

Technical Memorandum—TM 004
East Harlem Neighborhood Rezoning
CEQR Number 17DCP048M
December 14, 2018

A. INTRODUCTION

On September 19, 2017, the New York City Department of City Planning (DCP), acting as lead agency for the City Planning Commission (CPC), issued a Notice of Completion for the East Harlem Neighborhood Rezoning Final Environmental Impact Statement (FEIS). The FEIS considered a series of discretionary actions proposed by DCP, together with the Department of Housing Preservation and Development (HPD), 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 actions included zoning map amendments, zoning text amendments, and amendments to the Milbank Frawley Circle-East Urban Renewal Plan (ULURP Nos.: N170359 ZRM, C170358 ZMM, and C170360 HUM)—as a component of the City’s East Harlem 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 actions affect an approximately 96-block area of the East Harlem neighborhood of Manhattan, Community District 11, 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.

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, in turn, were evaluated in Technical Memorandum 003 (TM 003), 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.

DCP is seeking 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 is also seeking 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 are subject to environmental review under the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR). This Technical Memorandum (TM 004) considers the proposed actions and assesses whether it would have the potential to cause any significant adverse environmental impacts not previously identified in the 2017 FEIS. As set

forth below, this Technical Memorandum concludes that the proposed actions would not result in any new or different significant adverse environmental impacts not already identified in the FEIS.

B. DESCRIPTION OF PROPOSED ACTION

DCP is proposing a zoning text amendment and a zoning map amendment to the Special East Harlem Corridors (EHC) District. The proposed text amendment is a follow-up corrective action that respond to concerns expressed throughout the public review process by the public and elected officials regarding building heights along portions of Park Avenue and subway access at the intersection of Lexington Avenue and East 116th Street. The proposed zoning map amendment would correct an error that had inadvertently mapped a midblock portion of Block 1643 within the special district.

The proposed zoning text amendment would restrict maximum height limits in mapped R7D and R8A districts along portions of Park Avenue and introduce a maximum height limit in the C6-4 District mapped along the west side of Park Avenue between East 122nd and East 124th Street. In addition, the proposed zoning text amendment would require subway entrances located on the street to be relocated onto the zoning lot for new developments with frontages containing existing subway entrances at the 116th Street station on the Lexington Avenue local 6 line.

ZONING TEXT AMENDMENTS

Proposed Height Restrictions

Currently, a maximum height limit of 215 feet applies in the R7D districts mapped on the east side of Park Avenue between East 116th and East 117th Street and on both sides of Park Avenue between East 115th Street and a line midway between East 115th and East 116th Streets. The same maximum height limit of 215 feet also applies in the currently-mapped R8A district on both sides of Park Avenue between East 117th and East 118th Street, and on the west side of Park Avenue between a line midway between East 116th and 117th Streets and East 117th Street. Additionally, no height limit exists in the mapped C6-4 district on the west side of Park Avenue between East 122nd and East 124th Streets. Each of these districts lies fully within the Special EHC District, with the C6-4 portion also lying within the Park Avenue Subdistrict of the EHC.

The proposed zoning text amendment modify the following:

