW text, would still apply to the sites.

Zoning Text Amendment to modify the text of the existing Special Harlem River Waterfront District; (N 170414 ZRX)

Core Subdistrict:

On the nine parcels that constitute the Core Subdistrict, the amended text would continue to support the goals of the existing HRW by meeting current regulations for flood resiliency and best practices for affordable housing construction. It would also make the Harlem River waterfront more inviting by encouraging streetscape amenities and requiring ground floor activity in key areas. Finally, it would take into better consideration existing site constraints and recently advised of utility easements, and loosen stringent rules that can lead to floor plate inefficiencies and limited amounts of building articulation.

Ground Floor

To accommodate existing and recently discovered site constraints, and to provide design flexibility for Parcel 1, the existing main front entrance requirement facing the Shore Public Walkway (SPW) would be removed. However, on Parcels 2, 3 and 4, a building entrance on the SPW would still be required.

On Parcels 1, 2, 3 and 4, on frontages along the SPW, supplemental access areas, upland connections, mapped parkland, or visual corridors, at least 70 percent of the aggregate width of the street wall would be located within eight feet of the street line. This would provide construction flexibility, encourage visual variety, and provide space for planting, furniture and other design elements. Existing street wall requirements are more strict and do not allow space for these kind of amenities.

Bulk

The zoning text amendments would provide design flexibility and allow a variety of building form to support affordable housing construction and maximize views of the water from residences and upland areas. 50 feet from the SPW, buildings would be limited to a base height between 0-85 feet, with a transition height after maximum base height of 125 feet. In addition, a required opening 60 feet long or 30 percent of the street wall, whichever is greater, would be required at a minimum 30 feet depth and at a maximum height of 45 feet. These amendments would encourage a human scale

for portions of buildings fronting the shoreline. In the areas beyond 50 feet of the SPW, buildings would be permitted to rise to a base height between 60 and 105 feet and a maximum transition height of 155 feet.

For the sake of floor plate efficiency, above the maximum base height, setback requirements facing the SPW would be 15 feet, but for Parcel 1 the setback would be 30 feet – a more appropriate height and scale for people walking along the shoreline and along the long stretch of this street wall. Most towers would be required to be oriented perpendicular to the shoreline--with the exception of any proposed for Parcel 2 – so that shadows on the mapped park would be minimized. Similar exceptions to this rule would be made to accommodate small or irregular parcels, such as 5 through 8. The improved upland views gained by the perpendicular orientation of towers provides the opportunity to slightly increase maximum tower square footage to 10,000 square feet – thus ensuring more efficient residential floor plates. Tower top articulation would be required to have maximum lot coverage of 90 percent of the story below. Relaxing current strict tower top articulation requirements would reduce cost of construction, increase residential floor plate efficiency, and provide more flexibility for creative design solutions, while still providing visual variety to the Special District’s skyline.

Streetscape and Resiliency

The zoning text amendments would change some streetscape regulations to provide improved design flexibility. Strict wrapped use requirements would be reduced on HRW parcels. However, for Parcels 1 and 2, the one hundred percent floor area requirement would remain for portions of frontages facing the SPW and mapped parkland. Non-residential uses would only be required on specified ground floor corners to ensure that buildings better relate to their surroundings and neighboring community. Additionally, loading area entrances would be permitted to occur along the sewer easement abutting the 149th Street Bridge. This would provide more flexibility for arranging ground floor uses without adversely affecting the public realm.

As described above, on specific building frontages, active retail or community facility uses would be required only on ground floor corners at a required 50 feet minimum distance, on the

intersection of streets. This would encourage activity in the subdistrict, while still being mindful of market demand for active ground floor area and retail best practices.

To allow more flexibility and variety in resiliency measures, the aggregate width of street walls rule would be relaxed and located within eight feet of the street line, and building height could be measured from a reference plane 12 feet above curb level if building is raised more than four feet (ZR 64-336). Where no transparent materials or entrances or exits are provided on the ground floor level below a height of four feet, for a continuous width of at least 25 feet, one or more visual mitigation elements (planting, benches, bicycle racks, tables and chairs, stairs and ramps, wall treatment) would be required on at least 50 percent of the blank wall where an active use or floor area is provided.

Waterfront Access Plan

The declaration of restrictions for Fire Access Roads would be modified to ensure compliance with applicable conditions, including connections to adjacent zoning lot, phasing, and final connection and completion. This would help improve the sense of public access to the waterfront area and provide access by means of a bi-directional road.

