

May 21st, 2019

STATEMENT OF FINDINGS

Project Identification: East Harlem Rezoning

CEQR Number: 17DCP048M
ULURP Nos. C170358 ZMM, N170359 ZRM, N170359 (A) ZRM, & C170360 HAM;
C170361 ZMM, N170362 ZRM, C170363 HAM, C170364 PQM,
C170365 ZSM, C170366 ZSM, C170367 ZSM, N170368 ZCM, &
N 190236 ZRM

SEQRA Classification: Type I

Location: 96-block area of Manhattan, extending from East 104th Street to the
south to East 132nd Street to the north, generally between Fifth and
Second Avenues
Community District 11
Borough of Manhattan

Lead Agency: The New York City Department of City Planning (DCP)
120 Broadway, 31st Floor
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This Statement of Findings has been prepared in accordance with the environmental review requirements of Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), the implementing regulations as set forth in 6 NYCRR Part 617, and the New York City Rules of Procedure for City Environmental Quality Review (CEQR) and Executive Order 91 of 1977, as amended. This Statement of Findings has been prepared to demonstrate that 1) the procedural requirements have been met; 2) the “East Harlem Rezoning” project (the “Approved Project”) was selected from among reasonable alternatives; and 3) the potential for adverse environmental effects as disclosed in the Final Environmental Impact Statement (FEIS) and during the review process will be avoided or minimized to the maximum extent practicable by the incorporation of mitigation measures and other project components.

Under CEQR, the Office of the New York City Department of City Planning (DCP) was the lead agency responsible for conducting the environmental review that determines whether the action would have significant impacts on public health and the environment. The City of New York – Department of Housing Preservation & Development (HPD) was an Involved Agency under CEQR. The designated CEQR number is 17DCP048M.

An Environmental Assessment Statement (EAS) was completed on November 10th, 2016. A Positive Declaration was issued on November 10, 2016, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on November 10, 2016. A public scoping meeting was held on December 15, 2016 at the

Silberman School of Social Work at Hunter College, 2180 3rd Ave, New York, New York 10035, and the Final Scope of Work was issued on April 21, 2017.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on April 21, 2017. On August 23, 2017, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing on the DEIS was completed and a Notice of Completion for the FEIS was issued on September 19, 2017.

E-DESIGNATIONS

The Proposed Actions as analyzed in the FEIS concluded that significant adverse impacts related to air quality and noise would be avoided through the placement of an (E) designation (E-422) on selected projected and potential development sites as specified in Appendix F and G of the FEIS. In addition, significant adverse impacts related to hazardous materials would be precluded through the placement of an (E) designation for projected and potential development sites. The (E) designation for hazardous materials requires, prior to change of use or redevelopment requiring ground disturbance, that the fee-owner of the property conduct a Phase I Environmental Site Assessment (ESA), subsurface testing and remediation, where appropriate, to the satisfaction of the New York City Mayor's Office of Environmental Remediation (OER). The DOB permits associated with such actions cannot be issued without OER approval. For public sites identified in the City's affordable housing pipeline, Land Disposition Agreements (LDA) or comparable binding documents between the City of New York and prospective developers would require measures similar to that of the above (E) designation.

Air Quality

The analyses conclude that the Approved Actions would not result in any significant adverse air quality impacts on sensitive uses in the surrounding community, and the Approved Actions would not be adversely affected by existing sources of air emissions in the rezoning area. A summary of the general findings is presented below.

The stationary source analyses determined that there would be no potential significant adverse air quality impacts from fossil fuel-fired heat and hot water systems at the projected and potential development sites. At certain sites, an (E) Designation (E-422) would be mapped in connection with the Approved Actions to ensure that future developments would not result in any significant air quality impacts from fossil fuel-fired heat and hot water systems emissions. For the City-owned parcels (located within Projected Development Sites 4, 5 and 27), restrictions would be necessary to ensure that emissions from fossil fuel-fired heat and hot water systems would not result in any significant air quality impacts. These restrictions would be set forth in a Land Disposition Agreement (LDA) to ensure that the developer(s) satisfy these restrictions with oversight provided through the Department of Housing Preservation and Development (HPD).

An analysis of the cumulative impacts of industrial sources on projected and potential development sites was performed. Maximum concentration levels at projected and potential development sites were found to be below the air toxic guideline levels and health risk criteria established by regulatory agencies, and below National Ambient Air Quality Standards (NAAQS). Large and major emissions sources within 1,000 feet of a projected or potential development site were also analyzed, and the analysis concluded that



these sources would not result in significant adverse air quality impacts on any projected or potential development sites.

The parking facilities assumed to be developed as a result of the Approved Actions were analyzed for potential air quality effects. The analysis found that these parking facilities would not be expected to result in any significant adverse air quality impacts. Since the Approved Actions would not exceed the thresholds referenced in the *CEQR Technical Manual* for mobile source analyses during any traffic peak period, no analysis is required. Based on the CEQR Technical Manual guidelines, since the relevant thresholds were not exceeded, the Proposed Actions would not have any significant impact on air quality from mobile sources.

Noise

The analysis finds that, with the incorporation of noise attenuation requirements set forth in (E) Designation (E-422) applicable to privately owned sites, or required through a Land Disposition Agreement for sites under City jurisdiction, the Approved Actions would not result in any significant adverse noise impacts. The noise analysis determined that the projected and potential development sites included in the Approved Actions would require between 28 and 44 dBA window/wall attenuation to meet applicable *CEQR Technical Manual* interior noise level requirements and between 25 and 40 dBA window/wall attenuation to meet applicable U.S. Department of Housing and Urban Development (HUD) interior noise level guidelines, where applicable. These attenuation requirements would be included in Noise (E) Designation E-422 (or required through a Land Disposition Agreement or comparable mechanism for City-owned sites). With these attenuation measures, the Approved Actions are not expected to result in significant adverse impacts related to noise.

Hazardous Materials

No significant adverse impacts related to hazardous materials would occur with the Approved Actions. The potential for significant adverse impacts related to hazardous materials would be precluded through the placement of (E) Designations for projected and potential development sites. For public sites identified in the City's affordable housing pipeline, Land Disposition Agreements (LDA) or comparable binding documents between the City of New York and prospective developers would require measures similar to that of an (E) Designation.

An (E) Designation for hazardous materials requires, prior to change of use or redevelopment requiring ground disturbance, that the fee-owner of the property conduct a Phase I Environmental Site Assessment (ESA), subsurface testing and remediation, where appropriate, to the satisfaction of the New York City Mayor's Office of Environmental Remediation (OER). The DOB permits associated with such actions cannot be issued without OER approval. The OER review would ensure protection of human health and the environment from known or suspected hazardous materials.



The FEIS also identified significant adverse impacts with respect to shadows, historic and cultural resources (architectural and archeological), transportation (traffic, transit and pedestrians), and construction activities related to noise. The identified significant adverse impacts and proposed mitigation measures are summarized below.

Following the publication of the FEIS, modifications to the proposed actions were made by the CPC, which were evaluated in Technical Memorandum 002 (TM 002), issued by the DCP on September 29, 2017. The assessment contained in TM 002 demonstrated that the CPC modifications would not result in any new or different significant adverse impacts not already identified in the FEIS. The CPC adopted the proposed actions (with modifications) on October 2, 2017 and referred the application to the City Council.

The City Council also considered additional modifications to the actions as adopted by the CPC which were evaluated in Technical Memorandum 003 (TM 003) and issued by the DCP on November 28, 2017. The assessment contained in TM 003 demonstrated that the Council modifications would not result in any new or different significant adverse impacts not already identified in the FEIS. The City Council adopted the proposed actions as modified by the CPC along their modifications on November 30, 2017. The Special East Harlem Corridor District became effective upon its date of adoption by City Council under Zoning Resolution (ZR) Section 138.

Lastly DCP sought a zoning text amendment to: a) restrict building heights on sections of Park Avenue; and b) introduce provisions for the integration of subway entrances into building envelopes at the 116th Street station of the Lexington Avenue local 6 line. DCP also sought a zoning map amendment to the Special East Harlem Corridors (EHC) District to correct an error that had inadvertently included a midblock portion of a block within the special district. These actions were subject to environmental review under the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR). TM004 was issued by DCP on December 14th 2018 and it concluded that the proposed actions would not result in any new or different significant adverse environmental impacts not already identified in the FEIS and.

PROJECT DESCRIPTION

The New York City Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), is proposing a series of land use actions—including zoning map amendments, zoning text amendments, and amendments to the Milbank Frawley Circle-East Urban Renewal Plan (collectively, the “Proposed Actions”)—as a component of the City’s East Harlem Initiative (the “Initiative”), a comprehensive, community-focused effort aimed at identifying opportunities for the creation of new mixed-income housing and the preservation of existing affordable units consistent with Mayor de Blasio’s housing plan, *Housing New York: A Five-Borough, Ten-Year Plan*. The Proposed Actions are intended to facilitate the development of affordable housing, preserve existing neighborhood character, improve the pedestrian experience, and create new commercial and manufacturing space to support job creation adjacent to existing and future transit nodes. Further, in conjunction with other City agencies, the Initiative will identify complementary efforts to address community needs related to key infrastructure, economic development, workforce, and community wellness issues. The Proposed Actions



would affect an approximately 96-block area of the East Harlem neighborhood of Manhattan, Community District 11.

The area that is subject to the Proposed Actions is generally bounded by East 104th Street to the south, East 132nd Street to the north, Park Avenue to the west and Second Avenue to the east (the “Project Area”). The Proposed Actions are expected to result in a net increase of approximately 3,500 dwelling units, a substantial proportion of which are expected to be affordable; approximately 122,500 square feet (sf) of commercial retail space (which includes local retail, destination retail, grocery, and restaurant use); approximately 105,000 sf of community facility space; and approximately 132,400 sf of manufacturing space. The Proposed Actions are also expected to result in net decreases of approximately 10,600 sf of auto-related space, 33,000 sf of hotel use; and 57,600 sf of warehouse/storage space

The Proposed Actions build upon and respond to the land use and zoning recommendations in the East Harlem Neighborhood Plan (EHNP), which was developed through a holistic, community-based planning process by a Steering Committee comprised of local stakeholders led by New York City Council Speaker Melissa Mark-Viverito, Manhattan Borough President Gale A. Brewer, Manhattan Community Board 11 and Community Voices Heard. Through a series of meetings on various neighborhood topics ranging from open space to zoning and land use, the Steering Committee produced the EHNP report, which includes 232 recommendations for addressing key neighborhood concerns raised during its engagement process. In February 2016, the EHNP Steering Committee submitted its report to the City for review and to help inform the City’s planning efforts within East Harlem. DCP’s Neighborhood Study, using the work already completed by the Steering Committee and the Community Board as a baseline, has engaged in extensive coordination with interagency partners to identify actionable priorities in the Plan.

The Proposed Actions reflect DCP’s on-going engagement with Community Board 11, the Steering Committee, DCP’s interagency partners, and local elected officials to achieve the following land use objectives:

- Create opportunities for requiring permanently affordable housing to ensure that the neighborhood continues to serve diverse housing needs;
- Modify the existing zoning, where appropriate, to preserve the built neighborhood character;
- Create opportunities for economic development while preserving the vitality of existing commercial and manufacturing uses;
- Establish a Special District that establishes urban design controls that balance new development in response to existing neighborhood context and scale and improves the pedestrian experience; and
- Ensure a successful neighborhood plan by establishing a planning framework that is inclusive of the relevant capital infrastructure needs and services to support current demand and future growth.

An overview of the Project Area, the purpose and need for the Proposed Actions, and the specific components of the Proposed Actions are discussed below in Sections C through F. The New York City Planning Commission (CPC) has determined that an EIS for the Proposed Actions will be prepared in conformance with City Environmental Quality Review (CEQR) guidelines, with DCP acting on behalf of the CPC as the lead agency. The environmental analyses in the EIS assume a development period of 10 years for the RWCDs for the Proposed Actions (i.e., an analysis year of 2027). DCP has conducted a coordinated review of the Proposed Actions with involved and interested agencies.



Since the issuance of the Draft EIS, DCP has prepared and filed an amended zoning text application that addresses issues raised after issuance of the DEIS. The amended application, filed as ULURP application N 170359(A) ZRM, consists of modifications to the Proposed Actions that would establish height limits in the proposed districts along select portions of the Project Area. The amended application was analyzed in a technical memorandum issued on August 7, 2017, and is further analyzed as the “A-Text Alternative” in the FEIS.

BACKGROUND AND EXISTING CONDITIONS

Project Site

The Proposed Actions would affect a 96-block area of Manhattan Community District 11, extending from East 104th Street to the south to East 132nd Street to the north, generally between Fifth and Second Avenues. The area is defined by a series of north-south corridors, with 125th Street dividing the north and central sections and East 116th Street dividing the central and southern sections. Major corridors and areas of the neighborhood are described below.

NORTH OF 125TH STREET

The project area north of East 125th Street extends along portions of both sides of Park Avenue extending west to the midblock between Madison and Fifth Avenues and is comprised of a mix of land uses, ranging from residential, commercial, automotive-oriented uses, manufacturing uses, and parking. The area west of Park Avenue between East 125th and East 132nd Streets is characterized by well-maintained three- to four-story brownstones on the mid-blocks and five- to seven-story mid-rise buildings on the avenue. The surrounding area is predominantly residential with a few ground-floor retail uses along portions of Madison Avenue.

The northern portion of Park Avenue has a different character from that found along Madison Avenue. The MTA Metro-North Railroad viaduct is a dominant structure along Park Avenue and the area beneath the structure provides both space for public parking as well as parking for vehicles owned by the Department of Sanitation (DSNY). The predominant uses in this area are automotive-oriented uses and manufacturing. Along the west side of Park Avenue there are residential and commercial uses as well as structures and surface parking, a gas station, and a large storage facility with office space and community facility uses on the ground floor. The east side of Park Avenue is characterized by manufacturing uses and parking. DSNY leases a large parking facility on the east side of the avenue, and Consolidated Edison has a substation, which is also on the east side of the avenue. There are also community facility, institutional, and parking uses along the east side. Although residential uses are only zoned in the most northern portion of Park Avenue, there are residential uses along the west side of Park Avenue in non-residential districts that predate the 1961 Zoning Resolution.

EAST 125TH STREET AND PARK AVENUE

The area surrounding the intersection of East 125th Street and Park Avenue represents the meeting of two critical neighborhood corridors that connect the northern portion of Park Avenue to the mid-section of East 125th Street. In 2008, this portion of East Harlem was rezoned; there were maximum height and setback rules embedded in the zoning that limited building heights. The southwestern corner was mapped



with a higher density zoning to accommodate a known development at the time of the rezoning. The northwestern corner of 125th Street is occupied by with the prominent and historic Corn Exchange Building. This building, originally known as the Mount Morris Bank, had been a mixed-use building with retail, office, and residential uses, however, the building fell into disrepair after the 1970s. In recent years it was restored, offering new opportunities for retail and office space. The northeast corner is occupied by a 12-story building that is used as office space with ground-floor retail, and the southeast corner is occupied by a number of smaller buildings with ground-floor retail space with residential use above. In addition to the retail and office uses located at this commercial node, the elevated Harlem-125th Street Metro-North Railroad station is located on the northern portion of the intersection of East 125th Street and Park Avenue and is a major regional transit node. The current station was built in 1897, and regional rail service provides connections to Grand Central Terminal to the south and to the Bronx, Westchester County, and Connecticut to the north. The southern portion of the block is occupied by a non-functioning comfort station, which has not been used in a number of years. In 2013, a New York City Department of Transportation (DOT) Plaza program reactivated the space in front of the comfort station as a public plaza.

