



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

POSITIVE DECLARATION

NOTICE OF INTENT TO PREPARE A DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

PROJECT: 126 th Street Bus Depot Project Community District 11 Borough of Manhattan CEQR Number: 16DME011M ULURP Number: Pending	LEAD AGENCY: Office of the Deputy Mayor for Housing and Economic Development 253 Broadway, 14 th Floor New York, New York 10007
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DATE ISSUED: August 19, 2016

TYPE OF ACTION: Type I

NAME: 126th St Bus Depot Project

LOCATION: 301 to 359 East 126th Street, 2460 to 2478 Second Avenue, and 300 to 350 East 127th Street
East Harlem, New York
Block 1803, Lot 1
Manhattan Community District 11

PROPOSED PROJECT:

The New York City Economic Development Corporation (NYCEDC) on behalf of the City of New York is proposing a series of land use actions (collectively the "Proposed Project") to facilitate the redevelopment of a City-owned full block site in East Harlem (the "project site"). The project site consists of the block bounded by E. 127th Street to the north, First Avenue to the east, E. 126th Street to the south, and Second Avenue to the west. It includes all of the approximately 105,710-square-foot (sf) existing Block 1803, Lot 1, a City-owned property that, since the 1940s, has been occupied by the 126th Street Bus Depot, as well as an adjoining bus parking area located immediately west of Lot. The Metropolitan Transportation Authority (MTA) is in the process of vacating the bus depot, which has been operated pursuant to a lease, and returning it to the City.

The Proposed Project would include zoning map and text amendments, a City map amendment to demap a portion of a mapped street that was formerly part of the block, and the future disposition of City-owned

property. The project may also involve the use of public financing for the development of permanently affordable housing and/or for economic development purposes. The Proposed Project is anticipated to result in a mixed-use development project including a mix of permanently affordable and middle income residential, commercial, and community facility uses, and provide a publicly-accessible memorial commemorating the Harlem African Burial Ground and its important role in the history of Harlem and New York City. The Proposed Project and resulting development program reflects ongoing consultation with the 126th Street Bus Depot Task Force, the Harlem African Burial Ground Task Force, Manhattan CD 11, and local elected officials. The Proposed Project was also informed by and is consistent with the cultural heritage protection, economic development, and affordable housing goals identified in the *East Harlem Neighborhood Plan*, a community-based planning proposal issued in February 2016 by a Steering Committee consisting of a consortium of project partners and community organizations. After the approvals comprising the Proposed Project complete the Uniform Land Use Review Procedure (ULURP), a Request for Proposals (RFP) soliciting proposals for development of the project site would be issued. It is anticipated that the site disposition would stipulate location and programming elements of the Harlem African Burial Ground Memorial, including an outdoor area and an indoor cultural facility. In order to address the potential range of responses to an RFP, the environmental review analyzes a reasonable worst-case development scenario (RWCDS) that conservatively considers for each impact category the reasonable worst-case potential for environmental effects. While the discretionary approvals that comprise the Proposed Project have been defined, the specific development program and site plan under the Proposed Project would be dependent on the RFP response. Thus, pursuant to City Environmental Quality Review (CEQR), a generic environmental impact statement (GEIS) will be prepared that considers the environmental impacts based on the RWCDS.

A GEIS analyzes the impacts of the maximum build-out of a concept that aligns with the zoning district, rather than those of a specific project plan. It should be noted that the program analyzed in the RWCDS is being used for illustrative and analysis purposes only; a site-specific breakdown is required for the environmental review. This is not meant to indicate an actual development program.

The Proposed Project would result in approximately 655,215 gross square feet (gsf) of residential development (comprising approximately 730 DU, of which 50 percent would be affordable to households earning at or below 80 percent Area Median Income (AMI)); approximately 315,000 gsf of commercial uses (including retail and office uses); approximately 30,000 gsf of community facility uses (including a 15,000 sf historical and cultural center as part of the memorial); 300 accessory parking spaces (to be provided in an above-ground enclosed garage); and approximately 18,000 sf of outdoor, unbuilt memorial space. The Proposed Project would include a total of approximately 952,585 zoning square feet (zsf), representing a Built FAR of 8.25. Overall, including required accessory parking areas the project site would have a total of 1,090,215 gsf of building area. The Proposed Project is expected to be completed by 2022.

