

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION  
ULURP APPLICATION NUMBERS  
C 170311 ZMX, C 170314 PPX, C 170315 ZSX  
LOWER CONCOURSE NORTH REZONING**

**DOCKET DESCRIPTIONS**

**C 170311 ZMX**

**IN THE MATTER OF AN APPLICATION** submitted by the New York City Economic Development Corporation (EDC) pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

1. Changing a M2-1 District to an R7-2 District property bounded by the U.S. Pierhead and Bulkhead Line, a line 600 feet northerly of East 149<sup>th</sup> Street, a line 145 feet westerly of Major Deegan Expressway, the norther street line of former East 150<sup>th</sup> Street, Major Deegan Expressway, and East 149<sup>th</sup> Street;
2. Establishing within the proposed R7-2 District a C2-5 District bounded by the U.S. Pierhead and Bulkhead Line, a line 600 feet northerly of East 149<sup>th</sup> Street, a line 145 feet westerly of Major Deegan Expressway, the northerly street line of former East 150<sup>th</sup> Street, Major Deegan Expressway, and East 149<sup>th</sup> Street; and
3. Establishing a Special Harlem River Waterfront District bounded by the U.S. Pierhead and Bulkhead Line, a line 600 feet northerly of East 149<sup>th</sup> Street, a line 145 feet westerly of Major Deegan Expressway, the northerly street line of former East 150<sup>th</sup> Street, Major Deegan Expressway; and East 149<sup>th</sup> Street;

Borough of The Bronx, Community District #4, as shown a diagram (for illustrative purposes only) dated March 27, 2017.

**C 170314 PPX**

**IN THE MATTER OF AN APPLICATION** submitted by the New York City Department of Citywide Administrative Services (DCAS), Division of Real Estate Services, pursuant to Sections 197-c and 201 of the New York City Charter, for the disposition of five city-owned properties located on Block 2356, Lots 2 and 72, Block 2539, Lots 1 and p/o lots 2 and 3 and the demapped portion of the former East 150<sup>th</sup> Street between Exterior Street and the pierhead and bulkhead line pursuant to zoning.

**C 170315 ZSX**

**IN THE MATTER OF AN APPLICATION** submitted by the New York City Economic Development Corporation (EDC) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow a waiver of the required number of accessory off-street parking spaces for dwelling units

in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, on property located on the westerly side of Gateway Center Boulevard, northerly of East 149<sup>th</sup> Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1 & p/o Lot 2, and the bed of demped East 150<sup>th</sup> Street), in an R7-2 District\*, with the Special Harlem River Waterfront District\*, Borough of The Bronx, Community District #4.

\*Note: The site is proposed to be rezoned by changing an M2-1 District to an R7-2 District to an R7-2 District, by establishing a C2-5 District within the proposed R7-2 District, and by establishing a Special Harlem River Waterfront District, under a concurrent related application for Zoning Map change (C 170311 ZMX).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31<sup>st</sup> Floor, New York, N.Y. 10271-0001.

## **BACKGROUND**

The project area, which is the subject of these applications includes a vacant parcel of property located on the north side of East 149<sup>th</sup> Street, (Block 2356, lot 2; Block 2356 Lot 72; Block 2539, Lot 1; portions of Block 2539, Lots 2 and 3) and the demapped portion of the former East 150<sup>th</sup> Street (tentative Block 2356, tentative Lot 102). This site is bounded by the Harlem River on the west, East 149<sup>th</sup> Street on the south, Gateway Center Boulevard and the Major Deegan Expressway on the east, and Mill Pond Park on the north. This site approximates 229,885 square feet of property (approximately five acres) and is located within the city's Lower Concourse Infrastructure Investment Strategy Plan. As announced in 2015, this plan commits \$194 million to improve much of the surrounding community's infrastructure.

This site is situated adjacent to the 145<sup>th</sup> Street Bridge which enters The Bronx from Manhattan at East 149<sup>th</sup> Street. Historically and colloquially, this site has been referred to as "Pier 5."