BETWEEN EAST 125TH AND EAST 116TH STREETS

The project area between East 125th and East 116th streets includes portions of Park, Lexington, Third, and Second Avenues. This segment of Park Avenue is characterized by the elevated Metro-North Railroad viaduct structure, flanked by residential, institutional, and manufacturing uses with surface parking, including public and institutional parking, some of which are located beneath the viaduct. The west side of Park Avenue is mainly characterized by a number of parking lots and institutional uses with few residential uses located in the southern portion of this area. The Milbank Frawley Circle-East URP prohibits residential development within 100 feet of the western side of the Metro-North viaduct. The east side of Park Avenue, roughly from East 123rd Street to 119th Street, is characterized by active manufacturing uses while the southern portion on both sides of the avenue is primarily residential with few commercial uses. Because of the number of parking lots fronting onto Park Avenue and the disconnected and limited amount of commercial space, Park Avenue has very limited pedestrian activity and is mainly crossed by those moving in easterly or westerly directions on the numbered streets and beneath the Metro-North viaduct structure.

Lexington Avenue, while being narrower in width than other East Harlem avenues, is a major north-south corridor in East Harlem. The subway operates along Lexington Avenue with stations at East 103rd, East 110th, East 116th, and East 125th Streets. Express service is also provided at the East 125th Street station. Lexington Avenue is characterized by mixed-use buildings with residential and ground-floor retail space. South of East 115th Street, the residential character of Lexington Avenue is predominately tenement-style buildings ranging in height from four to six stories. This building form changes between East 118th and 122nd Streets, where tower-in-the-park buildings are located on the west side of Lexington Avenue with heights ranging from 11 to 32 stories. Between East 115th and East 112th Streets, the building heights are typical of the tower-in-the-park building typology with 14-story buildings located on both sides of Lexington Avenue. The midblocks between Lexington and Park Avenues are predominantly residential in character with some community facility uses. The residential buildings range in height from five to seven stories and the community facility uses include churches and schools. Some of the midblocks contain open spaces that are accessory to the residential towers along Lexington Avenue. There are no



commercial uses between Park and Lexington Avenues except along East 116th and 124th Streets, where commercial overlays are currently mapped.

Third Avenue is an extraordinarily wide street at 100 feet in width and, unlike Park Avenue, has greater pedestrian activity with active local retail uses. Although a 2003 East Harlem Rezoning did not result in many new residential developments utilizing the higher density envelopes, the corridor remains an active commercial destination for local residents. However, the lack of development has resulted in the underutilization of many sites and buildings with vacant upper stories along Third Avenue. Several buildings along Third Avenue have upper stories that are sealed off and/or used as storage. Although a few recent developments have resulted in building envelopes that reflect the existing zoning, most buildings along Third Avenue have very few residential units and/or are occupied by one-story commercial uses. Taino Towers, located at East 122nd and East 123rd Streets between Third and Second Avenues, is one of largest residential developments in East Harlem. Built in 1979 with federal assistance, Taino Towers includes four 35-story residential towers with 656 units atop a four-story commercial base. Portions of the Robert Wagner Houses, a NYCHA development, are located on a superblock along Second Avenue between East 120th and East 124th Streets.

The portion of the Project Area along Second Avenue extends from East 108th to East 122nd Street, which is primarily characterized by tenement-type buildings with ground-floor retail. Newly constructed developments along Second Avenue are typically seven-story or higher apartment buildings with elevators (e.g. 2147 Second Avenue and 2167 Second Avenue). The Jefferson Cartier School (P.S. 102) is located at East 113th Street, within the President Thomas Jefferson NYCHA complex.

EAST 116TH STREET

East 116th Street is one of the major commercial corridors in East Harlem and a major east–west connector between East Harlem and Central Harlem. This corridor is the center of the El Barrio/Spanish Harlem Neighborhood and provides a variety of local retail uses that cater to Latino residents. The built form is characterized by four- to seven-story tenement-style residential buildings with ground-floor retail. At Park Avenue and East 116th Street is La Marqueta, a retail space originally created as the Park Avenue Retail Market under Mayor LaGuardia. This underutilized market space was once a thriving market where as many as 500 local vendors operated, selling ethnic food for the Caribbean and Latino diaspora. However, the limited pedestrian traffic and commercial uses along Park Avenue have affected the vitality of the La Marqueta space. Two important nodes along East 116th Street are at Lexington Avenue, where the local subway line is located, and Third Avenue, which connects 116th Street to the Third Avenue commercial corridor.

BETWEEN EAST 104TH STREET AND EAST 116TH STREET

The project area between East 104th and East 116th streets includes portions of Park, Lexington, Third, and Second Avenues. Much of Park Avenue within this area is typified by large, tower-in-the-park NYCHA developments. The Lehman and Carver houses are located on the west side of Park Avenue between East 104th and 110th Streets. The Metro-North Railroad viaduct transitions at East 110th Street from an open steel to a solid stone structure. The stone viaduct allows pedestrians to cross at each



intersection; however, the pedestrian conditions along and underneath the viaduct require improvements to enhance safety and create a more welcoming walking environment. The east side of Park Avenue is characterized by a mix of uses ranging from public housing, commercial uses to, community gardens. This section of Lexington Avenue has a neighborhood character that is similar to that of the northern part of Lexington Avenue, with mixed-use residential and commercial buildings. With the exception of the 18-story NYCHA buildings on the west side of Lexington Avenue, the building heights step down to a range of between four and eight stories.

The conditions along Third Avenue south of East 116th Street are similar to those above 115th Street. Despite the 2003 East Harlem Rezoning, which increased the residential density, much of the area is still characterized by four- to seven-story tenement-style buildings with ground-floor retail. Although the area is residentially zoned, there are a number of properties where the upper stories are vacant and ground-floor retail is the only use. Franklin Plaza Co-op Houses is the largest residential development in this area. Created in 1960, it is a multi-family development with fourteen 20-story buildings along segments of Third and Second Avenues.

Second Avenue, similar to Third Avenue, is characterized by four- to seven-story residential buildings and ground-floor retail. However, there has been some new residential development on small lots with buildings as tall as 10 stories.

EXISTING ZONING

East Harlem in Community District 11 is comprised of approximately 2.4 square miles in Upper Manhattan. The portions of the Community District not affected by the Proposed Actions are generally east of Second Avenue, west of Park Avenue, south of East 104th Street, and Randall's and Wards Islands. Much of the current zoning has remained unchanged since the 1961 Zoning Resolution was established, with the exception of three zoning map amendments adopted over the last 13 years. The East Harlem Rezoning, adopted in 2003, changed most of the mapped R7-2 and C4-4 districts to contextual districts in an effort to facilitate additional residential and commercial opportunities. The 2003 rezoning boundaries were from East 96th to 124th Streets and east of Lexington Avenue. The 125th Street Rezoning, which rezoned portions of East Harlem, was adopted in 2008, and mapped the 125th Street corridor as a special district from Broadway to Second Avenue between 124th and 126th Streets. The East 125th Street rezoning, also in 2008, rezoned the block bounded by East 125th and East 126th Streets and Second and Third Avenues to C6-3 to facilitate the development of a mixed-use project, including residential, commercial, entertainment, and community facility uses. Existing zoning districts are discussed below.

M1-2 AND M1-4

M1 districts generally allow one- or two-story buildings for light-industrial uses, including repair shops, wholesale service facilities, as well as self-storage facilities and hotels. M1 districts are intended for light industry; however, heavy industrial uses are permitted in M1 districts as long as they meet the strict performance standards set forth in the City's Zoning Resolution (ZR). Residential uses and community facility uses with sleeping accommodations are not permitted in M1 districts, but commercial uses and a wide range of light manufacturing, warehousing, and auto service uses are permitted. Many commercial uses are restricted to 10,000 sf in M1 districts.



The M1-2 district mapped on the east side of Park Avenue between East 128th and East 131st Streets allows manufacturing and commercial uses at a maximum FAR of 2.0 and community facility uses at a maximum FAR of 4.80. M1 districts have a base height limit, above which a structure must fit within a sloping sky exposure plane; this base height is 60 feet in M1-2 districts. M1-2 districts are subject to parking requirements based on the type of use and size of an establishment.

M1-4 is a light manufacturing district mapped on the east side of Park Avenue, roughly between East 124th and East 119th Streets, and allows 6.5 FAR for community facility uses and 2.0 FAR for commercial and manufacturing uses.

Existing land uses within the M1-2 and M1-4 districts include warehouses/storage for light industrial uses, auto-related businesses such as garages and surface parking, wholesale market office, flooring business, a moving facility, and vacant or underutilized land.

C8-3

There are two C8-3 districts mapped in the northern portion of the Project Area along the west side of Park Avenue between East 126th and East 127th Streets and between East 128th and East 131st Streets. C8-3 districts are designed for heavy commercial uses, such as auto service, sales, and repairs. C8 districts are found mainly along major traffic arteries and allow automotive and other heavy commercial uses that often require large amounts of land. C8 districts have a base height limit, above which a structure must fit with a sloping sky exposure plane; this base height is 60 feet in C8-3 districts, and typically produces low-rise, one-story structures. C8-3 districts also permit community facility uses at a maximum FAR of 6.5. Typical uses are automobile showrooms and repair shops, warehouses, gas stations, and car washes; community facilities, self-storage facilities, hotels, and amusements, such as theatres are also permitted. No new residential uses are permitted.

Existing land uses within the C8 districts include gas stations, car sales lots, auto-repair shops, small local retail shops mixed with grandfathered residential uses above the ground floor, storage, and office space.

C6-3

The C6-3 district is mapped along a portion of Park Avenue within the Special 125th Street District. The C6-3 district, outside of the Core Subdistrict of the Special 125th Street District, allows a maximum residential and commercial FAR of 6.0 (8.0 with Voluntary Inclusionary Housing or Visual or Performing Arts Bonus) and community facility FAR of 6.0. As included in the Special 125th Street District provisions, there are special height and setback regulations pertaining to the C6-3 district. The minimum and maximum base height of the streetwall is 60 to 85 feet and the maximum building height is 160 feet. Regarding streetwall location, all portions of buildings or other structures that exceed a height of 85 feet in the C6-3 district shall be set back at least 15 feet from the street line. Additionally, the maximum length of any story located above a height of 85 feet shall not exceed 150 feet.



R7-2

R7-2 districts are currently mapped on approximately 39 full or partial blocks along the Park Avenue corridor, on portions of the mid-blocks between Park and Lexington Avenues, and between Madison and Park Avenues from East 126th and East 132nd Streets. R7-2 districts are medium-density residential districts that permit a maximum FAR of 4.0 for residential uses on wide streets (an FAR of 3.44 is allowed along narrow streets) and 6.5 for community facility uses. Commercial overlays mapped in this district permit a maximum allowable FAR of 2.0. The R7-2 district regulations encourage residential towers on large lots and allow new development that could be out of scale or that could conflict with the context of certain portions of the neighborhood. R7-2 districts do not have provisions for new buildings to line up with adjacent buildings, allowing new development to break the continuity of the street-wall.

The optional Quality Housing Program is available in R7-2 districts, with height, setback, and bulk regulations designed to produce a building form that is consistent with the contextual characteristic of the neighborhood. The Quality Housing Program permits a slightly denser development in exchange for height limits and consistent street-walls. In R7-2 districts on narrow streets (less than 75 feet wide), the Quality Housing Program allows 3.44 residential FAR with a maximum base height of 60 feet and maximum building height of 75 feet. On wide streets, the Quality Housing Program allows buildings up to 4.0 residential FAR with a maximum base height of 65 feet and a maximum building height of 85 feet.

Parking is required for 50 percent of the residential units but may be waived or reduced.

The existing land uses in these areas include parking lots, multi-family residences and community facilities, and vacant land and community gardens.

R8A

The R8A district is mapped mostly in the southern portion of Third Avenue between East 112th and East 104th Streets and along entire portion of Second Avenue within the Project Area (and is a result of the 2003 rezoning of East Harlem). However, an R8A district is mapped on the south side of East 111th Street between Park and Madison Avenues. In R8A districts, the contextual Quality Housing Program bulk regulations are mandatory. These regulations typically result in high lot coverage 10- to 12-story apartment buildings set at or near the street line. Limitations on the base height and maximum building height of new buildings ensure compatibility with existing buildings on the street. R8A districts allow a maximum residential floor area of 6.02 and maximum community facility FAR of 6.5. Commercial overlays mapped in this district allow a maximum FAR of 2.0. The maximum allowable building height is 120 feet (125 feet with a qualifying ground-floor use) and minimum and maximum base height between 60 and 85 feet.

R7A

The R7A district is mapped along East 116th Street, east of Lexington Avenue (and is a result of the 2003 rezoning of East Harlem). In R7A districts, the contextual Quality Housing Program bulk regulations are mandatory. These regulations typically result in high lot coverage buildings up to 80 feet in height. Limitations on the base height and maximum building height of new buildings ensure compatibility with existing buildings on the street. R7A districts allow a maximum residential and community facility floor area ratio of 4.0. Commercial overlays mapped in this district allow a maximum FAR of 2.0. The



maximum allowable building height is 80 feet (85 feet with a qualifying ground-floor use) and minimum and maximum base height between 40 and 75 feet.

C4-4 AND C4-4D

There is one C4-4 district mapped on the west side of Third Avenue between East 122nd and 123rd Streets and on both sides of Third Avenue between East 123rd and East 124th Streets. C4-4 districts are intended for larger stores serving an area wider than the immediate neighborhood. Commercial uses in C4-4 districts have a maximum FAR of 3.4. Residential and community facility uses in C4-4 districts must comply with the R7-2 bulk requirements; the maximum residential FAR is 3.44 under the standard R7-2 height factor regulations, or 4.0 on wide streets under the Quality Housing Program. The maximum FAR for community facility uses is 6.5. One off-street parking space per 1,000 feet of commercial floor area is required; however, parking is waived if the retail use requires less than 40 parking spaces.

A C4-4D district is mapped along the entire portion of Third Avenue from East 115th Street to East 122nd Street. The C4-4D district allows the same range and density of commercial uses as the C4-4 but has a greater residential density. The C4-4D must comply with the R8A bulk requirements; the maximum residential FAR is 6.02 and the community facility FAR is 6.5. Similar to the C4-4 district, the maximum commercial FAR is 3.4. Building and street-wall heights must comply with the R8A bulk regulations.

C1-9

The C1-9 district is a neighborhood commercial district that is mapped along major thoroughfares in medium and high density residential areas. The C1-9 has a maximum commercial FAR of 2.0 and a maximum residential and community FAR of 10.