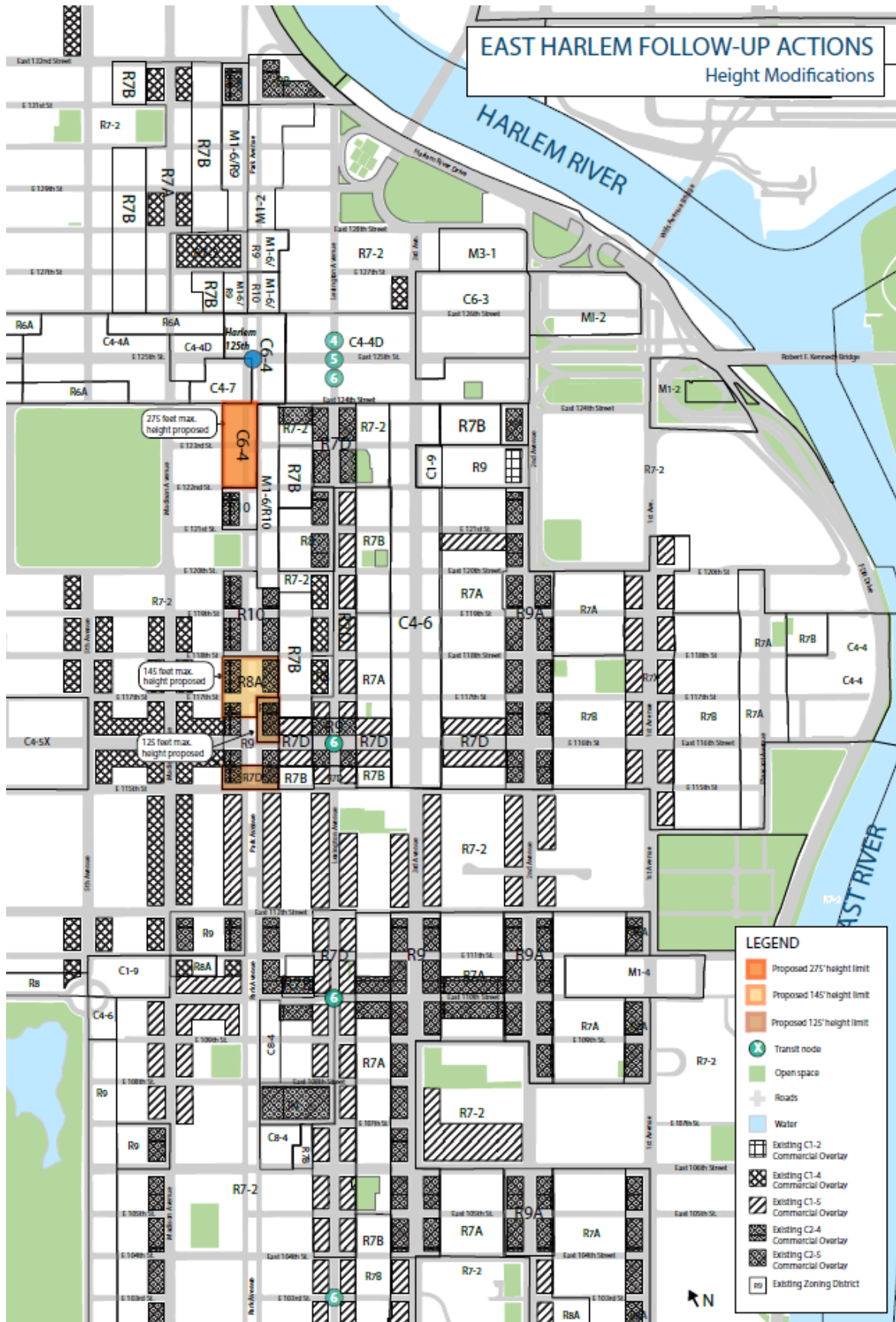
- Reduce the maximum height limit from 215 feet to 125 feet in the R7D districts mapped along Park Avenue roughly between East 115th and East 117th Streets.
- Reduce the maximum height limit from 215 feet to 145 feet in the R8A district mapped along Park Avenue roughly between East 116th and East 118th Streets.
- Introduce a maximum height limit of 275 feet in the C6-4 district mapped along the west side of Park Avenue between East 122nd and East 124th Streets.

