

**A. INTRODUCTION**

This analysis of land use, zoning, and public policy characterizes the existing conditions of the project site and study area; anticipates and evaluates those changes in land use and zoning that are expected to occur independently of the Proposed Project; and identifies and addresses any potential impacts to land use, zoning, and public policy associated with the Proposed Project.

To determine existing conditions and assess the potential for project-related impacts, the land use study area has been defined within a ¼-mile radius of the project site, which is the area in which the project has the greatest potential to affect land use or land use trends. Various sources were utilized to prepare a comprehensive analysis of land use, zoning, and public policy characteristics of the study area, including field surveys and land use and zoning maps.

Overall, it is concluded that the Proposed Project would not have any significant adverse impacts on land use, zoning, and public policy. The Proposed Project would introduce new commercial and recreational uses to an underutilized, dilapidated site. This is consistent with City policies aimed at revitalizing the waterfront and achieving public access. The proposed rezoning of the project area from M2-1 to C4-4 would allow for the introduction of retail stores and a hotel in an area underserved by such amenities. The requested special permits relating to building height, setback, and signage would allow the proposed buildings and their accessory signs to be configured in a functional manner on a site constrained by irregular lot shapes and nearby elevated structures. Therefore, the proposed actions would result in improvements to land use in the project area and would further public policy goals.

The project site is located in the West Haven neighborhood of the Bronx on Block 2356, Lot 20; Block 2357, Lots 1 and 86; and Block 2539, Lot 32 and parts of Lots 50 and 60.

**B. EXISTING CONDITIONS****LAND USE**

The following discussion describes existing land use on the project site as well as the land use patterns and trends in the land use study area.

*PROJECT SITE*

The project site is located in the West Haven neighborhood of the Bronx on an approximately 18-acre parcel that is bordered by Metro North Rail Road tracks to the north, River Avenue to the east, 149th Street/Hostos Boulevard to the south, and Exterior Street (the street under the Major Deegan Expressway) to the west. The project site currently contains a mixture of low-rise commercial, industrial, and community facility uses and paved land (see Figure 2-1). The majority of the project site is occupied by four buildings: two 2-story buildings (Buildings B and D), one 1-story building (Building C), and the 8- and 10-story Bronx House of Detention

## **Gateway Center at Bronx Terminal Market FEIS**

---

(BHOD). The buildings are partially occupied and most of the market buildings are in a dilapidated condition. Building A, which was formerly located on the northeast portion of the site, was in very poor condition. The New York City Economic Development Corporation (NYCEDC), acting on the behalf of the Office of the Deputy Mayor for Economic Development and Rebuilding (ODMEDR) through prior arrangement with the applicant, recently required the demolition of this building because of its condition.

The site also contains the Bronx House of Detention, which is in reserve status and is currently closed, at the project site's eastern boundary. The Bronx House of Detention would be disposed first to the New York City Economic Development Corporation and then to BTM Development Partners. The site also contains paved areas that provide parking seasonally during games at Yankee Stadium and are used for truck parking when needed for the market. A farmers market which was previously held on the northern portion of the project site was relocated to an off-site location managed by the New York City Department of Parks and Recreation (NYCDPR) (i.e., Yankee Stadium parking lots 13A and 13B located along the Harlem River) in March 2005. The site is owned by the City of New York, except for Block 2539, Lot 50 (part), which consists of areas under the access ramp to the Major Deegan Expressway and is owned by New York State. The City retains an easement to use this property.

