Inwood Rezoning Proposal
CEQR Number 17DME007M

STATEMENT OF FINDINGS

Made Pursuant to the New York State Environmental Quality Review Act and City Environmental Quality Review

Office of the Deputy Mayor for Housing and Economic Development

October 17, 2018
A. INTRODUCTION

This Statement of Findings is issued pursuant to Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617, and the New York City Environmental Quality Review (CEQR) process as set forth in New York City Mayoral Executive Order 91 of 1977, as amended and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York (CEQR). This Statement of Findings has been prepared to: 1) certify that the procedural requirements have been met; 2) consider the relevant environmental impacts, facts, and conclusions disclosed in the Final Environmental Impact Statement (FEIS) for the Inwood Rezoning Proposal; 3) weigh and balance the relevant environmental impacts of the proposed actions with social, economic, and other considerations; and 4) provide a rationale for the decision of the Office of the Deputy Mayor for Housing and Economic Development (ODMHED), in the Office of the Mayor.

This statement sets forth the findings of the Office of the Deputy Mayor for Housing and Economic Development, in the Office of the Mayor, as lead agency with respect to the environmental impacts of the Inwood Rezoning Proposal project as analyzed in the Final Environmental Impact Statement (FEIS) issued by the lead agency on June 14, 2018 and subsequent Technical Memoranda 002 (TM002) and 003 (TM003) on June 22, 2018 and August 3, 2018, respectively.

Lead Agency: Office of the Deputy Mayor for Housing and Economic Development
Hilary Semel, Assistant to the Mayor
253 Broadway, 14th Floor
New York, New York 10007

SEQRA Status: The Inwood Rezoning Proposal is classified as a Type I action pursuant 617.4(b)(5)(v) and 617.4(b)(6)(v), as related to the construction of 2,500 or more new residential units in a city having a population of greater than 1,000,000 and connection of these to existing public water and sewer systems, and to the construction of more than 240,000 of non-residential facilities in a city having a population of more than 150,000.

Location: 59-Block irregularly-shaped area generally bounded by the Harlem River to the east, the Sherman Creek Inlet, Riverside Drive, Thayer and Dyckman streets to the south, Indian Road, Payson Avenue, Broadway and Staff Street to the west, and Broadway Bridge to the north. The proposed City Map changes are located within or directly south, adjacent to the proposed rezoning area. Community District 12, Borough of Manhattan

B. SUMMARY OF THE PROPOSED PROJECT

The New York City Economic Development Corporation (NYCEDC), together with the New York City Department of Housing Preservation and Development (NYCHPD), the New York City Department of Citywide Administrative Services (NYCDBAS), the New York City Department of Parks and Recreation (NYC Parks), and the New York City Department of Small Business Services (NYCDBS), proposed a series of land use actions (180073MMM, 180204[A]ZMM, N180205[A]ZRM, 180206PPM, 180207PQM, and 180208HAM) to implement a comprehensive rezoning plan for the Inwood neighborhood in
Manhattan Community District (CD) 12. The proposed land use actions included zoning map amendments, zoning text amendments (to establish the Special Inwood District [SID], establish Mandatory Inclusionary Housing [MIH] Areas, and to establish a Waterfront Access Plan [WAP]), City Map changes, site acquisition and/or site disposition by the City, and an Urban Development Action Area (UDAA) designation and Urban Development Action Area Project (UDAAP) approval (collectively, “the Approved Actions”).

The Approved Actions are intended to work in unison with other components of the Inwood NYC Action Plan to preserve existing affordable housing and protect tenants, support small businesses and entrepreneurs, and provide targeted public realm investments and increased programming and services to enhance overall quality of life for residents. The project area, while irregularly-shaped, is generally bounded by the Harlem River to the east, the Sherman Creek Inlet, Riverside Drive, and Thayer and Dyckman streets to the south, Indian Road, Payson Avenue, Broadway, and Staff Street to the west, and Broadway Bridge to the north.

For environmental review analysis purposes and the development of land use rationale, the project area was presented in five distinct sub-districts:

- Tip of Manhattan, which comprises the area north of West 218th Street and east of Broadway;
- Upland Wedge, which comprises the blocks (or portions thereof) along Broadway north of West 215th Street and along the west side of Tenth Avenue between West 207th and West 218th streets;
- Sherman Creek, located east of Tenth Avenue between Academy Street and West 208th streets;
- The Commercial “U”, which comprises the blocks with frontages along Dyckman Street between approximately Nagle Avenue and Broadway, Broadway between Thayer and West 207th streets, and West 207th Street between Broadway and Tenth Avenue; and
- The Upland Core, including all areas west of Tenth Avenue, excluding the Upland Wedge and Commercial “U” (generally bounded by Tenth Avenue to the west, Thayer Street and Riverside Drive to the south, Payson Avenue and Indian Road to the west, and West 218th Street to the north).

DISCRETIONARY ACTIONS

The proposed Inwood Rezoning Proposal required approval of several discretionary actions, presented here as approved by the City Council on August 8, 2018 (see below for the project’s Procedural History):

- **Zoning Map Amendments.** The approved rezoning will replace all or portions of existing M1-1, M2-1, M3-1, C4-4, C8-3, C8-4, and R7-2 districts within the proposed 62-block rezoning area to M1-4, M1-5, M2-4, M1-4/R7A, M1-4/R9A, C4-4D, C4-5D, C6-2, C6-2A, R7A, R7D, R8A, R8, and R9A districts, with provisions of these underlying zoning districts adjusted through a proposed Special Inwood District (SID). The approved rezoning will also replace or eliminate portions of existing C1-3 and C1-4 overlays to C2-4 overlays and establish new C2-4 overlays.

- **Zoning Text Amendments.** The proposed text amendments to the NYC Zoning Resolution (ZR) will:
• Establish the Special Inwood District (SID) within the rezoning area to adjust the provisions of the proposed zoning designations to allow for greater flexibility in the type and shape of future developments;

• Establish a Mandatory Inclusionary Housing District to cover portions of the proposed rezoning area that would be rezoned to C4-4D, C4-5D, C6-2A, R7D, R8A, R8, R9A, M1-4/R7A, and M1-4/R9A districts, in order to require the development of permanently affordable housing (change to Appendix F of the NYC ZR);

• Establish the Inwood Waterfront Access Plan (WAP), to tailor waterfront zoning regulations to the particular needs of the study area and create a framework for the creation of public waterfront open space along the Harlem River.

• City Map Changes. The adopted changes to the City Map are intended to reconnect the community to the Harlem River waterfront, improving neighborhood livability by increasing access to publicly accessible open space and the waterfront:
  - Demap a portion of Academy Street east of Tenth Avenue to facilitate the creation of future public open space along the Harlem River waterfront;
  - Demap West 208th Street at the North Cove in the Sherman Creek sub-district of the proposed rezoning area to facilitate the creation of future public open space along the Harlem River waterfront;
  - Demap (and dispose of) un-built and non-essential marginal streets mapped along and in the Harlem River in the Sherman Creek sub-district of the proposed rezoning area, with the goal of facilitating the future development of new public open spaces;
  - Demap (and provide an easement for) a volume of the street above West 203rd Street east of Ninth Avenue to facilitate the consolidation of Con Edison operations;
  - Demap a portion of West 201st Street east of Ninth Avenue to facilitate the consolidation of Con Edison utility operations.

• Disposition of Real Property. The Approved Actions include the disposition authority for the following properties:
  - Block 2187, Lot 20, and Block 2185, Lot 36, along the Harlem River waterfront in the Sherman Creek sub-district to facilitate the creation of waterfront open space;
  - Block 2197, Lot 75, along the Harlem River in the Tip of Manhattan sub-district to facilitate the creation of property with both street and waterfront frontage and for subsequent development;
  - Block 2197, Lot 47, along the Harlem River in the Tip of Manhattan sub-district to facilitate the creation of property with both street and waterfront frontage and for subsequent development (following its acquisition by the City);
  - Block 2233, Lot 13 (Inwood branch of the New York Public Library at 4780 Broadway), and a portion of Lot 20 (J.H.S. 52 parking lot), along Broadway in the Commercial U sub-district, to facilitate the development of affordable housing, a new library, and Universal Pre-K classrooms (“the library site”);

• Acquisition of Real Property. The Approved Actions include the acquisition of the following properties:
- Block 2197, Lot 47, to facilitate the creation of property with both street and waterfront frontage;
- Condominium units within a future development on Block 2233, Lots 13 and p/o Lot 20 for use as a library and Universal Pre-K classrooms;
- Public access easements across Block 2183, Lot 1, and Block 2184, Lot 1, and the demapped portion of West 201st Street east of Ninth Avenue, to facilitate the creation of future public open space and to maintain utility access.