The C1-9 district in East Harlem is mapped on the westernmost portion of a city block bounded by Third and Second Avenues between East 122nd and East 123rd Streets. The district was designated to accommodate the Taino Towers, a federally funded residential complex with four 35-story towers atop a four-story commercial base.

COMMERCIAL OVERLAYS

Commercial district overlays permitting local commercial retail uses are mapped along Park, Lexington, Third, and Second Avenues, as well as along much of East 116th Street.

C1-2, C1-4, AND C1-5

There are C1-2, C1-4, and C1-5 commercial overlays mapped throughout the Project Area and along the corridors within the Special District. Residential, community facility, and specific commercial uses are permitted within these commercial overlays. C1 districts facilitate local shopping that serves the immediate surrounding residences (Use Group 6). Commercial buildings in C1 overlays have a maximum permitted FAR of 2.0. Otherwise, residential, mixed residential/commercial, and community facility uses in C1 commercial overlays are regulated by the bulk regulations of the underlying residential districts. In addition, commercial uses in mixed commercial and residential buildings in these districts cannot be located above the second floor. Often mapped in medium and high-density residential areas, C1-4 districts typically require one parking space per 1,000 sf of commercial use, whereas C1-5 districts do not require



parking accessory to commercial use. C1-2 districts are typically mapped in a low-density area and require one parking space per 300 sf of commercial floor area.

C2-4 AND C2-5

C2-4 and C2-5 commercial overlays are mapped along select block frontages on Park and Lexington Avenues. The C2-4 districts are mapped along portions of Park Avenue north of East 116th Street and along portions of Park and Lexington Avenues below East 112th Street. The C2-5 districts are mapped in the southern portion of the Project Area along Third Avenue between East 104th and East 112th Streets. C2 commercial overlays are intended to provide local shopping needs, as well as meet broader shopping and service needs than daily activities typically require (Use Groups 6 through 9). Commercial buildings in C2 district overlays have a maximum permitted FAR of 2.0. Otherwise, residential, mixed residential/commercial, and community facility uses in C2 commercial district overlays are regulated by the bulk regulations of the underlying residential districts. C2-5 districts do not require parking accessory to commercial use, but C2-4 districts typically require one parking space per 1,000 sf of commercial use.

DESCRIPTION OF APPROVED ACTIONS

The Approved Actions were essential in facilitating the objectives of the City's Initiative, which shares the long-term vision articulated in the EHNP for the creation of more affordable housing and more diverse commercial and retail uses, to spur economic development, foster safer streets, and generate new community resources. To accomplish these goals, DCP proposed zoning map and text amendments that would affect approximately 96 blocks in the three sections in East Harlem, described in detail below. Additionally, HPD has proposed amendments to the Milbank Frawley Circle-East URP to make the plans compatible with the zoning actions. These actions are described below.

Zoning Map Amendment (C 170358 ZMM)

The approved rezoning would replace all or portions of existing R7-2, C8-3, M1-2, M1-4, C4-4, C4-4D, R8A, R7A, and C6-3 districts within the rezoning area with M1-6/R9, M1-6/R10, C4-6, C6-4, R10, R9, R7A, R7B, and R7D districts. Some of the density, use, and bulk regulations of the approved zoning districts would be modified by the approved zoning text amendment that is the subject of a related land use action (N 170359 ZRM). The approved rezoning would replace or eliminate portions of existing C1-4, C2-4, and C1-5 overlays with C1-5 or C2-5 overlays and establish new C1-5 overlays. The approved rezoning would also amend the Zoning Map to include boundaries of the new Special East Harlem Corridors District (EHC) as well as modified boundaries of the Special Transit Land Use District (TA). A portion of the C6-3 district at the intersection of East 125th Street and Park Avenue within the Special 125th Street District would be replaced with a C6-4 district.

M1-6/R10 WITHIN THE EHC ***(Existing M1-2 and M1-4 District)***

An M1-6/R10 mixed-use district is approved in two sections of the EHC. One district is proposed in the northern section of the project area along the east side of Park Avenue between East 126th and East 128th Streets, and another is proposed in the mid-section, roughly along the east side of Park Avenue between East 119th and East 124th Streets. M1-6/R10 districts permit residential and community facility uses, houses of worship, libraries, museums, health care facilities and commercial and manufacturing uses (such as transient hotels and local retail stores) and industrial uses. The maximum FAR for mixed-use



buildings in this district is 12.0. To support the economic development and commercial growth objectives of the plan, the EHC would impose a nonresidential use requirement of 2.0 FAR before any permitted residential floor area could be utilized.

The special street wall and minimum base height provisions on Park Avenue within the EHC, as described above, would apply. The maximum base height would be 155 feet and the maximum overall building height would be 350 feet with a penthouse allowance of up to 40 feet. The special ground-floor design and parking provisions of the EHC would apply.

M1-6/R9 WITHIN THE EHC
(Prior to Rezoning C8-3 District)

An M1-6/R9 mixed use district is approved for the northern section of the project area, along the west side of Park Avenue between East 126th and East 128th Streets, and between East 128th and East 131st Streets. M1-6/R9 districts permit residential and community facility uses, houses of worship, libraries, museums, health care facilities, commercial and manufacturing uses (such as transient hotels and local retail stores) and industrial uses at a maximum FAR of 8.5 in a mixed-use building. To support the economic development and commercial growth objectives of the proposed actions, the EHC would impose a non-residential use requirement of 1.5 FAR before any permitted residential floor area could be utilized. The special street wall and minimum base height provisions on Park Avenue within the EHC, as described above, would apply. The maximum base height would be 105 feet and the maximum overall building height would be 285 feet, with a penthouse allowance of up to 40 feet. The special ground-floor design and parking provisions of the EHC would apply.

C6-4 WITHIN THE EHC
(Prior to Rezoning R7-2)

A C6-4 district is proposed on the east side of Park Avenue between East 122nd and East 124th Streets within the EHC Special District. The C6-4 district would allow a maximum FAR of 10.0 (with MIH requirements) for residential, and 10.0 for both community facility and commercial uses. The EHC would impose a non-residential use requirement of 2.0 FAR before any permitted residential floor area could be utilized and the overall maximum floor area for a mixed-use development would be 12.0 FAR. Pursuant to the special bulk provisions of the EHC as described above, a development would have contextual Quality Housing and Quality Housing tower bulk options. For both options, the EHC street-wall location and minimum base height provisions along Park Avenue would apply. For the contextual Quality Housing option, the maximum base height would be 155 feet, and the maximum building height would be 235 feet after a required setback above the base height. For the Quality Housing tower option, the maximum base height would be 85 feet and the maximum residential tower lot coverage would be between 40 and 50 percent, depending on the size of the zoning lot. Maximum commercial or community facility tower lot coverage would be 50 percent. The special ground-floor design and parking provisions of the EHC would apply.

R9/C2-5 WITHIN THE EHC
(Prior to Rezoning R7-2 and R8A)

The approved R9 district was mapped within the EHC in the following areas:

- The west side of Park Avenue between East 131st and East 132nd Streets;
- Both sides of Park Avenue between East 115th and East 118th Streets;
- The intersection of East 116th Street and Lexington Avenue;



- The west side of Second Avenue between East 123rd and East 124th Streets;
- The west side of Second Avenue between East 120th and East 122nd Streets;
- Both sides of Second Avenue between East 115th and East 120th Streets;
- Both sides of Second Avenue between East 112th and East 109th Streets;
- The east side of Second Avenue between East 108th and East 109th Streets; and
- Both sides of Second Avenue between East 104th and East 106th Streets.

R9 districts within the EHC would have a maximum FAR of 8.5 for community facility uses and residential uses under the MIH program. Commercial overlays mapped in this district would allow a maximum FAR of 2.0. Pursuant to the special bulk provisions of the EHC as described above, a development would have contextual Quality Housing and Quality Housing tower bulk options. For both options, the EHC street wall location and minimum base height provisions would apply, with special provisions for Park Avenue as discussed above. For the contextual Quality Housing option, the maximum base height would be 125 feet, and the maximum building height would be 175 feet after a required setback above the base height. For the Quality Housing tower option, the maximum base height would be 85 feet and the maximum residential tower lot coverage would be between 40 and 50 percent, depending on the size of the zoning lot. Maximum commercial or community facility tower lot coverage would be 50 percent. The special ground-floor design and parking provisions of the EHC would apply.

R10/C2-5 WITHIN THE EHC
(Prior to Rezoning R8A and R7-2)

The approved R10 was mapped within the EHC in the following areas:

- The west side of Park Avenue between East 122nd and East 118th Streets;
- The east side of Park Avenue on the southern portion of the block between East 120th and East 119th Streets;
- Both sides of Third Avenue between East 109th and East 112th Streets;
- The west side of Third Avenue between East 106th and East 109th Streets; and
- Both sides of Third Avenue between East 104th and East 106th Streets.

R10 districts permit residential uses at a maximum FAR of 12.0 in areas designated as part of the Inclusionary Housing program, and a maximum FAR of 10 for community facility uses. Commercial overlays mapped in this district allow a maximum commercial FAR of 2.0. Pursuant to the special bulk provisions of the EHC as described above, a development would have contextual Quality Housing and Quality Housing tower bulk options. For both options, the EHC street wall location and minimum base height provisions would apply, with special provisions for Park Avenue as discussed above. For the contextual Quality Housing option, the maximum base height would be 155 feet, and the maximum building height would be 235 feet after a required setback above the base height. For the Quality Housing tower option, the maximum base height would be 85 feet and the maximum residential tower lot coverage would be between 40 and 50 percent, depending on the size of the zoning lot. Maximum commercial or community facility tower lot coverage would be 50 percent. The special ground-floor design and parking provisions of the EHC would apply.



C4-6 WITHIN THE EHC
(Prior to Rezoning C4-4D district)

A C4-6 district was approved along Third Avenue in the mid-section of the Project Area between East 115th and East 124th Streets, with the exception of the east side of Third Avenue between East 122nd and East 123rd Streets.

The C4-6 district allows a maximum FAR of 12.0 (with MIH requirements) for residential, 10.0 for community facility and 3.4 for commercial uses. Pursuant to the special bulk provisions of the EHC as described above, a development would have contextual Quality Housing and Quality Housing tower bulk options. For both options, the EHC street wall location and minimum base height provisions along Avenues other than Park Avenue would apply. For the contextual Quality Housing option, the maximum base height would be 155 feet, and the maximum building height would be 235 feet after a required setback above the base height. For the Quality Housing tower option, the maximum base height would be 85 feet and the maximum residential tower lot coverage would be between 40 and 50 percent, depending on the size of the zoning lot. Maximum commercial or community facility tower lot coverage would be 50 percent. The special ground-floor design and parking provisions of the EHC would apply.

R7D WITHIN THE EHC
(Prior to Rezoning R7-2 and R7A)

The approved R7D is mapped in the following sections within the study area:

- Both sides of Lexington Avenue from East 104th Street to East 107th Street;
- The east side of Lexington Avenue from East 107th Street to East 110th Street;
- Both sides of Lexington Avenue from East 110th Street to East 112th Street;
- Both sides of the mid-blocks on East 116th Street between Park Avenue and 2nd Avenue;
- Both sides of Lexington Avenue from East 115th Street to midway between East 115th and East 116th Streets;
- Both sides of Lexington Avenue from midway between East 116th and East 117th Streets to East 117th Street;
- The east side of Lexington Avenue from East 117th Street to East 122nd Street; and
- Both sides of Lexington Avenue from East 122nd Street to East 124th Street.

R7D is a medium-density contextual district with a minimum base height of 60 feet, a maximum base height of 95 feet, and a maximum building height of 115 feet for an MIH development with a qualifying ground floor. The maximum residential FAR in an MIH area is 5.6. The maximum allowable community facility FAR is 4.2, and commercial overlays mapped in these districts permit a maximum commercial FAR of 2.0. The special ground-floor design and parking provisions of the EHC would apply.

AMENDMENT TO THE SPECIAL 125TH STREET DISTRICT

The approved actions modify the Special 125th Street District at three of the corners adjacent to the intersection of East 125th Street and Park Avenue to establish the Park Avenue Hub Sub-district. The existing C6-3 district currently mapped on both sides of Park Avenue between East 125th and East 126th Streets, and on the east side of Park Avenue between East 124th and 125th Streets, would be rezoned to a C6-4 district. This area would be subject to provisions consistent with the proposed use, bulk, ground-floor design and parking regulations included in the proposed EHC.



AMENDMENT TO THE SPECIAL TRANSIT LAND USE DISTRICT

The approved actions modify the TA District to map a new TA Special District location and Phase II of the Second Avenue Subway.

Approved C6-4

(Prior to Rezoning C6-3)

A C6-4 district is approved along Park Avenue near the East 125th Street node, within the Special 125th Street District, at:

- The southeast corner Park Avenue between East 125th and East 124th Streets;
- The northeast corner of Park Avenue between East 125th and East 126th Streets; and
- The northwest corner of Park Avenue between East 125th and East 126th Streets.

The southwest corner of Park Avenue between East 125th and East 124th Streets is currently mapped with a C4-7 commercial district, which is modified through the Special 125th Street District to have a maximum FAR of 10.0 and a maximum height limitation of 330 feet. The existing zoning designation on this corner would remain in place under the approved actions. The approved C6-4 district would allow a maximum residential FAR of 10.0 (with MIH requirements), with 10.0 also available for community facility and commercial uses. The approved text modifications to the Special 125th Street District would impose a non-residential use requirement of 2.0 FAR before any permitted residential floor area could be utilized. The overall maximum floor area for a mixed-use development would be 12.0 FAR. The non-residential use requirement would not apply to a development utilizing the visual or performing arts theater bonus provisions of the Special District. Consistent with the existing special bulk provisions of the Special 125th Street District, developments would provide a contextual base between 60 feet and 85 feet in height along East 125th Street. The EHC street wall location and minimum base height provisions along Park Avenue would apply to the portion of a building fronting along the Avenue. The maximum lot coverage of the tower above the contextual base is limited to 40 percent to 50 percent, depending on the type of uses occupying such portion of the building. In addition, for the eastern block frontage of Park Avenue between 124th Street and 125th Street, any new development is required to provide a sidewalk widening of at least 10 feet. The existing special ground-floor design provisions of the Special 125th Street District would apply. The underlying parking provisions of the Special 125th Street District would be modified to be consistent with that of the EHC.

R7A AND R7B

(Prior to Rezoning R7-2)

The approved R7A and R7B districts are mapped in the northern section of the project area outside of the proposed special district, and on several mid-blocks between Lexington and Park Avenues from East 104th Street to East 124th Street. The R7A district is mapped along Madison Avenue between East 126th Street to East 132nd Street, with the exceptions of the east side of Madison Avenue between East 127th Street and East 128th Street and the west side of Madison Avenue between East 130th Street and East 131st Street. The R7B districts are mapped on the mid-blocks between Fifth and Madison Avenues and Park and Madison Avenues from East 126th Street to East 132nd Street. R7B districts is not be mapped on the mid-blocks bounded by East 128th Street, East 127th Street, Madison Avenue and Park Avenue, nor would they be mapped on the mid-blocks bounded by East 130th Street, East 131st Street, Madison Avenue and Fifth Avenue.



