NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to 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 and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy: A detailed analysis of land use, zoning, and public policy is included in this EAS. The Applicant, REEC THIRD AVE LLC, is seeking five discretionary actions (the "Proposed Actions") to permit life sciences uses (Use Group 9A) on the entirety of the Development Site. The Proposed Actions would facilitate the construction of a 10-story commercial development with approximately 159,603 gross square feet (gsf) (133,426 zoning square feet) of floor area (7.06 FAR) and one loading berth (the "Proposed Development") at 2226 Third Avenue (Block 1770, Lot 36) in the East Harlem neighborhood of Manhattan Community District 11 (the "Development Site"). The Proposed Actions include: (i) a Zoning Map Amendment to rezone the portion of the Development Site (Block 1770, Lot 36) in R7B district to C4-6/Special East Harlem Corridors District ("EHC"); (ii) a Zoning Text Amendment to the Appendix of Zoning Resolution ("ZR") Article XIII Chapter 8, "Special East Harlem Corridors District" to extend the EHC boundaries to include the entirety of the Development Site and to establish a maximum commercial floor area ratio of 7.2 in the C4-6/EHC district located on the west side of Third Avenue between East 121st Street and East 122nd Street ; (iii) a Zoning Text Amendment to establish ZR§138-42 to enable the City Planning Commission ("CPC") to reduce the number of required loading berths for zoning lots located within a C4-6/EHC zoning district; (iv) a CPC Special Permit to the proposed ZR§138-42 to reduce the number of required loading berths at the Development site, and (v) a Zoning Text Amendment to Appendix F of the ZR to establish a new Mandatory Inclusionary Housing ("MIH") area conterminous with the Project Area (Block 1770, Lots 36, 38, 39, 40). The development in the No-Action Scenario is an as-of-right five- and 10-story, approximately 145-foot-tall commercial (UG 9A) and community facility (UG 4) building totaling 159,603 gsf (7.06 FAR) while the With-Action Scenario proposes a 16-story, approximately 235-foot-tall commercial (UG 9A) and community facility (UG 4) building totaling 217,603 gsf (10 FAR). While the proposed C4-6/EHC district would permit a greater density of commercial uses than permitted under the No-Action Scenario, the proposed zoning district is consistent with nearby zoning districts and the rezoning area's location along Third Avenue with excellent public transit service is well-suited for additional commercial activities. Additionally, the Proposed Development would be compatible and consistent with the public policies that currently apply to the Development Site and the surrounding area, including City's goals of expanding the life sciences industry and strengthening the existing LifeSci Avenue corridor along the East Side of Manhattan. Therefore, the Proposed Actions would not have the potential to result in significant adverse impacts related to land use, zoning, and public policy.

Shadow: A detailed analysis of shadows is included in this EAS. The analysis finds that the Proposed Actions would facilitate a development in the With-Action scenario which would cast incremental shadow on three sunlight-sensitive resources: Life Spire Garden, Dr. Ronald E. McNair Playground, and Harlem Art Park. The With-Action Scenario would cast incremental shadow on a portion of the Life Spire Garden for a total duration of approximately 1 hour and 9 minutes on the December 21 analysis day. The incremental shadow would not sufficiently impact vegetation as it is outside the growing season. As such, the analysis finds that the Proposed Actions would not result in significant adverse shadows impacts to the community garden. The With-Action Scenario would cast incremental shadows on Dr. Ronald E. McNair Playground on two of the four representative analysis days (approximately 41 minutes on the March 21/September 21 analysis day and approximately 3 hours and 9 minutes on the December 21 analysis day). The incremental shadow on the March 21/September 21 analysis day is limited and would not affect playground's sunlight sensitive vegetations to receive adequate direct sunlight during the growing season. The incremental shadow on the December 21 analysis day would not affect playground's sunlight-sensitive features, principally benches to receive adequate direct sunlight in winter and would not affect sunlight sensitive vegetations as it is outside the growing season. The With-Action Scenario would cast incremental shadow on a small portion of Harlem Art Park for approximately 12 minutes on the Jun 21 analysis day. The extent of incremental shadow coverage is limited and therefore would not affect any sunlight-sensitive vegetation or established tree canopy in Harlem Art Park. The analysis thus concludes the Proposed Actions would not result in significant adverse impacts related to shadows.