**Urban Development Action Area and Urban Development Action Area Project Designation.** The Approved Actions include the designation of City-owned Block 2233, Lot 13 (Inwood branch of the New York Public Library at 4780 Broadway), and a portion of City-owned Block 2233, Lot 20 (J.H.S. 52 parking lot), as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) to facilitate the development of affordable housing, a new library, and Universal Pre-K classrooms.

**Tidal Wetlands Permit.** A Tidal Wetlands Permit from the New York State Department of Environmental Conservation (DEC) will be required to subdivide City-owned waterfront lots along the Harlem River in order to facilitate the creation of waterfront open space.

Finally, in addition to financing by HPD, the developer selected to redevelop the library site intends to seek funding from the New York City Housing Development Corporation (NYCHDC) to facilitate that development.

**C. PROCEDURAL HISTORY**

ODMHED issued its Notice of Intent to serve as lead agency on August 3, 2017 to NYCDAS, NYCHPD, the New York City Department of City Planning (NYCDCP), the New York City Housing Development Corporation (NYCHDC), and the New York State Department of Environmental Conservation (NYSDEC), with revised letters issued on August 7, 2017. On August 11, 2017, ODMHED, as lead agency for the CEQR environmental review, issued an Environmental Assessment Statement (EAS) and a Positive Declaration for the project indicating that there was the potential for adverse environmental impacts due to the project and directed that a Draft Environmental Impact Statement (DEIS) be prepared. At the same time, a Draft Scope of Work for an Environmental Impact Statement (EIS) was issued for public comment.

The EAS, Positive Declaration, and draft Scope of Work for an EIS were posted on the websites of the Mayor’s Office of Environmental Coordination (MOEC) and NYCEDC. The Positive Declaration and Notice of Public Scoping were published in the *City Record* on August 11, 14, and 15, 2017; the *Environmental Notice Bulletin* on August 16, 2017; and the *Daily News, El Diario* (in Spanish), and the *Manhattan Times* (in Spanish and English) on August 30, 2017.

To provide a forum for public comments on the Draft Scope of Work, a public scoping meeting was held on September 14, 2017 at 6:00 PM at JHS 52, Inwood Junior High School at 650 Academy Street, New York, NY 10034.

Written comments on the Draft Scope of Work were accepted until 5:00 PM on Friday, October 13, 2017, in an extended public comment period. A Final Scope of Work was prepared, taking into
consideration comments received during the public comment period, to direct the content and preparation of a DEIS. ODMHED issued the Final Scope of Work on January 12, 2018.

The Draft Environmental Impact Statement (DEIS) was accepted as complete on January 12, 2018 by ODMHED, the lead agency. The proposed project was certified in the Uniform Land Use Review Procedure (ULURP) on January 16, 2018 to begin review of the aforementioned discretionary land use actions.

Subsequently, the City of New York prepared and filed an amended ULURP application (the “A-Application”) that addressed issues raised just before or shortly after issuance of the DEIS. Potential environmental impacts of the A-Application were evaluated in Technical Memorandum 001 (TM001), which was made available for public review on April 17, 2018. A public hearing on the DEIS was held on May 9, 2018, in conjunction with the New York City Planning Commission’s (CPC’s) citywide public hearing pursuant to ULURP, and written comments on the DEIS were accepted until May 21, 2018. The Notice of Completion for the Final EIS (FEIS) was issued on June 14, 2018 (CEQR No. 17DME007M). The FEIS incorporated responses to public comments received on the FEIS and the A-Application. The FEIS and Notice of Completion for the FEIS were posted on the websites of MOEC and NYCEDC.

Following the publication of the FEIS, potential modifications to the project were proposed by the CPC, which were evaluated in TM002, issued by ODMHED on June 22, 2018. The assessment contained in TM002 demonstrated that the Potential CPC Modifications would not result in any new or different significant adverse impacts not already identified in the FEIS. The CPC adopted the project with modifications on June 25, 2018 and referred the application to the City Council.

After the CPC’s adoption of the project, potential modifications were identified as under consideration by the City Council, including altering the Project as Originally Proposed to retain much of the existing zoning in the Commercial U sub-district. TM003 described these potential modifications in detail and examined whether they would result in any new or different significant adverse environmental impacts not already identified in the FEIS and subsequent TM002. TM003 concluded that the Potential City Council Modifications would not result in any new or different significant adverse impacts not already identified in the FEIS or TM002. Compared to the project as approved by the CPC, the Potential City Council Modifications were determined to result in fewer unmitigated significant adverse shadow, traffic, pedestrian, and construction noise impacts.

The proposed project was approved by the City Council (with modifications) on August 8, 2018 concluding the land use review process.

D. FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE DECISION

Having reviewed the DEIS, FEIS, technical memoranda, and supporting and related documents, ODMHED makes the findings and conclusions contained herein based on those documents and the administrative record. The project as approved by the City Council is referred to in this section as the Approved Actions. For the purposes of describing the analyses conducted in the DEIS and FEIS, the original proposal is referred to as the Project as Originally Proposed.

The project’s environmental review concluded that it would result in significant adverse impacts with respect to open space, shadows, historic and cultural resources, transportation, and construction.
No significant adverse impacts were identified with respect to land use, zoning, and public policy; socioeconomic conditions; community facilities; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste; energy; air quality; greenhouse gas emissions; noise; public health; or neighborhood character. An (E) designation (E-459) for hazardous materials, air quality, and noise was placed on projected and potential development sites, as applicable, to avoid the potential for significant adverse hazardous materials, air quality and noise impacts (see Zoning Resolution of the City of New York, Appendix C: City Environmental Quality Review (CEQR), Table 1 – Environmental Requirements, E-459; 8/08/2018 for block and lot information and detailed environmental requirements).1

As noted previously, subsequent TM002 and TM003 determined that the modifications proposed for the project after the publication of the FEIS would not result in any new or different significant adverse impacts not already identified in the FEIS. TM003 determined that the modifications made to the project by the City Council would result in fewer unmitigated significant adverse shadow, traffic, pedestrian, and construction noise impacts.

**PRINCIPAL CONCLUSIONS**

**OPEN SPACE**

*Direct Effects*

As discussed in Chapter 5 of the FEIS, the Approved Actions would not result in the physical loss of existing public open space resources or in any significant adverse operational air quality or noise impacts affecting existing open space resources. The Approved Actions would result in significant adverse shadow impacts on three open space resources: the P.S. 18 Schoolyard, the Broadway/West 215th Street Greenstreet, and the Sherman Creek Street End Park at West 205th Street. Shadows on the P.S. 18 Schoolyard and the Sherman Creek Street End Park at West 205th Street would affect the utility of the open spaces, while the Broadway/West 215th Street Greenstreet would not receive adequate sunlight during the growing season, potentially resulting in a significant adverse impact on the Greenstreet’s vegetation. While these would represent significant adverse shadow impacts, these open spaces would continue to be available for passive and active open spaces uses and, therefore, would not be a direct significant adverse open space impact.

Construction activities associated with the development projected under the Approved Actions would result in temporary significant adverse noise impacts at the Sherman Creek Street-End Parks at West 202nd, West 203rd, West 204th, and West 205th streets. While this is not desirable, there is no effective practical mitigation that could be implemented to avoid these noise impacts during construction. Noise levels in many parks and open space areas throughout the City that are located near heavily trafficked roadways and/or near construction sites experience comparable or higher noise levels. It should also be noted that construction noise impacts at these locations would not be expected to occur during the afternoon/evening or the weekends (i.e., outside of the typical construction period) and that the City will require a noise mitigation plan for new construction prior to the start of work that would outline the ways the contractor intends to lessen the noise from each type of construction  

---

1 Please note that the information provided in Zoning Resolution of the City of New York, Appendix C includes the final (E) designation information pursuant to City Council Modifications as described in TM003, which differs from the original (E) designation information provided in the FEIS.
equipment. Therefore, while the Approved Actions would result in significant adverse construction noise impacts on this open space resource, the environmental impacts would be temporary and would not represent a direct significant adverse open space impact.

