REVISED ENVIRONMENTAL ASSESSMENT STATEMENT[1]

SPECIAL HARLEM RIVER WATERFRONT DISTRICT EXPANSION AND TEXT AMENDMENT

Borough of the Bronx

Lead Agency:
New York City Department of City Planning (DCP)
120 Broadway – 31st Floor
New York, NY 10271

CEQR No. **17DCP188X**
September 29, 2017

Prepared by:
New York City Department of City Planning (DCP)

1 This Revised EAS supersedes the original EAS, dated June 2, 2017, that was prepared for the original ULURP application certified on June 5, 2017. The EAS has been revised to reflect evisions to the proposed zoning text amendments, as well as to correct minor errors from the original EAS.

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency (see instructions)

Part I: GENERAL INFORMATION

PROJECT NAME Special Harlem River Waterfront District Expansion and Text Amendment

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
17DCP188X	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
170413ZMX, N170414ZRX	

2a. *Lead Agency Information*			**2b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
New York City Department of City Planning			Carol Samol, Director, NYC Dept. of City Planning, Bronx Office		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Robert Dobruskin					
ADDRESS 120 Broadway, 31st Floor			ADDRESS One Fordham Plaza, 5th Floor		
CITY New York	STATE NY	ZIP 11222	CITY Bronx	STATE NY	ZIP 10458
TELEPHONE (212) 720-3423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE (718) 220-8510	EMAIL csamol@planning.nyc.gov	

3. *Action Classification and Type*

SEQRA Classification

☐ UNLISTED ☒ TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):

Action Type (refer to Chapter 2, "Establishing the Analysis Framework" for guidance)

☐ LOCALIZED ACTION, SITE SPECIFIC ☒ LOCALIZED ACTION, SMALL AREA ☒ GENERIC ACTION

4. *Project Description*

The New York City Department of City Planning is proposing a zoning map amendment and zoning text amendments to the NYC Zoning Resolution (ZR) to (1) expand the existing Special Harlem River Waterfront District (HRW), to extend the Waterfront Access Plan (WAP) BX-1 to encompass two waterfront blocks to the south and (2) update the existing special district regulations to address flood resiliency needs, account for easements and other restrictions, ensure adequate circulation, and provide flexible building forms to encourage the development of affordable housing and open space on the Harlem River waterfront in the Bronx. The zoning text amendments propose modifications to Article I, Chapter 4, Article II, Chapter 3, Article VI, Chapter 2, Article VIII, Chapter 7, and Article XII, Chapter 3 of the ZR.

Project Location

BOROUGH Bronx	COMMUNITY DISTRICT(S) 1	STREET ADDRESS
TAX BLOCK(S) AND LOT(S) Block 2349, Lots 3, 4, 15, 20, 38, 46, 47 100, 103, 107, 112, and 146; Block 2323, Lots 5, 13, 18, 28 and 43; Block 2319, Lots 1, 2, 35, 37, 55, 60, 98, 99, 100, 108, 109, 112, 155 and 200; Block 2316, Lots 1 and 35		ZIP CODE 10451

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Bounded by 149th Street to the north, Park Avenue to the south, the Harlem River to the west, and Exterior Street and the Major Deegan Expressway to the east

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R7-2/C2-4, C4-4, M2-1, M1-3, R8; Special Harlem River Waterfront District	ZONING SECTIONAL MAP NUMBER 6a

5. *Required Actions or Approvals* (check all that apply)

City Planning Commission: ☒ YES ☐ NO ☒ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☒ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☒ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☐ OTHER, explain:	

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION Article I, Chapter 4, Article II, Chapter 3, Article VI, Chapter 2, Article VIII, Chapter 7, and Article XII, Chapter 3

***Board of Standards and Appeals*:** ☐ YES ☒ NO

☐ VARIANCE (use)

☐ VARIANCE (bulk)

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

☐ LEGISLATION
☐ RULEMAKING
☐ CONSTRUCTION OF PUBLIC FACILITIES
☐ 384(b)(4) APPROVAL
☐ OTHER, explain:
☐ FUNDING OF CONSTRUCTION, specify:
☐ POLICY OR PLAN, specify:
☐ FUNDING OF PROGRAMS, specify:
☐ PERMITS, specify:

Other City Approvals Not Subject to CEQR (check all that apply)

☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)
☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☐ NO If "yes," specify:

6. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP ☒ ZONING MAP ☒ SANBORN OR OTHER LAND USE MAP
☒ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): Waterbody area (sq. ft.) and type:

Roads, buildings, and other paved surfaces (sq. ft.): Other, describe (sq. ft.):

7. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet):

NUMBER OF BUILDINGS: GROSS FLOOR AREA OF EACH BUILDING (sq. ft.):

HEIGHT OF EACH BUILDING (ft.): NUMBER OF STORIES OF EACH BUILDING:

Does the proposed project involve changes in zoning on one or more sites? ☐ YES ☒ NO

If "yes," specify: The total square feet owned or controlled by the applicant:

The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☐ YES ☒ NO

If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

8. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2027

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: N/A

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☐ YES ☒ NO IF MULTIPLE PHASES, HOW MANY? N/A

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

9. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☒ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☐ OTHER, specify:

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type of residential structures				0
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
Commercial	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)				0
Gross floor area (sq. ft.)				
Manufacturing/Industrial	☒ YES ☐ NO	☒ YES ☒ NO	☐ YES ☐ NO	
If "yes," specify the following:				
Type of use				0
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				0
Vacant Land	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				0
Publicly Accessible Open Space	☐ YES ☒ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				0
Other Land Uses	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				0
PARKING				
Garages	☐ YES ☒ NO	☒ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				0
No. of accessory spaces				0
Operating hours				0
Attended or non-attended				0
Lots	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				0
No. of accessory spaces				0
Operating hours				N/A
Other (includes street parking)	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:				
POPULATION				
Residents	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify number:				
Briefly explain how the number of residents was calculated:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Businesses	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. and type				0
No. and type of workers by business				
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:				
Other (students, visitors, concert-goers, *etc.*)	☐ YES ☒ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If any, specify type and number:				0
Briefly explain how the number was calculated:				
ZONING				
Zoning classification				
Maximum amount of floor area that can be developed				0
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project				
Attach any additional information that may be needed to describe the project. If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☒	☐
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☐	☒
(c) Is there the potential to affect an applicable public policy?	☒	☐
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	☒
o If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☒	☐
o If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units *or* 200,000 square feet of commercial space?	☐	☒
▪ If "yes," answer *both* questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?	☐	☒
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	☐	☒
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?	☐	☒
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	☐	☐
o If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	☐	☐
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	☐	☐
o If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	☐	☐
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	☐	☐
o If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	☐	☐
iii. Direct Business Displacement		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	☐	☐

	YES	NO
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?	☐	☐
iv. Indirect Business Displacement		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	☐	☐
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	☐	☐
v. Effects on Industry		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	☐	☐
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	☐	☐
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
i. Child Care Centers		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	☐	☐
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
ii. Libraries		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	☐	☐
o If "yes," would the additional population impair the delivery of library services in the study area?	☐	☐
iii. Public Schools		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	☐	☐
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
iv. Health Care Facilities		
o Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
o If "yes," would the project affect the operation of health care facilities in the area?	☐	☐
v. Fire and Police Protection		
o Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
o If "yes," would the project affect the operation of fire or police protection in the area?	☐	☐
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	☐	☐
(d) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	☐	☐
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	☐	☐

	YES	NO
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5 percent?	☐	☐
o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	☐	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	☒
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
(c) If "yes" to either of the above, please provide the information requested in Chapter 10. See attachment		
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☒
o If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☐	☒
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☐	☒
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☐	☒
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	☐	☐
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	☐	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒

	YES	NO
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week):		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs):		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	☐	☐
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☐	☒
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☐	☐
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) Would the proposed project result in the development of 350,000 square feet or more?	☐	☒
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?	☐	☒

	YES	NO
○ If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☐	☒
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☐	☒
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☐	☒
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☐	☒
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☐	☒
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☐	☒
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	SIGNATURE	DATE
Carol Samol, Director NYC Dept. of City Planning, Bronx Office	Carol Samol	6-2-17

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ YES ☒ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY New York City Department of City Planning
NAME Robert Dobruskin, AICP	DATE September 29, 2017
SIGNATURE Robert Dobruski	

Project Location

Special Harlem River Waterfront District Expansion and Text Amendment

HRW - Core and South Subdistrict

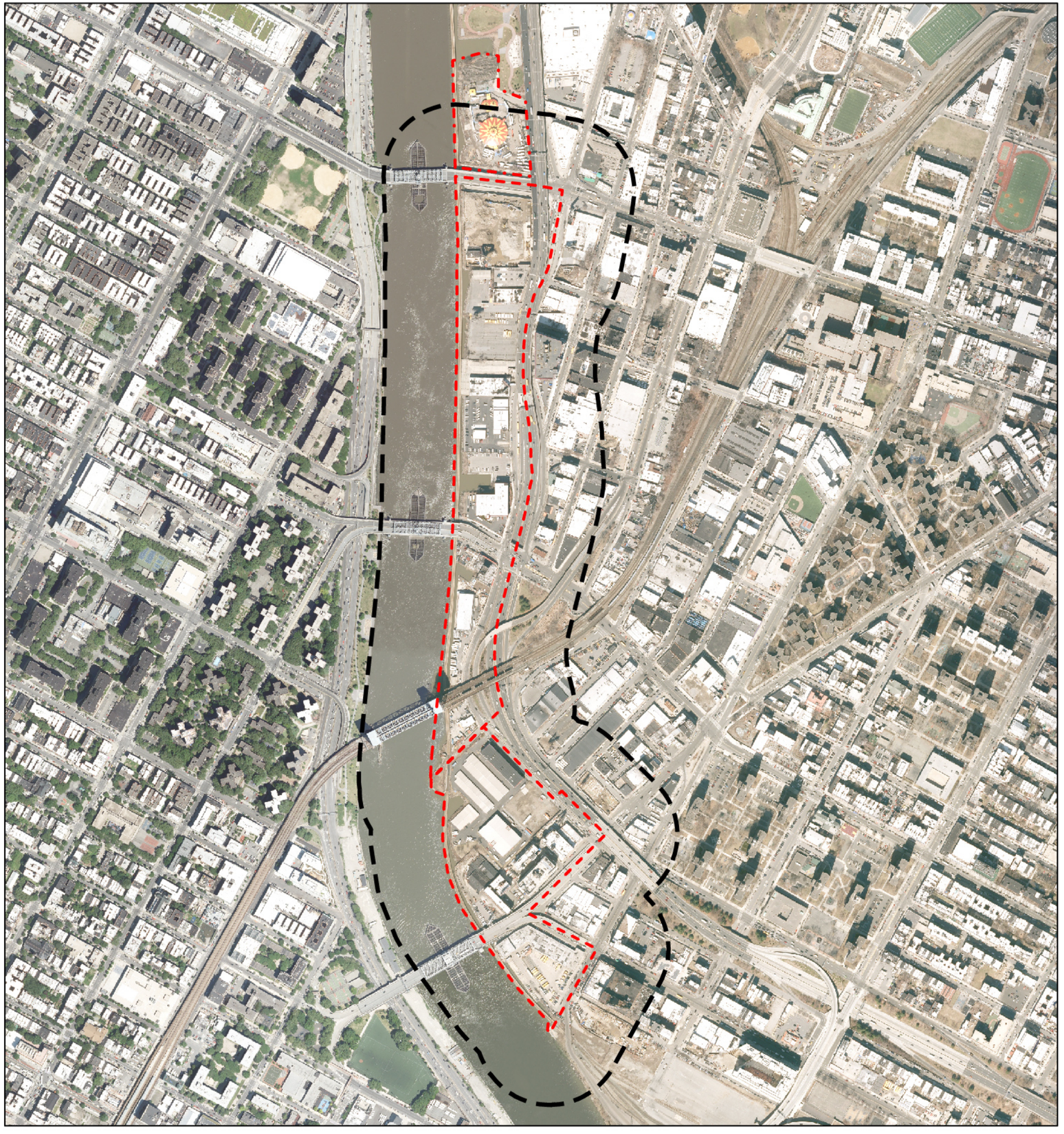
HRW - North Subdistrict*

400’ buffer for study area boundary

*The *North Subdistrict* is not part of the proposed action

0 5 10 20 30 Miles





Existing Zoning

Project

Project Area

400’ buffer for study area boundary

Zoning

Zoning Districts

Special Purpose Districts

Commercial Overlay

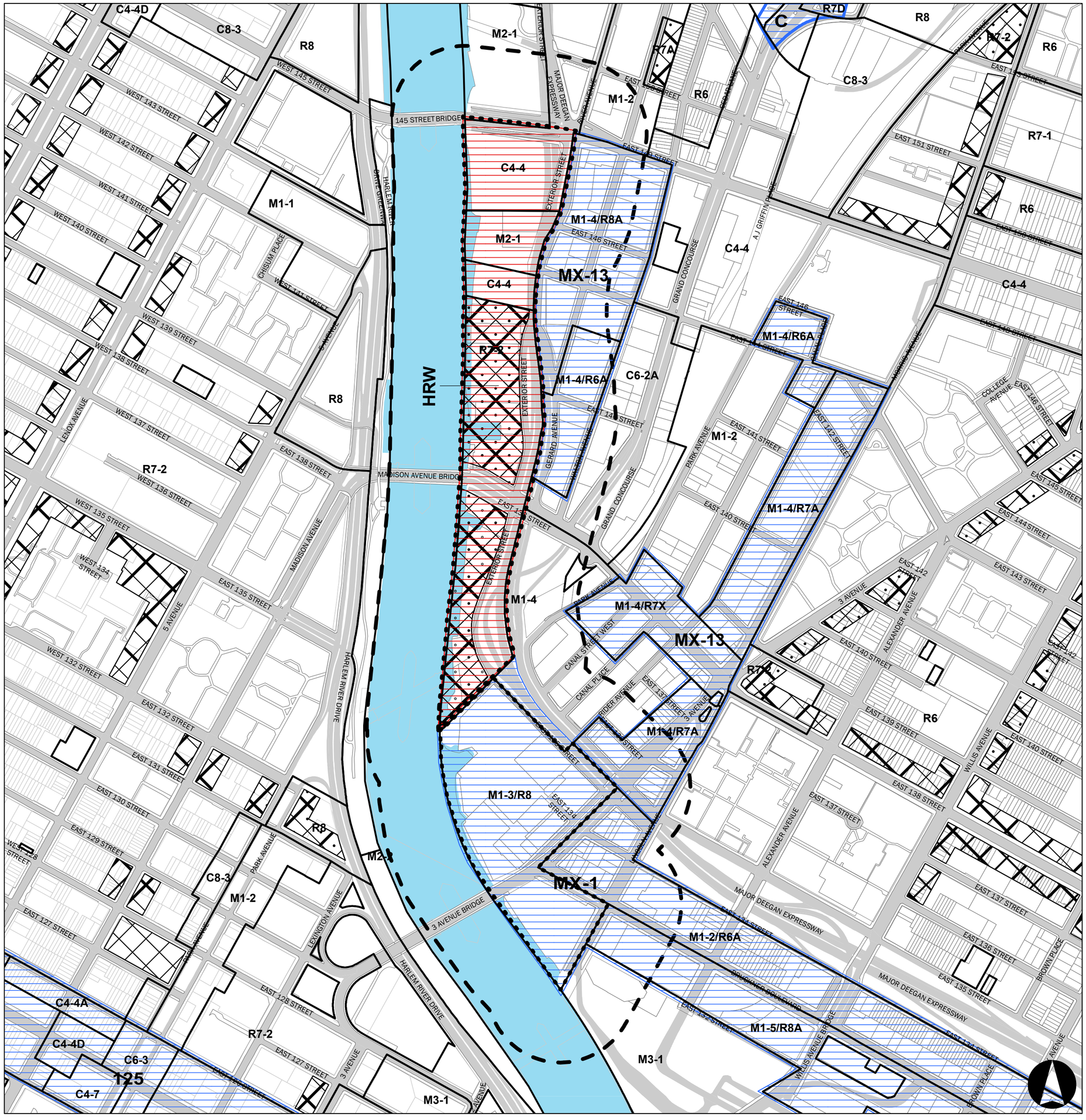
C1-2

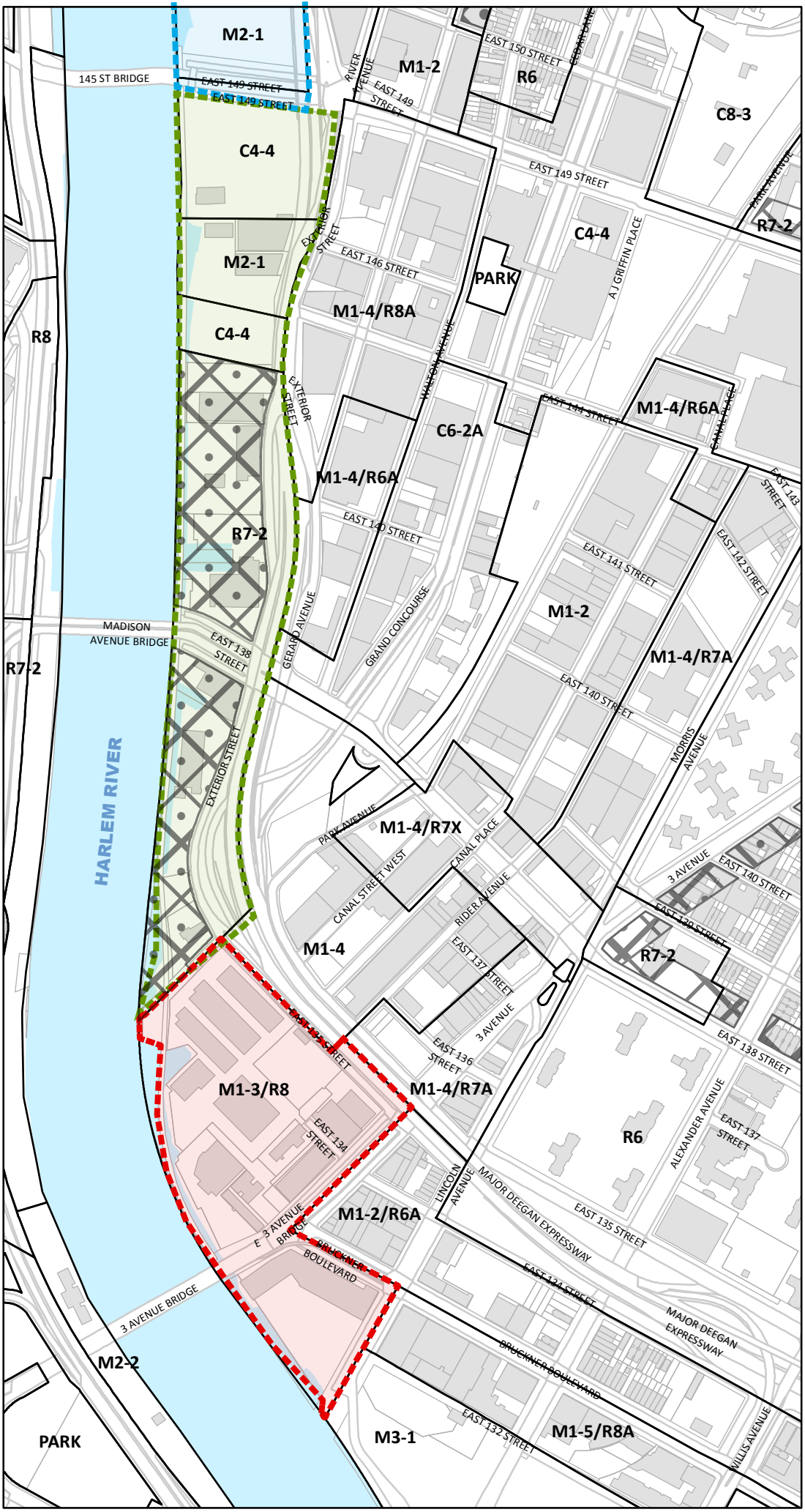
C1-4

C2-4

0 5 10 20 30 Miles







Proposed Zoning and Special District Boundaries

0 0.05 0.1 0.2
Miles

N

Special Harlem River Waterfront District

- HRW Core Subdistrict
- HRW North Subdistrict *
- HRW South Subdistrict
- Zoning Districts (NYZD)
- C1-4
- C2-4

*The *North Subdistrict* is not part of the proposed action

Land Uses

HRW - Core and South Subdistricts

HRW - North Subdistrict*

400' Buffer for study area boundary

*The *North Subdistrict* is not part of the proposed action

Subway station entrance

01 - One & Two Family Buildings

02 - MultiFamily Walkup Buildings

03 - MultiFamily Elevator Buildings

04 - Mixed Commercial/Residential Buildings

05 - Commercial/Office Buildings

06 - Industrial/Manufacturing

07 - Transportation/Utility

08 - Public Facilities & Institutions

09 - Open Space

10 - Parking Facilities

11 - Vacant Land

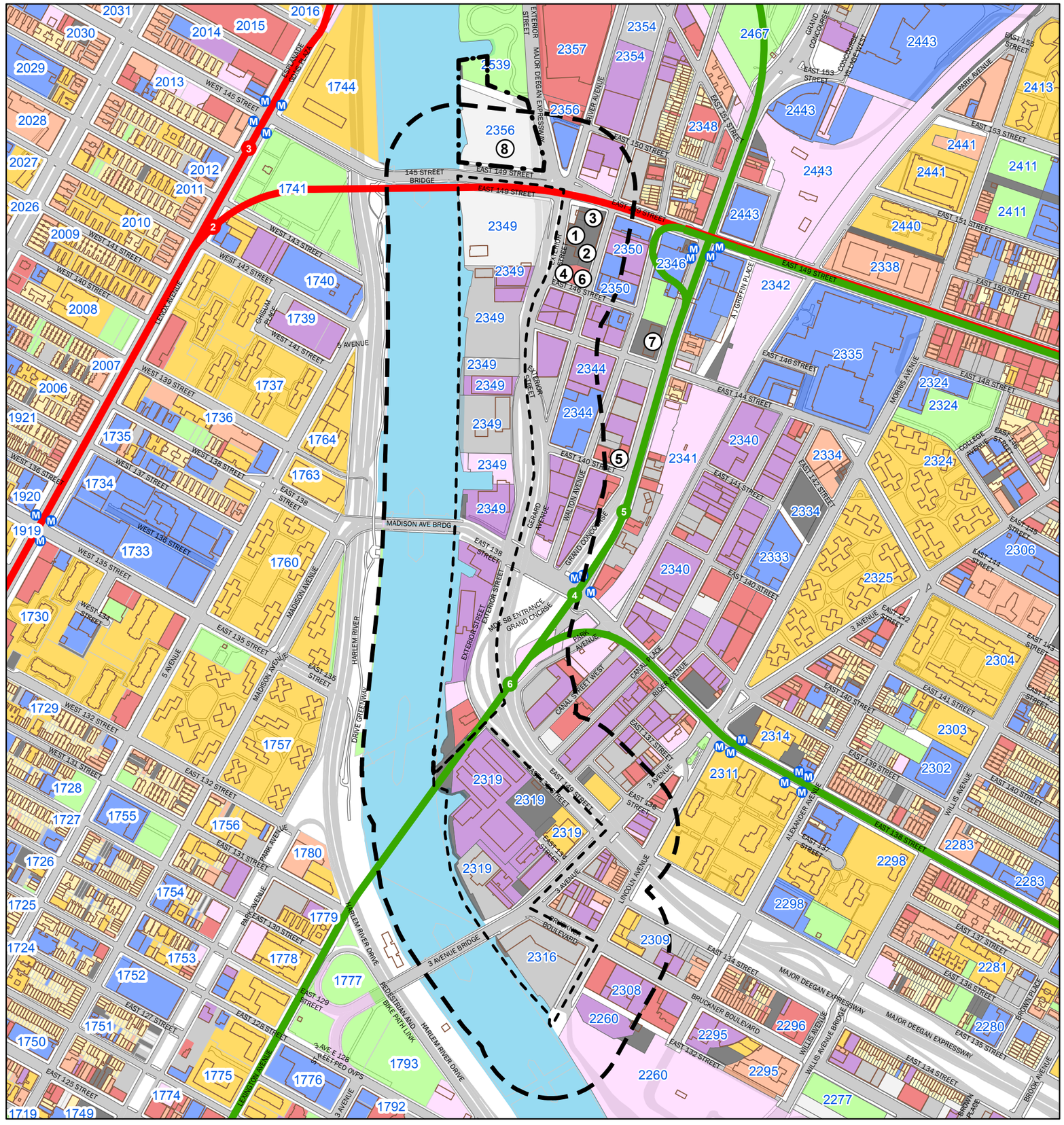
All Others or No Data

0 5 10 20 30 Miles

Projects currently under construction in the study area:

1. 530 Exterior Street
2. 491 Gerard Avenue
3. 110 East 149th Street
4. 500 Exterior Street
5. 335 Grand Concourse**
6. 477 Gerard Avenue
7. 425 Grand Concourse**
8. Pier 5 - Lower Concourse North

***Sites immediately outside the study area boundary*



[redacted]

