

## **APPENDIX N:**

# **Public Comment Letters on Draft Scoping Document and Draft Environmental Impact Statement (DEIS)**



# **Written Comments Received on Draft Scope**



**Comments of Borough President Adolfo Carrión, Jr.  
on the Scope of Work for an Environmental Impact Statement  
concerning the Lower Grand Concourse Rezoning  
Public hearing convened by the NYC Department of City Planning  
June 19, 2008**

I have encouraged the transformation of the Grand Concourse area between 149<sup>th</sup> and 138<sup>th</sup> Streets as an emerging mixed use neighborhood since my first State of the Borough Address in 2002. A nexus of activity surrounds the blocks on and immediately west of the Concourse: Hostos College to the north, Gateway Center at Bronx Terminal Market directly northwest, a prospective tourist hotel at Gerard and 146<sup>th</sup> Street, and the Port Morris Mixed Use District to the south. P.S. 31 is ripe for redevelopment. Although these blocks contain active industry, their location lends itself to mixed use development with an emphasis on arts related uses.

I commend the department for accepting my suggestion to map a waterfront park at the foot of 144<sup>th</sup> Street, which will create an attractive view corridor and recreational outlet for the neighborhood. I also applaud the requirement that waterfront developments include public walkways at the level of the Oak Point Line or higher.

I have some concerns, however, with the Planning Department's vision for the area east of the Concourse which displays a different pattern. Active rail lines pass directly behind the boulevard's frontage, followed by industrial blocks between Park and Lincoln Avenues. I appreciate the intent to leave the M1 zone south of 144<sup>th</sup> Street east of the Concourse, from the Metro-North tracks to Canal Place, intact. But I question the proposal to rezone portions of four industrial blocks east of the core mixed use area, between 146<sup>th</sup> and 139<sup>th</sup> Streets from Canal Place to the east side of Rider Avenue, and the partial block north of 144<sup>th</sup> Street. Mixed use designation could jeopardize over 230 jobs.

My advocacy for the Morrisania and Port Morris districts, as well as the Lower Concourse area, attest to my support for mixed use zoning where appropriate. Nevertheless, policy makers must recognize that higher residential land values can induce the sale of industrial buildings, especially those with multiple tenants. I question the urgency to rezone blocks of industrial character which could, with the nation's economy in recession, put well paying working and middle class jobs in peril.

Accordingly, I call on the City Planning Department to expand the scope of work for the environmental impact statement to include an analysis of ownership patterns, documenting numbers of business that are owner occupants or tenants, in the area between Canal Place and Rider Avenue north of E. 138<sup>th</sup> Street, and east of the rail tracks between E. 144<sup>th</sup> and 146<sup>th</sup> Streets. Also the City should consider the impact on businesses that may be forced or pressured to relocate owing to resulting changes in real estate dynamics, in the absence of a relocation assistance program.

Several other elements of the scoping document or the environmental assessment statement should be reconsidered:

While I agree that food markets are consistent with mixed use zoning on the Lower Concourse area and should be allowed as-of-right, I question the vision of regional retail on the Concourse or the Harlem River waterfront. Almost one million square feet of regional retail space will open soon at the nearby Gateway Center. Open space and recreational improvements along the Harlem River waterfront are in various stages of planning and development. Potential competition with new redevelopment at the Hub should be considered. While I support higher density residential development on the waterfront, I question the proposed C4-4 district, as well as C6-2A on the Grand Concourse. I insist that the scope of services be amended to include the study of other commercial rezoning options, including comparative bulk scenarios.

With respect to residential development, this burgeoning area offers the potential for becoming a mixed income as well as a mixed use district. Inclusionary zoning raises a moral and philosophical issue. If the resulting affordable housing units are allowed throughout Community District 1, they would likely further concentrate low income housing rather than diversify the lowest income congressional district in the United States. Rather, the inclusionary housing bonus should be available only where affordable units are located within the same development.

Finally, the submitted documents emphasize opportunities for new residential and commercial development over the industrial mix in an MX district. Given the increasing interest in arts-related business in Port Morris, often more suited to manufacturing zones the study should consider impacts on the arts community.



**NEW YORK STATE SENATOR  
JOSÉ M. SERRANO**



157 E. 104<sup>th</sup> Street, Ground Floor, New York, NY 10029  
Phone: (212) 828-5829 Fax: (212) 828-2420 – [www.nyssenate28.com](http://www.nyssenate28.com)

**Testimony by State Senator José M. Serrano submitted as part of the  
Lower Concourse Rezoning Public Scoping Meeting  
on the Draft Scope of Work for an Environmental Impact Statement  
(EIS) hosted by the Department of City Planning for the  
City of New York on June 19<sup>th</sup>, 2008**

I would like to thank the Department of City Planning for the opportunity to submit written testimony and participate in the public scoping meeting for the Lower Concourse rezoning.

This rezoning is timely and proactive. With strong community engagement and thorough research, it has the potential to bring positive change, and create a more vibrant gateway to the Bronx. The rezoning area is highly underutilized. Given the current conditions, particularly the shortage of affordable housing in the Bronx, action is certainly needed.

The preliminary plan gives consideration to a number of important concerns that the South Bronx is facing such as affordable housing, access to healthy and affordable food, access to open spaces, improving environmental conditions and utilization of existing capacity on mass transit.

(Continued on the back of this page)

It is still, however, crucial that the necessary research be done to ensure that the desired results are achieved by the plan. I believe special attention should be given to the following factors:

- The effects of a rezoning of this scale and the impacts it may have on the socioeconomic, demographic and cultural characteristics of the community, and how this may compare to adjacent neighborhoods in the Bronx. We need to ensure that this area is developed for the people of the Bronx.
- Different models for affordable housing should be examined to ensure that a substantial amount of permanent affordable housing is created.
- Strategies to ensure that the greatest amount of public benefit is achieved in exchange for any additional allowances (such as height) should be explored. This is of particular concern along the waterfront. The Natural parkland to be created as part of the rezoning must comprehensively meet the needs of the projected population.
- I applaud the department for its foresight on the issue of supermarkets, as access to healthy and affordable food has been a priority of mine. With that said, we must closely examine the impact of removing the 10,000 square-foot maximum on food stores in the area. Consideration should also be given to implementing a different square footage maximum and any negative or positive effects this may have. It is important to avoid larger “suburban” type stores.
- In-depth traffic impact studies as well as pedestrian access and safety studies should be completed. With the prevalence of asthma in our community, a reduction of vehicular traffic in the area is essential.
- Transit Oriented Development Best Practices should be reviewed. Given this area’s access to higher order transit, all development should be built to the street in order to improve accessibility for pedestrians and should consider convenient and safe access to public transportation.
- Surface transportation options should be reviewed to ensure that connections are available to surrounding neighborhoods that are not easily accessed by the subway system.
- Streetscaping, improved pedestrian facilities, vegetation (i.e. Street Trees) and additional facilities for alternative modes of transportation such as cycling, and water transportation, should be considered.
- Research should be completed to ensure the area is rezoned appropriately to facilitate the creation of vibrant mixed-use neighborhoods.

In closing, I look forward to working with the Department of City Planning and the various city agencies throughout the planning and public consultation process.

Senator José M. Serrano represents the 28<sup>th</sup> Senate District, which is comprised of parts of the South Bronx, Highbridge, University Heights, East Harlem, Yorkville, Randall’s Island and Roosevelt Island.





DEPT OF CITY PLANNING  
RECEIVED

2008 JUN 30 PM 12: 05

ENVIRONMENTAL REVIEW DIV.

Mr. Adam Lynn  
NYC Department of City Planning  
22 Reade Street 4N  
New York, NY 10001

June 23, 2008

Dear Mr. Lynn:

I am writing to provide comment on the Lower Concourse Rezoning - I attended and testified at the Public Scoping Meeting on the Draft Scope of Work for the EIS on June 19<sup>th</sup> at Hostos Community College and want to write additional comments.

The plan does give consideration to a number of issues that confront the present South Bronx community but additional attention is needed to examine demographic and socioeconomic and cultural trends for the future of this vibrant, ethnically rich and diverse community. I recommend additional attention should focus on the following:

- Sustainable affordable artist housing, studio/work space and live/work space. This will have a positive effect on the market. Consider an inclusionary bonus for 100% permanent affordability and creative financing. To accomplish this facilitate making connections with the targeted artist community and the surrounding neighborhood. Artist space development projects require many different types of funding from a variety of public and private sources. Identify, facilitate and strategize with local arts organizations and local community development corporations.
- Consider a "relocation assistance plan" for residents in sub-standard housing in addition to one for displaced businesses
- Create the urban model of true 'mixed use' zoning - a key "smart growth" tool to reduce auto dependence and preserve green space and natural resources. The South Bronx is an ideal community for true "mixed use," a deliberate mix of housing, civic uses, and commercial uses, including retail, restaurants, and offices
- While I applaud idea of a change in zoning to accommodate large scale grocery stores, I am concerned with the loss of neighborhood grocery markets – once the zoning is changed for accommodating large scale grocery stores it will be near impossible to prevent big box stores from invading the area and silencing the

*The Bronx Writers' Center • Bronx Cultural Card • Longwood Art Gallery • BCA Development Corporation*

*1738 Hone Avenue, Bronx, New York 10461-1486*

*718.931.9500 • Fax: 718.409.6445 • Email: [bronxart@bronxarts.org](mailto:bronxart@bronxarts.org) • Website: [www.bronxarts.org](http://www.bronxarts.org)*

treasure of local, mom and pop retail that drives the economy. Small business makes America work – thoughtful consideration must be applied before changing the footprint of culturally diverse shopping areas. There is no question that the area needs - grocery stores – laundromats – drycleaners – daycare centers - and the appropriate zoning needs to be in place to make it happen.

- Transportation. The subway and surface transportation offerings need to be improved and cleaned. There is no excuse for the deplorable condition of the 149<sup>th</sup> Subway station. Make bike paths a priority and create many places to secure bikes. Think ferries, commuter rail, express buses and safe pedestrian passage.
- The asthma rate is a major health concern - stop the trucks from free passage across the Bruckner service road to the 3<sup>rd</sup> Avenue bridge – the South Bronx should not be a convenient short cut and therefore infested with fumes and exhaust. Consider a fee for road use.
- Street trees and parks – there are simply not enough of either now or evident in the plan as it appears today. The proposed plan for a park just under the 138<sup>th</sup> St. Bridge Madison Avenue area is inadequate. Natural grass parkland and street trees are essential for safe water run off and capture, and cleaner air.
- Access to the Waterfront - Access to the waterfront - Access to the waterfront – not just esplanades – really touching the water – it is paramount.
- The Padded Wagon Lease compound will soon loose its lease - Re-visit the height limits - remember the human scale. Create a low visibility street profile  
The 260’ and 400’ height requirements are out of proportion with the horizon.

I am looking forward to the next steps in this process as the City works for a thoughtful and healthy renaissance of the South Bronx community. Thank you.

Sincerely,



Ellen M. Pollan, Director  
South Bronx Cultural Corridor



11 Park Place, Suite 914  
New York, NY 10007

P: 212-404-6990  
F: 212-404-6999

www.NYIRN.org

June 26, 2008

**Lower Concourse Rezoning**  
**Written Testimony in response to the Draft Scope of Work**

The New York Industrial Network (NYIRN) is a citywide economic development organization that promotes a diverse economy by strengthening New York's manufacturing section through sustainable development.

The proposed rezoning of the Lower Concourse is a positive direction for the South Bronx community. The City's proposed rezoning will encourage the development of additional housing, commercial activities, a new park and other open spaces along a more accessible and beautified waterfront. In light of these improvements, NYIRN recommends further study of two areas in the upcoming Environment Impact Statement (EIS): the impact of potential job displacement on the local economy, and a survey of supermarkets and other retail spaces in and around the study area. These recommendations speak to the significance of manufacturing, and the community's need for a greater access to affordable and healthy foods.

The proposal raises concerns in rezoning a M1-2 District into an MX Zone. This area lies east of the Grand Concourse between Canal Place and Rider Avenue from 139<sup>th</sup> to 144<sup>th</sup> Street, along with a smaller block north of that between the railways and Canal Place from 145<sup>th</sup> to 146<sup>th</sup> Street. Rezoning this area into an MX Zone is incompatible with the administration's overall vision of the area. The M1-2 District in question rests in the Port Morris Ombudsman Zone, and sits northwest of an Industrial Business Zone. These existing designations indicate the City's recognition of the significance of manufacturing and business protection in the South Bronx. There are currently at least 95 manufacturing businesses in the Ombudsman Zone, 13 of which would be immediately affected by the proposed rezoning.<sup>1</sup>

Manufacturing in the Lower Concourse area is important for several reasons:

1. The manufacturing sector tends to pay higher salaries, an average of \$16,000 more, than jobs in retail and other service industries.<sup>2</sup>
2. Manufacturing businesses employ a diverse workforce—64 % of the manufacturing workforce in New York City is immigrant<sup>3</sup>, while 24% does not have a high school degree.<sup>4</sup> Manufacturing could provide employment opportunities to local residents<sup>5</sup> in the South Bronx where nearly one third is

<sup>1</sup> Total numbers derived from a 2008 business survey of Port Morris Ombudsman Zone by *The Bronx Overall Economic Development Corporation (BOEDC)*.