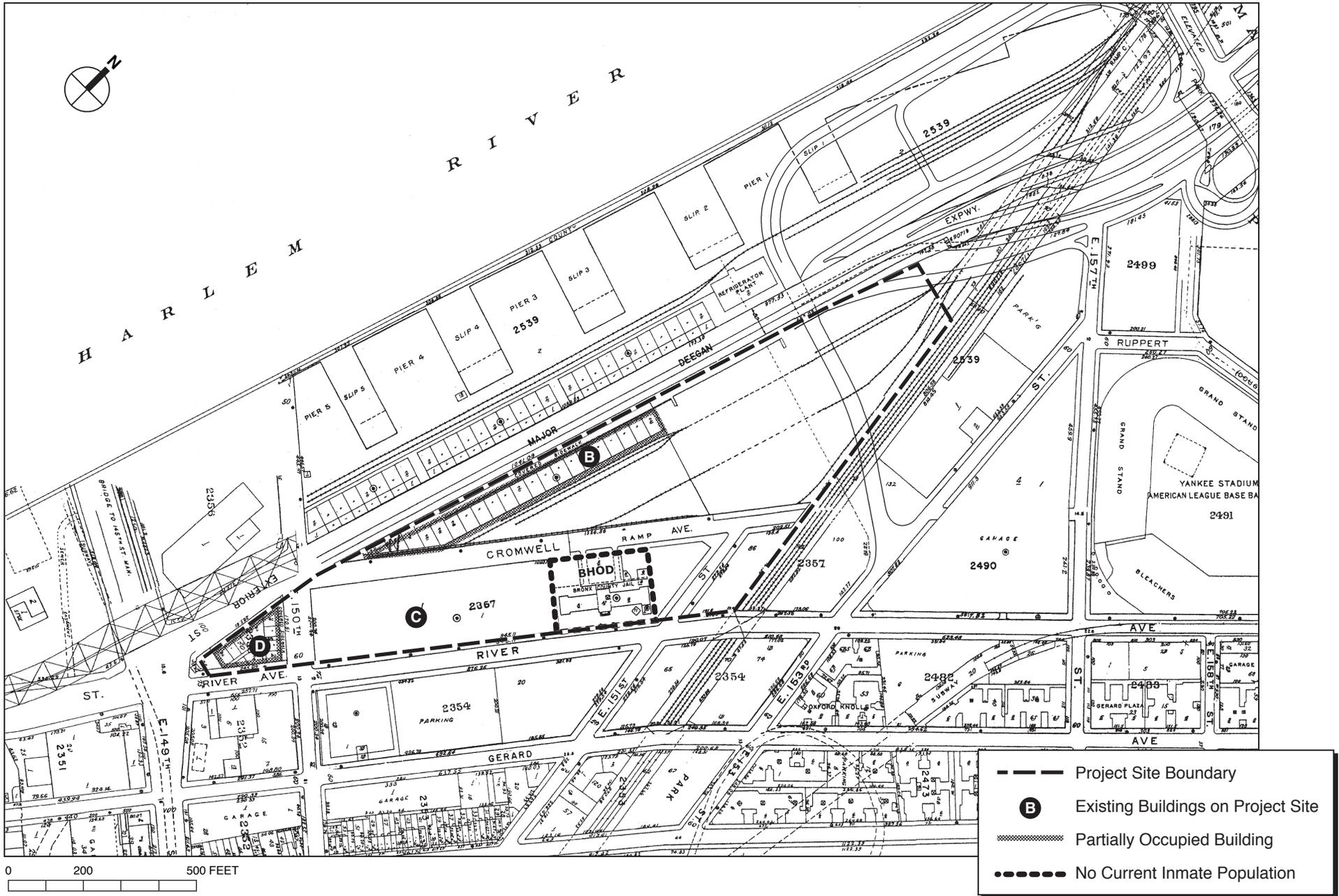
### *STUDY AREA*

As shown in Figure 2-2, the land use study area has been defined by a ¼-mile perimeter extending from the project site. The western portion of the study area is located across the Harlem River within Manhattan, with the remainder of the study area located in the Bronx. The study area is bounded roughly by 161st Street (Bronx) and Macombs Place (Manhattan) to the north, Grand Concourse to the east, West 141st Street (Manhattan) and East 144th Street (Bronx) to the south, and Seventh and Lenox Avenues to the west.

The Harlem River, which separates the Bronx from Manhattan, is a defining element of the study area. Along this section of the river, two bridges—the Macombs Dam Bridge and the 145th Street Bridge—connect the two areas. Each borough has a major thoroughfare—the Harlem River Drive for Manhattan and the Major Deegan Expressway for the Bronx—running alongside the waterway.

The study area contains a number of distinct neighborhoods. The central portion of the study area—generally south of 153rd Street, west of Gerard Avenue, and east of the Harlem River—is the heavy commercial/industrial portion. The area contains food and beverage suppliers/distributors on the outskirts of the market, surface parking lots within proximity to Yankee Stadium, self-storage facilities, warehouses, wholesale merchandise suppliers, car washes, and auto body shops.