Proposed Subway Stair Relocation

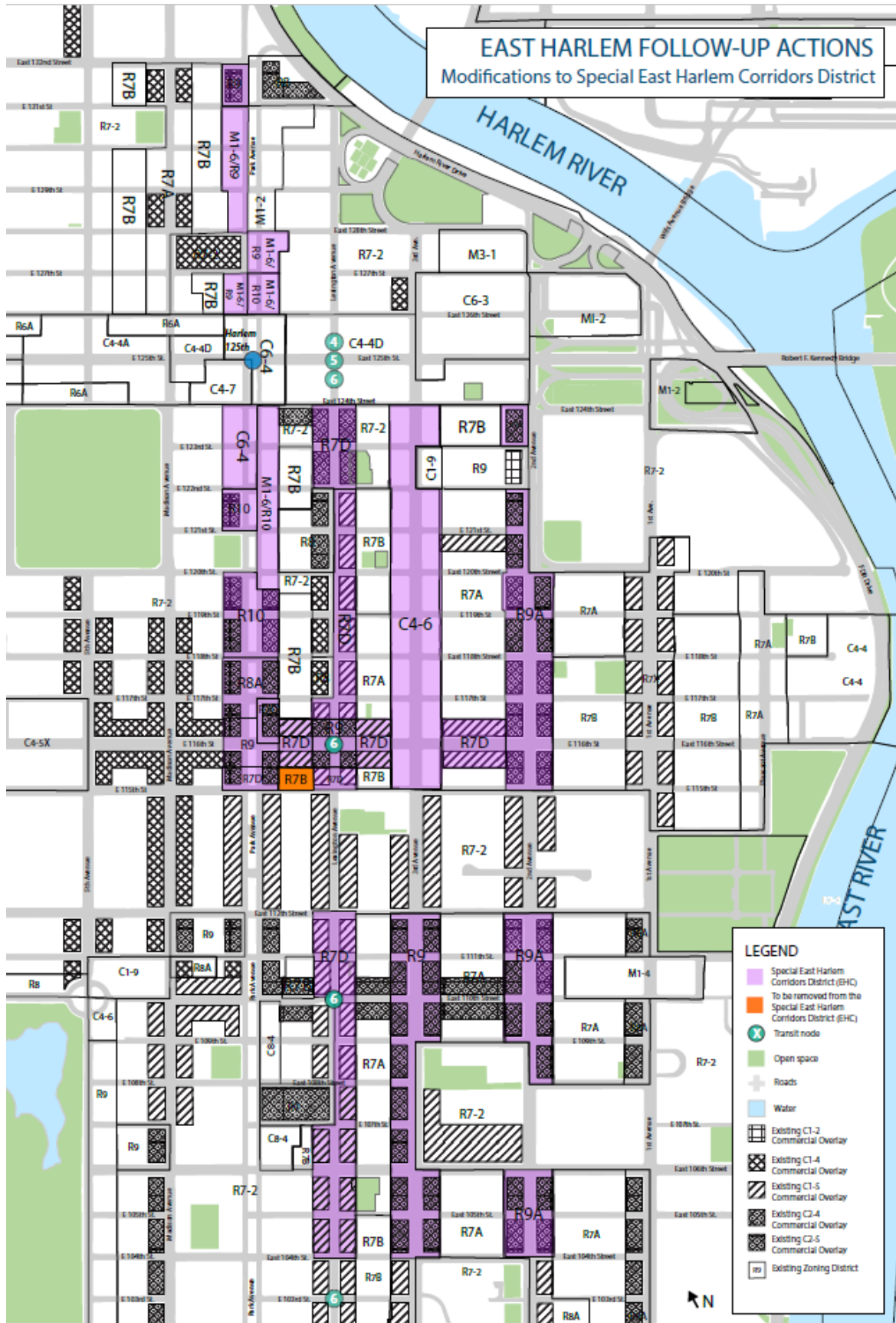
Current zoning does not require subway stair relocation for developments adjacent to the East 116th Street subway station of the Lexington Avenue local 6 line.

The proposed zoning text amendment would require zoning lots located along a sidewalk containing an entrance to the 116th Street station on the Lexington Avenue subway line to comply with the subway relocation provisions of ZR Section 37-40. This will require that any future

EAST HARLEM FOLLOW-UP ACTIONS Height Modifications



EAST HARLEM FOLLOW-UP ACTIONS Modifications to Special East Harlem Corridors District



development or enlargement on any lot fronting on existing subway entrances at the 116th Street station on the Lexington Avenue local 6 line remove the existing subway entrances from the sidewalk and incorporate them into the development site on the adjacent zoning lot. This provision would only apply to developments or enlargements constructed on zoning lots of 5,000 sf or more, and the replaced subway entrances would be required to be in accordance with the provisions of 37-40 related to location, design, hours of public accessibility and associated administrative procedures.