Indirect Effects

In the future with the Approved Actions, while the non-residential study area’s passive open space ratio would decrease by more than five percent from the No-Action condition, it would remain well above the City’s planning guideline of 0.15 acres per 1,000 workers. Therefore, workers in the ¼-mile study area would continue to be well-served by passive open space resources, and there would be no significant adverse open space impact in the non-residential study area as a result of the Approved Actions.

The residential total, passive and active open space ratios would also decrease by more than five percent from the No-Action condition. While the residential total and passive open space ratios would remain above the City’s planning guidelines of 2.5 acres and 0.5 acres per 1,000 residents, respectively, the residential active open space ratio would be below the City’s planning guideline of 2.0 acres of active open space per 1,000 residents. However, as (1) the total open space ratio would remain above the City’s planning guideline of 2.5 acres of open space per 1,000 residents; (2) the residential passive open space ratio would remain above the City’s planning guideline of 0.5 acres of passive open space per 1,000 residents; (3) the proposed rezoning area is located in close proximity to several significant open space resources, just beyond the study area boundary, that provide additional active open space recreational opportunities; and (4) the Approved Actions would substantially improve overall open space connectivity within the study area, the Approved Actions would not result in a significant adverse impact on open space in the residential study area, in accordance with CEQR Technical Manual impact criteria.

While no significant adverse impacts were identified for the larger non-residential and residential study areas or the Tip of Manhattan sub-district study areas, the Approved Actions would result in a significant adverse impact on total and active open space resources in the Sherman Creek sub-district residential study area. The waterfront location of the Sherman Creek sub-district, the separation of Sherman Creek from the greater open space study area’s largest open space resources to the west (e.g., Inwood Hill Park, Fort Tryon Park, Fort Washington Park, and Isham Park), and the limited access points to open space resources to the south (e.g., Highbridge Park, with only one access point), the Approved Actions would result in a significant adverse impact on total and active open space in the Sherman Creek sub-district residential study area, in accordance with CEQR Technical Manual impact criteria.

SHADOWS

As outlined in the FEIS, and confirmed in subsequent technical memoranda, the project will result in significant adverse shadow impacts on the P.S. 18 Schoolyard, Broadway/West 215th Street Greenstreet, and the Sherman Creek Street End Park at West 205th Street as a result of projected development sites 1, 4, 10, and 33 and potential development sites B, C, and F.

The FEIS and TM002 had identified significant adverse shadow impacts as a result of the proposed project at the State/National Register of Historic Places (S/NR)–listed Good Shepherd RC Church. As projected development site 30, which would case incremental shadows on the resource’s stained glass
windows was removed as part of the City Council modifications of the project (which is discussed in TM003), the Approved Actions would not result in significant adverse shadow impact on this historic resource.

**HISTORIC AND CULTURAL RESOURCES**

**Archaeological Resources**

As discussed in Chapter 7 of the FEIS, the 12 projected development sites and eight potential development sites identified as potentially archaeologically sensitive in the Phase 1A Archaeological Documentary Study would be redeveloped as a result of the Approved Actions. Several of these development sites are expected to be redeveloped under No-Action conditions, and as such, could disturb potential archaeological resources both without and with the Approved Actions. However, the remainder of identified development sites would not be redeveloped under No-Action conditions, and as such, the Approved Actions would result in new in-ground disturbance on projected development sites 1, 2, 4 (partial), 5, 6 (partial), 7 (partial), 8 (partial), 12, 13 (partial), 25 (partial) and 33 (partial) and potential development sites B (partial), E, G (partial), I (partial), J, and Q (partial). Except for projected development 25, all of these sites are currently privately-owned, and therefore, there are no mechanisms in place to require developers to conduct archaeological testing or require the preservation or documentation of archaeological resources, should they exist, in the future with the Approved Actions. As discussed in Chapter 21, “Mitigation,” because there is no mechanism to avoid or mitigate potential impacts on these privately-owned sites, significant adverse archaeological impacts on these nine projected and six potential development sites would be unavoidable in the future with the Approved Actions. It should be noted, however, that if human remains are encountered during the construction of an as-of-right project, it is expected that the developer would contact the New York Police Department (NYPD) and the New York City Office of the Chief Medical Examiner.

It is anticipated that future development on projected development site 4 (which would be City-owned following the reconfiguration of Block 2197, Lots 75 and 47 described in Chapter 1, “Project Description”) would include a mechanism for ensuring that further archaeological testing is conducted to confirm the presence or absence of archaeological resources. Plans for developing this future City-owned site are not known at this time. If the site should be developed by a private applicant, the City or NYCEDC would ensure that Phase IB testing (and any required follow-up procedures as according to the 2014 CEQR Technical Manual) would be required through legally-binding documents between the site’s future developer and the City or NYCEDC. With these measures in place, the Approved Actions would avoid, minimize, or mitigate significant adverse impacts on archaeological resources during construction on projected development site 4 to the maximum extent practicable.

Projected development site 25 (Block 2233, Lot 13 and part of Lot 20) is City-owned, and therefore, NYCHPD would ensure that further archaeological testing, conducted to confirm the presence or absence of archaeological resources on a portion of Lot 20, would be required through the Land Disposition Agreement (LDA) between NYCHPD and the selected site developer. The LDA would ensure that Phase IB testing (and any required follow-up procedures as according to the 2014 CEQR Technical Manual) with review and oversight by the appropriate City agency(s) would be undertaken by the selected site developer. With these measures in place, the Proposed Actions would avoid,
minimize, or mitigate significant adverse impacts on archaeological resources during construction on projected development site 25 to the maximum extent practicable.

**Architectural Resources**

**DIRECT (PHYSICAL) IMPACTS**

As none of the projected or potential development sites identified in the RWCDS for the Approved Actions contain historic resources identified by the New York City Landmarks Preservation Commission (NYCLPC) as S/NR-listed, S/NR-eligible, New York City Landmark (NYCL)–designated, or NYCL-eligible, the Potential City Council Modifications, like the Approved Actions would not result in direct impacts to any known or potential historic architectural resources.

**INDIRECT (CONTEXTUAL) IMPACTS**

Although the developments resulting from the Approved Actions could alter the settings or visual context surrounding known and/or potential historic resources, none of these changes would be significant adverse impacts. The Approved Actions would not alter the relationship of any identified historic architectural resources to the streetscape, as 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. No projected or potential developments would eliminate or substantially obstruct significant public views of architectural resources, as all significant elements of these historic 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 historic architectural resource’s setting under RWCDS With-Action conditions. As such, the Approved Actions would not result in any significant adverse indirect or contextual impacts on historic architectural resources.

**TRANSPORTATION**

As discussed in Chapter 14 of the FEIS and in subsequent technical memoranda, is anticipated that the Approved Actions would result in significant adverse traffic, subway station, bus, and pedestrian impacts, but no significant subway line haul impacts would occur. Although parking shortfalls would occur under both scenarios, neither the Approved Actions nor the Potential City Council Modifications would result in significant adverse parking impacts.

