



## **CITY PLANNING COMMISSION**

February 22, 2006 / Calendar No. 17

C 060149 ZSX

**IN THE MATTER OF** –an application submitted by the Department of Parks and Recreation and the Economic Development Corporation pursuant to Sections 197-c and 200 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a 4-story public parking facility with a maximum capacity of 949 spaces, to allow some of such spaces to be located on the roof, and to allow floor space up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), on property located at East 151<sup>st</sup> Street between River Avenue and Gerald Avenue (Block 2354, Lots 20 and 65 and a demapped volume of East 151<sup>st</sup> Street), in an M1-2 District, Borough of the Bronx, Community District 4.

The application for the Special Permit was filed by the Department of Parks and Recreation and the New York City Development Corporation, on September 21, 2005, to facilitate the development of a new Yankee Stadium on portions of Macombs Dam and John Mullaly parks immediately north of the existing Yankee Stadium, four new parking garages and replacement park land, Community District 4, Borough of the Bronx.

### **RELATED ACTIONS**

In addition to approval of 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 060145 PPX	Disposition of City-owned property
C 060146 PPX	Disposition of City-owned property
C 060147 PPX	Disposition of City-owned property
C 060148(A) MCX	Major concession to allow for operation of a new tennis facility on a waterfront parkland
C 060144 PCX	Acquisition of interest in the stadium property
C 060056 MMX	City map amendment establishing a new park on the site of the existing Yankee Stadium between 161 <sup>st</sup> Street 157 <sup>th</sup> Street and River Avenue including former Ruppert Place

- C 060057 MMX City map amendment establishing a new park along the Harlem River waterfront from slip 2 through slip 4 at the site of the former Bronx Terminal Market
- C 060058 MMX City map amendment establishing a new park on two City-owned parcels located at River Avenue and 157<sup>th</sup> Street.
- C 060059 MMX City map amendment eliminating a portion of Jerome Avenue between Macombs Lane and East 164 Street, a portion of East 161<sup>st</sup> Street between River Avenue and Macombs Lane, establishing a new park on these portions of streets and establishing a new park in the bed of the former East 162<sup>nd</sup> Street.
- C 060150 ZSX Special Permit to waive a required rear yard in a proposed public parking garage

## **BACKGROUND**

A full background discussion and project description appears in the related report for an amendment to the City Map (C 060059 MMX).

## **ENVIRONMENTAL REVIEW**

This application (C 060149 ZSX) in conjunction with the related actions (C 060145 PPX, C 060146 PPX, C 060147 PPX, C 060148(A) MCX, C 060144 PQX, C 060056 MMX, C 060057 MMX, C 060058 MMX, C 060059 MMX, and C 060150 ZSX), 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 05DPR006X. The lead agency is the Department of Parks and Recreation.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for an amendment to the City Map (C 060059 MMX).

## **UNIFORM LAND USE REVIEW**

This application (C 060149 ZSX) in conjunction with the related actions (C 060145 PPX, C 060146 PPX, C 060147 PPX, C 060148 MCX, C 060144 PQX, C 060056 MMX, C 060057 MMX, C 060058 MMX, C 060059 MMX, and C 060150 ZSX), was certified as complete by the Department of City Planning on September 26, 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 November 22, 2005, and on that date, by a vote of 16 to 8 with 5 abstentions, adopted a resolution recommending disapproval of the application.

### **Borough President Recommendation**

This application was considered by the Bronx Borough President who issued a recommendation approving the application with conditions on December 22, 2005.

A summary of the Borough President's recommendation appears in the report on the related application for an amendment to the City Map (C 060059 MMX).

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

On December 19, 2005 (Calendar No. 20), the City Planning Commission scheduled January 11, 2006 for a public hearing on this application (C 060149 ZSX). The hearing was duly held on January 11, 2005 (Calendar No. 48) in conjunction with the hearing on the related actions (C 060145 PPX, C 060146 PPX, C 060147 PPX, C 060148 MCX, C 060148(A) MCX,

C 060144 PQX, C 060056 MMX, C 060057 MMX, C 060058 MMX, C 060059 MMX, and C 060150 ZSX).

There were a number of speakers, as described in the report on the related application for an amendment to the City Map (C 060059 MMX), and the hearing was closed.

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

This application, in conjunction with those for the related actions, (C 060145 PPX, C 060146 PPX, C 060147 PPX, C 060148(A) MCX, C 060144 PQX, C 060056 MMX, C 060057 MMX, C 060058 MMX, C 060059 MMX, and C 060150 ZSX), 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 05-019.

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

### **CONSIDERATION**

The City Planning Commission believes that this grant of a special permit 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 an amendment to the City Map (C 060059 MMX).

## FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-512 of the Zoning Resolution:

- (a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby #residential# areas;
- (c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;
- (d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
- (e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 10, 2006, with respect to this application (CEQR No. 05DPR006X), 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 Alternative Park Plan set forth in the FEIS is the one which minimize or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the FEIS with respect to the Alternative Park Plan 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 pursuant to Sections 197-c and 200 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the

Zoning Resolution to allow a 4-story public parking facility with a maximum capacity of 949 spaces, to allow some of such spaces to be located on the roof, and to allow floor space up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), on property located at East 151<sup>st</sup> Street between River Avenue and Gerald Avenue (Block 2354, Lots 20 and 65 and a demapped volume of East 151<sup>st</sup> Street), in an M1-2 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 engineering firm of STV Incorporated, filed with this applications and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Date</u>
	Attachment 2 Site Plan	09/14/05
1	Attachment 6 Parking Plans	09/19/05
2	Attachment 6 Parking Plans	09/19/05
3	Attachment 6 Parking Plans	09/19/05
	Attachment 5 Encroachment Diagram	09/14/05

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 Notice of Completion for

the FEIS with respect to the Alternative Park Plan, inclusive of the mitigations set forth in Chapter 21 of the FEIS applicable thereto, that are summarized in the FEIS Executive Summary attached as Exhibit A hereto.

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 060149 ZSX), duly adopted by the City Planning Commission on February 22, 2006 (Calendar No. 17), 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, ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III, RICHARD W. EADDY, JOHN MEROLO, KAREN A. PHILLIPS, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI, DOLLY WILLIAMS**, Commissioners

**IRWIN G. CANTOR**, P.E, Commissioner **RECUSED**