The requirement in the Waterfront Access Plan that calls for two feet change of elevation would be removed to allow flexibility in design and resiliency measures. However, in helping to retain visual access to the water, the SPW would have to be built at or above the height of the Oak Point Rail Link train track bed. The lowest level for a Visual Corridor would be changed to connect curb level to an elevation matching the extension of a plane horizontally connecting the highest level of the Oak Point Rail Link train track bed or the base flood elevation plus two feet, whichever is greater, to the intersection with the shoreline. The Oak Point Rail Link would be a permitted obstruction as well. The permitted encroachment of turnarounds into the SPW would be increased to meet current Fire Department of the City of New York (FDNY) standards¹.

¹ Refers to the NYC Fire Code: Section FC 503 “Fire Apparatus Access”.

To provide design flexibility on Parcel 1 and address easements in order to allow a buildable floor plate, the required Supplemental Public Access Area² (SPAA) on Parcel 1 would align with an existing sewer easement on the site. The new location of the SPAA would serve as the northern entryway to the SPW of the HRW, and would be the western terminus of East 149th Street, a major east-west corridor.

The current diagonal alignment of the Visual Corridor along East 146th Street creates additional burdens for Parcel 1, which is already constrained by multiple easements. The proposed realignment would run through Parcel 1, on the lot line of the mapped park, preventing a legal window issue that could arise for buildings facing a mapped park, and ensuring proper transparency on the façade fronting the park. Finally, to provide proper waterfront access, an Upland Connection would be mapped coterminous with the Visual Corridor.

South Subdistrict:

Waterfront Access Plan

The existing HRW would be expanded to extend the Waterfront Access Plan (WAP) BX-1 to encompass two waterfront blocks to the south and the provisions of Article VIII, Chapter 7 of the New York City Zoning Resolution (ZR), the HRW, would be modified to establish the South Subdistrict. The South Subdistrict and expanded WAP would be established in response to unique conditions in the area regarding circulation, open space, and climate change resiliency. Their establishment would ensure adequate access to the waterfront, and lively open space when future development occurs. The action would create access and visibility to the waterfront through upland connections, visual corridors and a SPW and would require a SPAA on lot 55. Specifically, the South Subdistrict would require three mapped Visual Corridors inside the South Subdistrict connecting centerline of 134th Street to the SPW's SPAA, the centerline of Canal Street West to the SPW's SPAA, and Park Avenue to the shoreline.

Ground Floor

² A supplemental public access area is a public access area provided on a waterfront zoning lot, in addition to other required public access areas, in order to fulfill the required waterfront public access area requirements.

Required non-residential ground floor uses on specific corners would also be required in the South Subdistrict. This would attract visitors to the waterfront and create a safer overall environment.

Streetscape and Resiliency

To allow more flexibility and variety in resiliency measures, the aggregate width of street walls rule would be relaxed and located within eight feet of the street line, and building height could be measured from a reference plane 12 feet above curb level if building is raised more than four feet (ZR 64-336). Where no transparent materials or entrances or exits are provided on the ground floor level below a height of four feet, for a continuous width of at least 25 feet, one or more visual mitigation elements (planting, benches, bicycle racks, tables and chairs, stairs and ramps, wall treatment) would be required on at least 50 percent of the blank wall where an active use or floor area is provided. For certain light manufacturing uses, up to 50 percent of the street wall could be exempted from transparency requirements provided that any street wall width exceeding 50 feet with no ground floor transparent elements would be required to provide planting or screening for at least 75 percent of such blank wall.

ENVIRONMENTAL REVIEW

This application (C 170413 ZMX), in conjunction with the related action (N 170414 ZRX), 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 17DCP188X. The Lead Agency is the Department of City Planning.

It was determined that the proposed actions do not have a significant effect on the environment. The Negative Declaration was issued on June 5, 2017.

On September 29, 2017, a Revised Environmental Assessment Statement (EAS) was issued which describes and analyzes modifications to the proposed actions as analyzed in the original EAS. The Revised EAS concluded that the proposed actions would not result in any new or different significant adverse environmental impacts not already identified in the previous Negative

Declaration. A Revised Negative Declaration was issued on October 2, 2017. The Revised Negative Declaration reflects the changes to the proposed actions and supersedes the Negative Declaration issued on June 5, 2017.