<sup>2</sup> *New York State Department of Labor 2006; County Business Patterns 2003*.

<sup>3</sup> *2000 Census*.

<sup>4</sup> *Current Population Survey 2002*.

<sup>5</sup> 20 percent of Bronx residents depend on public assistance (data from *New York City Department of City Planning's (DCP) Community Profiles of Bronx Community Districts 1 and 4 from the 2000 US Census Bureau*).



11 Park Place, Suite 914  
New York, NY 10007

P: 212-404-6990  
F: 212-404-6999

www.NYIRN.org

foreign born, and close to 51% of its population of 25-year olds and over does not have a high school degree.<sup>6</sup>

3. Local workers in manufacturing industries would support the services of the retail and commercial industries in and around the area.
4. Light industrial zones allow for artists' spaces in this growing artist community.

Although industrial uses are allowed in mixed-use districts, the MX Zone is disadvantageous to surrounding businesses and industries, and consequently the overall efforts in economic development of the Lower Grand Concourse, for the following reasons:

- Existing manufacturing industries would likely be displaced in the face of real estate pressures and speculations that come with residential developments. This would result in the loss of local manufacturing jobs in the community.
- This zoning change would cause secondary displacement of jobs in the M1 Zone directly west of it.
- The loss of these jobs would also impact nearby retail and commercial businesses that rely on the workers who use their services daily.

Further study on the impact of potential job displacement would help shed light on the negative effect that a rezoning could have on existing manufacturing industries, and the consequences on economic development opportunities in the Lower Concourse.

The proposed rezoning also addresses the dearth of supermarkets in the neighborhood making provisions for greater developments of large grocery and food stores. This raises another concern of big box retail stores that are currently allowed in M1 Zones without height and bulk limitations. This fear reflects community concerns, expressed by New York Senator Jose M. Serrano who urges restriction of "suburban" type stores in the neighborhood; and Bronx Borough President Adolfo Carrion Jr. who recommends the addition of comparative bulk scenarios in subsequent studies made by the City.

NYIRN supports the rezoning of the Lower Concourse for its provision for affordable housing, open space and economic development opportunities. However, the area currently provides valuable job opportunities that should be considered. Therefore, we encourage DCP to make revisions to the EIS for the rezoning of the Lower Concourse to:

- Preserve the area between Canal Place and Rider Avenue from 139<sup>th</sup> to 144<sup>th</sup> Street, along with a smaller block north of that between the railways and Canal Place from 145<sup>th</sup> to 146<sup>th</sup> Street as an M1 District and not rezone it into a mixed-use zone.
- Prohibit the development of big box retail and other uses unrelated to manufacturing, other than large food stores or supermarkets that are currently allowed as-of-right in M1 Districts through a Special Permit or size limitation.

<sup>6</sup> 2000 US Census Bureau.

**From:** "Linda Cunningham" <llcunning@gmail.com>  
**To:** <rdo Brus@planning.nyc.gov>  
**CC:** <llcunning@verizon.net>  
**Date:** 7/17/2008 4:49 PM  
**Subject:** Lower Concourse Rezoning- draft scope of work

Mr. Adam Lynn  
NYC Department of City Planning  
22 Reade St 4N  
New York, NY 10001

Dear Mr. Adam Lynn and  
Gentlemen and Ladies of the Planning Commission and Planning Commission  
Process,

I strongly favor many aspects of the mixed use rezoning plan. As a developer of the first market rate, privately funded condominium conversion of a 1904 former light manufacturing building I have every interest in further residential development and redevelopment of other underused, former light manufacturing structures in the area. Before our small LLC began developing 305 East 140th St we wanted to develop a 6 story turn-of the -century warehouse on Park Ave. in the area you are now considering re-zoning. We were deterred by the M-1 zoning and could not risk the delay and expense of trying to obtain a variance.

I have lived and worked in this neighborhood as an artist and citizen as well as a developer and I also have several concerns about the re-zoning plan as it is currently framed.

1. \*The Inclusionary Zoning \*proposal is an important aspect of the current proposal; however it will only affect the prospective re-zoning are positively if it is restructure to insure a greater proportion of middle income and low middle income units will be constructed under the "affordability guidelines".

a. Developers should only be allowed benefits if the "affordable units" are offered on the same site as the constructed properties as per the comments by the borough President, or your plan will incite intense opposition from an already integrated mixed income community badly in need of attractive affordable housing.

b. Once again the artist community that has made this area more appealing and interesting for investment is threatened with escalating rents. Artist and teachers are now low middle or low income participants in the New York community and guidelines need to encompass opportunities to maintain this positive energy.

c. The greatest market for housing in New York is for middle and lower income. The guidelines should enable and entice developers to develop for the market or nothing will move forward in a collapsing economy such as currently exists.

2. \*The proposed Waterfront rezoning\* allows already a height of development that is excessive and questionable for several reasons.

a. developers would be unlikely to apply for the affordable benefits since they could already build 40 stories.

b. The proposed land is flood plane and should really be used as badly needed park and recreation area to improve general quality of life in the area.

Re-zoning to such heights should only be allowed further in the interior,

away from the waterfront and "sought after views" could still be purchased and sold and overlook shorter structures and green park land. As structured your plan will lessen the values, views and air rights of the traditional well-developed Grand Concourse.

3. Waterfront parks and promenade:

The proposed park should follow the whole waterfront area and is crucial to the positive redevelopment of this part of the Bronx. The promenade is an excellent idea

Thank you for you attention to these issues.

Sincerely,  
Linda Cunningham  
Bronx Bricks, LLC  
305 East 140th, Bronx 10454

**Written Comments  
Received on Draft  
Environmental Impact  
Statement (DEIS)**





# **PROPOSED MODIFICATION OF LOWER CONCOURSE REZONING**

**PROPOSED INCLUSION OF 142 CANAL STREET WEST**

JORDAN MOST  
SHELDON LOBEL, PC  
APRIL 1, 2009

**PROPOSED MODIFICATION TO  
LOWER CONCOURSE ZONING MAP AMENDMENT**

We support the Lower Concourse rezoning proposal, but we would like to propose a small modification. I represent the owner of 2 properties in the Lower Concourse area. One property is 205 Canal Street West, located between Park Avenue and Canal Street West at East 138<sup>th</sup> Street, and the second property is 142 Canal Street West, located mid-block between Canal Street West and Canal Place. The first parcel has been included in the proposed zoning action, while the second parcel has been excluded.

The owner assumed that both parcels were included in the rezoning and put together a plan for the development of both properties. Having only recently learned that the mid-block property was excluded from the rezoning they are now asking to have this parcel (142 Canal Street West) included in the adjacent MX: M1-4/R7X zone.

The manner in which this MX particular zone has been mapped is hardly a traditional corridor mapping since the zone extends to several mid-block parcels and extends as far as 300 feet southwest of East 138<sup>th</sup> Street between Park Avenue and Canal Place, as opposed to the normal 100 depth for corridor or avenue upzonings.

A stated goal of the rezoning is the re-use of underutilized industrial land. While both of the sites I'm discussing fit the profile of underutilized industrial land presenting housing opportunities – only one of the parcels was included in the rezoning proposal. The 300 foot distance from East 138<sup>th</sup> Street was possibly a “neat” place to draw the line due to the depth of our first property and the parcel adjacent to the second property

which fronts on East 138<sup>th</sup> Street. But we suggest that the planning goals and housing opportunities here are better served with a district boundary that includes the vacant mid-block site, a site very unlikely to be developed for conforming M1-4 uses. As projected, all proposed residential units will serve households earning less than 60% of AMI, and a portion of the units will serve households earning less than 50% of AMI.

We believe inclusion of the second parcel presents *de minimis* scoping issues, and that the introduction of relatively few units and parking spaces presents no substantive environmental impact.

We respectfully ask, in spite of our lateness, the City Planning Commission to consider this change to the proposed Lower Concourse zoning map amendment proposal.

**142 Canal Street West (not included)**

Lot Area: 26,750 sf  
Proposed: 143 units  
10-story mixed-use building  
5.0 FAR  
133,750 sf of floor area

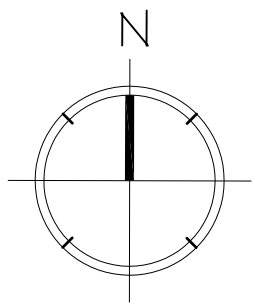
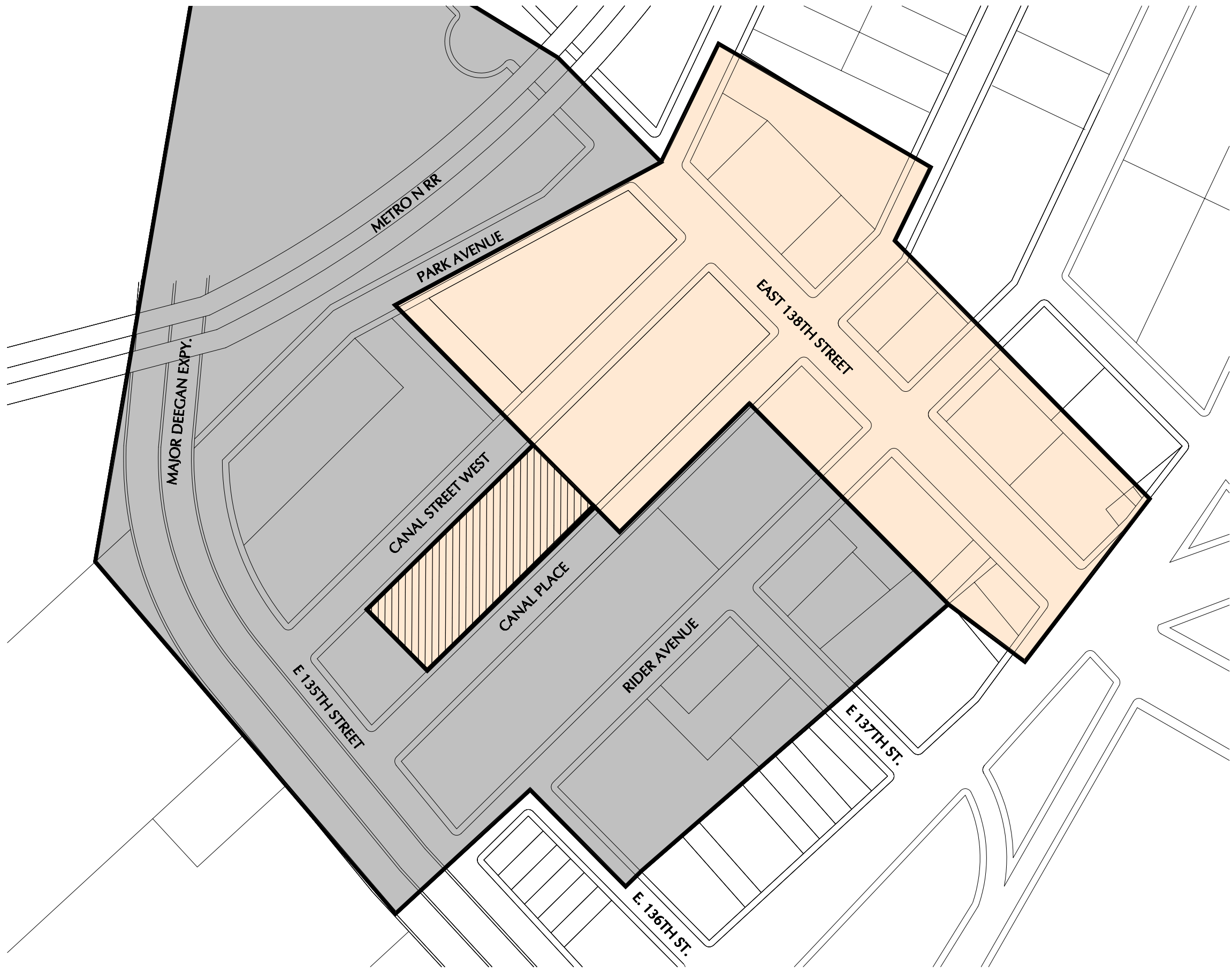
**205 Canal Street West (included)**