Bus Depot Lot

The Bus Depot Lot, existing Block 1803, Lot 1, is an approximately 105,710-sf City-owned property. It is irregular-shaped, resembling a rectangle with one corner—the northeast corner—that has been rounded off. This is due to its location at the edge of the Manhattan rectilinear street grid adjacent to the right-of-way of the Harlem River Drive, which follows the shape of the Harlem River’s curving shoreline. The property has 199.83 feet of frontage on Second Avenue and 541 feet of frontage on E. 126th Street. The First Avenue frontage extends 129.26 feet north from and perpendicular to E. 126th Street. At that point, the boundary curves at a radius arc of 300 feet for a distance of 105 feet. The E. 127th Street frontage extends 463.98 feet east from and perpendicular to Second Avenue. At that point, the frontage meets the curved boundary described above. Refer to Figure A-3, Project Site Dimensions.

Addresses associated with the Bus Depot Lot include 2460 to 2478 Second Avenue (even numbers), 301 to 359 E. 126th Street (odd numbers), and 300 to 350 E. 127th Street (even numbers).

Demapping Area

The proposed 9,792-sf Demapping Area was mapped as part of the Second Avenue widening in 1946 and acquired by the City. It is physically separated from the street bed by curbs and sidewalk with street trees and has been used by the bus depot primarily as a parking lot for buses. It provides access to building vehicular entrances on the western side of the bus depot building. As such, the Demapping Area functioned as a western extension to the Bus Depot Lot. It is 199.83 long (north-south) and 49 feet wide (east-west). Prior to 1946, when the Second Avenue right-of-way was widened, this area was part of Block 1803, Lot 1. As part of the Proposed Project, this area would be reincorporated into Block 1803.

DISCRETIONARY ACTIONS SUBJECT TO CEQR AND SEQRA

The Proposed Project requires several discretionary approvals. These include a zoning map amendment, a City Map change, and disposition of City property, actions that are subject to review under ULURP, under Section 200 of the City Charter. The Proposed Project also includes a zoning text amendment, which is subject to public review with requirements similar to ULURP under Sections 200 and 201 of the City Charter. The Proposed Project is subject to the City Environmental Quality Review (CEQR) process. The anticipated discretionary approvals include:

1. **Zoning Map Amendment.** A zoning map amendment (Zoning Sectional Map 6b) approval by the New York City Planning Commission (CPC) to change the zoning on the project site (Block 1803, Lot 1 and the adjacent demapping area) from the existing M1-2 light manufacturing district (high performance) to a C6-3 general central commercial district;
2. **Zoning Text Amendment.** A zoning text amendment to map the project site as a Mandatory Inclusionary Housing Area in ZR Appendix F, pursuant to ZR §23-154;
3. **City Map Change.** A change to the City Map to narrow a portion of Second Avenue from 174 feet to a width of no less than 125 feet (plus an easement for sidewalk purposes, if needed) and the conveyance of that area to the adjoining City-owned property (Block 1803, Lot 1) pursuant to §4-105 of the Administrative Code of the City of New York; and
4. **Disposition of Real Property.** Disposition of the project site (the City-owned Block 1803, Lot 1 and the adjacent demapping area) by the City of New York for future development, with approval through ULURP under New York City Charter Section 197(c), and separate approval of the business terms of the sale of the disposition pursuant to Section 384(b)(4) of the New York City Charter.

In addition, in the future the private developer may seek public financing by HPD or the New York City Housing Development Corporation (HDC) to facilitate the development of permanently affordable housing and/or the public financing by NYC IDA for economic development purposes.

STATEMENT OF SIGNIFICANT EFFECT

In accordance with Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review (CEQR), found at Title 62, Chapter 5 of the Rules of the City of New York, the Office of the Deputy Mayor for Housing and Economic Development, lead agency for the referenced project, has determined that the proposed project may have a significant impact on the quality of the human environment. Accordingly, a Generic Environmental Impact Statement (GEIS) is required to evaluate and disclose the extent to which impacts may occur.

Aspects that may require evaluation of potential environmental impacts include:

1. The potential for significant adverse impacts related to land use, zoning, and public policy;

2. The potential for significant adverse impacts related to socioeconomic conditions;
3. The potential for significant adverse impacts on community facilities and services;
4. The potential for significant adverse open space impacts;
5. The potential for significant adverse shadow impacts;
6. The potential for significant adverse impacts on historic and cultural resources;
7. The potential for significant adverse impacts on urban design and visual resources;
8. The potential for significant adverse impacts on natural resources;
9. The potential for significant adverse impacts related to hazardous materials;
10. The potential for significant adverse impacts on water and sewer infrastructure;
11. The potential for significant adverse impacts on energy;
12. The potential for significant adverse impacts related to transportation;
13. The potential for significant adverse impacts related to air quality;
14. The potential for significant adverse impacts related to greenhouse gas emissions and climate change;
15. The potential for significant adverse impacts related to noise;
16. The potential for significant adverse impacts related to public health;
17. The potential for significant adverse impacts related to neighborhood character; and
18. The potential for significant adverse construction impacts.

Aspects that will not require evaluation of potential environmental impacts include solid waste and sanitation services.

