



CITY PLANNING COMMISSION

December 19, 2005 / Calendar No. 2

C 050529 ZMX

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 an amendment of the Zoning Map, Section No. 6a, changing from an M2-1 to a C4-4 District property bounded by a line 1120 feet southerly of Macombs Dam Bridge and its easterly prolongation, Gateway Center Boulevard/Major Deegan Expressway, the northeasterly boundary line of the Metro North Rail Road Right-Of-Way, River Avenue, East 149th Street, Gateway Center Boulevard/Major Deegan Expressway, a line 600 feet northerly of East 149th Street, and the U.S. Pierhead and Bulkhead Line, Borough of the Bronx, Community District 4, as shown on a diagram (for illustrative purposes only) dated July 11, 2005

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

RELATED ACTION

In addition to the zoning map amendment, 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 050531 ZSX | Special Permit to modify height and setback regulations and allow the distribution of floor area without regard to zoning lot lines |
| C 050074 MMX | Changes to the City Map eliminating East 150 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

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

ENVIRONMENTAL REVIEW

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

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

UNIFORM LAND USE REVIEW

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

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

Borough President Recommendation

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

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

City Planning Commission Public Hearing

On October 19, 2005 (Calendar No. 3), the City Planning Commission scheduled November 2, 2005 for a public hearing on this application (C 050529 ZMX). The hearing was duly held on November 2, 2005 (Calendar No. 28) in conjunction with the hearing on the related actions (C 050531 ZSX, C 050074 MMX, C 050530 ZSX, C 050532 ZSX and C 050539 PPX

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

Waterfront Revitalization Program Consistency Review

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

MMX, C 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.

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

CONSIDERATION

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

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

RESOLUTION

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

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

mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with the WRP policies; and be it further

RESOLVED, by the City Planning Commission pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, changing from an M2-1 to a C4-4 District property bounded by a line 1120 feet southerly of Macombs Dam Bridge and its easterly prolongation, Gateway Center Boulevard/Major Deegan Expressway, the northeasterly boundary line of the Metro North Rail Road Right-Of-Way, River Avenue, East 149th Street, Gateway Center Boulevard/Major Deegan Expressway, a line 600 feet northerly of East 149th Street, and the U.S. Pierhead and Bulkhead Line, Borough of the Bronx, Community District 4, as shown on a diagram (for illustrative purposes only) dated July 11, 2005.

The above resolution (C 050529 ZMS), duly adopted by the City Planning Commission on December 19, 2005 (Calendar No. 2), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, 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**