Approving these applications will facilitate:

- Application # C 170311 ZMX-Within the Project Area: Eliminate an M2-1 manufacturing district; establish a R7-2 residential district, establish a C2-5 commercial overlay, and add the Project Area to the Special Harlem River Waterfront District (SHRWD).
- Application # C 170314 PPX-Disposition of five city-owned properties pursuant to zoning
- Application # C 170315 ZSX-Grant of a special permit to allow a waiver of the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone.

The project area is one of the largest unimproved city-owned sites located in The Bronx. As it is located adjacent to both the Major Deegan Expressway and the 145<sup>th</sup> Street Bridge, it is situated in a high profile location. Subway access to the 2, 3, 4, and 5 trains is available within a five block radius of the project area. Bus transportation via the BX 1, BX 2, BX 13 and BX 19 are accessible. Metro North commuter rail transportation via the Hudson Division is also within a ½ mile of the project site. Mill Pond Park, Bronx Terminal Market, the future Bronx Post Place and Hostos Community College define much of the surrounding area's current development.

Whereas the current M2-1 District prohibits residential development approving these applications will:

- Facilitate residential development pursuant to an R7-2 District.
  - 4.6 Floor Area Ratio (FAR)
- Retail and commercial uses pursuant to an R7-2/C2-5 District.
  - Commercial and community facility uses
- Access to the waterfront pursuant to the Special Harlem River Waterfront Access Plan (SHRWD).
  - Inclusion of a 40-foot shore public walkway linking the project site to Mill Pond Park.

The potential development of the project site will also satisfy numerous goals, including:

- Development of affordable housing accommodating a range of incomes from 30 percent of Area Median Income, to 130 percent of Area Median Income (AMI)
- This location's development potential of constructing approximately 1,000 units of affordable housing;
- Commercial development yielding employment opportunities
- Improved access to the Harlem River waterfront and Mill Pond Park
- Improvements made to the intersection of Exterior Street at East 149<sup>th</sup> Street in order to reduce pedestrian-vehicular conflicts
- Improvements made to existing and/or new infrastructure including water and sewer services, street lighting, additional street tree plantings, installation of street furniture; (benches, litter baskets, etc.)
- Approximately 2.5 acres of open space to be included within the site's development
- Inclusion of commercial grade broadband access as part of the Lower Concourse Investment Strategy plan.
- Design and construct a newly mapped 2.5 acre park located on Exterior Street at East 144<sup>th</sup> Street.

Existing development of the surrounding community includes a retail shopping complex known as the Gateway Center, which can be accessed from Gateway Center Boulevard. This complex approximates one million square feet and includes off-street parking for 2,300 vehicles. Retail offerings at this center include among other options, Home Depot, Target; Bed, Bath and Beyond; Michael's Art Supply and Applebee's. Additional retail activity is situated on East

149<sup>th</sup> Street. Residential development is typified by mid-rise residential buildings and two family homes located on Gerard Avenue and Walton Avenue. Numerous high rise residences are under construction, all of which are situated south of East 149<sup>th</sup> Street. Anticipated construction of a 28-story residence is planned for the former site of P.S.31, which is located on the Grand Concourse at East 144<sup>th</sup> Street. Hostos Community College occupies numerous buildings, all of which are located within a four block radius of this project site.

## **ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION**

These applications have been reviewed pursuant to CEQR and SEQRA and received a Positive Declaration. The City Planning Commission certified these applications are complete on March 20, 2017.

## **BRONX COMMUNITY BOARD PUBLIC HEARING**

A public hearing was held by Bronx Community District #4 on May 23, 2017. An identical vote recommending approval of the three applications with modifications was 19 in favor, seven opposed and five abstaining.

## **BOROUGH PRESIDENT'S PUBLIC HEARING**

A public hearing was convened by the Bronx Borough President on June 1, 2017. Representatives of the applicant spoke in favor of these applications. A representative of Assembly Member Latoya Joyner submitted a written statement, a copy of which is included herein. Additional written statements were submitted and are also included here. All those members of the public who registered to speak expressed their opposition to these applications. There were no comments made by those in attendance that expressed support. Comments made expressing opposition to this project include:

- The public's understanding that this site was identified for a park to be made part of Mill Pond Park;
- The community's need for additional open space and access to the Harlem River waterfront;
- The anticipated impact this development will have on the existing public schools in the area;
- The anticipated increase in vehicular traffic development of this site will cause;
- The anticipated waiver being sought to eliminate required off-street parking associated with future development;

Recognizing that additional written comments might be forthcoming, the hearing was declared to remain open until June 20, 2017.