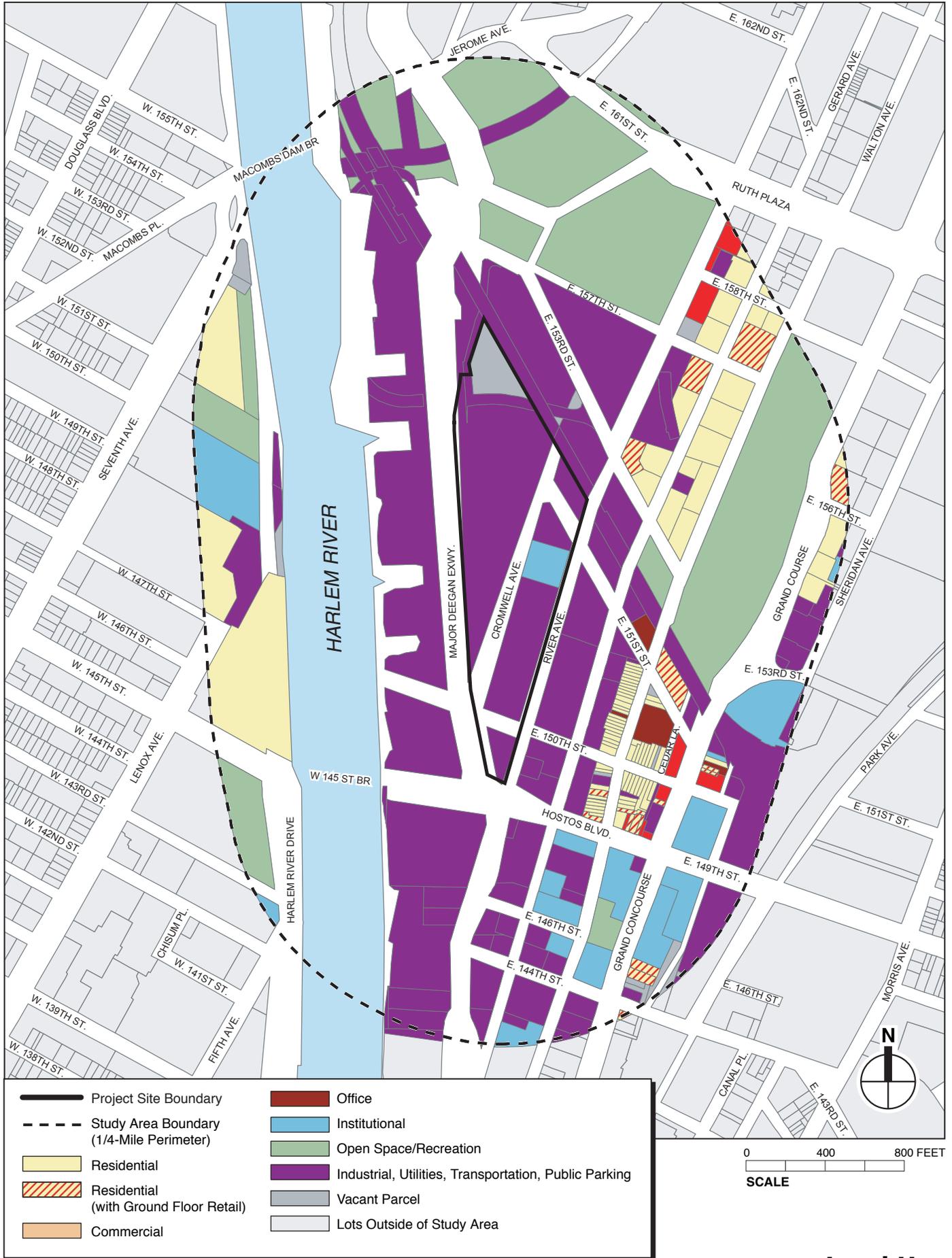
North of the project site is Yankee Stadium and related parking facilities, as well as Macombs Dam Park, a 12-acre park with soccer fields, baseball fields, basketball courts, and lawn areas. Gerard Avenue roughly marks the boundary between the industrial and residential portions of the study area within the Bronx. Six-story residential apartment buildings line Gerard and Walton Avenues north of 153rd Street and 2- to 3-story attached residential buildings are located along Walton Avenue south of 151st Street. Eugenio Maria de Hostos Community College (commonly referred to as Hostos Community College) is the largest institutional use in the study area, and is located along Walton Avenue and Grand Concourse south of Hostos Boulevard. Other institutional uses in this portion of the study area include the post office at 149th Street, Cardinal Hayes Memorial High School on the Grand Concourse at 151st Street, and the P.S. 31



SCALE

GATEWAY CENTER AT BRONX TERMINAL MARKET

Project Site  
Figure 2-1



GATEWAY CENTER AT BRONX TERMINAL MARKET

**Land Use**  
Figure 2-2

building, which is not currently in use. Another major park in the study area is Franz Sigel Park, a 16-acre park with largely active recreational facilities, such as handball courts, tennis courts, play equipment, and passive recreational amenities, such as benches and game tables. The park is located along the Grand Concourse north of 151st Street. Garrison Playground—a 0.7-acre park—is located on the Grand Concourse adjacent to the P.S. 31 building. Retail uses in this portion of the study area are concentrated largely on the Grand Concourse, 149th Street, and 151st Street. Retail uses are primarily located in the ground floors of residential buildings and include a mix of neighborhood retail uses, such as grocery stores, cleaners, internet cafes, bars, delis, and restaurants. Additionally, Concourse Plaza, located approximately two blocks outside the study area along 161st Street between Sheridan and Morris Avenues, provides retail shopping opportunities to the area.

The Manhattan portion of the study area, separated by the Harlem River, is largely residential. Several high-rise residential complexes define the area, including Harlem River Houses, a New York City Housing Authority development, and the private Esplanade Gardens complex. Several institutional uses, including the Fifth Avenue Armory of the U.S. Army National Guard and P.S. 200, are located in the area. Several parks are also located in the vicinity, including Colonel Charles Young Triangle, Colonel Charles Young Playground, Bill ‘Bojangles’ Robinson Park, and Frederick Thomas Playground. Retail uses in this portion of the study area are primarily neighborhood serving uses, such as groceries and laundries.

## ZONING AND PUBLIC POLICY

### *PROJECT SITE*

The project site is located entirely in an M2-1 manufacturing district (see Figure 2-3). M2 zoning districts are districts that serve as middle ground for light and heavy industrial areas. Performance standards in M2 districts require that certain uses located in manufacturing districts comply with standards governing noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, humidity, heat, and glare. The maximum Floor Area Ratio (FAR) for commercial and manufacturing uses in this district is 2.0.

