



CITY PLANNING COMMISSION

December 19, 2005 / Calendar No. 4

C 050531 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 74-743(a) of the Zoning Resolution to modify the height and setback regulations of Section 33-40 and to allow the distribution of the total allowable floor area without regard for zoning lot lines to facilitate a commercial development within a general large-scale development, on property generally bounded by East 149th 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 150th Street, Cromwell Avenue, and East 151st 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 approval of the special permit for bulk modifications, 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:

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| C 050529 ZMX | Zoning Map amendment changing from an M2-1 manufacturing district to a C4-4 commercial district |
| C 050074 MMX | Changes to the City Map eliminating East 150 th Street between River Avenue and Exterior Street; East 151 st Street between River Avenue and Cromwell Avenue; and Cromwell Avenue between Exterior Street and the Metro North Rail Road tracks. |
| C 050530 ZSX | Special Permit pursuant to ZR Section 74-512 to permit a public parking garage in excess of 150 spaces |
| C 050532 ZSX | Special Permit pursuant to ZR Section 74-744 for signs otherwise |

not permitted

C 050539 PPX

Disposition of City-owned property pursuant to zoning

BACKGROUND

The New York City Economic Development Corporation (EDC), Department of Small Business Services (DSBS), Department of Citywide Administrative Services (DCAS) and BTM Development Partners LLC have submitted applications to facilitate the construction of an approximately one million square foot, multi-building, multi-level, regional retail center with approximately 2,610 parking spaces and a hotel in the West Concourse neighborhood of the Bronx.

The project site is bordered by the Metro North Railroad on the north, River Avenue on the east, East 149th Street on the south and the Major Deegan Expressway to the west. The northern portion of the project site is separated from the rest of the project site by Ramp A, an off-ramp from the Major Deegan Expressway. The site is comprised of Tax Block 2356, Lot 20; Block 2357 Lots 1 and 86; Block 2539, Lots 32, p/o 50 and p/o 60; as well as portions of East 150th Street, East 151st Street and Cromwell Avenue, which run through the site. The latter two streets are mapped but not built to their full extent through the site.

The site is currently occupied by the Bronx Terminal Market, a wholesale food market with approximately 23 merchants and approximately 297 employees, and the Bronx Men's House of Detention, which is currently not in use. Many of the buildings in the Bronx Terminal Market are vacant or underutilized and in poor condition.

History

The Bronx Terminal Market first opened in the late 1910's and during the 1930's the market was expanded. With the expansion, the market became financially successful and a receiving point for the City's produce. In 1972, a private entity acquired a 99-year lease for the Bronx Terminal Market. Since that time, the market has been underutilized and fallen into disrepair. In 1991, the City filed a lawsuit against the lessee over poor management of the market, unsanitary conditions and illegal dumping on the site. In 1993, the City sought to condemn the lease. The Bronx Men's House of Detention (formerly the Bronx County Jail) was constructed in 1938 as a WPA project. An addition to the rear façade of the building was constructed in 1963. The facility does not currently house an inmate population.

Context and Zoning

Immediately north of the project site across the Metro North Railroad tracks is an elevator manufacturing company and parking for Yankee Stadium. Yankee Stadium and Macombs Dam Park are further north of the parking area. To the east, across River Avenue are several industrial buildings and parking for Yankee Stadium. Further to the east is a residential neighborhood with a mix of 1 and 2-family homes and small apartment buildings. To the south is a manufacturing area with warehouses and other low-intensity industrial uses. To the west of the project site across the Major Deegan Expressway there are additional Bronx Terminal Market buildings. These buildings, like those in the project area, are underutilized and in poor condition. Beyond the market buildings are the Harlem River and Manhattan.

The site is currently zoned M2-1, which permits moderate intensity manufacturing uses and limited commercial uses (Use Groups 6-18) with a maximum FAR of 2.00. The M2-1 district is bounded by East 157th Street and East 151st Street to the north, River Avenue to the east, the

Bulkhead/ Pierhead line in the Harlem River to the west and extends south along the shore line to the Port Morris neighborhood. To the north and east are M1-1 and M1-2 light-manufacturing districts.

