



## **CITY PLANNING COMMISSION**

December 19, 2005 / Calendar No. 5

C 050532 ZSX

**IN THE MATTER OF** an application submitted by BTM Development Partners, LLC and the Economic Development Corporation 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 sign regulations of Section 32-60 in connection with a proposed commercial development within a general large-scale development, on property generally bounded by East 149<sup>th</sup> Street, Gateway Center Boulevard/Major Deegan Expressway, and the Metro North Railroad (Block 2356, Lot 20, Block 2357, Lots 1 and 86, Block 2539, Lot 32 and p/o Lots 50 and 60, and the beds of portions of East 150<sup>th</sup> Street, Cromwell Avenue, and East 151<sup>st</sup> Street), in a C4-4 District, Borough of the Bronx, Community District 4.

The application for the special permit was filed by BTM Development Partners, LLC and the Economic Development Corporation, on June 20, 2005, to facilitate the development of an approximately 1 million square foot retail center, with approximately 2,610 parking spaces, and a 250 room hotel on an approximately 19 acres site in West Concourse, Community District 4, Borough of the Bronx.

### **RELATED ACTION**

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

C 050531 ZSX	Special Permit to modify height and setback regulations and allow the distribution of floor area without regard to zoning lot lines
C 050074 MMX	Changes to the City Map eliminating East 150 <sup>th</sup> Street between River Avenue and Exterior Street; East 151 <sup>st</sup> Street between River Avenue and Cromwell Avenue; and Cromwell Avenue between Exterior Street and the Metro North Rail Road tracks.
C 050529 ZMX	Zoning Map Amendment changing from an M2-1 manufacturing district to a C4-4 commercial district
C 050530 ZSX	Special Permit pursuant to ZR Section 74-512 to permit a public parking garage in excess of 150 spaces

C 050539 PPX           Disposition of City-owned property pursuant to zoning

## **BACKGROUND**

A full background discussion and project description appears in the related report for the grant of a special permit (C 050531 ZSX).

## **ENVIRONMENTAL REVIEW**

This application (C 050532 ZSX) in conjunction with the related actions (C 050531 ZSX, C 050074 MMX, C 050529 ZMX, C 050530 ZSX and C 050539 PPX), 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 04DME017X. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for the grant of a special permit (C 050531 ZSX).

## **UNIFORM LAND USE REVIEW**

This application (C 050532 ZSX) in conjunction with the related actions (C 050531 ZSX, C 050074 MMX, C 050529 ZMX C, C 050530 ZSX and C 050539 PPX), was certified as complete by the Department of City Planning on July 11, 2005, and was duly referred to Bronx Community Board 4 and the Bronx Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 4 held a public hearing on this application on September 14, 2005, and on that date, by a vote of 21 to 2 with 1 abstention, adopted a resolution recommending approval of the application with conditions:

A summary of the recommendation of Community Board 4 appears in the report on the related application for the grant of a special permit (C 050531 ZSX).

### **Borough President Recommendation**

This application was considered by the Bronx Borough who issued a recommendation approving the application with conditions on October 19, 2005.

A summary of the Borough President's recommendation appears in the report on the related application for the grant of a special permit (C 050531 ZSX).

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

On October 19, 2005 (Calendar No. 6), the City Planning Commission scheduled November 2, 2005 for a public hearing on this application (C 050532 ZSX). The hearing was duly held on November 2, 2005 (Calendar No. 31) in conjunction with the hearing on the related actions (C 050531 ZSX, C 050074 MMX, C 050529 ZMX, C 050530 ZSX and C 050539 PPX).

There were a number of speakers, as described in the report on the related application for the grant of a special permit (C 050531 ZSX), and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application, in conjunction with those for the related actions, (C 050531 ZSX, C 050074

MMX, C 050529 ZMX, C 050530 ZSX and C 050539 PPX), 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 28, 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 04-094.

A full discussion of the New York City WRP appears in the related report for the grant of a special permit (C 050531 ZSX).

### **CONSIDERATION**

The City Planning Commission believes that this special permit (C 050532 ZSX) is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for the grant of a special permit (C 050531 ZSX).