### *STUDY AREA*

The M1-1, M1-2, M2-1, C4-4, C8-3, R6, and R8 districts are the predominant zoning districts within the project’s ¼-mile study area (see Figure 2-3).

M1 districts often serve as buffers to adjacent residential neighborhoods. Within the study area M1 districts are located in the Bronx portion of the study area between 153rd Street and the Metro North Rail Road tracks as well as between River and Gerard Avenues, south of 153rd Street. Strict performance standards apply in this light manufacturing district. M1-1 districts have maximum FARs of 1.0 and M1-2 districts have maximum FARs of 2.0.

The C4-4 district is located in the southeastern portion of the study area, both north and south of 149th Street. The district is a shopping center district with a maximum commercial FAR of 3.4 and a maximum residential FAR of 3.44. The district permits department stores, theaters, and commercial uses that serve a larger area and are located outside the central business district. The other commercial district in the study area is the C8-3 district, which is mapped both at the western edge of the Manhattan portion of the study area and the northern part of the Bronx

## **Gateway Center at Bronx Terminal Market FEIS**

---

section of the study area. The C8 district is an automotive and heavy commercial services district with a maximum commercial FAR of 2.0.

The R8 district is the predominant residential zoning district in the study area, and occupies the northeastern portion of the study area in the Bronx and a portion of the study area along the Harlem River in Manhattan. This is the highest density residential zoning district mapped in the Bronx. The maximum permitted FAR is 6.02. Buildings in the district are generally taller buildings with low lot coverage, set back from the street. A small R6 district is also located in the study area. This district is appropriate for medium density housing and has a maximum FAR of 2.43.

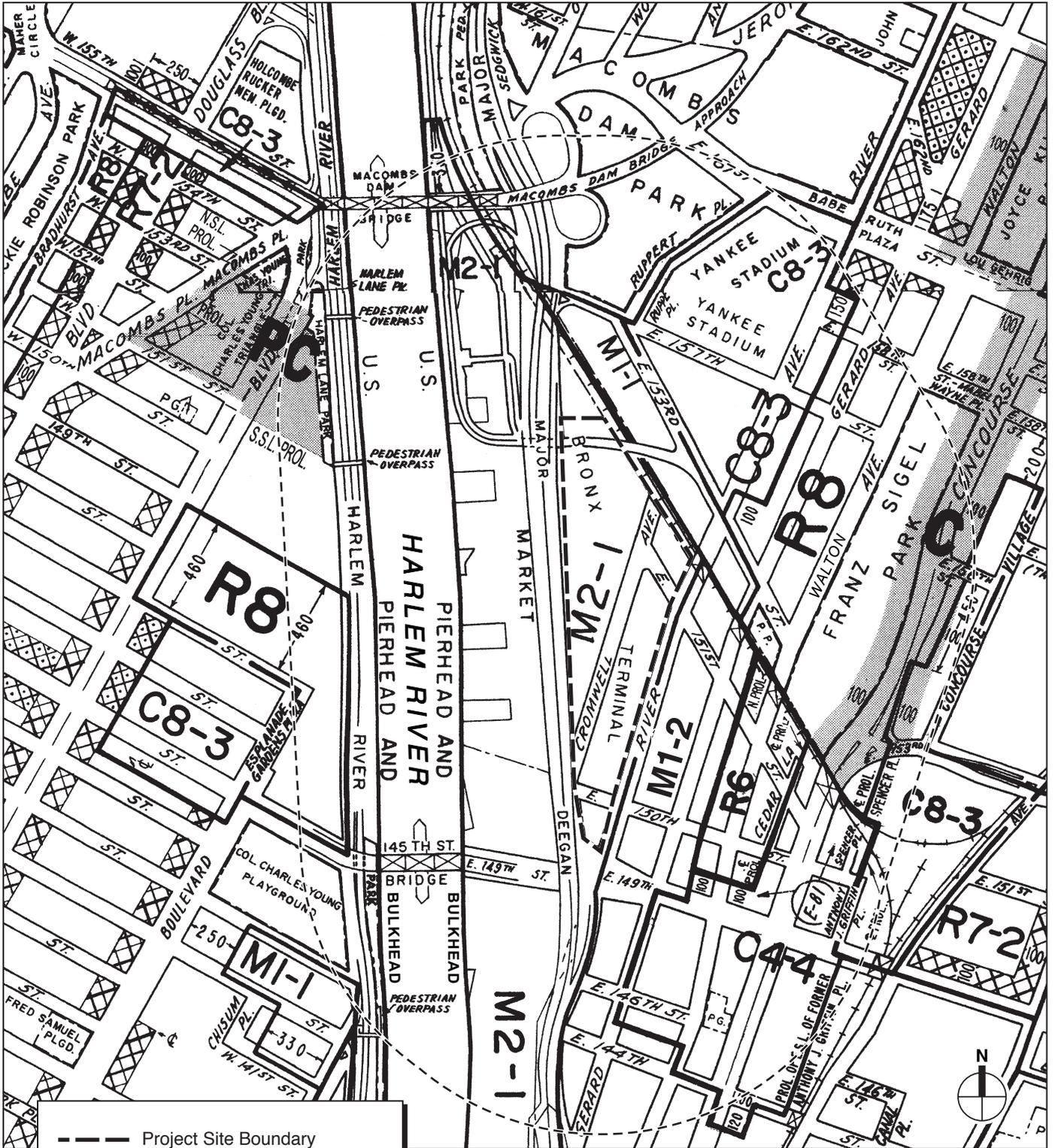
Two special districts are located in the study area. The Special Grand Concourse Preservation District, which is mapped along the Grand Concourse in the Bronx, was established to protect the existing scale and form of development and the traditional residential character of the Grand Concourse. The special district protects the design features of certain buildings through the establishment of design guidelines for renovation or alteration. It is also intended to encourage new development that is in keeping with the scale and character of the area, by providing for street wall continuity and bulk regulations consistent with existing development. Finally, it is intended to preserve and enhance the residential character of the Grand Concourse by limiting ground floor retail and commercial uses to certain specified locations and by regulating the location of retail and commercial signage.