Project Description

The proposed project is a multi-building, multi-level regional retail center. The project, as certified, included on the parcel west of the Major Deegan Expressway an approximately 140,000 square foot retail building, a 344 space parking garage, a two-acre waterfront open space and an esplanade. This part of the project was eliminated from the proposal and the applications pertaining to it (C 050533 ZSX, C 050534 ZSX, N 050535 ZAX, N 050536 ZAX, N 050537 ZCX) were withdrawn. The property eliminated from this proposal (Block 2539, Lot 20 and part of Lot 2) is proposed to be subsequently mapped as parkland as part of the Yankee Stadium project.

The proposed Gateway Center would consist of six buildings on an approximately 19 acre site. The project site would be consolidated by the de-mapping of portions of three streets, East 150th Street, Cromwell Avenue and East 151st Street. On the site would be two large retail buildings connected by a six-level parking garage. The retail buildings would be three-story and four-story retail buildings, respectively. These three buildings would function as one, and each level of the garage would correspond to one level of retail. The retail would be connected to the parking levels by bridges. There would be several entrances/exits to the parking garage from Exterior Street and River Avenue. An “Interior Street” is proposed to connect Exterior Street to River Avenue and would serve as the main pedestrian throughway. It would also provide entrances and exits for the parking but would not serve as a vehicular through street. The north

end of the project would have a 250 room hotel with 225 as-of-right parking spaces with vehicular and pedestrian access off of Exterior Street. The south end of the project would have small scale retail buildings.

The four-story “South Retail” building would contain approximately 421,663 sq. ft. and have three levels along River Avenue and four levels along Exterior Street due to the sloping topography of the site. The lower level would contain 256 at-grade parking spaces. The South Retail building would have small-scale retail on Exterior Street below three-levels of large-scale retail. The pedestrian access to the small-scale retail on Exterior Street would be elevated approximately five feet due to the flood plain requirements in this area. The elevated area would be accessed from stairs and ramps on Exterior Street. The River Avenue frontage of this building has no direct retail entrances and would be animated with display windows and architectural elements from the Bronx Men’s House of Detention. The three-levels of large-scale retail would be accessed via a galleria fronting on the private interior street with access from the pedestrian bridges to the garage to the north. Interior Street would serve as a driveway to the garage as well as a direct pedestrian connection through the project site by connecting River Avenue to Exterior Street across an almost 30 foot grade change. At the intersection of the private interior street and River Avenue would be a pedestrian plaza, which would serve as a gathering place and major pedestrian entrance to the project. The design for the plaza would include street tree plantings and architectural elements from the Bronx Men’s House of Detention. The at-grade parking would be accessed from Exterior Street via the interior street. This building rises to a height of between 94 feet and 134 feet and 2 inches along the Exterior Street frontage without providing the full initial required setback at 60 feet. The encroachments into the required 15 foot set back k along this frontage vary from 3 feet 7 inches to 7 feet. Along

the River Avenue frontage, the building height varies between 72 feet 7 inches and 97 feet 2 inches and the encroachments into the initial setback vary from 5 feet 8 inches to 14 feet 6 inches. At one location on both River Avenue and along Exterior the building encroaches into the sky exposure plane.

The garage will have six levels of parking with approximately 2,342 self-parking spaces. The garage would have vehicular access from Exterior Street via the 37 foot 6 inch wide interior street, which would provide access to two different levels of the garage. The western most entrance would provide access to the first level of the garage. This entrance would have 18 reservoir spaces. The eastern entrance would provide access to the second level. There would also be an exit from the garage via the interior street leading to a 23 foot 3 inch curb cut at River Avenue. However, the entrance and the exits along the interior street would be separated by a curb close to River Avenue. As such the interior street would not be open to through traffic.

The River Avenue entrance to the garage would provide vehicular access to level two and level three via ramps at the northern end of the garage building. This entrance with a 23 foot wide curb cut at River Avenue would provide 33 reservoir spaces. The ramp to level three would provide pedestrian access to the garage and the North Retail building from River Avenue. An exit from the garage to Exterior Street via a 35 foot 11 inch curb cut is located at the northwest corner of the Garage on the first level.

The garage would contain 21,117 sq. ft. of retail on Exterior Street and 7,991 sq. ft. of retail on River Avenue. The retail on Exterior Street would be configured similarly to the small-scale retail in the South Retail building, due to the flood-plain regulations in this area. The retail on River Avenue would be at street level and have direct pedestrian access from River Avenue.