Statement in Support of Determination:

The above determination is based on an Environmental Assessment Statement prepared for the Proposed Project which finds that:

1. Land Use, Zoning and Public Policy. The Proposed Project includes a series of land use actions including zoning map and zoning text amendments that would affect the approximately 116,501-sf project site in the East Harlem neighborhood of Manhattan Community District (CD) 11. In addition, several public policies are applicable to the project site, including CD 11's 197-a Plan, the East Harlem Neighborhood Plan, the Food Retail Expansion to Support Health (FRESH) program, the Upper Manhattan Empowerment Zone (UMEZ), Waterfront Plans, and the City's sustainability/PlaNYC and OneNYC policies. As the project site is located within the City's Coastal Waterfront zone, the City's Waterfront Revitalization Program (WRP) policies are also applicable. Therefore, an assessment of land use, zoning, and public policy is warranted, and will be provided in the GEIS.
2. Socioeconomic Conditions. As the project site does not support any active business or residential uses, the Proposed Project would not result in the direct displacement of any businesses or residents. Moreover, the Proposed Project is site-specific and does not include any citywide regulatory changes that would adversely affect the economic and operational conditions of certain types of businesses or processes. Therefore, the Proposed Project would not result in significant adverse impacts on specific industries, and no further analysis of direct business or residential displacement is warranted.

The Proposed Project would result in a net increment of more than 200 new residential units, therefore, an assessment of indirect residential displacement will be provided in the GEIS, as described in the Draft Scope of Work. The Proposed Project would also introduce more than 200,000 square feet (sf) of new commercial uses to the project site, which is the CEQR threshold for "substantial" new development warranting assessment. Therefore, an assessment of indirect business and institutional displacement will be provided in the GEIS.

3. **Community Facilities.** The Proposed Project would not result in the direct displacement of any existing community facilities or services, nor would it affect the physical operations of or access to and from any police or fire stations. However, the Proposed Project would introduce 730 residential units (including 365 affordable units) to the area. This level of development in Manhattan triggers a detailed analysis of elementary and intermediate schools and child care centers, therefore an analysis of potential effects on community facilities will be performed.
4. **Open Space.** The Proposed Project would generate 1,267 workers and 1,759 residents. Therefore an open space assessment for the residential and worker (day-time) populations generated by Proposed Project is warranted, and will be provided in the GEIS.
5. **Shadows.** The Proposed Project could result in the construction of new buildings that would be greater than 50 feet in height. Therefore, the Proposed Project has the potential to cast new shadows on nearby open spaces. As such, an analysis of the new buildings' potential to result in shadow impacts on sunlight sensitive resources is warranted and will be included in the GEIS.
6. **Historic and Cultural Resources.** The project site does not encompass any designed historic architectural resources. However, the Proposed Project would result in in-ground disturbance on the project site, and therefore has the potential to affect archaeological resources present on the site. Because the project site is known to contain significant historic and cultural archaeological resources, measures to avoid, minimize, or mitigate any adverse impacts on historic and cultural resources will be developed in consultation with New York City Landmarks Preservation Commission (LPC) and others as appropriate, such as the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) and the Harlem African Burial Ground Task Force. Therefore, an assessment of archaeological resources will be provided in the GEIS, as described in the Draft Scope of Work.
7. **Urban Design and Visual Resources.** The Proposed Project would result in physical changes to the project site beyond the bulk and form currently permitted as-of-right. These changes could affect a pedestrian's experience of public space, requiring an urban design assessment. Therefore a preliminary assessment of urban design and visual resources will be provided in the GEIS.
8. **Natural Resources.** Although the project site itself is fully developed and substantially devoid of natural resources, it is located within approximately 200-300 feet of the Harlem River waterfront and would result in new shadows being cast on the river at certain times. Therefore, a preliminary analysis of natural resources will be included in the GEIS in order to inform the shadows analysis.
9. **Hazardous Materials.** The Proposed Project would result in construction of new buildings and related in-ground disturbance which, given the historical on-and off-site uses and conditions in the Project Area, has the potential to result in hazardous materials impacts. Therefore, the GEIS will include an assessment of hazardous materials on the project site.
10. **Water and Sewer Infrastructure.** As the Proposed Project would result in a net increase of more than 250,000 sf of non-residential space compared to No-Action conditions, a preliminary assessment of wastewater and stormwater infrastructure is warranted and will be provided in the GEIS. Further detail is provided in the Draft Scope of Work.
11. **Energy.** The proposed project will produce additional energy demand. Therefore the projected amount of energy consumption during long-term operation resulting from the Proposed Project will be assessed.

