

TECHNICAL MEMORANDUM 002
POTENTIAL CPC MODIFICATIONS
EAST HARLEM NEIGHBORHOOD REZONING
CEQR No. 17DCP048M

ULURP Nos.: N170359 ZRM, N170359(A) ZRM, C170358 ZMM,
and C170360 HUM
September 29, 2017

A. INTRODUCTION

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.

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 Draft Environmental Impact Statement (DEIS) for the Proposed Actions was prepared and the City Planning Commission (CPC) issued a Notice of Completion for the DEIS on April 21, 2017. A public hearing on the DEIS was held on August 23rd, 2017, in conjunction with the CPC’s citywide public hearing pursuant to ULURP, and written comments on the DEIS were accepted until September 5th, 2017.

The Notice of Completion for the Final Environmental Impact Statement (FEIS) was issued on September 19, 2017 (CEQR No. 17DCP048M). The FEIS incorporates responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS. In addition, the FEIS included a new alternative known as the A-Text Alternative, which considered an amended zoning text amendment filed by DCP on August 7, 2017, (pursuant to ULURP No. N 170359[A] ZRM) after the issuance of the DEIS. It is anticipated that DCP will withdraw the amended zoning text amendment prior to its consideration for approval by the CPC.

Following the publication of the FEIS, modifications to the Proposed Actions have been identified as under consideration by the CPC (the “Potential CPC Modifications”). The Potential CPC Modifications, as detailed below, consist of modifications to the proposed zoning text that would establish height limits in portions of the Project Area where they were not originally proposed.

This Technical Memorandum examines whether the Potential CPC Modifications would result in any new or different significant adverse environmental impacts not already identified in the FEIS as pertains to the Proposed Actions. This document also includes a clarification with respect to the Sendero Verde Development Alternative of the FEIS. The Potential CPC Modifications would not alter the development assumptions in the Reasonable Worst Case Development Scenario (RWCDS) for the Proposed Actions evaluated in the FEIS; therefore, as set forth below,

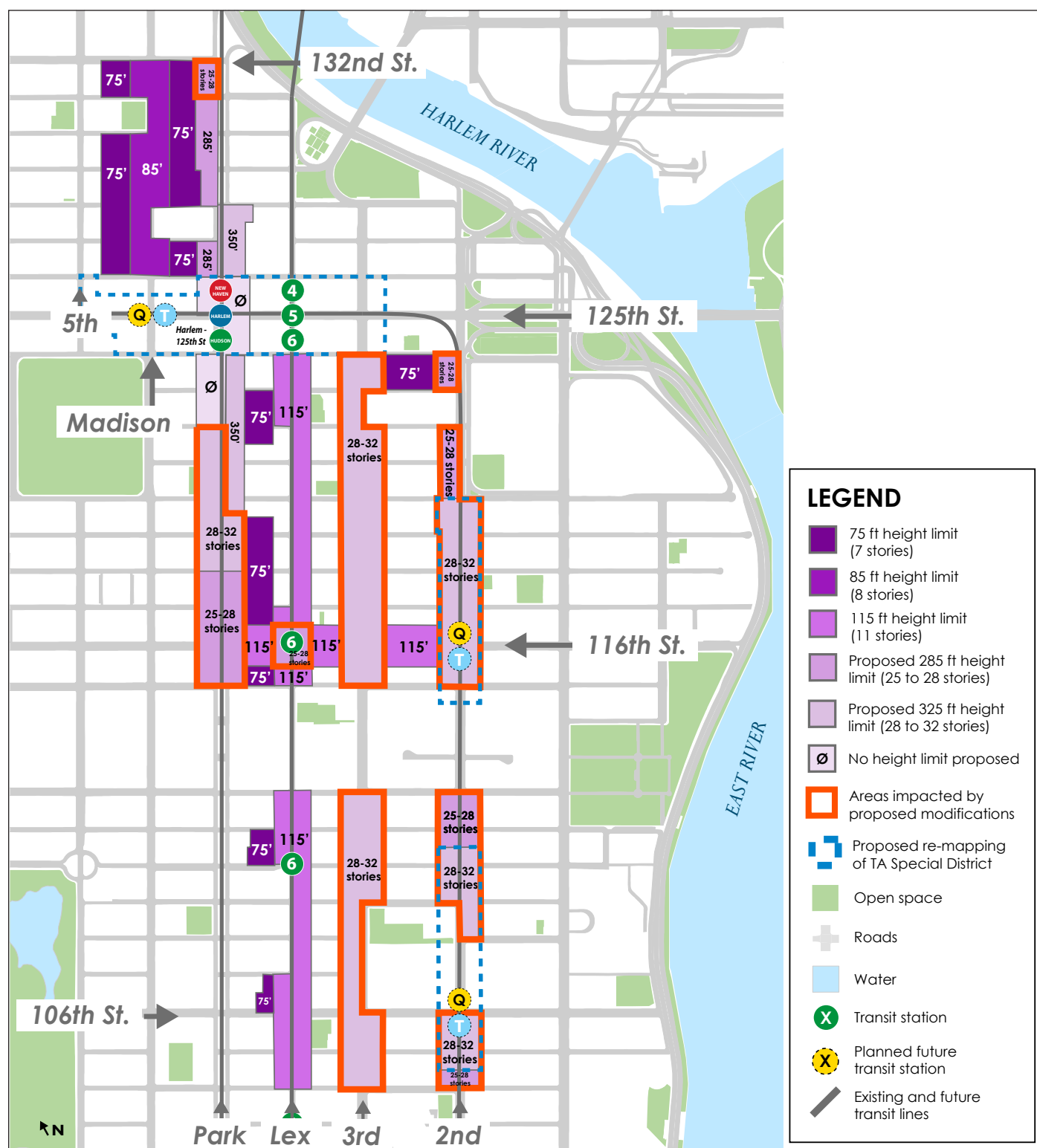
this Technical Memorandum concludes that the Potential CPC Modifications would not result in any new or different significant adverse impacts not already identified in the FEIS.