UNIFORM LAND USE REVIEW

This application (C 170413 ZMX), in conjunction with the related action (N 170414 ZRX), was certified as complete by the Department of City Planning on June 5, 2017, and was duly referred to 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), along with the related applications for a zoning text amendment (N 170414 ZRX), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 1 held a public hearing on the application (C 170413 ZMX) on June 29, 2017 and on that date, by a vote of 10 in favor, four opposed, and with four abstentions, adopted a resolution recommending approval of the application with no conditions.

Borough President Recommendation

The Bronx Borough President convened a public hearing on this matter on August 3, 2017 and issued a recommendation approving the application on August 7, 2017.

City Planning Commission Public Hearing

On July 26, 2017 (Calendar No. 2), the City Planning Commission scheduled August 9, 2017 for a public hearing on this application (C 170413 ZMX) and related action. The hearing was duly held on August 9, 2016 (Calendar No. 6) in conjunction with the application for the related action.

There were no speakers, and the hearing was closed.

Written testimony was submitted by the owners of two properties located within the proposed South Subdistrict (2401 Third Avenue and 101 Lincoln Avenue) after the hearing was closed. The owners asked the Commission for the same grandfathering provisions that were included in the

2009 amendment to waterfront zoning (ZR 62-12), which stated that developments for which an application for certification had been filed prior to the date of enactment would be allowed to continue pursuant to the prior regulations. They also proposed a legal mechanism (such as a public easement) that would allow the 2401 Third Avenue project to proceed without any redesign while still ensuring future public access to the project's landscaped shoreline.

A separate property owner (198 E 135th Street) also requested the same grandfathering provisions that were included in the 2009 amendment to waterfront zoning (ZR 62-12), which stated that developments for which an application for certification had been filed prior to the date of enactment would be allowed to continue pursuant to the prior regulations.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 170413 ZMX), in conjunction with the applications for the related actions, 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 30, 2013 and by the New York State Department of State on February 3, 2016, 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 WRP# 16-122.

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

CONSIDERATION

The Commission believes that this application (C 170413 ZMX), in conjunction with the related action (N 170414 ZRX), is appropriate. The requested actions would facilitate the development of the HRW area and its expansion area to the south, encourage greater connectivity to the waterfront and the surrounding community, and create a more welcoming and lively Harlem River waterfront in Bronx Community District 1.

The zoning map amendment would also establish the HRW in the expansion area. The Commission notes the zoning map amendment is being coordinated with a zoning text change to create an extension of HRW that would enact resiliency design measures and require non-residential uses on specific ground floor corners, consistent with those elsewhere in the special district. The establishment of the HRW in the project area would require future development to comply with the HRW waterfront access plan.

The zoning text amendment is appropriate. It ensures that the Core Subdistrict addresses flood resiliency needs, accounts for easements and other restrictions, ensures adequate circulation, and provides flexible building forms to encourage the development of affordable housing and open space on the Harlem River waterfront in the Bronx. The maximum permitted base and building heights would be adjusted by the amendments to help new development better relate to the publicly accessible SPW, while improving the development potential of the project area.

The extension of the WAP from the existing HRW would guarantee that the waterfront remains publicly accessible for all residents and visitors to the neighborhood, and would ensure adequate access to the waterfront, and lively open space, when future development occurs.

The Commission supports all efforts by the City to promote resilient design on the waterfront and supports efforts to provide quality design alternatives for affordable housing. The Commission believes the text amendments support both of these goals and are appropriate.

The Commission believes that the required active non-residential uses on certain ground floor corners should be limited to support public spaces and commercial viability. The Commission is therefore modifying these requirements and on Parcels 3, 4, 5, 6, and 20, certain required active non-residential uses on ground floor corners shall be eliminated. Additionally, certain uses such as offices (6B), auto and automotive service establishments (8C, 7D, 12D), and non-commercial clubs (6E) shall not be permitted on these ground floor corners. The restriction would only occur in these very limited areas where the Commission prefers ground floor uses that tend to draw in more visitors. The Commission believes that this would achieve the goal of providing a lively and welcoming waterfront area while still responding to best practices for retail and active use

placement. The Commission finally notes that these restricted uses could still be placed in other ground floor areas outside of the non-residential active ground floor corners.