12. **Transportation.** The Proposed Project is not expected to generate 50 or more bus person-trips in any one line in one direction, a detailed bus line haul analysis is not warranted and no significant adverse bus impacts are anticipated. However, based on preliminary estimates, the Proposed Project would generate more than 50 additional vehicular trips in the weekday AM, midday, and PM peak hours, as well as the Saturday midday peak hour. The Proposed Project is also expected to generate 50 or more vehicles per hour during each of the peak hours through one or more intersection and will generate more than 200 pedestrian trips during peak hours. Further, it is expected that the Proposed Project would generate more than 200 subway trips at one or more stations in the weekday AM and PM peak hours. Therefore, a pedestrian analysis and analysis of potential effects on transportation will be performed in the GEIS. The GEIS will also document changes in on-and off-street parking utilization in the future No-Action and With-Action conditions, and a parking assessment will be provided in the GEIS
13. **Air Quality.** The Proposed Project would introduce a new parking facility in proximity to new sensitive uses. In addition, the Proposed Project would use fossil fuels for heat and hot water systems. Therefore, an assessment of air quality will be provided in the GEIS.
14. **Greenhouse Gas Emissions.** The development associated with the Proposed Project would exceed 350,000 sf, and therefore a GHG assessment will be provided in the GEIS and an assessment of consistency with the City's established GHG reduction goal will be performed. In addition, because the project site is partly located in the 100-year floodplain "Zone A," it is susceptible to storm surge and coastal flooding, and an assessment of climate change is warranted and will be included in the GEIS.
15. **Noise.** Because the Proposed Project would result in additional vehicle trips to and from the project site and would introduce new sensitive receptors in the vicinity of heavily trafficked roadways the proposed project has the potential to result in significant noise impacts, warranting further analyses. Building attenuation required to provide acceptable interior noise levels for the project site will be examined and discussed in the GEIS.
16. **Public Health** As none of the relevant analyses have yet been completed, the potential for an impact in these analysis areas, and thus potentially to public health, cannot be ruled out at this time. Should the technical analyses conducted for the GEIS indicate that significant unmitigated adverse impacts would occur in the areas of air quality, water quality, hazardous materials, or noise, then an assessment of public health will be provided in the GEIS.
17. **Neighborhood Character.** The Proposed Project is expected to affect one or more of the constituent elements of the project site's neighborhood character, including land use patterns, urban design, historic and cultural resources, and levels of traffic and noise. Therefore, an analysis of the Proposed Project's effects on neighborhood character will be provided in the GEIS.
18. **Construction.** As construction of the Proposed Project involves construction adjacent to a major thoroughfare and construction on an archaeologically sensitive site, and the timeline for construction is over 24 months, a detailed construction analysis will be undertaken in the GEIS. The detailed assessment will evaluate the duration and severity of the disruption or inconvenience to nearby sensitive receptors, in consideration of the potential for combined effects from construction on the project site and in the surrounding area.

Accordingly, the Office of the Deputy Mayor for Housing and Economic Development directs that a Draft Generic Environmental Impact Statement be prepared in accordance with New York Code, Rules and Regulations (NYCRR) § 617.9 and Sections 6-08 and 6-09 of Executive Order No. 91 of 1977, as amended.

PUBLIC SCOPING:

Public scoping is the process whereby the public is invited to comment on the proposed scope of analysis planned for the Draft GEIS. A Draft Scope of Work has been prepared outlining analysis methodologies proposed for use in the Draft GEIS.

A public scoping meeting has been scheduled for Tuesday, September 27, 2016 at 6:30 P.M and will be held at Silberman School of Social Work Building, located at 2180 Third Avenue, NY, NY 10035, first floor conference room (115AB). Written comments on the Draft Scope of Work will be accepted by the lead agency until 5:00 P.M on Friday, October 7, 2016.

Copies of the Positive Declaration and Draft Scope of Work for the proposed project may be obtained by any member of the public from:

Mayor's Office of Sustainability
Attn: Denise Pisani, Senior Project Manager
253 Broadway, 14th Floor
New York, New York 10007
Telephone: (212)-676-3290
Email: dpisani@cityhall.nyc.gov

These documents are also available on the websites of the Mayor's Office of Sustainability and the New York City Economic Development Corporation: www.nyc.gov/oc and www.nycedc.com, respectively.

Requests for additional information may be directed to:

New York City Economic Development Corporation
Attn: Aileen Gorsuch, Senior Planner
110 William Street, 6th Floor
New York, NY 10038
Telephone: (212) 619-5000
Email: agorsuch@edc.nyc

Written comments will be accepted until 5:00 P.M. on Friday, October 7, 2016, and may be submitted at the public scoping meeting or to Denise Pisani at the Mayor's Office of Sustainability (see address above).

The Positive Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law.



Hilary Semel
Assistant to the Mayor

August 19, 2016
Date