The garage building rises to a height of 81 feet 5 inches along River Avenue without an initial required set back at 60 feet and encroaches into the initial set back by 3 feet 1 inch. It also encroaches into the sky exposure plane at one location. Along Exterior Street the building rises to a height of 95 feet 2 inches at its highest point and encroaches into the initial required setback at 60 feet by 2 feet 8 inches.

The “North Retail” building, located north of the Garage, is a sixty-foot tall, three-story building with approximately 452,585 sq. ft., and would be accessed from the pedestrian bridges from the garage and Exterior Street. The ground floor of this building will contain a large retail establishment with an entrance on Exterior Street. There will be no direct entrance from River Avenue because Metro North Railroad tracks abut the site to the east.

At the southern end of the proposed project an existing 19,886 square foot, two-story market building known as the Prow Building would be renovated into a retail building. The Prow Building would have sidewalks on all sides and a small plaza to the south at the intersection of East 149th Street, River Avenue and Exterior Street. To the north of the Prow Building, the bed of East 150th Street would be de-mapped and would provide access and parking to the adjacent retail buildings.

On the north side of the de-mapped East 150th Street would be a new one-story retail building of approximately 7,158 sq. ft. This building would have retail frontages on Exterior Street, the de-mapped 150th Street and River Avenue. To the north of this building is a two-level loading area with access off of Exterior Street and River Avenue. The loading areas would be screened by walls with planters and decorative features.

North of the North Retail building would be a 250 room hotel with approximately 247,500 sq. ft., including a 30,000 sq. ft. banquet facility and as-of-right accessory parking for 225 vehicles. The hotel would be accessed from Exterior Street.

Requested Actions

The project requires the following actions: a zoning map and City map amendment; special permits under the General Large-Scale Development regulations including height and setback waivers, distribution of floor area, yard waivers and permitting signs not otherwise allowed; a special permit allowing a parking garage with over 150 spaces; and disposition of city-owned property.

Zoning Map Amendment (C 050529 ZMX)

The applicants are seeking a zoning map amendment from an M2-1 zoning district to a C4-4 zoning district to facilitate the development. The existing M2-1 does not permit large-scale retail development. The proposed C4-4 zoning district allows a wide range of commercial uses and residential uses (Use Groups 1-6, 8-10 and 12). Industrial uses are not allowed. The maximum FAR for commercial uses is 3.40, 3.44 for residential uses and 6.50 for community facility uses. The proposed zoning would extend to the Harlem River bulkhead line west of the Major Deegan Expressway. The rezoning area is greater than the project area described above, including the land west of the Major Deegan Expressway (Block 2539 p/o Lot 20).

Special Permit pursuant to ZR 74-743 for bulk modifications (C 050531 ZSX)

This development qualifies as a general large scale project because it is located in a commercial district on a site greater than 1.5 acres and is proposed to be developed as a unit under a single fee ownership. The special permit for bulk waiver applies to general large-scale developments. The applicant seeks height and setback waivers along River Avenue and Exterior Street, specifically for the South Retail building, and garage. The proposed C4-4 zoning allows a building to extend 60 feet or four stories, whichever is less, above curb level before setting back 15 feet. Two buildings within this development, the South retail and the garage building encroach into the initial fifteen foot setback along River Avenue and Exterior Street as described above. In addition the buildings also penetrate the sky exposure plane at two points.

Additionally the application seeks distribution of floor area within the general large-scale development without regard to zoning lot lines. The applicant proposes to transfer 39,070 square feet of floor area from the southern portion to the northern portion across Ramp A to facilitate the Hotel.

Disposition of City-owned Property (C 050539 PPX)

This action would facilitate the disposition of the project site pursuant to zoning. DCAS intends to dispose of the property to the Economic Development Corporation (EDC) for subsequent disposition to the selected developer. The disposition would also include sub-surface easements for portions of the city-owned property west of the Major Deegan Expressway to allow for the construction of storm water outfalls to the Harlem River.

Changes to the City Map (C 050074 MMX)

The applicants are seeking an amendment to the City Map to eliminate portions of the following

City-owned, mapped streets and to adjust the grades and alignments thereto: East 150th Street between River Avenue and Exterior Street; East 151st Street between River Avenue and Cromwell Avenues; and Cromwell Avenue between Exterior Street and the Metro-North Railroad. The subject portions of these streets primarily provide access to the existing market uses and do not serve a larger function in the street network of the area.