### **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-744(c) of the Zoning Resolution: that such modification will result in a better site plan.

### **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on October 8 2005, with respect to this application (CEQR No. 04DME017X), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and 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 the WRP policies; and be it further

**RESOLVED**, that the City Planning Commission, permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the sign regulations of Section 32-60 in connection with a proposed commercial development within a general large-scale development, on property generally bounded by East 149<sup>th</sup> Street, Gateway Center Boulevard/Major Deegan Expressway, and the Metro North Railroad (Block 2356, Lot 20, Block 2357, Lots 1 and 86, Block 2539, Lot 32 and p/o Lots 50 and 60, and the bed of portions of East 150<sup>th</sup> Street, Cromwell Avenue, and East 151<sup>st</sup> Street), in a C4-4 District, Borough of the Bronx, Community District 4 is approved subject to the following terms and conditions:

1. The property, that is the subject of this application, shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by the architecture firm of Greenberg Farrow, filed with this applications and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Date</u>
Z0.0E	Cover Page	12/9/05
Z1.0E	Area Map	12/9/05
Z1.1E	Zoning Maps, Existing/Proposed Zoning Diagrams	12/9/05
Z2.0E	Development Plan	12/9/05
Z2.1E	Development Plan	12/9/05
Z2.2E	Site Plan	12/9/05
Z2.3E	Curb Level Calculations	12/9/05
Z2.4E	Roof Plan and Yard Diagram	12/9/05
Z3.0E	Parking Plan	12/9/05
Z3.1E	Parking Plan	12/9/05
Z3.2E	Parking Plan	12/9/05
Z3.3E	Parking Plan	12/9/05
Z3.4E	Parking Plan	12/9/05
Z3.5E	Parking Plan	12/9/05
Z4.0E	Elevations	12/9/05
Z4.1E	Elevations	12/9/05
Z4.2E	Site Sections	12/9/05
Z5.0E	Zoning and Accessory Parking Calculations	12/9/05
Z5.1E	Height/Setback Diagrams	12/9/05
Z5.2E	Height/Setback Diagrams	12/9/05
Z6.0E	Signage Diagrams	12/9/05
Z6.1E	Signage Diagrams	12/9/05
Z6.2E	Signage Diagrams	12/9/05
Z6.3E	Signage Diagrams and Calculations	12/9/05
Z7.0E	Attachment #1 Site Survey	12/9/05
Z7.1E	Attachment #2 Site Survey	12/9/05
Z7.2E	Attachment #3 Site Survey	12/9/05
Z7.3E	Attachment #4 Site Survey	12/9/05
Z7.4E	Attachment #5 Site Survey	12/9/05

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
  
3. Such development shall conform to all applicable laws and regulations relating to its construction, operations and maintenance.

4. The development shall include those mitigative measures listed in the Final Impact Statement (CEQR No. 04DME017X) issued on December 8, 2005, (and identified as practicable) as follows:

## **HISTORIC RESOURCES**

The demolition of the historic buildings on the project site—Building B and the Bronx House of Detention—would constitute a significant adverse impact on historic resources. Measures to mitigate this impact are being developed in consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). The mitigation measures are anticipated to include retaining and reutilizing Building D for retail development in conjunction with the Proposed Project; reutilizing ornamental elements from the Bronx House of Detention within the River Avenue façade of the proposed Retail Building B/F as well as the plaza on River Avenue at the entrance to the southern passageway through the site; affixing a plaque to the side of Retail Building B near the plaza or incorporating one into the plaza design, describing the Bronx House of Detention’s significance as an example of WPA-era institutional architecture designed by Joseph Freeland; affixing a plaque to the side of Building D describing the history of the Bronx Terminal Market and its role in the development of terminal markets in the United States; and recording Buildings B and D and the Bronx House of Detention through a Historic American Buildings Survey (HABS)-level photographic documentation and accompanying narrative. Appendix E, “Correspondence,” includes a letter from OPRHP describing these mitigation measures. The mitigation measures developed with OPRHP would be recorded in either a Memorandum of Agreement (MOA) or Letter of Resolution (LOR) and implemented in order to partially mitigate the effects of the Proposed Project on historic resources. The construction of the off-site open space to be developed by the City with contributions from the project sponsor, which would occur by the Proposed Project’s 2009 Build year, would presumably require the demolition of Bronx Terminal Market Buildings F and G.