B. DESCRIPTION OF THE POTENTIAL CPC MODIFICATIONS

As detailed in the FEIS, the Proposed Actions would rezone portions of the Project Area to R9, R10 and R10 equivalent commercial districts. With the Proposed Actions, the zoning map amendment would rezone portions of the Park Avenue Corridor to an R9 district and other areas along Park Avenue to an R10 or an R10 equivalent district. The zoning map amendment would also rezone the southern portion of the Third Avenue Corridor, between East 104th Street and East 112th Street, to an R10 district and in the northern portion of the corridor, between East 115th Street and East 124th Street, to an R10 equivalent district. An R9 zoning district is also proposed along the Second Avenue Corridor and at the intersection of East 116th Street and Lexington Avenue. These districts would be non-contextual districts with no maximum building heights. The maximum heights of any building developed in these districts would be restricted by the lot area and the maximum available floor area available within a particular district.

The remaining portions of the Project Area would be rezoned to mixed-use and contextual zoning districts. These districts have height restrictions. Mixed-use M1-6/R9 and M1-6/R-10 districts would be mapped along portions of the Park Avenue Corridor and contextual R7A, R7B and R7D districts would be mapped in the remaining portions of the Project Area. The proposed M1-6/R9 and M1-6/R-10 districts include maximum height restrictions of 285 feet (28 stories) and 350 feet (350 stories), respectively. The proposed R7A district has a maximum height of 85 feet (8 stories). The proposed R7B district has a maximum height of 75 feet (7 stories) and the proposed R7D district has a maximum height of 115 feet (11 stories).

The Potential CPC Modifications propose height limits in districts that do not have height restrictions under the Proposed Actions, with the exception of the proposed C6-4 district near the transit hub at Park Avenue Corridor and East 125th Street. The Potential CPC Modifications would establish maximum height limits along the Park, Second, and Third Avenue Corridors and along Lexington Avenue at the intersection of East 116th Street (see **Figure 1** and **Table 1**).



Proposed Height Limits

Table 1
Proposed Height Limits by Segment

Segment	Avenue	Proposed Zoning District	Potential CPC Modifications Height Limit (feet)	Stories
East 115 th and East 118 th Streets	Park Avenue	R9	285	25–28
East 131 st and East 132 nd Streets	Park Avenue	R9	285	25–28
East 118th Street to East 122nd Street ¹	Park Avenue	R10	325	28–32
East 116th Street	Lexington Avenue	R9	285	25–28
East 104th Street to East 112th Street ²	Third Avenue	R10	325	28–32
East 115th Street to East 124th Street ³	Third Avenue	R10 Equivalent	325	28–32
104th Street	Second Avenue	R9	285	25–28
110th Street and 112th Streets	Second Avenue	R9	285	25–28
120th Street and 124th Street	Second Avenue	R9	285	25–28
105th Street and 110th Street	Second Avenue	R9	325*	28–32*
108th Street and 110th Street	Second Avenue	R9	325*	28–32*

Notes:

¹ The Park Avenue corridor would be rezoned to R10 along the west side of Park Avenue between East 118th Street and East 122nd Street.