The Commission acknowledges the written testimony by owners of property on the proposed Expansion Area requesting that their proposed development be allowed to proceed under the existing regulations. The Commission is sympathetic to these concerns and therefore modifies the proposed zoning text amendment to include special vesting provisions for parcels that will have a SPW requirement imposed with these amendments. For bulk regulations only, these parcels will have a four-year extension of the vesting period for bulk regulations conditional upon the recordation of an instrument, indexed against the appropriate block and lot numbers, and which shall provide for and guarantee public waterfront access. This would allow owners to obtain permits and commence construction. The final Temporary Certificate of Occupancy would not be issued, however, until the applicant achieves a new Waterfront Certification by the Chairperson of the City Planning Commission that the design meets citywide underlying SPW requirements, with the exception that the Special District rules would permit portions of fire access road turnaround to lie partially within the SPW boundary as necessary due to lot constraints, and similar to the Core Subdistrict regulations. This modification would also specify that vesting period cannot be extended by the City Planning Commission or the Board of Standards and Appeals, and in case the project does not vest by this deadline, it would reduce the required tower setback facing the SPW to 15 feet, just as in the Core Subdistrict. Other parcels that have filed waterfront certifications will also receive an extension of their vesting period by four years after the HRW expansion is approved, and parcels that have a filed certification that the design meets waterfront requirements will be grandfathered if they record their restrictive declaration before HRW expansion is approved. The Commission finds these measures to be reasonable given the lot constraints, construction and phasing challenges of these parcels, and the guarantee that public access will be provided on parcels that are currently not required to do so.

The Commission also acknowledges another letter, submitted on September 19, 2017 by the owner of a property located within the Core Subdistrict (399 Exterior Street). In this letter comments were submitted regarding main front entrance requirements along the SPW, recommending that fire apparatus access requirements could be modified by CPC authorization, suggesting that no

street wall requirement would exist along Exterior Street and that the minimum base height would be lowered for these portions of buildings, requesting a waiver of the 100-foot maximum length for towers facing the park, and expressing concern about the proposed setback requirement from the Major Deegan Expressway.

The Commission believes that, for the sake of flexibility and floor plate efficiency, the main front entrance requirement on the SPW should be expanded to include entrances for non-residential uses, such as retail or community facility use, and residential entrances that do not provide access to upper floors. This would ensure activity along the SPW.

The Commission has reviewed the suggestion to provide an authorization that fire apparatus access requirements may be modified by CPC, subject to the approval of the Department of Transportation and the FDNY and a finding by the CPC that the proposed design is functionally equivalent to or superior to that required by Section 82-62. The Commission understands these concerns and is therefore modifying the proposed zoning text amendment accordingly. The Commission believes that this would encourage creative design solutions for pedestrians on the two-way road.

The Commission acknowledges the suggestion that no street wall location rule apply along Exterior Street and confirms that the proposed text amendment provides this flexibility and no amendment is warranted. The Commission also understands the concern for lowering the minimum base height of buildings along these frontages and is therefore modifying the proposed zoning text amendment to reduce the minimum base height from 60 to 15 feet. This would provide a greater distance from the Major Deegan Expressway for new residential units, and provide more light and air to the surrounding open space. The maximum base height for buildings on this area would remain 105 feet.

The Commission also notes the request to waive the 100 foot maximum length for towers facing the park. The Commission believes that the tower length restriction would reduce shadow impacts to the adjoining mapped park and provide a better overall building relationship to the surrounding open space, so no amendment is warranted.

The Commission acknowledges that the zoning text amendment, as certified and referred into the public review process, included references and visual diagrams for the New York State DOT proposed ramp extension and easement. The Commission, for the sake of clarity and in lieu of an actual easement being in place, would modify the proposed zoning text amendment to specify a location for the setback from the Deegan Expressway on Parcels 2, 3 and 4. The Commission believes that this would ensure a buffer area for both the surrounding open space and the new development that will face the Expressway. The Commission also notes that, due to traffic and human safety concerns, the setback would preserve space for the possibility of improvements to the Major Deegan ramp in the future. A minimal percentage of planting would also be required on this setback space, with the option of substituting a certain amount if other amenities, such as urban furniture, are provided. In the event that a ramp is constructed, all elements provided may be removed.

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, that having considered the Revised Environmental Assessment Statement (EAS) for which the Revised Negative Declaration was issued on October 2, 2017 with respect to this application (CEQR No. 17DCP188X), the City Planning Commission finds that the action described herein will have no significant impact on the environment as described above, 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 200 of the New York City Charter, that based on the environmental determination and 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 No. 6a:

1. eliminating a Special Mixed Use District (MX-1) from property bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line; and
2. establishing a Special Harlem River Waterfront District (HRW) bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line;

Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated June 5, 2017.³

The above resolution (C 170413 ZMX), duly adopted by the City Planning Commission on October 4, 2017 (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.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., Vice Chairman