Special Permit pursuant to ZR 74-512 to permit a public parking garage (C 050530 ZSX)

The Project includes a six level public parking garage that would contain 2,339 spaces and 256 spaces under the southern retail building for a total of 2,595 spaces. Of these, 1,094 are required accessory spaces for the retail center. The remainder of the spaces are public parking spaces. A special permit for a public parking garage of greater than 150 spaces is therefore required.

Special Permit pursuant to ZR Section 74-744 to permit signs not otherwise permitted (C 050532_ZSX)

The applicant seeks waivers for the following:

Exterior Street Frontage – the parking garage generates an allowable sign surface area of 500 square feet and the applicant proposes 655 square feet of signage at this location.

River Avenue Frontage – the ground floor retail in the parking garage generates an allowable sign surface area of 500 square feet and the applicant proposes 1,182 square feet of signage at this location. The proposed height of the signs extend up to 102 feet, 10 inches above curb level at this location 62 feet, 10 inches above the 40-foot height allowed as-of-right.

A sign located at the southeast corner of the parking garage on River Avenue would extend 4 feet beyond the face of the building, 1 foot, 3 inches more than allowed by the Zoning Resolution. The proposed height of the sign extends up to 99 feet, 7 inches above curb level, which would be 59 feet and 7 inches above that allowed as-of-right.

East 149th Street frontage – the retail building at this location generates an allowable sign surface area of 150 square feet. The applicant proposes 728 square feet of signage at this location. The proposed height of the signs extend up to 63 feet 7 inches above curb level at this location, 23 feet 7 inches above the 40 foot height allowed as-of-right.

Ramp off the Major Deegan frontage (Ramp D) – the proposed hotel frontages along Ramp D generate an allowable sign surface area of 1,000 square feet. The applicant proposes two signs with a total of 1,435 square feet along this frontage. The proposed height of the signs extends up to 52 feet and 224 feet above curb level, 12 feet and 184 feet respectively above the 40 feet allowed as-of-right.

Ramp off the Major Deegan frontage (Ramp A) – the proposed retail use at this location generates 500 square feet of allowed sign surface area. The applicant proposes 2,592 square feet of signage at this location. The proposed height of the signs extends up to 95 feet 2 inches above curb level, 55 feet, 2 inches above the 40 feet allowed as-of-right.

ENVIRONMENTAL REVIEW

This application (C 050531 ZSX) in conjunction with the related actions (C 050529 ZMX, C 050074 MMX, C 050530 ZSX, C 050532 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.

After a study of the potential environmental impacts of the proposed action, it was determined that the proposed action may have a significant effect on the environment and that an environmental impact statement would be required for the following reasons:

1. The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The action, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.
3. The action, as proposed, may result in significant adverse impacts on community facilities in the vicinity of the affected area.
4. The action, as proposed, may result in significant adverse impacts on publicly accessible open space facilities in the vicinity of the affected area.
5. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
6. The action, as proposed, may result in significant adverse impacts on historic resources (architectural resources) in the affected area.
7. The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.
8. The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
9. The action, as proposed, may result in significant adverse impacts on natural resources in the vicinity of the affected area.
10. The action, as proposed, may result in significant adverse hazardous materials impacts in the affected area.

11. The action, as proposed, may result in inconsistencies in Coastal Zone policies in the vicinity of the affected area with respect to the Waterfront Revitalization Program.
12. The action, as proposed, may result in significant adverse impacts on infrastructure systems in the vicinity of the affected area.
13. The action, as proposed, may result in significant adverse impacts on solid waste and sanitation services in the vicinity of the affected area.
14. The action, as proposed, may result in significant adverse impacts on energy in the vicinity of the affected area.
15. The action, as proposed, may result in significant adverse impacts to traffic and parking conditions in the vicinity of the affected area.
16. The action, as proposed, may result in significant adverse impacts on transit services and pedestrian flows in the vicinity of the affected area.
17. The action, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
18. The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
19. The action, as proposed, may result in significant adverse construction-related impacts.
20. The action, as proposed, may result in significant adverse public health impacts in the vicinity of the affected area.