The R7B district is also be mapped along the midblock between East 123rd and East 124th Streets and between Third and Second Avenues, and on the following mid-blocks between Lexington and Park Avenues:

- Roughly between East 121st and East 123rd Streets;
- Roughly between East 116th and East 120th Streets;
- Roughly between East 115th and East 116th Streets;
- Roughly between East 110th and East 111th Streets;
- Roughly between East 106th and East 107th Streets;
- A portion of the mid-block between East 123rd and East 124th Streets; and
- A portion of the mid-block between East 121st and East 122nd Streets.

The R7A and the R7B are contextual districts that have maximum base heights and maximum building heights. The R7A permits buildings of up to 85 feet in height, with minimum and maximum base heights between 40 and 65 feet. The maximum residential and community facility FAR is 4.0. The R7B permits buildings of up to 75 feet in height, with minimum and maximum base heights between 40 and 60 feet. The maximum residential and community facility FAR is 3.0. Commercial overlays mapped in these districts have a maximum FAR of 2.0.

COMMERCIAL OVERLAYS

Existing C1 and C2 commercial overlays are mapped intermittently throughout the project area. C1 districts permit commercial Use Groups 5 and 6, while C2 districts permit Use Groups 5 through 9 and Use Group 14. There are C1-5 overlays mapped throughout the Project Area and along the corridors within the Special District. DCP is working with NYCHA to introduce commercial overlays to increase the potential supply of retail and commercial services available to NYCHA residents. Mapping these commercial overlays on NYCHA campuses does not by itself effectuate any development on NYCHA properties, as resident engagement processes and additional approvals would be required at the federal level for any development on NYCHA land. This proposal would map commercial overlays to a depth of 100 feet to reflect the typical depth of existing lots along these corridors, and to define appropriate zones for potential future commercial uses on NYCHA campuses.

C1-5 commercial overlays have been approved to be mapped over portions of the approved R7D districts and in existing R7-2 districts. The approved rezoning has replaced or eliminated portions of existing C1-4 and C2-4 overlays and establish new C1-5 overlays. The affected area is as follows:

- Approved R7D: five full or partial block frontages on Lexington Avenue between East 116th and East 120th Streets;
- Approved R7D: two partial block frontages on Lexington Avenue between East 115th and East 116th Streets;
- Approved R7D: four full or partial block frontages along Lexington Avenue between East 110th and East 112th Streets; and
- Existing R7-2: on Park, Lexington, Third, and Second Avenues, roughly between East 112th and East 115th Streets.

C1-5 overlays permit residential, community facility, and specific commercial uses. C1 districts facilitate local shopping that serves immediately surrounding residences. Commercial buildings in C1 overlays have a maximum permitted FAR of 2.0. Otherwise, residential, mixed residential/commercial, and community facility uses are regulated by the bulk regulations of the underlying residential districts in C1



commercial overlays. Commercial uses in mixed commercial and residential buildings in these districts cannot be located above the first floor. The C1-5 district does not require parking accessory to the commercial uses.

C2-5 commercial overlays are approved to be mapped over portions of the approved R7D, R9 and R10 districts. The approved rezoning have also replaced or eliminated portions of C1-2, C1-4, C1-5, and C2-4 overlays and establish new C2-5 overlays. The affected area were as follows:

- Approved R7D: six full block frontages along Lexington Avenue between East 120th and East 124th Streets;
- Approved R9: one full block frontage along Park Avenue between East 131st and East 132nd Streets;
- Approved R9: six full block frontages along Park Avenue between East 118th and East 115th Streets;
- Approved R9: one full block frontage on the east side of Madison Avenue between East 111th and East 112th Streets and one full block frontage on the west side of Park Avenue between East 111th and East 112th Streets;
- Approved R9: four half block frontages at the intersection of Lexington Avenue and East 116th Street;
- Approved R9: one block frontage on the east side of Second Avenue between East 123rd and East 124th Streets;
- Approved R9: 12 full block frontages along Second Avenue between East 115th and East 122nd Streets;
- Approved R9: seven full block frontages along Second Avenue between East 108th and East 112th Streets;
- Approved R9: four block frontages along Second Avenue between East 104th and East 106th Streets;
- Approved R10: six full or partial blocks along Park Avenue between East 118th and East 122nd Streets;
- Approved R10: 13 full/partial blocks on Third Avenue between East 112th and East 104th Streets; and
- Eight full/partial blocks on the New York Housing Authority superblocs along Park, Third and Second avenues between East 112th and East 115th Streets.

C2-5 commercial overlays allow for local retail uses and commercial development up to 2.0 FAR. In these areas, the C2-5 commercial overlays would support the development of mixed residential/commercial uses. This proposal would map commercial overlays to a depth of 100 feet to reflect the typical depth of existing lots along these corridors and to prevent commercial uses from encroaching on residential side streets.

Zoning Text Amendment (C 170358 ZMM)

The approved actions include amendments to the New York City Zoning Resolution. A new special district known as the EHC Special District would be established. It would cover the key corridors in the project area. An MIH area would also be mapped along the corridors within the Special District.



SPECIAL EAST HARLEM CORRIDORS DISTRICT

The EHC would modify underlying zoning regulations, establish additional requirements, and allow for greater flexibility in the type and shape of future development, as described above. The approved Special EHC District would be created along major corridors within the project area, including Park Avenue, Lexington Avenue, Third Avenue, Second Avenue, and East 116th Street, to establish special use, bulk, ground-floor design, and parking regulations.

Use Regulations: Within approved M1-6/R9 and M1-6/R10 districts, the EHC would apply the special use regulations of the Special Mixed Use District (Article XII, Chapter 3). The EHC would allow public parking garages to be constructed as-of-right within proposed commercial and manufacturing districts, just as they are currently permitted in existing C2-4, C4-4, C4-4D, C8-2, and M1-2 districts. The EHC would also introduce a new special permit for new floor area designated for hotel use.

Floor Area Regulations: Within certain high-density residential, commercial, and manufacturing districts, the EHC would apply special regulations, described in detail below, to ensure a desirable mix of uses that supports the objectives of the plan. The underlying public plaza and arcade floor area bonus provisions of non-contextual commercial and manufacturing districts would be eliminated.

Street Wall Location: The EHC would modify the underlying street wall location regulations to facilitate a desirable pedestrian environment and a consistent urban design approach. Along Park Avenue, the EHC would modify varying regulations of the underlying districts to apply one consistent street wall location rule: at least 70 percent of a street wall must be located within eight feet of a street line. Along Third Avenue, the underlying street wall location regulation of a tower development option will be modified to require a consistent street wall at the street line except for permitted recesses and courts.

Contextual Quality Housing Option: The EHC would modify the underlying minimum base height requirements of optional contextual Quality Housing bulk regulations of R9, R10, and their equivalent commercial districts. Along Park Avenue, the minimum base height would be lowered to 40 feet to allow the residential portion of a mixed-use building to set back from the Metro-North viaduct. Along other corridors, the minimum base height would be lowered to 60 feet to avoid overly high street walls.

Quality Housing Tower Option: In non-contextual R9 and R10 districts, and their equivalent commercial districts, where a tower development option is available, the EHC would modify the underlying tower regulations to require a contextual base to create consistent and active pedestrian environment. The EHC would also require such towers to comply with the Quality Housing provisions of Article II, Chapter 8 of the Zoning Resolution, which require certain amenities.

Ground-Floor Design Requirements: The EHC would prescribe a set of ground-floor design requirements including mandatory non-residential uses on the ground floor, minimum levels of transparency on building frontages and limitations on curb cuts, where appropriate. The controls would foster a safe, varied, and walkable environment along these corridors.

Parking Regulations: The EHC would eliminate the underlying accessory residential parking requirements. Limited public parking garages would be as-of-right within proposed commercial and manufacturing districts, just as they are in existing districts including C2-4, C4-4D, M1-2, and C8-3.



MANDATORY INCLUSIONARY HOUSING PROGRAM

An MIH area is approved to be designated in portions of the approved rezoning area, including where zoning changes have been designed to promote new housing. The MIH program would apply within the following districts: M1-6/R9, M1-6/R10, R9, R10, C4-6, C6-4, and R7-D districts within the rezoning area.

The MIH program includes two primary options that pair set aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility trade-off inherent between income levels and size of the affordable set aside. Option 1 would require 25 percent of residential floor area to be for affordable housing units for residents with incomes averaging 60 percent of the area median income (AMI). Option 1 also includes a requirement that 10 percent of residential floor area be affordable at 40 percent of the AMI. Option 2 would require 30 percent of residential floor area to be for affordable housing units for residents with incomes averaging 80 percent of the AMI. The City Council and CPC could decide to apply an additional, limited workforce option for markets where moderate- or middle-income development is marginally financially feasible without subsidy. For all options, no units could be targeted to residents with incomes above 130 percent of the AMI. Additionally, a Deep Affordability Option could also be applied in conjunction with Options 1 and 2. The Deep Affordability Option would require that 20 percent of the residential floor area be affordable to residents at 40 percent of the AMI.

AMENDMENT TO THE SPECIAL 125TH STREET DISTRICT

The approved actions would modify the existing 125th Street Special District at three of the corners at 125th Street and Park Avenue to be consistent with the proposed use, bulk, ground-floor design, and parking regulations included in the proposed Special East Harlem Corridors District, as described above.

AMENDMENT TO THE SPECIAL TRANSIT LAND USE DISTRICT

The approved actions include modifications to the TA to facilitate the inclusion of necessary transportation-related facilities in new developments. The district was originally mapped in the 1970s and does not reflect the MTA's current infrastructure and development needs as the second phase of the Second Avenue Subway is being constructed. The approved changes would allow the MTA to include subway infrastructure in new development surrounding approved subway stations. The approved changes would also modify the prescribed space requirements to allow for modern subway stations that are ADA compliant, allow for enough space for subway exits and entrances, and provide better ventilation to the new stations.

The approved modifications include:

Approved Map Modifications

- Introduce a new TA Special District location along Second Avenue, roughly between East 115th and East 120th Streets.
- Modify existing TA Special District locations as follows:
 - Expand the TA Special District on Second Avenue at 106th Street by 100 feet to the north and south, with a slight 100-foot extension to the east along the south side of East 106th Street.
 - Relocate the TA Special District on Second Avenue near East 125th Street, to be located roughly along East 125th Street between Park and Third Avenues.



Approved Text Modifications

- Modify the existing text and add new text to exclude floor area for any subway transit-related uses such as subway entrances and ancillary facilities (e.g., vent facilities, emergency egress) from the definition of zoning floor area.
- Modify text and tables to allow for greater flexibility in transit easement volumes to accommodate entrances and/or ancillary facilities that meet ADA requirements, ventilation requirements, and other technical requirements in Community Board 11.
- Modify the text to specifically include ADA-compliant amenities and non-pedestrian transit functions such as ancillary (ventilation) facilities in Community Board 11.

Amendment to the Milbank Frawley Circle-East Urban Renewal Plan (C 170360 HUM)

The City has designated the Milbank Frawley Circle-East Urban renewal Area (“MFECURA”) as an urban renewal area and established the Milbank Frawley Circle-East Urban Renewal Plan (“MFECURA”) in 1994. The MFECURA was last amended in 2003 (First Amendment) and expires in June 2034.

The MFECURA is located in Manhattan Community District 11 and is generally bounded by East 125th Street on the north, Park Avenue on the east, East 107th Street on the south, and Fifth Avenue on the west. To facilitate the goals of the East Harlem Rezoning, the City would amend the MFEURP to:

- (a) Remove the supplementary setback control on sites along Park Avenue between East 110th Street and East 123rd Street that requires a 100’ setback from Park Avenue for residential buildings;
- (b) Change the use is Sites 9 and 25A from “Residential, Residential/Commercial and Commercial/Public & Semi-public” to “Residential”; and
- (c) Extend the plan expiration date to 40 years from the Second Amended Milbank Frawley Circle-East Urban Renewal Plan.

These amendments would assist the mission of the East Harlem Rezoning to facilitate changes in land use that would support the revitalization of East Harlem with substantial amounts of affordable housing and new commercial space.

ACTIONS TO SUPPORT THE SENDERO VERDE DEVELOPMENT ALTERNATIVE

The FEIS includes an alternative that considers, in addition to the Approved Actions as described above, a series of actions needed to facilitate an HPD-sponsored affordable housing development proposed for Sendero Verde (“the Sendero Verde Development Alternative”). The affected property is a public site owned by the City of New York (under the jurisdiction of HPD) and bounded by East 111th Street, Madison Avenue, East 112th Street, and Park Avenue. The site is over 76,500 sf in size and encompasses community gardens and space formerly used as a baseball field. There are two privately owned parcels on the block. HPD is proposing to develop the site to facilitate the creation of a mixed-use development with residential, commercial, and community facility uses.

In February of 2017, the City designated a development team led by Jonathan Rose Companies and L+M Development Partners (“Development Team”) along with several community partners to develop a three-phased, mixed-use, and sustainable development containing residential and community facility space. In addition to the development expected under the Approved Actions, the alternative assesses 663 affordable DUs, 15,065 sf of retail space, 159,840 sf of community facility space and new community gardens. All



of the proposed residential units would be affordable in accordance with HPD affordability requirements. The approved development would incorporate four of the existing gardens and relocate two of the other gardens elsewhere within the surrounding neighborhood. These lots would be transferred to the City under the jurisdiction of the Department of Parks and Recreation (NYC Parks) to be operated as GreenThumb gardens upon project completion. NYC Parks has helped the organization that formerly used the baseball field to obtain a permit for another field.

The land use actions necessary to facilitate the development of the Sendero Verde Site have entered public review as a separate land use application concurrent with the Approved Actions. The actions include: (a) zoning map amendment to rezone the R7-2 district to R9; (b) zoning text amendment to apply the MIH program to the site; (c) Urban Development Area Action Plan (UDAAP) designation and project approval for the Disposition Area and disposition of City-owned property; (d) acquisition of a portion of the Disposition Area by the City for community garden use; (e) special permit pursuant to Section 74-743 to modify the bulk regulations within a Large Scale General Development (LSGD) to allow for modifications to height and setback requirements and yard requirements applicable to the Proposed Development; (f) special permit pursuant to Section 74-744(b) to permit commercial floor area to be located above the second story in a mixed-use building; (g) special permit pursuant to Section 74-752 to waive up to 129 accessory parking spaces required in connection with non-income restricted dwelling units within the proposed development; and (h) City Planning Commission certification pursuant to Section 32-435 to waive the requirement that a minimum of 50 percent of a building wall facing upon a wide street be occupied at the ground level by commercial use.

ZONING DISTRICTS

HPD sought a Zoning Map Amendment to change an R7-2 district with C1-4 commercial overlays along the Park and Madison Avenue frontages to a R9 district with C2-5 commercial overlays along the Park and Madison Avenue frontages.