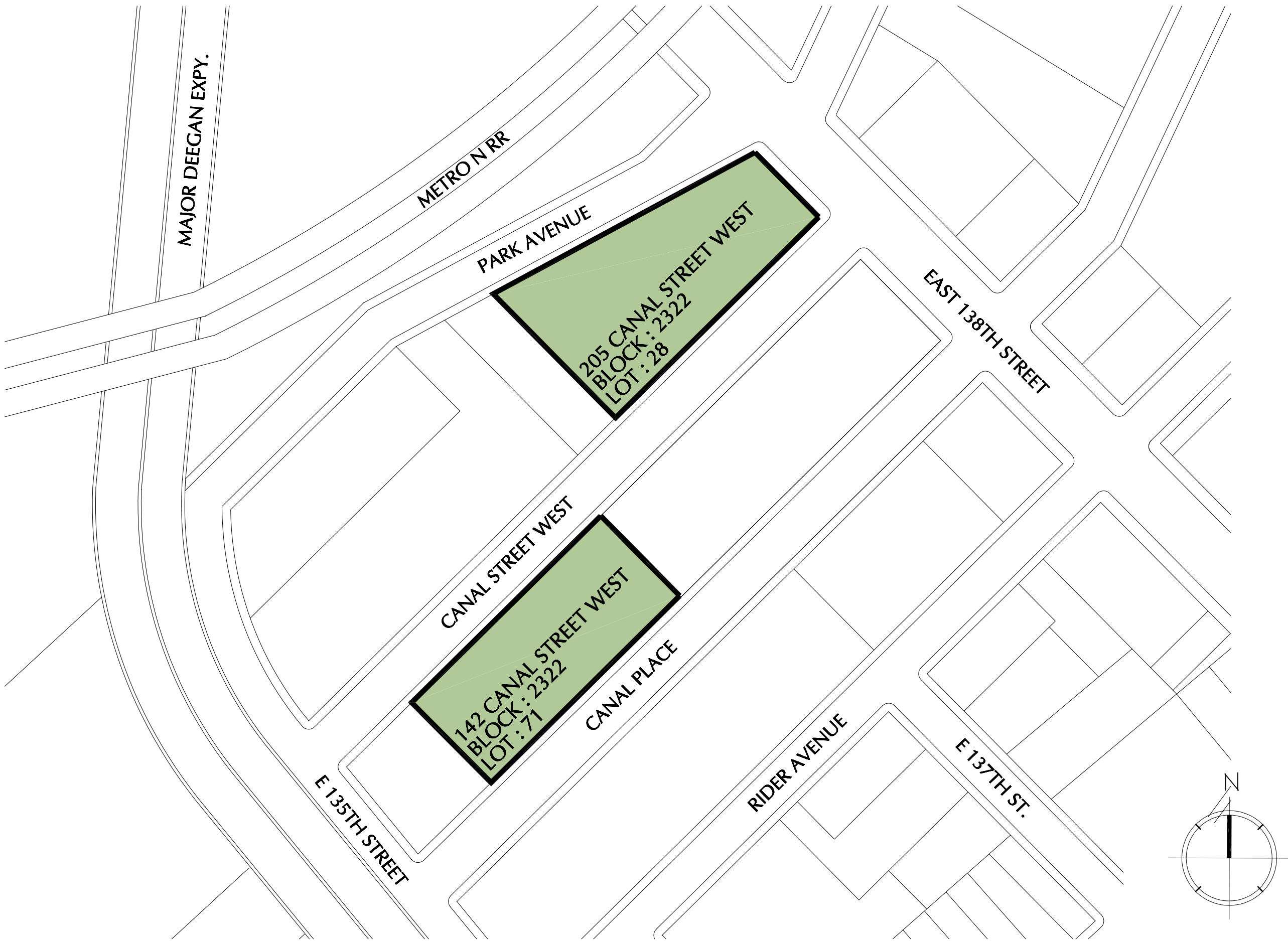
Lot Area: 33,640 sf  
Proposed: 179 units  
11-story mixed-use building  
5.0 FAR  
168,200 sf of floor area

**142 & 205 CANAL STREET WEST**  
 BETWEEN EAST 135TH AND EAST 138TH STREET  
 BRONX, NY  
 BLOCK: 2322, LOT: 28 & 71

ARCHITECTS:  
 GF55 PARTNERS, LLP  
 OWNER:  
 DOVER GARAGE II INC.  
 SHANNON SYSTEMS CORP LLC  
 SEAL

ISSUE:  
 04/01/2009  
 DRAWING:  
 PROPOSED ZONING MAP  
 SCALE:  
 N.T.S.  
 DRAWN BY:  
 DRAWING NO.





**142 & 205 CANAL STREET WEST**  
 BETWEEN EAST 135TH AND EAST 138TH STREET  
 BRONX, NY  
 BLOCK: 2322, LOT: 28 & 71

ARCHITECTS:  
 GF55 PARTNERS, LLP

OWNER:  
 DOVER GARAGE II INC.  
 SHANNON SYSTEMS CORP LLC

SEAL

ISSUE:  
 04/01/2009

DRAWING:  
 PROPOSED SITE PLAN

SCALE:  
 N.T.S.

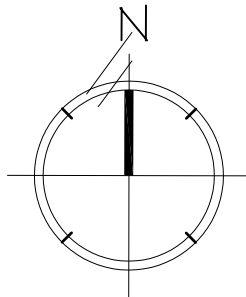
DRAWN BY:

DRAWING NO.

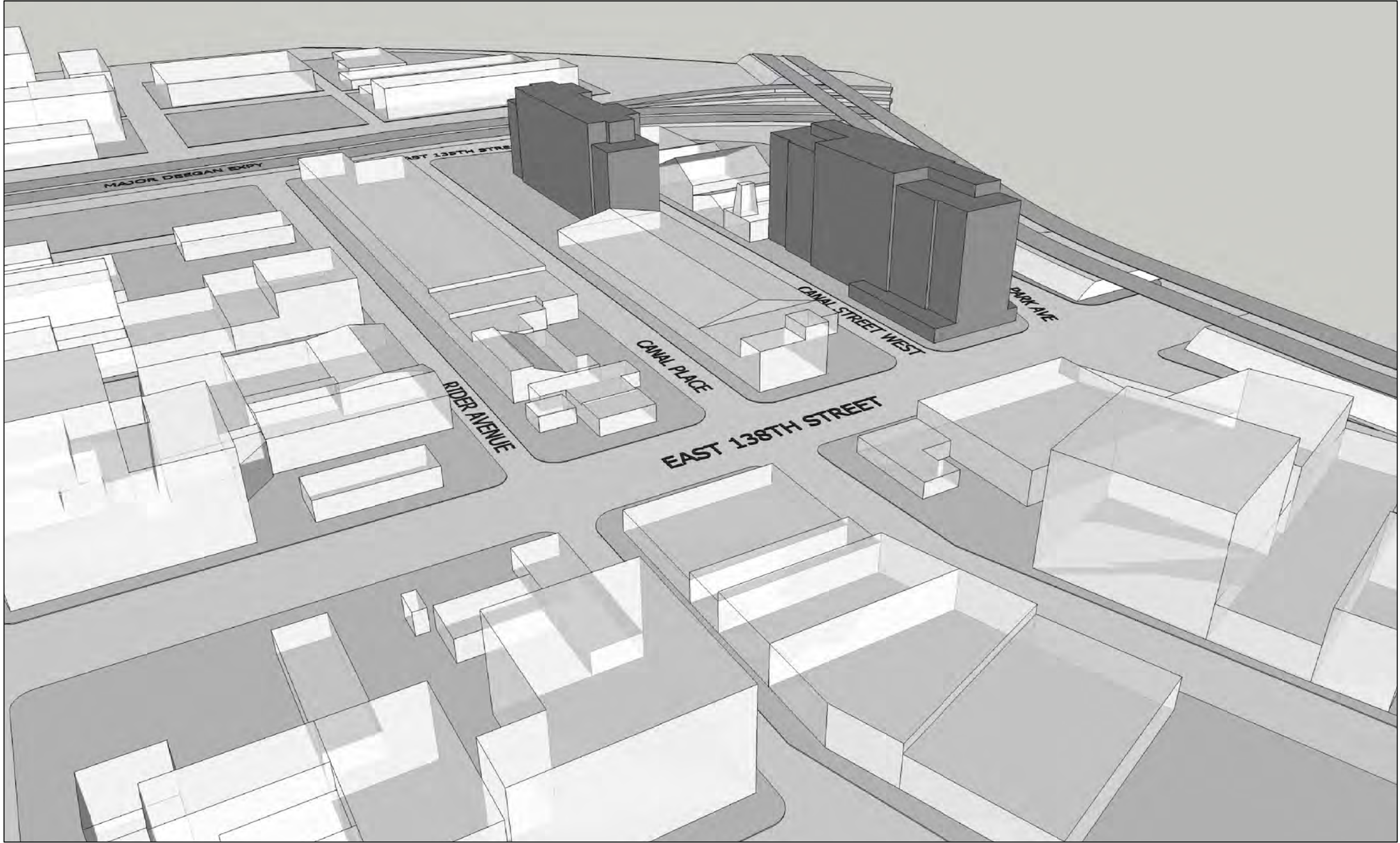
**A-102**

OF

**A PROPOSED SITE PLAN**



N.T.S.



**142 & 205 CANAL STREET WEST**  
BETWEEN EAST 135TH AND EAST 138TH STREET  
BRONX, NY  
BLOCK: 2322, LOT: 28 & 71

ARCHITECTS:  
GF55 PARTNERS, LLP

OWNER:  
DOVER GARAGE II INC.  
SHANNON SYSTEMS CORP LLC

SEAL

ISSUE:  
04/01/2009

DRAWING:  
PROPOSED MASSING

SCALE:  
N.T.S.

DRAWN BY:

DRAWING NO.

**A-103**

OF

**A** PROPOSED MASSING

N.T.S.

# 142 CANAL STREET WEST BRONX, NY 10451

BLOCK 2322  
LOT: 71

## DRAWING INDEX

- A-000 COVER
- A-001 ZONING-UNIT CHART
- A-002 SITE IMAGES
  
- A-101 MASSING
- A-102 CELLAR PLAN
- A-103 GROUND FLOOR PLAN
- A-104 2ND-10TH FLOOR PLAN
- A-105 11TH FLOOR PLAN

GF55

PARTNERS

19 W. 21ST STREET, SUITE 1201  
NEW YORK, N Y 10010  
212 352 3099  
© GF55 Partners, LLP 2009

142 CANAL STREET WEST  
BETWEEN EAST 135TH AND EAST 138TH STREET  
BRONX, NY  
BLOCK: 2322, LOT: 71

ARCHITECTS:  
GF55 PARTNERS, LLP

OWNER:  
SHANNON SYSTEMS CORP.

SEAL

ISSUE:  
03/25/2009

DRAWING:  
COVER

SCALE:  
N.T.S.

DRAWN BY:

DRAWING NO.

A-000

OF

March 23th, 2009

OWNER:  
SHANNON SYSTEMS CORP.

ARCHITECTS:  
GF55 PARTNERS LLP

19 West 21st Street  
New York, NY 10010  
PH 212-352-3099  
FX 212-352-3098  
David E. Gross

UNIT COUNT					
Floor	Studio	1 BR	2 BR	3 BR	Totals
Floor 1	1	5	3	2	11
Floor 2	1	6	7	2	16
Floor 3	1	6	7	2	16
Floor 4	1	6	7	2	16
Floor 5	1	6	7	2	16
Floor 6	1	6	7	2	16
Floor 7	1	6	7	2	16
Floor 8	1	6	7	2	16
Floor 9	1	2	6	1	10
Floor 10	1	2	6	1	10
<b>Totals</b>					
	10	51	64	18	143
<b>%</b>	7	36	45	13	100%
<b>Range of SF</b>	421-443 SF	631-754 SF	810-1037 SF	1159-1204SF	

ZONING ANALYSIS 142 Canal Street West				
ZONING ANALYSIS - MX (R7X/ M1-4)				
Map #6a, Block: 2322, Lot:71, Use Group: 1-14 & 16-17				
TOPIC		PERMITTED (SF)	PROPOSED	REFERENCE
Site Area	26,750.00			
Area within 100 Ft of corner	1,727.00			
Area beyond 100 Ft of corner	25,023.00			
<b>Total Building FAR</b>	5.00	<b>133,750.00</b>	<b>133,457.10</b>	23-145
Residential FAR	5.00	133,750.00	130,482.10	
Commercial FAR	2.00	53,500.00	2,975.00	
Lot Coverage: Corner lot	80%	1,381.60		23-145
Lot Coverage: Interior Lot	70%	17,516.10		
<b>Total Lot Coverage</b>		<b>18,897.70</b>	<b>14,365.00</b>	
Rear Yard	Not Required			
Minimum Recreation Space	3.3% of Residential Area	4,305.91		28-31
Laundry (Number of Machines)	Dryer: 1 for 40 Units	4.92		28-24
	Washer :1 for 20 Units	7.15		
Max. number of units	FAR for Res./680	196.69	143	
Min. legal window		30'-0"		
<b>Height and Set back for Residential Building (Quality Housing)</b>				
Max. Height		125'-0"	105'-0"	23-633
Max. Base Height		85'-0"		23-633
Min. Base Height		60'-0"		23-633
Set back	10 ft for wide streets			
	15 ft for narrow streets			23-633
Dormers	Allowed			23-621-c
<b>Parking</b>				
Parking for Residential	15% of Dwelling Units for Low Income	21.45		25-241
For Commercial Uses	R7X is applicable as C4-5X :Not Required	0.00		34-112/36-21
		21.45		
<b>Total Parking</b>		<b>21</b>	<b>27</b>	

PROPOSED BUILDING				
Floor	Actual Building Area	Zoning Area: Commercial	Zoning Area: Residential	Zoning Area
Cellar : Storage & Building support	14,365.00	0.00	0.00	0.00
Floor 1: Residential & Commercial space	14,365.00	2,975.00	11,162.20	14,137.20
Floor 2: Residential	14,365.00	0.00	14,077.70	14,077.70
Floor 3: Residential	14,365.00	0.00	14,077.70	14,077.70
Floor 4: Residential	14,365.00	0.00	14,077.70	14,077.70
Floor 5: Residential	14,365.00	0.00	14,077.70	14,077.70
Floor 6: Residential	14,365.00	0.00	14,077.70	14,077.70
Floor 7: Residential	14,365.00	0.00	14,077.70	14,077.70
Floor 8: Residential	14,365.00	0.00	14,077.70	14,077.70
Floor 9: Residential	10,600.00	0.00	10,388.00	10,388.00
Floor 10: Residential	10,600.00	0.00	10,388.00	10,388.00
<b>Total</b>	<b>150,485.00</b>	<b>2,975.00</b>	<b>130,482.10</b>	<b>133,457.10</b>

MAX. FAR : 133,750.00

**142 CANAL STREET WEST**  
 BETWEEN EAST 135TH AND EAST 138TH STREET  
 BRONX, NY  
 BLOCK: 2322, LOT: 71

ARCHITECTS:  
GF55 PARTNERS, LLP

OWNER:  
SHANNON SYSTEMS CORP.