² The Third Avenue corridor would be rezoned to R10 along the west side of Third Avenue between East 106th Street and East 109th Street.

³ The Third Avenue corridor would be rezoned to R10 along the west side of Third Avenue between East 122nd Street and East 123rd Street.

* Transit Zones along Second Avenue would be rezoned as R9 districts but would have the flexibility to accommodate subway infrastructure and required non-residential FAR, allowing for a maximum building height of 325 feet and up to 32 stories.

PARK AVENUE CORRIDOR

A maximum building height limit of 285 feet is proposed along R9 portions of Park Avenue between East 115th and East 118th Streets, and in certain areas of the corridor between East 131st and East 132nd Streets. A maximum building height of 325 feet (28 to 32 stories) is proposed for R10 portions of the Park Avenue Corridor between East 118th Street and East 122nd Street. The C6-4 district proposed to be mapped along Park Avenue between East 122nd and East 124th Streets would continue to have no height restrictions.

LEXINGTON AVENUE

A maximum building height limit of 285 feet is proposed within the R9 zoning district located at the intersection of East 116th Street and Lexington Avenue. Buildings located at this intersection would be approximately 25 to 28 stories.

THIRD AVENUE CORRIDOR

The Potential CPC Modifications would restrict building heights in the proposed R10 district and the proposed C4-6 district (an R10 equivalent district) to 325 feet (28 to 32 stories). Along Third Avenue, the Proposed Actions would rezone the southern portion of the Third Avenue Corridor, between East 104th Street and East 112th Street, to an R10 district and in the northern portion of the corridor, between East 115th Street and East 124th Street, to a C4-6 district (R10 equivalent

district). A maximum building height limit of 325 feet is proposed for both the R10 district in the southern portion of the corridor and the R10 equivalent district in the northern portion of the corridor.

SECOND AVENUE CORRIDOR

A maximum building height of 325 feet (28 to 32 stories) is proposed within the R9 district that includes the Special Transit Land Use District (TA) along Second Avenue. The modification would provide developments within the TA the flexibility to accommodate subway infrastructure and required non-residential floor area. The Potential CPC Modifications would result in buildings of 28 to 32 stories between East 104th Street and 106th Street, between East 108th Street and East 110th Street, and between East 115th Street and East 120th Street. The remaining R9 district proposed along Second Avenue would have maximum building heights of 285 feet (25 to 28 stories).

The Potential CPC Modifications, as described above, would leave in place the height limits proposed as part of the original certified ULURP application and would effectively apply height limits everywhere in the Project Area, with the exception of the C6-4 district near the transit node at Park Avenue and East 125th Street. With the Potential CPC Modifications, maximum building height restrictions would be required in portions of the Project Area to allow continued consideration of appropriate building form and scale. The Potential CPC Modifications would continue to allow the utilization of the full amount of floor area available in each district, and the proposed maximum height limitations would provide sufficient flexibility to facilitate the various goals of the Proposed Actions.

C. ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL CPC MODIFICATIONS

The proposed height limits under the Potential CPC Modifications would not result in changes to the RWCDs associated with the Proposed Actions. No changes to the program, building heights or bulk analyzed in the FEIS for the Proposed Actions' RWCDs would occur. The Potential CPC Modifications would result in the same amount of incremental development analyzed under the Proposed Actions. The maximum building heights allowed with the Potential CPC Modifications are greater than the building heights assessed under the Proposed Actions.

Because there would be no change to the RWCDs under the Potential CPC Modifications as compared to the Proposed Actions, there would be no change to the conclusions of no significant adverse impacts with respect to the following CEQR areas of environmental assessment in the FEIS: Land Use, Zoning and Public Policy; Socioeconomic Conditions; Open Space; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste; Energy; Greenhouse Gas Emissions and Climate Change; Noise; Public Health; and Neighborhood Character. The same (E) Designations mapped in connection with the Proposed Actions to preclude exposure to noise, emissions (air quality) and hazardous materials would be mapped with the Potential CPC Modifications. With respect to City-owned sites, the Potential CPC Modifications would require similar measures to the (E) Designation requirements in provisions contained in Land Disposition Agreements (LDA) or comparable binding documents between the City of New York and the future selected developer(s).