R9/C2-5

With the Sendero Verde Development Alternative in place, the approved R9/C2-5 district is mapped over a city block bounded by Park Avenue to the east, East 111th Street to the south, Madison Avenue to the west, and East 112th Street to the north. This action within the rezoning would only take place with the Sendero Verde Development Alternative, which includes an additional projected development site bounded by Madison and Park Avenues, between East 111th and East 112th Streets. The Sendero Verde Site is being funded by HPD. An R9 district is a high-density non-contextual district that allows 8.0 FAR of residential floor area (with Mandatory Inclusionary Housing) and 10.0 FAR of Community Facility floor area. The C2-5 commercial overlay allows up to 2.0 FAR of local retail and service uses. Within an R9 district, a development may comply with either contextual Quality Housing or tower-on-a-base height and setback options. For the contextual Quality Housing option, the minimum and maximum base heights are 60 feet and 125 feet, respectively, and the maximum overall building heights are 165 feet along narrow streets and 175 feet along wide streets. For the tower-on-a-base option, the minimum and maximum base heights are 60 feet and 85 feet, respectively, and the portion of a building exceeding the maximum base height will be subject to the maximum tower coverage of 40 percent.

ZONING TEXT AMENDMENT

HPD sought to amend Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing Area (MIHA) over the Project Area. HPD is utilizing Option 3 (known as the Deep Affordability



Option) which requires that 20 percent of the rent-restricted units be affordable to families making 40 percent AMI.

DISPOSITION OF CITY-OWNED PROPERTY

HPD sought an Urban Development Area Action Plan (UDAAP) designation, project approval and approval for the disposition of City-owned parcels including Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 32, 33, 35, 37, 38, 39 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121, and 122.

ACQUISITION OF COMMUNITY GARDEN SPACE

HPD sought approval to acquire a portion of the Site for use as 4 four community gardens. The Community Gardens portion would be acquired upon or before project completion. NYC Parks would assume jurisdiction of the gardens.

CPC SPECIAL PERMITS

Large Scale General Development (LSGD)

HPD and the Development Team sought a Special Permit, pursuant to ZR Section 74-743, to modify the bulk regulations within a Large Scale General Development to modify height and setback restrictions and yard requirements applicable to the development proposed for the Sendero Verde Site.

Modification of Use Regulations

HPD and the Development Team sought a Special Permit pursuant to ZR Section 74-744(b), to allow commercial use above the level of the second story in a mixed use building contrary to the provisions set forth in ZR Section 32-42 and 32-435(c). Section 32-42 does not permit commercial uses within a predominantly residential building to be located above the second level. The Sendero Verde Development includes space for health care related offices on the second and third levels of Building A. The Special Permit is necessary to allow health care offices to be located above the second level of Building A.



Reduction of Parking Spaces to Facilitate Affordable Housing

HPD and the Development Team sought a Special Permit pursuant to ZR Section 74-533, to waive up to 129 accessory off-street parking spaces required in connection with up to 322 non-income-restricted dwelling units within the proposed development. Under the approved Rezoning, accessory off-street parking spaces are required for a minimum of 40 percent of non-income restricted dwelling units. Providing the required parking spaces would make it infeasible to provide the important amenities in the Sendero Verde Development, including below-grade community facility amenities and common open spaces as well as the community gardens. Accordingly, a waiver of the parking requirement was requested to facilitate the development of the income-restricted dwelling units.

CITY PLANNING COMMISSION CERTIFICATION

HPD and the Development Team requested a certification from the CPC pursuant to ZR Section 32-435 to waive the requirement that a minimum of 50 percent of a building wall facing upon a wide street be occupied at the ground level by commercial uses.

The Sendero Verde Development requires significant coordination between HPD, various city agencies, property owners and the development team. The FEIS includes an alternative that encompasses the necessary actions to facilitate this proposed HPD-sponsored affordable housing development in addition to the Approved Actions.

ANALYSIS FRAMEWORK

Reasonable Worst-Case Development Scenario (RWCDs)

In order to assess the possible effects of the Proposed Actions, a Reasonable Worst Case Development Scenario (RWCDs) was developed for both the current (future No Action) and proposed zoning (future With Action) conditions for a 10-year period (analysis year 2027). The incremental difference between the No Action and With Action Conditions serve as the basis for the impact analyses of the EIS. A 10-year period typically represents the amount of time developers would act on the proposed action for an area-wide rezoning not associated with a specific development.

THE FUTURE WITHOUT THE PROPOSED ACTIONS (NO ACTION CONDITION)

In the future without the Proposed Actions (No Action Condition), the identified projected development sites are assumed to either remain unchanged from existing conditions, or become occupied by uses that are as-of-right under existing zoning and reflect current trends if they are vacant, occupied by vacant buildings, or occupied by low intensity uses that are deemed likely to support more active uses. **Table S-1a** shows the No Action Condition for the projected development sites.

As detailed below, it is estimated that, in the future without the Proposed Actions, there would be a total of approximately 3,000,000 sf of built floor area on the 68 projected development sites. Under the RWCDs, the total No Action development is estimated to comprise an estimated 2,472 dwelling units (DUs), with no guarantees for affordability, approximately 385,000 sf of retail space, approximately 76,500 sf of office space, approximately 33,000 sf of hotel space, approximately 10,600 sf of auto-oriented commercial use; approximately 57,600 sf of commercial storage, approximately 7,400 sf of community facility space, and approximately 22,700 sf of industrial space. The No Action Condition



estimated population would include approximately 5,959 residents and 1,723 workers on these projected development sites.

Table S-1a

2027 RWCDS No Action and With Action Land Uses

Land Use	No Action Condition	With Action Condition	Increment
Residential			
Total Residential	2,472 DU	5,960 DU	+ 3,488DU
Commercial			
Commercial Retail	385,009 sf	507,551 sf	+ 122,542 sf
Hotel	32,974 sf	0 sf	- 32,974 sf
Office	76,559 sf	219,771 sf	+ 143,212 sf
Auto-related	10,592 sf	0 sf	- 10,592 sf
Storage	57,614 sf	0 sf	-57,614 sf
Total Commercial	562,748 sf	727,322 sf	+ 164,575 sf
Other Uses			
Total Community Facility	7,395 sf	112,437 sf	+ 105,042 sf
Total Industrial	22,777 sf	155,171 sf	+ 132,394 sf
Parking			
Parking (floor area)	120,907 sf	102,504 sf	- 18,403 sf
Population¹			
Residents	5,959	14,364	+ 8,405
Workers	1,723	3,265	1,543
Note:			
1. Assumes 2.41 persons per DU for residential units in Manhattan Community District 11. Estimate of workers based on standard industry rates, as follows: 1 employee per 250 sf of office; 3 employees per 1,000 sf of retail, 1 employee per 25 DU, 1 employee per 2.67 hotel rooms (400 sf per hotel room), 1 employee per 1,000 sf of industrial, 1 employee per 15,000 sf of warehouse uses, 1 employee per 11.4 students in Pre-K school uses, 3 employees per 1,000 sf of all other community facility uses, 1 employee per 50 parking spaces, 1 employee per 200 sf restaurant, 1 employee per 250 sf grocery store, and 1 employee per 25 dwelling units (residential).			

THE FUTURE WITH THE APPROVED ACTIONS (WITH ACTION CONDITION)

The Approved Actions would allow for the development of new uses and higher densities at the projected and potential development sites. As discussed above, the future development of the Sendero Verde Site was analyzed as an alternative in the FEIS.

For the purposes of providing a conservative environmental review analysis, the total development estimated to occur on the 68 projected development sites would consist of approximately 6,000,000 sf of built floor area, including approximately 5,960 DUs, a substantial proportion of which are expected to be affordable; approximately 507,500 sf of commercial retail space, approximately 219,700 sf of office space, approximately 112,400 sf of community facility space and approximately 155,200 sf of industrial use (see **Table S-1a**). The projected incremental (net) change between the No Action and With Action Conditions that would result from the Proposed Actions is estimated to be a net increase of 3,488 DUs; approximately 122,500 sf of retail space, approximately 143,200 sf of office space, approximately 105,000 f of community facility space, and approximately 132,400 sf of industrial space; and net decreases of approximately 10,600 sf of auto-related space, approximately 33,000 sf of hotel space, and approximately 57,600 sf of commercial storage space.



Based on 2010 Census data, the average household size for residential units in Manhattan Community District 11 is 2.41. Based on these ratios and standard ratios for estimating employment for commercial, community facility, and industrial uses, **Table S-1a** also provides an estimate of the number of residents and workers generated by the Proposed Actions. As indicated in **Table S-1a**, the Proposed Actions would result in a net increment of 8,405 residents and a net increase of 1,543 workers.

Thirty-four sites were considered less likely to be developed within the foreseeable future and were thus considered potential development sites. As noted earlier, the potential sites are deemed less likely to be developed because they did not closely meet the criteria listed above. However, as discussed above, the analysis recognizes that a number of potential development sites could be developed under the Approved Actions in lieu of one or more of the projected development sites in accommodating the development anticipated in the RWCDs. The potential development sites are therefore also analyzed in the EIS for site-specific effects.

SENDERO VERDE DEVELOPMENT ALTERNATIVE

As shown in **Table S-1b**, under the alternative where possible future development of the Sendero Verde site would occur, the total development expected for that site in combination with the 68 projected development sites associated with the Approved Actions would consist of approximately 7,255,000 sf of built floor area, including approximately 6,623 DUs, a substantial proportion of which are expected to be affordable, approximately 522,600 sf of retail space, approximately 244,600 sf of office space, approximately 272,300 sf of community facility uses, and approximately 155,200 sf of industrial use. The projected incremental (net) change between the No Action and With Action Conditions that would result under this alternative would be an increase of a total of 4,143 DUs, approximately 135,600 sf of retail space, approximately 168,000 sf of office space, approximately 264,900 sf of community facility space and approximately 132,400 sf of industrial space; and a net decrease of approximately 33,000 sf of hotel space, a net decrease of approximately 10,600 sf of auto-oriented commercial use, and a net decrease of approximately 57,600 sf of commercial storage space.

Based on the average household size for residential units in Manhattan Community District 11 of 2.41 and standard ratios for estimating employment for commercial, community facility, and industrial uses, **Table S-1b** also provides an estimate of the number of residents and workers generated by the Sendero Verde Development Alternative. As indicated in **Table S-1b**, this alternative would result in a net increment of 9,984 residents and a net increase of 1,893 workers.



Table S-1b
2027 RWCDS No Action and With Action Land Uses

Land Use	No Action Condition	With Action Condition	Increment
Residential			
Total Residential	2,480 DU	6,623 DU	+ 4,143 DU
Commercial			
Commercial Retail	387,059 sf	522,616 sf	+ 135,557 sf
Hotel	32,974 sf	0 sf	- 32,974 sf
Office	76,559 sf	244,574 sf	+ 168,015 sf
Auto-related	10,592 sf	0 sf	- 10,592 sf
Storage	57,614 sf	0 sf	- 57,614 sf
Total Commercial	564,798 sf	767,190 sf	+ 202,393 sf
Other Uses			
Total Community Facility	7,395 sf	272,277 sf	+ 264,882 sf
Total Industrial	22,777 sf	155,171 sf	+ 132,394 sf
Parking			
Parking (floor area)	120,907 sf	102,504 sf	- 18,403 sf
Population¹			
Residents	5,978	15,962	+ 9,984
Workers	1,729	3,803	+ 2,074
Note:			
1. Assumes 2.41 persons per DU for residential units in Manhattan Community District 11. Estimate of workers based on standard industry rates, as follows: 1 employee per 250 sf of office; 3 employees per 1,000 sf of retail; 1 employee per 25 DU; 1 employee per 2.67 hotel rooms (400 sf per hotel room); 1 employee per 1,000 sf of industrial; 1 employee per 15,000 sf of warehouse uses; 1 employee per 11.4 students in Pre-K school uses; 3 employees per 1,000 sf of all other community facility uses; 1 employee per 50 parking spaces; 1 employee per 200 sf restaurant; 1 employee per 250 sf grocery store; and 1 employee per 25 dwelling units (residential).			

IDENTIFIED SIGNIFICANT ADVERSE IMPACTS AND MITIGATION

The FEIS identified significant adverse impacts with respect to *shadows, historic and cultural resources (architectural and archeological), transportation (traffic, transit and pedestrians), and construction activities related to noise*. Mitigation measures were identified in the FEIS to address significant adverse impacts of the Project. In some cases, impacts from the Project would be unavoidable. To the greatest extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation was identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet their purpose and need, eliminate their impacts, and not cause other or similar significant adverse impacts. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated.

SHADOWS



A detailed shadow analysis concluded that development resulting from the Approved Actions could result in significant shadow impacts on three sunlight-sensitive resources. The 102 Projected and Potential Development Sites identified in RWCDs could cast new shadow within the vicinity of the rezoning area. While most of this new shadow would not reach sunlight-sensitive resources due to existing and future intervening structures, new shadows originating from the RWCDs developments could reach 50 resources that are sensitive to sunlight and could potentially be significantly impacted by incremental shadows resulting from the Proposed Actions. Of these resources, 44 are open space resources and 6 are historic resources with architectural features sensitive to shadow. The affected open space resources include publicly accessible open spaces, community gardens, greenstreets, and recreational areas within New York City Housing Authority (NYCHA) housing complexes. The affected architectural features are found on New York City landmarks and other potentially historic buildings.

On all representative days of the detailed analysis, a majority of the affected sunlight-sensitive resources could experience less than 1 hour of new shadow from development resulting from the Proposed Actions. Approximately one-third of the affected resources could experience durations of new shadow lasting over 3 hours on at least one analysis day. The detailed analysis found that in all but three cases, the new shadow would not significantly alter the utilization of the open space, the vitality of plant life within the resources, or the public's enjoyment of architectural features on historic resources.

The detailed analysis found that of the 50 resources affected by new shadow, the El Catano Garden, Eugene McCabe Field, and Jackie Robinson Garden could be significantly impacted by new shadow originating from at least one of the RWCDs developments. The duration of incremental shadow cast on some areas of Eugene McCabe Field could reduce the hours of direct sunlight received by the resource by a maximum of nearly nine hours a day, potentially altering the public's use of the resource and its utilization rate. The incremental shadow that could be cast on a majority of the area within El Catano and Jackie Robinson Garden could potentially prevent these open spaces from supporting the same variety of plant life as they could in the No Action Condition.

HISTORIC AND CULTURAL RESOURCES

The Approved Actions would result in significant adverse construction-related impacts to four eligible historic architectural resources. In addition, construction activity at two development sites located on the south side of East 128th Street (east of Park Avenue) have the potential to result in significant adverse archaeology impacts associated with human remains associated with 19th century burials.

ARCHAEOLOGICAL RESOURCES

For analysis purposes, the study area for archaeological resources is limited to sites that may be developed within the rezoning area and include projected as well as potential development sites. LPC conducted an initial review of the proposed potential and projected development sites. In a comment letter dated November 30, 2016, LPC determined that Potential Development Site V and Projected Development Site 4 possess potential archaeological significance. LPC requested that a Phase 1A Archaeological Documentary Study ("Phase 1A study") of these sites be prepared to further clarify their archaeological sensitivity. The remaining potential and projected development sites were determined by LPC to have no potential archaeological significance and as such, no additional archaeological analysis of those properties is warranted.