SEAL

ISSUE:  
03/25/2009

DRAWING:  
ZONING-UNIT CHART

SCALE:  
N.T.S.

DRAWN BY:

DRAWING NO.

**A-001**

OF

**142 CANAL STREET WEST**  
 BETWEEN EAST 135TH AND EAST 138TH STREET  
 BRONX, NY  
 BLOCK: 2322, LOT: 71

ARCHITECTS:  
 GF55 PARTNERS, LLP

OWNER:  
 SHANNON SYSTEMS CORP.

SEAL

ISSUE:  
 03/25/2009

DRAWING:  
 MASSING

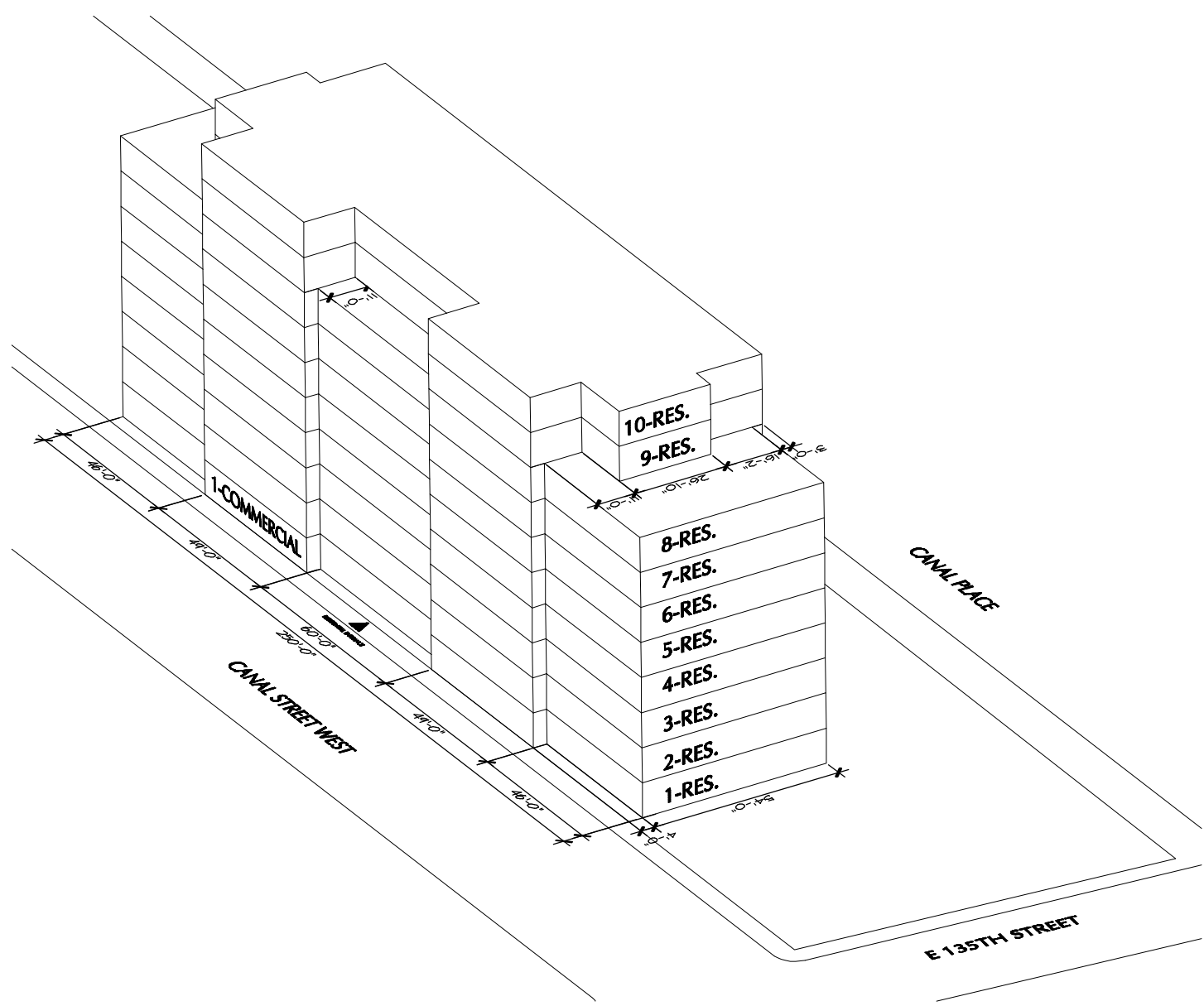
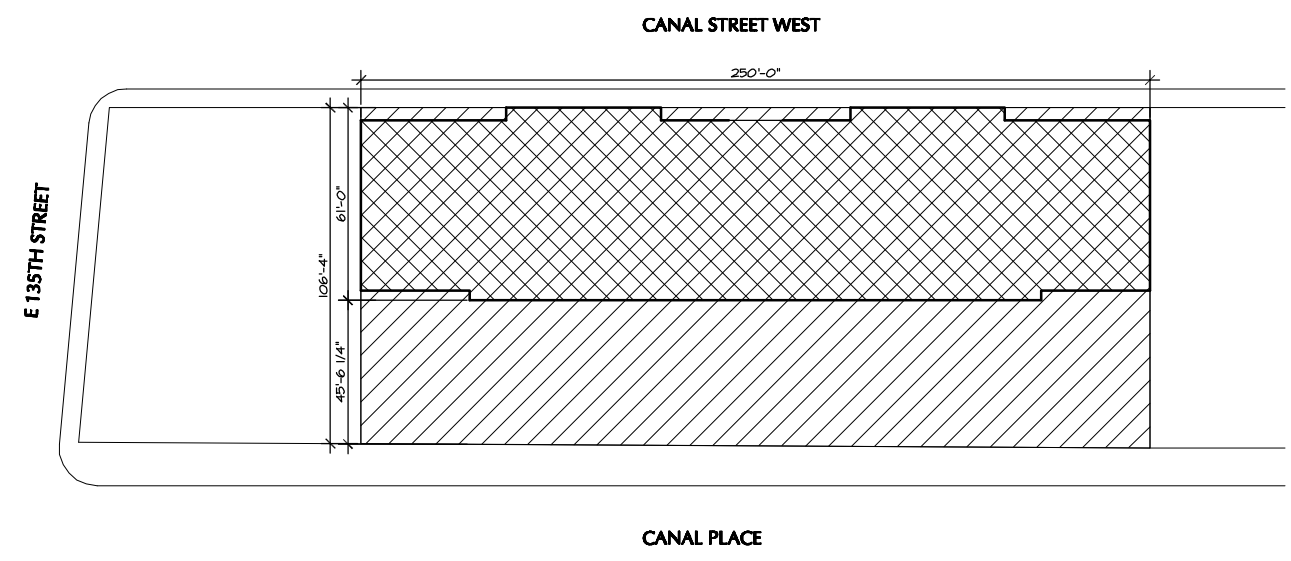
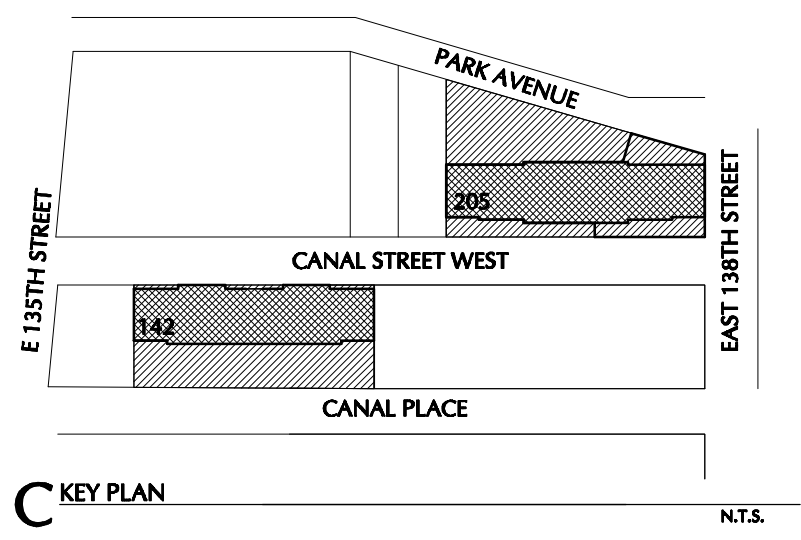
SCALE:  
 N.T.S.

DRAWN BY:

DRAWING NO.

**A-101**

OF





142 CANAL STREET WEST  
BETWEEN EAST 135TH AND EAST 138TH STREET  
BRONX, NY  
BLOCK: 2322, LOT: 71

ARCHITECTS:  
GF55 PARTNERS, LLP

OWNER:  
SHANNON SYSTEMS CORP.

SEAL

ISSUE:  
03/25/2009

DRAWING:  
GROUND FLOOR PLAN

SCALE:  
3/64" = 1'-0"

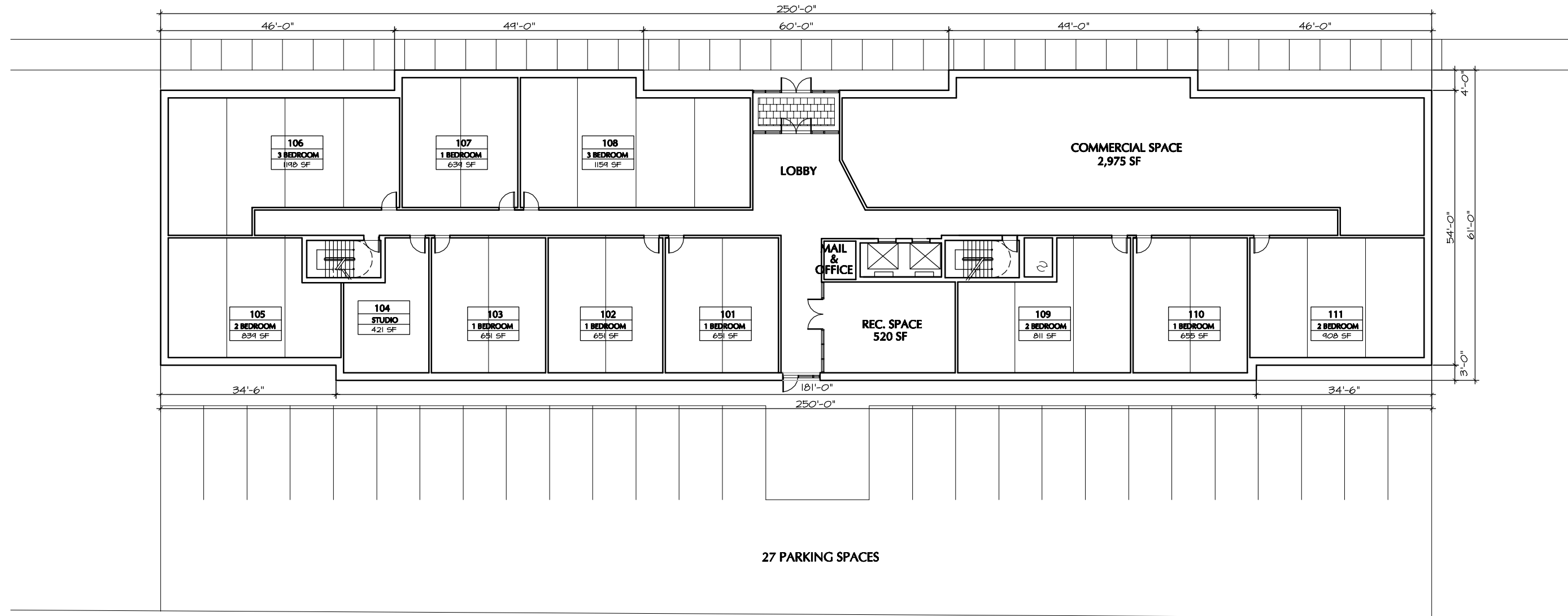
DRAWN BY:

DRAWING NO.