A Positive Declaration was issued on August 5, 2004 and distributed, published and filed and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). A public scoping meeting was held on the Draft Scope of Work on September 9, 2004 and Final Scope of Work was issued on October 8, 2004

The lead agency prepared a DEIS and issued a Notice of Completion on July 7, 2005. Pursuant to SEQRA regulations and CEQR procedures, a joint public hearing was held on the DEIS on November 2, 2005, in conjunction with the Uniform Land Use Review Procedure (ULURP) applications (C 050531 ZSX, C 050529 ZMX, C 050074 MMX, C 050530 ZSX, C 050532 ZSX and C 050539 PPX). The Final Environmental Impact Statement (FEIS) was

completed and a Notice of Completion of the FEIS was issued on December 8, 2005. The Notice of Completion for the FEIS identified the following significant impacts and the proposed following mitigation measures:

HISTORIC RESOURCES

Architectural 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.

TRAFFIC AND PARKING

The proposed project's retail development would generate approximately 1,032 vehicle trips (i.e., by autos, taxis and trucks) in the non-game weekday midday peak hour, 2,145 vehicle trips in the non-game weekday PM peak hour, and 2,434 vehicle trips in the non-game Saturday midday peak hour (it should be noted that taxis "count" as two trips- the inbound taxi with passengers and its departure either with or without passengers). The proposed project is estimated to generate 1,973 vehicle trips in the pre-game weekday PM peak hour, 1,946 vehicle trips in the pre-game Saturday midday peak hour, and 1,472 vehicle trips in the post-game Saturday PM peak hour.

In Build year 2009 11 locations within the study area would experience significant traffic impacts during one or more of the analyzed peak periods:

- Grand Concourse and East 149th Street
- Grand Concourse and East 161st Street
- Northbound Major Deegan Expressway Exit Ramp, 145th Street Bridge Approach, 149th Street, Exterior Street River Avenue
- River Avenue and 151st Street
- River Avenue and 153rd Street
- River Avenue and 161st Street
- Jerome Avenue and 161st Street
- Major Deegan Expressway Northbound Ramp and Service Road, and 157th Street
- Macombs Place and 155th Street
- Lenox Avenue and 145th Street
- River Avenue and 150th Street.

Additionally, significant impacts resulting from the Proposed Project were identified at two locations on the Major Deegan Expressway. 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

In Build year 2014 River Avenue and 161st Street will require additional mitigation.

TRANSIT AND PEDESTRIANS

The proposed actions would result in adverse impacts on the operations of the eastbound Bx 19 bus route during both the 2009 and 2014 non-game day Saturday peak periods.

The proposed actions would result in significant adverse impacts to the operations of the north crosswalk at 149th Street and River Avenue.

MITIGATION

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) restriping 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
Non-Game Day Saturday Midday Peak Period									
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>

UNIFORM LAND USE REVIEW

This application (C 050531 ZSX) in conjunction with the related actions (C 050529 ZMX,

C 050074 MMX, C 050530 ZSX, C 050532 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 subject to the following conditions:

1. The elimination, discontinuation and closing of designated street within the project area with the stipulation that the developer must seek to reconfigure the River Avenue side and add more public access egress areas and more retail space.
2. That Related Companies reduce the number parking spaces and provide an independent traffic flow analysis regarding conditions stemming from the project that might cause asthma related health problems.
3. The Related Companies provide in writing a Community Benefits Agreement regarding the promotion of construction jobs and retail jobs for the Bronx Community including its disabled employees.
4. That Related Companies provide improved community access to the proposed Hotel, and defined, direct, pedestrian access from the proposed Hotel to the Community.
5. That Related Companies provide an improved transit access plan, and integrate public transportation (not limited to bus and rail) into the site itself.
6. That Related Companies explore, and where feasible, pursue 'green building' technology for the site.