## **TRAFFIC AND PARKING**

The Proposed Project would result in significant adverse impacts at local intersections within the traffic study area and along sections of the Major Deegan Expressway near the project site. The sections that follow identify the traffic capacity and operational improvements needed at each location in order to mitigate traffic impacts.

As discussed in Chapter 16, “Traffic and Parking,” a total of 21 intersections were analyzed, 16 of which are or would be signalized, and the remaining 5 of which are unsignalized. The detailed analyses of mitigation measures indicated that significant adverse impacts on the local street network can be mitigated by standard traffic engineering improvements such as signal phasing and timing modifications, parking prohibitions, lane re-striping and intersection channelization improvements, and pavement markings in all but one location. These measures represent the standard range of traffic capacity improvements that have been proposed and implemented for numerous projects in the City. At one location—the multi-legged intersection of the northbound Major Deegan Expressway exit ramp, approach from the 145th Street Bridge, 149th Street, Exterior Street, and River Avenue—major measures, including ramp widening, would be needed to mitigate impacts. Figure 23-1 illustrates the proposed traffic mitigation measures at this

location. Significant traffic impacts were also identified for sections of the Major Deegan Expressway, and mitigation measures are identified here for those sections.

A summary of traffic mitigation measures needed at each significantly impacted intersection and highway location is provided below for the 2009 and 2014 Build years. In general, the measures needed for each year are nearly identical. Detailed analyses are contained in Appendix A.

Yankee Stadium parking facilities would be displaced by the Proposed Project. However, during Yankee regular season and post-season games, the Proposed Project's parking facilities would not fill to their capacity, and excess parking would be available for displaced Yankee Stadium parking activity. Excess parking capacity at the site is expected to accommodate displaced Yankee-game parking. Therefore, no mitigation would be required.

## **PROJECT-RELATED STREET IMPROVEMENTS**

Exterior Street, currently a wide, unstriped, cobblestone street with significant damage to the roadway surface, would be completely rebuilt with the Proposed Project. Upgrades include widening to two travel lanes per direction, a dedicated southbound left turn lane into the parking garage on the east side of Exterior Street, pavement resurfacing, crosswalks at exits and entrances to parking areas, traffic signals at parking garage driveways, lane striping, signage, upgraded lighting, and aesthetically pleasing streetscaping designs. River Avenue would be restriped with the Proposed Project to include crosswalks at 150th and 151st Streets and the proposed garage exit, two travel lanes per direction, shared left-turn/through lanes at 150th and 151st Streets, and streetscaping treatments. Motorists would experience improved levels of service before and after Yankee games along River Avenue due to the added capacity within the four-lane section between 149th and 151st Streets.

## **LOCAL STREET NETWORK**

2009

### *Grand Concourse and 149th Street*

Significant traffic impacts at this intersection can be mitigated by re-striping the northbound and southbound approaches to provide two 10-foot-wide through lanes and one 10-foot-wide shared through-right lane, and by signal timing modifications. These measures would mitigate impacts during all six analysis periods.

### *Grand Concourse and 161st Street*

Significant traffic impacts can be mitigated via the following set of measures: prohibiting parking on the north side of westbound 161st Street and restriping the westbound approach to provide one 14-foot-wide exclusive left turn lane and one 14-foot-wide shared through and right turn lane; restriping the eastbound 161st Street approach to provide one 12-foot-wide exclusive left turn lane, one 12-foot-wide through lane, and one 12-foot-wide shared through and right turn lane; and signal phasing and timing modifications. These measures would mitigate impacts during all analysis periods. For Saturday game day midday and PM peak hours, parking would also need to be prohibited on the west side of the southbound Grand Concourse service road.