A-103

OF

RESIDENTIAL ENTRANCE



142 CANAL STREET WEST  
 BETWEEN EAST 135TH AND EAST 138TH STREET  
 BRONX, NY  
 BLOCK: 2322, LOT: 71

ARCHITECTS:  
 GF55 PARTNERS, LLP

OWNER:  
 SHANNON SYSTEMS CORP.

SEAL

ISSUE:  
 03/25/2009

DRAWING:  
 2ND-8TH FLOOR PLAN

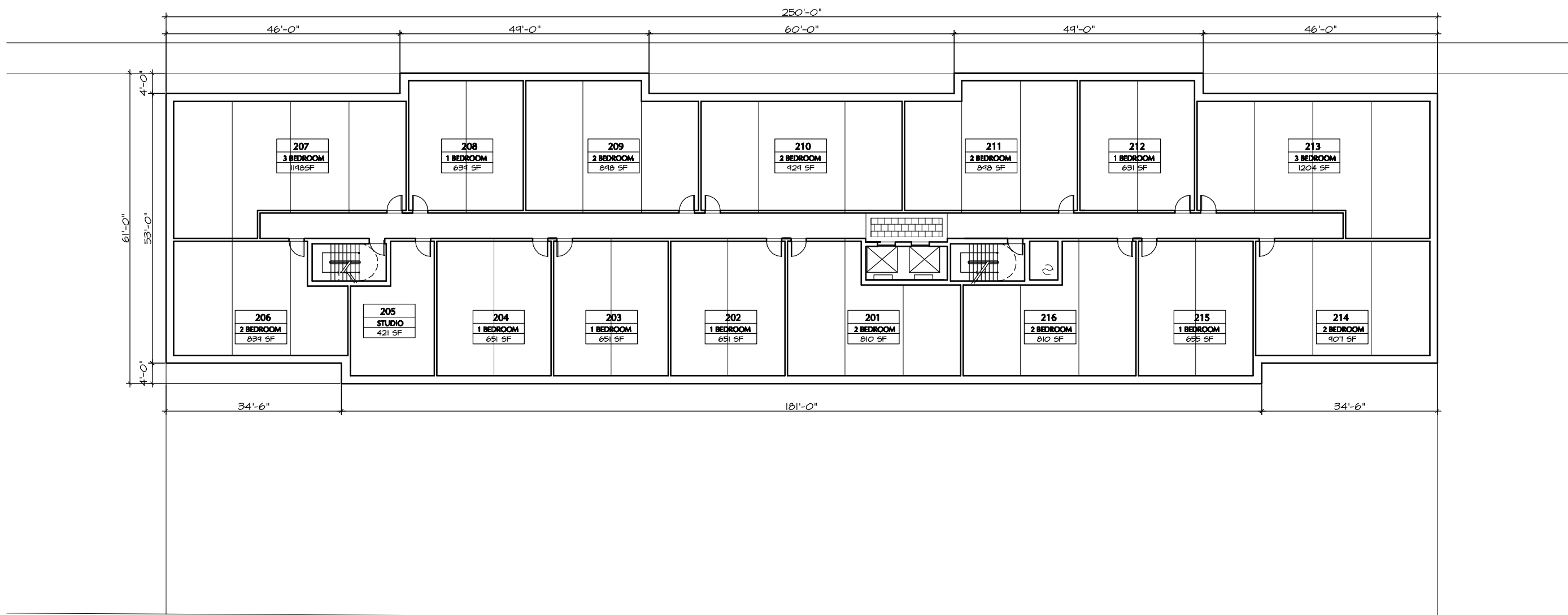
SCALE:  
 3/64" = 1'-0"

DRAWN BY:

DRAWING NO.

A-104

OF



142 CANAL STREET WEST  
BETWEEN EAST 135TH AND EAST 138TH STREET  
BRONX, NY  
BLOCK: 2322, LOT: 71

ARCHITECTS:  
GF55 PARTNERS, LLP

OWNER:  
SHANNON SYSTEMS CORP.

SEAL

ISSUE:  
03/25/2009

DRAWING:  
9RD TO 10TH FLOOR PLAN

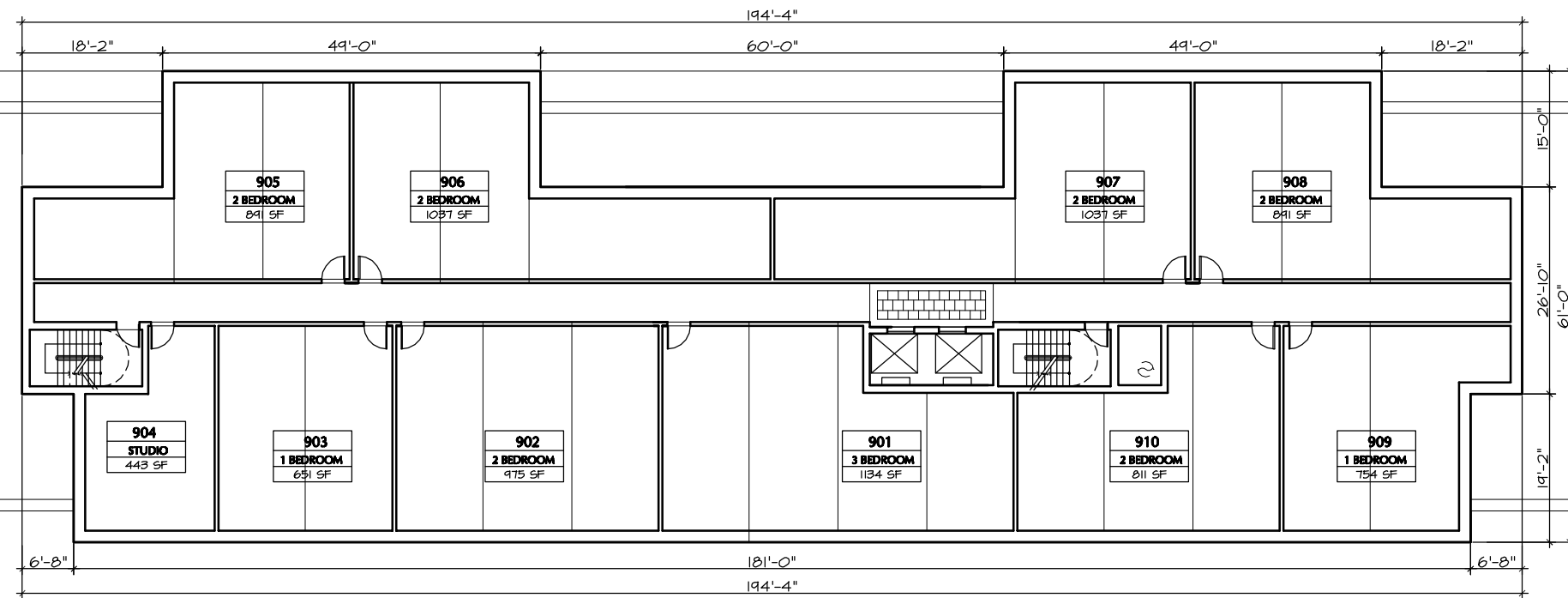
SCALE:  
3/64"=1'-0"

DRAWN BY:

DRAWING NO.

A-105

OF



# 205 CANAL STREET WEST BRONX, NY 10451

BLOCK 2322  
LOT: 28

## DRAWING INDEX

A-000 COVER  
A-001 ZONING-UNIT CHART  
A-002 SITE IMAGES  
  
A-101 MASSING  
A-102 CELLAR PLAN  
A-103 GROUND FLOOR PLAN  
A-104 2ND-10TH FLOOR PLAN  
A-105 11TH FLOOR PLAN

GF55

PARTNERS

19 W. 21ST STREET, SUITE 1201  
NEW YORK, N Y 10010  
212 352 3099

© GF55 Partners, LLP 2009

205 CANAL STREET WEST  
BETWEEN EAST 135TH AND EAST 138TH STREET  
BRONX, NY  
BLOCK: 2322, LOT: 28

ARCHITECTS:  
GF55 PARTNERS, LLP

OWNER:  
DOVER GARAGE II INC.

SEAL

ISSUE:  
03/25/2009

DRAWING:  
COVER

SCALE:  
N.T.S.

DRAWN BY:

DRAWING NO.

A-000

OF

March 23th, 2009

OWNER:  
DOVER GARAGE II INC.

ARCHITECTS:  
GF55 PARTNERS LLP

19 West 21st Street  
New York, NY 10010  
PH 212-352-3099  
FX 212-352-3098  
David E. Gross

UNIT COUNT					
Floor	Studio	1 BR	2 BR	3 BR	Totals
Floor 1	2	3	4	0	9
Floor 2	2	7	7	2	18
Floor 3	2	7	7	2	18
Floor 4	2	7	7	2	18
Floor 5	2	7	7	2	18
Floor 6	2	7	7	2	18
Floor 7	2	7	7	2	18
Floor 8	2	7	7	2	18
Floor 9	2	7	7	2	18
Floor 10	2	7	7	2	18
Floor 11	0	1	6	1	8
<b>Totals</b>	<b>20</b>	<b>67</b>	<b>73</b>	<b>19</b>	<b>179</b>
%	11	37	41	11	100%
Range of SF	500 SF	594-678 SF	831-1107 SF	1219-1273SF	

**ZONING ANALYSIS**  
**205 Canal Street West**

**ZONING ANALYSIS- MX (R7X/ M1-4)**

Map #6a, Block: 2322, Lot:28, Use Group: 1-14 & 16-17

TOPIC		PERMITTED (SF)	PROPOSED	REFERENCE
Site Area	33,640.00			
Area within 100 Ft of corner	11,056.00			
Area beyond 100 Ft of corner	22,584.00			
<b>Total Building FAR</b>	5.00	<b>168,200.00</b>	<b>168,117.42</b>	23-145
Residential FAR	5.00	168,200.00	158,396.42	
Commercial FAR	2.00	67,280.00	9,721.00	
Lot Coverage: Corner lot	80%	8,844.80		23-145
Lot Coverage: Interior Lot	70%	15,808.80		
<b>Total Lot Coverage</b>		<b>24,653.60</b>	<b>19,687.00</b>	
Rear Yard	Not Required			
Minimum Recreation Space	3.3% of Residential Area	5,227.08		28-31
Laundry (Number of Machines)	Dryer : 1 for 40 Units	4.475		28-24
	Washer :1 for 20 Units	8.95		
Max. number of units	FAR for Res./680	247.35	179	
Min. legal window		30'-0"		
<b>Height and Set back for Residential Building (Quality Housing)</b>				
Max. Height		125'-0"	115'-0"	23-633
Max. Base Height		85'-0"		23-633
Min. Base Height		60'-0"		23-633
Set back	10 ft for wide streets			
	15 ft for narrow streets			23-633
Dormers	Allowed			23-621-c
<b>Parking</b>				
Parking for Residential	15% of Dwelling Units for Low Income	26.85		25-241
For Commercial Uses	R7X is applicable as C4-5X :Not Required	0.00		34-112/36-21
		26.85		
Total Parking		27	30	

**PROPOSED BUILDING**

Floor	Actual Building Area	Zoning Area: Commercial	Zoning Area: Residential	Zoning Area
Cellar : Storage & Building support	19,687.00	0.00	0.00	0.00
Floor 1: Residential & Commercial space	19,687.00	9,721.00	9,766.68	19,487.68
Floor 2: Residential	15,797.00	0.00	15,481.06	15,481.06
Floor 3: Residential	15,797.00	0.00	15,481.06	15,481.06
Floor 4: Residential	15,797.00	0.00	15,481.06	15,481.06
Floor 5: Residential	15,797.00	0.00	15,481.06	15,481.06
Floor 6: Residential	15,797.00	0.00	15,481.06	15,481.06
Floor 7: Residential	15,797.00	0.00	15,481.06	15,481.06
Floor 8: Residential	15,797.00	0.00	15,481.06	15,481.06
Floor 9: Residential	15,797.00	0.00	15,481.06	15,481.06
Floor 10: Residential	15,797.00	0.00	15,481.06	15,481.06
Floor 11: Residential	9,490.00	0.00	9,300.20	9,300.20
<b>Total</b>	<b>191,037.00</b>	<b>9,721.00</b>	<b>158,396.42</b>	<b>168,117.42</b>

MAX. FAR : 168,200.00

**205 CANAL STREET WEST**  
BETWEEN EAST 135TH AND EAST 138TH STREET  
BRONX, NY  
BLOCK: 2322, LOT: 28

ARCHITECTS:  
GF55 PARTNERS, LLP

OWNER:  
DOVER GARAGE II INC.