The second special district, a Special Planned Community Preservation District, is located in the Manhattan portion of the study area where the Harlem River Houses are located. The purpose of the Special Planned Community Preservation Districts are to preserve and protect such districts as examples of town planning or large-scale development and to preserve and protect the character and integrity of unique communities which add to the quality of urban life by their existing site plan, pedestrian and vehicular circulation system, balance between buildings and open space, harmonious scale of development, related commercial uses, open space arrangement and landscaping. The district regulations guide future development within the special districts to be consistent with the existing development.

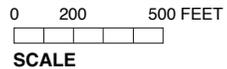
The 161st Street Business Improvement District (BID), which was established in April 2005, extends approximately 5 blocks along 161st Street from River Avenue to Morris Avenue in the Bronx. The new 161st Street BID is one of the city's 51 BIDs, which are funded by assessments on property owners within the area and overseen by the New York City Department of Small Business Services, are public/private partnerships that deliver supplemental services. The 161st Street BID will provide maintenance and sanitation services, holiday lighting and decoration, marketing and promotion of its shopping strip, beautification of its community, administration and other promotion and enhancement of the district.

The Bronx Waterfront Plan issued by Bronx Borough President Adolfo Carrion, Jr. in March 2004 aims at establishing and improving public waterfront access and enhancing the business environment to maximize jobs for Bronx residents. Specifically, the plan addresses developing the Bronx Terminal Market as a year-round commercial, recreational, and education center.

In addition, the New York City Department of City Planning has recently initiated a study of the Bronx waterfront of the Harlem River with the aim of improving public access to the waterfront.



-  Project Site Boundary
-  1/4 Mile Study Area Boundary
-  Zoning District Boundary
-  C1-2 Overlay
-  C1-4 Overlay
-  C2-2 Overlay
-  Special Purpose District



GATEWAY CENTER AT BRONX TERMINAL MARKET

**Zoning**  
Figure 2-3

## C. THE FUTURE WITHOUT THE PROPOSED ACTIONS

### LAND USE

2009

#### *Project Site*

No changes to the project site are expected to occur without the Proposed Project by 2009.

#### *Study Area*

There are no major residential or commercial construction projects planned in the study area by 2009. However, as shown in Table 2-1 and Figure 2-4, there are several transportation and infrastructure projects expected to be completed in the study area by 2009. 149th Street between Griffin Place and Exterior Street would be reconstructed, and the reconstruction work is expected to be completed prior to 2009. Improvements would include better traffic lighting, sidewalks, and curbs, thereby improving both vehicular and pedestrian access to the area. Two institutional projects are also planned for the study area by 2009. The New York City Department of Homeless Services has plans for a new 60,000 sf Emergency Assistance Unit at 151st Street and Walton Avenue to replace the existing facility at this location. Hostos Community College has plans to renovate a 125,000 gsf academic building, and has future capital investment projects that are pending budget allocation. Outside the study area, Lincoln Hospital is in the process of constructing several new facilities, including a \$6 million labor and delivery center (30,000 sf) and a \$2 million MRI unit (2,000 sf). Other improvements at Lincoln Hospital that are in the planning and/or design phase include a \$10 million redesign of the emergency room, a new \$1 million women's option center (2,000 sf), and a \$1 million upgrade of the existing 650-space parking garage facility.

Also just outside the study area, East 153rd Street will be connected by a bridge over the railroad tracks between Grand Concourse and Park Avenue.

The New York City School Construction Authority (SCA) has proposed the construction of an approximately 275,000 gross square foot, 2,300-seat school complex on the northeast corner of Concourse Village West and East 153rd Street, just north of the planned East 153rd Street Bridge. The proposed school complex would house four school organizations, including a charter school serving grades 5 through 8, an intermediate school/high school (I.S./H.S.) serving grades 6 through 12, and two high schools serving grades 9 through 12. It is expected that the school complex would be ready for occupancy by September 2009.

One major project proposed within the study area that could be developed by 2009 is the construction of a new stadium for the New York Yankees, in the portion of Macombs Dam Park located north of the existing stadium across 161st Street. The potential land use, zoning, and public policy impacts of that No Build project are discussed in Chapter 22, "Future Conditions with a Relocated Yankee Stadium."