Borough President Recommendation

This application was considered by the Bronx Borough who issued a recommendation approving the application on October 19, 2005 subject to the following conditions:

- 1) A Community Benefits Agreement must be formalized between the BTM Development Partners, the NYC Economic Development Corporation and/or the City of New York, and community representatives, that ensures that Bronx residents will receive the majority of employment, and commits to construction technologies that minimize particulate emissions (including vehicles and equipment using clean fuels);
- 2) The Bronx Terminal Market merchants must be relocated to a site where their businesses may thrive, retaining the advantages of proximity to each other and to their customers, with an adequate level of financial relocation aid provided by the City of New York (or its agent) or the developer;
- 3) Resolution of traffic issues and coordination of traffic and parking with the Yankee Stadium development must occur;
- 4) The developer and all those involved in the project must participate in the Bronx Overall Economic Development Corporation's Buy Bronx and Bronx-at-Work campaigns;
- 5) The developer must appoint a project coordinator, in consultation with the Bronx Borough President, to provide communication with the community (ombudsman function) and help mitigate construction impacts;
- 6) The developer must incorporate sustainable design features including green building techniques with Leadership Energy and Environmental Design Standards (LEEDS) rating of level silver or higher throughout the project;
- 7) The developer must seek the input of the Bronx Borough President's office in ensuring that attractive architecture, building materials and signage are used;
- 8) The developer must incorporate visual enhancement along Gateway's perimeter, including fenestration with actual windows (not just display cases) and no blank walls on River or Gerard Avenues, as well as tree planting, as components of project design;
- 9) The developer must incorporate access and design improvements on River Avenue and Exterior Streets to render the project more pedestrian friendly and encourage street life;
- 10) Respect for site history must be exhibited by incorporating the historical structure at 149th Street with its "Bronx Terminal Market" sign into the project as well as a detailed plan for mitigating the adverse impacts on historic resources (market buildings and Bronx House of Detention).
- 11) The City and/or BTM Development Partners LLC must commit to constructing the parkland identified in this Gateway ULURP application, simultaneously with Gateway's construction, regardless of the outcome of the Yankee Stadium redevelopment plan.

City Planning Commission Public Hearing

On October 19, 2005 (Calendar No. 5), the City Planning Commission scheduled November 2, 2005 for a public hearing on this application (C 050531 ZSX). The hearing was duly held on November 2, 2005 (Calendar No. 30) in conjunction with the hearing on the related actions (C 050529 ZMX, C 050074 MMX, C 050530 ZSX, C 050532 ZSX and C 050539 PPX). There were 9 speakers in favor of the application and 12 speakers in opposition.

Speakers in favor included the representatives from the New York City Economic Development Corporation; the developer's land use counsel, architect, landscape architect and traffic and environmental consultants, who summarized the proposed development including the design of the buildings, details of the access and circulation and responses to the Community Board and Borough President's conditions. The architect discussed the design of the street frontage on River Avenue and Exterior Street. The landscape architect discussed the proposed streetscape improvements, including the various paving treatments, street trees, street furniture and the design of the plaza at the entrance to the project on River Avenue. The traffic consultant discussed the methodology used in the traffic study, and the project's projected impacts and mitigations. The representative from the New York City Economic Development Corporation discussed the City's relocation plan for the current market tenants.

Also, speaking in favor was a representative of the Bronx Borough President and a member of the community. The speakers described the need for redevelopment of the Bronx Terminal Market and described the benefits of the new jobs. They also requested that every effort be made to keep the current market tenants together when they are relocated.

Speakers in opposition included representatives of the Neighborhood Advisory Council, the

Bronx Terminal Market Preservation Association, Neighborhood Retail Alliance, Good Jobs New York, Jobs with Justice, the United Food and Commercial Workers Union and four Bronx Terminal Market merchants.

Several speakers testified that the traffic generated by the proposed development would create impacts on the Major Deegan, on local streets and on air quality. Several of the speakers also had concerns regarding the impact of the project on existing businesses and questioned the quality of the permanent jobs that would be created by the project.

Of particular concern to many speakers, including those speaking in favor of the application, was the relocation of the current Bronx Terminal Market tenants. Many speakers spoke about the need of the market tenants to remain together, stating that the viability of the businesses depended on synergies created through proximity. They also stated that the current approach of relocating existing tenants to different sites, offers of relocation assistance and loans, was inadequate. Consultants for the merchants testified that a study conducted by Columbia University identified six sites in the South Bronx where the tenants, with the help of the City, could relocate together.

There were no other speakers on the application and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with those for the related actions, (C 050529 ZMX, C 050074 MMX, C 050530 ZSX, C 050532 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.

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 special permit (C 050531 ZSX) in conjunction with the related applications to amend the zoning map (C 050529 ZMX), change the city map (C 050074 MMX), a special permit to allow a public parking garage in excess of 150 spaces (C 050530 ZSX), a special permit to allow signage not otherwise permitted (C 050532 ZSX), and disposition of City-owned property (C 050539 PPX), is appropriate.