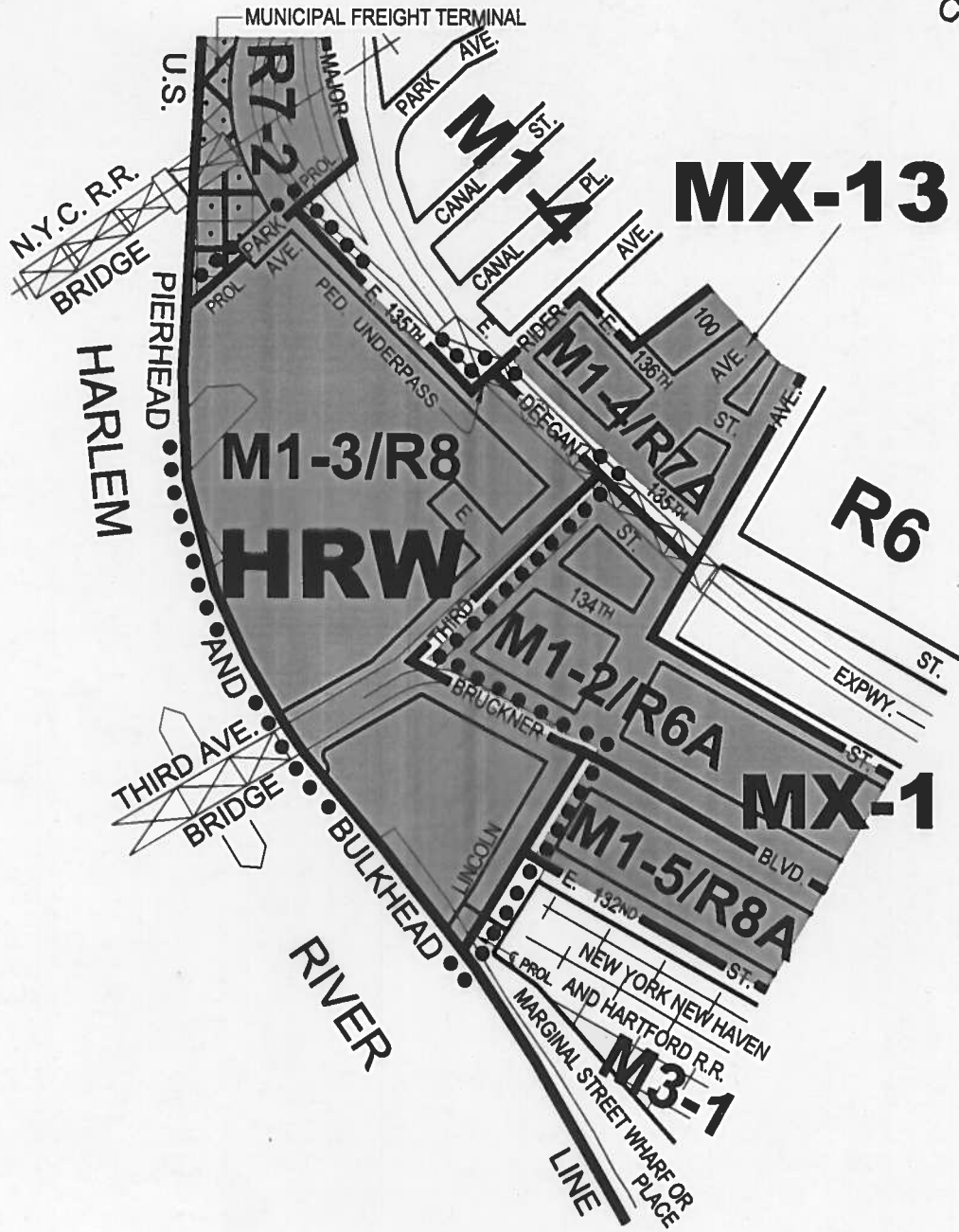
RAYANN BESSER, ALFRED C. CERULLO, III,

MICHELLE DE LA UZ, RICHARD W. EADDY,

CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARÍN, LARISA ORTIZ, *Commissioners*

³ Correction added to reflect the disposition of the CPC to resolve the zoning map action as described in the docket.



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

6a

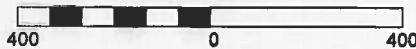
BOROUGH OF
BRONX



New York, Certification Date
JUNE 05, 2017

S. Lenard, Director
Technical Review Division

SCALE IN FEET



NOTE:

- Indicates Zoning District Boundary.
- The area enclosed by the dotted line is proposed to be rezoned by eliminating a Special Mixed Use District (MX-1) and by establishing a Special Harlem River Waterfront District (HRW).
- Indicates a C2-4 District.
- Indicates a Special Mixed Use District (MX-1).
- Indicates Special Harlem River Waterfront District (HRW).