**Table 2-1  
Proposed Development Projects**

Map No.	Name/Address	Description
<b><i>To be completed by 2009</i></b>		
1	Reconstruction of 149th Street between Griffin Place and Exterior Street	Improvements to lighting, sidewalks, curbs
2	New York City Department of Homeless Services Emergency Assistance Unit	60,000 sf
3	Hostos Community College	Renovation of 125,000 sf academic building
4	Improvements at Lincoln Hospital	30,000 sf labor and delivery center, 2,000 sf MRI unit, 2,000 sf women's option center, redesign of emergency room, upgrade of parking garage
5	East 153rd Street Bridge between Grand Concourse and Park Avenue	Bridge over rail cut
6	New Yankee Stadium	Construction of new stadium in Macombs Dam Park
<u>7</u>	<u>SCA School Complex</u>	<u>275,000 gross square foot, 2,300-seat school complex</u>
<b><i>To be completed by 2014</i></b>		
<u>8</u>	Widening of the Major Deegan Expressway Viaduct	
<b>Sources:</b> NYC Department of City Planning, <u>NYS School Construction Authority</u> .		

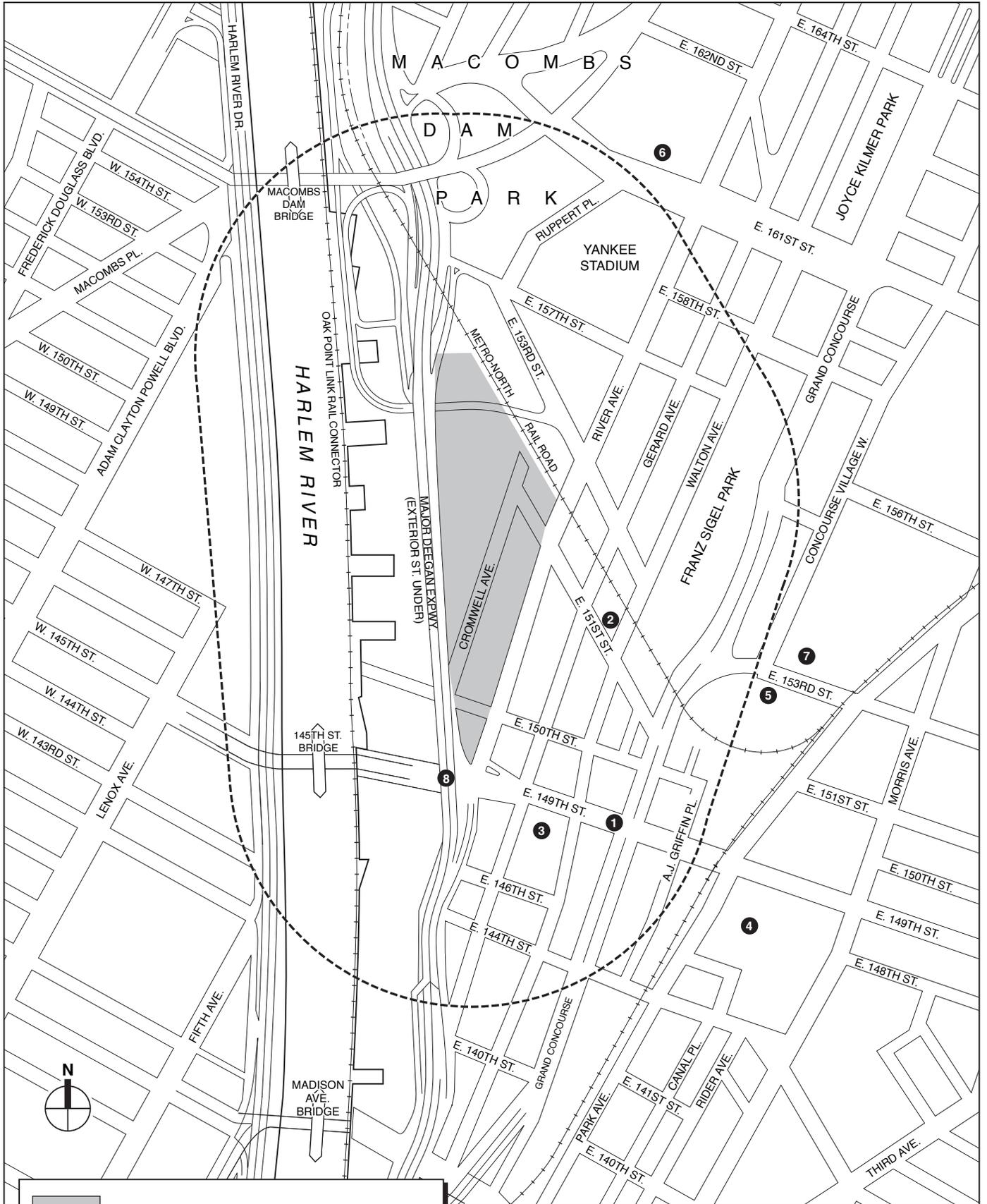
Additionally, there are a number of projects planned or under development elsewhere in Community District 4 outside the boundaries of the land use study area, some of which potentially could be completed by 2009. Lou Gehrig Plaza, located along 161st Street between the Grand Concourse and Walton Avenue, is being redesigned to function as a civic gathering space. At the Grand Concourse and 165th Street, the Bronx Museum of the Arts is undergoing an expansion that will add approximately 16,700 sf of floor area including gallery exhibition space, gallery programming space, administrative space, and an eatery.