ZONING MAP AMENDMENT

The zoning map amendment would remove the special district designation from the midblock portion of Block 1643 that is mapped as a R7B zoning district. The midblock fronting on the northern portion of East 115th Street between Park Avenue and Lexington Avenue was included in the Special EHC District in error. The special bulk, ground-floor design and parking regulations were not intended for the medium density R7B districts mapped as a part of the preservation efforts of the East Harlem Neighborhood Rezoning. The proposed zoning map amendment will correct this error by removing this area from the special district and allowing development in this area pursuant to the underlying zoning.

C. PURPOSE AND NEED OF THE PROPOSED ACTIONS

DCP is seeking the proposed zoning text amendments to fulfill a commitment to pursue various follow-up zoning actions, as memorialized in the East Harlem Initiative Points of Agreement letter signed upon City Council's adoption of the East Harlem rezoning proposal. These commitments were intended to respond to concerns expressed by community members, residents and stakeholders throughout the course of the public review process. While several of these concerns were addressed through modifications made by the City Council prior to adoption, the proposed zoning text amendments were not within the scope of the actions adopted in November 2017.

The proposed actions specifically address concerns related to the allowed maximum heights along portions of Park Avenue, appropriately adjusts special district boundaries and provide opportunities to improve the pedestrian circulation at the intersection of East 116th Street and Lexington Avenue by potentially moving the subway entrances from the street into any new development's building envelope.

D. ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTIONS

The 2017 FEIS examined in detail the potential for significant adverse impacts consistent with CEQR. Three subsequent post-FEIS Technical Memoranda were issued, with the third (TM 003) analyzing the potential impacts of the CPC-approved actions as modified by the City Council.

ANALYSIS FRAMEWORK

The 2017 FEIS and subsequent Technical Memoranda identified the sites most likely to be developed over time as a result of the rezoning, based on a set of criteria that focused on the size of the site, its location, its current utilization and land use, and the opportunity for assemblages and use of development rights from adjacent properties. Sixty-eight sites were identified as most likely to undergo new development and were defined as projected development sites to be assessed for both density-related and site-specific impacts. In addition, there were another thirty-four sites

EAST HARLEM FOLLOW-UP ACTIONS
Modifications to RWCD Sites

The map displays various zoning districts across East Harlem, including R7-2, R7B, R7A, C4-6, C4-4D, C4-4, C4-SK, C1-9, R9, M1-2, M1-4, MI-2, and R8. It also shows the Harlem River, Robert F. Kennedy Bridge, and several streets like E 120th St, E 121st St, E 122nd St, E 123rd St, E 124th St, E 125th St, E 126th St, E 127th St, E 128th St, E 129th St, E 130th St, E 131st St, E 132nd St, E 133rd St, E 134th St, E 135th St, E 136th St, E 137th St, E 138th St, E 139th St, E 140th St, E 141st St, E 142nd St, E 143rd St, E 144th St, E 145th St, E 146th St, E 147th St, E 148th St, E 149th St, E 150th St, E 151st St, E 152nd St, E 153rd St, E 154th St, E 155th St, E 156th St, E 157th St, E 158th St, E 159th St, E 160th St, E 161st St, E 162nd St, E 163rd St, E 164th St, E 165th St, E 166th St, E 167th St, E 168th St, E 169th St, E 170th St, E 171st St, E 172nd St, E 173rd St, E 174th St, E 175th St, E 176th St, E 177th St, E 178th St, E 179th St, E 180th St, E 181st St, E 182nd St, E 183rd St, E 184th St, E 185th St, E 186th St, E 187th St, E 188th St, E 189th St, E 190th St, E 191st St, E 192nd St, E 193rd St, E 194th St, E 195th St, E 196th St, E 197th St, E 198th St, E 199th St, E 200th St.

LEGEND

- Development Site Impacted by Proposed Modifications
- Projected Development Site
- Potential Development Site
- Potential NYCHA Overlay Development Site
- Roads
- Block
- Tax Lot
- Water
- Existing C1-2 Commercial Overlay
- Existing C1-4 Commercial Overlay
- Existing C1-5 Commercial Overlay
- Existing C1-6 Commercial Overlay
- Existing C1-7 Commercial Overlay
- Existing C1-8 Commercial Overlay
- Existing Zoning District

East Harlem Neighborhood Rezoning

identified as less likely to be developed over the analysis period and defined as potential development sites to be assessed, for conservative purposes, only for site-specific impacts.