## **BRONX BOROUGH PRESIDENT'S RECOMMENDATION**

Known to many of my constituents as Pier 5 this site, approximating five acres, has remained entirely undeveloped for over two decades despite its prime location. Within walking distance one can access the IRT 2, 3, 4 and 5 trains as well as the Hudson Division of Metro North Commuter Railroad. Bus service via the BX19 transports passengers into upper Manhattan via 145<sup>th</sup> Street. The BX13 to the Highbridge and University Heights communities of The Bronx is also accessible, as are the BX 1 and BX2 operating on the Grand Concourse. Vehicular transport is also well served by the Major Deegan Expressway and the numerous Harlem River bridges connecting Manhattan to The Bronx. Pier 5 is within walking distance of Bronx Terminal Market, a shopping complex offering over one million square feet of retail options, Hostos Community College, Lincoln Hospital, Pregones Theater and what will soon be an entirely new destination now under construction within the former Bronx General Post Office building. Mill Pond Park, Franz Sigel Park, Garrison Playground and what will eventually become an entirely new public park located on Exterior Street at East 144<sup>th</sup> Street, all can be reached within a 10 minute stroll. Given these facts it is clear to me that the potential for this site is perhaps unprecedented.

I would be remiss if I failed to acknowledge that Pier 5 has a very real history. When the City of New York was being considered as a host city for the Olympic Games, it was proposed that a temporary velodrome be constructed at this location. So too, when Mill Pond Park was being planned one vision was to extend this park south to 149<sup>th</sup> Street and thereby include Pier 5 as part of the park. More recently, a private sector developer sought to construct permanent velodrome at this location. Whether it be for the lack of financing or the significant cost necessary to bring the specific proposal to fruition, each of these visions failed.

Of all proposals considered, it is the expansion of Mill Pond Park south to include the Pier 5 site that has garnered strong local support. As such, I have given this matter very serious consideration and understand the reasoning being advanced by those who support this plan. What is clear is that at no time was Pier 5 ever officially mapped as parkland. Likewise, at no time was any capital funding provided by the City of New York to design and construct a park on this site. Consequently, the decision to rezone Pier 5 from M2-1 to the proposed R7-2/C2-5 is, in my opinion, an appropriate proposal.

This being said, I am very insistent that whatever is to be constructed on Pier 5, that it must include the following features:

1. A minimum of three acres should be set aside and designed as open space
2. Open space along the waterfront should exceed the minimum standard of 40 feet.
3. Retail transparency should exceed 50 percent.
4. Building design should pay homage to the character of the surrounding area, particularly Art Deco elements.
5. The taller tower should have additional setbacks other than just the required top four-floors. The proposed allowable 165 foot building width in SHRWD turns towers into large "dominos" that impede view corridors, giving a horizontal wall "feel" instead of a soaring open tower.

6. The residential development provide accommodations ranging from 30 percent of Area Median Income (AMI) to 130 percent of AMI, with half servicing at or below 60 percent of AMI and half at or above 80 percent of AMI.
7. Of the total number of units to be constructed, a combined minimum of 40 percent be two and three bedroom units.
8. Unit size should approximate no less than 600 gross square feet for one-bedroom units, 850 square feet for two-bedroom units, 1,075 square feet for three-bedroom units.
9. Retail activity should appeal to families both living within the specific development and beyond into the surrounding neighborhoods
10. Any community use facility should be akin to a museum or institution celebrating Bronx culture and/or those who have devoted themselves to improving the knowledge and understanding of our borough's history and its potential for the future.
11. The nighttime profile of this development must be one that invites participation both by the residents of this new neighborhood as well as by those who would visit.
12. Special attention should be given to the designing of those spaces that are impacted by the Major Deegan Expressway. This should be done to minimize traffic noise and the "dark space" caused by the expressway's viaduct within the new community.
13. The State Department of Transportation, in consultation with the City's Department of Transportation and Economic Development Corporation, must design and ultimately install a comprehensive lighting plan for the underbelly of the Major Deegan Expressway viaduct. This viaduct must not present itself as a "barrier" or "safety threat."
14. Public access to the Harlem River, pursuant to the Special Harlem River Waterfront Access Plan, must be constructed.
15. A full and comprehensive redesign and construction of the street network at East 149<sup>th</sup> Street, Exterior Street and where the Major Deegan Expressway exits at this location must be undertaken.
16. Street trees and street furniture must be incorporated into the final design.