SEAL

ISSUE:  
03/25/2009

DRAWING:  
ZONING-UNIT CHART

SCALE:  
N.T.S.

DRAWN BY:

DRAWING NO.

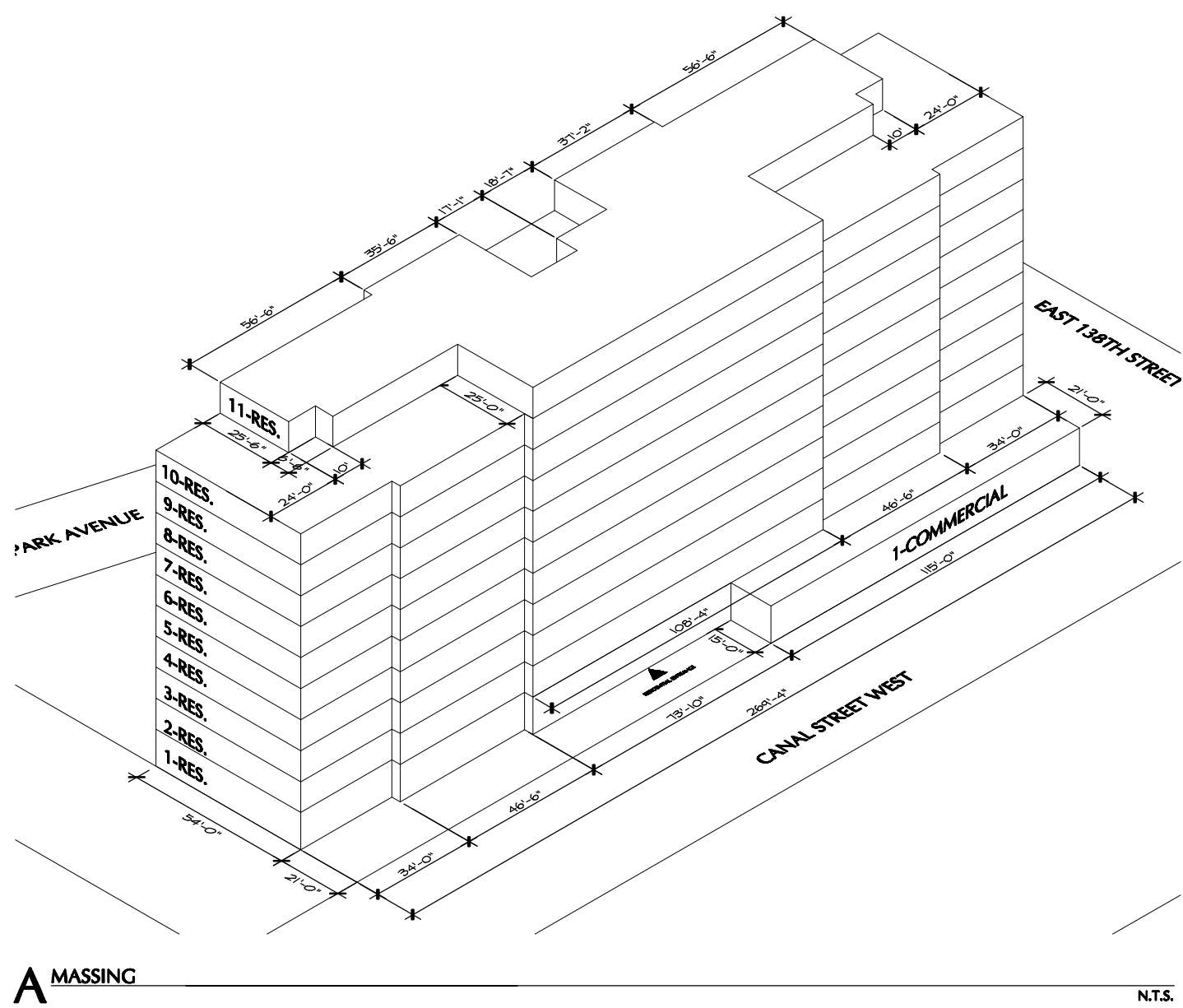
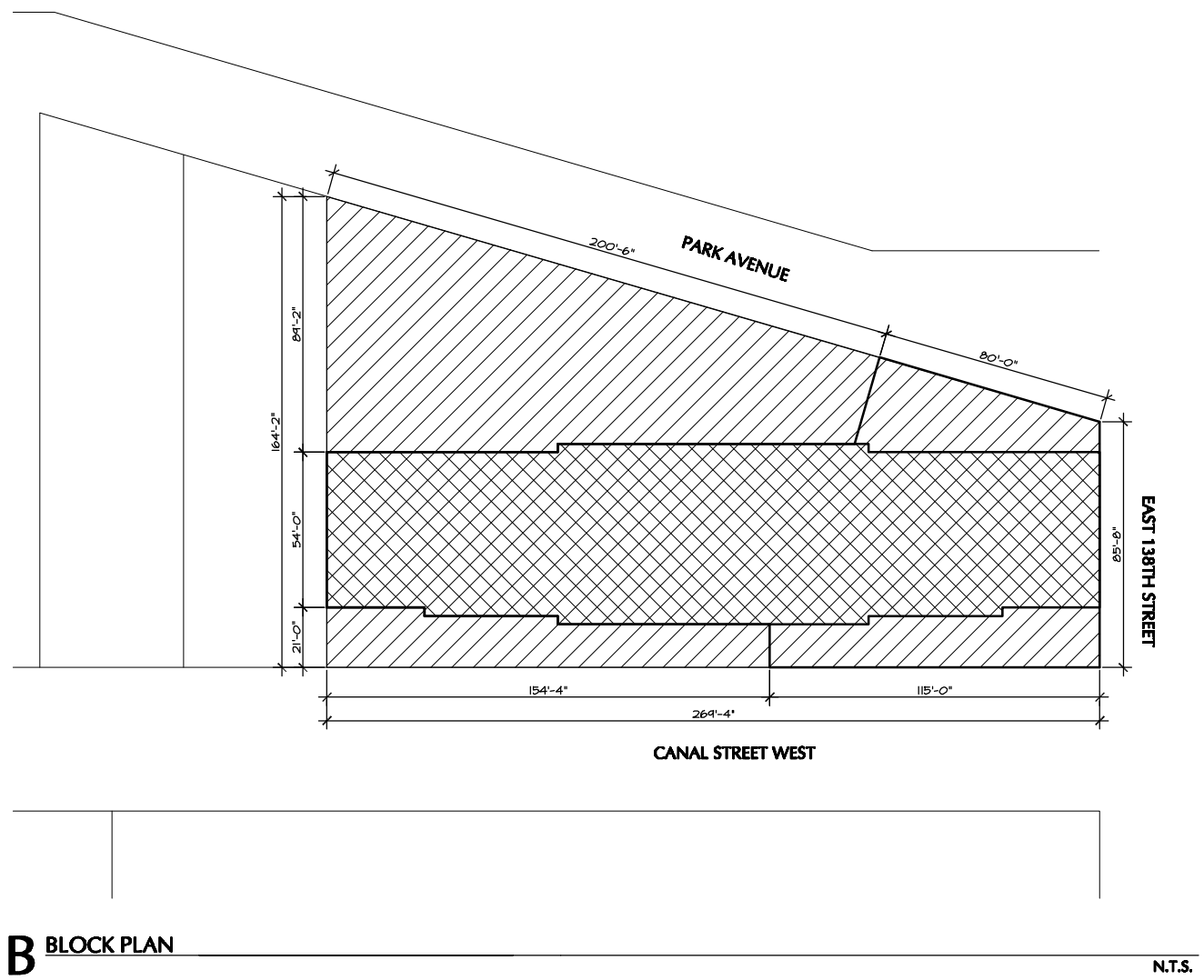
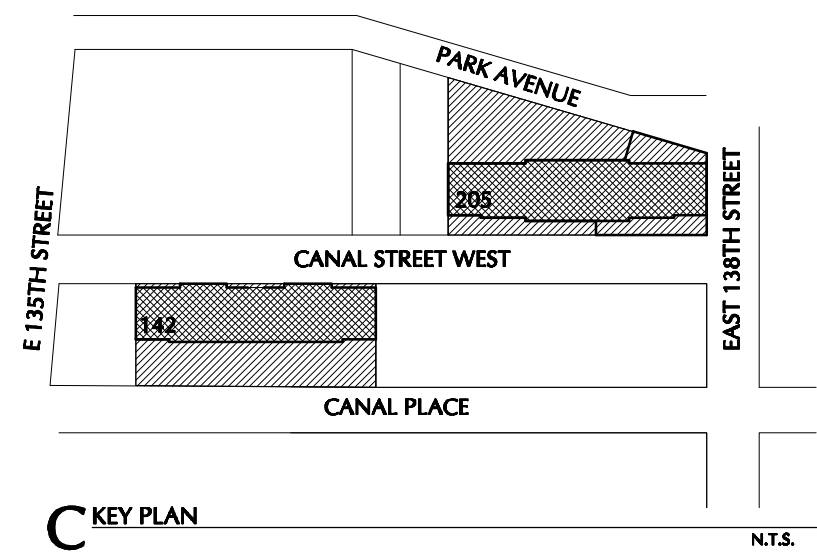
**A-001**

OF

**205 CANAL STREET WEST**  
 BETWEEN EAST 135TH AND EAST 138TH STREET  
 BRONX, NY  
 BLOCK: 2322, LOT: 28

ARCHITECTS:  
 GF55 PARTNERS, LLP  
 OWNER:  
 DOVER GARAGE II INC.  
 SEAL

ISSUE:  
 03/25/2009  
 DRAWING:  
 MASSING  
 SCALE:  
 N.T.S.  
 DRAWN BY:  
 DRAWING NO.





**205 CANAL STREET WEST**  
 BETWEEN EAST 135TH AND EAST 138TH STREET  
 BRONX, NY  
 BLOCK: 2322, LOT: 28

ARCHITECTS:  
 GF55 PARTNERS, LLP

OWNER:  
 DOVER GARAGE II INC.

SEAL

ISSUE:  
 03/25/2009

DRAWING:  
 2ND-10TH FLOOR PLAN

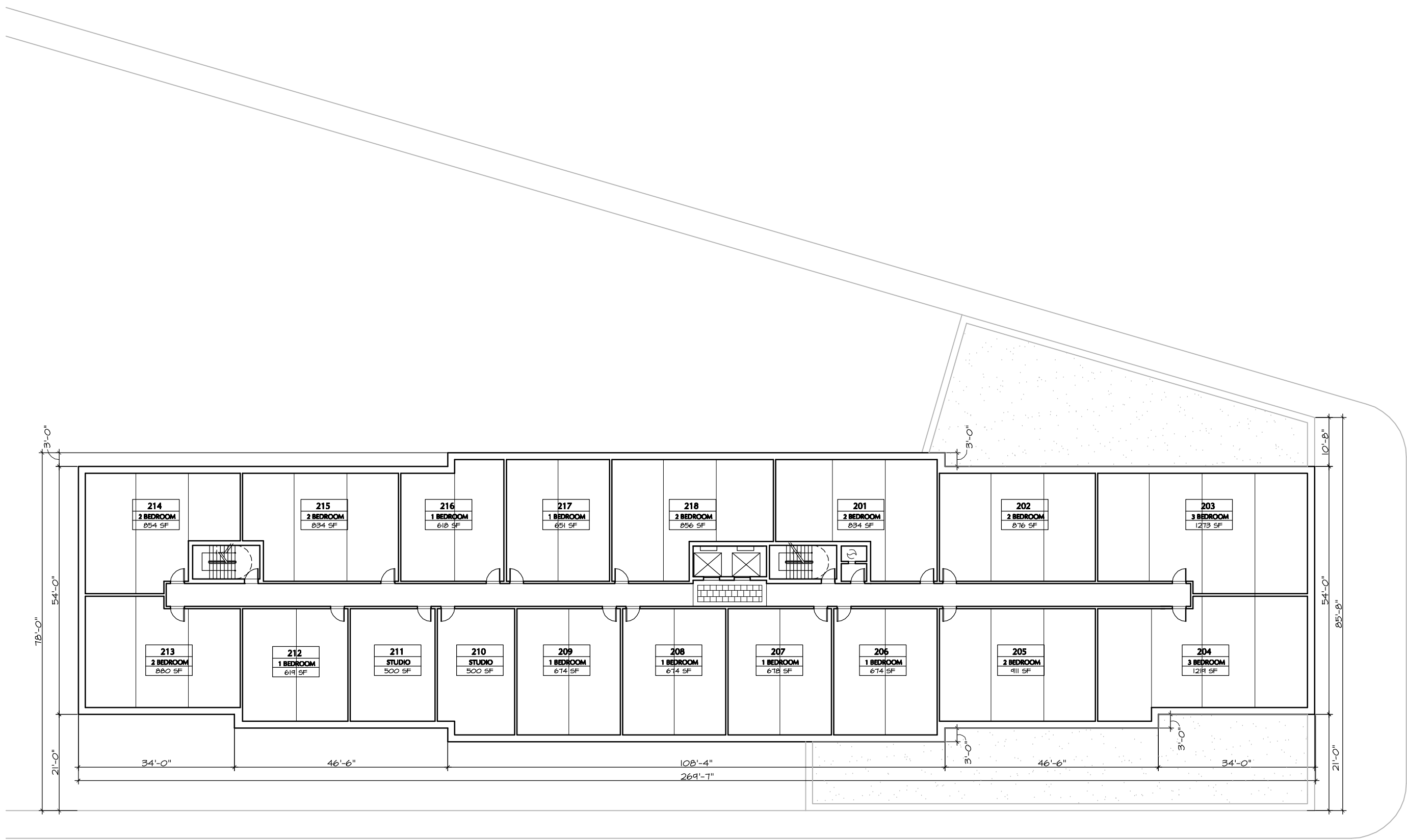
SCALE:  
 3/64" = 1'-0"

DRAWN BY:

DRAWING NO.