**Traffic**

Traffic conditions were evaluated for the weekday 7:30-8:30 AM, 1:30-2:30 PM, and 4:45-5:45 PM and Saturday 3:45-4:45 PM peak hours at 66 intersections in the traffic study area where additional traffic resulting from the Approved Actions would be most heavily concentrated. As summarized in Table 14-2 and Table 14-3, the traffic impact analysis indicates the potential for significant adverse impacts at 47 intersections (34 signalized and 13 stop-controlled) during one or more analyzed peak hours. Significant adverse impacts were identified to 71 lane groups at 40 intersections in the weekday AM peak hour, 44 lane groups at 28 intersections in the midday, 67 lane groups at 39 intersections in the PM, and 50 lane groups at 31 intersections in the Saturday peak hour.
Transit

The analysis of subway station conditions focused on a total of six New York City Transit (NYCT) subway stations in proximity to the proposed rezoning area. These include the Dyckman Street, 207th Street, 215th Street, and Marble Hill-225th Street stations served by No. 1 trains operating on the Broadway-Seventh Avenue Line and the Dyckman Street and Inwood-207th Street stations served by A trains operating on the Eighth Avenue Line. In the future with the Approved Actions, the south-facing stair to the northbound (uptown) platform at the 207th Street (1) station on the Broadway-Seventh Avenue Line is projected to operate at level of service (LOS) D with a volume-to-capacity (v/c) ratio of 1.23 in the PM peak hour. Based on CEQR Technical Manual impact criteria, this stair (stair S2) would be considered significantly adversely impacted by action-generated demand in the PM (refer to Table 14-4). All other analyzed stairs, and all analyzed fare arrays at the six study area subway stations are projected to operate at an acceptable LOS C or better in both peak hours in the With-Action condition and would therefore not be significantly adversely impacted by the Approved Actions based on CEQR Technical Manual criteria.

Under the Approved Actions, no subway route would be considered significantly adversely impacted by projected demand in either the AM or PM peak hour.

Incremental bus demand from the development of projected sites as a result of the Approved Actions would occur on all three of the analyzed bus routes—the Bx7, the M100 and the Bx12 Select Bus Service (SBS). The Approved Actions are expected to result in capacity shortfalls on the northbound and southbound Bx7 services in the AM peak hour, and on the northbound Bx7 in the PM peak hour.

Pedestrians

Peak hour pedestrian conditions were evaluated at a total of 186 representative pedestrian elements where new trips generated by projected developments are expected to be most concentrated. These elements—73 sidewalks, 61 corner areas, and 52 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 Chapter 14 of the FEIS and subsequent memoranda, based on CEQR Technical Manual criteria, a total of six pedestrian elements would be significantly adversely impacted by the Approved Actions, including two sidewalks, three crosswalks, and one corner area.

Vehicular and Pedestrian Safety

A review of New York City Department of Transportation (NYCDOT) crash data for the three-year reporting period between January 1, 2012, and December 31, 2014 identified five intersections in proximity to projected development sites as high crash locations. NYCDOT has proposed or recently implemented improvements at four of these five high crash locations. Under the Approved Actions, additional improvements to increase pedestrian/bicyclist safety at high crash locations could include installation of additional high visibility crosswalks where not already present, and improved street lighting.

Parking

There are a total of 22 off-street public parking lots and garages within the parking study area of which seven are located on projected development sites. These facilities, with a combined capacity of 602
spaces, would be displaced by new development under the Approved Actions. One of these eight parking facilities, with a capacity of 30 spaces, would also be displaced under the No-Action condition.

It is also anticipated that under the Approved Actions, 1,084 accessory parking spaces would be provided on projected development sites. The Approved Actions are expected to generate a demand for approximately 1,735 parking spaces in the weekday 12-1 PM midday period and 1,265 spaces during the overnight period. After accounting for the number of required accessory spaces provided on a site-by-site basis, it is estimated that incremental parking demand from new development associated with the Approved Actions would total approximately 950 spaces at off-street public parking facilities and on-street in the weekday midday period, and 829 spaces during the overnight period.

Under the Approved Actions, there would be deficits of approximately 772 spaces during the weekday midday, and a surplus of 38 spaces during the overnight period. As parking shortfalls in this area of Manhattan are not considered significant under CEQR Technical Manual criteria, significant parking shortfalls are not anticipated under either the Approved Actions or the Potential City Council Modifications.

**CONSTRUCTION**

While construction of the projected development sites would result in temporary increases in traffic during the construction period, access to residences, businesses, and institutions in the area surrounding the development sites would be maintained throughout the construction period (as required by City regulations). While construction of the new buildings due to the Approved Actions would cause temporary impacts, particularly related to noise, it is expected that such impacts in any given area would be relatively short term, even under the worst-case construction sequencing, and therefore would not create neighborhood character impact.

**Transportation**

Construction travel demand is expected to peak in the fourth quarter (Q4) of 2024. This period was therefore analyzed for potential transportation impacts during construction. During construction, traffic would be generated by construction workers commuting via autos and by trucks making deliveries to projected development sites. In 2024, traffic conditions during the 6-7 AM and 3-4 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 2032. Consequently, there would be less likelihood of significant adverse traffic impacts during the 2024(Q4) peak construction period than with full build-out of the Approved Actions in 2032. Any significant adverse traffic impacts expected during peak construction activity in 2024 would be most likely to occur at intersections in the immediate proximity of projected development sites 4 and 33 along the northern segment of Ninth Avenue, and sites 7 and 10 along the southern segment of Ninth Avenue, all of which would be under construction at that time. It is expected that the mitigation measures proposed for 2032 operational traffic impacts would also be effective at mitigating any potential impacts from construction traffic during the 2024(Q4) peak construction period.

The construction sites are located in an area that is well served by public transportation, with six subway stations, two commuter rail stations, four local bus routes, one Select Bus Service (SBS) bus route, and one express bus route located in the vicinity of the proposed rezoning area. In 2024, transit
conditions during the 6-7 AM and 3-4 PM construction peak hours are expected to be generally better than transit conditions during the analyzed operational peak hours with full build-out of the Approved Actions in 2032; 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 in 2024 than with full build-out of the Approved Actions in 2032. It is expected that mitigation measures identified for 2032 operational transit impacts would also be effective at mitigating any potential impacts from construction subway and bus trips in 2024 when construction activity is expected to peak.

In 2024(Q4), pedestrian trips by construction workers would be concentrated in proximity to the four projected development sites that would be under construction in this period (projected development sites 4, 7, 10, and 33) and along corridors connecting these sites to area transit services. As these construction trips would primarily occur outside of the weekday AM and PM commuter peak periods and the weekday midday peak period—the times when area pedestrian facilities typically experience their greatest demand—the Approved Actions’ significant adverse pedestrian impacts would be less likely to occur during this peak construction period than with full build-out of the Approved Actions in 2032. It is expected that the proposed mitigation measures identified for the 2032 operational pedestrian impacts in proximity to sites 4, 7, 10, and 33 would also be effective at mitigating any potential impacts from construction pedestrian trips during the 2024(Q4) peak construction period.

Construction worker parking demand would be equivalent to approximately 190 spaces in the 2024(Q4) peak construction period. While this demand would potentially contribute to a parking shortfall in the weekday midday and overnight within ¼ mile of projected development sites, it would not be considered a significant parking shortfall under CEQR Technical Manual criteria given the availability of alternative modes of transportation in the vicinity of the proposed rezoning area.

NYCEDC in conjunction with the New York City Department of Transportation (NYCDOT) and ODMHED, the lead agency, has developed a scope of work for a traffic monitoring program (TMP). The TMP would be implemented in order to determine whether the future volume projections presented in the EIS are occurring at the rate assumed in the EIS and to verify the need and effectiveness of various measures proposed to mitigate construction and operational transportation impacts.