Development of the Pier 5 site is represents one of numerous residential projects that are either planned or in construction within a five block radius of the Grand Concourse at East 149<sup>th</sup> Street. It is therefore entirely unacceptable that, as over 1,500 units of additional housing is likely to go on line within the next five years, that no formal attention has been given to where the hundreds of elementary age children will attend school. It is therefore imperative that before the Pier 5 plans are finalized, the Department of Education identify a centrally located site for an additional grade-school and build it.

Of comparable urgency is the ever increasing need this community has for a new bridge to be constructed at East 153<sup>rd</sup> Street, between the Grand Concourse and Morris Avenue. This span, which has been mapped for over a century, remains unbuilt since the 1980's; this despite its being the top priority for my administration as well that of both of my predecessors, Adolfo Carrion, Jr. and Fernando Ferrer. It also remains a top priority for both Bronx Community Districts #1 and #4. This matter takes on even greater urgency given the recently completed Mott Haven Campus located on Concourse Village West at East 153<sup>rd</sup> Street, along with the many new high-rise buildings that have been constructed within the past decade along Morris

Avenue. Now, three new high-rise residential structures are about to commence construction, all of which are to be within a three block radius of East 153<sup>rd</sup> Street. Additionally, the 28-story residence being constructed on the Grand Concourse at East 144<sup>th</sup> Street will prompt even more vehicular activity, as will numerous other residential projects being constructed west of the Grand Concourse and south of East 149<sup>th</sup> Street. A replacement bridge at East 153<sup>rd</sup> Street is now a matter of genuine urgency at must not be delayed any longer.

As I have heretofore noted, the Pier 5 site offers exceptional access to rail transit options. It is my understanding that the Transit Authority's current capital plan includes installation of ADA compliant elevator services for the 149<sup>th</sup> Street-Grand Concourse subway station. This multi-level facility provides access to the 2, 4 and 5 trains, but to date is not ADA compliant. I am therefore insisting that the installation of the necessary elevators proceed and that the Economic Development Corporation (EDC) work with both my office and the Transit Authority to make certain this project is not "sidetracked." I acknowledged that this station did sustain a \$19 million facelift within the past decade. It remains, however, a dank and uninviting space. This is especially so on the lower level platform which was constructed as part of the Inter-Borough Rapid Transit Company's initial construction phase of 1904.

I am acutely aware of the need this community has for access to the Harlem River shore and additional open space. That is why I have insisted that three acres of this five acre site be designed as open space and that all those wishing to stroll along the Harlem River bank be able to safely do so. I reject the suggestion that by allowing development to occur on Pier 5 this means we are precluding access to open space. In fact we can realize both; affordable housing development as well as additional parkland. Furthermore, given how Pier 5 was used for much of the 20<sup>th</sup> century and its current site condition, it makes it difficult to consider that the Department of Parks and Recreation would be willing to design, construct and maintain this five acre site.

It is abundantly clear to me that Pier 5 holds profound potential for not only those who would call it home, but for the thousands of us that pass this location each day. It is therefore imperative that the final development plan for this location be considered a "landmark;" one that is both functional and architecturally unique. Using modern technology that includes LED lighting, large illuminated windows, along with public spaces perhaps featuring a fountain and plazas for strolling, this project will transform an entire community. I challenge the developers to pursue these options while taking their inspiration from the many notable buildings lining the Grand Concourse

With my modifications and recommendations included, I recommend approval of these applications.