The Potential CPC Modifications would result in the same significant adverse impacts that would occur with the Proposed Actions, potentially requiring the same mitigation measures; therefore, the Potential CPC Modifications would not change the conclusions of the FEIS. The significant adverse impacts, mitigation and unavoidable impacts of the Potential CPC Modifications are summarized below.

The Potential CPC Modifications would result in the same site-specific significant adverse impacts which would occur with the Proposed Actions for shadows, historic and cultural resources (architectural and archaeological resources), and construction (noise). The Potential CPC Modifications would result in the same density-related significant adverse impacts as the Proposed Actions in the area of transportation (traffic, transit, and pedestrians).

The Potential CPC Modifications, as with the Proposed Action, would result in significant adverse shadow impacts to sun-sensitive resources. Like the Proposed Action, there are no reasonable means to partially or fully mitigate significant adverse shadow impacts; therefore, the shadow impacts would be an unavoidable significant adverse impact.

The Potential CPC Modifications would result in the same significant adverse impacts to historic and cultural resources which would occur under the Proposed Actions, requiring the same mitigation where feasible. Construction activity has the potential to result in significant adverse archaeology impacts. Development on sites containing City-owned lots would mitigate the potential significant adverse archaeology impacts. However, there is no mechanism in place to require the appropriate mitigation for developments on privately owned sites; therefore, the significant adverse archaeology impact associated with privately owned sites would be considered unavoidable. Like the Proposed Actions, the Potential CPC Modifications would result in significant adverse construction-related impacts to eligible architectural resources. As with the Proposed Actions, the opportunity to mitigate these impacts with the Potential CPC Modifications would be limited to only those development sites containing City-owned lots. As with the Proposed Actions, there is no feasible mitigation with the Potential CPC Modifications for significant adverse impacts to eligible architectural resources associated with development on privately owned sites.

The Potential CPC Modifications would result in the same significant adverse construction noise impacts that would occur with the Proposed Actions, requiring the same mitigation measures. As with the Proposed Actions, additional measures beyond the NYC Noise Code were found not to be feasible; therefore, the significant adverse construction noise impacts resulting from the Potential CPC Modifications would be unavoidable.

Like the Proposed Actions, the Potential CPC Modifications would result in same significant adverse impacts to vehicular traffic, subway stairs, public bus service, and pedestrian sidewalk. As with the Proposed Action, the significant adverse traffic impacts would only be partially mitigated under the Potential CPC Modifications. The significant adverse pedestrian and transit (bus) impacts would be fully mitigated. Like the Proposed Actions, with the Potential CPC Modifications, in the absence of Phase II of the Second Avenue Subway or practicable mitigation measures, the subway stair impacts would be unavoidable.

The Potential CPC Modifications would also have no effect on the Alternatives analysis. However, with respect to the Sendero Verde Development Alternative, it should be clarified that, with respect to the significant adverse transit impact identified in the FEIS, HPD and the selected developer are responsible for implementation of any required mitigation associated with this significant stair impact. Prior to executing the Land Disposition Agreement(s) with the selected developer, HPD will coordinate with NYCT to explore potential practicable and feasible mitigation measures to address the stair impact. In the event that it is determined that there are no practicable and feasible mitigation measures, the significant adverse impact would be unavoidable.

CONCLUSION

This Technical Memorandum examined whether the Potential CPC Modification would result in any new or different significant adverse environmental impacts not already identified in the FEIS

and concludes that no new or greater impacts would result with the Potential CPC Modifications. In summary, the Potential CPC Modifications would result in the same significant adverse impacts related to shadows, historic and cultural resources (architectural and archaeological resources), transportation (traffic, pedestrians, and transit), and construction (noise), as identified in the FEIS for the Proposed Actions. As a consequence, the significant adverse impacts under the Potential CPC Modifications could be mitigated using the same types of mitigation measures identified for the Proposed Actions. As detailed in the FEIS, mitigation has been proposed for these identified significant adverse impacts; however, in some instances no practicable mitigation has been identified to fully mitigate significant adverse impacts. Therefore, the Potential CPC Modifications, as with the Proposed Actions, would potentially result in unavoidable significant adverse impacts in the areas of shadows, historic and cultural resources, transportation, and construction.