N W E S

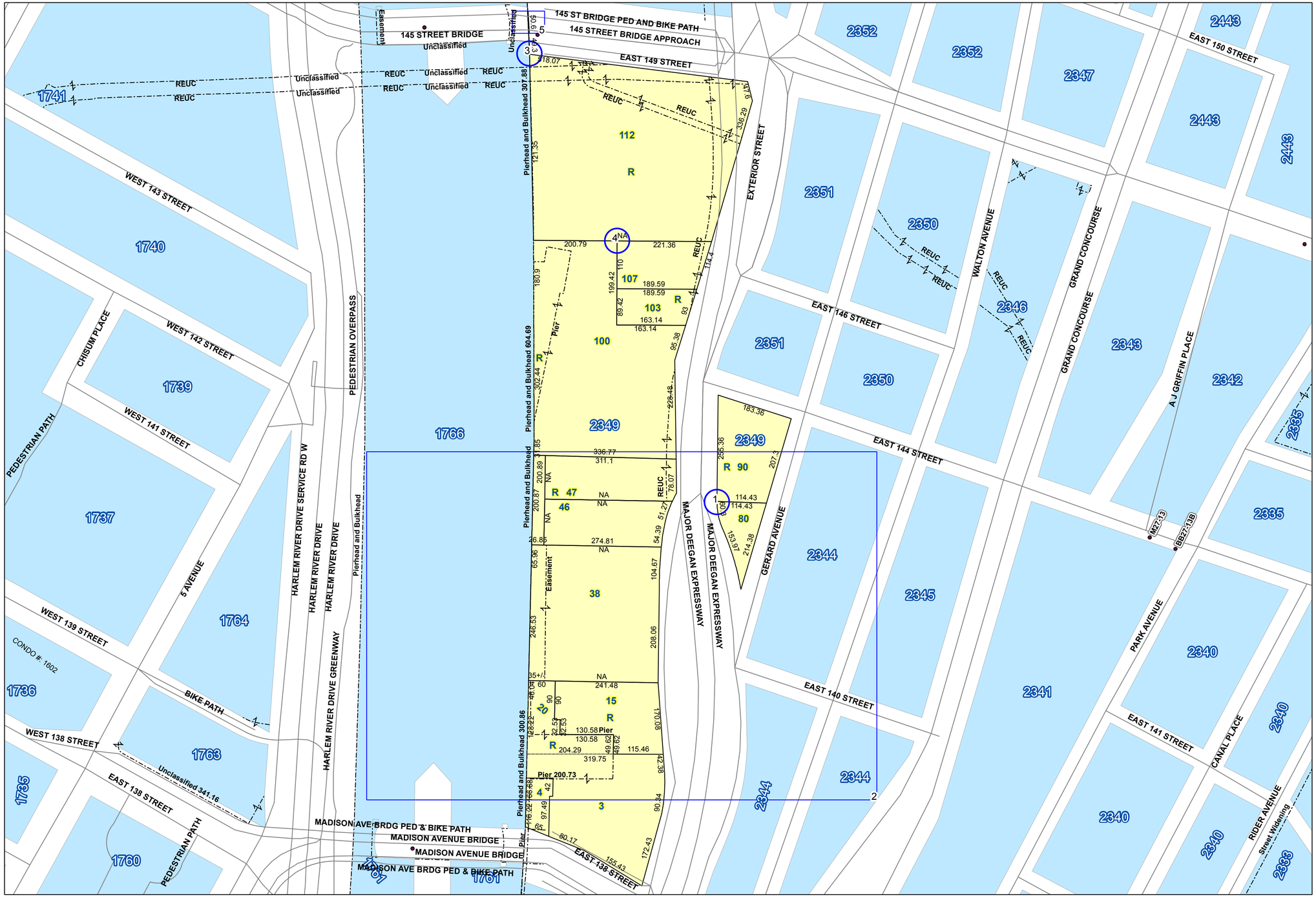
NYC Digital Tax Map

Effective Date : 12-01-2015 09:09:58
End Date : Current

Bronx Block: 2349

Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon



Feet
0 2040 80 120 160

NYC Finance

NYC Digital Tax Map

Effective Date : 05-02-2013 09:30:58
End Date : Current

Bronx Block: 2323

Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon



Feet
0 15 30 60 90 120

NYC Finance

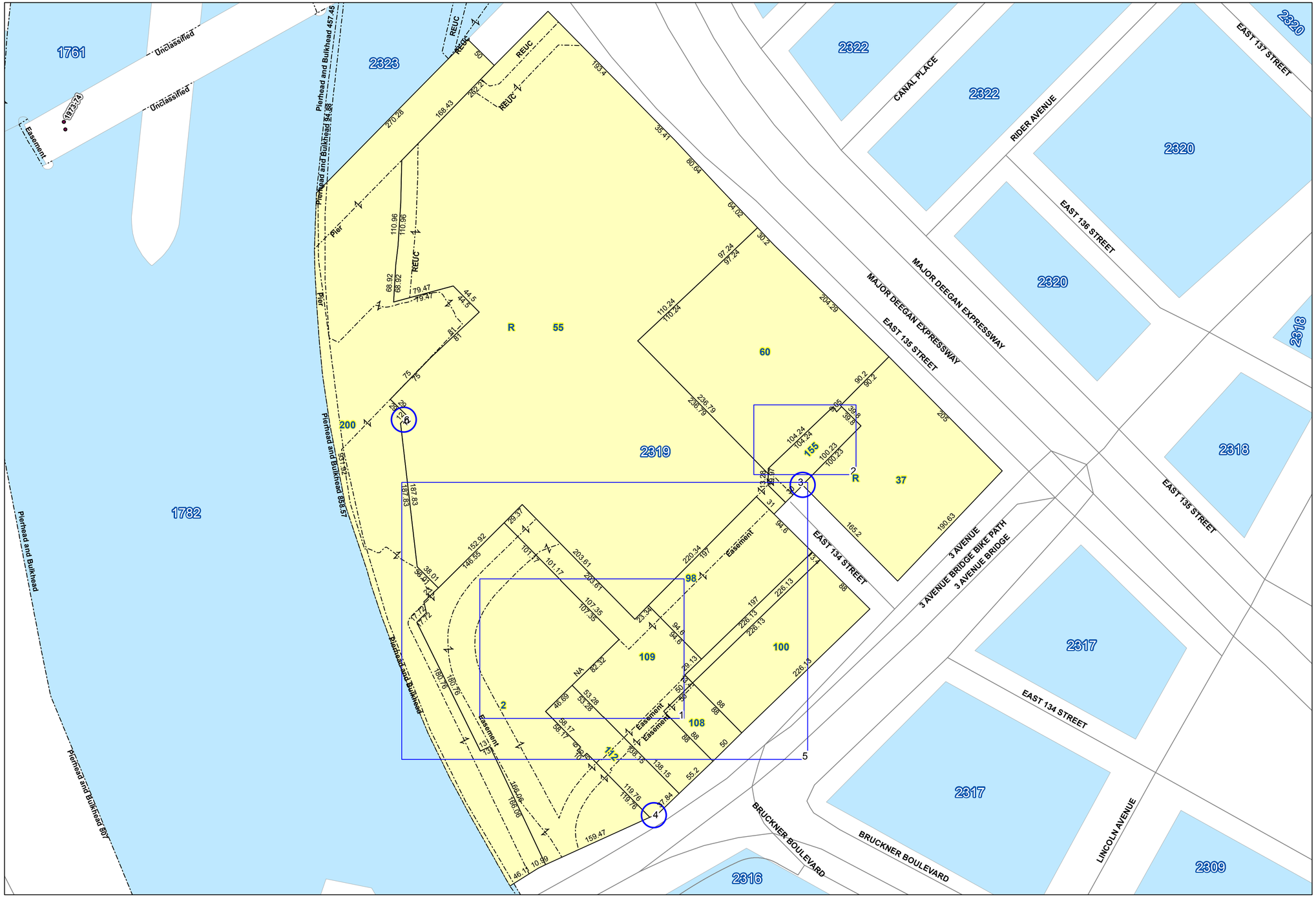
NYC Digital Tax Map

Effective Date : 12-27-2013 11:01:06
End Date : Current

Bronx Block: 2319

Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon



Map A11 – *South Tax Map 1*

NYC Finance

NYC Digital Tax Map

Effective Date : 06-30-2009 08:56:28
End Date : Current

Bronx Block: 2316

Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon



Feet
0 4.5 9 18 27 36

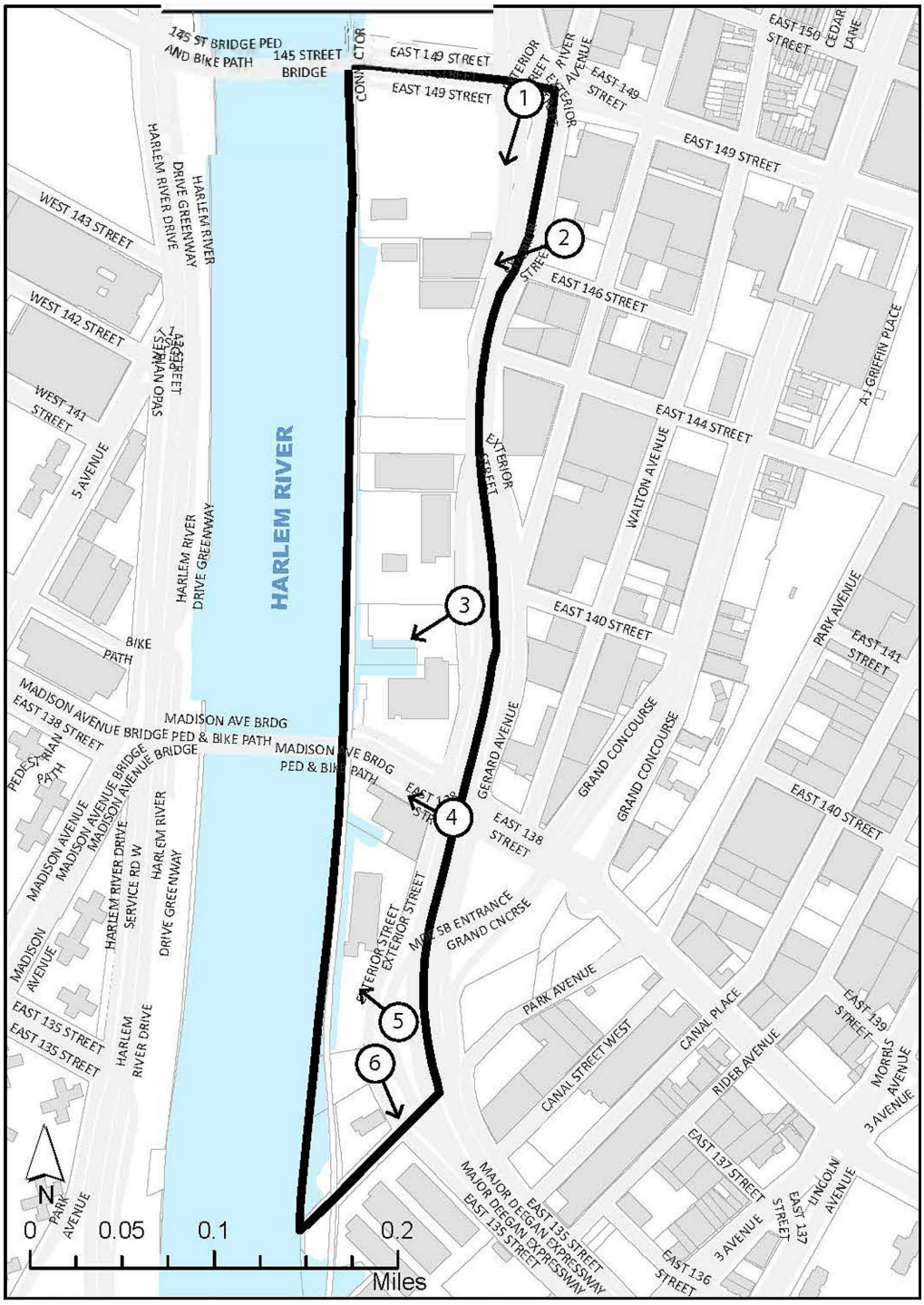
No-action scenario

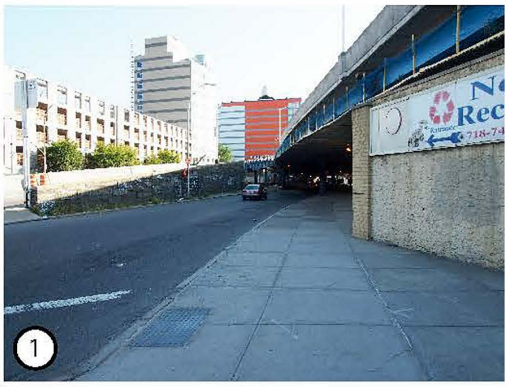
With-action scenario

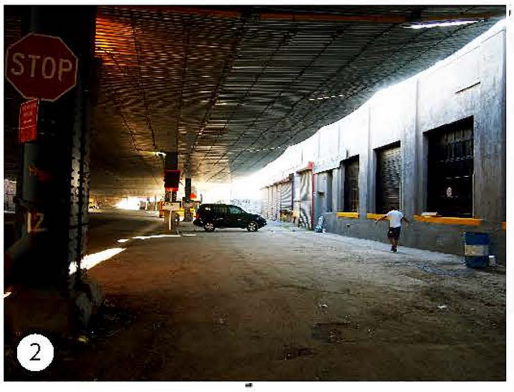


Special Harlem River Waterfront District
Parcel Line
Shore Public Walkway
Supplemental Public Access Area (SPW Location)
Supplemental Public Access Area (Designated Location)
Upland Connection (Within Flexible Location Zone)
Upland Connection (Designated Location)
Upland Connection (Movable Location)

Figure 1 – *HRW Core and proposed South Subdistrict (no and with-action scenarios)*













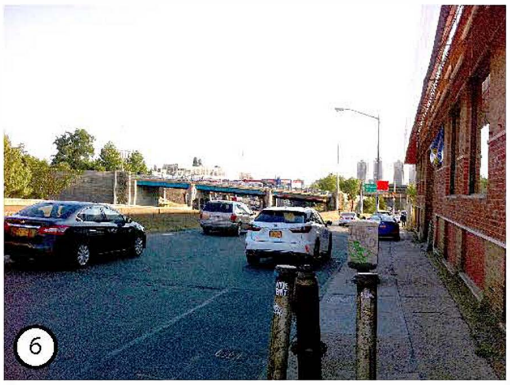


Figure 2 – *HRW Core Subdistrict (site photos)*

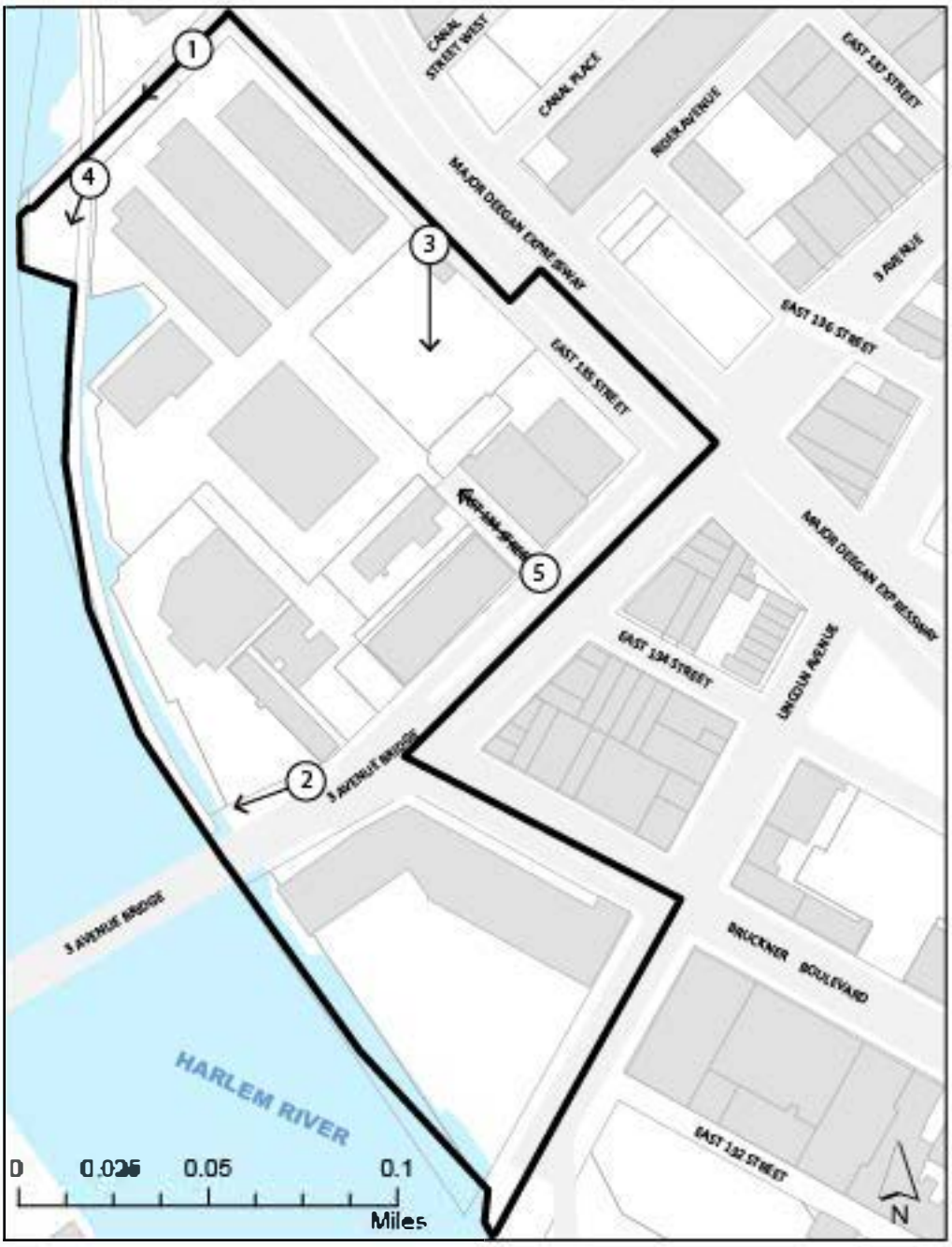












Figure 3 – ***HRW proposed South Subdistrict (site photos)***

SPECIAL HARLEM RIVER WATERFRONT DISTRICT EXPANSION AND TEXT AMENDMENT

Note: This Revised EAS updates and replaces the original Special Harlem River Waterfront District Expansion and Text Amendment EAS, dated June 2, 2017, and prepared in connection with the original ULURP application certified on June 5,2017. Subsequent to the issuance of the EAS and Negative Declaration, the CPC is considering modifications to the proposed actions based on verbal and written testimony from the CPC and stakeholders delivered at the CPC Public Hearing. The modifications concern: corrections to clerical errors, and minor revisions to the proposed zoning text amendments. The modifications to the proposed zoning text amendments include: corrections to minor errors in the proposed zoning text amendment; and minor revisions to the proposed zoning text amendment, as described below. The Revised EAS also contains corrections to minor errors in the previously issued EAS.

The revisions to the proposed zoning text amendment include:

- the provision of specific vesting periods for bulk regulations in the proposed South Subdistrict;
- a reduction in number of active ground floor use requirements on corners for Parcels 3,4,5, 6 and 20;
- a lower minimum base height (from 60' to 15') along the Major Deegan Expressway; and,
- the provision of setbacks from the street line on the Major Deegan on Parcels 2, 3, and 4, to account for an area that was previously assumed to be an easement.

See Appendix A of this document for the revised proposed zoning text amendment. As discussed below, the modifications to the proposed actions would not affect the amount, type or location of development compared to what was analyzed in the previously issued EAS, have not resulted in the need for any new analyses, and are not expected to result in any new or different significant adverse impacts, and would not alter the conclusions of the previous environmental review.

A. Project Description

a. INTRODUCTION

The New York City Department of City Planning (DCP) is proposing a zoning map amendment and zoning text amendments (the "proposed actions") to the NYC Zoning Resolution (ZR) to (1) expand the existing Special Harlem River Waterfront District (HRW), to extend the Waterfront Access Plan (WAP) BX-1 to encompass two waterfront blocks to the south and (2) update the existing special district regulations to address flood resiliency needs, account for easements and other restrictions, ensure adequate circulation, and to provide flexible building forms to encourage the development of affordable housing. The expansion area mapped as a result of the proposed actions would become a new Subdistrict in the HRW (the "South Subdistrict"), and the existing Special District would become the "Core Subdistrict". The proposed actions would also modify the provisions of Article I, Chapter 4, Article II, Chapter 3, Article VI, Chapter 2, Article VIII, Chapter 7, and Article XII, Chapter 3 of the ZR. The proposed actions would facilitate the improved quality of future development and active open space on the Harlem River waterfront.

As part of a separate, but related proposal, the New York City Economic Development Corporation (EDC) has proposed the redevelopment of Block 2356, Lots 2 and 72, and Block 2539, Lot 1 and p/o Lots 2 and 3, north of the existing HRW, known as Lower Concourse North (LCN) (CEQR No. 16DME012X). The actions include mapping the LCN project site as an expansion area that would become the "North Subdistrict" of the HRW, pending project approvals.

The HRW includes Blocks 2349 and 2323 and is located in the Mott Haven section of the Bronx, on the eastern shore of the Harlem River. The HRW was established in 2009 as part of the area-wide Lower Concourse Rezoning (CEQR No. 08DCP071X). The rezoning also created a new Special Mixed-Use (MX) district, mapped a new Inclusionary Housing Designated Area and new waterfront parkland, established the Harlem River Waterfront Access Plan, and instituted related actions in order to create new development opportunities and open space in the underutilized parcels in the greater Lower Concourse area.

The goals of the HRW are to: create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors; maximize waterfront views; promote the pedestrian orientation of ground floor uses in appropriate locations; encourage well-designed development that complements the built character of the neighborhood; provide an open space network comprised of parks, public open space and public access areas; guarantee a variety of building structures, create a varied skyline; facilitate a strong streetscape, ensure a range of uses on the waterfront, and; encourage people to use waterfront open spaces.

The proposed expansion area (the proposed "South Subdistrict") is located in Port Morris, spanning from Park Avenue in the north to Lincoln Avenue in the south. The waterfront blocks in the proposed South Subdistrict were included in the 2005 Port Morris/Bruckner Boulevard Rezoning (ULURP No. C 050120 ZMX, CEQR No. 05DCP005X). The purpose of the rezoning was to permit mixed (industrial and residential) uses, building on a 1997 rezoning that established the first Mixed Use district in the city (MX-1). The proposed the South Subdistrict includes these two blocks (Block 2319, Lots, 2, 37, 55, 60, 98, 99, 100, 108, 109, 112, 155 and 200, and 2316, Lots 1 and 35), which are proposed to be categorized as HRW Parcels 11 through 21. These blocks are currently mapped in the Special Mixed Use District (MX-1, mixed industrial and residential use), with an underlying zoning designation of M1-3/R8. The underlying zoning would not change as part of the proposed actions, however the two blocks would become part of the HRW in place of their current designation in the MX-1.

(See Table A1 for a list of Parcels in the proposed HRW and corresponding blocks and lots, as well as Map A1, Project Location and Figure A1, HRW – Existing and Proposed Districts).

Table A1: Special Harlem River Waterfront District - Parcels, Blocks and Lots	
HRW - Core Subdistrict	
Parcel #	*Corresponding Block and Lot*
Parcel 1:	Block 2349, Lot 112
Parcel 2:	Block 2349, Lot 100, 103, 107
Parcel 3:	Block 2349, Lots 46, 47, 146
Parcel 4:	Block 2349, Lot 38
Parcel 5:	Block 2349, Lots 15, 20
Parcel 6:	Block 2349, Lots 3, 4
Parcel 7:	Block 2323, Lot 43
Parcel 8:	Block 2323, Lot 28
Parcel 9:	Block 2323, Lots 5, 13, 18
HRW - Proposed North Subdistrict*	
Parcel 10:	Block 2356, Lots 2 and 72; Block 2539, Lot 1 and p/o Lots 2 and 3
HRW - Proposed South Subdistrict	
Parcel 11:	Block 2319, Lot 55
Parcel 12:	Block 2319, Lot 60
Parcel 13:	Block 2319, Lots 37 and 155
Parcel 14:	Block 2319, Lot 98
Parcel 15:	Block 2319, Lot 99
Parcel 16:	Block 2319, Lots 100 and 108
Parcel 17:	Block 2319, Lot 109
Parcel 18:	Block 2319, Lot 112
Parcel 19:	Block 2319, Lot 2
Parcel 20:	Block 2316, Lots 1 and 35
Parcel 21:	Block 2319, Lot 200

*Part of separate proposal for LCN project site

b. BACKGROUND

Since the 2009 Lower Concourse Rezoning, development activity in the area, which has included 285 affordable DUs, has occurred upland mainly along Morris Avenue, 149th Street, and 138th Street. Along Bruckner Boulevard in Port Morris, 479 affordable DUs have been developed, and 75 additional DUs were converted from redevelopment of the prominent Clock Tower Building at Lincoln Avenue. Just outside the Lower Concourse Rezoning area, landmarked Bronx General Post Office building at 558 Grand Concourse is being redeveloped with retail and commercial space and will reopen in 2017. Due in part to the national economic recession at the time of the rezoning, as well as the weather event Superstorm Sandy, no development has occurred on the waterfront in the area of the existing HRW. Recent trends, however, have created more interest in the development of commercial office and retail as well as residential uses on the waterfront in the western Port Morris area.

The area is well served by transit with three stations on the 2, 4, 5 and 6 lines. Lincoln Hospital and Hostos Community College are two prominent community facilities in the north of the study area, and the Bronx Terminal Market shopping mall is just north of 149th Street. The 104-acre Harlem River Yard Transportation and Distribution Center is located in Port Morris along the Harlem River and Bronx Kill south of Lincoln Avenue. The area is accessible via the Major Deegan Expressway, the 145th Street Bridge, the Third Avenue Bridge, and the Metro North Bridge and rail line bisects the area along Park Avenue. NYCHA's Mitchel and Patterson Houses are located to the east. Three large city-owned properties are within the area – 425 Grand Concourse, Pier 5 north of E 149th Street (the site of the LCN project site proposal, as described above), and 63 Exterior Street.

The Major William F. Deegan Expressway was completed in 1957, isolating waterfront parcels from upland neighborhoods in the Lower Concourse area of the South Bronx. The Oak Point Rail Link was built along the Harlem River in this area in the 1990s in order to divert freight traffic away from busy commuter rail lines. The waterborne route cut off access to waterfront lots in this area and precluded water-dependent uses. The HRW special district regulations were created to overcome these obstacles to ensure the public feels welcome and encourage people to use waterfront open spaces.

In 2016, Mayor de Blasio, as part of his State of the City address, committed approximately $200 million in capital investment to the Lower Concourse neighborhood. The investment will capitalize on the Lower Concourse's assets and to strengthen the infrastructure that has the potential to create jobs and provide affordable housing. The EDC worked with City agency partners to create a plan for how to most effectively spend the money to create jobs, build housing, and promote connections within the neighborhood. The final recommendations as part of the planning phase were finalized in early 2016. As a first step, Exterior Street would be redesigned and reconstructed to improve pedestrian and vehicular conditions. At the same time, the utilities underneath the street would be improved to support existing and future development. The City would also invest a portion of the money into high-speed broadband infrastructure in order to facilitate a better business environment for local businesses, support new business development in the area, and help sustain job growth in the neighborhood. Finally, the funding will be used to design and construct the parkland that was anticipated as part of the Lower Concourse Rezoning.

Two future developments requiring Certification by the Chairperson of the City Planning Commission are anticipated in the proposed South Subdistrict. The first, located at 2401 3rd Avenue (Block 2319, Lot 2) (CEQR No. 16DCP050X), received approval of its waterfront certification that, due to an intervening City-owned zoning lot on the shoreline, no Waterfront Public Access Area (WPAA) is required, in 2015. Per ZR section 62-33, "Special Yard Regulations on Waterfront Blocks," a 40 foot waterfront yard would be required, however, this waterfront open space would not need to be publicly accessible. Block 2319, Lot 2 will be developed with an approximately 368,000 gsf mixed-use building containing residential, commercial, and community facility uses, including 450 DUs. The second proposed development, located at 101 Lincoln Avenue (Block 2316, Lots 1 and 35) (CEQR No. 17DCP170X), is planned pending approval of its proposed waterfront certification, and would be developed with an approximately 830,000 gsf mixed-use building containing residential, commercial and community facility uses, including 985 DUs. The planned development on Block 2316, Lots 1 and 35 would be subject to a WPAA as part of its approvals under the current underlying zoning, as the site abuts the shoreline. Should the proposed actions for the HRW be approved prior to the vesting of either of the above-mentioned planned developments, they would be subject to the applicable provisions in the proposed HRW Special District text, including the provision of a 40 foot WPAA along the shoreline.[1]

[1] On parcels with no current requirement to provide an SPWW, a four year extension of the vesting period for bulk regulations would be provided conditional upon an easement to provide and guarantee public access.

Flood Zones

HRW - Core Subdistrict

HRW - South Subdistrict

400ft buffer expansion

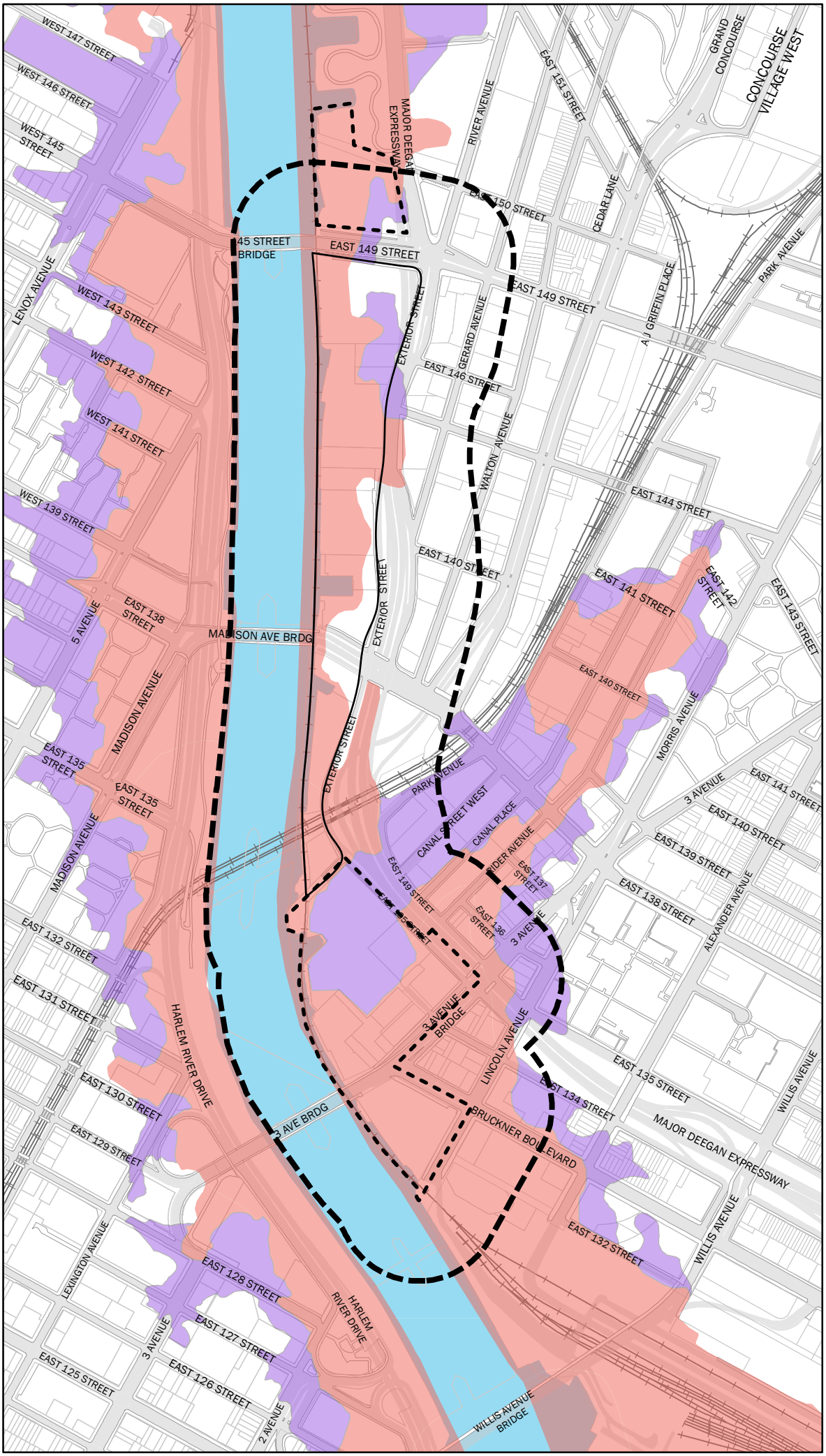
North Subdistrict*

*Not part of the proposed action

Advisory Zone

A

Shaded X



c. DESCRIPTION OF THE PROJECT AREA

The area within the existing HRW is zoned within R7-2/C2-4 and C4-4 zoning districts. Each of these zoning districts permits a residential floor area ratio (FAR) of 3.0 (up to 4.0 with Inclusionary Housing) with bulk regulations, and 2.0 commercial FAR under the C2-4 commercial overlay and 3.4 commercial FAR under the C4-4 districts. A maximum base height of 85 feet is permitted with a maximum tower height of 400 feet on lots larger than 100,000 square feet (sf), and 300 feet on lots smaller than 100,000 sf in the R7-2 and C4-4 districts, as well as a maximum tower footprint of 8,100 sf. As part of the 2009 Lower Concourse Rezoning, a 2.26-acre park was mapped within the HRW along the Harlem River waterfront in an M2-1 district, located between the Harlem River and Exterior Street, generally south of the prolongation of East 146th Street and north of the prolongation of East 144th Street. The area is currently developed with an open construction waste facility, bus parking, self-storage facility, auto sales, a Con Edison muster site and parking, and a moving and storage company. The area of the HRW was projected to be developed with residential, commercial and community facility uses, as well as open space including the park. To date, this development has not occurred.

As mentioned above, the proposed HRW South Subdistrict is zoned within an MX-1: M1-3/R8 district. The MX-1 district hash a permitted maximum FAR of 6.02 for residential and 5.0 for manufacturing and commercial, and a 210 foot maximum building height requirement, with additional allowed 40 feet of additional height for tower top articulation.

Parts of both the HRW Core Subdistrict and proposed South Subdistrict are located in the flood plain. New construction and substantial improvements within the 100-year floodplain are subject to NYC Building Code requirements for flood-resistant construction. These include requirements that all habitable space be located above the design flood elevation. Permitted uses below the design flood elevation include parking, access and storage. By local law, the City of New York requires that the more stringent of the currently effective FIRMs and PFIRMs be used for the purposes of determining compliance with all floodproofing requirements in the Building Code and for establishing base plane elevations for new buildings to measure their compliance with zoning building height requirements. Today, most resiliency practices are implemented at a building scale and incorporate adaptive actions such as dry or wet floodproofing, elevating structures, or protecting mechanical systems. Per the PFIRM, a portion of the proposed expansion area is located in a 500-year floodplain "X Zone" (see Map 9). This area has a moderate flood risk outside the regulatory 1% annual chance flood but within the limits of the 0.2% annual chance flood level (one in 500 annual chance).

d. REQUIRED APPROVALS

The proposed actions encompass discretionary actions that are subject to review under the Uniform Land Use Review Procedure (ULURP), Section 200 of the City Charter, and the CEQR process. The discretionary actions include:

Zoning Map Amendment

- Expand the Special Harlem River Waterfront District to extend the Waterfront Access Plan (WAP) to the blocks bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue.

Zoning Text Amendments

- Modify the text of the existing Special Harlem River Waterfront District.

- Expand the Special Harlem River Waterfront District map to include the blocks 2316 and 2319, to establish South Subdistrict, as described above (expansion area).

- Extend the Waterfront Access Plan BX-1 to have boundaries coterminous with HRW South Subdistrict.

The proposed actions, described in detail under Section E, "Description of the Proposed Actions", would modify the underlying zoning regulations by establishing additional requirements to address flood resiliency needs, account for easements and other restrictions, and ensure adequate circulation and waterfront public access to meet unique conditions. Per ZR section 62-80, the expanded WAP would modify the general public access requirements of waterfront zoning within this area, identifying locations and parameters for the configuration of shore public walkways, upland connections, supplemental public access areas, and visual corridors. The WAP would not increase the total public access requirements on any given Parcel in the existing HRW.

e. PURPOSE AND NEED

The proposed actions would continue to support the goals of the existing HRW and would be updated to meet current regulations for flood resiliency and affordable housing, and would ensure that a greater portion of the Harlem River waterfront would be accessible to the community and of an appropriate quality.

The goals of the HRW are:

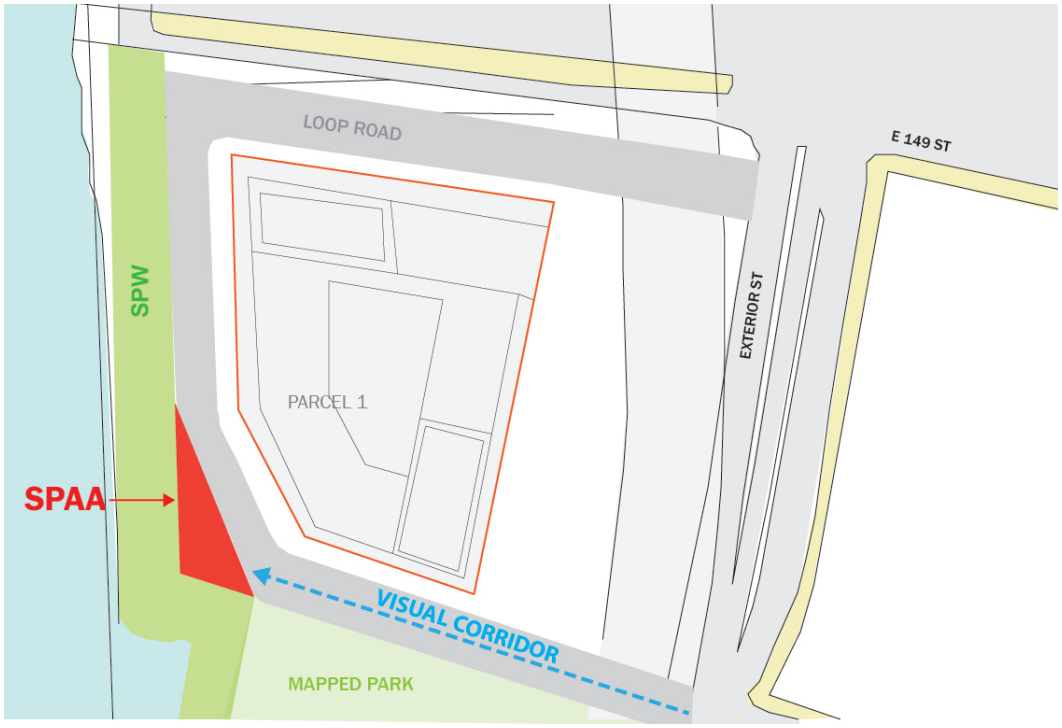
- To create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors,
- to maximize waterfront views,
- to promote the pedestrian orientation of ground floor uses in appropriate locations
- to encourage well-designed development that complements the built character of the neighborhood,
- to provide an open space network comprised of parks, public open space and public access areas,
- to guarantee a variety of building structures, create a varied skyline,
- to facilitate a strong streetscape, ensure a range of uses on the waterfront, and
- to encourage people to use waterfront open spaces.

The proposed actions are intended to update regulations to address new flood resiliency requirements, account for easements and other restrictions, create flexible building forms to encourage the development of affordable housing, and ensure adequate circulation and waterfront public access to meet unique conditions, so that a greater portion of the Harlem River waterfront would be accessible to the community, and so that the anticipated waterfront development would be of an appropriate quality.

Following the adoption of the Lower Concourse Rezoning, DCP learned that the size of an easement on Parcel 1 (Block 2349, Lot 112) in the existing HRW was larger than previously thought. The easement, along with another easement for the future expansion of the Major Deegan Expressway, and the provisions in the current HRW Special District zoning text, imposes restrictions on the future building envelope.[2] The maximum FAR permitted in the zoning could not be achieved on the site. A

[2] Post-certification, it was determined that this easement is not in place, as there are no current plans for the expansion of the Major Deegan Expressway, however, the proposed HRW zoning text requiring a setback on Parcel 1 would remain in place, and newly required setbacks would be added to Parcels 2, 3 and 4 to account for a location and area equal to the area previously assumed to be an easement, in case the expansion were to happen in the future. This would not affect the amount or location of development permitted with the proposed actions.