Projected Development Site #3 in the 2017 FEIS and subsequent Technical Memoranda included Block 1623, Lots 33 and 34, within the Special EHC District. Under the City Council modifications analyzed in TM 003, Projected Development Site #3 was assumed to develop as a primarily residential building with ground floor restaurant and local retail uses, containing 73 dwelling units (DUs) and rising to a height of 155 feet.

Projected Development Site #3 is the only projected development site impacted by the proposed zoning text amendment to restrict maximum heights along portions of Park Avenue, as this site contains the only building that was originally assumed to have developed to a height in excess of the proposed height restrictions. The proposed maximum height restriction would require this building to be lowered in height by 1 story, or 10 feet, from 155 feet down to the proposed maximum height limitation of 145 feet. As a result of lowering the maximum permitted height, adjustments were made to the building's massing to accommodate the available floor area within the envelope. These changes dedicated more floor area to residential use but not substantial enough to increase the number of dwelling units on the site. The amount of commercial square footage on the site would remain the same as under TM 003. There are three potential development sites located within the directly affected area of this proposed text amendment (Sites D, Q, and R); however, all three were assumed to have developed to a height less than the proposed height restrictions.

Projected Development Site #23 in the 2017 FEIS and subsequent Technical Memoranda included Block 1643, Lot 56, within the Special EHC District. Under the City Council modifications analyzed in TM 003, Projected Development Site #23 was assumed to develop as a primarily residential building with 52,657 sf of residential use and two stories of commercial use below – including 7,898 sf of office use and 8,074 sf of local retail use. The building massing analyzed for Projected Development Site #23 rose to a height of 100 feet and contained 59 DUs.

Projected Development Site #23 is the only projected development site impacted by the proposed zoning text amendment to ZR Section 37-40, as this is the only projected development site with a frontage containing an existing entrance to the 116th Street subway station on the Lexington Avenue local 6 line. The proposed zoning text amendment would require a volume of approximately 900 sf to be located on the ground floor of Projected Development Site #23, which would accommodate the subway entrance relocated from the street onto the zoning lot. Because the volume dedicated to the relocated subway entrance would not count as floor area for the purposes of zoning, the 900 sf would be assumed to be reallocated to upper-story residential uses without an associated increase in built FAR on the site. Thus, the amount of residential square footage would increase by approximately 900 sf to 53,555 sf, resulting in an increase of one dwelling unit on the site for a new total of 60 DUs. In order to accommodate the additional residential square footage, the height of the building was increased by one story, or 10 feet, to 110 feet in height. Projected Development Site #23 would also see an associated decrease in the amount of commercial square footage allocated to local retail, which would decrease by approximately 900 sf from 8,074 sf to a new total of 7,176 sf.

The zoning map amendment would not have any consequence to the analysis framework as none of the development sites assessed in the 2017 FEIS and subsequent Technical Memoranda are located on the midblock portion of Block 1643.

ENVIRONMENTAL ANALYSES

The proposed actions as detailed above would not affect the results of the analyses provided in the 2017 FEIS and subsequent Technical Memoranda for the majority of the technical areas. As specified below, it was found that neither the increase in the residential increment of 2,682 dwelling units by a single unit nor the modest change in the total nonresidential floor area (with a decrease of 900 sf) would be substantial enough to change the results in any of the density-related analyses, including Socioeconomic Conditions, Community Facilities, Open Space, Water and Sewer Infrastructure, Solid Waste and Sanitation Services, Energy, Transportation or Greenhouse Gas Emissions when compared to the conclusions of the FEIS. Furthermore, as the proposed actions would not result in the elimination of any development site, the analyses and results for most of the site-specific impact categories, including Historic and Cultural Resources, Natural Resources, Hazardous Materials, Public Health, Neighborhood Character and Construction would not be affected.

For the remaining technical areas where the proposed actions may affect the FEIS analysis, assessments are included below.