**A-104**

OF



**A** 2ND-10TH FLOOR PLAN

3/64"=1'-0"



205 CANAL STREET WEST  
BETWEEN EAST 135TH AND EAST 138TH STREET  
BRONX, NY  
BLOCK: 2322, LOT: 28

ARCHITECTS:  
GF55 PARTNERS, LLP

OWNER:  
DOVER GARAGE II INC.

SEAL

ISSUE:  
03/25/2009

DRAWING:  
3RD TO 5TH FLOOR PLAN

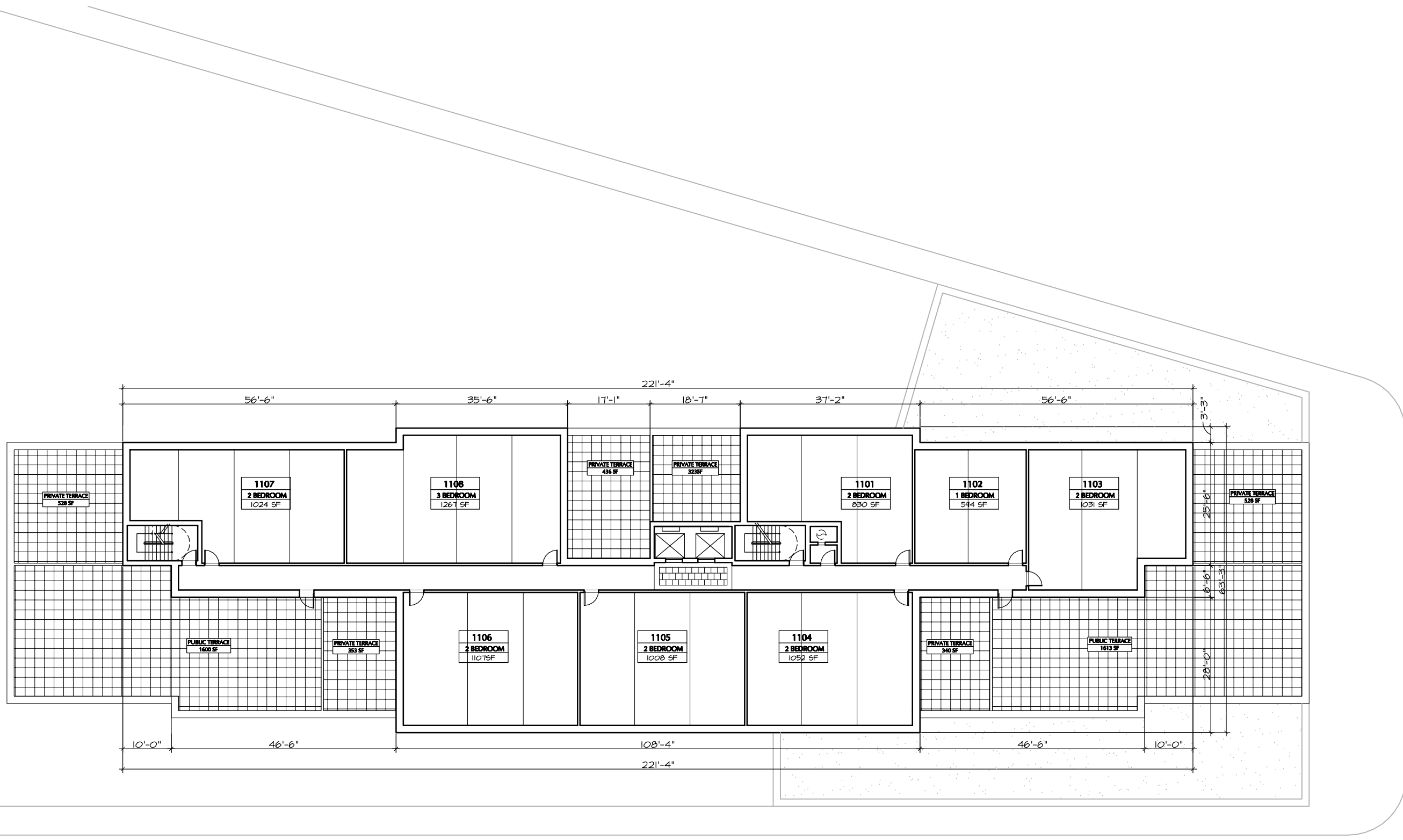
SCALE:  
3/64"=1'-0"

DRAWN BY:

DRAWING NO.

A-105

OF





From: Harry J. Bubbins [harry@friendsofbrookpark.org]  
Sent: Wednesday, April 01, 2009 11:27 PM  
To: Jill B. Bonamusa; Jennifer A. Callahan; Molly S. Macqueen  
Subject: Lower concourse

## Achieving a Shovel Ready Waterfront Park & Real Access in the Short-term

Department of City Planning Public Hearing Lower Concourse ReZoning Proposal  
Testimony April 1st 2009, based from Bronx Borough President's Hearing March 10, 2009  
Good morning. My name is Harry J. Bubbins, Director of Friends of Brook Park (FoBP), the South, South Bronx based environmental, arts and sustainable development organization. FoBP is committed to ensuring that our Mott Haven, Melrose and Port Morris communities enjoy easy access to our waterfront and full enjoyment of the current and proposed public amenities, including public sports fields, natural areas, shore line greenway, waterfront and river access and more.

This testimony pertains to the Lower Concourse Rezoning Public Review process now underway.

Through the South Bronx Initiative, a Mayoral effort to identify community priorities and create a coordinated economic development strategy for the South Bronx, the Lower Concourse rezoning proposal Public Review will continue through the environmental review and ULURP process.

The proposal began formal public review on February 2, 2009 with the Department of City Planning's certification of the Uniform Land Use Review Procedure (ULURP) application (C 090303 ZMX) and referral of the related zoning text amendment (N 090302 ZRX).

While we are encouraged that the Harlem River and this area are getting much needed attention, we must highlight in particular one aspect that needs to be included before you approve the final version of this.

One, real waterfront access.

The proposed inclusion of a vision for parkland and waterfront access is a small step to rectify historical inequities. But, with the location of the CSX railway along the Western border of the Bronx, any park space that is blocked by the raised rail in the Harlem River is not really "waterfront"

space in the truest sense of the word, which would be inclusive of on-water recreational opportunities. The proposed space below 149th Street suffers from this rail barrier. In addition, the proposed park space there is contingent on highway development and building development, which would likely not occur until some indeterminate time in the unknown future.

**RECOMMENDATION:** Include and map the shovel ready site at the end of Park Avenue, as featured on the cover. The proposed zoning footprint should be expanded south to include the Park Avenue location that the community has been advocating for use as a park space for over ten years. This is a shovel ready location. As it stands the

proposed map stops mere feet from including this obvious and natural site for a community park, waterfront with water access. This site is featured on the cover of the NYC Department of City Planning's Bronx Harlem River Waterfront Bicycle and Pedestrian Study, 2006.

This existing green-space is ready to use as a park already and would serve the Lower Grand Concourse area and beyond, without delaying a much needed resources until the distant future. This is an ideal opportunity to map this location as parkland for the existing community and for residents and businesses to come. With this minor modification that in no way detracts from any of the proposed ReZoning goals or plans we can achieve immediate waterfront park and access with minimal if any Capital costs. With this slight extension of the proposed map by a mere 100 feet to the South along the Harlem River we will successfully achieve one of the major stated goals of the ReZoning, which is to "Provide new waterfront open space to an underserved community." The Williamsburg/Greenpoint Rezoning recognized local aspirations and this recommendation comes well under the threshold for an EIS.

This waterfront open space at the end of Park Avenue would work to support the longer-term effort to create a continuous promenade along the Harlem River and connect the proposed parks to the north with the existing Port Morris community to the south.

City Planning ACTION! 1 Expand the area as indicated in the red circle 2 Map as park land 3 Use stimulus/Yankees monies to create a public park that is ready today!

Thank you for your time and attention. We look forward to your response to the public in this review process to gain substantial benefits for our community.

Harry J. Bubbins

Director

<http://www.friendsofbrookpark.org>

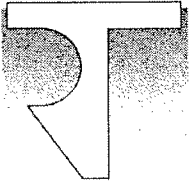
Activists are a threatened species, but there's safety in numbers. If you can't be active, please Support your local environmental activist.

646.641.5788

PO Box 801

The South Bronx, NY 10454

----- End of Forwarded Message



ARCHITECTURE P.C.  
ARCHITECTURE & INTERIOR DESIGN

OFFICE OF THE  
CHAIRPERSON

APR 9 - 2009

19308

April 6, 2009

**New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
Attn: Amanda M. Burden, FAICP, Chair**

**RE: Lower Concourse Rezoning  
Parcel 1**

Dear Ms Burden,

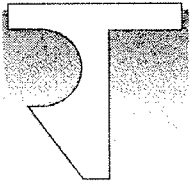
In the matter of application, submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendment to the Zoning Resolution of the City of New York, relating to article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area); Article VIII, Chapter 7 establishing the Special Harlem Riverfront Water District; and Article XII, Chapter 3 (Special Mixed Use District) specifying a Special Use District(MX-13) and Amending related sections of the Zoning Resolution.

Our firm is in the pre-schematic design stage for a new possible mixed use development on parcel 1, and we are very pleased with the proposed zoning change, and we feel that the new zoning regulation would greatly enhance the development of the area, as well as the waterfront along the Harlem River.

As per public hearing held on April 1, 2009, we are respectfully submitting the following comments for your consideration relating in particular to Parcel 1 as described in the proposed zoning text:

SECTION 87-25  
*"Location of Building Entrances*

34-27 Steinway St  
Suite 200  
LIC, New York  
11101



ARCHITECTURE P.C.  
ARCHITECTURE & INTERIOR DESIGN

*On Parcels 1,2,3 and 4, the main front entrance of a #building#, as the term "main front entrance" is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), shall be located facing the #shore public walkway#"*

In the particular case of parcel 1, there is the possibility of creating two buildings (2 towers), and it would be very impractical to have entrances to both buildings on the "shore public walkway". We believe the requirement could be made for only one of the two buildings (if two buildings were proposed for the site), thus allowing the second building more flexibility for its location on the site.

#### SECTION 87-42

##### *"Street Wall Location and Building Base"*

(a) *#street wall# location*

*The #street wall# of the #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the zoning lot, except that:"*

In the particular case of parcel 1, meeting such requirement would be impossible for any development for two reasons:

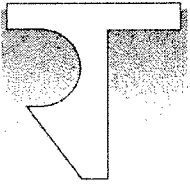
1. There is a sewer easement that runs east-west at the north end of the site which would make it impossible to have a continuous street wall through the entire length of the zoning lot. The sewer easement may or may not be able to be relocated but we have to assume that it will most likely stay in its current location.
2. There is an easement on the east side of the lot for the Major Deegan Expressway, under which, no building can be developed. This situation would make it impossible for the street wall to run the entire length of the zoning lot and to be within five feet of Exterior Street. As it stands now the street wall would probably have to be located approximately 40' to 60' from Exterior Street.

We understand the spirit of the law and what it is trying to achieve, in terms of having a continuous street wall along all four sides of the lots; but we believe that the wording could be clarified so as not to make parcel 1 unable to meet this resolution.

#### SECTION 87-43

##### *"Towers"*

34-27 Steinway St  
Suite 200  
LIC, New York  
11101



ARCHITECTURE P.C.  
ARCHITECTURE & INTERIOR DESIGN

All #stories# of #development# or #enlargement# located partially or wholly above the applicable transition height set for in paragraph (b) of section 97-42 shall be considered a "tower" and shall comply with the provisions of this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.

(b) Location rules for #zoning lots# abutting #parks#.

Where a tower is provided on a #zoning lot# that abuts a #park#, such tower shall be located within 85 feet of such #park#, and if two towers are provided on such #zoning lot#, the second tower shall be located within 45 feet of east 149<sup>th</sup> Street or an #upland connection#. Where two towers are provided on a #zoning lot# that abuts a #park#, the shorter tower shall be located closed to such #park#.