No-action scenario



With-action scenario

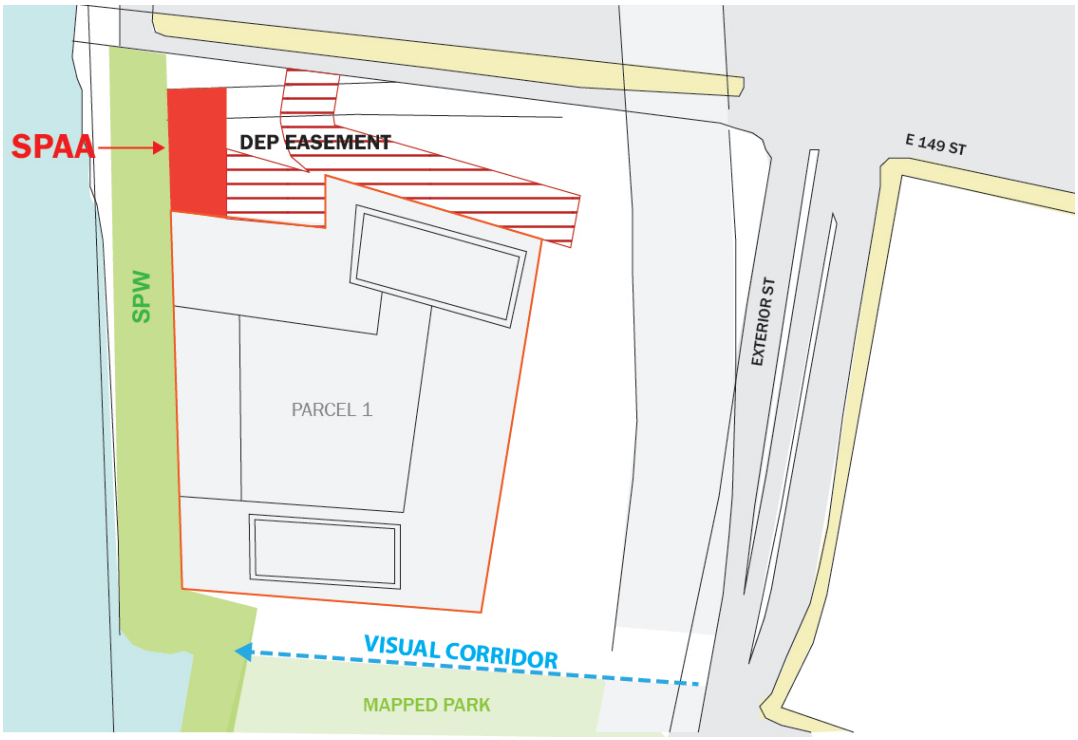


Figure AA1 – *Parcel 1 (no-action and with-action scenarios)*[1]

1 Revised to show no easement for Major Deegan Expressway

building on Parcel 1 could nonetheless contain the same uses, including the same number of DUs, however, the building footprint would be constrained, and would result in less space for uses and smaller DUs. The proposed zoning text amendments therefore include provisions to loosen the zoning restrictions relating to the building envelope, street and ground floor uses on Parcel 1, to allow for greater building envelope flexibility. These changes would permit future development on the site to reach the maximum available FAR.

The proposed actions also address recent updates to flood resiliency regulations affecting flood resilient construction. The proposed amendments minimize blank walls and their visibility from surrounding streets and open areas. The proposed actions also address the Federal Emergency Management Agency's (FEMA) revised 2015 Preliminary Flood Insurance Rate Maps (FIRMs), which expanded the extent of the 1% annual chance floodplain throughout the city, including throughout portions of the existing HRW and proposed South Subdistrict. The proposed amendments would also address better preparing future development anticipated in the HRW for the future 100-year floodplain expansion, which is expected due to sea level rise.

f. DESCRIPTION OF PROPOSED ACTIONS

A zoning map amendment is proposed to extend the HRW to include the entirety of Block 2319 and 2316. Additionally, a zoning text amendment to modify the provisions of Article I, Chapter 4, Article II, Chapter 3, Article VI, Chapter 2, Article VIII, Chapter 7, and Article XII, Chapter 3 in the NYC Zoning Resolution (ZR) is proposed to update the text of the existing HRW and extend the HRW WAP BX-1 to be coterminous with the new HRW boundary.

The proposed actions are described in detail below:

Zoning Map Amendment: Establish the HRW South Subdistrict and Expand Waterfront Access Plan BX-1

The establishment of the HRW South Subdistrict would not affect the existing zoning (M1-3/R8), which permits an FAR of 6.02 for residential and 5.0 for manufacturing and commercial, with an overall 210' maximum height requirement, with an allowed additional 40' or four stories, whichever is less. The current zoning permits residential and non-residential uses such as commercial, community facility and manufacturing uses.

The proposed South Subdistrict and expanded HRW WAP BX-1 would be established in response to unique conditions in the area regarding circulation, open space, and resiliency. Expanding the HRW would ensure adequate access to the waterfront, and lively open space when future development occurs. The proposed zoning map amendment would ensure the ability to create better access and visibility to the waterfront through Upland Connections, Visual Corridors, a Shore Public Walkaway, and a Supplemental Public Access Area on Block 2319, Lot 55. The area was rezoned in 2005 to permit mixed (manufacturing and residential) uses, but the future development projected has only recently begun to occur. Specifically, the South Subdistrict would require, as illustrated in Maps A2, A3 and A4:

- Mapped Visual Corridor inside the South Subdistrict connecting center line of 134th St to the Shore Public Walkway's Supplemental Public Access Area.
- Mapped Visual Corridor inside the South Subdistrict connecting the center line of Canal Street West to the Shore Public Walkway's Supplemental Public Access Area.
- Mapped Visual Corridor inside the South Subdistrict connecting Park Avenue to the shoreline.
- Mapped Upland Connection inside South Subdistrict along the center line of Canal Street West and the southwestern boundary of Parcel 12.

- Supplemental Public Access Area inside South Subdistrict on Parcel 11 on the location specified on Map A2.
- Active Use on Corners – On building frontages; active retail, or community facility uses shall be provided on corners at a required 50' minimum distance, on the intersection of buildings as illustrated in Map A4.[3] For manufacturing uses, 50 percent of ground floor level street wall shall be exempt from underlying minimum transparency requirements.
- Resiliency Measures – To allow more flexibility and variety the aggregate width of street walls rule shall be relaxed and located within eight feet of the street line, and the Bump-Up Provision (as referenced in ZR Section 64-336) threshold will be lowered to 4 feet. Where no transparent materials or entrances or exits are provided on the ground floor level below a height of four feet, for a continuous width of at least 25 feet, one or more visual mitigation elements (planting, benches, bicycle racks, tables and chairs, stairs and ramps, wall treatment) shall be provided on at least 50 percent of the blank wall where an active use or floor area is provided.

Zoning Text Amendments to the entire HRW (Core and South Subdistricts)

The proposed text amendments to the HRW would allow for additional flexibility to promote new opportunities for residential and commercial development and encourage the construction of affordable housing. These changes would affect the existing bulk, streetscape and waterfront access plan regulations of the HRW. The updates would additionally take into consideration the existing regulatory environment around flood resiliency and newly discovered and existing easements. The proposed amendments would not alter the original goals established with the HRW.

- *Providing design flexibility on Parcel 1 (Core Subdistrict). (See Figure A4)*
    - *Relocation of required SPAA on Parcel 1*. This relocation is necessary because of the multiple site constraints recently discovered in this area of the parcel, such as a sewer easement and an additional area that are both unbuildable—making this area more appropriate for a SPAA. The new location of the SPAA would be more welcoming to visitors, would serve as the northern entryway to the Shore Public Walkway of the HRW, and would be the western culmination of 149th Street, an active and transit rich pedestrian way.
    - *Changes to loading area requirements on Parcel 1*. Loading area entrances will be permitted to occur along the sewer easement abutting 149th St Bridge. This provides more flexibility for arranging ground floor uses. It should be added that because of the infrastructural nature of this side of the parcel, this does not lead to significant detriments to the public realm.
    - *Main front entrance requirement facing the SPW.* Because of site constraints, challenges in fitting an efficient floor plate, and in order to provide design flexibility for Parcel 1, the main front entrance requirement facing the SPW will be removed. However, on parcels 2, 3 and 4, a building entrance on the SPW would still be required and active use requirements will be added as well.
    - *Visual Corridor realignment.* The current diagonal alignment of the Visual Corridor along 146th Street creates additional burdens for Parcel 1, which is already constrained by multiple easements. The proposed realignment would run through Parcel 1, on the lot line of the mapped park, preventing a legal window issue that could arise for buildings facing a mapped park, and ensuring proper transparency on the façade fronting the park.

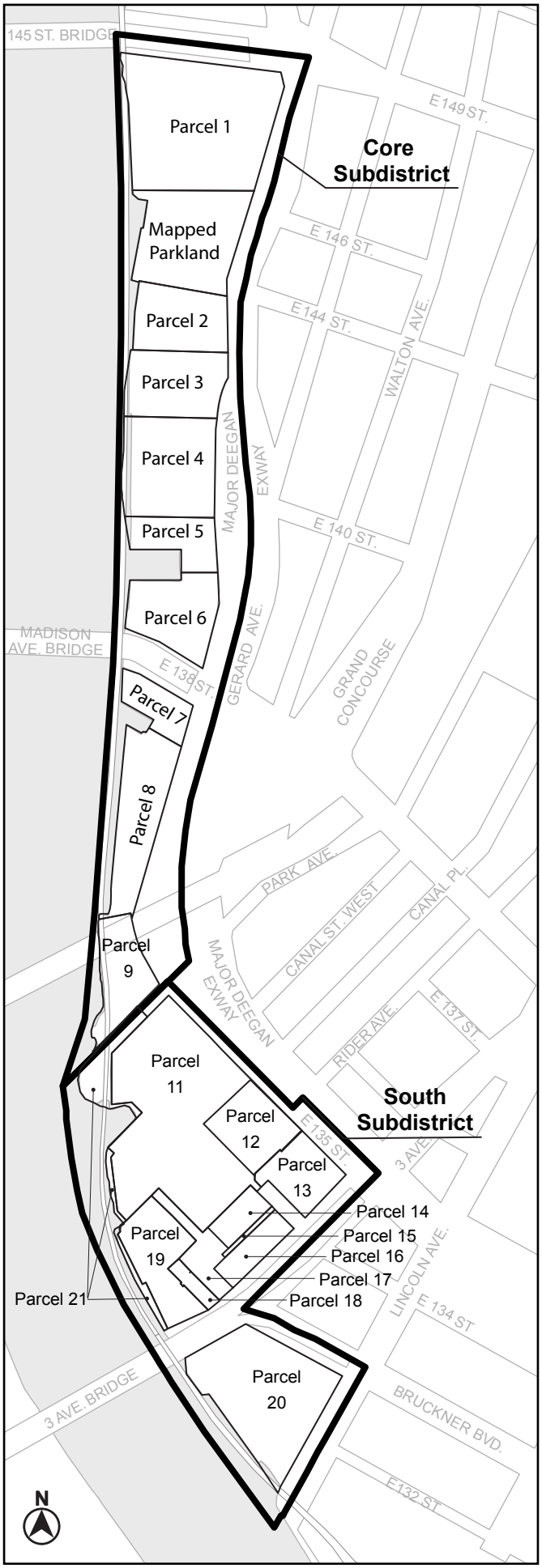
[3] Active uses would be required on each corner of all Parcels, except that they would not be required on one corner for each of Parcels 3, 4, 5 and 6, and on two for Parcel 20. This would continue to align with and support the goals of the HRW.

Additionally, to provide proper waterfront access, an Upland Connection will be mapped in this geography.

- *Waterfront Access Plan. (See Figures A1, C5)*
  - *Changes to Shore Public Walkway regulations.* The requirement that calls for two feet change of elevation would be removed because it could lead to a generic and homogenous pedestrian experience. Additionally, the requirement did not take into account current resiliency practices which are for the most part implemented at a building scale. However, in helping to retain visual access to the water, the SPW would still have to be built at or above the height of the Oak Point Rail Link train track bed. This requirement would also lead to varied height along the entirety of the SPW – which provides a more interesting walking experience along the shoreline.
  - *Changes to the lowest level allowed for a Visual Corridor Plane*. For resiliency purposes and due to the presence of the Oak Point Rail Link along the shoreline, the lowest level for a Visual Corridor will be changed to connect curb level to an elevation matching the extension of a plane horizontally connecting the highest level of the Oak Point Rail Link train track bed or the base flood elevation plus two feet, whichever is greater, to the intersection with the shoreline. The Oak Point Rail Link will be a permitted obstruction as well.
  - *FDNY Turnaround encroachment on SPW.* Increase the permitted encroachment of turnarounds into the Shore Public Walkway (SPW) to meet current FDNY standards.

- *Changes to the streetscape regulations to provide design flexibility. (See Map C4, Figures C2, C3, C6)*
  - Due to the challenging lot dimensions and sizes, most of the parcels in the Special District have limited development and construction capacity. Amendments are proposed in order to fit an efficient floor plate for an enclosed residential/commercial parking, and alleviate strict wrapped use requirements on HRW parcels. However, for Parcels 1 and 2, the one hundred percent floor area requirement will remain for portions of frontages facing the SPW or mapped parkland.
  - Require active uses on corners to ensure that buildings better relate to their surroundings and neighboring community.
  - *Resiliency Measures.* To allow more flexibility and variety the aggregate width of street walls rule shall be relaxed and located within eight feet of the street line, and the Bump-Up Provision (ZR 64-336) threshold will be lowered to 4 feet. Where no transparent materials or entrances or exits are provided on the ground floor level below a height of four feet, for a continuous width of at least 25 feet, one or more visual improvement elements (planting, benches, bicycle racks, tables and chairs, stairs and ramps, wall treatment) shall be provided on at least 50 percent of the blank wall where an active use is provided.

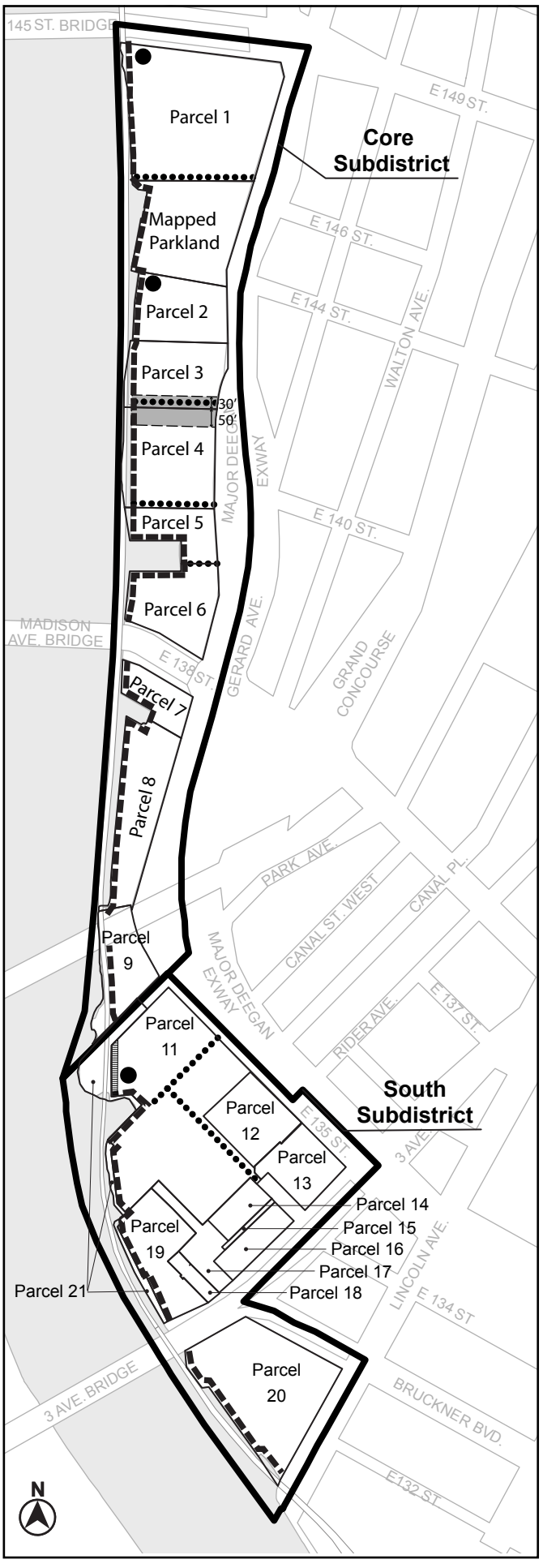
- *Providing design flexibility and variety of building form to support development of affordable housing*. *(See Figures C4 and C5)*
  - 50 feet from the SPW, buildings shall be limited to a base height between 0-85 feet, with a transition height of 125 feet. In addition, a required opening 60’ in length or 30 percent of the streetwall, whichever is greater, shall be required at a minimum 30 foot depth and at a maximum height of 45 feet. In the areas beyond 50 feet of the SPW, where height is



Special Harlem River Waterfront District

Parcel Line

Map A1 – *Special District and Parcels*



Special Harlem River Waterfront District

Parcel Line

Shore Public Walkway

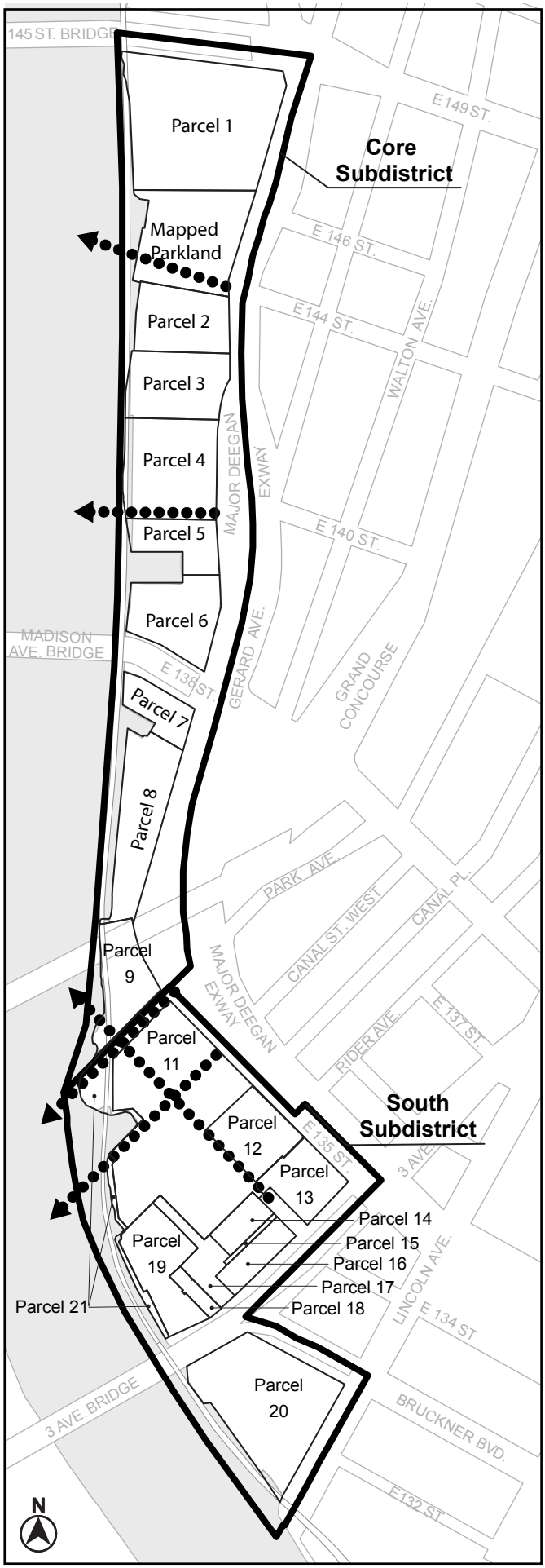
Supplemental Public Access Area (SPW Location)

Supplemental Public Access Area (Designated Location)

Upland Connection (Within Flexible Location Zone)

Upland Connection (Designated Location)

Map A2 – *Public Access Elements*

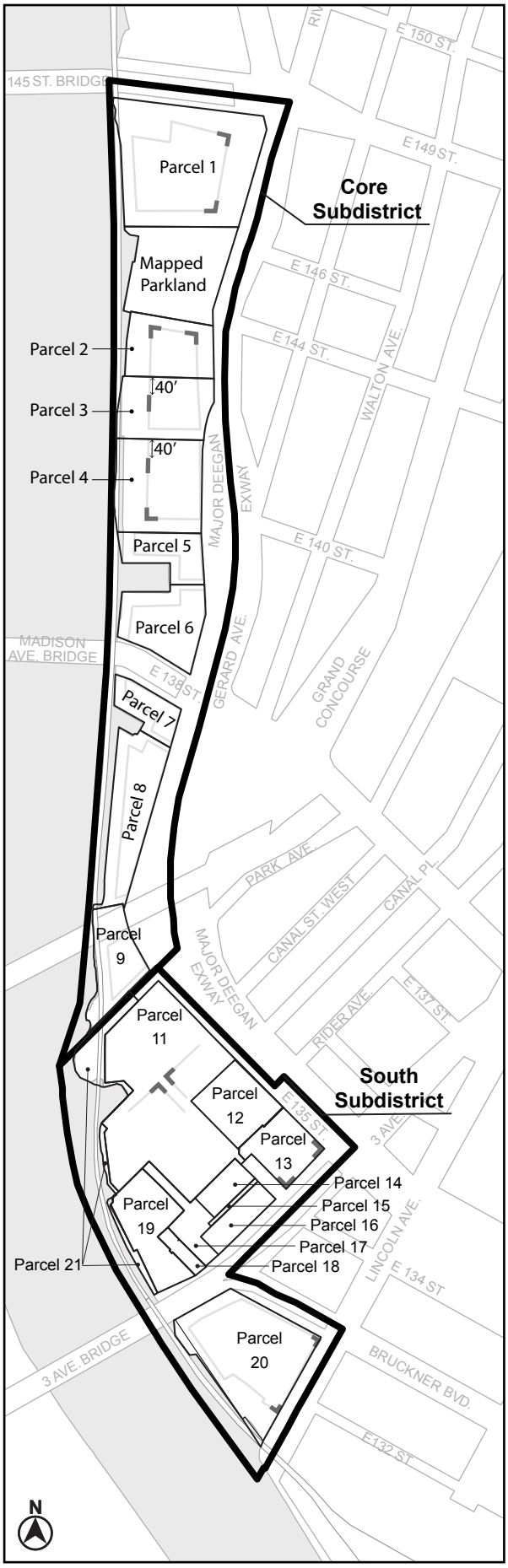


Special Harlem River Waterfront District

Parcel Line

Visual Corridor (Designated Location)

Map A3 - *Designated Visual Corridors*



Special Harlem River Waterfront District

Parcel Line

Active Use Required

Map A4 – Active Corners (Revised)

more adequate, buildings may rise to a base height of 60 to 105 feet and a maximum transition height of 155 feet.

- Most towers will be required to be oriented perpendicular to the shoreline, with the exception of Parcel 2 – so that shadows are minimized on the mapped park. Other exceptions to this rule will be given to small and/or irregular parcels, such as 5 through 8. The perpendicular orientation of the buildings give rise to the possibility to slightly increase maximum tower square footage to 10,000 SF – thus ensuring more efficient residential floor plates.
- Tower top articulation will be required to have a maximum lot coverage for tower tops of 90% of the story below. Relaxing the strict tower top articulation requirements reduces cost of construction, increases residential floor plate efficiency, and provides more flexibility for creative design solutions, while still providing visual variety to the Special District's skyline.
- The text will also replace the Aggregate Width of Street Wall requirement by dormer and sheer wall provisions. This gives the opportunity for even greater facade articulation throughout the building and provides flexibility for creative design solutions and increased variety. For the sake of floor plate efficiency on parcels, above maximum base height, setback requirements facing the SPW will be 15 feet, however, for Parcel 1 the setback shall be 30 feet – which provides a more adequate height and scale for people walking along the shoreline and along the long stretch of this streetwall.

g. ENVIRONMENTAL ANALYSIS FRAMEWORK

The proposed actions before the New York City Planning Commission (CPC) are a zoning map amendment to expand the existing Special Harlem River Waterfront District and to extend the Waterfront Access Plan (WAP) BX-1 to encompass two waterfront blocks to the south, and a zoning text amendment to Article VIII, Chapter VII of the New York City Zoning Resolution (ZR), to modify the Special Harlem River Waterfront District. The text amendment would update the existing special district regulations to address flood resiliency needs, account for easements and other restrictions, ensure adequate circulation, and provide flexible building forms to encourage the development of affordable housing and open space on the Harlem River waterfront in the Bronx. The text amendment would also include a change to the Special District map to include the entirety of Blocks 2319 and 2316 as the South Subdistrict.

Such discretionary actions are subject to City Environmental Quality Review (CEQR), which is New York City's process for implementing the New York State Environmental Quality Review Act (SEQRA), by which City agencies review proposed discretionary actions to identify and disclose the potential effects those actions may have on the environment.

Reasonable Worst Case Development Scenario

A Reasonable Worst Case Development Scenario (RWCDS) is broadly defined as the potential development under both the future No-Action and With-Action conditions that is used to determine the change in permitted development created by a discretionary action. The first step in constructing a RWCDS is to estimate the projected development in the future without the project (the No-Action condition) for the area directly affected by the proposed project as well as the study area as a whole. The RWCDS With Action scenario takes the existing observed condition and adds to it known or expected changes in order to arrive at a reasonable estimate of future conditions. After the baseline condition is

established in the future without the project, the RWCDS With-Action condition for the project is established and compared to the No-Action condition for the environmental assessment.

The proposed actions would continue to support, and build upon, the goals of the existing HRW, and expand the area to which it applies. The HRW would be expanded to include a greater portion of the Harlem River Waterfront, which would ensure that waterfront development already occurring would be subject to the provisions set forth in the Special District, and would therefore be of an appropriate quality. Moreover, a greater portion of the Harlem River waterfront would be publicly accessible. The Special District text would be also updated for consistency with current flood resiliency and affordable housing regulations. The text amendments would elevate the quality of future housing development by relaxing certain restrictions on sites with easements and other lot conditions affecting potential development; and would ensure adequate circulation and waterfront public access to meet unique conditions.

Build Year

CEQR requires analysis of the proposed actions' effects on their environmental setting. This prediction is made for a particular year, generally known as the "build year." The build year is the year when the full effects of the actions would occur. There is no development or proposed project directly in connection with the proposed actions; however, as the actions would modify the Special District text created in connection with the Lower Concourse Rezoning (CEQR No. 08DCP071X), and as the Special District would be expanded to include two blocks included in the Port Morris/Bruckner Boulevard rezoning (CEQR No. 05DCP005X), the text amendments affect the future development projected and analyzed as part of each rezoning. The build year for the Lower Concourse Rezoning is 2018, and the build year for the Port Morris/Bruckner Boulevard Rezoning is 2014. Many of the sites that are located in the HRW Core Subdistrict and proposed South Subdistrict, and that were projected as part of each rezoning, have not been developed as projected. As mentioned above, unique historic events are presumed to have delayed the development projected on these sites, which is now nonetheless expected to occur in the future as projected, as economic conditions have improved. This analysis assumes a build year of 2027 to account for the potential development of multiple sites.

Existing Conditions

HRW: Core Subdistrict

The HRW Core Subdistrict currently includes Parcels 1 through 9 (comprising Block 2349, Lots 3, 4, 15, 20, 38, 46, 47 100, 103, 107, 112, and 146, and Block 2323, Lots 5, 13, 28 and 43). The affected area is zoned R7-2/C2-4, C4-4, and M2-1. R7-2 districts allow residential and community facility uses at a maximum FAR of 4.0. When mapped with a C2-4 commercial overlay, commercial uses (Use Groups (UGs) 5-9 and 14) are also allowed at an FAR of 2.0. C4-4 commercial districts are mapped in regional commercial centers and permit residential uses at a maximum FAR of 4.0, community facility uses at an FAR of 6.5, and commercial uses (UGs 5, 6, 8, 9, 10 and 12) at an FAR of 3.4. M2-1 districts allow mid-level industrial uses and are usually mapped between lighter and heavier industrial districts. Commercial and manufacturing uses (UGs 5-14 and 16-17) are permitted at an FAR of 2.0.

The HRW text includes provisions regulating: the location of commercial space in mixed use buildings; ground floor uses; transparency requirements; security gates; special residential and retail floor area requirements; floor area rules for parcels containing newly mapped streets; maximum width of establishments; location of building entrances; special yard, height and setback regulations; permitted obstructions; street wall location and building base; tower heights, location, articulation and setbacks;

design requirements for fire apparatus access roads; parking; curb cuts; and the Harlem River Waterfront Access Plan.

Due to outside financial and weather-event related circumstances, land use on the waterfront blocks has not yet changed as projected in the 2009 Lower Concourse rezoning. The existing Parcels of the HRW are predominantly vacant or contain underutilized parking lots. Some lots are developed with buildings containing commercial and manufacturing uses. Existing development in the current HRW remains well under the allowable FAR. Parcel 2 (Block 2349, Lots 100, 103 and 107) contains a portion of mapped parkland, created as a result of the prior rezoning; however, this parkland remains unbuilt. The Shore Public Walkway to be created as part of the prior rezoning also remains undeveloped.

Proposed Expansion Area

Block 2319, Lots, 2, 37, 55, 60, 98, 99, 100, 108, 109, 112, 155 and 200, and 2316, Lots 1 and 35, proposed to be categorized as Parcels 11 through 21 of the proposed the South Subdistrict, are currently zoned with an MX (mixed industrial and residential use) district zoned M1-3/R8. M1-3 manufacturing districts are light industrial districts that permit manufacturing and commercial uses (UG 5-13 and 16-17) at an FAR of 5.0, and UG 4 community facility uses at an FAR of 6.5. Residential uses are not permitted in zoning districts mapped exclusively as M districts. R8 districts permit community facility uses at a maximum FAR of 6.5 and residential uses at a maximum FAR of 7.2 (for Quality Housing buildings on wide streets outside the Manhattan Core). Manufacturing uses are not permitted in zoning districts mapped exclusively as R districts. The MX district was created to lead to an increase in residential and commercial activity by providing uses for underutilized land and buildings, to legalize non-conforming residential uses, to create a 24/7 neighborhood with services to support new and surrounding residents, to further the City's housing initiatives, and to build on the success of the previous zoning.

The western portion of the Special Mixed Use MX district (MX-1), created as a result of the Port Morris/Bruckner Boulevard Rezoning of 2005, includes two waterfront blocks (Blocks 2319 and 2316), containing land uses that have remained largely unchanged since said rezoning. Existing uses include industrial and commercial buildings of varying heights, as well as a commercial parking garage and some vacant land, consisting predominantly of city-owned, undeveloped waterfront shoreline parcels.

Future No-Action Condition

Core Subdistrict – Existing HRW

Absent the proposed actions, the parcels within the existing Special Harlem River Waterfront District would remain zoned R7-2/C2-4, C4-4 and M2-1 and the Special District text provisions would remain in place. It is anticipated that because of an improving economy, future development on parcels in the existing HRW would continue as projected in the prior rezoning. Future development would result in a mixed-use, commercial and residential, tower-on-a-base buildings, conforming to and complying with the provisions in the existing HRW zoning text. Land uses projected for the HRW Parcels in the 2009 rezoning included 582,682 gsf of commercial uses, consisting of office space and general retail at the ground floor, and 2,664,674 gsf of residential uses, or 2,526 dwelling units (DUs). The maximum allowable FAR would be 4.0 for residential buildings and 2.0 to 3.4 for commercial uses.

As approval of the LCN project site is a separate proposal of independent utility, this site could become part of the HRW as Parcel 10, the North Subdistrict, absent the proposed actions in this proposal, pending CPC approval.

Special Harlem River Waterfront District Text

Absent the proposed actions, the special district text would continue to contain its current provisions, regulating: the location of commercial space in mixed use buildings; ground floor uses; transparency requirements; security gates; special residential and retail floor area requirements; floor area rules for parcels containing newly mapped streets; maximum width of establishments; location of building entrances; special yard, height and setback regulations; permitted obstructions; street wall location and building base; tower heights, location, articulation and setbacks; design requirements for fire apparatus access roads; parking; curb cuts; and the Harlem River Waterfront Access Plan.

Proposed South Subdistrict

The sites proposed to be included in the expansion area (the Southern Subdistrict) would not be included in the HRW, and would remain part of the Special Mixed-Use MX district (MX-1) and would remain zoned M1-3/R8. Future development on these sites would conform to and comply with the underlying zoning regulations, and as discussed above, some mixed-use developments containing residential and commercial uses are planned, and absent the proposed actions, would be expected to continue. Due to the presence of city-owned lots fronting the shoreline, the two blocks would not be subject to waterfront public access requirements, but would be subject to a 40 foot waterfront yard requirement on waterfront lots per the underlying zoning regulations. Without the establishment of the WAP BX-1, future development would not be subject to provisions requiring development of public access along the waterfront.

Future With-Action Condition

In the future with the proposed actions, the existing Special Harlem River Waterfront District would be expanded to extend the WAP BX-1 to encompass two waterfront blocks to the south, and the provisions of Article VIII, Chapter VII of the New York City Zoning Resolution (ZR), the Special Harlem River Waterfront District, would be modified. The underlying zoning districts of the parcels already within the Special District, as well as the parcels proposed to be included in the Special District, would not change. It is assumed that future development as projected in each recent rezoning area would remain. The maximum FAR for each area would remain unchanged, and maximum achievable square footage and DUs would consequently remain the same. The amended HRW would result in two subdistricts: the Core Subdistrict and South Subdistrict.

Additionally, CPC approval of the proposal for the LCN project site would result in the mapping of the North Subdistrict.

Core Subdistrict – Existing HRW

With the proposed actions, the parcels within the existing Special Harlem River Waterfront District would remain zoned R7-2/C2-4, C4-4 and M2-1, but the Special District text provisions would be updated as described above. It is anticipated that because of an improving economy, future development on parcels in the existing HRW would continue as projected in the prior rezoning, however, the updated text would allow for greater design flexibility and would better ensure public access to the waterfront.