A Phase 1A study of Potential Development Site V and Projected Development Site 4 was completed in March 2017. The Phase 1A study focused on an Area of Potential Effect (APE) in the northwestern



corner of Sites V and 4, where a church was formerly located. The Phase 1A study identified these potential and projected development sites as potentially sensitive for human remains associated with the churchyard and burial vaults of Saint Andrew's Church, which was formerly located within both development sites. The Approved Actions therefore have the potential to result in a significant adverse impact on archaeological resources if archaeological resources are present.

The Phase 1A study concluded that Phase 1B archaeological testing is necessary to confirm the presence or absence of human remains on the sites in question as outlined in the 2014 *CEQR Technical Manual* and LPC's 2002 *Guidelines for Archaeological Work in New York City*.

Projected Development Site 4 contains a City-owned lot under the jurisdiction of the New York City Department of Housing Preservation and Development (HPD). The future development of Projected Development Site 4 would be in accordance with HPD requirements, including measures to require prospective sponsors to conduct archaeological testing and if warranted, recovery of human remains. Measures to require a Phase 1B archaeological investigation and any subsequent phases of work (e.g., mitigation), if warranted, would be required through provisions in the Land Disposition Agreement (LDA) between HPD and the project sponsor. The Phase 1B testing will be designed to confirm the presence or absence of archaeological resources in any areas of archaeological sensitivity that were identified in the Phase 1A study. Prior to the completion of the Phase 1B archaeological investigation, a Phase 1B Testing Protocol and Human Remains Discovery Plan would be prepared and submitted to LPC for review and concurrence. In the event that the Phase 1B archaeological investigation determines that Projected Development Site 4 possesses no archaeological sensitivity and that human remains are not present, no further archaeological analysis would be warranted. If the Phase 1B Archaeological Investigation identifies human remains on the development site, then a Phase 2 Archaeological Investigation would be required to determine the vertical and horizontal boundaries of any areas containing human remains and to determine the site's significance and eligibility for listing on the State and National Registers of Historic Places (S/NR). A Phase 2 work plan would be prepared in consultation with LPC before any additional archaeological analysis would begin. If the Phase 2 investigation determines that the archaeological site is significant and would be impacted by any proposed construction, then mitigation measures including either avoidance or full archaeological excavation in the form of a Phase 3 Archaeological Data Recovery must be developed and implemented. If such work is not possible, then this would be considered an impact that cannot be mitigated. Consultation with LPC and the descendant community—should one be identified—would be required throughout all phases of archaeological investigation.

Potential Development Site V is owned by a private entity. There is no mechanism in place to require a developer to conduct archaeological testing or require the preservation or documentation of archaeological resources, should they exist. Because there is no mechanism to avoid or mitigate potential impacts at Potential Development Site V, the significant adverse impact would be an unavoidable.

ARCHITECTURAL RESOURCES

The Approved Actions would result in significant adverse impacts to four architectural resources (St. Paul's Rectory and School, Chambers Memorial Baptist Church, a former stable at 166 East 124th Street, and the Park Avenue Viaduct) as result of construction activities adjacent to eligible historic resources. No additional significant adverse impacts associated with direct physical impacts or indirect impacts would occur to architectural resources.

Construction-related Impacts to Adjacent Resources



The Approved Actions would result in significant adverse construction-related impacts to four S/NR-Eligible architectural resources located within 90 feet of projected or potential development sites. These S/NR-Eligible architectural resources include St. Paul's Rectory and School, Chambers Memorial Baptist Church, a former stable at 166 East 124th Street, and the Park Avenue Viaduct.

Buildings or structures that are S/NR-Eligible or New York City Landmark (NYCL)-Eligible would be afforded standard protection under the New York City Department of Building's (DOB's) Technical Policy and Procedure Notice (TPPN) #10/88, regulations applicable to all buildings located adjacent (within 90 feet) to construction sites; however, since the resources identified above are not S/NR-Listed or NYCLs, they are not afforded the added special protections under DOB's TPPN #10/88. Additional protective measures afforded under DOB TPPN #10/88, which include a monitoring program to reduce the likelihood of construction damage to adjacent S/NR-Listed resources or NYCLs, would only become applicable if the S/NR-Eligible resources are listed or designated in the future prior to the initiation of construction. Otherwise, there is the potential for inadvertent construction damage and impacts to occur as a result of adjacent development resulting from the Approved Actions.

Designated NYCL or S/NR-Listed architectural resources located within 90 feet of a projected or potential new construction site are subject to the protections of DOB's TPPN #10/88. As such, development resulting from the Approved Actions would not cause any significant adverse construction-related impacts to NYCLs and S/NR-Listed resources. This would apply to Projected Development Site 8, which is located directly adjacent to the former Mount Morris Bank (S/NR-Listed and NYCL), Projected Development Site 12, which is located within 90 feet of the Elmendorf Reformed Church (S/NR-Listed), and the Harlem Courthouse (S/NR-Listed and NYCL), and Projected Development Site 21, which is within 90 feet of Fire Engine Company No. 53 (NYCL) and the 28th Police Precinct Station House (NYCL). No significant adverse construction-related impacts would occur to these resources.

Direct (Physical) Impacts

Three architectural resources are located on potential and projected development sites. Projected Development Site 41, which is expected to be developed with an approximately 95-foot-tall, approximately 38,000-square-foot residential building with a community facility on the ground floor under the Approved Actions contains the First Spanish United Methodist Church (Resource #33, S/NR-Eligible). Under the Approved Actions, Potential Development Site U, which currently contains the Kress Building (Resource #34, S/NR-Eligible), is expected to be developed with an approximately 260-foot-tall, approximately 117,188-square-foot mixed-use building. Potential Development Site O located at 1916 Park Avenue would be rezoned for residential use while maintaining the existing building, Resource #1, S/NR-Eligible. The redevelopment of Site 41 and Site U would result in the demolition of two architectural resources. However, since it is assumed that the First Spanish United Methodist Church and the Kress Building would be redeveloped in the future without the Approved Actions, redevelopment of these sites under the Approved Actions would not result in significant adverse impacts. The development of Site O would retain the architectural resource and redevelop it for residential use, which would not be expected to result in a significant adverse impact to the resource. Therefore, no architectural resources would be impacted under the Approved Actions when compared with No Action Condition.

Indirect (Contextual) Impacts

Although the developments that are anticipated to occur under the Reasonable Worst Case Development Scenario (RWCDs) associated with the Approved Actions would somewhat alter the setting and visual context of certain architectural resources, such changes would not constitute a significantly adverse



impact. The Approved Actions would not alter the relationship of any identified architectural resources to the streetscape, since all streets in the study area would remain open and each resource's relationship with the street would remain unchanged in the future with the Approved Actions. Beyond the direct impacts discussed above, no projected or potential developments would eliminate or substantially obstruct important public views of architectural resources, as all significant elements of these architectural resources would remain visible in view corridors on public streets. Additionally, no incompatible visual, audible, or atmospheric elements would be introduced by the Approved Actions to any architectural resource's setting under the Approved Actions as the area around each resource is already varied with buildings dating from the mid-1800s to 2010s and with a variety of building sizes. As such, the Proposed Actions are not expected to result in any significant adverse indirect impacts on architectural resources.



TRANSPORTATION

A detailed transportation analysis was conducted and concludes that the Approved Actions would result, as detailed below, in significant adverse impacts to: a) vehicular traffic at 29 intersections, b) six subway stairs at three stations, c) public bus service on one route, and d) pedestrians at one sidewalk.

TRAFFIC

Traffic conditions were evaluated for the weekday 7:30–8:30 a.m., 1:30–2:30 p.m. (midday) and 4:30–5:30 p.m. and Saturday 4:00–5:00 p.m. peak hours at 50 intersections in the traffic study area where additional traffic resulting from the Approved Actions would be most heavily concentrated. As summarized in **Tables S-2 and S-3**, the traffic impact analysis indicates the potential for significant adverse impacts at 29 intersections (all signalized) during one or more analyzed peak hours. Significant adverse impacts were identified to 34 lane groups at 21 intersections during the weekday AM peak hour, 17 lane groups at 14 intersections in the midday peak hour, 34 lane groups at 25 intersections in the PM peak hour and 22 lane groups at 19 intersections during the Saturday peak hour.⁸ “Mitigation,” below, discusses potential measures to mitigate these significant adverse traffic impacts.

Table S-2

Number of Impacted Intersections and Lane Groups by Peak Hour

	Peak Hour			
	Weekday AM	Weekday Midday	Weekday PM	Saturday Midday
Impacted Lane Groups	34	17	34	22
Impacted Intersections	21	14	25	19
<i>This table has been updated for the FEIS.</i>				



Table S-3
Summary of Significantly Impacted Intersections

Signalized Intersection	Peak Hour			
	Weekday AM	Weekday Midday	Weekday PM	Saturday
East 106th Street (EB/WB) & First Avenue (NB)	X			X
East 125th Street (EB/WB) & First Avenue/Willis Avenue Bridge (SB)		X	X	
East 106th Street (EB/WB) & Second Avenue (SB)	X	X	X	X
East 119th Street (WB) & Second Avenue (SB)				X
East 120th Street (EB) & Second Avenue (SB)	X	X	X	X
East 125th St (EB/WB)/RFK Bridge (WB) & Second Avenue (SB)	X	X	X	X
East 126th Street (WB) & Second Avenue (SB)/RFK Bridge Exit (NB)	X	X	X	X
East 127th Street (EB) & Second Avenue (SB)	X		X	
East 128th Street (EB) & Second Avenue (SB)			X	
East 106th Street (EB/WB) & Third Avenue (NB)			X	X
East 116th Street (EB/WB) & Third Avenue (NB)	X		X	
East 119th Street (WB) & Third Avenue (NB)	X	X	X	X
East 120th Street (EB) & Third Avenue (NB)	X		X	
East 122nd Street (EB) & Third Avenue (NB)	X			
East 124th Street (EB) & Third Avenue (NB)				X
East 125th Street (EB/WB) & Third Avenue (NB)	X	X	X	X
East 126th Street (WB) & Third Avenue (NB)	X		X	X
East 120th Street (EB) & Lexington Avenue (SB)			X	
East 125th Street (EB/WB) & Lexington Avenue (SB)	X	X	X	X
East 126th Street (WB) & Lexington Avenue (SB)		X	X	X
East 111th Street (WB) & Park Avenue (NB)	X	X	X	X
East 119th Street (WB) & Park Avenue (NB)	X	X	X	X
East 120th Street (EB) & Park Avenue (NB)	X		X	
East 128th Street (EB) & Park Avenue (NB)			X	
East 119th Street (WB) & Park Avenue (SB)	X	X	X	X
East 120th Street (EB) & Park Avenue (SB)	X		X	X
East 128th Street (EB) & Park Avenue (SB)	X	X	X	X
East 116th Street (EB/WB) & Madison Avenue (NB)	X		X	X
East 119th Street (WB) & Madison Avenue (NB)	X	X	X	
Total Impacted Intersections	21	14	25	19

X - denotes intersection significantly impacted in peak hour.

This table has been updated for the FEIS.

TRANSIT

Unrelated to the Approved Actions, the MTA is planning to construct in the foreseeable future three additional subway stations in proximity to the Project Area under Phase II of the Second Avenue Subway. This is expected to result in a shift of demand from other travel modes (auto, taxi, and local bus) to the subway mode and a shift in subway ridership from existing Lexington Avenue Line subway stations in proximity to the Project Area to the new Second Avenue Line stations. Detailed designs for the three new stations and operating parameters for the extended subway service were not available at the time this EIS was prepared. Therefore, to be conservative, the quantitative transit analyses in this EIS assess conditions without Phase II of the Second Avenue Subway, and do not assume any improvement to study area local bus conditions or Lexington Avenue Line subway station or line haul conditions due to a shift of demand to the Second Avenue Line by the 2027 analysis year. Future transit conditions with Phase II of the Second Avenue Subway are discussed qualitatively based on data cited the 2004 *Second Avenue Subway FEIS*.



Subway

Subway Stations

The Approved Actions would generate a net increment of approximately 2,350 and 2,716 new subway trips during the weekday AM and PM commuter peak hours. The analysis of subway station conditions focuses on a total of four MTA New York City Transit (NYCT) subway stations in proximity to the Project Area where incremental demand from the Approved Actions would exceed the 200-trip *CEQR Technical Manual* analysis threshold in one or both peak hours. These include the following stations, all of which are served by Nos. 4, 5 and/or 6 trains operating on the Lexington Avenue Line:

- 103rd Street (6)
- 110th Street (6)
- 116th Street (6)
- 125th Street (4, 5, 6)

As summarized in **Table S-4**, in the future with the Approved Actions, a total of six stairs at three stations would be significantly adversely impacted by project-generated demand in one or both peak hours. These would include one street stair at the 103rd Street station, one street stair at the 116th Street station and two street stairs and two platform stairs at the 125th Street station. There would be no significant adverse impacts to any fare arrays at analyzed subway stations under the Approved Actions.

Table S-4
Summary of Significant Subway Station Impacts

Subway Station	Station Element	Impacted Time Period
103rd Street (6)	Street Stair S4/M4	AM/PM
116th Street (6)	Street Stair S3/P3	AM
125th Street (4,5,6)	Street Stair S2/M2	AM
	Street Stair S3/M3	AM/PM
	Platform Stair P2	AM/PM
	Platform Stair P3	AM/PM

Completion of three new subway stations in proximity to the Project Area under Phase II of the Second Avenue Subway would reduce demand at existing Lexington Avenue Line stations as well as provide new and/or expanded entrances and pedestrian circulation spaces at the 125th Street Lexington Avenue Line station. The Approved Actions would also generate fewer peak hour trips at analyzed Lexington Avenue Line stations as it is anticipated that a number of those trips would instead utilize the three new Second Avenue Line stations. Therefore, it is likely that some, if not all of the Approved Actions' significant peak hour stair impacts at Lexington Avenue Line subway stations would not occur with implementation of Phase II of the Second Avenue Subway.

Subway Line Haul

The Project Area is served by five NYCT subway routes—the Nos. 4 and 5 express trains and No. 6 local train operating along the Lexington Avenue Line and the Nos. 2 and 3 express trains operating along the Lenox Avenue and Broadway-Seventh Avenue lines. The peak direction of travel on these lines is typically southbound in the AM peak hour and northbound in the PM peak hour.



In the future with the Approved Actions, the combined Nos. 2/3 express service would operate over capacity in the peak direction in both peak hours, while the combined Nos. 4/5 service is expected to operate over capacity in the peak direction in the AM and near capacity in the PM. No. 6 service would continue to operate below capacity in the peak direction in both periods. As all of the analyzed subway routes are expected to experience an average incremental increase of less than five peak direction persons per car in both the AM and PM peak hours with the Approved Actions, there would be no significant adverse subway line haul impacts in either period based on CEQR Technical Manual criteria.