Historic and Cultural Resources: A detailed analysis of historic and cultural resources is included in this EAS.
Architectural Resources: The State/National Register of Historic Places (S/NR)-listed and New York City Landmarks (NYCL)-designated Harlem Court house, the S/NR-listed and NYCL-eligible Elmendorf Reformed Church, S/NR-eligible Sylvan Court, and S/NR-eligible P.S.7 are found in the 400-foot study area. The detailed analysis finds while the Proposed Actions facilitate an incremental height increase of approximately 90 feet, the With-Action Scenario building would not have any direct or indirect impact on the existing architectural resources or change the visual setting or context of these resources as compared to the No-Action Scenario. The newly introduced height would not eliminate, or screen public views of these resources as compared to the No-Action Scenario, and development facilitated by the Proposed Actions would not introduce any incompatible visual, audible, or atmospheric elements to any historic resource's setting.
Archaeological Resources: LPC identified the Development Site and an additional lot in the Project Area (Block 1770, Lot 38) as archaeological sensitive. Based on the Dripps 1851 map, the Development Site was once the site of the Dutch Reformed church and associated burial vaults. As such,

Project Name: 2226 Third Avenue
CEQR # 23DCP070M
SEQRA Classification: Type I

the site has the potential to contain human remains. Because the as-of-right development on the Development Site is almost complete and no additional excavation on either archaeological sensitive lot would occur in With-Action Scenario, no potential impact on Archaeological resources associated with the Proposed Actions would occur.

Urban Design and Visual Resources: A detailed analysis of urban design and visual resources is included in this EAS. The Proposed Actions would facilitate a 16-story Mixed-Use (UG 9A and UG 4) development with the maximum height of 235 feet (plus a 40-foot-tall rooftop bulkhead) in the With-Action Scenario at 2226 Third Avenue. While the Proposed Development would not maximize the permitted building height of 235 feet, the detailed analysis was conducted using the maximum height allowed in the With-Action Scenario. Comparative massing diagrams depicting the possible development with and without the Proposed Actions demonstrate that the Proposed Actions would not be incompatible with the scale and character of development within the surrounding area. In addition, the Proposed actions would not change the pedestrian experience or obstruct any views to visual resources within the study area, including views of the S/NR-listed and NYCL-eligible Elmendorf Reformed Church, the S/NR-listed and NYCL designated Harlem Court house, the S/NR eligible Sylvan Court, and the S/NR-eligible P.S.7. While the addition of the With-Action Scenario to the primary study area would be a noticeable change from the perspective of a pedestrian, the change would not represent a significant adverse impact. Therefore, the analysis concludes that the Proposed Actions would not result in significant adverse impacts related to urban design or visual resources, and no further analysis is required.

Conceptual Analysis: The EAS includes a conceptual analysis that assesses potential environmental impacts that could result if a special permit is applied for and obtained to reduce or waive the number of required loading berths within the C4-6/EHC district. The conceptual analysis concludes that no potential adverse impacts related to existing applicability of the special permit is anticipated. However, the future application of such a special permit would be subject to discretionary approval, and any environmental impacts associated with such action would be assessed and disclosed pursuant to a separate, project-specific environmental review.

Hazardous Materials, Air Quality, and Noise
An (E) designation (E-713) related to air quality would be established as part of the approval of the Proposed Actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The (E) designation (E-422) for Hazardous Materials and Noise placed on Block 1770, Lot 36 as part of East Harlem Rezoning (CEQR No. 17DCP048M) are not updated in this project; hence, regulations for hazardous materials and noise would continue to apply for the site. The hazardous materials, noise, and air quality analysis conclude that with both (E) designations in place, the Proposed Actions would not result in a significant adverse impact related to hazardous materials, noise, and air quality.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Yuning Feng at +1 212-720-3426.

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe, AICP	DATE 7/7/2023
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 7/10/2023
SIGNATURE	

Project Name: 2226 Third Avenue
CEQR # 23DCP070M
SEQRA Classification: Type I

Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Manhattan	Block 1770, Lot 36

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to air quality, an (E) designation (E-713) is established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

Development Site	Hazardous Materials*	Air Quality	Noise*
Projected Development Site 1		X	

*An (E) designation (E-422) has been established for the Project Development Site 1 as part of the East Harlem Rezoning (CEQR No. 17DCP048M; ULURP Nos.C170358ZMM, N170359ZRM, and C170360HUM). The Office of Environmental Remediation would continue to use the requirements of E-422 for Hazardous Materials and Noise, which would ensure that the projects on the Projected Development Site 1 would not result in significant adverse impacts related to hazardous materials and noise.

Air Quality

The (E) designation (E-713) requirements for air quality would apply as follows:

> ***Projected Development Site 1:*** *Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilation, and air conditioning (HVAC) systems and/or the hot water equipment stack(s) is located at the building's highest level and at least 185 feet above grade to avoid any potential significant adverse air quality impacts.*