Proposed South Subdistrict

The South Subdistrict would be mapped as part of the HRW, and would remain zoned M1-3/R8. Future development on these sites would be subject to the underlying zoning regulations, and would also be subject to the provisions of the expanded HRW, including the HRW WAP. The mixed-use developments planned on these sites would continue as planned, an. Due to the presence of city-owned lots fronting the shoreline, the two blocks would not be subject to waterfront public access requirements, but would be subject to a 40 foot waterfront yard requirement on waterfront lots per the underlying zoning regulations. Without the establishment of the WAP BX-1, future development would not be subject to provisions requiring development of public access along the waterfront.

Special Harlem River Waterfront District Zoning Text Amendments

In the future with the proposed actions, the Special District text would continue to support the goals of the existing HRW. The proposed actions would modify the general public access requirements of waterfront zoning within the HRW WAP, and would contain provisions for the locations and configuration of shore public walkways, upland connections, supplemental public access areas, and visual corridors. The proposed modifications to the HRW district text also include provisions to improve urban design elements, including providing greater flexibility for streetscape regulations and building design, promoting active uses on street corners, and promoting resiliency measures, as well as permitting sidewalk cafes. Other text amendments include reorganizing the provisions in the existing text to account for the new provisions, but these edits to the ZR would be for clerical purposes and have no practical effect.

Attachment B: Supplemental Screening

a. INTRODUCTION

This Environmental Assessment Statement (EAS) has been prepared in accordance with the guidelines and methodologies presented in the 2014 City Environmental Quality Review (CEQR) Technical Manual.
For each technical area, thresholds are defined, which, if met or exceeded, require that a detailed technical analysis be undertaken. Using these guidelines, preliminary analyses were conducted for all aspects of the proposed actions to determine whether detailed analyses of any technical areas would be appropriate.

Part II of the EAS Form identifies those technical areas that warrant additional assessments. The technical areas that warranted a "Yes" answer in Part II of the EAS form were land use, zoning, and public policy; open space; shadows; urban design and visual resources; and neighborhood character. As such, a supplemental screening assessment for each of the aforementioned analysis areas is provided in this attachment. All remaining technical areas detailed in the CEQR Technical Manual were not deemed to require supplemental screening, as they do not trigger initial CEQR thresholds and are unlikely to result in significant adverse impacts.

The supplemental screening assessment identified that detailed assessments are required in the areas of land use, zoning, and public policy; and urban design and visual resources. These analyses are provided in Attachments C and D, and are summarized below. Table B-1 identifies for each CEQR technical area whether (a) the potential for impacts can be screened out based on the EAS From, Part II, Technical Analyses; (b) the potential for impacts can be screened out based on a supplemental screening provided herein per the CEQR Technical Manual; or (c) a more detailed assessment is required to make an impact determination.

TABLE B-1: Summary of CEQR Technical Areas Screening

Technical Area	*Screened out per EAS Form*	*Screened out per Supplemental Screening*	*Detailed Analysis Required*
Land Use, Zoning, & Public Policy			x
Socioeconomic Conditions	x		
Community Facilities	x		
Open Space		x	
Shadows	x		
Historic & Cultural Resources	x		
Urban Design & Visual Resources			x
Natural Resources	x		
Hazardous Materials	x		
Water & Sewer Infrastructure	x		
Solid Waste & Sanitation Services	x		
Energy	x		
Transportation	x		
Air Quality	x		
Greenhouse Gas Emissions	x		
Noise	x		
Public Health	x		
Neighborhood Character		x	
Construction	x		

b. LAND USE, ZONING, AND PUBLIC POLICY

A detailed assessment of land use and zoning is appropriate if a proposed action would result in a significant change in land use or would substantially affect regulations or policies governing land use. An assessment of zoning is typically performed in conjunction with a land use analysis when the action would change the zoning on the site or result in the loss of a particular use. As the proposed actions include zoning map and text amendments that would expand an existing Special District and update its regulations to meet more recent flood resiliency and affordable housing policies, and to ensure that a greater portion of the Harlem River waterfront would be accessible to the community, a land use, zoning and public policy assessment was prepared in accordance with CEQR Technical Manual methodology and is provided in Attachment C, "Land Use, Zoning, and Public Policy."

As shown in Attachment C, no significant adverse impacts on land use, zoning, or public policy, as defined by the guidelines for determining impact significant set forth in the CEQR Technical Manual, are anticipated in the 2027 future with the Proposed Actions in the Project Area or the study area. The Proposed Actions would extend the HRW to include two waterfront blocks, that would become the South Subdistrict, and would update the HRW zoning text to provide design flexibility and improve waterfront access for the community, and would be compatible with adjacent land uses, which are a mix of residential, commercial and light manufacturing uses well-served by public transit and highways. The proposed actions would not create new uses, floor area or available height for the area, which was rezoned in 2009 and analyzed in the environmental review for the Lower Concourse Rezoning (CEQR No. 08DCP071X). The proposed actions would also not create new uses, floor area or available height for the area in the proposed expansion area, which was rezoned in 2005 and analyzed in the environmental review for the Port Morris/Bruckner Boulevard Rezoning (CEQR No. 05DCP005X). The Proposed Actions would not directly displace any land uses so as to adversely affect surrounding land uses, nor would the proposed actions generate land uses that would be incompatible with land uses, zoning, or public policy in the study area. The proposed actions would not create land uses or structures that would be incompatible with the underlying zoning, nor would the proposed actions cause a substantial number of existing structures to become nonconforming. The proposed actions would not result in land uses that conflict with public policies applicable to the Project Area study area.

c. OPEN SPACE

The proposed actions would not result in a significant adverse impact for Open Space. An open space assessment may be necessary if a proposed action could potentially have a direct or indirect effect on open space resources in the project area. A direct effect would "physically change, diminish, or eliminate an open space or reduce its utilization or aesthetic value." An indirect effect may occur when the population generated by a proposed action would be sufficient to noticeably diminish the ability of an area's open space to serve the existing or future population. According to the guidelines established in the CEQR Technical Manual, if a project is not located within an area that is "underserved" or "well-served" by open space, a project that would generate fewer than 200 residents or 500 employees is typically not considered to have indirect effects on open space.

The proposed actions would not diminish, or eliminate an open space or reduce its utilization or aesthetic value in the HRW, but would change the quality of the open space along the waterfront in the existing HRW and would change the accessibility of the open space along the waterfront in the proposed South Subdistrict. The area within the HRW and the proposed South Subdistrict is neither considered underserved, nor well-served in terms of open space according to the CEQR TM, and as the proposed actions would not increase density, no indirect effects to open space would occur.

In the HRW Core Subdistrict, the proposed actions would modify the location requirements and configuration of upland connections, supplemental public access areas, and visual corridors in the Harlem River Waterfront Access Plan (WAP) BX-1. Total public access requirements on parcels within the existing WAP would not change, and the proposed actions would not increase density or reduce the amount or quality of available open space in Parcels within the HRW Core Subdistrict. The proposed text amendment would update the provisions in the existing text to create better accessibility, resiliency, design and overall quality of public open waterfront space. Building ground floors would also encourage "eyes on the street" to promote safe and lively open spaces, and bulk facing the shoreline would be of an adequate height and human scale.

The HRW WAP would be expanded to include the proposed South Subdistrict. Waterfront lots are currently subject to a 30-foot waterfront yard requirement on per the underlying zoning regulations in the MX-1, and are subject to a WPAA if they directly abut the shoreline. The lots facing the waterfront in the proposed South Subdistrict are not currently mapped within a WAP. The amount of Open Space that would be developed in the proposed South Subdistrict would thus change with the proposed actions. The WAP would require a 40 feet wide SPW, a slight increase in waterfront open space (approximately 17,824 sf). The proposed actions would ensure that this open space would be more accessible to the public. Therefore, the proposed actions would not result in a significant adverse impact for Open Space, but would improve the overall design quality of waterfront access for the public, and would expand the area in which these zoning regulations would apply.

d. URBAN DESIGN AND VISUAL RESOURCES

An area's urban design components and visual resources together define the look and character of the neighborhood. The urban design characteristics of the neighborhood encompass the various components of buildings and streets in the area, including building bulk, use, and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features. An area's visual resources are its unique or important public view corridors, vistas, or natural or built features. For CEQR analysis purposes, this includes only views from public and publicly accessible locations and does not include private residences or places of business. An analysis of urban design and visual resources is appropriate if a proposed action would (a) result in buildings that have substantially different height, bulk, form, setbacks, size, scale, use, or arrangement than exists in an area; (b) change block form, demap an active street or map a new street, or affect the street hierarchy, street wall, curb cuts, pedestrian activity or streetscape elements; or (c) would result in above-ground development in an area that includes significant visual resources.

As the proposed actions include zoning map and text amendments that would expand an existing Special District and update its regulations to meet more recent flood resiliency and affordable housing policies, and to ensure that a greater portion of the Harlem River waterfront would be accessible to the community, a preliminary urban design analysis is required and is provided in Attachment D, "Urban Design and Visual Resources." As discussed in the analysis, the proposed actions would not result in a significant adverse impact on the area's urban design and visual resources, as defined by the CEQR Technical Manual. The proposed actions would modify the location requirements and configuration of shore public walkways, upland connections, supplemental public access areas, and visual corridors in the Harlem River Waterfront Access Plan (WAP) BX-1. Total public access requirements on parcels within the WAP would not change. The Proposed Actions would continue to support the goals of the existing HRW, but would be updated to meet current regulations for flood resiliency and affordable housing and to ensure that a greater portion of the Harlem River waterfront is accessible to the community and is of an appropriate quality. Bulk facing the shoreline would be of an adequate height and human scale as well.

e. NEIGHBORHOOD CHARACTER

A supplemental screening analysis is necessary to determine if a detailed neighborhood character analysis is warranted in accordance with CEQR Technical Manual methodology, because the proposed actions required analyses of land use, zoning, and public policy, and urban design and visual resources.

The Proposed Actions would not adversely affect any component of the surrounding area's neighborhood character. The Proposed Actions are intended to expand and update the existing HRW regulations to address flood resiliency needs, account for easements and other restrictions, ensure adequate circulation, and provide flexible building forms to encourage the development of affordable housing and open space on the Harlem River waterfront in the Bronx. Moreover, the Proposed Actions are not expected to result in any significant adverse impacts on the technical areas relating to neighborhood character, including land use, open space, and urban design and visual resources. Therefore, the Proposed Actions would not result in a significant adverse impact to neighborhood character.

f. *Proposed modifications to the proposed zoning text amendments as certified on June 5, 2017*

This Revised EAS reflects modifications to the proposed actions as certified on June 5, 2017, under consideration by the City Planning Commision (CPC), based on verbal and written testimony from the CPC and stakeholders as delivered at the CPC Public Hearing. The modifications concern revisions to the proposed zoning text amendments. The proposed zoning map amendment would not change. The proposed zoning text amendments include: the provision of specific vesting periods for bulk regulations in the proposed South Subdistrict; a reduction in number of active ground floor use requirements on corners for Parcels 3,4,5, 6 and 20; a lower minimum base height (from 60' to 15') along the Major Deegan Expressway; and the provision of setbacks from the street line on the Major Deegan on Parcels 2, 3, and 4, to account for an area that was previously assumed to be an easement. Additionally, the modifications under consideration include corrections of minor errors in the zoning text. The proposed modifications would still align with and continue to support the goals of the HRW as proposed.

The proposed actions would not affect the amount, type or location of development compared to what was analyzed in the previously issued EAS, have not resulted in the need for any new analyses, and are not expected to result in any new or different significant adverse impacts, and would not alter the conclusions of the previous environmental review.

EAS Part II. Technical Analyses

C. Land Use, Zoning, And Public Policy

a. INTRODUCTION

The New York City Department of City Planning is proposing a zoning map amendment and zoning text amendments to the NYC Zoning Resolution (the "Proposed Actions") to (1) expand the existing Special Harlem River Waterfront District (HRW) to extend the Waterfront Access Plan (WAP) BX-1 to encompass two waterfront blocks to the south (the existing HRW and the proposed expansion area is hereafter referred to as the "Project Area"), and (2) update the existing special district regulations to address flood resiliency needs, account for easements and other restrictions, ensure adequate circulation, and provide flexible building forms to encourage the development of affordable housing and open space on the Harlem River waterfront in the Bronx. The zoning text amendments propose modifications to Article VIII, Chapter 7, Article I, Chapter 4 and Article VI, Chapter 2 of the NYC Zoning Resolution (ZR).

This attachment assesses the potential impacts of the Proposed Actions on land use, zoning, and public policy for the Project Area, and for a study area within 400 feet of the Project Area. The HRW lies on the eastern shore of the Harlem River, spanning from 149th Street in the north to Park Avenue in the south, and bounded in the east by Exterior Street and the Major Deegan Expressway. The proposed expansion area includes two blocks and spans from Park Avenue in the north to Third Avenue and Lincoln Avenue in the south, and is bounded by the Harlem River to the east and E 135th Street and Bruckner Boulevard to the west *(See maps in Section A. Project Description)*. The Proposed Actions would not result in significant adverse land use impacts and would be consistent with zoning and public policies in the greater Lower Concourse and Port Morris areas.

The Project Area is currently occupied by warehouses and manufacturing uses, commercial, institutional, residential, mixed use buildings, transportation and utility uses, and vacant lots. By the analysis year of 2027, with the Proposed Actions, new residential and commercial development that is expected to occur throughout the Project Area, and the expected concurrent development of waterfront public access areas along the Harlem River, would be developed under updated design guidelines. The updated HRW guidelines: would better address current flood resiliency requirements and affordable housing policy; would account for easements and other restrictions on waterfront project sites; and would ensure adequate circulation and waterfront public access to meet unique project site conditions.

b. BACKGROUND AND DEVELOPMENT HISTORY

The Lower Concourse section of the southwest Bronx comprises several neighborhoods, including Mott Haven and lower Grand Concourse. By the late 1800s, the area had been established as an industrial area, including uses such as factories and lumber yards. Residential neighborhoods were fairly isolated from other areas of New York City, as greater highways and public transportation options had not yet been developed. Nonetheless, by the early 20th century, the area had one of the largest concentrations of manufacturing buildings and facilities along the Harlem River.

In the early 1900s, subway expansion provided an arterial connection from Manhattan to the South Bronx, providing cheap rapid transit that facilitated the growth of a multi-cultural population, largely made up of trade workers and their families. As was the case in most industrial cities at the time, residential areas

were built up nearby to provide housing for factory workers. In addition to the rail-based network of connections between Harlem and the South Bronx, six bridges were constructed in the area between 1895 and 1954: the Macomb's Dam, 125th Street, Madison Avenue, Park Avenue, Third Avenue, and Willis Avenue Bridges.

By the mid-20th century, factories in the South Bronx mass-produced a wide variety of products. But industrial activity in the Bronx generally would soon begin to decline, with the Bronx and the greater New York City area rapidly losing industrial jobs by the 1950s. Between 1969 and 1999, the number of manufacturing jobs in the city fell by two thirds.

The greater Port Morris area was similarly once a strong manufacturing and warehousing district specializing in furniture and piano manufacturing, but following the Great Depression little growth occurred in the neighborhood. In the 1950s, housing was cleared for the Triborough Bridge and the Bruckner and Major Deegan Expressways, leading to a gradual decline in industrial uses. The Major William F. Deegan Expressway was completed in 1957, isolating waterfront parcels from upland neighborhoods. Zoning in Port Morris limited permitted land uses, leaving many buildings partially or entirely vacant when industrial companies left the area. The Oak Point Rail Link was built along the Harlem River in this area in the 1990s in order to divert freight traffic away from busy commuter rail lines. The waterborne route cut off access to waterfront lots in this area and precluded water-dependent uses. In the 1980s and 90s, the neighborhood began to transform, as industrial buildings were renovated along Bruckner Boulevard for non-manufacturing uses.

In 1997, the City established the first Special Mixed Use District, including an M1-1 light manufacturing district and an R6A medium-density residential district, on an area spanning four blocks in the Port Morris neighborhood of the Bronx. The creation of this Special Mixed Use District was in recognition of the need to support both the new land uses in the area, and the established, remaining industrial uses. MX-1 would facilitate the viability of mixed use industrial and residential communities, particularly with regard to live-work lifestyles, and would create flexible regulations for all uses within the area to be rezoned. Since the locational restrictions for industrial uses would only apply in the case of a new building or a building enlargement, most industrial activity could continue as it did when an area was zoned only for manufacturing. The adopted regulations enabled previously vacant residential space to be reused while ensuring adequate environmental safeguards.

In 2005, the Port Morris/Bruckner Boulevard Rezoning (CEQR No. 05DCP005X) expanded the Special Mixed Use District by eleven blocks, and officially created the first named Special Mixed Use District in the New York City Zoning Resolution (ZR) as MX-1. The Special Mixed Use District (MX-1) encourages new residential and commercial development while continuing to permit existing light manufacturing uses as well as new ones. MX-1 includes provisions to: reflect the current mixed-use character of the area; bring new uses to underutilized land and buildings; enable existing residences to become conforming uses; further the city's housing initiative; focus on improved waterfront access; and create a vibrant, active neighborhood.

The HRW was established in 2009 as part of the Lower Concourse rezoning. The Lower Concourse Rezoning (CEQR No. 08DCP071X) mapped a significant portion of the South Bronx with mixed use and special use districts, mapped a new Inclusionary Housing Area and new waterfront parkland, established the Harlem River Waterfront Access Plan, and instituted related actions in order to create new investment opportunities and open space in the underutilized, but transit-rich, Lower Concourse area. The goals of the HRW, as established, are to ensure development maintains a

human scale, guarantee a variety of building structures, create a varied skyline, maximize waterfront views, facilitate a strong streetscape, encourage "eyes on the street", ensure a range of uses on the waterfront, and encourage people to use waterfront open spaces.

Much of the development that was projected for both the Lower Concourse (2009) Rezoning and the Port Morris/Bruckner Boulevard (2005) Rezoning has not yet occurred, and some development has occurred in a way that was not anticipated. The national economic recession following this time period, along the major weather event Superstorm Sandy in 2013, have slowed development interest in the area adjacent to the waterfront. Since 2009, development activity in the Lower Concourse area (285 of units to date, all affordable housing) has occurred upland mainly along Morris Avenue, 149th Street, and 138th Street. Along Bruckner Boulevard in Port Morris, 479 units of affordable housing have been developed and 75 units were converted to residential in the prominent Clock Tower Building at Lincoln Avenue. While no development has occurred on the waterfront, in 2015 private property owners have taken steps toward developing housing and retail on sites flanking the Third Avenue Bridge, in the area rezoned in 2005.

c. LAND USE

Existing Conditions

Project Area

The Special Harlem River Waterfront District (HRW) is located in the Mott Haven section of the Bronx, on the eastern shore of the Harlem River, spanning from 149th Street in the north to Park Avenue in south, and bounded in the east by Exterior Street and the Major Deegan Expressway. The proposed expansion area includes two blocks and spans from Park Avenue in the north to Third Avenue and Lincoln Avenue in the south, and is bounded by the Harlem River to the east and E 135th Street and Bruckner Boulevard to the west.

The HRW is currently developed with an open construction waste facility, bus parking, self-storage facility, auto sales, a Con Edison muster site and parking, and a moving and storage company.

The proposed HRW expansion area, or "South Subdistrict," contains various small manufacturing uses; the Bruckner Building, which was recently converted into an office space and light manufacturing facility; the old Beethoven Piano Factory Building; an empty lot; and a personal storage facility on a large lot which takes up almost half of the area of the proposed Subdistrict. Access to the waterfront blocks is limited by the Third Avenue Bridge, which descends from Manhattan both onto Third Avenue and Bruckner Boulevard, and the Major Deegan Expressway, which is raised along most of the northern edge of the proposed Subdistrict. The Oak Point Rail Link also runs along the coastline and western edge of the Subdistrict, and a small inaccessible green space lies at the end of Park Avenue. A portion of East 134th Street. *(See Figure C1)*

Sites located within the Special Harlem River Waterfront District Expansion Area include:

1. 200 East 135 Street (Block 2319, Lot 55, 200): Lot 55 is a 276,538 square foot lot, consisting of one three-story and two one-story warehouses used as self-storage for the CubeSmart Company. Lot 200 is an 85,900 square foot lot owned by the City of New York and includes part of the shoreline and the CSX rail line. The built FAR is 0.78.

Land Use

HRW - Core and South Subdistricts

HRW - North Subdistrict*

400' Buffer

*The *North Subdistrict* is not part of the proposed action

Subway station entrance

01 - One & Two Family Buildings

02 - MultiFamily Walkup Buildings

03 - MultiFamily Elevator Buildings

04 - Mixed Commercial/Residential Buildings

05 - Commercial/Office Buildings

06 - Industrial/Manufacturing

07 - Transportation/Utility

08 - Public Facilities & Institutions

09 - Open Space

10 - Parking Facilities

11 - Vacant Land

All Others or No Data

0 5 10 20 30 Miles

Projects currently under construction in the study area:

1. 530 Exterior Street
2. 491 Gerard Avenue
3. 110 East 149th Street
4. 500 Exterior Street
5. 335 Grand Concourse**
6. 477 Gerard Avenue
7. 425 Grand Concourse**
8. Pier 5 - Lower Concourse North

***Sites immediately outside the study area boundary*

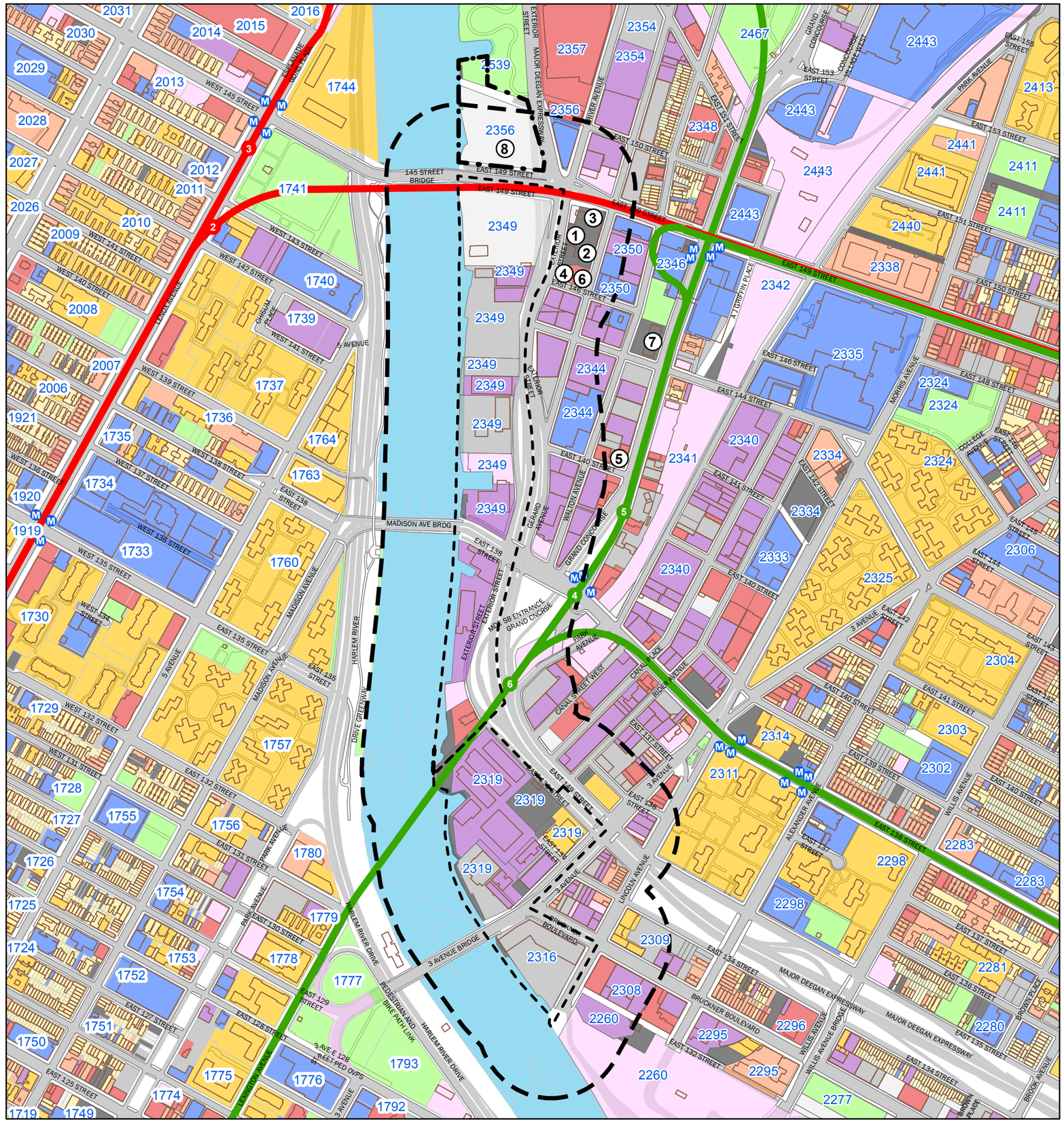




Figure C1 – Proposed South Subdistrict – Aerial View 1

2. East 135 Street (Block 2319, Lot 60): Currently a vacant lot of 48,976 square feet owned by Deegan 135 Realty LLC.
3. East 134 Street (Block 2319, Lot 155): A currently vacant lot of 5,298 square feet owned by 225 East Realty Partnership partially occupied by an easement.
4. 2441 3 Avenue (Block 2319, Lot 37): Lot 37 is a 35,049 square foot lot consisting of a multi-family elevator building and supply stores, owned by 225 East Realty Partnership. The built FAR is 2.39.
5. Bruckner Building, 2403 3rd Avenue (Block 2319, Lot 100): Lot 100 is a 19,888 square foot lot consisting on an industrial and manufacturing building recently restored to accommodate offices and small industrial uses, owned by SoBro Lofts LLC. The built FAR is 7.76.
6. East 134 Street (Block 2319, Lot 99): Is a 3,030 square foot vacant lot owned by GLS Real Estate Co.
7. 220 East 134 Street (Block 2319, Lot 98): A lot of 18,617 square feet occupied by a 6-stories commercial building owned by Five Boro Storage INC. and partially occupied by an easement.
8. 2413, 2415 3rd Avenue (Block 2319, Lot 108, 109): Lot 108 is a currently vacant lot of 4,400 square feet owned by 225 SoBro Lofts LLC and used as a parking space. Lot 109 is a currently industrial and manufacturing lot of 24,700 square feet with a 5-story commercial building, owned by GLS Real Estate Co. and partially occupied by an easement.
9. The Beethoven Piano factory, 2403 3 Avenue (Block 2319, Lot 112): The 8,601 square foot lot has an industrial and manufacturing building and it's owned by Kai Development Corp. The built FAR is 4.52.
10. 2401 3 Avenue (Block 2319, Lot 2): The 67,000 square foot lot is occupied by parking and a vacant industrial building owned by 2401 3RD AVE Associates.
11. 101 Lincoln Avenue (Block 2316, Lot 1, 35): Lot 1 is a 133,700 square foot (SF) lot, consisting of one story warehouse and parking facilities owned by 101 Lincoln Associate. Lot 35 is an 85,900 sf lot owned by the City of New York and includes part of the shoreline and the CSX rail line.

Study Area

As mentioned above, the study area is defined as the area within a 400 feet boundary of the Project Area. This area includes the area east of the Project Area that is on the western side of the Grand Concourse, lower Mott Haven, south of 138th Street, to the south, the Harlem River to the west, and a portion of land south of 150th Street, including Mill Pond Park and the site of the Lower Concourse North project (and North Subdistrict), to the north.

Lincoln Hospital and Hostos Community College are two prominent community facilities in the north of the study area, and the Bronx Terminal Market shopping mall is just north of 149th Street. The 104-acre Harlem River Yard Transportation and Distribution Center is located in Port Morris along the Harlem River and Bronx Kill south of Lincoln Avenue. NYCHA's Mitchel and Patterson Houses are located to the east. Three large city-owned properties are within the area – 425 Grand Concourse, Pier 5 north of E 149th Street, and 63 Exterior Street. Notable public open spaces in the vicinity of the area are Mill Pond Park, Garrison Playground, and a community garden called La Finca del Sur. Harlem River Park in Manhattan is accessible by crossing the 3rd Avenue Bridge. A small pocket of 3-4 story residential buildings lies along Walton Avenue just northeast of the HRW.

The area is accessible by auto via the Major Deegan Expressway, the 145th Street Bridge, the Third Avenue Bridge, and the Metro North Bridge and rail line bisects the area along Park Avenue. The Major Deegan Expressway provides access to the regional interstate highway system. The area is also well served by transit with three stations on the 2, 4, 5 and 6 lines: the Project Area is proximate to the 4 and 5 subway lines at the 138th Street – Grand Concourse station; the 2, 4 and 5 lines at the 149th Street – Grand Concourse station; and the 3 line across the 145th Street Bridge at Malcolm X Boulevard in Manhattan. Major bus access includes the Bx1, running between East 136th Street/Lincoln Avenue and Riverdale Avenue/231st Street along the Grand Concourse; Bx33, operating between East 132nd Street in the Bronx and East 138th Street – Grand Concourse; Bx13, running north-south from 149th Street to the George Washington Bridge along Ogden Avenue; and Bx19, which runs from the New York Botanical Garden to Riverbank Park along Southern Boulevard. Bx15, which provides service from W 125th Street and Fordham Road along Third Avenue, and Bx32, which runs from E 136th St to Kingsbridge Heights along Jerome Avenue, both provide bus access to the proposed expansion area (South Subdistrict).

Future Without The Proposed Action

Project Area

The Project Area is currently developed with an open construction waste facility, bus parking, self-storage facility, auto sales, a Con Edison muster site and parking, and a moving and storage company. The SHRWD area was projected in the 2009 Lower Concourse Rezoning to be developed with 2,443 units of housing, 563,589 square feet of commercial and community facility space, and 149,110 square feet of open space including a mapped, but unbuilt park. The Build Year for the 2009 Lower Concourse Rezoning was 2018, and to date, new development has not progressed as anticipated. It is expected, however, that new development will now occur by the analysis year for the Proposed Actions, which is 2027.

While no recent development has occurred on the waterfront in the Port Morris Special Mixed Use District, in 2015 private property owners have taken steps toward developing housing and retail on sites flanking the Third Avenue Bridge, in the area rezoned in the 2005 Port Morris/Bruckner Boulevard Rezoning. Development would proceed as of right under the current zoning, and would include 2,226,372 gsf of new residential uses (new construction or conversion), for a total of approximately 3,085 DUs, and approximately 3,800 gsf of new community facility uses, and conversion of some existing commercial warehouse uses into new commercial office and retail uses, in addition to the existing commercial and light industrial uses in the area.

Absent the Proposed Actions, however, the HRW district text would not change, and the district would not be expanded. Regulations under HRW would continue to shape waterfront development, but would not include important upgrades and would therefore be outdated in relation to newer flood resiliency measures and affordable housing policy. The zoning provisions in the Special Mixed Use District (MX-1) in the proposed expansion area in western Port Morris would continue to apply, but there would be no Waterfront Access Plan for this area. Because of city owned intervening lots fronting the shoreline, most parcels would not be subject to waterfront public access requirements. However, the underlying 40 feet waterfront yard requirement would be triggered for waterfront lots.

Study Area

Since 2009, development activity in the Lower Concourse area, including 285 affordable housing dwelling units, has occurred upland mainly along Morris Avenue, 149th Street, and 138th Street. Just outside the 2009 Lower Concourse Rezoning area, a landmarked Bronx General Post Office building, located at 558 Grand Concourse, is being redeveloped with retail and commercial space, and will reopen in 2017. Along Bruckner Boulevard in Port Morris, 479 units of affordable housing have been developed, and the prominent Clock Tower Building at Lincoln Avenue was converted with 75 dwelling units.

A number of projects are also currently under construction, or are planned on sites that were subject to the 2009 Lower Concourse Rezoning. At 530 Exterior Street, a new 13-story residential building is being developed with 157 apartment units (80 percent of which will be affordable) and an enclosed parking lot; at 491 Gerard Avenue, a new residential building is being developed with 136 affordable rental units; at 110 East 149th Street, a 10-story hotel with 152 rooms and ground floor retail is being constructed; at 500 Exterior Street, an eleven-story hotel with 85 rooms is being constructed; at 335 Grand Concourse, a new nine-story hotel with 75 rooms is being developed; and at 477 Gerard Avenue a 13-story apartment building with 66 market rate rental apartments is being developed.

Additionally, two city-owned properties are proposed for redevelopment, projected to occur within the build year for the Proposed Actions. A building located at 425 Grand Concourse and formerly housing a school (P.S. 31), is being redeveloped into a new mixed use building with 289 affordable units, a medical facility, a supermarket, and cultural space. 425 Grand Concourse has a build year of 2020. As mentioned earlier in this document, Pier 5, also known as Lower Concourse North, is proposed to be rezoned by the NYC Economic Development Corporation (EDC) to facilitate redevelopment as a mixed-use building with up to 1,045 residential dwelling units and roughly three acres of open space. The Lower Concourse North application will include zoning text amendments to incorporate the site into the HRW as the North Subdistrict. Special bulk and other controls will be applied as part of the special district. Lower Concourse North has a build year of 2023.