Completion of Phase II of the Second Avenue Subway would substantially reduce No Action line haul demand on the Lexington Avenue Line. The Approved Actions would also generate fewer trips on the Lexington Avenue Line as it is anticipated that a substantial number would instead utilize the Second Avenue Line. Therefore, the over-capacity conditions on the Nos. 4/5 express service in the AM may not occur in 2027 with completion of Phase II of the Second Avenue Subway.

Bus

The Project Area is served by a total of 13 local bus routes, six Limited (LTD) bus routes and two Select Bus Service (SBS) routes operated by the MTA. The Approved Actions would generate a net total of approximately 511 and 617 incremental bus trips on these routes during the weekday AM and PM peak hours, respectively. A preliminary screening assessment concluded that new demand from the Approved Actions would exceed the 50-trip per direction CEQR Technical Manual analysis threshold in the AM and/or PM peak hour at the maximum load points along the M15 SBS and the M101 LTD routes.

Based on projected levels of bus service in the No Action condition, the Approved Actions would result in a passenger capacity shortfall of 22 on southbound M15 SBS buses in the AM peak hour. Therefore, based on CEQR Technical Manual impact criteria, southbound M15 SBS buses would be significantly adversely impacted in the AM (**refer to Table S-5**). The additional trips on the M101 LTD route fall short of triggering an impact on that route, based on CEQR Technical Manual impact criteria. The significant adverse impact to the M15 SBS could be fully mitigated by the addition of one bus in the southbound direction in the AM peak hour. The general policy of the MTA is to provide additional bus service where demand warrants, taking into account financial and operational constraints.

It is anticipated that both No Action and project-generated demand on the analyzed M15 SBS and M101 LTD routes (both of which run parallel to the Second Avenue Subway) would be reduced and that AM and PM peak hour line haul conditions on these buses would be improved with completion of Phase II of the Second Avenue Subway. Therefore, the over-capacity condition on the southbound M15 SBS service in the AM peak hour under the Approved Actions would likely not occur in 2027 with completion of Phase II of the Second Avenue Subway.

Table S-5
Summary of Significant Local Bus Impacts

Route	Direction	Impacted Time Period
M15 SBS	SB	AM

PEDESTRIANS

The Approved Actions would generate a net increment of approximately 665 walk-only trips in the weekday AM peak hour, 1,559 in the weekday midday, 1,460 in the weekday PM, and 1,835 in the Saturday peak hour. Persons en route to and from subway station entrances and bus stops would add 2,861, 1,621, 3,333, and 2,676 additional pedestrian trips to rezoning area sidewalks and crosswalks during these same periods, respectively. Peak hour pedestrian conditions were evaluated at a total of 93 representative pedestrian elements where new trips generated by projected developments are expected to be most concentrated. These elements—32 sidewalks, 47 corner areas, and 14 crosswalks—are primarily located in the vicinity of major projected development sites and corridors connecting these sites to area subway station entrances and bus routes. As shown in **Table S-6**, based on *CEQR Technical Manual* criteria, under the Approved Actions, one sidewalk would be significantly adversely impacted by the Approved Actions in all four analyzed peak hours, and there would be no significant impacts to any corner areas or crosswalks. The removal of a tree pit at a constrained point on the impacted sidewalk would fully mitigate the Approved Actions’ significant adverse impact.

As also shown in **Table S-6**, under a scenario with completion of Second Avenue Subway Phase II in 2027, it is anticipated that the north and south crosswalks on Park Avenue at East 125th Street would also be significantly adversely impacted in the AM peak hour. Widening the segment of the north crosswalk west of the Park Avenue median by 1.5 feet (to a total of 19.5 feet) and the segment of the south crosswalk east of the median by 0.5 feet (to a total of 18.5 feet) would fully mitigate these impacts.

Table S-6
Summary of Significant Pedestrian Impacts

Corridor/Intersection	Impacted Element	Peak Hour			
		Weekday AM	Weekday Midday	Weekday PM	Saturday
Proposed Actions					
East 125th Street between Lexington Ave and Park Ave	South Sidewalk	X	X	X	X
Proposed Actions with Second Avenue Subway Phase II					
East 125th Street between Lexington Ave and Park Ave	South Sidewalk	X	X	X	X
East 125th Street at Park Avenue	North Crosswalk	X			
East 125th Street at Park Avenue	South Crosswalk	X			

VEHICULAR AND PEDESTRIAN SAFETY

In proximity to the Project Area, East 125th Street and First, Second, and Third Avenues were all identified as Priority Corridors in the Vision Zero Manhattan Pedestrian Safety Action Plan, and Park Avenue at East 125th Street and Madison Avenue at East 116th Street were identified as Priority Intersections. No Priority Areas were identified in proximity to the Project Area. The New York City Department of Transportation (DOT) has also designated a Senior Pedestrian Focus Area in East Harlem extending from East 91st Street to East 110th Street between First and Fifth Avenues.



Crash data for the traffic and pedestrian study area intersections were obtained from DOT for the three-year reporting period between January 1, 2012, and December 31, 2014 (the most recent period for which data were available for all locations). During this period, a total of 589 reportable and non-reportable crashes, 170 pedestrian/bicyclist-related injury crashes, and four fatalities occurred at study area intersections. A review of the crash data identified the eight intersections listed in Table S-7 as high crash locations (defined as those with 48 or more total reportable and non-reportable crashes or five or more pedestrian/bicyclist injury crashes occurring in any consecutive 12 months of the most recent three-year period for which data are available).

All but one of these intersections are classified as high crash locations based on the number of crashes that occurred in 2013, and at all of these locations, the number of pedestrian and bicycle-related crashes declined markedly from 2013 to 2014. Six of the eight intersections identified as high crash locations in 2012 and 2013 experienced no pedestrian or bicycle-related crashes in 2014. The reductions in the crash rates at analyzed intersections subsequent to 2013 likely reflect implementation of safety improvement measures under the Safe Streets for Seniors Program and other City initiatives in recent years. Further improvements that could be employed to increase pedestrian/bicyclist safety at high crash locations include modification of signal timing plans to accommodate slower walking speeds, improvements to street lighting and the installation of additional high visibility crosswalks.

Table S-7
High Crash Locations

Intersection	Total Pedestrian/Bicycle Injury Crashes			Total Crashes (Reportable +Non-Reportable)		
	2012	2013	2014	2012	2013	2014
Second Avenue at East 125th Street	1	6	0	10	16	8
Third Avenue at East 106th Street	4	5	2	4	7	5
Third Avenue at East 110th Street	3	5	0	5	7	2
Third Avenue at East 116th Street	3	5	0	6	8	1
Third Avenue at East 118th Street	0	5	0	1	8	1
Lexington Avenue at East 116th Street	6	3	0	8	4	0
Lexington Avenue at East 125th Street	1	8	0	5	19	5
Park Avenue at East 125th Street	2	12	2	4	18	9

PARKING

The parking analysis documents changes in parking supply and utilization within a study area extending ¼- mile from projected development sites. Within this study area there are a total of 23 off-street public parking lots and garages of which six are located on projected development sites. Two of these facilities would be displaced by new development under the Approved Actions while four would be displaced under both the No Action and With Action conditions.

Under the Approved Actions, the Special East Harlem Corridors District would eliminate the underlying accessory residential parking requirements within the Project Area. The With Action RWCDs assumes that a total of 341 accessory parking spaces would be provided on nine of the projected development sites compared to the approximately 224 accessory spaces that would be provided under the No Action RWCDs. The total number of accessory spaces in the With Action condition conservatively assumes that up to 30 percent of new residential development would be designated as affordable and would therefore not include accessory parking.



After accounting for new parking demand and the number of required accessory spaces provided on a site- by-site basis under the RWCDS, it is estimated that compared to the No Action condition, incremental parking demand from new development associated with the Proposed Actions would total approximately 448 spaces at off-street public parking facilities and on-street in the weekday midday period and 410 spaces during the overnight period. In addition, under the Proposed Actions, a total of 110 spaces in two existing public parking facilities located on projected development sites would be displaced, and no new public off-street parking capacity would be provided. Based on these changes in parking supply and demand, it is estimated that in the future with the Proposed Actions there would be a deficit of approximately 174 spaces of on-street and off-street public parking capacity within ¼-mile of projected development sites in the weekday midday period, while approximately 1,579 on-street spaces would remain available during the overnight period. The deficit in the midday period would reflect project demand not otherwise accommodated in accessory or off-street public parking facilities as well as demand displaced from existing parking facilities on projected development sites. The greatest parking shortfalls would occur in the northern half of the Project Area as this is where much of the new incremental demand would be concentrated and where most of the existing parking capacity that would be displaced under the RWCDS is located. While some drivers destined for the Project Area would potentially have to travel a greater distance (e.g., between ¼ and ½-mile) to find available parking in the midday, this shortfall would not be considered a significant adverse impact based on *CEQR Technical Manual* criteria due to the magnitude of available alternative modes of transportation. Therefore, the Approved Actions are not expected to result in significant adverse parking impacts during the weekday midday peak period for commercial and retail parking demand, nor during the overnight peak period for residential demand.

CONSTRUCTION

Construction of the approved project—as is the case with most large construction projects—would result in temporary disruptions in the surrounding area. As described in detail below, construction activities associated with the Approved Actions would result in temporary significant adverse noise and historic and cultural resources impacts and potentially transportation impacts. Additional information for key technical areas is summarized below.

TRANSPORTATION

Construction travel demand is expected to peak in the second quarter of 2021, and the first quarter of 2025 was selected as a reasonable worst-case analysis period for assessing potential cumulative transportation impacts from operational trips from completed portions of the project and construction trips associated with construction activities. Both of these periods are therefore analyzed for potential transportation impacts during construction.

Traffic

During construction, traffic would be generated by construction workers commuting via autos and by trucks making deliveries to projected development sites. In 2021 and 2025, traffic conditions during the 6 to 7 AM and 3 to 4 PM construction peak hours are expected to be generally better than during the analyzed operational peak hours with full build-out of the Approved Actions in 2027. Consequently, there would be less likelihood of significant adverse traffic impacts during both the 2021 peak construction period and the 2025 cumulative analysis period than with full build-out of the Approved Actions in 2027. Any significant adverse traffic impacts during peak construction activity in 2021 would be most likely to



occur at intersections in the immediate proximity of the projected development sites under construction at that time, which would be widely dispersed throughout the Project Area. It is expected that the mitigation measures identified for 2027 operational traffic impacts would also be effective at mitigating any potential impacts from construction traffic during both the 2021 period for peak construction activity and the 2025 construction and operational cumulative analysis period.

Transit

The construction sites are located in an area that is well served by public transportation, with a total of eight subway stations, 21 bus routes, and one commuter rail station located in the vicinity of the Project Area. In 2021 and 2025, transit conditions during the 6 to 7 AM and 3 to 4 PM construction peak hours are expected to be generally better than during the analyzed operational peak hours with full build-out of the Approved Actions in 2027 as incremental demand would be lower during construction, and most construction trips would not occur during the peak hours of commuter demand. Consequently, there would be less likelihood of significant adverse subway and bus transit impacts during both the 2021 peak construction period and the 2025 cumulative analysis period than with full build-out of the Approved Actions in 2027. It is expected that the mitigation measures identified for 2027 operational transit impacts would also be effective at mitigating any potential impacts from construction subway and bus trips during both the 2021 period for peak construction activity and the 2025 construction and operational cumulative analysis period.

Pedestrians

In 2021, pedestrian trips by construction workers would be widely distributed among the 13 projected development sites that would be under construction in this period and would primarily occur outside of the weekday AM and PM commuter peak periods and weekday midday and Saturday peak periods when area pedestrian facilities typically experience their greatest demand. No single sidewalk, corner, or crosswalk is expected to experience 200 or more peak-hour trips, the threshold below which significant adverse pedestrian impacts are considered unlikely to occur based on *CEQR Technical Manual* guidelines. Consequently, significant adverse pedestrian impacts in the 2021 peak construction period are not anticipated.

In 2025, pedestrian conditions during the 6 to 7 AM and 3 to 4 PM construction peak hours are expected to be generally better than during the analyzed operational peak hours with full build-out of the Approved Actions in 2027. The Approved Actions' significant adverse sidewalk impact would therefore be less likely to occur during this construction period than with full build-out of the Approved Actions in 2027. It is expected that the mitigation measure identified for the 2027 operational pedestrian impact would also be effective at mitigating any potential impact from construction pedestrian trips during the 2025 construction period.

Parking

Construction worker parking demand would be equivalent to approximately 54 spaces in the 2021 (second quarter) peak construction period and 38 spaces during the 2025 (first quarter) analysis period for cumulative construction and operational travel demand. While this demand would potentially contribute to a parking shortfall in the midday within ¼ mile of projected development sites, it would not be considered a significant adverse parking impact under *CEQR Technical Manual* criteria given the availability of alternative modes of transportation near the Project Area.



AIR QUALITY

Measures would be taken to reduce pollutant emissions during construction in accordance with all applicable laws, regulations, and building codes as well as New York City Local Law 77. These include dust suppression measures, idling restriction, and the use of ultra-low sulfur diesel (ULSD) fuel and best available tailpipe reduction technologies. With the implementation of these emission reduction measures, the dispersion modeling analysis of construction-related air emissions for both on-site and on-road sources determined that particulate matter (PM_{2.5} and PM₁₀), annual-average nitrogen dioxide (NO₂), and carbon monoxide (CO) concentrations would be below their corresponding *de minimis* thresholds or National Air Quality Ambient Standards (NAAQS), respectively. Therefore, construction under the Approved Actions would not result in significant adverse air quality impacts due to construction sources.

NOISE AND VIBRATION

Noise

Based on the construction stage predicted to occur at each development site according to the conceptual construction schedule during each of the selected analysis periods, each receptor expected to experience exceedance of the *CEQR Technical Manual* noise impact threshold was determined for each period. One peak construction period per year was analyzed, from 2018 to 2027. Based on these determinations, receptors where noise level increases are predicted to exceed the noise impact threshold criteria for two or more consecutive years were identified.

The noise analysis results show that the predicted noise levels could exceed the *CEQR Technical Manual* impact criteria throughout the rezoning area. This analysis is based on a conceptual site plan and construction schedule. It is possible that the actual construction may be of less magnitude, or that construction on multiple projected development sites may not overlap, in which case construction noise would be less intense than the analysis predicts.

Vibration

The buildings of most concern with regard to the potential for structural or architectural damage due to vibration would be historic buildings, Metro-North Railroad structures and other structures immediately adjacent to the projected development sites. Since these historic buildings and structures would be within 90 feet of the projected development sites, vibration monitoring would be required per New York City Department of Buildings (DOB) Technical Policy and Procedure Notices (TPPN) #10/88 regulations, and PPV during construction would be prohibited from exceeding the 0.50 inches/second threshold. For non-historic buildings and other structures immediately adjacent to projected development sites, vibration levels within 25 feet may result in peak particle velocity (PPV) levels between 0.50 and 2.0 in/sec, which is generally considered acceptable for a non-historic building or structure. In terms of potential vibration levels that would be perceptible and annoying, the equipment that would have the most potential for producing levels that exceed the 65 vibration decibels (VdB) limit is also the pile driver. However, the operation would only occur for limited periods of time at a particular location and therefore would not result in any significant adverse impacts.