As it pertains to parcel 1, locating a second tower within 45 feet of 149<sup>th</sup> Street may not be feasible because of the sewer easement that runs east-west on the north side of the property close to 149<sup>th</sup> Street. We feel that the zoning text could afford more flexibility in the location of the two permitted towers; with the understanding that the intent of the law is to make them as remote to each other as possible.

## SECTION 87-60

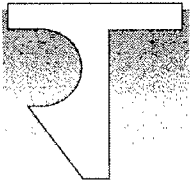
### "Parking Regulations"

The following provision shall apply to all parking facilities:

(c) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:

- (1) entirely below the level of any #street# or #publicly accessible area# upon which facility, or portion thereof, fronts; or
- (2) located at every level above-grade behind commercial, community facility or #residential floor area# with a minimum depth of 25 feet as measured any #building wall# facing a #shore public walkway#. All such parking facilities shall be exempt from the definition of #floor area#. In addition, on parcel 1, the ground floor of a portion of a #building# facing Exterior Street shall be occupied to a depth of 25 feet with #commercial#, #community facility# or #residential floor area#

34-27 Steinway St  
Suite 200  
LIC, New York  
11101



ARCHITECTURE P.C.  
ARCHITECTURE & INTERIOR DESIGN

*so that no portion of such parking facility is visible from Exterior Street.*

In the particular case of parcel 1, there is a large area of the zoning lot that falls under the Major Deegan Expressway, (under the easement) which will make the street wall of the building quite a good distance from Exterior Street (see comment on section 87-42). We feel that the area under the Major Deegan Expressway can be a good location for accessible parking to the retail, or community facility uses facing Exterior Street. However the way this zoning amendment is written leaves a void in this area that we feel needs to be addressed. A parking lot can be developed at this location in particular, meeting all ne recent enacted regulations for open parking lots. Exception could be provided for some of the required planting, as it may not be feasible to grow certain planting under the highway.

We hope that the New York City Planning Commission takes into account the above issues in reviewing the proposed LOWER CONCOURSE REZONING.

Thanking you in advance for your attention to this matter, I remain,

Very truly yours

Rodrigo Torres RA

RT Architecture P.C.

CC: Carol J. Salmon, Director Bronx Office, Dept. of City Planning  
Salvatore Casino, Bronx County recycling  
Files- project 217-08



The Municipal Art Society of New York



OFFICE OF THE  
CHAIRPERSON

APR 14 2009

19390

The Planning Center

Ms. Amanda Burden, Chairwoman  
New York City Planning Commission  
22 Reade St.  
New York, NY 10007

April 10, 2009

Dear Chairwoman Burden:

I am writing to support the recommendation of Friends of Brook Park that Block 2323, Lot 5 (the waterfront green space at the end of Park Avenue), be mapped as parkland, as part of the Lower Concourse rezoning area. Including this city-owned, waterfront lot builds on the city's commitment to connect residents to the Harlem River.

The South Bronx community, which is historically underserved by open space and has few real opportunities to touch the water, has been advocating for creation of official parkland on this property for many years.

While we support the City's efforts to create a waterfront esplanade and a waterfront park along the Harlem River to the north of the site, both of these will take time and expenditure of City funds during what we all know is a challenging economic time. Precedent set in neighborhoods such as Greenpoint-Williamsburg tells us that park space promised in a rezoning make take years to be realized. Because the Park Avenue parcel is already green space, it provides the opportunity to immediately further the rezoning's stated goal to, "provide new waterfront open space to an underserved community." With little effort, it could become an official part of the NYC Water Trail, and provide South Bronx residents with the opportunity to participate in water-based recreation.

The street-end park model provided by Grand Ferry Park in Williamsburg and Manhattan Avenue in Greenpoint are premier examples of the type of city-community partnerships that can quickly move toward implementation. Mapping the parcel as parkland now affords the community the opportunity to organize around its use.

Thank you for the opportunity to communicate with you on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Eve Baron". The signature is fluid and cursive.

Eve Baron, Director  
MAS Planning Center

Cc

Honorable Maria Del Carmen Arroyo, City Council District 17

Mr. Harry Bubbins, Friends of Brook Park



Consolidated Edison Company  
of New York, Inc.  
4 Irving Place  
New York NY 10003  
www.conEd.com

April 13, 2009

**VIA HAND DELIVERY**

Department of City Planning  
City of New York  
22 Reade Street  
New York, New York 10007

Attn: Amanda M. Burden, FAICP, Director

Re: Comments of Consolidated Edison Company of New York, Inc. ("Con Edison" or the "Company") to the Uniform Land Use Review Procedure Application Nos. N 090302 ZRX, C 090303 ZMX, C090166 MMX relating to the Lower Concourse Rezoning and Related Actions ("Proposed Rezoning")

Dear Ms. Burden:

Con Edison submits the attached comments to you in connection with the Proposed Rezoning and the related public hearing conducted by the Department of City Planning ("DCP") on April 1, 2009.

Con Edison looks forward to working with DCP to develop a mutually satisfactory resolution with regard to the Proposed Rezoning. Should you have any questions with regard to Con Edison's comments, please do not hesitate to contact me.

Very truly yours,

David Gmach  
Director of New York City  
Public Affairs

Encs.

## **Con Edison's Comments to the Proposed Rezoning**

Con Edison provides electric, gas and steam services. The Company's service territory covers customers throughout the five boroughs of New York City and Westchester County and it relies on its utility property to support its operations. Con Edison is the fee owner of waterfront property on the Harlem River in the Bronx County at 287 Exterior Street (Block 2349, Lot 15) (the "Exterior Street Site") that is currently zoned M2-1 and identified as Parcel 5 in the Proposed Rezoning.

Con Edison supports the goals of the Proposed Rezoning and recognizes the importance of providing waterfront access to the public. Con Edison is, however, concerned that the Proposed Rezoning of the Exterior Street Site, without modifications, will impact Con Edison's ability to meet future continuing growth in the region, which could result in long term impacts to utility service. The substantial loss of useable lot area and as-of-right uses of the Exterior Street Site caused by the Proposed Rezoning (discussed more thoroughly below) will cause a permanent loss of many meaningful use of this space for utility purposes. The inability to locate critical Con Edison operations at the Exterior Street Site may impact Con Edison's ability to comply with its duty to provide reliable, safe and adequate service in accordance with the requirements of the New York State Public Service Law and the New York State Public Service Commission ("PSC"), which includes the timely restoration of such service to Con Edison's customers.

### **Current Uses and Contemplated Uses of the Exterior Street Site**

The Exterior Street Site contains approximately thirty-five thousand (35,000) square feet of land area. The site is currently being used as a "Service Center" for Con Edison's Electric Operations Department, which provides employees a location to pick up their vehicles and equipment. While the functions of Service Centers vary somewhat among Con Edison's various locations, a Service Center at the Exterior Street Site would be most useful if it provided the Electric Operations Department employees a bathroom, locker facilities and a dispatch operation, in addition to the public utility parking, equipment and storage uses that are currently provided (the "Proposed Exterior Street Service Center").

The Electric Operations Department, which manages Con Edison's electric distribution system throughout the Con Edison service territory, has grown by a sizable twenty-nine (29) percent in the past five years. This growth is due to increasing needs to maintain and expand the electric distribution system serving New York City. The PSC has also mandated additional programs for the Company to inspect and maintain its facilities and to respond to customer emergencies. With this increase in personnel, there has been a need for more vehicles and equipment, which has led to overcrowding at Con Edison's existing Service Centers. The current centers, particularly those in Manhattan, do not have sufficient space for employees, vehicles and equipment. In 2002, Con Edison also lost property that was being used as a Service Center on the West Side of

Manhattan due to a condemnation by the State of New York. As a result, Con Edison is regularly reviewing its overall real estate holdings to utilize space wherever possible.

The Exterior Street Site serves as an ideal location for the Proposed Exterior Street Service Center. Due to the nature of its operations, the location of the Exterior Street Site, which is just off the Madison Avenue Bridge, adjacent to the Major Deegan Expressway and Harlem River Drive and within minutes of the RFK Bridge, is important to the Company's mission of providing reliable and efficient energy service in Manhattan and the Bronx. This location makes it possible for Con Edison crews to respond within minutes to emergency situations, such as customer outages, problems with subsurface facilities, and stray voltage incidents. Additionally, these crews respond to requests for assistance from New York City's Fire and Police Departments and the Office of Emergency Management in Manhattan, the Bronx and Queens. In addition to responding to emergencies, the crews that are dispatched from the Exterior Street Site perform routine maintenance and construction work that ensures safe, reliable service to our customers. The Proposed Exterior Street Service Center would greatly benefit all of these functions.

In response to the issues outlined above, Con Edison may need to build the Proposed Exterior Street Service Center. Approximately two years ago, the Company began the process of removing old structures and repaving the Exterior Street Site and began using the Exterior Street Site as a Service Center. At this stage, a lack of facilities limits the usefulness of the site. Con Edison requests that any rezoning of the Exterior Street Site permit the as-of-right construction of the Proposed Exterior Street Service Center, which would include a building that would provide accessory bathrooms, lockers, and dispatch operations and the associated public utility parking and storage of utility equipment and materials. The Proposed Rezoning will not permit this.

### **Proposed Action**

The Proposed Rezoning of the Exterior Street Site from a manufacturing M2-1 District to a residential R7-2 District with a C2-4 overlay prohibits Con Edison's future use of the Exterior Street Site for most utility purposes other than the current public utility parking and storage uses. If Con Edison were to make other utility uses of the Exterior Street Site, the Proposed Rezoning could require compliance with Article VI of the New York City Zoning Resolution relating to waterfront zoning, Special Regulations Applying in the Waterfront Area, and Waterfront Access Plans, as amended, modified or supplemented by the Proposed Rezoning ("Waterfront Zoning"). Compliance with such Waterfront Zoning would cause Con Edison to lose approximately seventeen (17,000) square feet, or approximately one-half (1/2) of its land area. This resulting loss of parking and storage space would greatly impact the Company's use of the site. Due to the additional parking restrictions and parking setbacks, the Proposed Zoning would prevent even one single lane of ninety (90) degree parking. Moreover, the Proposed Exterior Street Service Center does not appear to be authorized by any of the permitted use groups. In addition, even if the Proposed Exterior Street Service Center is an

authorized use and the lot area and parking were not impacted, the Proposed Rezoning alters the environmental remediation standards to a level not consistent with the likely future uses of the Exterior Street Site.

### **Con Edison's Concerns**

Con Edison requests that the Exterior Street Site be left with the current zoning to provide Con Edison the functionality it needs to operate the Exterior Street Site and permit the Proposed Exterior Street Service Center. Due to the unique nature and the importance of the current use and contemplated future use of the Exterior Street Site, in addition to maintaining a Manufacturing District designation, Con Edison seeks an exemption from the following requirements of the Proposed Rezoning:

1. Compliance with the Waterfront Zoning and Waterfront Access Plan, including, but not limited to providing Supplemental Access Areas, Upland Connections, the Visual Corridor, waterfront yard and rear yard regulations and restrictions on parking. See Sections 62-332, 87-30, 87-42(b), Article VI, Section 2, 62-10, 87-60.
2. Maintenance of a thirty (30) foot wide "visual corridor" along the north perimeter of the Exterior Street Site since this strip is not an extension of an existing public street.
3. Compliance with section 87-24 and 87-42 governing the maximum width and length of buildings.
4. Compliance with 87-12(a), which limits the use of the ground floor, because Con Edison will require full use of its ground floor to make the Proposed Exterior Street Service Center feasible.
5. Compliance with the transparency requirements of 87(12)(b), in light of Con Edison's contemplated uses for lockers, bathrooms, changing rooms and offices and for other security reasons.

In addition, environmental remediation should be performed to a level consistent with the likely uses of the Exterior Street Site.

In the alternative, while it is Con Edison's preference to retain its current M2 Zoning District designation, if a Mixed Use Zoning District would allow Con Edison to make meaningful uses of the Exterior Street Site for utility purposes without having to comply with Waterfront Zoning (including the construction of the Proposed Exterior Street Service Center) Con Edison would be willing support the goal of providing public access to the Harlem River waterfront. Although Con Edison presently uses all of the Exterior Street Site for utility purposes that should continue indefinitely, subject to any required regulatory approvals, Con Edison is willing to discuss the possibility of making

some portion of the Exterior Street Site, particularly on the western perimeter immediately adjacent to the Oak Point Rail Link (“Rail Link”), available to be used in conjunction with the Rail Link’s property, for the establishment of a Shore Public Walkway.

### **Closing**

Con Edison has previously collaborated with the DCP and other City agencies to examine opportunities for public access while maintaining Con Edison’s operational requirements in other locations and is willing to do so in this instance.

It is important, however, that Con Edison continue to be allowed to build necessary facilities and maintain operations within its Exterior Street Site. We feel that the unique nature of Con Edison’s commercial facilities require a closer examination of zoning impacts due to Con Edison’s public service duties. Con Edison cannot continue to lose use of its New York City properties without impact to its operations.