**Air Quality**

The potential air quality impacts of the Approved Actions were examined through a detailed analysis of a worst-case cluster of overlapping construction in the Sherman Creek sub-district. This cluster of sites has the highest potential for air quality impacts in the study area, and smaller individual sites would have substantially lower impacts. The short-term and annual time periods for analysis were selected through preparation of a monthly emissions profile based on the potential construction equipment requirements for each site. Off-road equipment, on-road haul truck, and fugitive dust emissions were quantified and impacts at receptors using the U.S. Environmental Protection Agency (EPA) models and methods consistent with the CEQR Technical Manual. The analysis accounts for the emission control measures mandated by existing laws and regulations applicable to private developers, including the use of Ultra-low sulfur diesel (ULSD), dust control measures and idling restrictions. No exceedance of National Ambient Air Quality Standards (NAAQS) or CEQR de minimis criteria are predicted for carbon monoxide (CO), 24-hour particulate matter with an aerodynamic diameter of less than or equal to 2.5 micrometers (PM_{2.5}), or annual average nitrogen dioxide (NO_{2}).
The construction air quality analysis results show an exceedance of the CEQR de minimis criteria for annual average PM$_{2.5}$, with a predicted concentration of up to 0.53 μg/m$^3$. The highest annual PM$_{2.5}$ concentration increment would be geographically limited to sidewalk receptors directly adjacent to projected development sites 7 and 10. Sidewalk receptors do not represent an area of long-term air quality exposure. Adjacent to projected development site 7, the 0.3 μg/m$^3$ CEQR de minimis criteria would be exceeded along approximately 45 linear feet on north facade and 25 linear feet on the east facade of one residential building (420 West 206th Street [Block 2202, Lot 9]). The highest ground-level concentration at this building would be 0.33 μg/m$^3$. Modeling of receptors at multiple elevations at this building demonstrates the exceedance of the de minimis criteria would limited to the ground level (lower 12 feet) of this six-story building. There are four sets of windows on the north facade and one window on the east facade within the area of the CEQR de minimis criteria exceedance. The maximum duration of the impact would be eight months—in subsequent years of activity after the excavation phase, equipment requirements and dust generation would decrease and the de minimis criteria would not be exceeded. In addition, depending on the extent to which construction occurs during winter months when windows are likely to be closed, the level of exposure would be less. The remainder of the area of exceedance of the de minimis criteria around projected development site 7 comprises surface parking and commercial/warehousing land uses, resulting in limited potential for prolonged exposure of sensitive populations.

Adjacent to projected development site 10, the area of exceedance of the 0.3 μg/m$^3$ CEQR de minimis criteria would include surface parking and commercial/warehousing land uses, as well as the Sherman Creek Street End Park at West 204th Street. Exposure at the park would be short-term (length of time per park visit) and sporadic (number of times an individual visits the park); therefore, this would not constitute exposure of populations to PM$_{2.5}$ concentrations exceeding the de minimis criterion for prolonged durations during the construction of projected development site 10. No existing residential or community facility buildings would be expected to exceed the de minimis criteria over prolonged durations during construction of projected development site 10. For both projected development sites 7 and 10, the background concentration for annual average PM$_{2.5}$ is 9.0 μg/m$^3$, which indicates there is no potential for the 12 μg/m$^3$ NAAQS to be exceeded based on the modeled annual PM$_{2.5}$ concentration increments.

The duration of exposure would be temporary, as projected development sites 7 and 10 are completed, and concentrations at these locations would decrease below the de minimis criteria in subsequent construction years. The highest emissions would occur during the first eight months of 2024 when demolition/excavation/foundation work is expected to be occurring (which was included in the modeled worst-case time period). Both sites would end excavation/foundation work in 2024(Q3), after which time superstructure work would commence and generation of fugitive dust would decrease. Both sites would complete superstructure work in 2025(Q4), after which time construction equipment activity would decrease even further during the remaining interior fit-out phase. Therefore, considering the impacts are would result in the temporary exceedance of the CEQR impact threshold and are would be below NAAQS, the exceedance is not considered a significant adverse impact. Since no significant adverse impact occurs from the worst-case site cluster, no significant adverse air quality impacts would occur from the construction related to the Approved Actions.
**Noise**

Detailed quantitative construction noise modeling was completed for a cluster of projected development sites as well as an individual site to determine typical construction noise levels for excavation, superstructure, and interior fit-out construction phases. Significant adverse construction noise impacts at sensitive receptors were identified in consideration of the magnitude of the noise level increase (three A-weighted decibels (dBA), a “noticeable” noise level increase per the CEQR Technical Manual methodology), the anticipated absolute noise level (45 dBA interior noise levels for residential, mixed-use, and public facilities/institutions and 80 dBA for open space), and the duration of the predicted elevated noise level. Four Sherman Creek Street End Parks directly adjacent to projected development sites at West 202nd, 203rd, 204th, and 205th streets would experience increases in noise levels of greater than three dBA and absolute noise levels exceeding 80 dBA during the construction of projected development sites 12 (components on either side of West 203rd Street) and 10.

Although there would be no impact to the Sherman Creek Street End Parks on weekends, the high magnitude and duration of construction noise impacts on weekdays is considered a significant adverse impact. A total of four places of worship, four schools, and one geriatric center would experience interior noise levels substantially above the CEQR interior noise criterion and would experience significant adverse construction noise impacts. These institutions would experience construction noise level increments of more than three dBA intermittently for between 12 and 52 months. Weekend usage of religious facilities would not be affected as construction would occur during the daytime on weekdays.

A total of 41 existing residential and mixed-use buildings were considered to have potentially significant adverse construction noise impacts; these impacts would occur intermittently during ten- to 49-month durations. Although construction noise impacts would not occur at night and on weekends, the construction during the day near these locations may result in annoyance to building occupants.

Finally, an assessment of impacts from construction occurring near projected development site buildings that have been completed and occupied was performed. Significant impacts were identified at two projected development sites taking into account the exterior to interior (E) designation requirements identified in Chapter 17, “Noise.”

As noted in the chapter below, 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. It should also be noted that even the locations considered to be significantly impacted would not experience continuous noise — construction noise is by its nature is intermittent and even in the peak construction periods there would be times when noise levels would be below the conservative noise levels predicted for impact assessment purposes.

**Community Facilities**

According to the CEQR Technical Manual, construction impacts to community facilities are possible if a community facility would be directly affected by construction (e.g., if construction would disrupt services provided at the facility or close the facility temporarily, etc.). The Approved Actions will result
in physical change to the existing building in which the existing Inwood Branch Library is currently located (on projected development site 25) and therefore the temporary displacement and relocation to a temporary location during the construction period for the redevelopment of the site. During the construction of the proposed development on projected development site 25, a temporary library facility would be provided, in a central and accessible location in the Inwood neighborhood. It is expected that the temporary library facility would continue to operate under existing hours and would offer all existing core services, including circulation of materials, computer appointments, readers’ advisory, and reference. NYPL would continue with as much current programming as possible by partnering with local community-based organizations and schools. Once construction of the new building on projected development site 25 is complete, the Inwood Branch Library would move back to its original site on projected development site 25 from the temporary location. With the provision of a temporary library facility for the duration of construction, no significant adverse impacts on the Inwood Branch Library would occur.

In addition, while construction of the proposed development sites would result in temporary increases in traffic during the construction period, access to and from any other community facilities in the proposed rezoning area would not be affected during the construction period. Construction workers would not place any burden on public schools and would have minimal, if any, demands on libraries, child care facilities, and health care services. New York City Police Department (NYPD) and New York City Fire Department (FDNY) emergency services and response times would not be materially affected by construction due to the geographic distribution of the police and fire facilities and their respective coverage areas.

Open Space

While no open space resources are located on any of the projected development construction sites, several of the projected development sites are located in close proximity to existing open space resources. As such, depending on the timing of the construction for the projected development sites, access to existing open space resources may be limited due to potential construction staging activities on adjacent street beds. If the construction staging of their project is adjacent to a NYC Parks resource, the site developer would be required to apply for a construction permit with NYC Parks, which would limit the length of time a construction project may block an open space resource and dictate how the area must be restored following construction. It is anticipated that only one of the street end parks between West 202nd and West 205th streets would be closed at a time, allowing public access to the parks on adjacent streets. No other publicly accessible open space would be impeded during construction within the proposed rezoning area. In addition, while construction of the new buildings due to the Proposed Actions would cause temporary impacts, particularly related to noise, it is expected that such impacts in any given area would be relatively short term, even under the worst-case construction sequencing, and therefore would not create an open space impact. Therefore, no significant construction impacts to open space are expected.

Historic and Cultural Resources

Designated NYCL or S/NR-listed historic buildings located within 90 linear feet of a projected or potential development site are subject to the protections of the New York City Department of Buildings’ (NYCDOB’s) Technical Policy and Procedure Notice (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. NYCDOB’s TPPN #10/88 would apply to construction
activities on potential development site F, located within 90 feet of the NYCLPC-designated Historic Street Lamppost Nos. 86, 87, & 88; projected development sites 6 and 7 and potential development sites I and M, which are all located within 90 feet of the NYCLPC-designated (and S/NR-eligible) University Heights Bridge (Resource #3); and potential development sites AH and AI, located within 90 feet of the S/NR-listed and NYCLPC-designated Dyckman House (Resource #7). No significant adverse construction-related impacts would occur to these resources.