Application #: C 170413 ZMX	Project Name: Special Harlem River Waterfront Distri
CEQR Number: 17DCP188X	Borough(s): Bronx Community District Number(s): 1

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C10000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by
NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

- eliminating a Special Mixed Use District (MX-1) from property bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line; and
- establishing a Special Harlem River Waterfront District (HRW) bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line;

as shown on a diagram (for illustrative purposes only) dated June 5, 2017.

Applicant(s): NYC Department of City Planning 120 Broadway, 31st Floor New York, NY 1027	Applicant's Representative: Carol Samol NYC Department of City Planning Bronx Office One Fordham Plaza Bronx, New York 10458
Recommendation submitted by:	
Date of public hearing:	Location: 3024 THIRD AVE, BRONX N.Y.
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
Date of Vote: JUNE 29, 2017	Location: 3024 THIRD AVE, BRONX N.Y.
RECOMMENDATION	
<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions
Please attach any further explanation of the recommendation on additional sheets, as necessary.	
Voting	
# In Favor: 10 # Against: 4 # Abstaining: 4 Total members appointed to the board: 34	
Name of CB/BB officer completing this form Cecilia L. Lofton	Title District manager
	Date 6/30/17

**BOROUGH PRESIDENT
RECOMMENDATION**

**CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
Fax # (212)720-3356**

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # C 170413 ZMX-Special Harlem River Waterfront District Expansion

DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION


COMMUNITY BOARD NO. 1 BOROUGH: BRONX

RECOMMENDATION

- APPROVE**
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- DISAPPROVE**

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary): PLEASE SEE ATTACHMENT FOR THE BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT


DATE

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 170413 ZMX
Special Harlem River Waterfront District Expansion**

DOCKET DESCRIPTION

IN THE MATTER OF AN application submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

1. Eliminating a Special Mixed Use District (MX-1) from property bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street, (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line; and
2. Establishing a Special Harlem River Waterfront District (SHRWD) bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line;

As shown on a diagram (for illustrative purposes only) dated June 5, 2017.

BACKGROUND

In 2009 the City Planning Commission established the Harlem River Waterfront District (SHRWD) in conjunction with the adoption of the Lower Concourse rezoning matter, (C 090303 ZMX). This area is located in Bronx Community District #1, The SHRWD is zoned R7-2/C2-4 & C4-4. Referred to as the "Core Subdistrict," the SHRWD includes the eastern shore of the Harlem River; East 149th Street on the north, Park Avenue on the south, Exterior Street and the Major Deegan Expressway on the east. The objectives sought by creating this district included:

- Creating new mixed use and new residential use districts
- Mapping a new voluntary Inclusionary Housing area
- Mapping new waterfront parkland
- Establishing a Waterfront Access Plan (WAP)
- Ensuring that future development guarantees waterfront views
- Encouraging streetscape elements that are compatible with the surrounding community
- Encouraging public access to the waterfront.

Approving this application will facilitate the expansion of the SHRWD to include blocks bounded by Park Avenue, East 135th Street (Exterior Street), the Third Avenue Bridge and the Harlem River, and the block bounded by Bruckner Boulevard, and Lincoln Avenue.

As per sections 62-80, the Waterfront Access Plan (WAP) would also be modified within the boundaries of this area to facilitate the general public access requirements of waterfront zoning; including the identification of locations and parameters for the configuration of shore public walkways, upland connections, supplemental public access areas and visual corridors. This expansion will be known as the South Subdistrict.

Key to establishing the South Subdistrict is to acknowledge the numerous site developments that will or may occur. In 2016, the city committed \$200 million for the improvement of infrastructure in the Lower Concourse neighborhood. Therefore, the Department of City Planning (the applicant) is proposing the expansion of the SHRWD in order that any development within the South Subdistrict be in compliance with the SHRWD. The specific objectives include:

- Three mapped Visual Corridors:
 - Connecting centerline of East 134th Street to the Shore Public Walkway's Supplemental Public Access Area
 - Connecting centerline of Canal Street West to the Shore Public Walkway's Supplemental Public Access Area
 - Connecting Park Avenue to the shoreline
- Mapped Upland Connections
 - Inside the South Subdistrict along the centerline of Canal Street West and the southwestern boundary of Parcel 12 (Block 2319, Lot 60)
- Supplement Public Access Areas
 - Inside South Subdistrict on Parcel 11 (Block 2319, Lot 55)
- Active Use Corridors
 - On specific building frontages active retail or community facility uses shall be provided only on corners at a required 50 feet minimum distance, on the intersection of buildings
 - To provide flexibility for manufacturing uses in the South Subdistrict, 50 percent of ground floor level street wall shall be exempt from underlying minimum transparency requirements.
- Resiliency Measures
 - To allow more flexibility and variety in resiliency measures, the aggregate width of street walls rule shall be realized and located within eight feet of the street line.
 - Building height may be measured from a reference plane 12 feet above curb level in building is raised more than four feet (ZR 64-336)

- Where no transparent materials or entrances or exits are provided on the ground floor level below a height of four feet, for a continuous width of at least 25 feet, one or more visual mitigation elements shall be provided on at least 50 percent of the blank wall where an active use or floor area is provided.

In addition to establishing an extension to the Core Subdistrict, approving this application will also amend the Harlem River Waterfront District (SHRWD)-Core Subdistrict. The objective is to:

- Promote new opportunities for residential and commercial development
- Encourage construction of affordable housing

Highlights of specific amendments will:

- Provide design flexibility on Parcel 1 (Block 2349, Lot 112) and allow a buildable floor plate by:
 - Relocating the required Supplemental Public Access Area on Parcel 1 (Block 2349, Lot 112) to align with the sewer easement
 - Change loading requirements on Parcel 1
 - Visual Corridor realignment
- Waterfront Access Plan
 - Changing the Shore Public Walkway (SPW) regulations by removing the two feet change of elevation allowing flexibility in design and resiliency measures. The SPW would still have to be constructed above the height of the Oak Point Rail Link track bed.
 - Changing the lowest level allowed for a Visual Corridor Plane
 - FDNY Turnaround encroachment on the SPW-increasing the number of such encroachments in to meet FDNY standards
- Changes to streetscape regulations to provide design flexibility
 - Alleviate strict wrapped use requirements on SHRWD parcels excepting Parcels 1 and 2 (Block 2349, Lot 112, 100 –that portion not mapped as parkland
 - Require active uses only on corners
 - Resiliency measures allowing more flexibility and variety in resiliency measures
- Provide for design flexibility and variety of building form to support construction of affordable housing and maximize view of the water from upland residences and upland areas.

A majority of the development within the proposed expansion of the SHRWD is typified by one and two story as well as mid-rise industrial buildings, the presence of an elevated viaduct of the Major Deegan Expressway and truss bridges linking Manhattan and The Bronx (the Third Avenue and 145th Street bridges), including an additional bridge over which the three divisions of Metro North Commuter Railroad operates. A dominant feature of this area is the 104-acre Harlem River Yard Transportation and Distribution Center. An additional feature of this area includes the Oak Point Rail Link. This single track-bed is located within the Harlem River, running parallel to the shoreline of The Bronx, from East 132nd Street, north to approximately East 167th Street. As such, this railroad infrastructure entirely cuts off access to the Harlem River, with the only exception being various “inlets” along the shoreline of Bronx County. So too, the Major Deegan Expressway serves as a “barrier” between the industrial scale development to its west and the residential communities of Port Morris and Mott Haven to the east.

Current construction and future development anticipated to impact this area and surrounding communities include:

- 101 Lincoln Avenue & 2401 Third Avenue: This market-rate development which has not yet commenced, if constructed would represent the most significant private sector investment in market-rate housing to be constructed anywhere in The Bronx, south of 149th Street in over 60 years. As planned, this development will be situated on the banks of the Harlem River and offer 1,300 units of rental housing. The projected investment for this project will approximate \$600 million.
- 425 Grand Concourse-285 affordable housing units: A high rise residential building (28 stories) which will also include space for a possible school, medical offices, a supermarket and cultural venues. Construction has not yet commenced.
- Development of Pier 5, a five acre vacant parcel of property located adjacent to East 149th Street on the south, between the Harlem River on the west and Exterior Street and the Major Deegan Expressway on the east, and Mill Pond Park to the North. This site may accommodate residential development which will offer approximately 1,000 units of affordable housing as well as destination venues for cultural and retail development. Finalized plans for construction on Pier 5 have not yet been formally adopted.
- Numerous residential buildings now under construction are located south of East 149th Street. These include sites on Gerard Avenue and on Exterior Streets. A major hotel originally planned to be constructed on the south side of East 149th Street and Exterior Street has been dropped.
- Non-residential development includes:
 - Expansion of Hostos Community College facilities in the vicinity of East 149th Street, between the Grand Concourse on the east and Exterior Street on the west

- The market place-retail and dining venues to be installed in the former post office building located on the northeast corner of the Grand Concourse at East 149th Street. Construction is now taking place in this landmarked building.