### *Northbound Major Deegan Expressway Exit Ramp, 145th Street Bridge Approach, 149th Street, Exterior Street, and River Avenue*

This is the one intersection location at which major physical improvements would be needed for



mitigation. The geometry of this intersection would need to be modified by shifting the approach and receiving lanes closer to the heart of the intersection in order to reduce vehicular conflicts, shorten the distance vehicles need to pass through the intersection, and obtain a better overall transition of traffic from one street to another.

The following set of improvements would be needed: (1) widening the northbound exit ramp off of the Major Deegan Expressway to provide two 12-foot-wide travel lanes; (2) channelizing the southbound Exterior Street approach to provide an exclusive right turn lane onto the 145th Street Bridge, and restriping southbound Exterior Street to provide one 12-foot-wide exclusive left turn lane and one 12-foot-wide through lane, with parking prohibited along the west side of Exterior Street approaching this intersection; (3) restriping the eastbound approach from the 145th Street Bridge (leading onto 149th Street) including removal of a section of the raised concrete median barrier in order to provide two 12-foot-wide eastbound through lanes and one 11-foot-wide eastbound exclusive left turn lane, and two 12-foot-wide westbound receiving lanes on the bridge (8-foot-wide sidewalks would be maintained on each sidewalk along the bridge); (4) shifting the westbound 149th Street approach concrete divider 12 feet southward and restriping the westbound approach to the intersection to provide one 12-foot-wide westbound left turn lane, two 12-foot-wide westbound through lanes (as a result the eastbound and westbound exclusive left turn lanes would be directly aligned); (5) restriping northbound Exterior Street to provide two 12-foot-wide travel lanes; (6) rechannelizing the triangular-shaped concrete island that separates southbound Exterior Street and southbound River Avenue; and (7) signal phasing and timing modifications.

This set of improvements constitutes the primary mitigation option needed at this location. The proposed widening of the northbound Major Deegan Expressway exit ramp is also being studied by the New York State Department of Transportation (NYSDOT) as part of its ongoing studies of the Major Deegan Expressway. The realignment and rechannelization of the 149th Street corridor at this Exterior Street/River Avenue location is also being studied by the New York City Department of Design and Construction (NYCDDC) as part of its ongoing rehabilitation project for the 149th Street corridor in the Bronx, and reconstruction plans for the 145th Street Bridge are being proposed by the New York City Department of Transportation (NYCDOT).

Coordination and information sharing has been maintained with these three agencies throughout the conduct of this EIS's traffic studies. The agencies are aware of this project's need for mitigation improvements, and are working to include these mitigation measures within their overall area-wide improvements, or a modification of these measures that would achieve the same level of mitigation or better. All groups will continue to work together to ensure this result. This set of improvements would mitigate projected significant impacts during five of the six traffic analysis hours. During the Saturday game day PM peak hour (coinciding with peak departures from Yankee Stadium), additional measures would be needed: either deploying a traffic enforcement agent (also known as a traffic control officer) to optimize the provision of green time to all movements at this location, or installing an electronic signal controller capable of operating with a three permitted-phase timing plan.

#### *River Avenue and 151st Street*

Significant traffic impacts projected for the weekday PM peak hour on non-game days can be mitigated via signal timing modifications. Significant traffic impacts projected for Saturday PM peak hour conditions on game days would require enforcement of existing parking prohibitions on the north side of westbound 151st Street approaching the intersection and deployment of a

traffic enforcement agent to override the existing signal phasing and timing plan.

*River Avenue and 153rd Street*

Significant traffic impacts projected for the weekday PM peak hour on non-game days can be mitigated via signal timing modifications. Significant traffic impacts projected for weekday PM, Saturday midday, and Saturday PM peak hour conditions on a game day can be mitigated by enforcing existing parking restrictions on the northbound River Avenue approach to the intersection; for the Saturday PM peak hour conditions, signal timing modifications would also be needed.