Several infrastructure improvements are anticipated outside the land use study area as well. These include improvements to the Melrose Station of the Metro North Rail Road and improvements to the Jerome Avenue/170th Street and Jerome Avenue/Mt. Eden subway stations. The Alexander Hamilton Bridge and High Bridge ramps are to be rehabilitated. Planned open space enhancements outside the land use study area include the completion of Grant Park, located between Grant Avenue, Morris Avenue, East 169th Street, and East 170th Street; a seating area at 170th Street and the Grand Concourse; and a comfort station at Keltch Park, which is located on Jerome Avenue from Macombs Road to Elliot Place in the University Heights section of the Bronx. A planned restoration of the Grand Concourse between 161st and 171st Streets will include streetscaping, bike paths, and traffic calming measures. A bridge will be constructed on the Grand Concourse over 170th Street.

2014

*Project Site*

No changes to the project site are expected to occur without the Proposed Project by 2014.



	Project Site
	Study Area Boundary (1/4-Mile Perimeter)
	Proposed Development Project



*Study Area*

A widening of the Major Deegan Expressway viaduct is planned for completion by 2011-2012. This reconstruction would improve access to the area, including the project site. In addition, the Metro North Rail Road has been studying the possibility of establishing a station in the study area at least since the mid-1980s. If this station were created, it would improve transit access to the area.

Since New York City will not be hosting the 2012 summer Olympics, the area south of the project site on the Harlem River that had been proposed as the velodrome venue will be considered for other possible uses.

**ZONING AND PUBLIC POLICY**

No changes to zoning or public policy have been identified for the project site or the land use study area by 2009 or 2014.

**D. PROBABLE IMPACTS OF THE PROPOSED ACTIONS**

**LAND USE**

2009

*Project Site*

The Proposed Project would represent a dramatic change in land use on the project site, replacing underutilized and dilapidated buildings with a major shopping center of approximately 957,700 gross square feet (gsf) of retail and a multi-level parking garage and at-grade parking totaling approximately 2,610 spaces. The lots comprising the project site would be merged with portions of 150th and 151st Streets and Cromwell Avenue to form a superblock. The current tenants of the Bronx Terminal Market would be required to relocate, and the Bronx House of Detention would be closed as a result of the Proposed Project. A new site for the Bronx House of Detention has not been selected. The siting of any new facility will be subject to its own discretionary approval and its CEQR review. The bulk of the Proposed Project would be completed and operational by the 2009 Build year.

*Study Area*

The City—with contributions from the project sponsor—would develop an approximately 2-acre waterfront public open space on a portion of the Bronx Terminal Market area west of Exterior Street. It is anticipated that this public open space would be maintained by the New York City Department of Parks and Recreation (NYCDPR). The City is committed to developing the off-site public open space by the Proposed Project’s 2009 Build year. The programming of this open space and the actions required for its development are yet to be determined.

The change in primary use of the project site from predominantly wholesale commercial to retail with parking would not result in a significant adverse impact on the adjacent land uses. The Proposed Project continues the mixed-use quality of the study area by introducing retail uses in close proximity to residential areas and to Yankee Stadium—a major attraction drawing visitors to the area. The retail center would act as a transitional area between the existing residential uses to the north and east of the project site and the remaining heavy commercial and light industrial uses to the south. The New York Yankees have recently announced a proposal to construct a

## **Gateway Center at Bronx Terminal Market FEIS**

---

new Yankee Stadium to the north of the site with four new parking garages and a capacity for 54,000 spectators (for more detail see Chapter 22, “Future Conditions with a Relocated Yankee Stadium”). The Proposed Project would be compatible with and complement the proposed new Yankee Stadium, as the proposed retail uses would be available for use by visitors to the stadium.

A portion of the project site is currently used for parking and the site would continue to have a large parking element with the completion of the first phase of the Proposed Project. The existing streets that would be closed as a result of the proposed actions (150th Street between River Avenue and Exterior Street; 151st Street between River and Cromwell Avenues; and Cromwell Avenue between Exterior Street and Metro North Rail Road tracks) are currently not through streets and are used almost exclusively by workers and patrons of the Bronx Terminal Market and the workers maintaining the Bronx House of Detention, and would be used by workers at the Bronx House of Detention if it were to be reactivated, and therefore would receive minimal additional traffic. The elimination of these streets would therefore have no major impact on area visitors or residents and would allow for a cohesive site plan.

The existing Bronx Terminal Market tenants would be required to relocate as a result of the project. As described in Chapter 3, “Socioeconomic Conditions,” relocation assistance would be provided to the tenants.