Two S/NR-eligible historic resources are located in close proximity (i.e., within 90 feet) of projected or potential development sites that would not be redeveloped under the No-Action condition: P.S. 522 and P.S. 98 (Resource #12). As the potential historic resources are not S/NR-listed or NYCL-designated, they are not afforded the added special protections under NYCODB’s TPPN #10/88 beyond standard protection under NYCODB regulations applicable to all buildings located adjacent to construction sites. However, to avoid any construction-related impacts to the S/NR-eligible P.S. 52, it is anticipated that additional protection measures would be required by NYCHPD during the construction of adjacent projected development site 25. These additional protection measures would be required through the LDA between NYCHPD and the future site developer, and therefore construction-related impacts to P.S. 52 would be avoided.

For the other potential historic resource (P.S. 98), additional protective measures afforded under NYCODB TPPN #10/88, which include a monitoring program to reduce the likelihood of construction damage to adjacent S/NR-listed or NYCL-designated resources, would only become applicable if the potential resource is designated or listed in the future prior to the initiation of construction. If the potential resource is not designated or listed, however, it would not be subject to NYCODB’s TPPN #10/88, and would therefore likely be adversely impacted by construction of developments within 90 feet (on projected development site 5 and potential development sites E and J), resulting from the Approved Actions.

**Hazardous Materials**

Any potential construction-related hazardous materials would be avoided by the placement of an (E) designation for all RWCDS development sites except projected development site 25, where the review of a Phase II testing protocol and development of any necessary remediation plan would be required through the LDA between NYCHPD and the selected site developer. In addition, demolition of interiors, portions of buildings, or entire buildings are regulated by the NYCODB and require abatement of asbestos prior to any intrusive construction activities, including demolition. The U.S. Occupational Safety and Health Administration (OSHA) regulates construction activities to prevent excessive exposure of workers to contaminants in the building materials, including lead paint. New York State Solid Waste regulations control where demolition debris and contaminated materials associated with construction are handled and disposed of. Adherence to these existing regulations would prevent impacts from construction activities at any of the projected development sites in the proposed rezoning area.

**APPROVED MITIGATION MEASURES AND UNAVOIDABLE ADVERSE IMPACTS**

**OPEN SPACE**

The Approved Actions would have a significant adverse indirect open space impact for the Sherman Creek sub-district residential study area. Although many of the mitigation measures considered could
substantially increase the amount and usability of open space resources for the additional population introduced by the Approved Actions, it is infeasible to create new publicly-accessible open space resources in sufficient amounts (i.e., approximately 5.43 acres) within the Sherman Creek sub-district to fully mitigate the identified significant adverse open space impact. The creation of 1.31 acres of publicly accessible open space along the Harlem River waterfront, Academy Street, and West 208th Street (as a result of the proposed WAP) would provide partial mitigation of this identified impact. However, absent the identification and implementation of other feasible mitigation measures, the Approved Actions would continue to result in a significant adverse open space impact within the Sherman Creek sub-district and therefore constitute an unavoidable significant adverse open space impact under the Approved Actions.

**SHADOWS**

The Approved Actions, would result in significant adverse shadows impacts at three open space resources (P.S. 18 Schoolyard, Broadway/West 215th Street Greenstreet, and the Sherman Creek Street End Park at West 205th Street). ODMHED, as lead agency, explored possible mitigation measures with NYC Parks that were all found to be impracticable for the affected open space resources. As a result these shadow impacts are considered unavoidable significant adverse shadows impacts under the Approved Actions.

**HISTORIC AND CULTURAL RESOURCES**

The Approved Actions, have the potential to result in significant adverse archaeology impacts associated with potential prehistoric and/or historic archaeological remains on projected development sites 1, 2, 4 (partial), 5, 6 (partial), 7 (partial), 8 (partial), 12, 13 (partial), 25 (partial), and 33 (partial) and potential development sites B (partial), E, G (partial), I (partial), J, and Q (partial), which are expected to experience new in-ground disturbance compared to No-Action conditions. Except for projected development site 25, all of these sites are currently privately-owned, and therefore, there are no mechanisms in place to require developers to conduct archaeological testing or require the preservation or documentation of archaeological resources, should they exist, in the future with the Approved Actions.

It is anticipated that development on projected development sites 4 (which would be City-owned following the reconfiguration of Block 2197, Lots 75 and 47) and 25 (which is City-owned) would incorporate measures to avoid, minimize, or mitigate potential significant adverse impacts on archaeological resources to the maximum extent practicable.

In the event that human remains are encountered during the construction of an as-of-right project, it is expected that the developer would contact the New York City Police Department (NYPD) and the New York City Office of the Chief Medical Examiner. However, because there is no mechanism to ensure that the potential impacts would be avoided or mitigated in full at the nine projected and six potential development sites listed above, the significant adverse impact to archaeological resources are considered unavoidable under the Approved Actions.

**TRANSPORTATION**

It is anticipated that the Approved Actions would result in significant adverse traffic, subway station, bus, and pedestrian impacts. As discussed below, some unmitigated traffic impacts and an
unmitigated subway stair impact would remain with implementation of recommended mitigation measures.

Traffic

Many of the traffic impacts under the Approved Actions would be mitigated through the implementation of standard traffic engineering improvements, including:

- Installation of new traffic signals at five intersections that are currently unsignalized;
- Modification of traffic signal phasing and/or timing;
- Elimination of on-street parking within 100 feet of intersections to add a new travel lane; and
- Channelization and lane designation changes to make more efficient use of available street widths.

Proposed mitigation measures are discussed in Chapter 21 of the FEIS and subsequent memoranda. Development under the Potential City Council Modifications would be expected to occur over an approximately 15-year period, and it is therefore possible that some of the significant adverse traffic impacts could occur prior to full build-out. The TMP developed for the Approved Actions by NYCEDC and NYCDOT in collaboration with ODMHED (the lead agency) will be implemented in order to verify the need and effectiveness of proposed traffic mitigation measures.

Transit

The Approved Actions include a zoning text amendment to facilitate improvements to subway stations in the study area, to increase access for the disabled and improve circulation for all users. Specifically, for lots adjacent to the West 215th Street (1) and West 207th Street (1) subway stations on the Broadway-Seventh Avenue Line, and the Dyckman Street (A) subway station on the Eighth Avenue Line, property owners would be required to coordinate with the Metropolitan Transportation Authority (MTA) and the CPC Chairperson prior to development to determine if an easement or sidewalk widening within the lot would be needed for station improvements. Any floor area utilized by the MTA for station circulation improvements would be exempted from floor area ratio (FAR) calculations, and any development required to provide an easement for an improvement would be allowed to rise an additional story (ten feet).

Rezonings that add a few units of housing or commercial space over many building lots are rarely able to mitigate transit impacts as there is not a single developer responsible for the impact. Any mitigation for the significant stair impact at the 207th Street (1) station would require that the station is in compliance with the Federal Transit Administration’s (FTA’s) interpretation of the Americans with Disabilities Act (ADA). The easement language in the text would facilitate the mitigation in the future by providing space to build elevators at the station. Thus, New York City Transit (NYCT) and ODMHED (the lead agency) have determined that the implementation of this zoning framework to accommodate necessary improvements to train stations in the study area would constitute partial mitigation of the Approved Actions’ significant PM peak hour stair impact at the 207th Street (1) station on the Broadway-Seventh Avenue Line. However, since the impact cannot be fully mitigated, it would remain an unmitigated significant adverse transit impact.
The Approved Actions are expected to result in capacity shortfalls on the northbound and southbound Bx7 services in the AM peak hour, and on the northbound Bx7 in the PM peak hour. The mitigation proposed for these impacts under the Approved Actions—the addition of one northbound and one southbound Bx7 bus in the AM peak hour and one northbound Bx7 bus in the PM peak hour—would also fully mitigate the impacts.

The general policy of NYCT is to provide additional bus service where demand warrants, taking into account financial and operational constraints. Absent the implementation of the proposed mitigation measures for Bx7 service, which would mitigate the bus impacts to the greatest extent practicable, the Approved Actions will result in unmitigated significant adverse bus impacts.