Future With Proposed Action

Project area

The Proposed Actions would not increase the bulk or allowable land uses already permitted in the Project Area. In the future with the Proposed Actions, the land uses projected to be developed as in the No Action scenario would not change. It is expected that the area would be developed with 2,443 units of housing, 563,589 gsf of commercial and community facility space, and 149,110 sf of open space including a mapped, but unbuilt park, by the build year of 2027. The same development of land uses that could occur absent the Proposed Actions is also expected to occur in the proposed expansion area. The Proposed Actions in the Project Area would, however, modify the design guidelines such that new development would provide greater connectivity to the waterfront and the surrounding community, and create a more welcoming, lively area. The proposed South Subdistrict and expanded Waterfront Access Plan would be established in response to unique conditions in the area regarding circulation, open space, and resiliency. As mentioned above in Section *A. Project Description*, should the approvals for the proposed actions precede the vesting of the planned development on Block 2349, Lot 112, the provision of a 40 foot WPAA along the shoreline would be required for that development. The amount of publicly accessible open space that would then be developed in the South Subdistrict would increase by approximately 17,824 sf with the proposed actions.

Study area

The Proposed Actions would not affect land uses in the study area. Development that is expected to occur outside the HRW boundary would occur regardless of the proposal. The Proposed Actions would benefit the surrounding area, as the improved open space along the waterfront, and connections to it, would more easily serve a growing residential community as well as visitors to the area.

d. ZONING

Existing Conditions

Project Area

The existing HRW is zoned R7-2/ C2-4 and C4-4, and permits a residential floor area ratio (FAR) of 4.0 with bulk regulations, and 2.0 commercial FAR under the C2-4 commercial overlay and 3.4 commercial FAR under the C4-4 districts. A maximum base height of 85 feet is permitted with a maximum tower height of 400 feet on lots larger than 100,000 sf, and 300 feet on lots smaller than 100,000 square feet in the R7-2 and C4-4 districts, as well as a maximum tower footprint of 8,100 square feet. In 2009, a 2.26-acre park was mapped along the Harlem River waterfront in an M2-1 district, located between the Harlem River and Exterior Street, generally south of the prolongation of East 146th Street and north of the prolongation of East 144th Street.

The proposed expansion area was rezoned in 2005 as part of the Port Morris/Bruckner Boulevard Rezoning (C 050120 ZMX) to permit mixed use (industrial and residential), building on a 1997 rezoning that established the first Special Mixed Use District in the city. The proposed South Subdistrict of the SHRWD is zoned MX-1: M1-3/R8, with a permitted FAR of 6.02-7.2 for residential and 5.0 for manufacturing and commercial, and a 210 foot maximum height requirement, with an additional allowed 40 feet penthouse provision.

Study Area

An M1-2 zoning district, which allow for light manufacturing uses, is mapped over the majority of the middle and eastern portions of the study area, including Lincoln Hospital. M1 districts are often a buffer between M2 and M3 districts and commercial or residential districts. These districts permit a broad range of industrial uses, which are subject to strict performance standards. Retail, office, and most other commercial uses are also permitted as-of-right, while Use Group 4 community facilities are allowed by special permit. M1-2 districts allow manufacturing and commercial development up to 2.0 FAR and certain community facility uses up to 4.8 FAR. Residential development is not allowed in M1-2 zoning districts. Parking is required in M1-2 districts.

An M2-1 zoning district, which allows for medium manufacturing uses, is mapped on the western side of the rezoning area along the Harlem River waterfront area and a southern portion of the rezoning area. M2 districts allow heavier manufacturing and industrial uses than are permitted in M1 districts. Except when bordered by a residential district, more noise and vibration are allowed in M2 districts. Additionally, smoke is permitted and industrial activities need not be entirely enclosed. M2-1 districts allow

Existing zoning

Project

Project Area

400’ buffer

Zoning

Zoning Districts

Special Purpose Districts

Commercial Overlay

C1-2

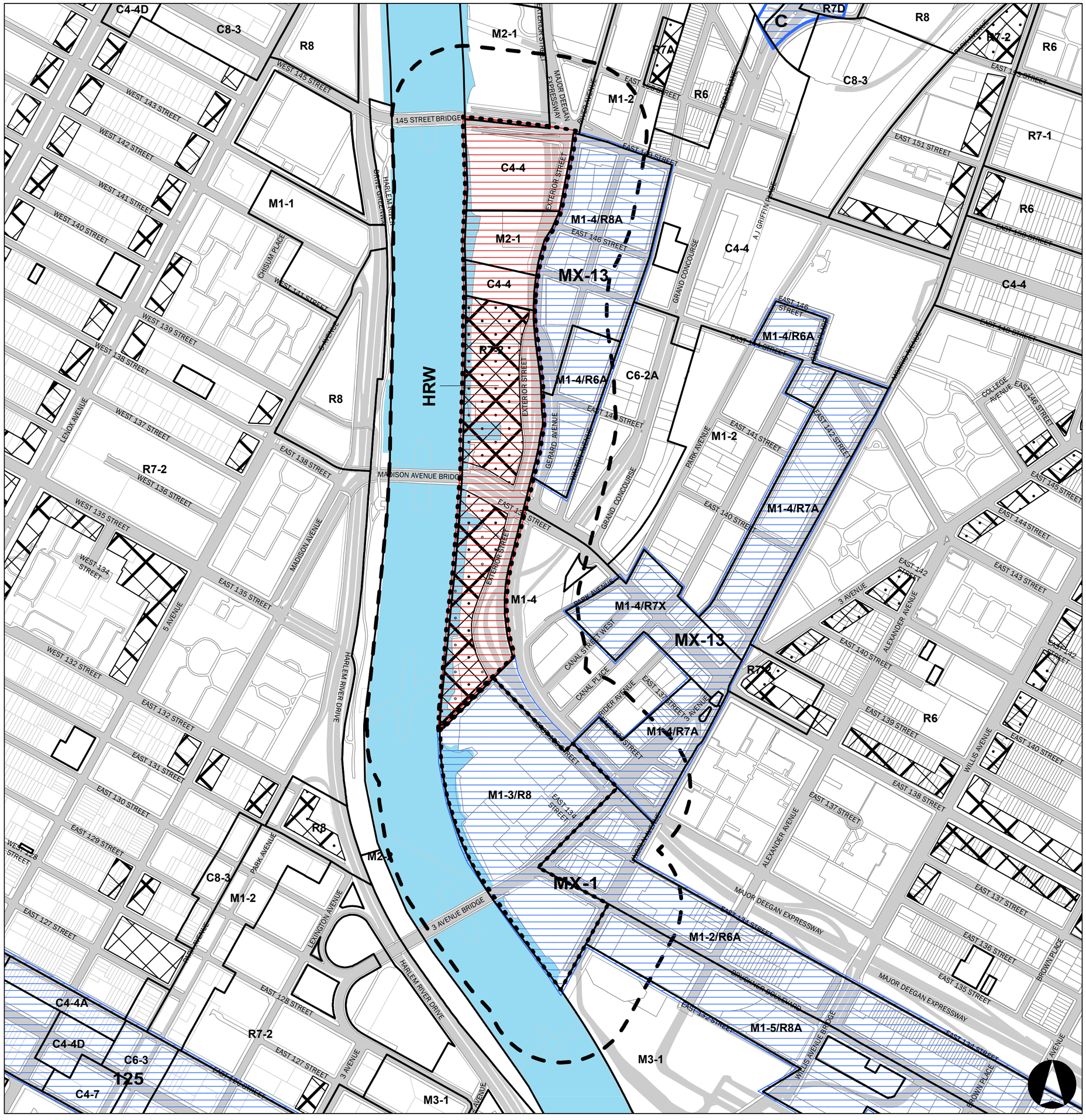
C1-4

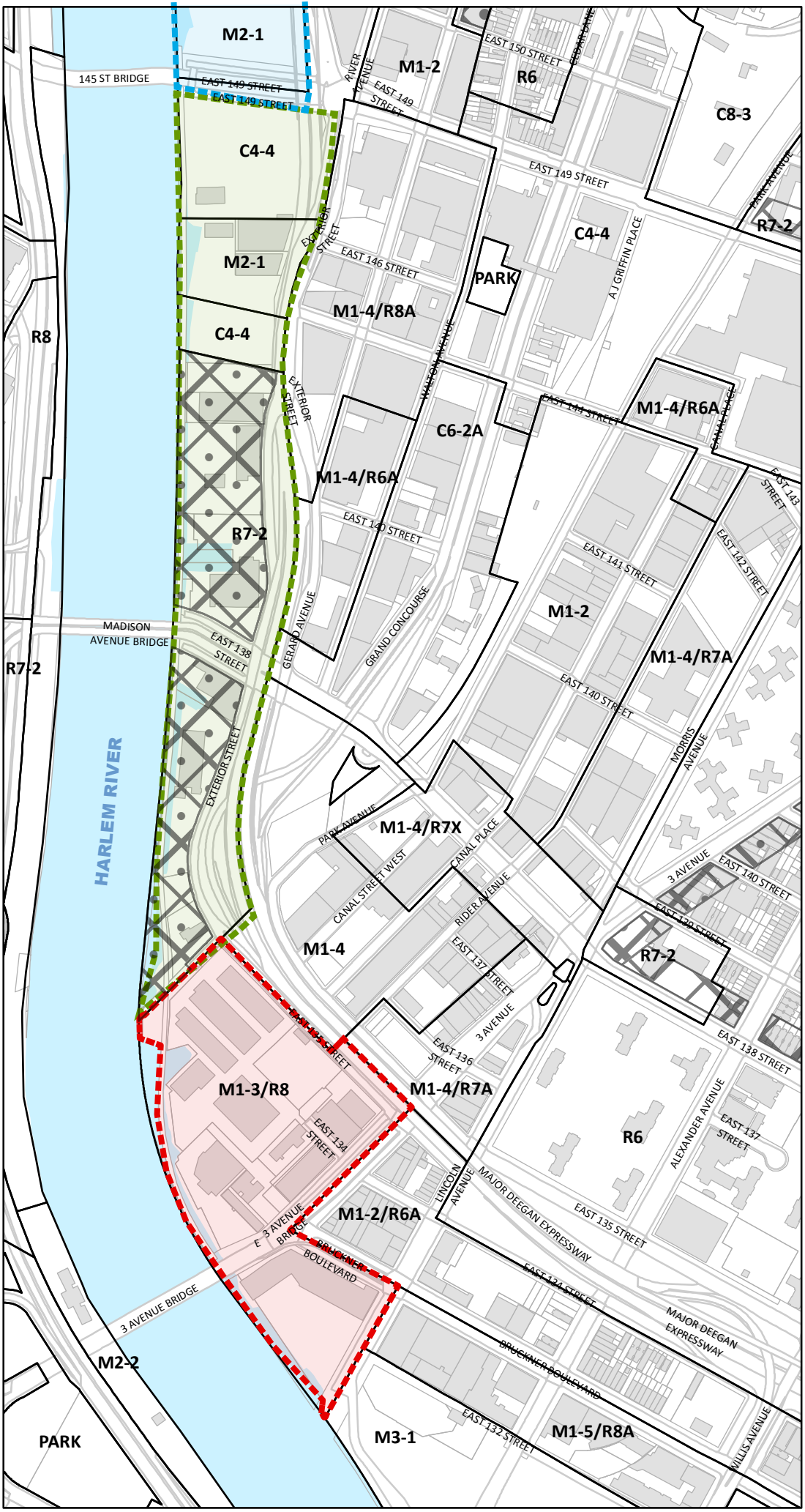
C2-4

0 5 10 20 30 Miles



Map A13 – *Zoning*





Proposed Zoning and Subdistricts

0 0.05 0.1 0.2
Miles

N

Special Harlem River Waterfront District

- HRW Core Subdistrict
- HRW North Subdistrict *
- HRW South Subdistrict
- Zoning Districts (NYZD)
- C1-4
- C2-4

*The *North Subdistrict* is not part of the proposed action

manufacturing and commercial development up to 2.0 FAR. Residential development and community facilities are not allowed in M2-1 zoning districts. Parking is required in M2-1 districts.

A C4-4 general commercial district, which allows medium-density residential and commercial development, is mapped on a northern portion of the study area, including Hostos Community College. C4 districts allow specialty and department stores, theaters and other commercial and offices uses. Use Group 7, (home maintenance and repair service stores), is not allowed in this district. C4-4 districts allow commercial development up to 3.4 FAR, residential development up to 3.44 FAR, and community facility uses up to 6.5 FAR. On wide streets outside the Manhattan Core, residential development that complies with the Quality Housing program is allowed up to 4.0 FAR. One off-street parking space per 1,000 feet of commercial floor area for most retail uses is generally required; however, parking requirements can be waived if less than 40 parking spaces are generated.

An R6 general residence district, which allows medium-density residential development, is mapped on two blocks east of Rider Avenue between East 142nd Street and East 140th Street. R6 districts allow residential development up to 2.43 or 3.0 (on wide streets) if optional Quality Housing provisions are used, and community facilities are permitted an FAR of 4.8. Typical developments in this district range between three and twelve stories. Parking spaces are required for 70 percent of the dwelling units, or 50 percent if Quality Housing provisions are used.

Future Without The Proposed Action

Project Area

Absent the Proposed Actions, the zoning districts and zoning text provisions would not change, throughout the Project Area. Development would occur as projected, and none of the future projected development in the Project Area is known to propose other zoning changes.

The original goals of the HRW are to ensure development maintains a human scale, guarantee a variety of building structures, create a varied skyline, maximize waterfront views, facilitate a strong streetscape, encourage “eyes on the street”, ensure a range of uses on the waterfront, and encourage people to use waterfront open spaces. These provisions would continue to govern future development in the existing HRW.

The goals of the Special Mixed Use District (MX-1) currently mapped in the proposed South Subdistrict are to:

- Build on the success of the previous zoning
- Support current housing initiatives
- Legalize nonconforming residential uses
- Create a 24/7 neighborhood with services to support new and surrounding residents.

These provisions would continue to govern future development in the existing MX district. No Waterfront Access Plan would be established in this area. Sidewalk cafes would not be permitted in either the existing HRW, or the South Subdistrict.

Study Area

Absent the Proposed Actions, the zoning in the study area would not be affected. At least two proposals mentioned above, for development at 425 Grand Concourse and the Lower Concourse North project, propose zoning changes. These changes would nonetheless be consistent with existing zoning patterns, and would not significantly impact the neighborhood character of the surrounding area.

The proposed actions at 425 Grand Concourse include a zoning map amendment from C4-4 to C6-3 zoning district; zoning text amendments to map the project site as a Mandatory Inclusionary Housing area and modifications to ZR 35-654(b) to apply quality housing regulations to the project site; an Urban Development Area Action Program (UDAAP); and a zoning special permit to waive parking requirements to facilitate affordable housing (ZR 74-533). These actions would be complementary to the zoning in the study area.

It is assumed that the proposal for the Lower Concourse North project, as a separate but related proposal, would be able to continue, and could still be mapped as the North Subdistrict to the existing HRW. The zoning text would not contain the upgrades from the Proposed Actions, however, and the provisions in the existing zoning text would be applied to the site.

Future With Proposed Action

Project area

In the future with the proposed actions, the existing Special Harlem River Waterfront District would be expanded to extend the Waterfront Access Plan (WAP) BX-1 to encompass two waterfront blocks to the south, and a number of provisions affecting the HRW would be modified in the ZR. The Special Mixed Use District (MX-1) mapped on the two blocks in the proposed expansion area would be removed, and replaced with the mapped HRW South Subdistrict; however, the MX-1 zoning text provisions applicable to these sites would be moved to the HRW text. The underlying zoning districts of the parcels already within the HRW, as well as the parcels proposed to be included as part of the South Subdistrict, would not change: the existing HRW would continue to be zoned R7-2/C2-4 and C4-4, and the proposed expansion area would continue to be zoned M1-3/R8. The maximum FAR for each area would remain unchanged, and maximum achievable square footage and DUs would consequently remain the same. The amended HRW would result in three subdistricts: North Subdistrict, Core Subdistrict, and South Subdistrict.

Proposed amendments to existing text

In the future with the proposed actions, the HRW text would continue to support the goals of the existing HRW. The proposed modifications would create public access and visibility to the waterfront through Upland Connections, Visual Corridors and a Shore Public Walkaway, and would require a Supplemental Public Access Area (SPAA) on Block 2319, Lot 55. The proposed modifications to the HRW text also include provisions to improve urban design elements, including providing greater flexibility for streetscape regulations and building design, promoting active uses on street corners, and promoting resiliency measures, as well as permitting sidewalk cafés. Other text amendments include reorganizing the provisions in the existing text to account for the new provisions, but these edits to the ZR would be for clerical purposes and have no practical effect.

Specific provisions of the HRW text would be modified as described below. *(See Maps C1-C4 and Figures A1 and C2-C9)*

Relocation of required SPAA on Parcel 1. This relocation is necessary because of the multiple site constraints recently discovered in this area of the parcel, such as a sewer easement and an additional area that are both unbuildable—making this area more appropriate for a SPAA. The new location of the SPAA would be more welcoming to visitors, would serve as the northern entryway to the Shore Public Walkway of the HRW, and would be the western culmination of 149th Street, an active and transit rich pedestrian way.

Changes to loading area requirements on Parcel 1. Loading area entrances will be permitted to occur along the sewer easement abutting 149th St Bridge. This provides more flexibility for arranging ground floor uses. It should be added that because of the infrastructural nature of this side of the parcel, this does not lead to significant detriments to the public realm.

Main front entrance requirement facing the SPW. Because of site constraints, challenges in fitting an efficient floor plate, and in order to provide design flexibility for Parcel 1, the main front entrance requirement facing the SPW will be removed. However, on parcels 2, 3 and 4, a building entrance on the SPW would still be required and active use requirements will be added as well.

Visual Corridor realignment. The current diagonal alignment of the Visual Corridor along 146th Street creates additional burdens for Parcel 1, which is already constrained by multiple easements. The proposed realignment would run through Parcel 1, on the lot line of the mapped park, preventing a legal window issue that could arise for buildings facing a mapped park, and ensuring proper transparency on the façade fronting the park. Additionally, to provide proper waterfront access, an Upland Connection will be mapped in this geography.

Changes to Shore Public Walkway regulations. The requirement that calls for two feet change of elevation would be removed because it could lead to a generic and homogenous pedestrian experience. Additionally, the requirement did not take into account current resiliency practices which are for the most part implemented at a building scale. However, in helping to retain visual access to the water, the SPW would still have to be built at or above the height of the Oak Point Rail Link track bed. This requirement would also lead to varied height along the entirety of the SPW – which provides a more interesting walking experience along the shoreline.

Changes to the lowest level allowed for a Visual Corridor Plane. For resiliency purposes and due to the presence of the Oak Point Rail Link along the shoreline, the lowest level for a Visual Corridor will be changed to connect curb level to an elevation matching the extension of a plane horizontally connecting the highest level of the Oak Point Rail Link track bed or the design flood elevation, whichever is greater, to the intersection with the shoreline. The Oak Point Rail Link will be a permitted obstruction as well.

FDNY turnaround encroachment on SPW. Increase the permitted encroachment of turnarounds into the Shore Public Walkway (SPW) to meet current FDNY standards.

Streetscape regulations. Due to the challenging lot dimensions and sizes, most of the parcels in the Special District have limited development and construction capacity. Amendments are proposed in order to fit an efficient floor plate for an enclosed residential/commercial parking, and alleviate strict wrapped use requirements on HRW parcels. However, for Parcels 1 and 2, the one hundred percent floor area requirement will remain for portions of frontages facing the SPW or mapped parkland.

Active uses on corners. Require active uses on corners to ensure that buildings better relate to their surroundings and neighboring community.

Resiliency Measures. To allow more flexibility and variety the aggregate width of street walls rule shall be relaxed and located within eight feet of the street line, and the Bump-Up Provision (ZR 64-336) threshold will be lowered to 4 feet. Where no transparent materials or entrances or exits are provided on the ground floor level below a height of four feet, for a continuous width of at least 25 feet, one or more visual improvement elements (planting, benches, bicycle racks, tables and chairs, stairs and ramps, wall treatment) shall be provided on at least 50 percent of the blank wall where an active use or floor area is provided.

Bulk. 50 feet from the SPW, buildings shall be limited to a base height between 0-85 feet, with a transition height of 125 feet. In addition, a required opening 60' in length or 30 percent of the streetwall, whichever is greater, shall be required at a minimum 30 foot depth and at a maximum height of 45 feet. In the areas beyond 50 feet of the SPW, where height is more adequate, buildings may rise to a base height of 15 to 105 feet and a maximum transition height of 155 feet.

Tower orientation. Most towers will be required to be oriented perpendicular to the shoreline, with the exception of Parcel 2 – so that shadows are minimized on the mapped park. Other exceptions to this rule will be given to small and/or irregular parcels, such as 5 through 8. The perpendicular orientation of the buildings give rise to the possibility to slightly increase maximum tower square footage to 10,000 SF – thus ensuring more efficient residential floor plates.

Tower top articulation. Required to have a maximum lot coverage for tower tops of 90% of the story below. Relaxing the strict tower top articulation requirements reduces cost of construction, increases residential floor plate efficiency, and provides more flexibility for creative design solutions, while still providing visual variety to the Special District's skyline.

Dormers and sheer wall. The text will also replace the Aggregate Width of Street Wall requirement by dormer and sheer wall provisions. This gives the opportunity for even greater facade articulation throughout the building and provides flexibility for creative design solutions and increased variety. For the sake of floor plate efficiency on parcels, above maximum base height, setback requirements facing the SPW will be 15', however, for Parcel 1 the setback shall be 30' – which provides a more adequate height and scale for people walking along the shoreline and along the long stretch of this streetwall.

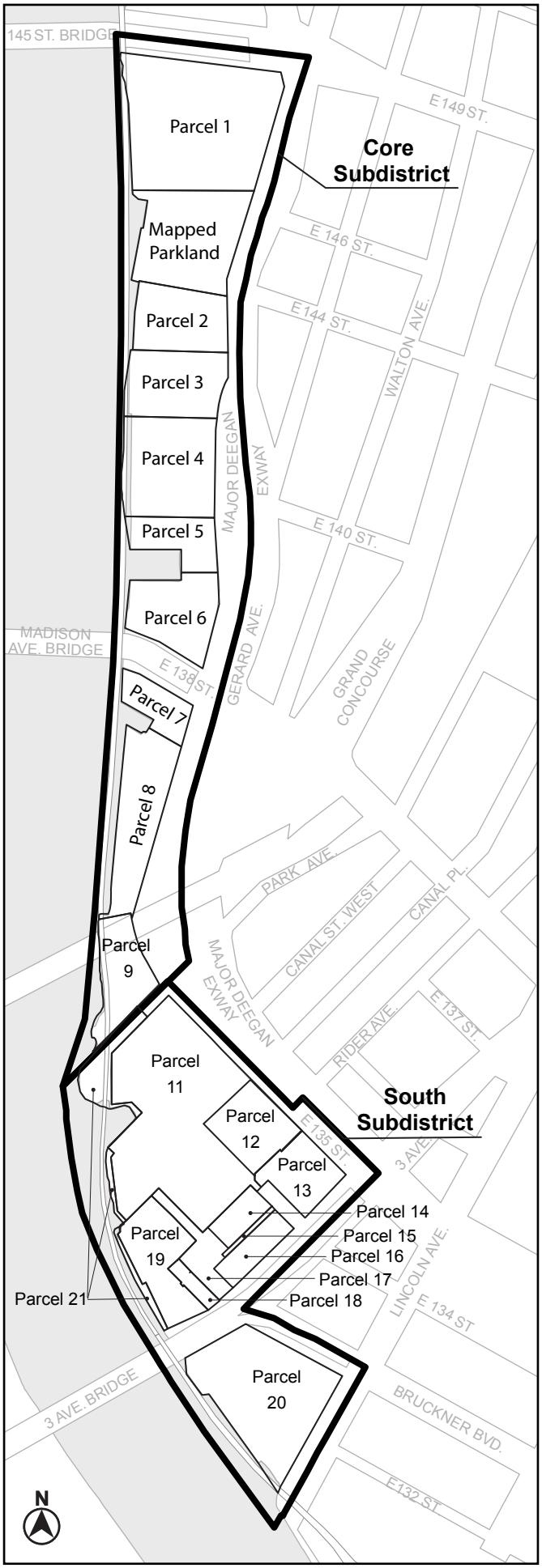
Provisions for South Subdistrict

- Mapped Visual Corridor inside the South Subdistrict connecting centerline of 134th St to the Shore Public Walkway's Supplemental Public Access Area.

- Mapped Visual Corridor inside the South Subdistrict connecting the centerline of Canal Street West to the Shore Public Walkway's Supplemental Public Access Area.

- Mapped Visual Corridor inside the South Subdistrict connecting Park Avenue to the shoreline.

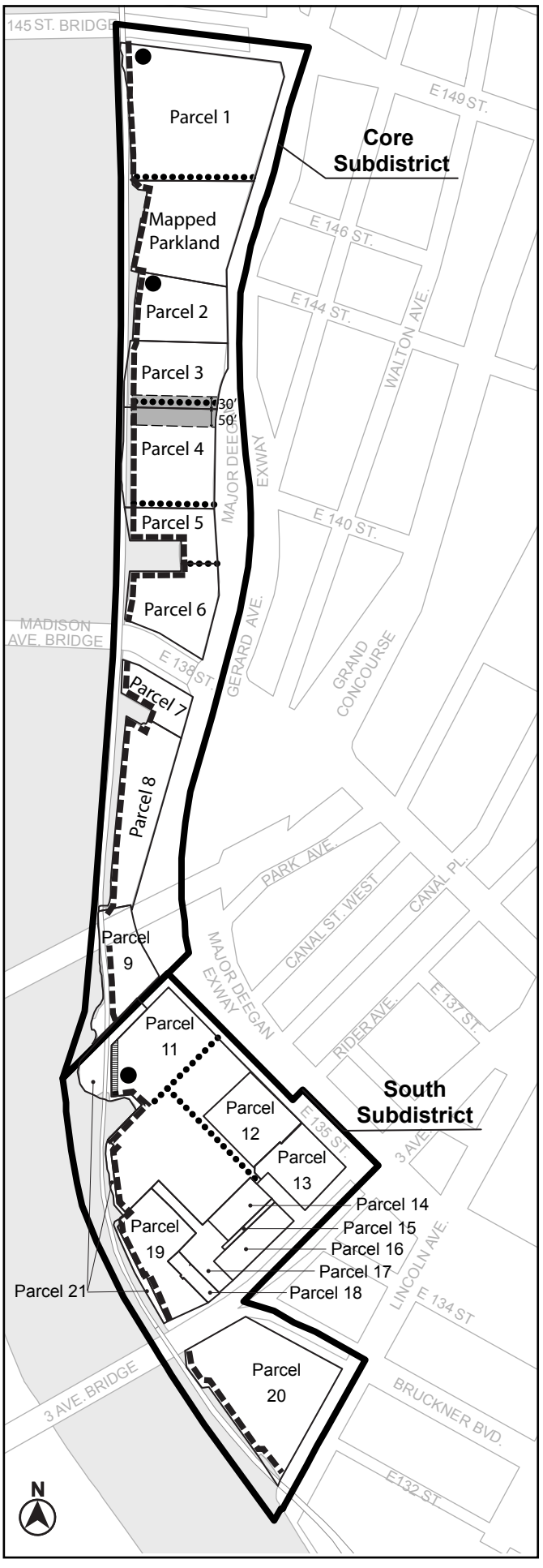
- Mapped Upland Connection inside South Subdistrict along the centerline of Canal Street West and the southwestern boundary of Parcel 12.



Special Harlem River Waterfront District

Parcel Line

Map C1 – *Special District and Parcels*



Special Harlem River Waterfront District

Parcel Line

Shore Public Walkway

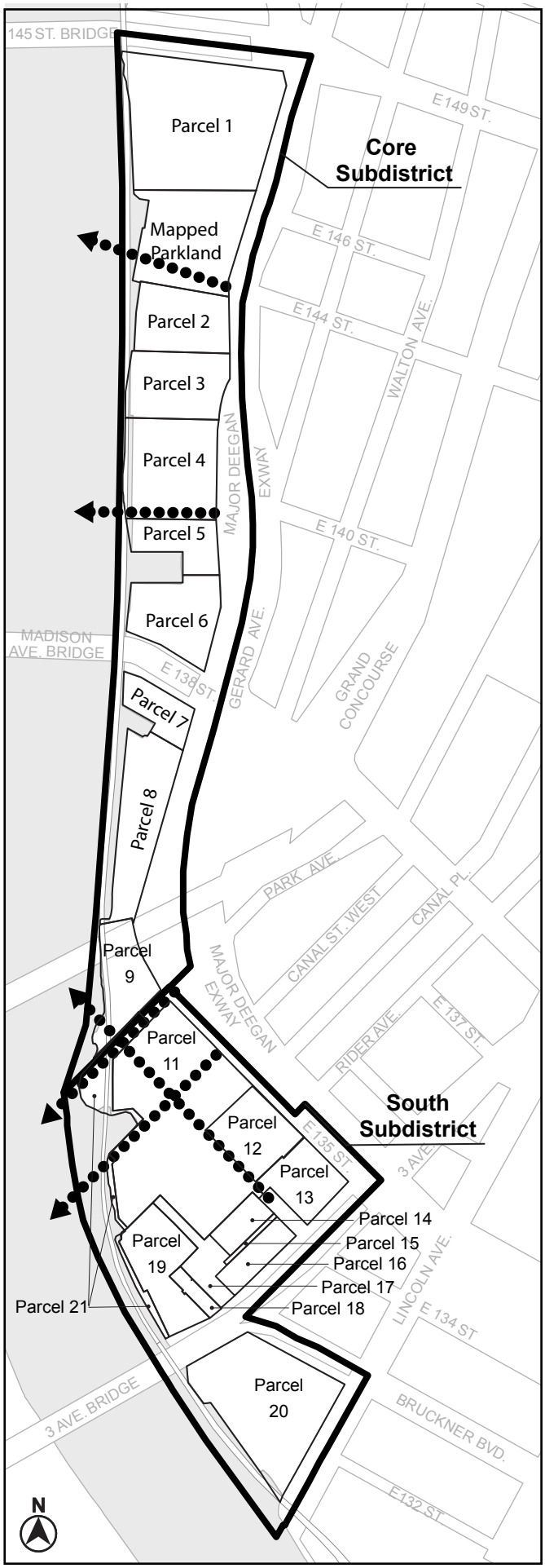
Supplemental Public Access Area (SPW Location)

Supplemental Public Access Area (Designated Location)

Upland Connection (Within Flexible Location Zone)

Upland Connection (Designated Location)

Map C2 – *Public Access Elements*

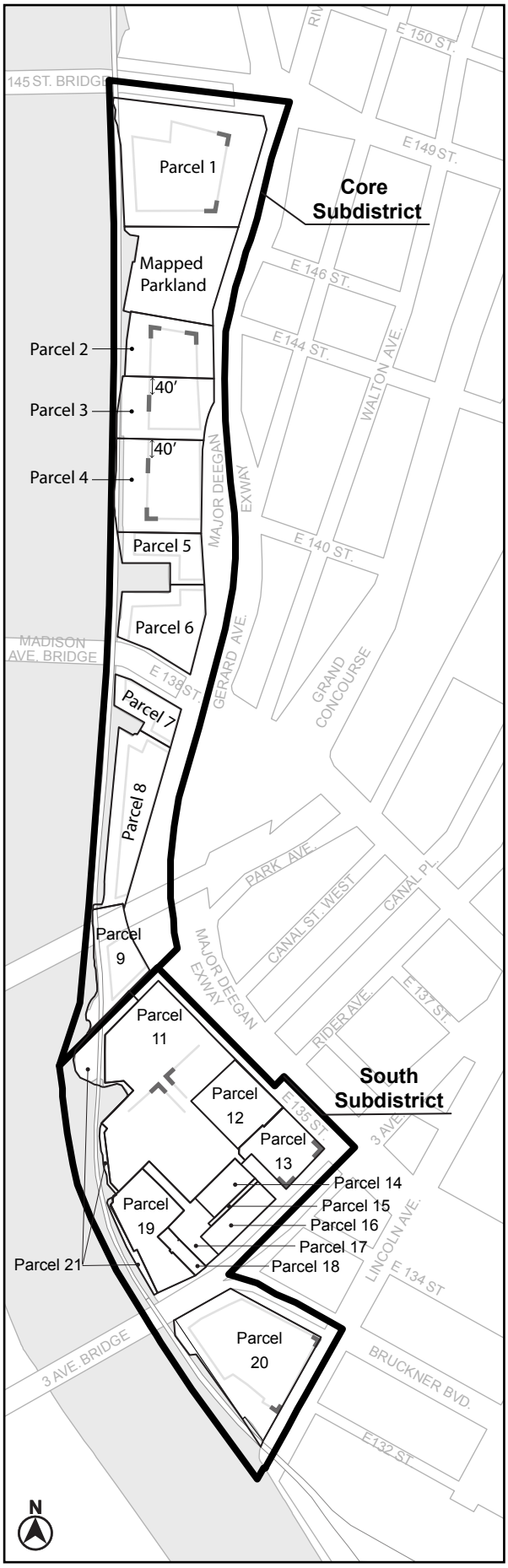


Special Harlem River Waterfront District

Parcel Line

Visual Corridor (Designated Location)