Land Use, Zoning and Public Policy

The proposed actions would not result in any significant adverse impacts and would generally result in the same effects to land use, zoning, and public policy. The proposed actions would not result in any changes in the land uses as approved by City Council. As previously discussed, the proposed modifications would only result in changes to building heights and would not affect commercial, community facility, industrial, or parking floor area. Similar to the conclusions of the FEIS and TM 003, the proposed actions would not have the potential for any significant adverse impacts on land use.

The proposed actions would not result in any changes to the zoning districts approved by City Council. The proposed changes would be limited to reducing and introducing maximum heights along portions of Park Avenue and allowing for the potential integration of a subway entrance at the intersection of East 116th Street and Lexington Avenue for the number 6 subway line. The proposed actions would not alter the conclusions of the FEIS and TM 003, and would therefore not result in any significant adverse impacts on zoning.

Furthermore, the proposed actions would not result in development that conflicts with adopted public policies. As concluded in the FEIS and TM 003, the proposed actions would continue to provide opportunities for new housing, including substantial amounts of affordable housing, along the key corridors of East Harlem, and create new commercial and industrial space to support job creation adjacent to existing and future transit nodes.

Shadows

As noted above, where the maximum height limits are proposed to be reduced, only one projected development site (Site #3) was originally assumed to have developed 10 feet above the proposed height restrictions. The proposed zoning text amendment to expand the opportunity for subway stair relocation to include the 116th Street station on the Lexington Avenue subway line would have the effect of increasing the height of the development by 10 feet on Projected Development Site #23.

The shadows analysis conducted as part of the 2017 FEIS found significant adverse impacts to three sun-sensitive resources; however, none of the shadows that would be casted on those resources were caused by Projected Development Site #3 or Site #23; therefore, the proposed

actions would not result in any changes to the significant adverse shadows impacts that were identified in the FEIS.

Urban Design and Visual Resources

The proposed actions would not result in any significant adverse impacts on urban design and visual resources. The proposed text amendments would restrict maximum heights along portions of Park Avenue and facilitate subway stair relocation for developments adjacent to the East 116th Street subway station of the Lexington Avenue local 6 line. The proposed zoning map amendment would remove the midblock section of Block 1643 from the special district and allow development in this area pursuant to the underlying R7B zoning district.

As described in the analysis framework, the proposed actions would affect Projected Development Site #3, with a modest decrease in height, and Site #23, with a modest increase in height, from projections in the 2017 FEIS and TM 003. Changes to these development sites would not alter or negatively impact the pedestrian environment. The proposed text amendments and zoning map amendment would result in future heights that are more consistent with the existing urban design characteristics of the neighborhood and anticipated future developments. Therefore, similar to the conclusions of the FEIS, the proposed actions would not have the potential for any significant adverse impacts on urban design or visual resources.

Air Quality

Similar to the conclusions of the FEIS and TM 003, the proposed actions would not result in any significant adverse mobile or stationary source air quality impacts. As compared to the analysis framework presented in TM 003, the proposed actions would not result in a difference in vehicle trips as the floor area increment is relatively minor and would not be substantial enough to change the number of trips generated on Projected Sites #3 or Site #23. Therefore, as concluded in TM 003, the proposed actions would not result in significant adverse air quality impacts from mobile sources.

Bulk modifications resulting from the proposed actions would not result in significant adverse stationary source impacts from Projected Development Site #3 or Site #23. As concluded in the FEIS, both Projected Development Sites passed the initial screening analysis for air quality impacts associated with emissions from heat and hot water systems. As a result, no (E) Designations were assigned to these sites. City Council modifications to the CPC-approved actions did not warrant additional analyses on these sites. Modifications to Projected Development Site #3, from 155 feet down to the proposed maximum height limitation of 145 feet, and Projected Development Site #23, from 100 feet to 110 feet, would not change the conclusions presented in the FEIS and TM 003. Therefore, the proposed actions would not result in potential for significant adverse impacts related to stationary sources.

CONCLUSION

The proposed actions as detailed above would not result in any new or different significant adverse environmental impacts not already identified in the FEIS.