



## **CITY PLANNING COMMISSION**

October 19, 2009, Calendar No. 2

C 090237 MMX

**IN THE MATTER OF** an application submitted by the New York City Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of West 195<sup>th</sup> Street between Reservoir Avenue and Jerome Avenue;
- the adjustment of legal grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 7, Borough of The Bronx, in accordance with Map No. 13127, dated May 11, 2009, and signed by the Borough President.

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The application (C 090237 MMX) for an amendment to the City Map was filed by the New York City Economic Development Corporation on December 10, 2008, in order to facilitate future redevelopment on the adjacent property.

### **RELATED ACTIONS**

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

**C 090437 ZMX:** Amendment to the Zoning Map, Section 3c, to rezone an R6 district to a C4-4, to facilitate the construction of approximately 600,000 square feet of retail, entertainment, and community facility uses.

**C 090438 PPX:** Disposition of City-owned property.

**C 090236 MMX:** Amendment to the City Map involving the elimination, discontinuance and closing of a portion of Reservoir Avenue and West Kingsbridge Road.

## **BACKGROUND**

A full background discussion and description of this application appears in the report on the related application for the Zoning Map Amendment (C 090437 ZMX).

## **ENVIRONMENTAL REVIEW**

This application (C 090237 MMX), in conjunction with the applications for the related actions (C 090437 ZMX, C 090438 PPX, and C 090236 MMX), 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 08DME004X. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding.

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on September 2, 2008, and distributed, published and filed. A summary of the environmental review process and the Final Environmental Impact Statement (FEIS) appears in the report on the related application for the Zoning Map Amendment (C 090437 ZMX).

## **UNIFORM LAND USE REVIEW**

This application (C 090237 MMX), in conjunction with the applications for the related actions (C 090437 ZMX, C 090438 PPX, and C 090237 MMX), was certified as complete by the Department of City Planning on May 18, 2009, and was duly referred to The Bronx Community Board 7 and The Bronx Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

## **Community Board Public Hearing**

Community Board 7 held a public hearing on this application (C 090237 MMX), in conjunction with the applications for the related actions (C 090437 ZMX, C 090438 PPX, and C 090236 MMX), on June 24, 2009, and on July 14, 2009, by a vote of 27 in favor, 0 against, and 1 abstaining, adopted a

resolution recommending approval with conditions. A full discussion of the Community Board 7 resolution appears in the report on the related application for the Zoning Map Amendment (C 090437 ZMX).

### **Borough President Recommendation**

This application (C 090237 MMX), in conjunction with the applications for the related actions (C 090437 ZMX, C 090438 PPX, and C 090236 MMX), was considered by the Borough President of The Bronx, who issued a recommendation on September 4, 2009 to disapprove the application. A full discussion of The Bronx Borough President's resolution appears in the report on the related application for the Zoning Map Amendment (C 090437 ZMX).

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

On August 19, 2009 (Calendar No. 6), the City Planning Commission scheduled September 9, 2009 for a public hearing on this application (C 090237 MMX). The hearing was duly held on September 9, 2009 (Calendar No. 27) in conjunction with the public hearings for the related actions (C 090437 ZMX, C 090438 PPX, and C 090236 MMX).

There were a number of speakers as described in the report on the related application for the Zoning Map Amendment (C 090437 ZMX), and the hearing was closed.

### **CONSIDERATION**

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

A full consideration of the issues and reasons for approving this application appears in the report on the related application for the Zoning Map Amendment (C 090437 ZMX).

### **RESOLUTION**

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

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on October 1, 2009, with respect to this application (CEQR No. 08DME004X), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

- 1) Consistent with social, economic and other essential considerations, 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 disclosed in the Final Environmental Impact Statement 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 this decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 090237 MMX) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of West 195<sup>th</sup> Street between Reservoir Avenue and Jerome Avenue;
- the adjustment of legal grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 7, Borough of The Bronx, in accordance with Map No. 13127, dated May 11, 2009, and signed by the Borough President, is approved; and be it further

**RESOLVED** that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

**RESOLVED** that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 13127, dated May 11, 2009, providing for the discontinuance and closing of a portion of West 195<sup>th</sup> Street, more particularly described as follows:

Starting at a Point of Beginning located at the intersection of the former southerly street line of West 195<sup>th</sup> Street and the westerly line of Jerome Avenue, said Point being 374.180 feet north of the intersection of the northerly street line of West Kingsbridge Road and the westerly street line of Jerome Avenue, as said streets are shown on Map No. 13127, dated May 11, 2009;

- 1) Thence, running westerly 665.851 feet, along the former southerly line of West 195<sup>th</sup> Street, discontinued and closed, to a point on the easterly line of Reservoir Avenue;
- 2) Thence, running northerly 20.093 feet, along a line which forms an interior angle of 84 degrees, 29 minutes, and 57.9 seconds with the previously mentioned course, to a point;
- 3) Thence, running easterly 663.925 feet, along a line which forms an interior angle of 95 degrees, 30 minutes, and 02.1 seconds with the previously mentioned course, to a point;
- 4) Thence, running southerly 20.00 feet, along a line which forms an interior angle of 90 degrees, 00 minutes, and 00 seconds with the previously mentioned course, to the Point of

Beginning.

Said land contains an area of 13,298 square feet or 0.305 acres, more or less; and be it further

**RESOLVED** that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13127 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter;
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 090237 MMX), duly adopted by the City Planning Commission on October 19, 2009 (Calendar No. 2), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair,**  
**ANGELA M. BATTAGLIA, RAYANN BESSER,**  
**IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, BETTY Y. CHEN,**  
**RICHARD W. EADDY, NATHAN LEVENTHAL, Commissioners**

**KENNETH J. KNUCKLES, ESQ., Vice Chairman,**  
**ANNA HAYES LEVIN, SHIRLEY A. McRAE, KAREN A. PHILLIPS,**  
Commissioners, voting no

**MARIA M. DEL TORO, Commissioner, recusing**