The Commission notes that the proposed actions would facilitate the redevelopment of an underutilized site in the south Bronx and bring much needed access to goods and services to an underserved part of the City. The current buildings on the site are in severe disrepair. The proposed development would create approximately 1 million square feet of retail; provide pedestrian improvements on River Avenue and Exterior Street; provide 2,200 construction and 2,300 permanent jobs in a neighborhood with high unemployment and generate tax new revenues for the City of New York. In addition, the creation of a private interior street providing twenty-four hour access through the site for pedestrians will connect the upland community to the waterfront. The sidewalk improvements, introduction of active retail on River Avenue, and the creation of a pedestrian plaza on River Avenue will encourage pedestrian circulation through and around the site.

The Commission notes that the applicant has revised the proposal in a manner that responds to several of the concerns during the review process by adding design elements that enliven the River Avenue frontage, and reduce the number of parking spaces in the project. The developer will retain the Prow building with store fronts on all three sides and will pursue green building technology. The Commission encourages the applicant to work with the MTA, Metro-North and others to improve transit access to the site.

In response to concerns regarding the relocation of the current tenants of the Bronx Terminal Market, EDC, in a letter dated November 28, 2005 summarized the efforts underway to find appropriate relocation sites for the current tenants of the Bronx Terminal Market. EDC, in conjunction with the developer and the Bronx Overall Economic Development Corporation (BOEDC) has offered the current tenants a package that includes a financial payment, several different loan programs including the loan offered through the Empowerment Zone, and relocation assistance through the services of a consultant hired by EDC in finding new relocations space. They informed the Commission that 6 out of the 23 tenants had already accepted the relocation package and that would continue to work with the remaining tenants to find appropriate sites for all of them. In addition, the Mayor announced on December 1, 2005 that the approximately 140,000 square foot former facility of Baldor Specialty Foods in the Hunts Point Peninsula will be exclusively marketed to the tenants of the Bronx Terminal Market.

Both the Borough President and the Community Board have recommended as a condition of approval that the applicant enter into a "Community Benefits Agreement." Such agreements are unrelated to the land use impacts and implications of the proposal and are beyond the scope of the land use review process; as such the proposed agreement is outside of the Commission's

purview.

Special Permit pursuant to ZR 74-743 for bulk modifications (C 050531 ZSX)

The City Planning Commission believes that this special permit to modify the allowed bulk and height and setbacks is appropriate.

The massing of the project buildings is influenced by the physical irregular shape of the zoning lot created by the intersecting streets and the Metro north railroad tracks, and the programmatic requirements of the proposed large scale retail development. The height and set back waivers sought by the applicant are needed to create regular floor plates for the large scale retail tenants.

The building facades are varied in height along both the Exterior Street and River Avenue frontages to create interest and break up the mass of the retail buildings. Due to this design certain parts of the buildings comply with the height and set back regulations of the Zoning Resolution. The encroachments permitted by this special permit are limited to the Southern retail building and the southern portion of the garage building as described in the project description.

The proposed bulk modification will allow a hotel to be developed on the northern portion of the site. The 39,070 square feet of floor area proposed to be transferred from the southern portion of the project site to the northern portion of the project site will increase the economic viability of a hotel at this site. The Commission believes that the grant of this special permit will result in a better site plan and better relationship among buildings, open areas and adjacent streets, surrounding development adjacent open areas and shorelines. This distribution of floor area would not unduly increase the bulk of the hotel building and would not obstruct light and air to

the detriment of the occupants and users of the buildings on the block or nearby blocks and adjacent streets, because the hotel is relatively removed from the surrounding streets and buildings, surrounded by off-ramps to the Major Deegan Expressway and the Metro-North Railroad tracks.

Special Permit pursuant to ZR Section 74-744 to permit signs not otherwise permitted under the Zoning Resolution (C 050532 ZSX)

The proposed project would be a major retail center located adjacent to the Major Deegan Expressway, which is elevated in this area. The applicant has proposed to locate accessory signs associated with the project higher and larger than would be allowed as-of-right so that these signs are visible from the elevated Major Deegan Expressway. These waivers would not have a detrimental effect on the surrounding area, which is primarily industrial in nature.