**Pedestrians**

Under the Approved Actions, recommended pedestrian mitigation measures—signal timing changes and the widening of sidewalks and crosswalks—would mitigate all significant pedestrian impacts. Development under the Approved Actions would be expected to occur over an approximately 15-year period, and it is therefore possible that some of the significant adverse pedestrian impacts could occur prior to full build-out. The TMP developed for the Approved Actions by NYCEDC and NYCDOT in collaboration with ODMHED (the lead agency) will be implemented in order to verify the need and effectiveness of proposed pedestrian mitigation measures.

**CONSTRUCTION**

**Historic and Cultural Resources**

The Approved Actions have the potential to result in significant adverse construction impacts on the S/NR-eligible P.S. 98. If P.S. 98 is designated or listed in the future, prior to the initiation of construction, the protective measures of NYCDOB’s Technical Policy and Procedure Notice (TPPN) #10/88 would apply and indirect significant adverse impact from construction would be avoided. Should P.S. 98 remain undesignated/unlisted, however, the additional protective measures of TPPN #10/88 would not apply, and the potential for significant adverse construction-related impacts from developments within 90 feet (on projected development site 5 and potential development sites E and J), would not be mitigated.

In order to make TPPN #10/88 or similar measures applicable to historic resources in the absence of site-specific approval, a mechanism would have to be developed to ensure implementation and compliance, since it is not known and cannot be assumed that owners of these properties would voluntarily implement this mitigation. Potential mitigation measures were explored and no feasible mitigation measures to fully mitigate the impact were identified.

**Noise**

Development of sites as a result of the Approved Actions would be required to follow the requirements of the New York City Noise Control Code for construction noise control measures. Specific noise control measures would be incorporated in noise mitigation plan(s), as required under the New York City Noise Code. These measures could include a variety of source and path controls. However, even if some mitigation measures are determined to be feasible and practicable, some significant adverse construction noise impacts could potentially continue to be experienced at
sensitive receptors and, as a result, would be unavoidable. There are no reasonable means to ensure the employment of measures that would mitigate, partially or fully, the significant adverse construction noise impacts; therefore, the significant adverse construction noise impacts would be unavoidable.

ALTERNATIVES ANALYZED IN THE FEIS

Three alternatives to the Project as Originally Proposed were considered in the EIS:

- A No-Action Alternative, which is mandated by CEQR and the State Environmental Quality Review Act (SEQRA) and is intended to provide the lead and involved agencies with an assessment of the expected environmental impacts of no action on their part (i.e., no zoning changes).
- A No Unmitigated Significant Adverse Impacts Alternative, which considers a development scenario that would not result in any identified significant, unmitigated adverse impacts.
- A Lower Density Alternative, which considers lower density zoning districts that would result in reduced residential development.

NO-ACTION ALTERNATIVE

The No-Action Alternative examined future conditions within the proposed rezoning area, but assumed the absence of the Project as Originally Proposed (i.e., that none of the discretionary approvals originally proposed would be adopted). Under the No-Action Alternative, existing zoning would remain in the entirety of study area. It is anticipated that this area would experience moderate growth under the No-Action Alternative by 2032. Sixteen of the 33 projected development sites (under the Project as Originally Proposed) are expected to be redeveloped, or re-occupied, in the No-Action Alternative, resulting in a total of 698,640 square feet (sf) of market-rate residential floor area (798 dwelling units [DUs]), 64,442 sf of community facility uses, 346,211 sf of commercial uses, 50,614 sf of industrial uses, and 882 accessory parking spaces on the projected development sites.

The significant adverse impacts anticipated for the Project as Originally Proposed (or the Approved Actions) would not occur under the No-Action Alternative. However, the No-Action Alternative would not meet the goals of the Approved Actions. The benefits expected to result from the Approved Actions—including promoting affordable housing development by increasing residential density and establishing Mandatory Inclusionary Housing (MIH), encouraging economic development by mapping new commercial districts and increasing density in a highly transit accessible area of the City, creating pedestrian-friendly streets through active ground floor retail uses, introducing new community resources, and creating a framework for public waterfront open space along the Harlem River waterfront — would not be realized under this alternative, and the No-Action Alternative would fall short of the objectives of the Project as Originally Proposed; the same would be true when comparing to the Approved Actions.

NO UNMITIGATED SIGNIFICANT ADVERSE IMPACTS ALTERNATIVE

The No Unmitigated Significant Adverse Impacts Alternative examined a scenario in which the density and other components of the Project as Originally Proposed are changed specifically to avoid the unmitigated significant adverse impacts. As noted previously, the Project as Originally Proposed (and
the Approved Actions) would result in unmitigated significant adverse impacts related to open space, shadows, historic and cultural resources, transportation and construction.

The EIS assessment found that the Project as Originally Proposed would result in a significant adverse indirect open space impact in the Sherman Creek sub-district of the greater proposed rezoning area; the same is true for the Approved Actions. Potential mitigation measures were explored by ODMHED, as the lead agency, NYCEDC, and NYC Parks and were found to be infeasible. In order to avoid the sub-district’s identified significant adverse residential study area open space impact, the number of residents that could be introduced on the projected development sites in the Sherman Creek sub-district would have to be reduced by approximately 44 percent from what was originally proposed; the density reductions as a result of the Approved Actions would not be sufficient to eliminate this impact. Any such reduction would inhibit the goals of the project to maximize the development of affordable housing.

The Project as Originally Proposed would result in significant adverse shadows impacts on three open space resources (P.S. 18 Schoolyard, Broadway/West 215th Street Greenstreet, and the Sherman Creek Street End Park at West 205th Street); the same is true for the Approved Actions. ODMHED, as the lead agency, explored potential mitigation measures in coordination with NYCEDC, NYC Parks, and NYCLPC and found all potential measures to be impracticable. In order to avoid these impacts, portions of the proposed rezoning area would need to be eliminated or building heights reduced on eight of the RWCDs projected/potential development sites by up to 225 feet. However, such reductions in height would substantially limit the development potential on these projected/potential development sites, and would be inconsistent with the goals of the project of locating higher bulk along the proposed rezoning area’s primary corridors and waterfront and maximizing the amount of affordable housing developed on City-owned land. In the absence of feasible mitigation, the significant adverse impacts to these three sunlight-sensitive open space resources would be unavoidable.

The Project as Originally Proposed would have the potential to result in an unmitigated significant adverse archaeology impact associated with potential prehistoric and/or historic archaeological remains on projected development sites 1, 2, 4 (partial), 5, 6 (partial), 7 (partial), 8 (partial), 12, 13 (partial), 25 (partial), and 33 (partial) and potential development sites B (partial), E, G (partial), I (partial), J, and Q (partial), which are expected to experience new in-ground disturbance compared to No-Action conditions. The same is true under the Approved Actions. Except for projected development site 25, all of these sites are currently privately-owned, and therefore, there are no regulatory or enforcement mechanisms in place to require a developer to conduct archaeological testing or require the preservation or documentation of archaeological resources, should they exist. While it is anticipated that development on projected development site 4 (which would be City-owned following the reconfiguration of Block 2197, Lots 75 and 47 described in Chapter 1, “Project Description”) and projected development site 25 (Block 233, Lot 13 and part of 20, which is City-owned) would incorporate measures to avoid, minimize, or mitigate potential significant adverse impacts on archaeological resources to the maximum extent practicable, the potential for unmitigated significant adverse impacts on archaeological resources cannot be ruled out at this time. Similarly, for the remaining nine projected development sites and six potential development sites, because there is no mechanism to avoid or mitigate potential impacts, the significant adverse impact would be unmitigated. In order to avoid these impacts, significant portions of the proposed rezoning area would need to be eliminated, which would be counter to key goals of the rezoning proposal.
In addition, the Project as Originally Proposed would result in significant adverse traffic impacts at 47 study area intersections during one or more analyzed peak hours, as would the Approved Actions. Because of existing congestion at a number of these intersections, even small increases in incremental project-generated traffic volumes at some of the congested intersection approach movements would result in significant adverse impacts that would not be fully mitigated, and almost any new development in the proposed rezoning area beyond what is expected to occur in the No-Action condition would result in unmitigated traffic impacts. Therefore, no reasonable alternative could be developed to completely avoid transportation impacts without substantially compromising the project’s stated goals.