Overall, the first phase of the Proposed Project would provide a major retail facility that would serve the local residents and workers as well as residents and workers in surrounding communities and would be compatible with the surrounding residential and commercial land uses. The City-created, off-site public open space would provide substantial new open space and access to the waterfront and would improve the visual quality of the Harlem River shoreline. The Proposed Project is compatible with the proposed roadway infrastructure improvements planned for the study area that would improve access to the area, as well as with the planned community facility projects described above in Section C, including the expansions of Hostos Community College and Lincoln Hospital. It is not expected that the Proposed Project would result in additional changes to land use. Given the overall compatibility of land uses, the project would not result in significant adverse land use impacts in 2009.

2014

### *Project Site*

The second phase of the Proposed Project would introduce a new approximately 247,500 gsf hotel—the only hotel in this area of the city—with 250 rooms, a 30,000 gsf banquet facility, and approximately 225 parking spaces to the project site. The introduction of the hotel use would be compatible with the other uses to be developed on the project site, which by 2014 would be a large-scale retail center.

### *Study Area*

The hotel would be compatible with surrounding residential and commercial uses as well as with the proposal to construct a new Yankee Stadium to the north of the site. The Proposed Project would be compatible with and complement the proposed new Yankee Stadium. The hotel component of the Proposed Project would likely serve users of the proposed new stadium.

## ZONING AND PUBLIC POLICY

2009

As described in Chapter 1, “Project Description,” the Proposed Project requires a number of discretionary actions including a zoning map change, declaration of a General Large Scale District, special permits related to the creation of the General Large Scale District, and the elimination of sections of several streets. Together, the proposed actions would allow development of commercial uses on the project site.

The proposed actions, if approved, would represent a change in zoning on the project site from an M2-1 medium manufacturing district to a C4-4 general commercial district. As described above, C4 districts are major commercial centers. The zoning change would be compatible with land use designations in the area, including the R8 and R6 districts to the east. The C4-4 district would also be compatible with the M1-2 district to the east, which typically borders residential and commercial districts, as it currently does in this case to the north, south, and east.

The New York City Zoning Resolution allows the City Planning Commission to permit bulk modifications for height, setback, and yards within a general large-scale development. The proposed actions include special permits that would allow greater height and distribution of floor area on the project site than would otherwise be permitted under zoning regulations. The requested special permits would allow the modification of the underlying height and setback requirements on the River Avenue frontage to permit Retail Building B/F and the public parking garage to be constructed without the required setback at 71 feet above curb level. Retail Building B/F would rise without setback to a height of approximately 96 feet along River Avenue, and the parking garage would rise without setback to approximately 84 feet along its River Avenue frontage. The height and setback modifications would allow a greater portion of the retail development to occur on the widest portion of the project site and are necessary to provide floor plates that are regular in configuration to meet the needs of the proposed large- and medium-scale retail tenants. The distribution of floor area to the portion of the project site north of the Major Deegan Expressway ramp would allow a hotel of sufficient size to accommodate the project program while complying with required height and setback requirements on this portion of the site.

The proposed actions would include a special permit pursuant to ZR Section 74-512 to allow a parking garage with approximately 2,342 spaces. This exceeds the 150 spaces permitted in a parking garage by the Zoning Resolution without the special permit. The remaining spaces in the garage would be accessory parking spaces.

These changes do not constitute a significant adverse impact to the City’s framework for zoning within large scale developments. Furthermore, the project site currently contains several large paved areas that are used for parking for Yankee Stadium, as well as 50 parking spaces adjacent to the Bronx House of Detention and approximately 423 rooftop parking spaces. The proposed parking would therefore be a continuation of uses that currently exist on the site.

In addition, the proposed actions include a special permit that would increase the permitted surface area of accessory signs and allow them to be located above a height of 40 feet. Along River Avenue, signs on the proposed parking garage would reach a height of approximately 100 feet. Along the eastern side of Exterior Street on the proposed Retail Building B/F, signage would rise on stanchions to a maximum height of approximately 155 feet. The increased height and area of the signs is necessary due to the presence of the elevated structure of the Major

## **Gateway Center at Bronx Terminal Market FEIS**

---

Deegan Expressway over Exterior Street and the change in elevation of approximately 29 feet from Exterior Street to River Avenue.

The Proposed Project would be consistent with the public policies that govern the site and surrounding area. The Proposed Project would also be consistent with the Bronx Borough President's new Bronx Waterfront Plan, as it would create a year-round commercial center that would employ Bronx residents and would complement the waterfront public open space to be built to the west of the project site by the City with contributions from the project sponsor. Finally, the proposed amendments to the City Map that would eliminate portions of 150th Street, 151st Street, and Cromwell Avenue would follow the procedures of the City's ULURP process, which permits such amendments. The proposed map changes would not conflict with public policy.

*2014*

No additional zoning actions would be required for the completion of the second phase of the Proposed Project. The special permit for bulk waivers included in the proposed actions would allow the distribution of floor area to the hotel site from elsewhere on the project site.

Overall, the Proposed Project would be consistent with land use, zoning, and public policy. \*