Map C3 - *Designated Visual Corridors*

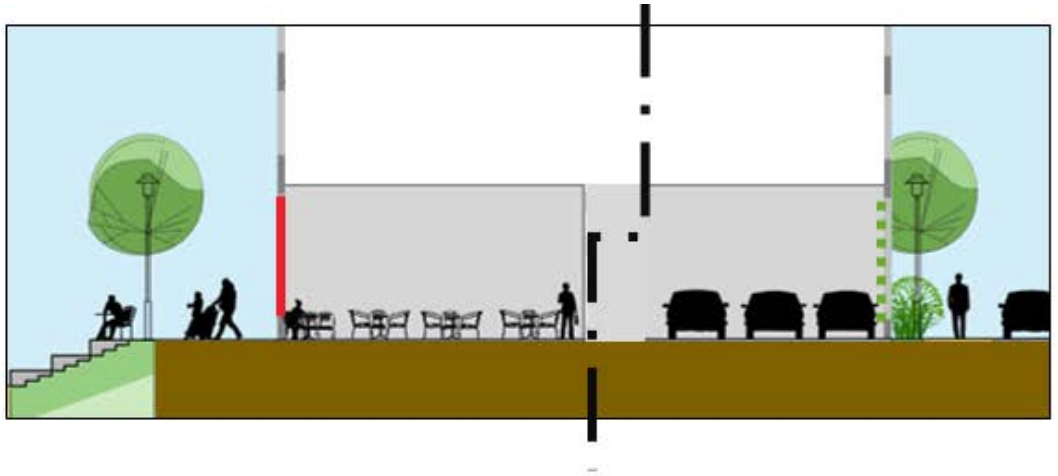


Special Harlem River Waterfront District

Parcel Line

Active Use Required

Map C4 – Active Corners (Revised)



WRAP

- Ground floor parking must be wrapped by **uses** along SPW and Park
- Current requirements are very onerous (100%)

SCREENING

- Required screened parking at ground floor

100% Wrapped use
Screening required
50% wrapped

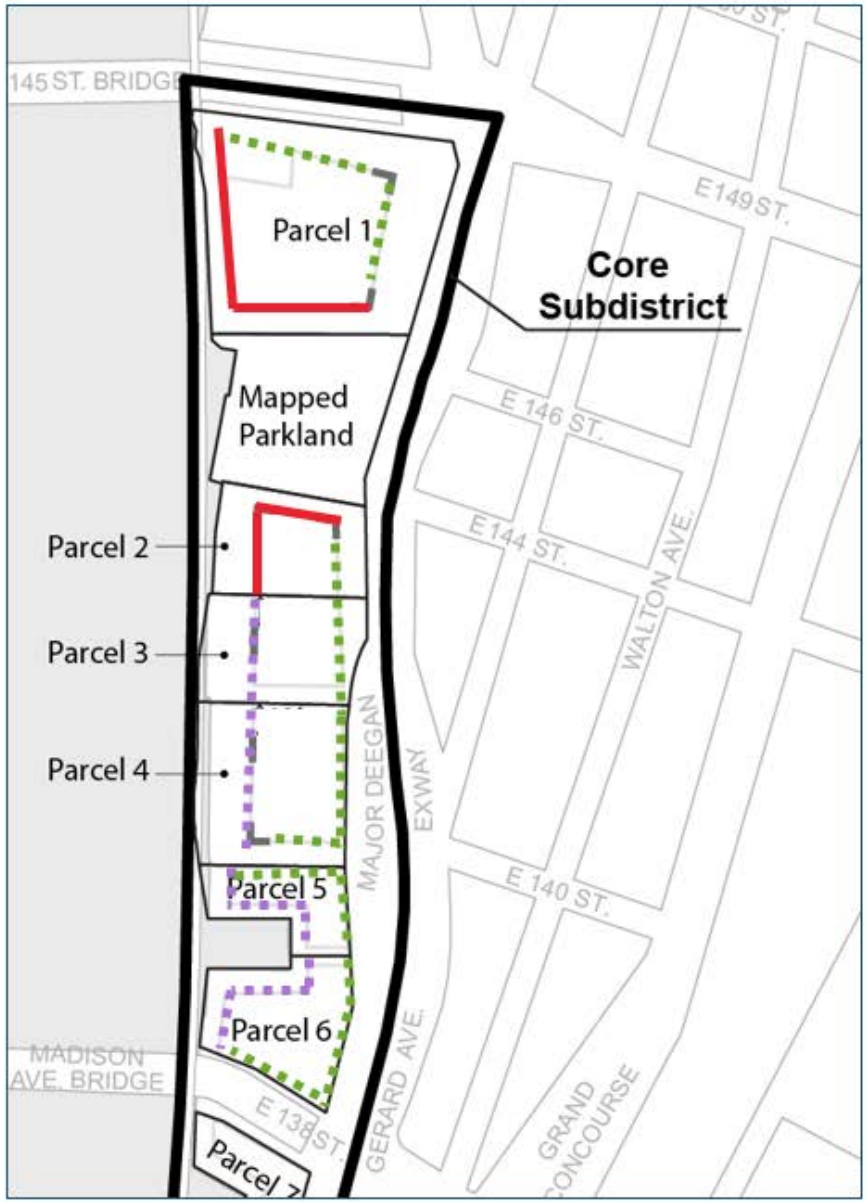
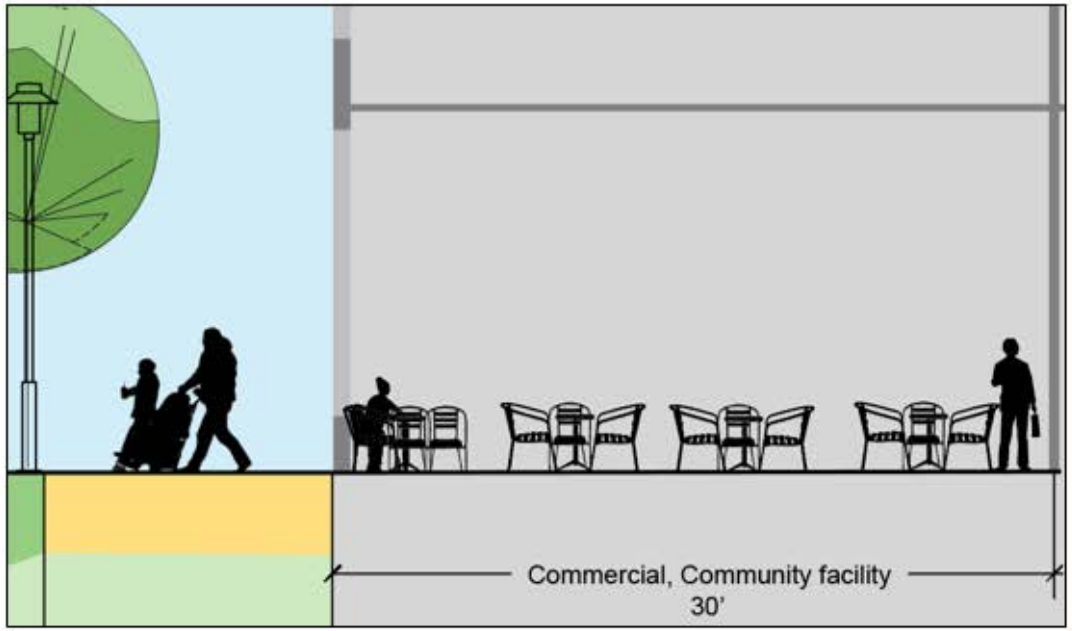
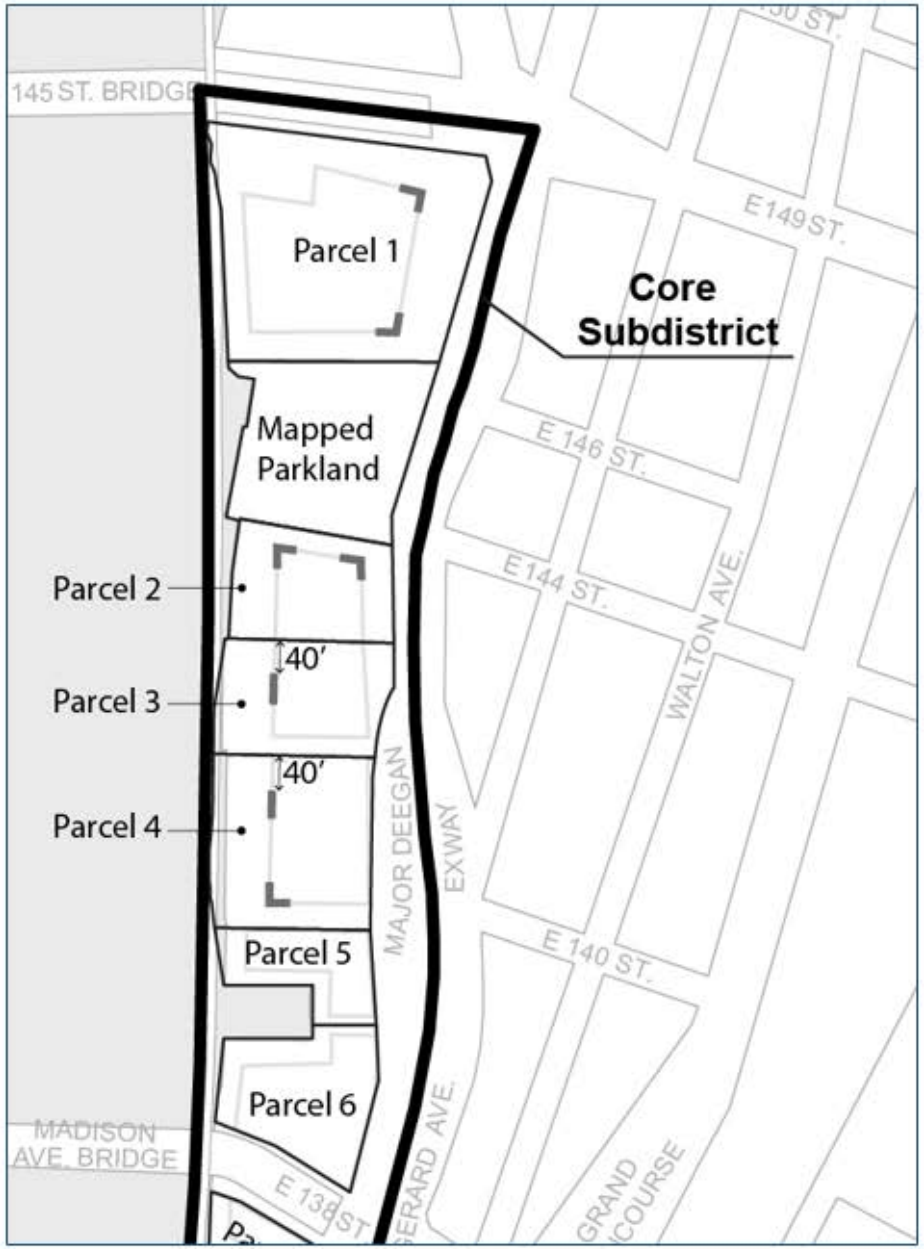


Figure C2 – Wrapped uses and Screening requirements (Revised)





Requiring **active uses** on key corners:

- Commercial
- Community Facility

Figure C3 – Active Uses on Corners (<u>Revised</u>)

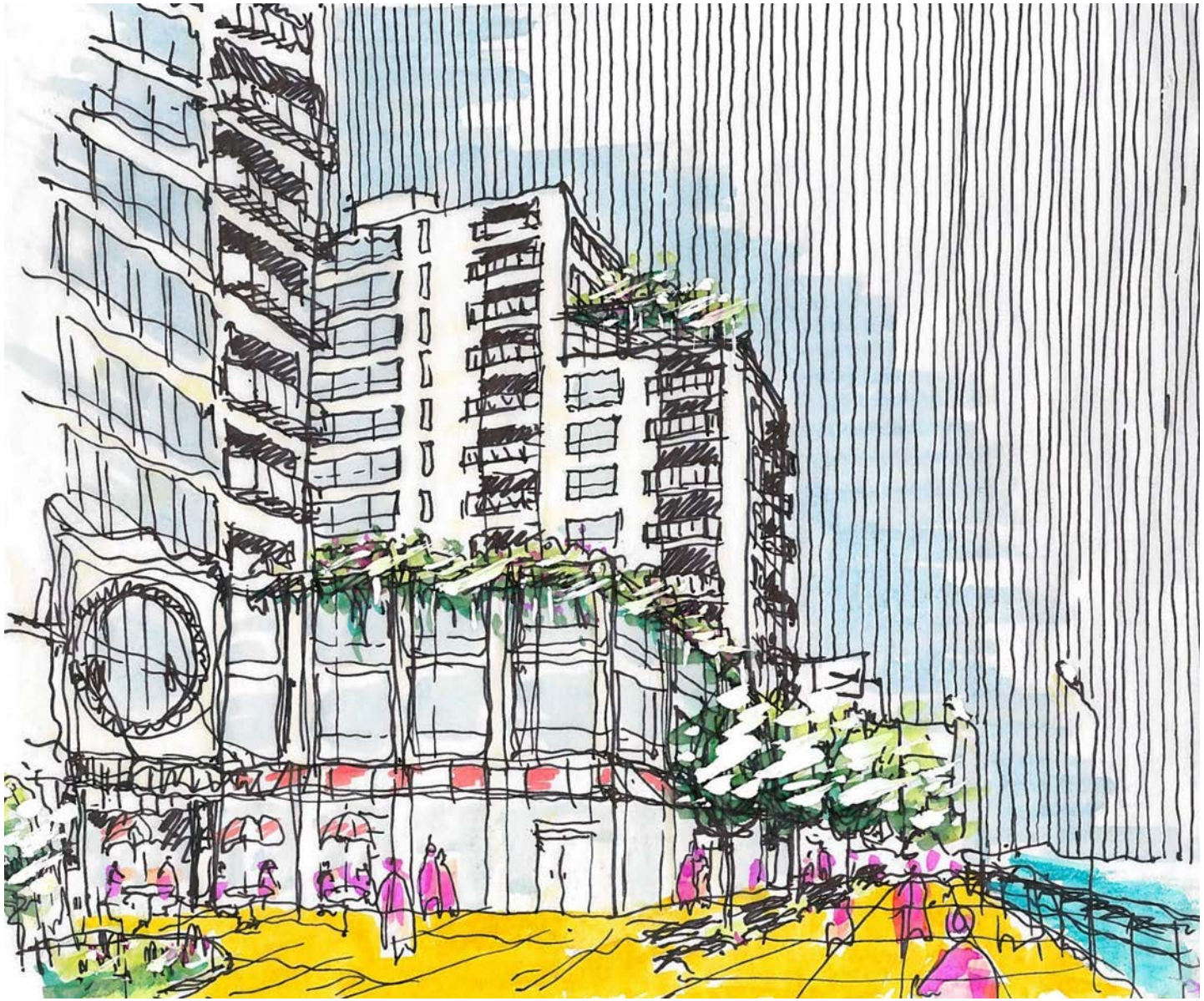
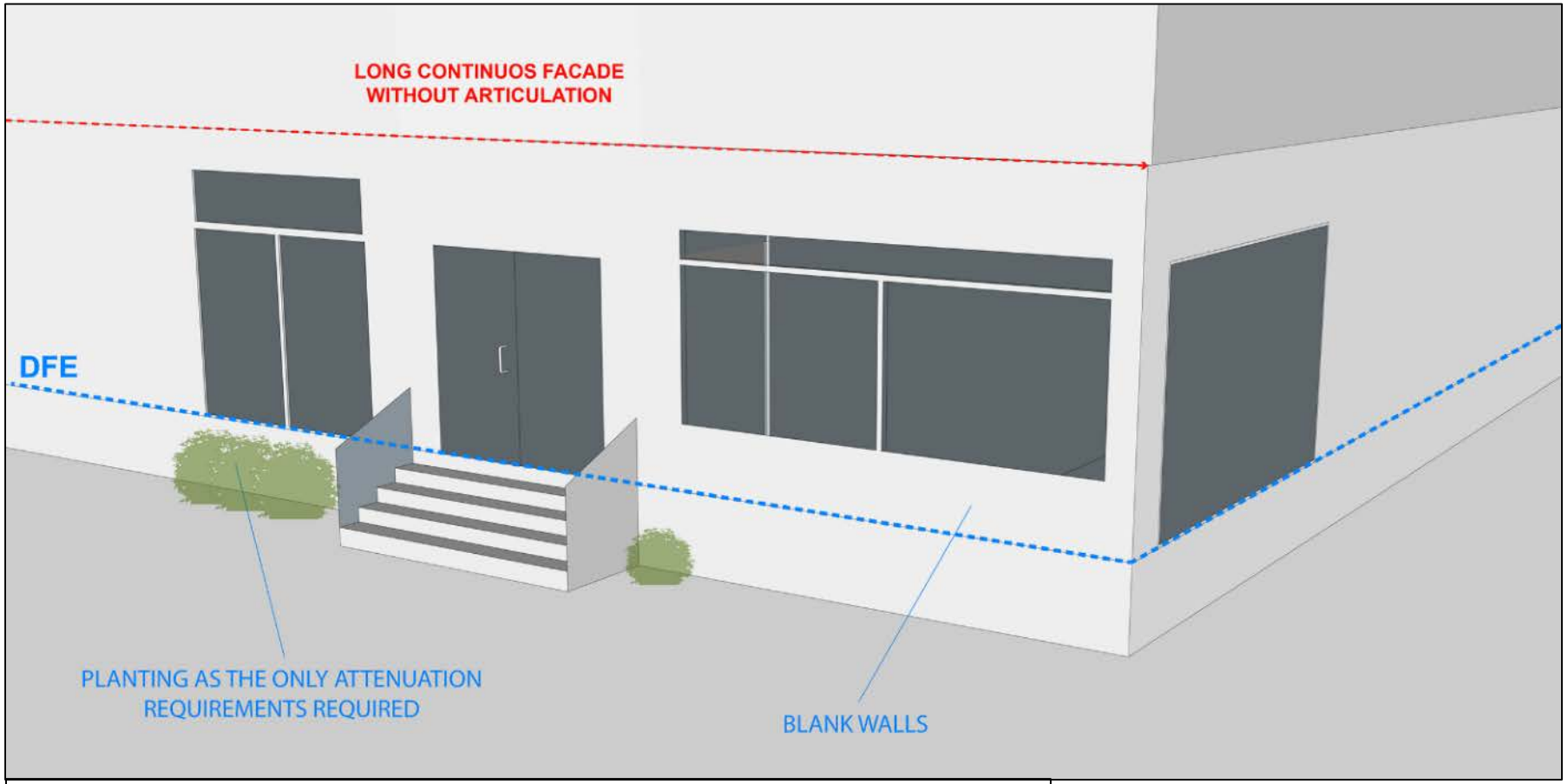
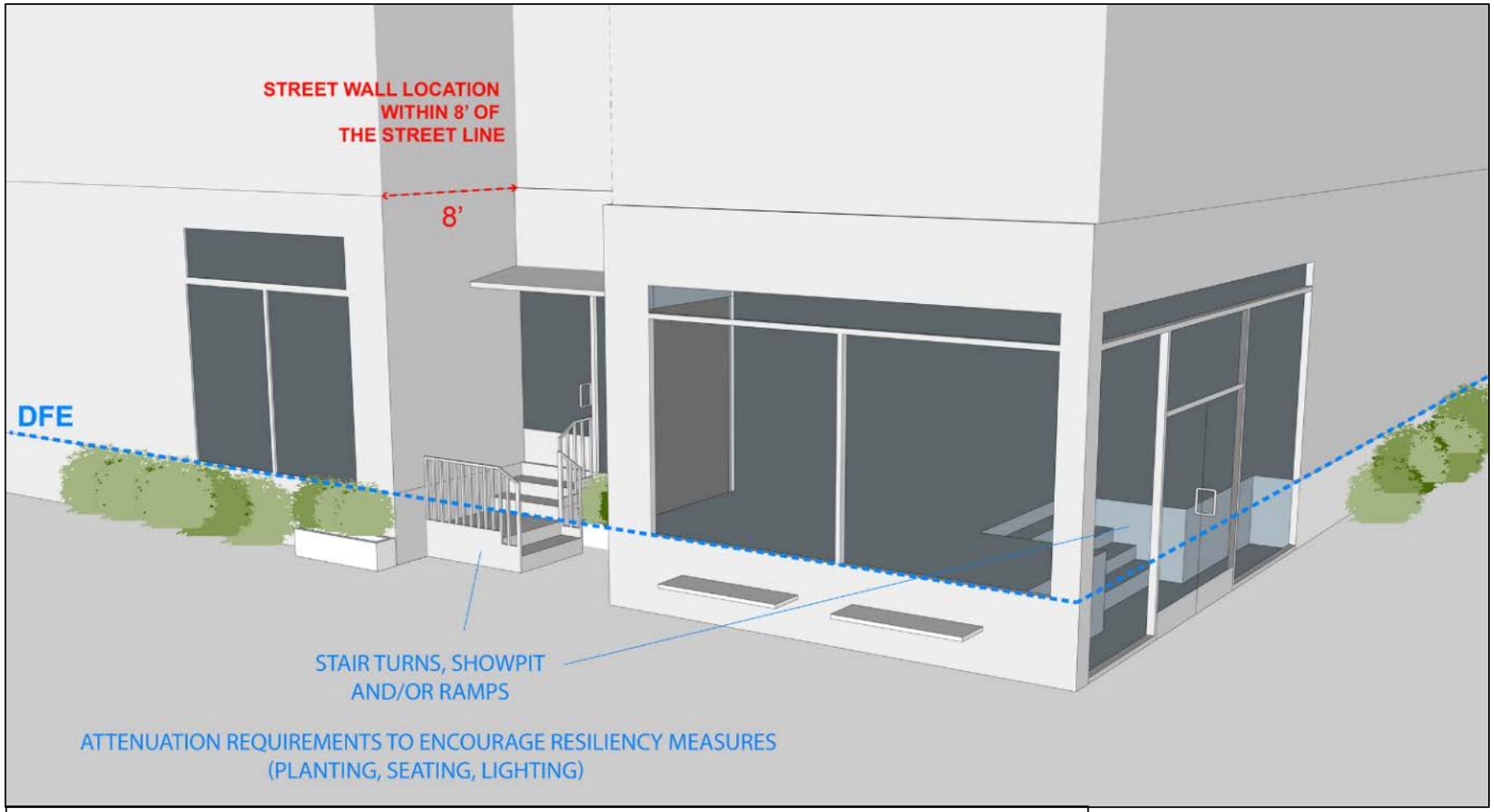


Figure C4 – Ground Floor Uses – view from Shore Public Walkway



Design Flood Elevation (DFE) ranges from 2’ to 11’ in the special district area

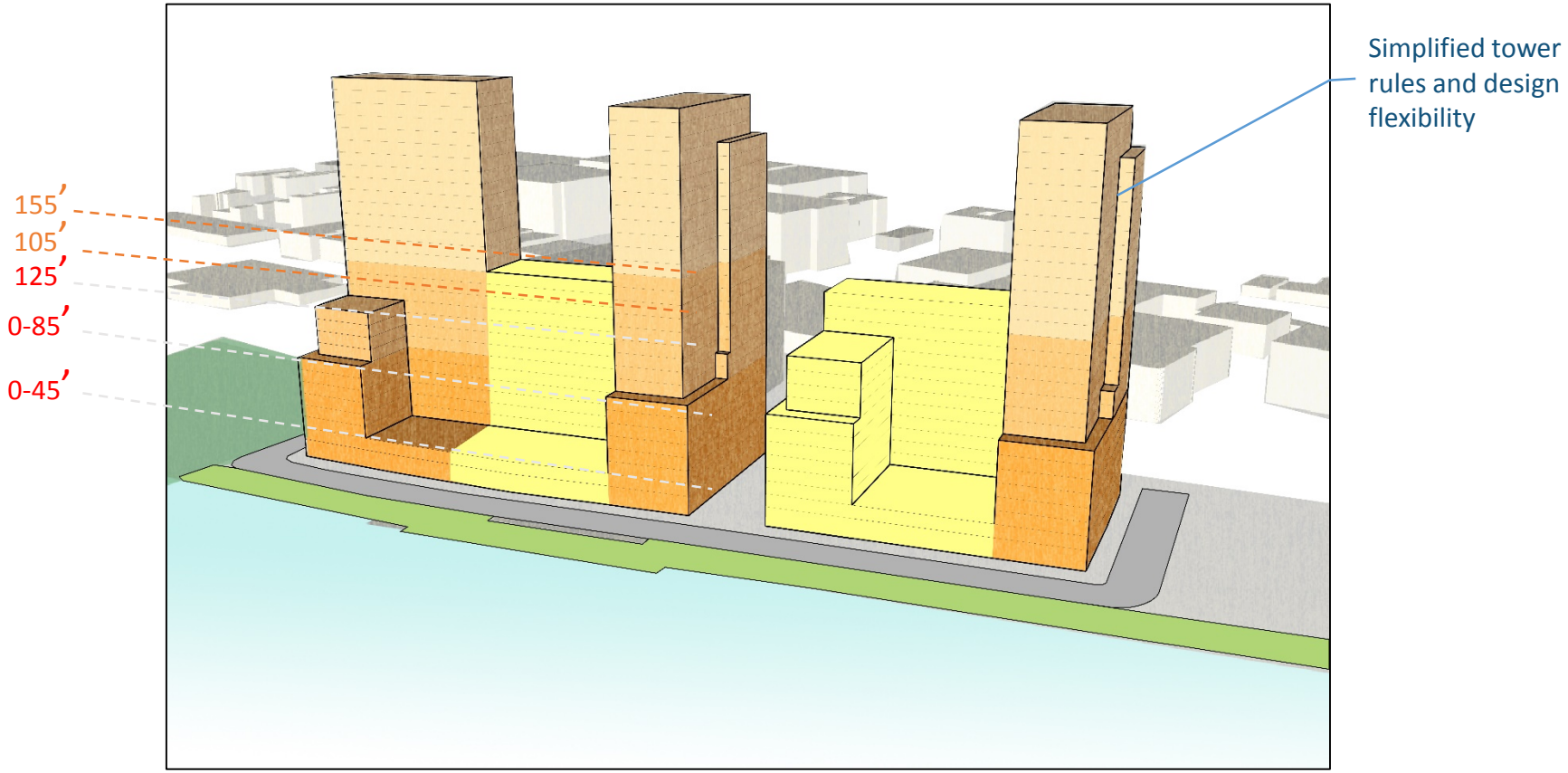
Figure C5 – No Action Illustration – Streetscape Design



Provides room and requires design elements for blank walls taller than 4 feet

Figure C6 – With - Action Illustration – Streetscape Design with Resiliency Measures

Parcels 2, 3 and 4

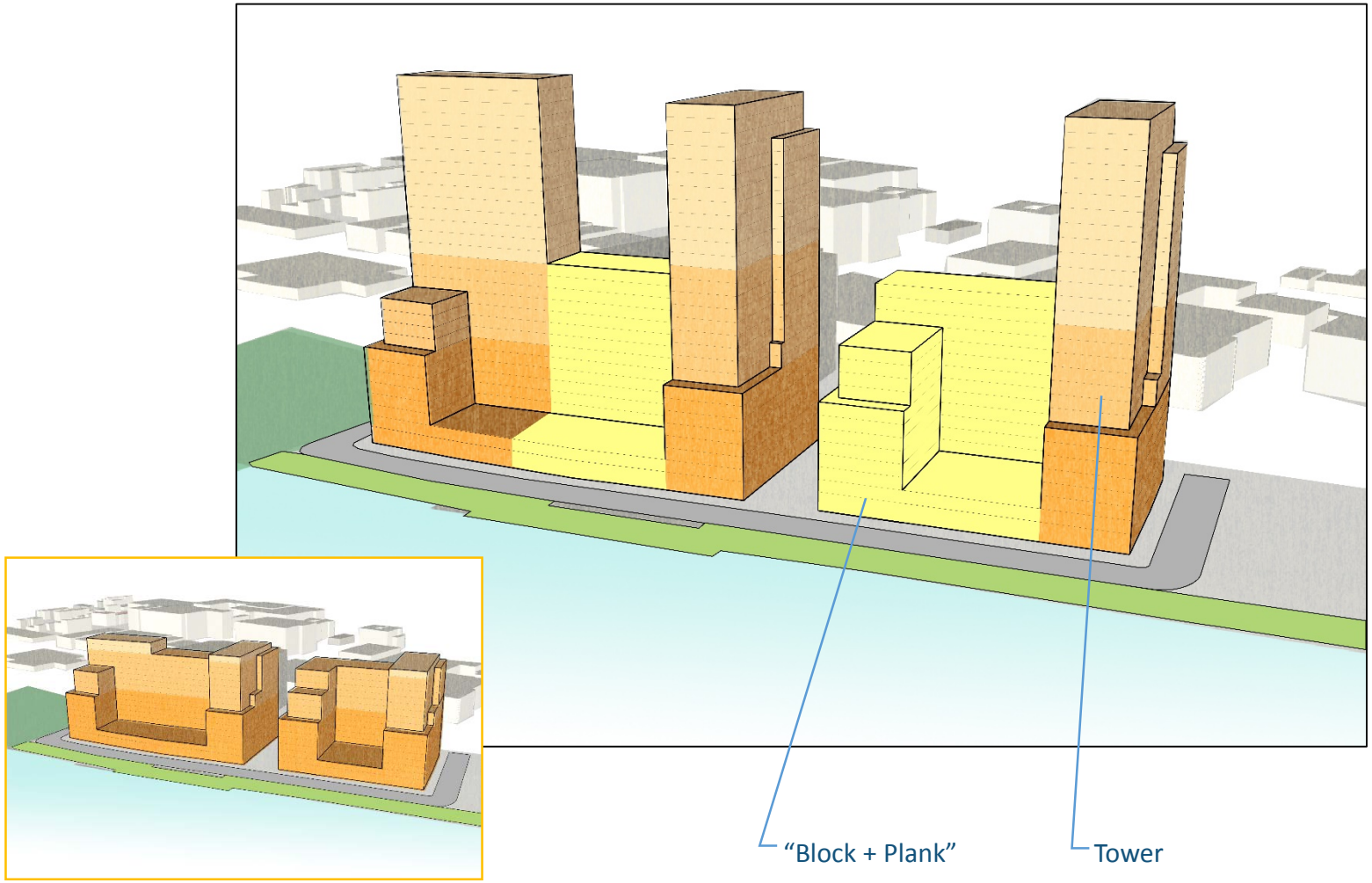


- Fronting the SPW:
- 0 – 85’ **Base**
- 0 – 45’ **Required Opening**
- 125’ **Max Transition Height**

- 50’ from the SPW:
- 60 – 105’ **Base**
- 155’ **Max Transition Height**

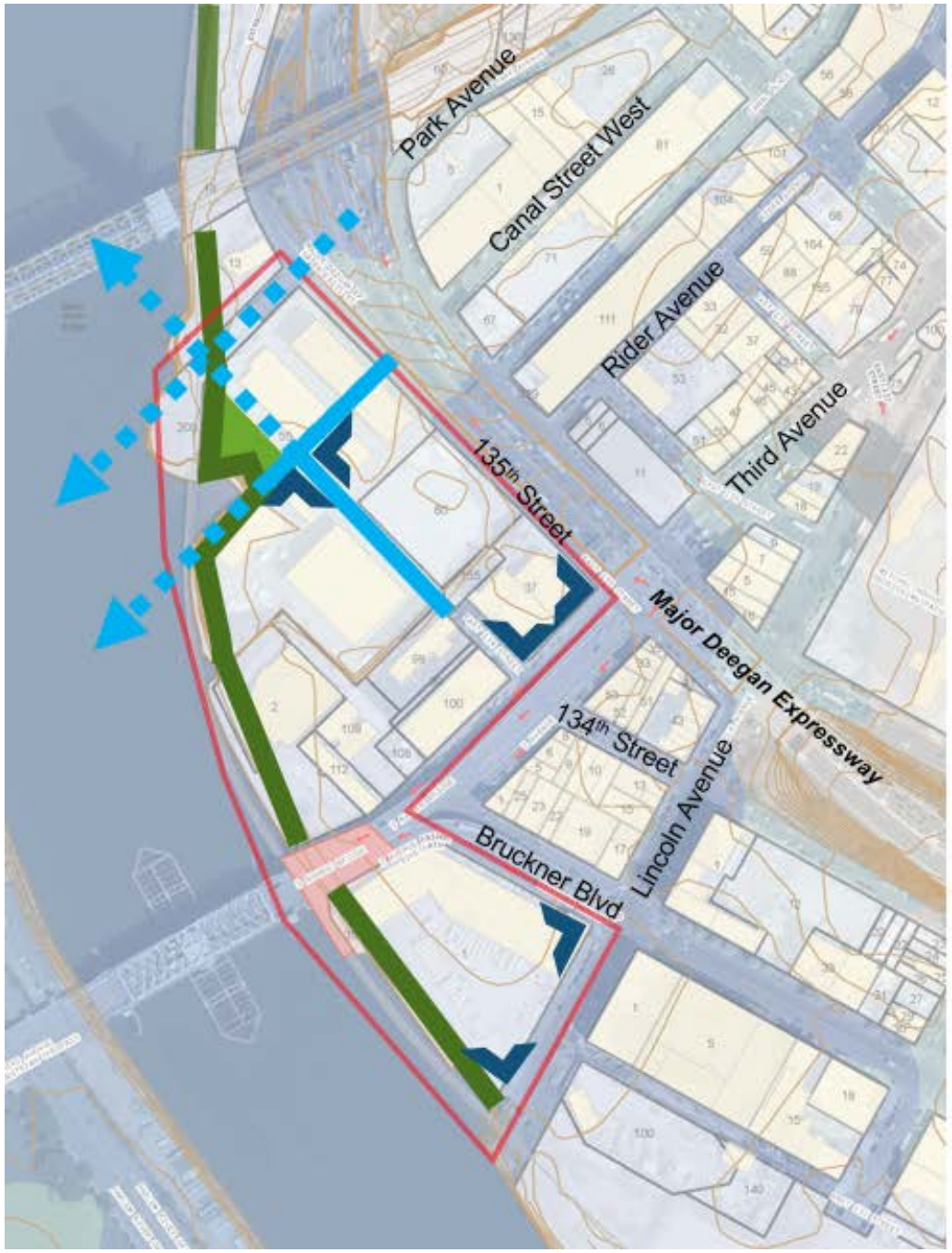
Figure C7 – Height regulations

Parcels 2, 3 and 4



- Provides the flexibility to support the development of affordable housing
- Pushes bulk away from the shoreline

Figure C8 – Tower regulations



A shore public walkway is a linear public access area running alongside the shore.