The Commission believes that the grant of the special permit will result in a better site plan. The proposed signage will facilitate a lively retail environment announcing the presence of the project. The proposed signage will also direct shoppers to the parking and stores within the development.

Zoning Map Amendment (C 050529 ZMX)

The Commission believes the zoning map amendment from M2-1 to C4-4 is appropriate. The C4-4 zoning district permits a wide range of commercial uses at a maximum FAR of 3.4. This will allow large-scale retail establishments to be developed in this part of the Bronx which remains underserved by retail and other services. The proposed C4-4 zoning designation allows a wide range of commercial and retail uses and is typically found in major regional shopping

areas.

Special Permit pursuant to ZR 74-512 to permit a public parking garage in excess of 150 spaces
(C 050530 ZSX)

The Commission believes that the special permit to allow a public parking garage in excess of 150 spaces is appropriate. The development of a large-scale retail center capable of attracting consumers from the rest of the City and the region requires that adequate parking be provided. The construction of a parking garage allows for the provision of the required parking in a centralized and controlled manner, thereby reducing the impact on the surrounding street network and avoiding the deleterious potentially aesthetic effects of an open parking lot.

The Commission notes that the principal vehicular access to and from the proposed garage would be located on major streets, River Avenue and Exterior Streets, within one quarter mile of the Major Deegan Expressway, an arterial highway. The Commission believes that the access is located so as to minimize through traffic on local streets in the surrounding residential neighborhoods, entrances and exits provide direct routes to and from the Major Deegan Expressway via River Avenue and Exterior Street. The Commission notes that the proposed parking garage requires 50 reservoir spaces and that 51 are provided: 18 at the Exterior Street entrance and 33 at the River Avenue entrance. The Commission believes that the streets providing access to the garage are adequate to handle the traffic generated thereby. The detailed traffic analysis conducted for this project indicated that with the proposed traffic capacity improvements, the streets and intersections in the surrounding area are adequate to handle the

traffic generated from the project.

Changes to the City Map (C 050074 MMX)

The Commission believes that the elimination of portions of 150th Street, Cromwell Avenue and 151st Street is appropriate. The elimination of these streets will allow the applicant to consolidate the site and allow for a better site plan. The streets to be eliminated primarily provide access to the wholesale food market and are not essential to the local street network in this part of the Bronx. All three streets terminate at Exterior Street or within the project site and do not provide any through access. In addition, Cromwell Avenue and East 151st Street are not built to their full length.

Disposition of City-owned Property (C 050539 PPX)

The Commission believes that the disposition of the site to allow for its re-development as a retail center pursuant to the land use applicant's discussed above is appropriate.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-743 (Special provisions for bulk modification) of the zoning resolution:

- (1) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the #general large-scale development#, the neighborhood, and the City as a whole;
- (2) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby

#blocks# or of people using the public #streets#;

(3) NA

(4) considering the size of the proposed #general large-scale development#, the #streets# providing access to such #general large-scale development# will be adequate to handle traffic resulting therefrom;

(5) NA

(6) a declaration with regard to ownership requirements in paragraph (b) of the #general large-scale development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on December 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, pursuant to Section 197-c and 201 of the New York City Charter that based on the environmental determination and consideration and findings described in this report, the application of the BTM Development Partners, LLC and the Economic Development Corporation for the grant of a special permit pursuant to Section 74-743(a) of the Zoning Resolution to modify the height and setback regulations of Section 33-40 and to allow the distribution of the total allowable floor area without regard for zoning lot lines to facilitate a commercial development within a general large-scale development, on property generally bounded by East 149th 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 150th Street, Cromwell Avenue, and East 151st 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
Z1.1E	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

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
Non-Game Day Saturday Midday Peak Period									
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. The Special Permit shall not be exercised until a restrictive declaration, in substantially the form set forth in Exhibit A hereto, and containing such other attachments as are approved by Counsel’s Office to the Department of City Planning, is filed and recorded against the project site. Such filing and recordation shall take place on or after the date of the disposition of the project site pursuant to ULURP Application No. C 050539 PPX.

7. 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, as filed and recorded, 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.

8. 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 050531 ZSX), duly adopted by the City Planning Commission on December 19, 2005 (Calendar No. 4), 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**