*River Avenue and 161st Street*

This intersection is expected to be significantly impacted in all six peak hours analyzed. It would be necessary to prohibit parking on the east side of northbound River Avenue and to offset the centerline of River Avenue—providing two 11-foot-wide northbound lanes south of 161st Street (with 16 feet available for southbound traffic in one wide travel lane) and two 11-foot-wide southbound lanes north of 161st Street (with 16 feet available for northbound traffic in one wide travel lane)—and a transitional striping plan that allows for left turns onto 161st Street in both directions. This set of mitigation measures would mitigate projected impacts during five of the six traffic analysis hours. During the Saturday game day PM peak hour, when southbound River Avenue traffic is limited to right turns after the Yankee game, significant traffic impacts can be mitigated by allowing southbound right turns to use both the 161st Street westbound receiving service road and the main road, and installing signage and cones to direct southbound right-turning traffic to the two sets of receiving lanes.

*Jerome Avenue and 161st Street*

Two physical improvements would be needed to mitigate significant traffic impacts: (1) re-striping the northbound approach from its current configuration with an exclusive left turn lane, a through lane, and a through-right lane, to a new configuration with a left-through lane, a through lane, and an exclusive right turn lane each with 11-foot widths; and (2) shifting the southbound centerline five feet to the west by reducing the parking lane width along the southbound approach from its current 13-foot width to an 8-foot width in order to achieve a better transition for northbound traffic movements. These improvements would be needed to mitigate significant traffic impacts in the weekday PM peak hour and Saturday peak hour on non-game days and in the weekday PM peak hour on game days, but these physical changes would be in place permanently for all conditions. Signal timing modifications would also be needed for weekday PM peak hour conditions on non-game days.

*Major Deegan Expressway Northbound Ramp and Service Road, and 157th Street*

Physical changes and signal timing modifications would be needed for two of the traffic analysis hours, and would therefore be installed and operational for all traffic conditions. These involve the modification of the operation of the intersection to allow both the northbound service road and the northbound Major Deegan Expressway exit ramp to operate within the same signal phase, and installing lane striping and signage, and a lane transition plan, on the northbound “receiving side” of the intersection.

*Macombs Place and 155th Street*

A reduction in the number of signal phases and signal timing modifications would be needed to mitigate significant traffic impacts at this location during all six traffic peak hours analyzed.

### *Lenox Avenue and 145th Street*

Signal timing modifications would be needed to mitigate significant traffic impacts for weekday PM and Saturday midday peak hour conditions on non-game days and for weekday PM and Saturday PM peak hour conditions on game days.

### *River Avenue and 150th Street*

In order to mitigate significant traffic impacts on game days (during all three traffic analysis peak hours), it would be necessary to prohibit parking on the north side of the westbound 150th Street approach to the intersection and to re-stripe this approach to provide one 11-foot-wide exclusive left turn lane and one 11-foot-wide shared right-through lane. These physical street modifications would be in-place and workable for all conditions.

### *2014*

With the exception of the measures noted below, traffic capacity improvements needed to mitigate significant impacts under 2014 Build conditions are identical to those described above for 2009 Build conditions. In addition, at some locations, further signal timing shifts would be needed under year 2014 Build conditions.

### *River Avenue and 153rd Street*

It would also be necessary to enforce existing parking restrictions on the southbound River Avenue approach to the intersection on game days in the weekday PM peak hour and the Saturday PM peak hour.

## **IMPLEMENTATION**

Each of the traffic engineering improvements described above require the approval of NYCDOT. These improvement measures fall within the range of typical measures employed by NYCDOT in improving traffic conditions in all parts of the City. Approval may also be needed from the New York Police Department (NYPD) for locations requiring enforcement of parking prohibitions since such enforcement activity is typically within the purview of NYPD.