An ***upland connection*** is a pedestrian way between a public place (a street, a sidewalk or a park, for example) and a shore public walkway. Upland connections may be provided along a private road.

- 134TH Street
- 200' east of Park Avenue

A ***supplemental public access area*** is a public access area required in order to fulfill the minimum percentage of WPAA required on a waterfront zoning lot, once a shore public walkway and upland connection have been provided. – around 3,000 to 4,000 SF

Visual Corridors are areas that provide an unobstructed view from upland streets through a waterfront zoning lot to the shoreline. Intended to extend existing views to the shore from the upland communities.

- 134th Street
- Park Avenue

Active uses will be required on key corners to help the access areas feel public and inviting once redevelopment occurs.

Figure C9 - South Subdistrict Waterfront Access Plan (Revised)

- Supplemental Public Access Area inside South Subdistrict on Parcel 11 on the location specified on Map C2.

- Active Use on Corners – On building frontages; active retail, or community facility uses shall be provided on corners at a required 50' minimum distance, on the intersection of buildings as illustrated in Map C4. For manufacturing uses, 50 percent of ground floor level street wall shall be exempt from underlying minimum transparency requirements.

  Resiliency Measures – To allow more flexibility and variety the aggregate width of street walls rule shall be relaxed and located within eight feet of the street line, and the Bump-Up Provision (ZR 64-336) threshold will be lowered to 4 feet. Where no transparent materials or entrances or exits are provided on the ground floor level below a height of four feet, for a continuous width of at least 25 feet, one or more visual mitigation elements (planting, benches, bicycle racks, tables and chairs, stairs and ramps, wall treatment) shall be provided on at least 50 percent of the blank wall where an active use or floor area is provided.

Study area

In the future with the proposed actions, the zoning in the study area would not be affected. The above mentioned proposals at 425 Grand Concourse and Lower Concourse North, if approved, would change zoning on their respective project sites. The Proposed Actions would complement the Lower Concourse North project, as with the proposed action, the proposed North Subdistrict sought as part of the proposal for that site could incorporate text amendment upgrades for HRW.

e. PUBLIC POLICY

Existing Conditions

Project Area and Study Area

Besides zoning, many other public policies can affect the permitted land uses within the proposed rezoning area.

The public policies applicable to the proposed rezoning area are New York City's Comprehensive Waterfront Plan, Waterfront Revitalization Program (WRP), Bronx Empowerment Zone, and the Port Morris Empire Zone. Public policies affecting land use in the primary study area are the Port Morris Special Mixed Use District and the Hub/Third Avenue Business Improvement District.

New York City's Comprehensive Waterfront Plan

The original Comprehensive Waterfront Plan presented a long-range vision that balances the needs of environmentally sensitive areas along the waterfront and the working port with opportunities for waterside public access, open space, housing and commercial activity. The original Comprehensive Waterfront Plan, issued in August 1992, identified numerous opportunities to connect Bronx residents to their waterfronts, particularly in those areas that presently have little, if any, waterfront access. Public open space along the waterfront is much more limited in areas with the highest population densities. Consequently, the plan places major emphasis on promoting public access in the more under-served parts

of the Bronx, although new or expanded public access opportunities are proposed throughout the borough.

In March of 2011, led by the Department of City Planning, the city released *Vision 2020,* the culmination of a year-long, participatory planning process involving multiple agencies and organizations and input from New Yorkers in every borough. Building on the City's success in opening up to the public miles of shoreline that had been inaccessible for decades, and supporting expansion of the maritime industry, *Vision 2020* set the stage for expanded use of our waterfront for parks, housing and economic development, and our waterways for transportation, recreation and natural habitats. The 10-year plan lays out a vision for the future with new citywide policies and site-specific recommendations

Waterfront Revitalization Program (WRP)/Coastal Zone Management

The federal Coastal Zone Management Act of 1972, established to support and protect the nation's coastal areas, set forth standard policies for the review of proposed projects along the coastlines. As part of the Federal Coastline Management Program, New York State has adopted a state Coastal Management Program, designed to achieve a balance between economic development and preservation that will promote waterfront revitalization and waterfront dependent uses; protect fish, wildlife, open space, scenic areas, public access to the shoreline, and farmland. The program is also designed to minimize adverse changes to the ecological systems, erosion, and flood hazards. The state program contains provisions for local governments to develop their own local waterfront revitalization programs. New York City has adopted such a program (New York City Waterfront Revitalization Program, New York City Department of City Planning, revised 1999). The Local WRP establishes the City's Coastal Zone (CZ), and includes policies that address the waterfront's economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives.

Waterfront Revitalization Policy

Parts of both the existing HRW and proposed expansion area are located within federally-designated flood zones. New construction and substantial improvements within the 100-year floodplain (Zone AE) are subject to NYC Building Code requirements for flood-resistant construction. These include requirements that all habitable space be located above the design flood elevation. Permitted wet floodproofed uses below the design flood elevation include parking, access and storage. Active non-residential uses are permitted below the Design Flood Elevation when dry floodproofed. By local law, the City of New York requires that the more stringent of the currently effective FIRMs and PFIRMs be used for the purposes of determining compliance with all floodproofing requirements in the Building Code and for establishing base plane elevations for new buildings to measure their compliance with zoning building height requirements. Today, most resiliency practices are implemented at a building scale and incorporate adaptive actions such as dry or wet floodproofing, elevating structures, or protecting mechanical systems. Per the PFIRM, a portion of the proposed expansion area is located in a 500-year floodplain “Shaded X Zone” (see Map A6). This area has a moderate flood risk outside the regulatory 1% annual chance flood but within the limits of the 0.2% annual chance floodplain (one in 500 annual chance of a 100-year equivalent flood event occurring).

As the waterfront portions of the area affected by the proposed action fall within the City’s designated coastal zone, the proposed action must be assessed for its consistency with the policies of the City’s Local Waterfront Revitalization Program (LWRP). A detailed assessment of the LWRP is provided in Appendix B, “Waterfront Revitalization.”

Bronx Empowerment Zone

The Bronx Empowerment Zone (EZ) is a federally designated economic development initiative which uses public funds and tax incentives to encourage private investments in the South Bronx. The Bronx EZ targets areas along the Harlem River waterfront generally south of the George Washington Bridge and extending in an eastward direction along the waterfront to Hunts Point and the Hunts Point Market. Eligible companies are selected by the Bronx Overall Economic Development Corporation (BOEDC) and include developers of commercial, industrial, and retail facilities. Available programs can be used to finance real estate purchases and improvements, equipment and machinery and working capital. Among the features of this program are below-market fixed-interest rates, long-term financing and very low fees. Companies planning major capital investments within the Bronx EZ areas may be able to finance these projects with triple tax-exempt bonds issued by the NYC Industrial Development Agency (IDA).

Port Morris Special Mixed Use District

The Port Morris Special Mixed Use District is a special district established to encourage the development of an existing mixed-use neighborhood. The Port Morris Special Mixed Use District is located directly adjacent to and south of the proposed rezoning area. The Special District is generally bounded by East 134th Street to the north, Harlem River/Harlem River Rail Yard to the south, Willow Avenue to the east, and Park Avenue to the west, and is located along Bruckner Boulevard. The Special District encourages new residential and commercial development while continuing to permit existing light manufacturing uses as well as new ones. The Special District includes provisions to reflect the current mixed-use character of the area; bring new uses to underutilized land and buildings; enable existing residences to become conforming uses; further the city's housing initiative; focus on improved waterfront access; and create a vibrant, active neighborhood.

Future Without The Proposed Action

Project Area and Study Area

There are no anticipated public policy actions which would have a significant effect on conditions in the rezoning or primary study areas in the future without the proposed action. All City public policies, as described above in "Existing Conditions," are expected to remain unchanged in the future without the proposed action.

Future With Proposed Action

Project Area and Study Area

All four blocks within the Project Area (Blocks 2323, 2349, 2319 and 2316) are located within the LWRP designated area. As these four blocks are in the City's designated coastal zone, the proposed action must be assessed for its consistency with the policies of the City's WRP. This assessment is provided in Appendix B, "Waterfront Revitalization," which includes the WRP Consistency Assessment Form. The changes resulting in the future with the proposed action are not anticipated to create significant adverse impacts to public policy. The proposed action would be consistent with the public policy set forth to guide the development of the rezoning and primary study areas.

Bronx Empowerment Zone

As described above, the Bronx EZ is a federally designated economic development initiative which uses public funds and tax incentives to encourage private investments in the South Bronx. Eligible companies are selected by the Bronx Overall Economic Development Corporation (BOEDC) and include developers of commercial, industrial, and retail facilities. Available programs can be used to finance real estate purchases and improvements, equipment and machinery and working capital. The proposed action would create new opportunities for new commercial, retail, and light manufacturing development in the rezoning area. Therefore, the proposed action would be compatible with the goals of the Bronx EZ.

Port Morris Special Mixed Use District

The Port Morris Special Mixed Use District is a special district established to encourage the development of an existing mixed-use neighborhood. The Special District encourages new residential and commercial development while continuing to permit existing light manufacturing uses as well as new ones. The Special District includes provisions to reflect the current mixed-use character of the area; bring new uses to underutilized land and buildings; enable existing residences to become conforming uses; further the city's housing initiative; focus on improved waterfront access; and create a vibrant, active neighborhood. The proposed action is considered compatible with the Port Morris Special Mixed Use District. Both the proposed rezoning and the Port Morris Special Mixed Use District seek to encourage new uses and densities compatible with surrounding residential neighborhoods.

New York City's Comprehensive Waterfront Plan

The principal objective of this plan was to provide a framework to guide land use along the city's waterfront and present opportunities for waterfront access, open space, housing and commercial activity along the waterfront. The special urban design controls incorporated into the Special Harlem River Waterfront District (building bulk, permitted densities, building heights, and street walls) would facilitate new housing and commercial development with varied building heights, controlled tower dimensions, and appropriately framed waterfront open spaces. In addition, the WAP would enhance
and shape the public access areas required by the new development, consistent with the principal objective of the Comprehensive Waterfront Plan to enhance public access to and use of the New York City waterfront. Therefore, the proposed action would be consistent with the Comprehensive Waterfront Plan.

Waterfront Revitalization Program (WRP)

Consistent with the aims of the City's Local Waterfront Revitalization Program, the proposed action would encourage the redevelopment of the waterfront for residential and commercial use, and a new waterfront park. In addition, the maintenance of physical, visual, and recreational access to the waterfront is encouraged by the WRP. The new residential and commercial development that would replace the existing warehouse/manufacturing and transportation/utility uses along the waterfront would create new public access to the waterfront. The proposed action, in accordance with the WAP, would identify specific locations for required shore public walkways, upland connections, supplemental public access areas and visual corridors to the Harlem River waterfront. The consistency of the proposed action with the WRP is discussed in greater detail below and in Appendix B.

Waterfront Revitalization Program

The project site is located within the City's Coastal Zone and, therefore, the proposed project is subject to review for consistency with the policies of the WRP. The WRP includes policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront while minimizing the conflicts among those objectives. The WRP Consistency Form (see Appendix B) lists the WRP policies and indicates whether the proposed project would promote or hinder that policy, or if that policy would not be applicable. This section provides additional information for the policies that have been checked "promote" or "hinder" in the WRP Consistency Assessment Form.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.

The proposed project area lies within the 2009 Lower Concourse rezoning area that aims to incentivize new residential, commercial, community facility uses. The proposed project would be located in and proximate to areas that are transitioning away from their industrial past due to new mixed-use development as a result of the original Lower Concourse Rezoning. Both the proposed text amendments and expansion area would activate Exterior Street, East 135th Street, and key frontages in upland connections with new active uses, areas that today are today largely devoid of activity. Therefore, the proposed project would be consistent with this policy.

Policy 1.2: Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.

The project area Core Subdistrict lies in a prominent location near the waterfront, and its redevelopment would contribute to enlivening the waterfront and improving the visual character of the area. The HRW was established in 2009 as part of the Lower Concourse rezoning. The Lower Concourse Rezoning mapped a significant portion of the South Bronx with mixed use and special use districts, mapped a new Inclusionary Housing Area and new waterfront parkland, established the Harlem River Waterfront Access Plan, and instituted related actions in order to create new investment opportunities and open space in the underutilized, but transit-rich, Lower Concourse area. The goals of the HRW, as established, are to ensure development maintains a human scale, guarantee a variety of building structures, create a varied skyline, maximize waterfront views, facilitate a strong streetscape, encourage "eyes on the street", ensure a range of uses on the waterfront, and encourage people to use waterfront open spaces. In the South Subdistrict, under the WAP, new development would provide greater connectivity to the waterfront and the surrounding community, and create a more welcoming, lively area. The proposed South Subdistrict and expanded Waterfront Access Plan would be established in response to unique conditions in the area regarding circulation, open space, and resiliency. Therefore, the proposed project would be consistent with this policy.

Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

The existing HRW was created in 2009 and since that time, the City's understanding and policies regarding flood resiliency have evolved. Sections of the ZR (ZR 64-00, ZR 64-336) were subsequently created and modified to reflect these policies. The Proposed Actions address the changing regulations

for flood resilient construction. The Proposed Actions also address the unsightly effects created by blank walls on the surrounding streetscape and vacant areas around buildings. Additionally, in helping to retain visual access to the water, the SPW would still have to be built at or above the height of the Oak Point Rail Link train track bed. The Proposed Actions also address the Federal Emergency Management Agency's (FEMA) revised 2015 Preliminary Flood Insurance Rate Maps (FIRMs), which expanded the extent of the 1% annual chance floodplain throughout the city, including throughout portions of the existing and proposed HRW. The Proposed Actions would also better address preparing the HRW for future 100-year floodplain expansion due to expected sea level rise. Therefore, the proposed project would be consistent with this policy.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.

Map C5 notes that portions of both the existing HRW and proposed expansion area are within the 1% annual chance floodplain, or Special Flood Hazard Area (SFHA). New construction and substantial improvements within the SFHA are subject to NYC Building Code requirements for flood-resistant construction. These include requirements that all habitable space be located above the Design Flood Elevation (DFE). Permitted uses below the DFE include parking, access and storage when wet floodproofed. Active commercial and other non-residential uses are permitted below the DFE and below-grade if approved dry floodproofing measures are utilized. By local law, the City of New York requires that the more stringent of the currently effective FIRMs and PFIRMs be used for the purposes of determining compliance with all floodproofing requirements in the Building Code and for establishing base plane elevations for new buildings to measure their compliance with zoning building height requirements.

The existing HRW and proposed Special District expansion areas are located within the National Flood Insurance Program's (NFIP) Special Flood Hazard Zone AE, as mapped in the Preliminary Flood Insurance Rate Maps (FIRM) for Bronx County, NY, dated December 5, 2013 (Map Numbers 3604970083G and 3604970091G). The expected current 100-year Base Flood Elevation is 11 feet NAVD88 throughout the project site, with portions of the project area furthest landward of the Harlem River included within the 500-Year Shaded X floodplain. The Base Flood Elevations above grade range from less than 1 Foot above the existing ground elevation, to approximately 9 Feet above grade across several parcels.

In terms of the absolute elevations, the future proposed developments would account for current and potential future "100-year" flood levels. Today, most resiliency practices are implemented at a building scale and incorporate adaptive actions such as dry or wet floodproofing, elevating structures, or protecting mechanical systems. Per the PFIRM, a portion of the proposed expansion area is located in a 500-year floodplain "X Zone". This area has a moderate flood risk outside the regulatory 1% annual chance flood but within the limits of the 0.2% annual chance flood level (one in 500 annual chance). In the two parcels that lie within this area, mixed use residential buildings are slated for development. They are providing appropriate resiliency measures at a building scale, which include both wet floodproofing and dry floodproofing portions of these buildings.

Map C5 – Flood Plain

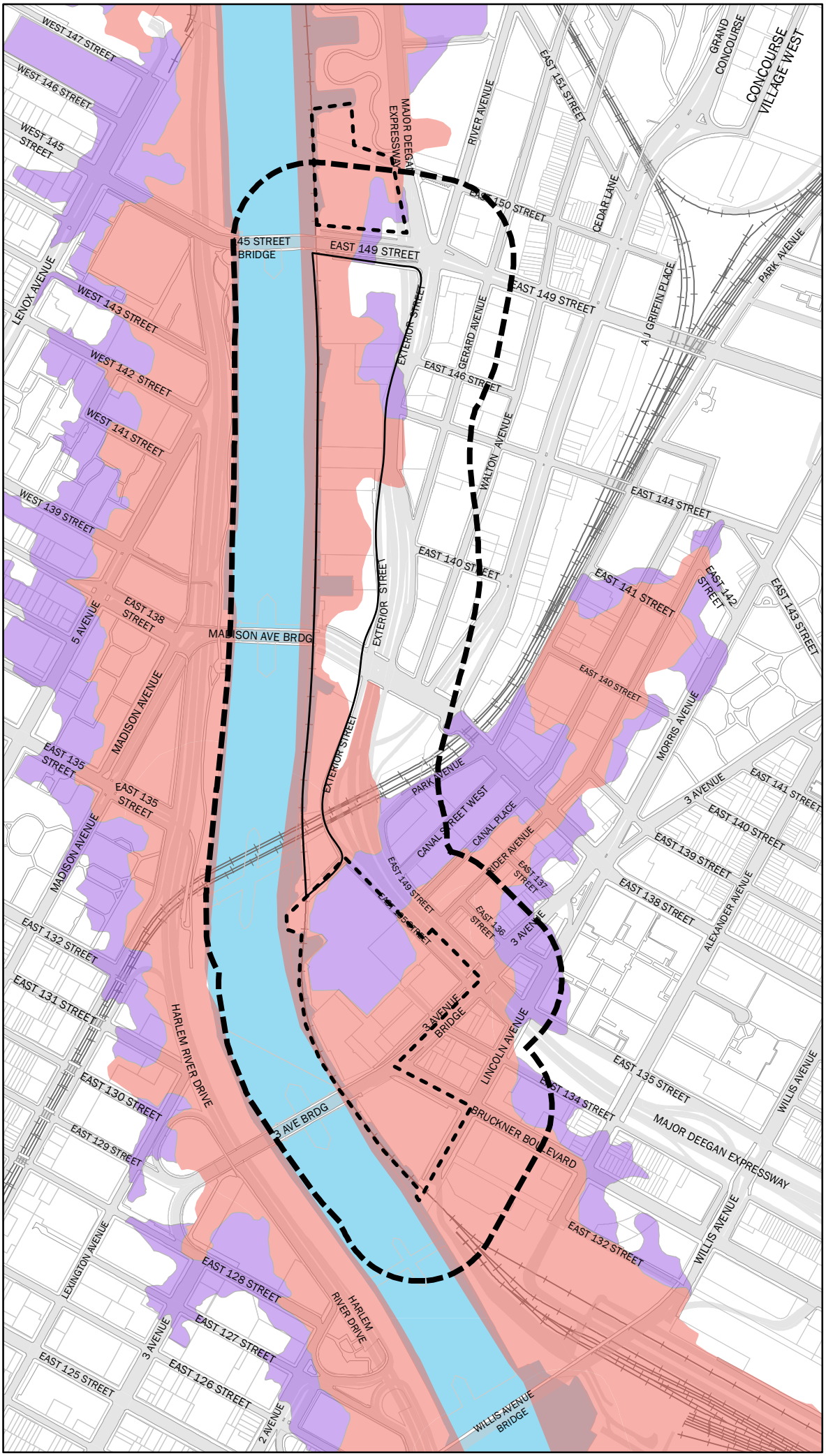
Flood Zones

- SHRWD - Core
- South Subdistrict
- 400 buffer expansion
- North Subdistrict*

*Not part of the proposed action

Advisory Zone

- A
- Shaded X



The proposed actions would also allow greater flexibility than is currently permitted in measuring building height from a higher reference plane in order to encourage resilient design of ground floors. Special streetscape provisions would also require visual mitigation elements where no transparent materials or exits or entrances are being provide on the ground floor level below a height of four feet.

Therefore the proposed actions are consistent with and will advance Policy 6.1.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the City's Coastal Zone

The New York City Panel on Climate Change's (NPCC) 2015 report outlines sea level rise (SLR) projections for predicted flood elevations for the 2020s, 2050s, 2080s and 2100. Projections for 2020 range from +2 inches for the low estimate (10th Percentile) to +10 inches for the high estimate (90th Percentile). Projections for 2050 range from + 8 inches on the low estimate to +30 inches on the high estimate suggesting that by 2050 some portions of the current Special District and proposed expansion area can see expected BFEs of over 11 Feet above the existing grade during 100-year flood events. The entirety of the current and proposed expansion area is expected to be within FEMA's Special Flood Hazard Area by 2050 (Map C6).

Additionally the seaward portions of sites adjacent to the Harlem River located throughout the HRW and proposed expansion areas may be subject to daily tidal flooding according to NPCC low estimate High Tide 2050s projections.

The proposed actions would not facilitate the development of any critical or potentially hazardous features in areas exposed to current or future flood hazards, and would ensure that all vulnerable features are designed to account for current and potential future flood conditions. Additionally, some of the additional resilience measures proposed (See Policy 6.1) would better enable future development to incorporate sea level rise into the design and planning of any proposed development. Therefore the proposed actions are consistent with and will advance Policy 6.2.

Policy 8.1: Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.

In the Core Subdistrict, the established WAP encourages greater connectivity to the waterfront and the surrounding community, and thus creates a more welcoming lively area. The proposed South Subdistrict and WAP would ensure adequate pedestrian, visual, and vehicular access to the waterfront, and would ensure that waterfront development maintains an inviting public look and feel. Therefore, the proposed project would be consistent with this policy.

Policy 8.2: Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

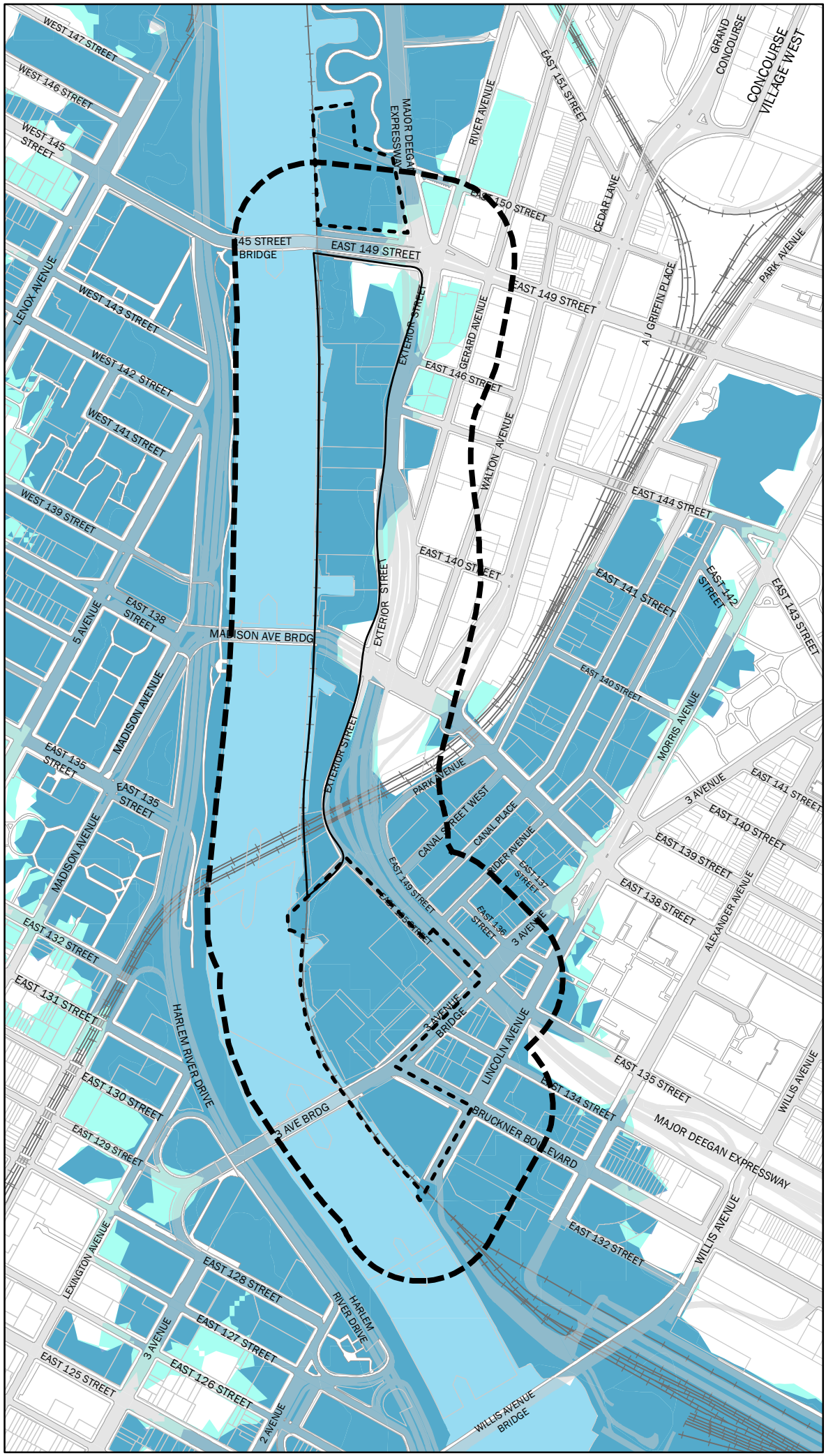
Map C6

Sea Level Rise

SHRWD - Core
South Subdistrict
400 buffer expansion
North Subdistrict*

*Not part of the proposed action

Sea level rise
2020s
2050s



As described previously, as part of the 2009 Lower Concourse Rezoning, an area of the HRW was designated as mapped parkland, and a WAP was established that specified locations for visual corridors, upland connections, a continuous Shore Public Walkway running along the Harlem River, and Supplemental Public Access Areas across various sites within the Special District. As noted in Map A3 and A4, the Harlem River Waterfront Access Plan (WAP) would be expanded to include the South Subdistrict and provide adequate public access there as well. To accommodate unique site conditions throughout the existing HRW and proposed Special District expansion areas, upland connections would be required throughout at designated and variable locations to ensure access to waterfront public access and open space areas. The WAP expansion will ensure adequate access to the waterfront, and lively open space when future development occurs. Additionally, in helping to retain visual access to the water, the SPW would still have to be built at or above the height of the Oak Point Rail Link train track bed. Therefore, the proposed actions would be consistent with this policy.

Policy 8.3: Provide Visual access to the waterfront where physically practical.

As noted in Map A3 and A4, the Proposed Actions would modify the Waterfront Access Plan (WAP) currently mapped onto the Core Subdistrict and expand it into the newly created South Subdistrict to establish and ensure adequate visual access to and along the waterfront . In the South Subdistrict, the Proposed Actions would encourage visibility to the waterfront through Upland Connections, Visual Corridors and a Shore Public Walkaway and would require a Supplemental Public Access Area (SPAA) on Block 2319, Lot 55. In order to integrate coastal resilience and accommodate the existing Oak Point Rail Link into the design of any future waterfront public access, the Visual Corridor Plane will be changed to connect curb level to an elevation matching the extension of the plane horizontally connecting the highest level of the Rail Link concrete bed or the design flood elevation, whichever is greater, to the intersection with the shoreline. Any required shore public walkway would also need to be built up to at minimum the elevation of the adjacent Oak Point Rail Link in order to preserve visual access at the waterfront. Therefore, the proposed actions would be consistent with this policy.

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and historic and working waterfront.

In the Core Subdistrict, the 2009 Lower Concourse Rezoning resulted in requirements that improved visual access to the urban context surrounding the waterfront and the Manhattan skyline. In the South Subdistrict, the Proposed Actions would be established and ensure adequate visual access to the waterfront and the Manhattan skyline. Therefore, the proposed actions would be consistent with this policy.

Overall, the proposed actions would not result in any significant adverse public policy impacts.

f. Conclusion

The proposed actions in the Special Harlem River Waterfront area and its expansion area to the south would encourage greater connectivity to the waterfront, surrounding community, and create a more welcoming lively area. The updates to the existing special district regulations are meant to address flood resiliency needs, account for easements and other restrictions, ensure adequate circulation, and provide flexible building forms to encourage the development of affordable housing and open space on the Harlem River waterfront in the Bronx. The proposed South Subdistrict and expanded Waterfront Access Plan would be established in response to unique conditions in the area regarding circulation, open space, and resiliency. Their establishment would ensure adequate access to the waterfront, and lively open space when future development occurs.

The proposed actions would not have a significant adverse impact on Land Use, Zoning and Public Policy. The proposed text amendment and map amendment to update the HRW text and expand the district would complement land use growth and changes already occurring, would strengthen the zoning provisions and complement the proposal for Lower Concourse North, and would complement and support applicable public policies in the area.

As mentioned above, following certification of the proposed actions on June 5, 2017, the CPC is considering modifications to the proposed actions, including revisions to the proposed text amendment only, based on verbal and written testimony provided at the CPC public hearing. The proposed modifications to the zoning text amendment would still align with and continue to support the goals of the HRW as proposed, and would not affect the conclusions of the Land Use, Zoning and Public Policy analysis.

D. Urban Design and Visual Resources

a. INTRODUCTION

This chapter considers the potential for the proposed actions to result in significant adverse urban design and visual resources impacts. As defined in the *2014 City Environmental Quality Review (CEQR) Technical Manual,* urban design is the totality of components that may affect a pedestrian's experience of public space. A visual resource is the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources.

Based on the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed "as-of-right," or in the future No-Action condition.

As described in detail in Chapter 1, "Project Description," the Proposed Actions include zoning map and text amendments that would continue to support the goals of the existing HRW, but would be updated to meet current regulations for flood resiliency and affordable housing and would ensure that a greater portion of the Harlem River waterfront is publicly accessible and of an appropriate quality. The Proposed Actions would result in physical alterations beyond those allowed by existing zoning; thus, the proposed actions meet the threshold for a preliminary assessment of urban design and visual resources.

Principal Conclusions

This analysis concludes that the Proposed Actions would not have a significant adverse impact on urban design and visual resources.

Urban Design

The Proposed Actions would be consistent with the urban design character of the study area in the 2027 build year. As described above in the Project Description, in the future With-Action condition the Project Area's underlying zoning districts would remain, while the provisions in the existing Special District would be modified by establishing additional requirements to address flood resiliency needs, account for easements and other restrictions, provide flexible building forms to encourage the development of affordable housing, and ensure adequate circulation and waterfront public access to meet unique conditions. Via section 62-80 of the New York City Zoning Resolution (ZR), the general public access requirements of waterfront zoning within this area, and the location requirements and configuration of shore public walkways, upland connections, supplemental public access areas, and visual corridors in the Harlem River Waterfront Access Plan (WAP) would be modified. Total public access requirements on parcels within the existing WAP would not change.

As mentioned above, the Proposed Actions would continue to support the goals of the existing SHRWD, but would be updated to meet current regulations for flood resiliency and affordable housing and ensuring a greater portion of the Harlem River waterfront is accessible to the community and of an appropriate quality.

The goals of the HRW are:

- To create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors,
- To maximize waterfront views,
- To promote the pedestrian orientation of ground floor uses in appropriate locations
- To encourage well-designed development that complements the built character of the neighborhood,
- To provide an open space network comprised of parks, public open space and public access areas,
- To guarantee a variety of building structures, create a varied skyline,
- To facilitate a strong streetscape, ensure a range of uses on the waterfront, and
- To encourage people to use waterfront open spaces.

The Proposed Actions are intended to update requirements or optional regulations to address new flood resiliency requirements, account for easements and other restrictions, and ensure adequate circulation and waterfront public access to meet unique conditions.

The existing HRW was created in 2009 and since that time, the City's understanding and policies regarding flood resiliency have evolved. Sections of the ZR (ZR 64-00, ZR 64-336) were subsequently created and modified to reflect these policies. The Proposed Actions address the changing regulations for flood resilient construction. The Proposed Actions also address the unsightly effects created by blank walls on the surrounding streetscape and vacant areas around buildings. The Proposed Actions also address the Federal Emergency Management Agency's (FEMA) revised 2015 Preliminary Flood Insurance Rate Maps (FIRMs), which expanded the extent of the 1% annual chance floodplain throughout the city, including throughout portions of the existing and proposed SHRWD. The Proposed Actions would also better address preparing the HRW for future 100-year floodplain expansion due to expected sea level rise.

Additionally, the City's zoning regulations for the development of quality affordable housing were updated in 2016. The Zoning for Quality and Affordability (ZQA) text amendment made significant changes to the ZR, to eliminate or update regulations that discouraged high quality affordable housing. These changes, which included permitting additional height for affordable or senior housing; reducing parking requirements for affordable or affordable senior housing located near subway lines; and changing rules that typically lead to flat, dull apartment buildings, to instead accommodate and encourage façade articulation, courtyards, and other elements that provide visual variety and make the pedestrian experience more interesting. The Proposed Actions would allow for additional flexibility in the HRW to promote opportunities for new residential and commercial development, and would encourage development of high quality affordable housing reflective of ZQA goals.