Consequently, there is no potential for significant adverse vibration impacts under the Proposed Actions.

HISTORIC AND CULTURAL RESOURCES

The Proposed Actions would result in significant adverse construction-related impacts to four eligible historic resources. In addition, construction activity at two development sites located on the south side of



East 128th Street (east of Park Avenue) have the potential to result in significant adverse archaeology impacts associated with burial remains.

MITIGATION

The Proposed Actions would result in significant adverse impacts related to shadows, historic and cultural resources, transportation (traffic, pedestrians, and transit), and construction (noise). Mitigation measures have been identified to address those impacts, where feasible and/or practical. As discussed below in more detail, partial mitigation is proposed for significant adverse impacts associated with historic and cultural resources, traffic, transit and construction. The significant adverse pedestrian and transit (bus) impacts would be fully mitigated. If no possible mitigation has been identified, an unavoidable significant adverse impact would result.

SHADOWS

As described in “Shadows” above, the Proposed Actions would result in significant adverse impacts to three open space resources. The detailed analysis found that El Catano Garden (171 East 110th Street/Block 1638, Lot 32), Eugene McCabe Field (Park Avenue and East 120th Street/Block 1747, Lot 1), and Jackie Robinson Garden (103 East 122nd Street/Block 1771, Lot 5) would be significantly impacted by new shadow originating from projected and potential development sites. Potential Development Site AH and Projected Development Site 17 would cast shadows on El Catano Garden. Projected Development Sites 2, 6, and 24 would cast shadows on Eugene McCabe Field. Projected Development Site 69 would cast shadows on Jackie Robinson Garden. The duration or extent of incremental shadow cast on these open spaces would be great enough to significantly impact the use of the open space or its ability to support vegetation.

There are no reasonable means to partially or fully mitigate significant adverse shadow impacts on these three open space resources; therefore, the shadow impacts would be an unavoidable significant adverse impact of the Proposed Actions. Possible measures that could mitigate significant adverse shadow impacts on open spaces may include relocating sunlight-sensitive features within an open space to avoid sunlight loss; relocating or replacing vegetation; undertaking additional maintenance to reduce the likelihood of species loss; or providing replacement facilities on another nearby site. Other potential mitigation strategies include the redesign or reorientation of the open space site plan to provide for replacement facilities, vegetation, or other features. In addition, the *CEQR Technical Manual* identifies strategies to reduce or eliminate shadow impacts, including modifications to the height, shape, size, or orientation of a proposed development that creates the significant adverse shadow impact. The DCP, as lead agency, has explored possible mitigation measures with NYC Parks and it was found that there are no reasonable means to partially or fully mitigate significant adverse shadows impacts on these three open space resources. Therefore, the shadow impacts would be an unavoidable significant adverse impact of the Proposed Actions.



HISTORIC AND CULTURAL RESOURCES

The Proposed Actions would result in significant adverse construction-related impacts to four historic structures located within the Historic and Cultural Resources study area, as described below. In addition, construction activity at two development sites located on the south side of East 128th Street (east of Park Avenue) have the potential to result in significant adverse archaeology impacts associated with human remains. Partial mitigation is proposed for the significant adverse impacts to the Park Avenue Viaduct and the archaeology impact associated with human remains. The remaining significant adverse impacts would be unavoidable impacts of the Proposed Actions.

ARCHITECTURAL RESOURCES

The Proposed Actions would result in significant adverse construction-related impacts to four eligible architectural resources located within 90 feet of projected or potential development sites. The impacted resources include:

- St. Paul's Rectory and School (Resource #17, State and National Registers of Historic Places [S/NR]-Eligible) is located within 90 feet of Potential Development Site C (114 East 118th Street/Block 1645, Lot 7);
- Chambers Memorial Baptist Church (Resource #28, S/NR-Eligible) is located within 90 feet of Potential Development Site AI (219 East 123rd Street/Block 1788, Lot 8);
- 166 East 124th Street (Resource #27, S/NR-Eligible) is located within 90 feet of Projected Development Site 11 (166 East 124th Street/Block 1772, Lot 45); and
- The Park Avenue Viaduct (Resource #39, S/NR-Eligible) is located within 90 feet of several projected and potential development sites.

Designated NYCL or S/NR-Listed architectural resources located within 90 feet of a projected or potential new construction site are subject to the protections of DOB's TPPN #10/88. The four resources listed above are not NYCLs or S/NR-Listed, therefore they would not be afforded any of the protections under TPPN #10/88. If the eligible resources are designated in the future prior to the initiation of construction, the protective measures of TPPN #10/88 would apply and significant adverse impacts from construction would be avoided. As discussed below, the viability of these or other mitigation measures were explored between the DEIS and FEIS. Projected development sites within 90 feet of the Park Avenue Viaduct which include one or more parcels under HPD jurisdiction (i.e., Sites 4, 10, and 69) would be required to implement a Construction Protection Plan (CPP) as part of their development to protect from inadvertent construction-related damage. No other feasible mitigation was identified; therefore, should the resources above remain undesignated, the additional protective measures of TPPN #10/88 would not apply and the significant adverse construction-related impacts would be unavoidable.

ARCHAEOLOGICAL RESOURCES

The Proposed Actions have the potential to result in unavoidable significant adverse archaeology impacts. Construction activity at Projected Development Site 4 and Potential Development Site V, located on the south side of East 128th Street and east of Park Avenue, has the potential to result in significant adverse archaeology impacts associated with human remains associated with 19th century burials. A Phase 1A study of Potential Development Site V and Projected Development Site 4 was completed in March 2017. The Phase 1A study identified the development sites as potentially sensitive for human remains associated with the churchyard and burial vaults of Saint Andrew's Church, which was formerly located within both



development sites. The Proposed Actions therefore have the potential to result in a significant adverse impact on archaeological resources if archaeological resources are present.

Mitigation measures include Phase 1B testing, which is designed to confirm the presence or absence of archaeological resources in areas of archaeological sensitivity that are identified in the Phase 1A study. Based on the results of the Phase 1B investigation and in consultation with the New York City Landmarks Preservation Commission (LPC), if the Phase 1B investigation reveals the presence of human remains, recovery of human remains would be required. Prior to the completion of the Phase 1B archaeological investigation, a Testing Protocol and Human Remains Discovery Plan would be prepared and submitted to LPC for review and concurrence.

Projected Development Site 4 contains a City-owned lot under HPD jurisdiction. Development of Projected Development Site 4 would be in accordance with HPD requirements, which would include measures to require prospective sponsors to conduct archaeological testing and if warranted, recovery of human remains. Potential Development Site V is owned by a private entity. There is no mechanism in place to require archaeological testing prior to construction or require the preservation or documentation of archaeological resources, should they exist. In the event that human remains are encountered during the construction of an as-of-right project, the developer will be legally obligated to contact the NYPD and the OCME. However, because there is no mechanism to ensure that the potential impacts would be avoided or mitigated in full at Potential Development Site V, the significant adverse impact would be considered unavoidable.

TRANSPORTATION

The Proposed Actions would result, as detailed below, in significant adverse impacts to: a) vehicular traffic at 29 intersections, b) six stairs at three subway stations, c) public bus service on one route, and d) pedestrians at one sidewalk. The significant adverse traffic impacts would be partially mitigated or would remain unavoidable impacts of the Proposed Actions. The significant adverse pedestrian and transit (bus) impacts would be fully mitigated. In the absence of Phase II of the Second Avenue Subway or practicable mitigation measures, the subway stair impacts would be unavoidable impacts of the Proposed Actions. Mitigation measures that could address these transportation impacts are discussed below.

TRAFFIC

As described in “Transportation” above, the Proposed Actions would result in significant adverse traffic impacts at 29 study area intersections during one or more analyzed peak hours; specifically 34 lane groups at 21 intersections during the weekday AM peak hour, 17 lane groups at 14 intersections during the midday peak hour, 34 lane groups at 25 intersections during the PM peak hour, and 22 lane groups at 19 intersections during the Saturday peak hour. Implementation of traffic engineering improvements such as signal timing changes and modifications to curbside parking regulations are being proposed and would provide mitigation for many of the anticipated traffic impacts. These proposed traffic engineering improvements are subject to review and approval by DOT.

Table S-8 shows, assuming all the proposed mitigation measures were implemented, that significant adverse impacts would be fully mitigated at all but five lane groups at two intersections during the weekday AM peak hour, six lane groups at four intersections in the weekday PM peak hour, and two lane groups at two intersections during the Saturday peak hour. No significant impacts would remain unmitigated in the weekday midday. **Table S-9** provides a more detailed summary of the intersections and



lane groups that would have unmitigated significant adverse traffic impacts. In total, impacts to one or more lane groups would remain unmitigated in one or more peak hours at five intersections.

Table S-8

Summary of Lane Groups/Intersections with Significant Adverse Traffic Impacts

Peak Hour	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections With No Significant Impacts	Lane Groups/ Intersections With Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
Weekday AM	135/50	101/29	34/21	29/19	5/2
Weekday Midday	133/50	116/36	17/14	17/14	0/0
Weekday PM	134/50	100/25	34/25	28/21	6/4
Saturday	132/50	110/31	22/19	20/17	2/2

This table has been updated for the FEIS.

Table S-9

Lane Groups With Unmitigated Significant Adverse Traffic Impacts

Intersection	Peak Hour			
	Weekday AM	Weekday Midday	Weekday PM	Saturday
Signalized Intersections				
East 125th Street & First Ave/Willis Ave Bridge	---	---	EB-LT	---
East 125th Street/RFK Bridge & Second Ave	EB-T, WB (E. 125th St)-LT	---	EB-T, WB (E. 125th St)-LT	EB-T
East 125th Street & Lexington Ave	EB-T, WB-T, SB-LT	---	---	---
East 126th Street & Second Ave/RFK Bridge Exit	---	---	WB-L, NB-L	---
East 111th Street & Park Avenue Southbound	---	---	NB-LT	---

Notes:

NB—northbound, SB—southbound, EB—eastbound, WB—westbound

L—left-turn, T—through, R—right-turn

This table has been updated for the FEIS.

TRANSIT

Subway

With the implementation of Phase II of the Second Avenue Subway, substantial transit demand reductions are expected in both No Action and With Action Conditions at the Lexington Avenue Line 103rd Street, 116th Street, and 125th Street stations served by the Nos. 4, 5, and/or 6 trains. In addition, the Second Avenue Subway Phase II would also likely include improvements to pedestrian circulation elements at the 125th Street station. The Proposed Actions, in the absence of the Second Avenue Subway Phase II, would result in significant impacts to one street stair at the 103rd Street subway station, one street stair at the 116th Street subway station and two street stairs and two platform stairs at the 125th Street subway station. DCP, as lead agency, coordinated with NYCT between the DEIS and FEIS, to explore if other possible mitigation measures should be implemented to address these specific impacts. Based on that effort, as the RWCDs for the Proposed Actions would not result in a single or only a few large development sites, but rather 68 projected development sites across approximately 96 blocks, DCP determined it would not be practicable to divert resources from the primary purpose of the Proposed Actions (to provide affordable housing) to implement mitigation for the impacted transit stairs. Therefore, in the absence of the Second Avenue Subway Phase II, the Proposed Actions' significant impacts to one



street stair at the 103rd Street subway station, one street stair at the 116th Street subway station and two street stairs and two platform stairs at the 125th Street subway station would remain unmitigated.

Bus

The Proposed Actions would result in a passenger capacity shortfall of 22 on southbound M15 Select Bus Service (SBS) buses in the AM peak hour. This significant adverse impact could be fully mitigated by the addition of one M15 SBS bus in the southbound direction in the AM peak hour. The general policy of NYCT is to provide additional bus service where demand warrants, taking into account financial and operational constraints.

As discussed in “Transportation” above, it is anticipated that completion of Second Avenue Subway Phase II would reduce demand on bus routes serving the Project Area. Therefore, the overcapacity condition on southbound M15 SBS buses in the AM peak hour would likely not occur as the result of the Proposed Actions, and the proposed mitigation would not be needed, with the extension of the Second Avenue Subway to the Project Area.

PEDESTRIANS

Incremental project-generated demand from the Proposed Actions would significantly adversely impact one sidewalk—the south sidewalk on East 125th Street between Lexington and Park Avenues—in all four analyzed peak hours. There would be no significant impacts to corner areas or crosswalks in any period. Removing a tree pit at the most constrained point on the impacted sidewalk would fully mitigate the significant adverse impact in all periods, and there would be no unmitigated significant adverse pedestrian impacts. Implementation of this mitigation measure would be subject to review and approval by NYC Parks at the time of its implementation. In the absence of the application of this mitigation measure, the impact would remain unmitigated.

CONSTRUCTION

NOISE

The Proposed Actions would have the potential to result in significant adverse construction noise impacts throughout the Project Area and at sensitive receptors in the vicinity of the Project Area. Three representative construction sites were selected for analysis. Based on the construction stage predicted to occur at each development site according to the conceptual construction schedule during each of the selected analysis periods, each receptor expected to experience an exceedance of the *CEQR Technical Manual* noise impact threshold was determined for each period. One peak construction period per year over the analysis period of 2018 to 2027 was analyzed. Based on these determinations, receptors where noise level increases are predicted to exceed the noise impact threshold criteria for two or more consecutive years were identified.

Because the analysis is based on construction phases, it does not capture the natural daily and hourly variability of construction noise at each receptor. The level of noise produced by construction fluctuates throughout the days and months of the construction phases, while the construction noise analysis is based on the worst-case time periods only, which is conservative. The noise analysis results show that the predicted noise levels could exceed the *CEQR Technical Manual* impact criteria throughout the Project Area. The analysis is based on a conceptual site plan and construction schedule. It is possible that the



actual construction may be of less magnitude, or that construction on multiple projected development sites may not overlap, in which case construction noise would be less intense than the analysis predicts.

Proposed mitigation could include a variety of source and path controls. Between the DEIS and FEIS, various mitigation measures to address the identified construction noise impacts were explored and it was found that there are no reasonable means to ensure measures could be employed that would mitigate, partially or fully, the significant adverse construction noise impacts. Therefore, the significant adverse construction noise impacts would be unavoidable.

CERTIFICATION AND FINDINGS

Having considered the relevant environmental impacts, facts, and conclusions disclosed in the FEIS and weighed and balanced relevant environmental impacts with social, environmental, public health, economic, and other essential considerations as required in 6 NYCRR 617.11, HPD certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with social, environmental, economic, and other essential consideration from among the reasonable alternatives thereto, the action avoids or minimizes adverse environmental impacts to be maximum extent practicable; and
3. Consistent with social, environmental, economic, and other essential considerations, the significant adverse environmental impacts disclosed in the EIS will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the action those mitigation measures that were identified as practicable.

For these reasons, HPD has determined to undertake activities related to the Approved Actions, including construction financing. The targeted FEIS and these Findings constitute HPD's written statement of facts and the environmental, social, economic and other factors and standards that form the basis of this decision, pursuant to Section 617.11(d) of the SEQRA regulations.


Callista Nazaire, Director of Environmental Planning
City of New York - Department of Housing Preservation & Development

Date

May 21st, 2019