## **MAJOR DEEGAN EXPRESSWAY**

The simulation analyses of existing and projected future conditions along the Major Deegan Expressway also identified significant impacts resulting from the Proposed Project at two locations: the northbound Major Deegan Expressway approaching Exit 4 (149th Street) and the southbound Major Deegan Expressway approaching the exit ramp at 161st Street at Exits 5 and 6. These impacts would occur as a result of the retail development, which is expected to be in place by 2009; impacts requiring mitigation would be similar for 2014 Build conditions. For the northbound Major Deegan Expressway approaching 149th Street, widening of the exit ramp would be needed in order to mitigate impacts at the local street intersection of the northbound exit ramp with 149th Street, Exterior Street, River Avenue, and the 145th Street Bridge approach to the intersection. In order to fully mitigate conditions along the northbound Major Deegan Expressway, the simulation analysis indicates that it would also be necessary to widen the approach to the exit ramp in order to provide a deceleration lane leading to the exit ramp. NYSDOT has indicated its interest in improving the conditions by widening the exit ramp, but it is uncertain at this time whether NYSDOT would also be able to create a widening along the highway mainline to provide a fully acceptable deceleration lane. The developers and traffic consultants are working with NYSDOT to provide full mitigation, but it is possible that only

partial mitigation of the potential impacts at the northbound exit would be accomplished by 2009. It is also possible that should the New York Yankees continue their efforts to relocate Yankee Stadium from its current location to a new site on the north side of 161st Street, as the team has proposed, that a significant volume of Yankee game traffic that currently exits the Major Deegan Expressway at 149th Street, would in the future exit further north at 161st Street (to gain direct access to new parking facilities expected to be built ringing the new Stadium). This potential change in traffic patterns would reduce the potential for impacts at 149th Street and possibly reduce or eliminate the need to complete any mainline widening for a deceleration lane. In the interim, the ramp widening can be accomplished and the need for mainline widening can be monitored before such measures are designed and built.

For the southbound Major Deegan Expressway approaching 161st Street (Exit 6), during game day peak periods, it would be necessary to channelize the right-most travel lane so it can serve as an exclusive deceleration lane to the exit. This channelization can be accomplished by coning off this lane starting approximately 1,000 feet upstream of the exit diverge, which would reduce friction between exiting vehicles and traffic staying on the southbound Major Deegan Expressway by effectively restricting Major Deegan Expressway traffic to the two left-most lanes.

**STREET-LEVEL PEDESTRIAN OPERATIONS**

The Proposed Project is expected to result in a significant adverse impact to the operations of the north crosswalk at 149th Street and River Avenue. The No Build LOS A is projected to decrease to a Build LOS D (below 20 SFP). The potential impact could be mitigated by widening the north crosswalk by five feet to a total width of 16 feet. Accounting for the proposed geometry improvements and signal retiming which would be done in conjunction with the traffic mitigation at this intersection, an additional eight foot widening for a total crosswalk width of 24 feet would be required. As shown in Table 23-1, this widening would mitigate the potential impact so that the north crosswalk would operate at LOS D (20 SFP) or better during all analysis peaks.

**Table 23-1  
No Build and Build Conditions: Crosswalk Mitigation**

Intersection	Crosswalk	Width (feet)	2014 No Build Condition		2014 Build Condition		Mitigated Condition		
			SFP	LOS	SFP	LOS	Width	SFP	LOS
<b>Non-Game Day Saturday Midday Peak Period</b>									
149th Street & River Avenue	North	11	<u>85</u>	<u>A</u>	<u>10</u>	<u>E</u>	<u>24</u>	<u>20</u>	<u>D</u>

5. All leases, subleases, or other agreements for use of occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
  
6. Upon the failure of any party having any right, title or interest in the property that is subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of

this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit and authorization hereby granted, the City Planning Commission may, without the consent of any party, revoke any portion of or all of said special permit and authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or any other agency of government, or any private person or entity. Any such failure as stated above as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit and authorization hereby granted or of the attached restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit and authorization.

The above resolution (C 050532 ZXS), duly adopted by the City Planning Commission on December 19, 2005 (Calendar No. 5), 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**, AICP, Chair  
**KENNETH J. KNUCKLES**, ESQ., Vice Chairman  
**ANGELA M. BATTAGLIA**, **IRWIN G. CANTOR**, P.E., **ANGELA R. CAVALUZZI**, R.A.,  
**ALFRED C. CERULLO, III**, **RICHARD W. EADDY**, **JANE D. GOL**, **LISA A. GOMEZ**,  
**CHRISTOPHER KUI**, **DOLLY WILLIAMS**, Commissioners

**KAREN A. PHILLIPS** Commissioner, **RECUSED**