In addition to these projects, both planned and in construction, the State of New York's Department of Transportation has identified an exit of the Major Deegan Expressway located at East 138th Street as in need of reconstruction.

Residential development in this general area is typified by high-rise buildings as maintained by the New York City Housing Authority (NYCHA), mid-rise residences as well as one and two family homes.

Mass transit options are easily accessible and provide numerous options. These include the 2, 4, 5 and 6 trains and bus services that serve The Bronx and Manhattan. Access to the Major Deegan and Bruckner Expressways is available. Retail activity is situated on East 138th Street, East 149th Street, Willis Avenue, Lincoln Avenue, Third Avenue, Exterior Street and on the Grand Concourse at East 153rd Street, south to its terminus at East 138th Street.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application has been reviewed pursuant to SEQR and CEQR and received a Negative Declaration. The City Planning Commission certified this application as complete on June 5, 2017.

BRONX COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board #1 held a public hearing on this application on June 29, 2017. A vote recommending approval of this application was 10 in favor, four opposed and four abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President convened a public hearing on this matter on August 3, 2017. Representatives of the applicant were present in spoke in favor of this application. There being no other members of the public wishing to speak, the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

Throughout the history of New York City, its many miles of shoreline have always been an asset. During the first half of the 20th century much of this area was lined by all forms of industrial development. From slaughterhouses to ports of call for ocean liners, New York's waterfront was a necessary source of employment offering living wage jobs to thousands of people. Capitalizing on this use, Robert Moses considered the waterfront as ideal locations for the vast miles of highway and interstates that serve our city and the surrounding region. He built his roads to follow the shore thereby effectively "roping off" the waterfront from upland communities, but also minimizing the impact such infrastructure has on those communities.

By the second half of the 20th century, much of what defined our city's waterfront fell into disrepair and in some cases was simply abandoned. Piers rotted while residents shunned these areas due to their inaccessibility. Today, New Yorkers have reclaimed the waterfront as riverside parks boarded by gleaming towers and recreational venues are common in Manhattan, Brooklyn and Queens. Therefore it is certainly past-time for The Bronx to reclaim its waterfront, and approving this application is one additional step towards that end.

The expansion of the Special Harlem River Waterfront District (SHRWD) guarantees development is flood resilient, but it also provides for visual corridors. Through the installation of coordinated street furniture, it will invite people to explore their shoreline. Having said this, it is imperative that the visual and psychological impact of how the elevated sections of Major Deegan Expressway influence how people view the Harlem River shoreline, be given appropriate attention. As for example, Mill Pond Park located directly on the Harlem River is perhaps one of our borough's least utilized facilities. I attribute observation to the presence of the Major Deegan's viaduct. This dark and foreboding structure discourages folks from simply crossing Exterior Street to reach Mill Pond Park, because to do so means passing under the expressway. I hope with the eventual opening of the Bronx Children's Museum and the proposed development on the Lower Concourse North site, this blockade will be vanquished. Nonetheless, if the SHRWD expansion is to fulfill its goals, mitigating the impact of both the Major Deegan and Bruckner Expressways must be part of all future plans for the SHRWD. My first recommendation is the installation of proper LED lighting under the viaducts and consider how these areas can be transformed into destinations of their own.

I am also very pleased to note how development within the SHRWD will allow for highrise construction, while at the same time minimize the impact such construction will have within the adjacent area. This is accomplished by mandating setbacks that vary, based on both the height of the building as well as its distance from the waterfront and public pathways. Consequently, while the actual building height can rise as much as 400 feet, the impact of such a massive structure is mitigated by such setbacks. This assures that waterfront views are maximized and because affordable housing development often relies on "block and plank" construction, these setbacks make such construction possible.

I also suggest that commercial development within the SHRWD be such that people will seek out this area in significant numbers throughout most of the day and evening. A destination such as a museum that attracts visitors from throughout the region is ideal. So too, making certain that bicycle and pedestrian areas are properly designed rather than simply installed, will not only enhance their use, but will become an dispensable way by which people will commute.

I am very pleased to recommend approval of this application.