In regards to construction impacts, development under Project as Originally Proposed (and the Approved Actions)—specifically, on projected development site 5 and potential development sites E and J—could result in inadvertent construction-related damage to one State/National Register of Historic Places (S/NR)- eligible historic resource that is located within 90 feet of the aforementioned projected and potential development sites: P.S. 98. In order to entirely avoid potential unmitigated adverse construction-related impacts to historic resources, this alternative would require that projected development sites 5 and potential development sites E and J be eliminated from the rezoning proposal. In addition, as presented in Chapter 20, “Construction,” significant adverse construction noise impacts would occur at sensitive receptors at several locations throughout the proposed rezoning area. Construction activity is expected to follow the requirements of the NYC Noise Control Code. In order to completely avoid significant adverse construction noise impacts, project-generated construction would have to be restricted in such a manner as to not occur on the same block as, or within one to two blocks from, existing sensitive receptors, which would require elimination of the proposed rezoning area in the vicinity of these sensitive receptors. This would severely limit the project’s goals and objectives.

Overall, given the above-described limitations, in order to avoid the identified significant adverse impacts in their entirety, the Approved Actions would have to have been modified to a point where their principal goals and objectives would not be realized.

**LOWER DENSITY ALTERNATIVE**

The Lower Density Alternative was developed, partly in response to public comments on the Draft Scope of Work for the EIS, for the purpose of assessing whether lower density residential development in the proposed rezoning area would eliminate or reduce the significant, adverse impacts of the Project as Originally Proposed while also meeting the goals and objectives of the project.

The Lower Density Alternative combined several lower residential density suggestions into a targeted framework that mirrors the overall intent of the Project as Originally Proposed for each sub-district while reducing residential density. For example, in the Tip of Manhattan sub-district, the Lower Density Alternative maintained the manufacturing zoning proposed under the Project as Originally Proposed (M1-5 and M1-4) while reducing the Floor Area Ratio (FAR) and building heights from the proposed C6-2 district to C4-SD.

Under the Lower Density Alternative, development was assumed to occur on the same 33 projected and 39 potential development sites as the Project as Originally Proposed. However, as the Lower Density Alternative would reduce the maximum permitted residential density in most portions of the
proposed rezoning area, as well as reduce the maximum permitted commercial density in portions of the Commercial “U” sub-district and along the south side of Dyckman Street to the west of Seaman Avenue, as compared to the Project as Originally Proposed, the reasonable worst case development scenario (RWCDS) assumptions for all of the development sites in those affected areas would change. As with the Project as Originally Proposed (and the Approved Actions), the Lower Density Alternative would not result in significant adverse impacts with respect to land use, zoning, and public policy; socioeconomic conditions; community facilities; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; air quality; greenhouse gas (GHG) emissions and climate change; public health; and neighborhood character. As with the Project as Originally Proposed (and the Approved Actions) the Lower Density Alternative would result in similar significant adverse open space, shadows, historic resources, transit, and pedestrian impacts, with slightly reduced impacts related to open space, traffic, and construction.

As under the Project as Originally Proposed (and the Approved Actions), the identified significant adverse bus transit impacts could be fully mitigated under the Lower Density Alternative. The project’s single significant subway station impact to a stair at the 207th Street (1) station on the Broadway-Seventh Avenue Line would not occur under the Lower Density Alternative. The Lower Density Alternative would result in potential unmitigated significant adverse impacts in the areas of open space, shadows, historic resources, traffic, pedestrians, and construction. However, with respect to traffic, there would likely be fewer intersections with unmitigated impacts under the Lower Density Alternative than there would be under the Project as Originally Proposed (and the Approved Actions).

The Lower Density Alternative would support, to a lesser degree, the project’s goals of promoting affordable housing development by increasing residential density and establishing MIH, encouraging economic development by mapping new commercial districts and increasing density in a highly transit accessible area of the City, creating pedestrian-friendly streets through active ground floor retail uses, and introducing new community resources. Unlike the Project as Originally Proposed (and the Approved Actions), the Lower Density Alternative would not map any mixed residential/manufacturing zoning districts that could support and encourage both the retention and expansion of existing commercial, semi-industrial, and light manufacturing uses, while also allowing street-enlivening retail uses and residential growth to occur in the southern portion of the Sherman Creek sub-district. Therefore, the Lower Density Alternative was found to be less supportive of the project’s objectives while continuing to result in significant adverse impacts related to open space, shadows, historic resources, transportation, and construction.

E. CONCLUSION

The current land use patterns in Inwood date back over a hundred years to when the area was first developed. The enactment of the 1961 Zoning Resolution helped freeze these land use patterns in place. Today, much of this zoning does not permit the full range of development potential needed to fulfill the vision of the Inwood NYC Planning Initiative, which aims to preserve and create new affordable housing, create a comprehensive zoning framework, expand economic opportunities, and improve neighborhood livability.

The Approved Actions are intended to realize the goals of the Inwood NYC Action Plan, and are integral to its success. The Approved Actions are the result of a comprehensive planning and community outreach effort, that reflects the City’s ongoing commitment to the community engagement process and the important role local community boards, community residents, business
owners, community-based-organizations, elected officials, and other stakeholders have in the planning process. The Approved Actions are intended to facilitate development patterns that meet the long-term community vision for Inwood by preserving the strong existing fabric in areas west of Tenth Avenue, extending the mixed-use character of Inwood east to the Harlem River, and supporting the needs of the community.

The Approved Actions require affordable housing, promote a public waterfront and active streetscape, and encourage new commercial and community facility uses across large swaths of the neighborhood. The Approved Actions will work in unison with other components of the Inwood NYC Action Plan to preserve existing affordable housing and protect tenants, support small businesses and entrepreneurs, and provide targeted public realm investments and increased programming and services to enhance overall quality of life for residents. Through the establishment of the SID, the Approved Actions will facilitate the development of mixed-use buildings with active ground floors that promote retail continuity and a consistent streetscape, with a variety of local retail and services to support the surrounding neighborhood. In addition, the Approved Actions will support commercial growth and jobs, with potential for institutional expansion. The Approved Actions will encourage the creation of new open space along the Harlem River by adopting a WAP and introducing a zoning mechanism that would incentivize private property owners along the waterfront to merge with small City-owned waterfront lots, thereby facilitating the creation of publicly accessible waterfront open space. The Approved Actions map residential districts and mixed residential/manufacturing districts where no housing is currently permitted, providing new opportunities for permanently affordable housing options for current and future residents at a range of income levels. West of Tenth Avenue, where there is a strong existing residential character, the Approved Actions impose height limits and require streetwalls to promote consistency with the existing built character of the neighborhood. The adopted C2-4 commercial overlays make existing ground floor retail uses conforming and encourage ground floor commercial uses.

On balance, after considering the benefits and impacts of the Approved Actions, as disclosed in the FEIS and subsequent technical memoranda, ODMHED concludes that the social, economic, and environmental benefits provide a rationale to proceed with the project notwithstanding its unavoidable environmental impacts.

F. CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the relevant environmental impacts, facts, and conclusions disclosed in the DEIS, including comments on the DEIS and responses thereto, the FEIS and subsequent technical memoranda weighed and balanced relevant environmental impacts with social, economic, and other essential considerations as required in 6 NYCRR 617.11, the Office of the Deputy Mayor for Housing and Economic Development finds and certifies that:

- the requirements of Article 8 of the New York State Environmental Conservation Law (SEQRA) and its implementing regulations found at 6 NYCRR Part 617 and the requirements of City Environmental Quality Review (CEQR) found at Title 62, Chapter 5, of the Rules of the City of New York and as set forth in Executive Order 91 of 1977, as amended, have been met; and
- consistent with social, economic, and other essential considerations of state and city policy, from among the reasonable alternatives available, the Project is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental
impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that the FEIS, subsequent technical memoranda, and this Statement of Findings have identified as practicable.

Hilary Semel
Assistant to the Mayor
On Behalf of the Office of the Deputy Mayor for Housing Economic Development

October 17, 2018
Date