After the 2009 Lower Concourse Rezoning, the City discovered easements and other restrictions imposed on Parcel 1 in the existing HRW. One such easement is to allow for expansion to the Major Deegan Expressway exit ramp. While the State Department of Transportation has put a hold on its

plans for the expansion, the City foresees a need in the future to implement a similar strategy to alleviate traffic and traffic safety concerns. The Proposed Actions would modify regulations to ensure that the current restrictions that the easement places on the site would change so that its development would still meet the goals of the HRW *(see Figure D3)*. [4]

The proposed South Subdistrict includes Blocks 2316 and 2319, the Harlem River waterfront blocks between Lincoln Avenues and Park Avenues, which were rezoned as part of the Port Morris/Bruckner Boulevard Rezoning in 2005. The Major Deegan Expressway and Oak Point Rail line significantly restricts access to these blocks. The proposed South Subdistrict and WAP would ensure adequate pedestrian, visual, and limited vehicular access to the waterfront block, and would ensure that waterfront development maintains an inviting public look and feel.

The 2009 Lower Concourse Rezoning established higher density tower-on-a-base development along the Harlem River. The Proposed Actions would not alter these key guiding principles. Future development along the waterfront is expected to introduce new mixed-use high-rise buildings, a new waterfront path along the Harlem River, and a new waterfront park, the Lower Concourse Park.

The Proposed Actions would encourage greater connectivity to the waterfront and the surrounding community, and would create a more welcoming lively area. Both the proposed text amendments and expansion area would activate Exterior Street, East 135th Street, and key frontages in upland connections with new active uses, areas that today are devoid of activity. Therefore, the Proposed Actions would not result in any adverse impacts to the urban design character of the study area.

Visual Resources

In the proposed South Subdistrict, the proposed visual corridors along Park Avenue, 134th Street, and Canal Street West would create new public viewing points of the Manhattan skyline and the Harlem River. In addition, a requirement to place a Supplemental Public Access Area (SPAA) in the proximity of an existing inlet in this area would also provide visual access to these amenities. Additionally, in Parcel 1 of the Core Subdistrict, the SPAA would be relocated. This relocation is necessary because of the multiple site constraints recently discovered in this area of the parcel, such as a sewer easement and an additional area that are both unbuildable—making this area more appropriate for a SPAA. The new location of the SPAA would be more welcoming to visitors, would serve as the northern entryway to the Shore Public Walkway of the HRW, and would be the western culmination of 149th Street, an active and transit rich pedestrian way.

Finally, the current visual corridor that runs along E 146th Street would be realigned. East 146th spans only two blocks in length, and the visual corridor is mapped along two lots before reaching the water, on the mapped park and Parcel 1. This is likely to create complexities regarding how the visual corridor is implemented in the future, and its diagonal alignment creates additional burdens for Parcel 1, which is already constrained by multiple easements. Additionally, the sloping grade change of East 146th Street, and the visual impediment of the elevated Major Deegan Expressway, prevent a pedestrian's visibility until they are standing at the intersection of Gerard Avenue and East 146th St (see Photo 16). By the time a pedestrian is standing at this intersection, the northern edge of the mapped park and the Harlem River would both be visible. The proposed realignment would run through Parcel 1, parallel to the lot line of the mapped park, preventing a legal window issue that could arise if a proposed building would face the park. The setback required as part of the HRW text would be met by the visual corridor, and it would ensure that proper transparency would be required on the façade of a building fronting the park. Additionally, to provide proper waterfront access, an Upland Connection will be mapped in this geography. The Proposed Actions would not have a significant impact on any visual resources within the study area or on any view corridors to visual resources

[4] Post-certification, it was determined that this easement is not in place, as there are no current plans for the expansion of the Major Deegan Expressway, however, the proposed HRW zoning text requiring a setback on Parcel 1 would remain in place, and newly required setbacks would be added to Parcels 2, 3 and 4 to account for a location and area equal to the area previously assumed to be an easement, in case the expansion were to happen in the future. This would not affect the amount or location of development permitted with the proposed actions.

within the study area. Therefore, the proposed project would not result in any adverse impacts on visual resources.

b. METHODOLOGY

As defined in the *CEQR Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. This analysis considers the effects of the proposed actions on the experience of a pedestrian in the study area. The preliminary assessment focuses on those project elements that have the potential to alter the built environment, or urban design, of the development site, which is collectively formed by the following components:

- *Street Pattern and Streetscape*—the arrangement and orientation of streets define location, flow of activity, street views, and create blocks on which buildings and open spaces are arranged. Other elements including sidewalks, plantings, street lights, curb cuts, and street furniture also contribute to an area's streetscape.
- *Buildings*—a building's size, shape, setbacks, pedestrian and vehicular entrances, lot coverage, and orientation to the street are important urban design components that define the appearance of the built environment.
- *Open Space*—open space includes public and private areas that do not contain structures, including parks and other landscaped areas, cemeteries, and parking lots.
- *Natural Features*—natural features include vegetation, and geologic and aquatic features that are natural to the area.
- *View Corridors and Visual Resources*—visual resources include significant natural or built features, including important view corridors, public parks, landmark structures or districts, or otherwise distinct buildings.

The CEQR Technical Manual recommends an analysis of pedestrian wind conditions for projects that would result in the construction of large buildings at locations that experience high wind conditions (such as along the waterfront, or other location where winds from the waterfront are not attenuated by buildings or natural features), which may result in an exacerbation of wind conditions due to "channelization" or "downwash" effects that may affect pedestrian safety. Although, the project area is on the waterfront, it is not in a location that experiences high wind conditions and the building typology of "towers on a base" requires towers to setback sufficiently at a height of 0 to 85 feet when fronting the shoreline that would hamper winds from reaching the pedestrian area. Closer to Exterior Street, where winds are significantly less, the Major Deegan Expressway structure will also help in lessening any winds. Furthermore, neither the Core Subdistrict nor the South Subdistrict are altering the existing height of buildings from when they were originally rezoned, respectively. Therefore, a pedestrian wind conditions analysis is not warranted.

If the preliminary assessment determines that a change to the pedestrian experience is minimal and unlikely to disturb the vitality, walkability or the visual character of the area, then no further assessment is necessary. However, if it shows that changes to the pedestrian environment and/or visual resources are significant enough to require greater explanation and further study, then a detailed analysis may be appropriate.

Consistent with the land use, zoning, and public policy analysis, the following analysis considers a 400 foot radius around the project site. However, the Harlem River is a significant barrier between

Manhattan and the Bronx. The urban design character on one side of the river is substantially different from the other. Such urban design changes in the Bronx are not expected to affect Manhattan. As such, Manhattan is excluded from the study area *(see Figure D1)*. The study area considers where the Proposed Actions would be most likely to influence land use patterns and the built environment. This analysis addresses the urban design and visual resources of the study area for existing conditions, the future without the proposed actions (the No-Action condition), and the future with the proposed actions (the With-Action condition) for the 2027 build year, when future development in the Project Area would be completed.

c. EXISTING CONDITIONS

Urban Design

Project Area

The Special Harlem River Waterfront District (HRW) is located in the Mott Haven section of the Bronx, on the eastern shore of the Harlem River, spanning from 149th Street in the north to Park Avenue in the south, and bounded in the east by Exterior Street and the Major Deegan Expressway. The proposed expansion area includes two blocks and spans from Park Avenue in the north to Third Avenue and Lincoln Avenue in the south, and is bounded by the Harlem River to the east and E 135th Street and Bruckner Boulevard to the west *(Figure D1)*.

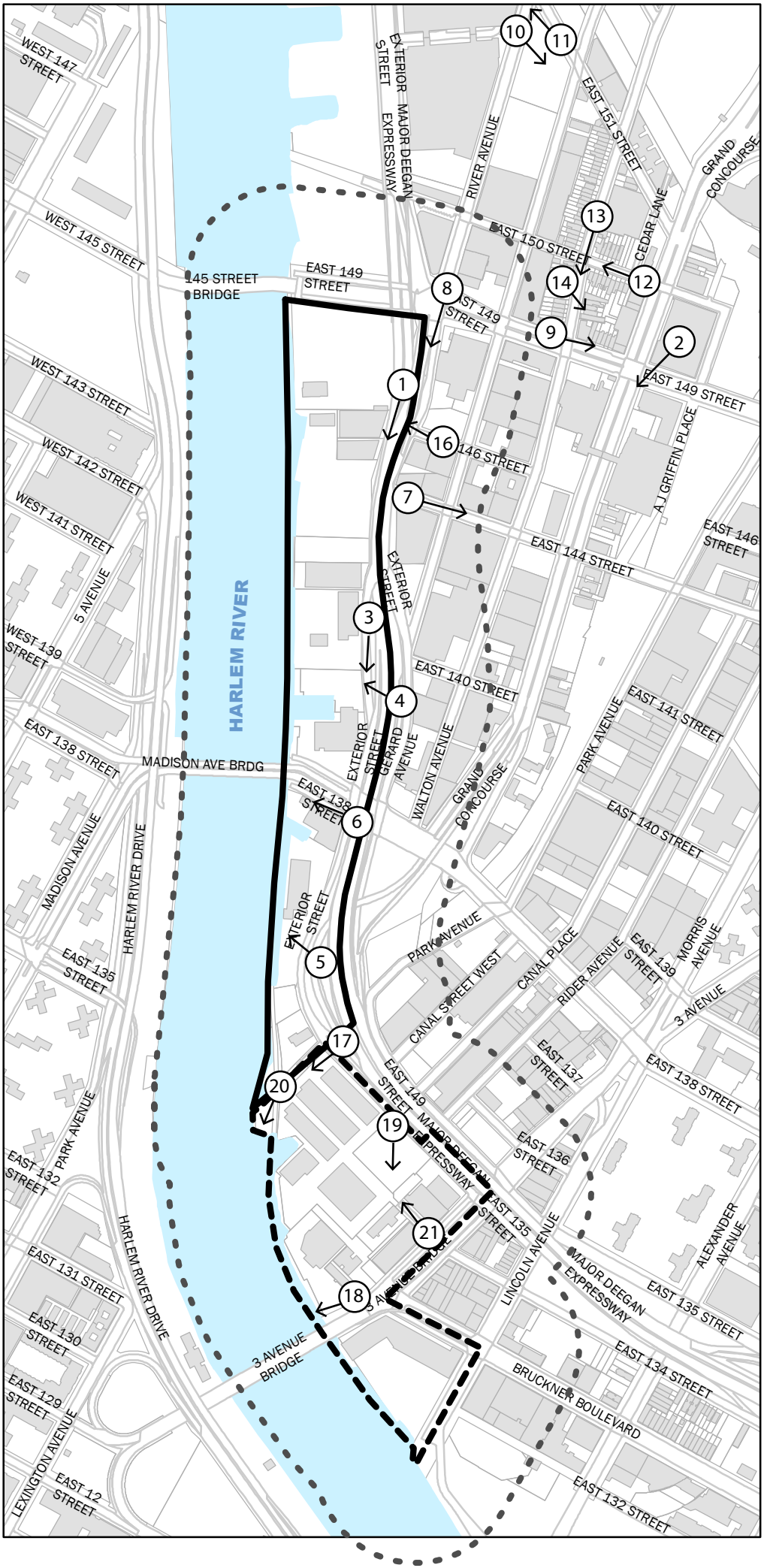
The HRW is currently developed with an open construction waste facility, bus parking, self-storage facility, auto sales, a Con Edison muster site and parking, and a moving and storage company. The area of the SHRWD was projected to be developed with 2,443 units of housing, 563,589 square feet of commercial and community facility space, and 149,110 square feet of open space including the park.

The proposed South Subdistrict contains various small manufacturing uses, the Bruckner Building, which was recently converted into an office space and light manufacturing facility, the old Beethoven Piano Factory Building, an empty lot, and a personal storage facility on a large lot which takes up almost half of the area of the proposed South Subdistrict. Access to the waterfront blocks is limited by the Third Avenue Bridge, which descends from Manhattan both onto Third Avenue and Bruckner Boulevard, and the Major Deegan Expressway, which is raised along most of the northern edge of the proposed South Subdistrict. The Oak Point Rail Line also runs along the coastline and western edge of the South Subdistrict, and a small inaccessible green space lies at the end of Park Avenue. A portion of East 134th Street also enters into the waterfront block on its southern edge as a dead-end street.

Study Area

The project site is located in the Lower Concourse neighborhood of the Bronx, Community District 1. The roadway and railway infrastructure developed within the study area have substantially delineated its urban design character. The sunken Metro-North railway tracks creates a significant barrier that separates the study area from the rest of the Bronx in every direction. The elevated Major Deegan Expressway separates the largely industrial waterfront from the remainder of the study area. The major thoroughfares include the north-south running Grand Concourse and the east-west running East 149th Street; much of the study area varies in grade.

The surrounding area is generally characterized by a long history of manufacturing uses and the presence of several large institutions. Lincoln Hospital and Hostos Community College are two



Special Harlem River Waterfront District

HRW Core Subdistrict

HRW South Subdistrict

400 Ft buffer

Figure D1, Photo key map

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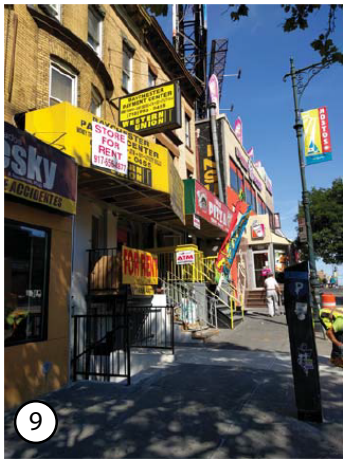

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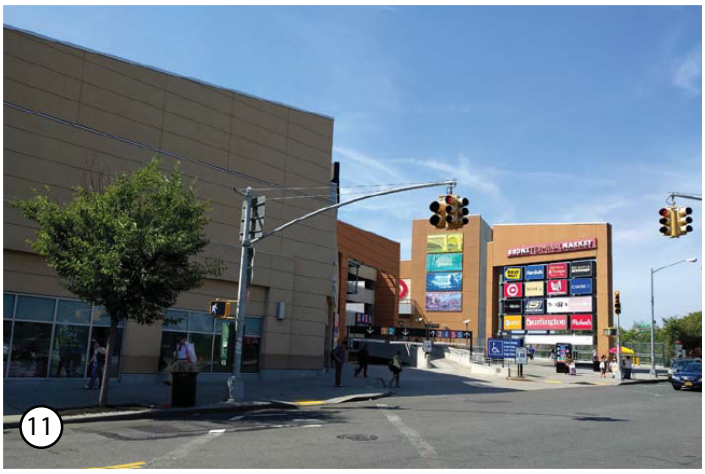
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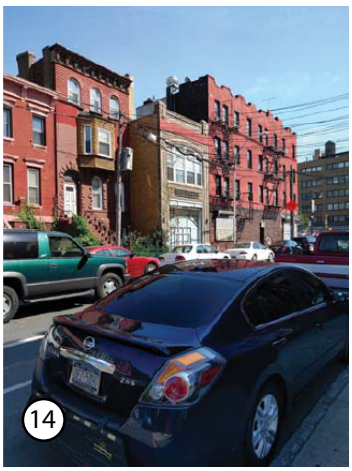
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CubeSmart
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prominent community facilities northeast of the special district, and the Bronx Terminal Market shopping mall is just north of 149th Street. The large shopping mall is located on the site of the historic Bronx Terminal Market and consists of a three-building superstructure and two smaller buildings. The majority of the Hostos Community College campus is located along the Grand Concourse and East 149th Street and is a major pedestrian traffic generator. Subway access is located at the intersection of East 149th Street and the Grand Concourse, a campus focal point, with MTA service by the 2 and 5 train lines. The 104-acre Harlem River Yard Transportation and Distribution Center is located in Port Morris along the Harlem River and Bronx Kill south of Lincoln Avenue. The area is accessible via the Major Deegan Expressway, the 145th Street Bridge, the Third Avenue Bridge, and the Metro North Bridge and its rail line bisects the area along Park Avenue. NYCHA's Mitchel and Patterson Houses are located to the east. Three large city-owned properties are within the area – 425 Grand Concourse, Pier 5 north of E 149th Street, and 63 Exterior Street. Notable public open spaces in the vicinity of the area are Mill Pond Park, Garrison Playground, and a community garden called La Finca del Sur. Harlem River Park in Manhattan is accessible by crossing the 3rd Avenue Bridge. A small pocket of 3-4 story residential buildings lies along Walton Avenue just northeast of the HRW.

The area is well served by transit with three stations on the 2, 4, 5 and 6 lines. The project site is proximate to the 4 and 5 subway lines at the 138th Street – Grand Concourse station; the 2, 4 and 5 lines at the 149th Street – Grand Concourse station; and the 3 line across the 145th Street Bridge at Malcolm X Boulevard in Manhattan. Major bus access includes the Bx1, running between East 136th Street/Lincoln Avenue and Riverdale Avenue/231st Street along the Grand Concourse; Bx33, operating between East 132nd Street in the Bronx and East 138th Street – Grand Concourse; Bx13, running north-south from 149th Street to the George Washington Bridge along Ogden Avenue; and Bx19, which runs from the New York Botanical Garden to Riverbank Park along Southern Boulevard. Bx15, which provides service from W 125th Street and Fordham Road along Third Avenue, and Bx32, which runs from E 136th St to Kingsbridge Heights along Jerome Avenue, both provide bus access to the proposed expansion area (South Subdistrict). The Major Deegan Expressway provides access to the regional interstate highway system.

In terms of infrastructure and connectivity, the Major William F. Deegan Expressway was completed in 1957, isolating waterfront parcels, from upland neighborhoods; further, the Oak Point Rail Link was built along the Harlem River in this area in the 1990's in order to divert freight traffic away from busy commuter rail lines. The waterborne route cut off access to waterfront lots in this area and precluded water-dependent uses. The special district regulations were created to overcome these obstacles to ensure the public feels welcome and encourage people to use waterfront open spaces.

The waterfront area in the Core District of the HRW is separated by buildings to the east by the elevated Major Deegan Expressway and Exterior Street and developed with extra-wide sidewalks that in many places are in complete disrepair (see photos 1 and 2). Portions of Exterior Street located below the Major Deegan Expressway get limited light due to the proximity of the two roadways in terms of elevation. On this portion, the Exterior Street roadway is particularly dark as the Major Deegan Expressway lowers and transitions to its at-grade elevation.

The Core District of the Harlem River waterfront is developed with industrial and parking facility uses that separate the public from the river's edge. This portion of the area is defined by the irregular nature of waterfront parcels which are not broken up by any mapped roadways; and is dominated by lots that are undeveloped with buildings and fenced off from the street. A few low-rise factory/warehouse buildings are developed in this area at FARs between 1.0 and 2.0 with high lot coverages; these structures are located on the waterfront and typify its industrial past.

The area east of the Major Deegan Expressway and bounded by the Grand Concourse is generally industrial in character as described in the analysis in Section C, "Land Use, Zoning, and Public Policy," and is developed with a more typical grid configuration; north-south streets are generally two-way and east-west streets are one-way. The urban design character of this area is defined by low-rise warehouse/industrial buildings (typically one- to three-stories) with continuous streetwalls, particularly along Gerard Avenue and Walton Avenue. Buildings were generally constructed pre-war or just post-war and developed at the street line without any setbacks (photos 7). All of these low-rise structures range in FAR from 1.0 to 2.0; some of them are underbuilt while others are built at or near the maximum FAR with high lot coverage. Accessory parking facilities and several buildings associated with Hostos Community College are also located within this portion of the study area, particularly along the Grand Concourse. In addition, the former PS 31 site is vacant and Garrison Playground is closed; these sites are located between the Grand Concourse and Walton Avenue just south of the Hostos Community College campus.

The main body of the Hostos Community College campus is located south of East 149th Street along the Grand Concourse east of the industrial area (see photo 8) and includes three mid-rise buildings, a sky bridge over the Grand Concourse, and a public plaza. The mid-rise buildings are slightly set back from their lot lines without any streetwall setback; the buildings were developed at different times and are not of a cohesive design character. There is little developed ground floor space to activate the streetscape on either side of the Grand Concourse to the south of East 149th Street with the exception of the plaza along the eastern portion of the street.

North of East 149th Street and east of the Bronx Terminal Market the study area is largely developed with old parking and transportation facilities and industrial uses in addition to a small residential enclave. The western portion of this area is developed with warehouse-style buildings similar to those south of East 149th Street. These facilities are located on the opposite side of River Avenue from the Bronx Terminal Market and are developed on extra-long blocks running north to south. Buildings within this portion of the study area are generally developed at FARs around 1.0, with high lot coverages and set at their lot lines; structures are built at low FARs due to the limited provisioning of space around each building (open space) which limits the density of development. Street walls are generally continuous and buildings are low-rise (at one- to two-stories) (see photo 9). Buildings are generally developed with garage doors or loading bays along street frontages and parking facilities are fenced in. An American Self Storage building and its large associated parking lot are recessed at below-grade levels disrupting the urban design character of the area just east of the Bronx Terminal Market; an additional at-grade parking lot is developed just north of the self-storage facility opposite the Bronx Terminal Market (see photo 10). The Bronx Terminal Market is partially developed with street-level retail; however, the streetscape and block is interrupted by the various egress roads associated with the parking structures (see photo 11).

The eastern portion of this area is developed with a residential neighborhood extending south to East 149th Street, west to the mid-block of Walton Avenue and Gerard Avenue, and east to Cedar Lane; East 151st Street is somewhat more densely developed with mid-rise buildings and ground-floor retail (see photo 10). With the exception of a low-rise commercial office building on the east side of Walton Avenue the residential area is developed with low-rise residential row houses with stoops that are set back from the lot line with small front yards (see photos 12-13). Building street walls are continuous and heights are generally consistent at three-stories. The southern portion of Walton Avenue, while mainly developed with three-story residential row houses, is more varied in building form and organization due to the presence of a rear yards and non-residential use buildings (see photos 13-14). Buildings vary from one- to three-stories in height, were generally built pre-war, and those buildings

which are setback feature prominent stoops. The low-density residential area is characterized by buildings with low lot coverages due to rear or side yard requirements and buildings are developed at FARs between 0.75 and 2.0, proportional to the amount of provided open space.

East of Walton Avenue, the north side of East 149th Street, which forms the boundary of the residential enclave, is generally developed with pre-war low-rise mixed commercial and residential use or entirely commercial buildings developed with ground floor retail which also characterize much of the northern portion of the Grand Concourse (see photo 9). With the exception of the corner lots, the street wall and building heights are continuous; however, buildings are stepped in height due to an inclined street grade. Buildings are slightly setback, and some of these buildings are developed with stoops and leveled porches while others are developed with multiple entrances; additionally, many buildings feature storefront awnings and signage. Similar to the residential area, buildings exhibit low lot coverage due to the requirement for side and rear yards, and are developed more densely at FARs of approximately 1.5 to 2.0, proportional to the amount of provided open space.

The intersection of East 149th Street and the Grand Concourse is developed with the low-rise Bronx Post Office, which is a designated New York City Landmark (LP-0837), a mid-rise Hostos Community College building, the parking facility previously mentioned, and a low-rise commercial building (see photos 2,15). From their intersection, East 149th Street continues east across the Metro-North railway and over an approximately 400-foot bridge, and the Grand Concourse continues north over the Metro-North railway over an approximately 150-foot bridge. These bridges serve as major interruptions that demarcate the extent of the Lower Concourse neighborhood.

The proposed South Subdistrict in the Port Morris area was developed as a manufacturing and port district, primarily manufacturing furniture and pianos. The area experienced a period of growth around the turn of the 20th century with the addition of rail connections and new bridges that connected the Bronx to Manhattan. The Third Avenue Bridge was built in 1898, followed three years later by the Willis Avenue Bridge (1901). In 1906, the Harlem River Train Yards were built on the southern edge of the Port Morris area. The industrial strength of this area of the Bronx came to an abrupt halt during the Great Depression and for the next twenty years little construction occurred in the area. In the 1950s, much of the housing in the area was cleared to make way for the Triborough Bridge and the Bruckner and Major Deegan Expressways. Over the course of the following decades, industry began to leave the area and was replaced with commercial uses. Beginning in the early 1990s, Port Morris became known as "Antiques Row" because of its retail antiques shops and antique stores along Bruckner Boulevard and Alexander Avenue. Occurring at the same time was the renovation of former industrial buildings for non-industrial uses.

The proposed expansion area is characterized by a slight deviation in the western section to conform to the curvature of the waterfront. Bruckner Boulevard and East 133rd Street serve as the main thoroughfares of the area. Bruckner Boulevard in this area is a four-lane, bi-directional roadway, often with sidewalks in the range of 15 feet in width. Bruckner Boulevard runs just east of the proposed expansion area, parallel to other nearby east-west streets, before angling northeast to become the Bruckner Expressway. Approaches to the Third Avenue, Willis Avenue, Triborough Bridges are located at Third Avenue, Willis Avenue and Cypress Avenue, respectively. The Third Avenue Bridge and a ramp extending from Bruckner Boulevard to the Bridge intersects the expansion area, incorporating below a small CDOT storage facility that is fenced off, the portion of street that connects Third Avenue to Bruckner Boulevard and an area that is used for parking. The expansion area is separated from surrounding neighborhoods by a number of physical barriers, including the Harlem River Yards, the Third Avenue Bridge and the Major Deegan Expressway.

The area just northeast of the proposed Expansion Area is largely industrial within its core blocks west of Rider Avenue between East 138th Street and East 144th Street. There is a greater mix of non-residential uses south of East 138th Street and east of Rider Avenue, where limited residential development and Public School 183 can be found north of East 140th Street, including a school ball field that was built around ten years ago. With this area's edges defined by the superblock of Lincoln Hospital to the north, the Major Deegan Expressway to the south, Park Avenue and the Metro North right-of-way to the west, and large scale public housing complexes to the east, this sector is relatively isolated from surrounding areas and through traffic is limited due to the lack of east-west connections and the physical barrier of the Hospital. Third Avenue provides pedestrian and vehicular access to Manhattan over the Third Avenue Bridge.

Buildings in this area are generally under five stories in height, with full and high coverage industrial buildings occupying most of the blocks between Rider Avenue and Park Avenue. Manufacturing uses in the area's industrial core range from warehouse and distribution-related businesses to industrial processing such as injection molding and welding establishments. Southern and eastern blocks contain a greater diversity of uses ranging from surface parking to active industrial uses, and an adult entertainment establishment. While the older industrial buildings are generally built to their lot lines north of East 138th Street, the buildings on the southernmost blocks area interspersed among surface parking or vacant lots, with no overall pattern of building arrangement. Building densities range considerably, although much of the area is characterized by the low-rise, enclosed industrial uses. Nineteenth century industrial buildings with distinct façade ornamentation give portions of Rider Avenue and Canal Place a historical industrial quality, while the Board of Trade Building at 270 East 137th Street, built in 1912, is an ornate Neo-Classical structure that recalls the historical role of the area related to commerce, the growth of the Borough of The Bronx, and the area's earlier industrial functions involving ironworks and transport (Canal Place originally contained the Mott Haven Canal that was part of the New York State canal system).

Buildings are generally built to their lot lines in this subarea, although south of East 138th Street are numerous smaller structures that are free-standing on their lots and surrounded by parking. An irregularly-shaped block in the northeastern corner of the subarea contains smaller, wood frame row houses that are arranged at right angles to East 142nd Street but face Morris Avenue at an angle.

Visual Resources

Project Area

View corridors from the sidewalks along the HRW and proposed South Subdistrict of the HRW provide limited views of the Harlem River and the Manhattan skyline.

These view corridors are described further below. As defined in the *CEQR Technical Manual*, "a visual resource is the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources." There are no visual resources on the project site as the site is not visually distinct or visually prominent.

The Harlem River and the Manhattan skyline are visual resources that can be seen in instances from the sidewalks adjacent to the east. However, because the Harlem River is a low linear visual resource, its visibility from Exterior Street (the far portion of the project site) is limited. Long views of the Manhattan skyline from the Exterior Street sidewalk are circumscribed by the presence of the Major

Deegan Expressway supports, the 145th Street Bridge, Madison Avenue Bridge, Metro North, and Third Avenue Bridge. Further, the components of the Manhattan skyline visible from the Exterior Street sidewalk adjacent to the project site consist of high-rise multifamily structures. These structures are neither historic nor distinct buildings, as such they are not considered visual resources.

Study Area

There are several visual resources and view corridors within the study area including the Manhattan skyline, the Harlem River, the Bronx Terminal Market Powerhouse building, and La Finca del Sur Community Garden. As discussed above, views of the Manhattan skyline and the Harlem River are substantially circumscribed by the presence of the Major Deegan Expressway support structures, and by existing structures or fences. The visual resources within the study area are solely visible from their immediate surroundings. There are no visual resources outside the study area visible from the study area with the exception of the Manhattan skyline.

d. FUTURE NO-ACTION CONDITION

Urban Design

Project Area

As described in Chapter 1, "Project Description," absent the proposed actions (the future No-Action condition), the Project Area in the immediate future would likely remain as is currently developed with an open construction waste facility, bus parking, self-storage facility, auto sales, a Con Edison muster site and parking, and a moving and storage company. The HRW area was projected in the 2009 Lower Concourse Rezoning to be developed including a mapped, but unbuilt park. The Build Year for the 2009 Lower Concourse Rezoning was 2018, and to date, new development has not progressed as anticipated. It is expected, however, that new development will now occur by the analysis year for the Proposed Actions, which is 2027.

Following the adoption of the Lower Concourse Rezoning, the City learned that the size of an easement on Parcel 1 (Block 2349, Lot 112) in the existing HRW was larger than previously thought. The easement, along with another easement for the future expansion of the Major Deegan Expressway, and the provisions in the current HRW Special District zoning text, imposes restrictions on the future building envelope. The maximum FAR permitted in the zoning could not be achieved on the site. A building on Parcel 1 could nonetheless contain the same uses, including the same number of DUs, however, the building footprint would be constrained, and would result in less space for uses and smaller DUs.

While no recent development has occurred on the waterfront in the Port Morris Special Mixed Use District, in 2015 private property owners have taken steps toward developing housing and retail on sites flanking the Third Avenue Bridge, in the area rezoned in the 2005 Port Morris/Bruckner Boulevard Rezoning. Development would proceed as of right under the current zoning. These two future developments require City Planning Waterfront Chair Certifications. The first, located at 2401 3rd Avenue (Block 2319, Lot 2) (CEQR No. 16DCP050X), received approval of its waterfront certification that, due to an intervening City-owned zoning lot on the shoreline, no Waterfront Public Access Area (WPAA) is required, in 2015. The underlying MX-1 zoning provisions require a 40 foot waterfront yard, however, this waterfront open space would not need to be publicly

[5] Post-certification, it was determined that this easement is not in place, as there are no current plans for the expansion of the Major Deegan Expressway, however, the proposed HRW zoning text requiring a setback on Parcel 1 would remain in place, and newly required setbacks would be added to Parcels 2, 3 and 4 to account for a location and area equal to the area previously assumed to be an easement, in case the expansion were to happen in the future. This would not affect the amount or location of development permitted with the proposed actions.

accessible. Block 2319, Lot 2 will be developed with an approximately 368,000 gsf mixed-use building containing residential, commercial, and community facility uses, including 450 DUs. The second proposed development, located at 101 Lincoln Avenue (Block 2316, Lots 1 and 35) (CEQR No. 17DCP170X), is planned pending approval of its proposed waterfront certification, and would be developed with an approximately 830,000 gsf mixed-use building containing residential, commercial and community facility uses, including 985 DUs. The planned development on Block 2316, Lots 1 and 35 would be subject to a WPAA as part of its approvals under the current underlying zoning, as the site abuts the shoreline.

Absent the proposed actions, the HRW district text would not change, and the district would not be expanded. Regulations under HRW would continue to shape waterfront development, but would not include important upgrades and would therefore be outdated in relation to newer flood resiliency measures, and the visual corridor along 144th Street would remain in its current orientation—thus affecting adversely the buildable footprint of Parcel 1 of the HRW. The SPAA would remain in its current location as well. The zoning provisions in the Special Mixed Use District (MX-1) in the proposed expansion area in western Port Morris would continue to apply, but there would be no Waterfront Access Plan for this area, thus limiting the physical access to the waterfront.

Study Area

The portions of Manhattan that are within a 0.25-mile radius were not included in the urban design study area. Background no-build projects within the 0.25-mile study area radius of the project site are presented in Chapter 2, "Land Use, Zoning, and Public Policy."

No-build background projects are expected to substantially change the urban design character of the study area. In particular no-build background projects would transform the industrial area just east of the HRW. Under existing conditions, low-rise warehouse buildings dominate this portion of the study area. No-build projects would result in the development of this portion of the study area with development at 110 East 149th Street, 530 Exterior Street, 491 Gerard Avenue, 500 Exterior Street, and 477 Gerard Avenue would result in high-rise development on the block bounded by River Avenue, East 149th Street, Gerard Avenue, and East 146th Street. Thus, no-build projects would substantially transform the character of the study area, particularly along East 144th Street and the waterfront.

Visual Resources

Project Area

A new visual resource, the Lower Concourse Park, would be created as part of planned development in the future No-Action condition. Known developments would not have a significant impact on any visual resources within the study area. Furthermore, development along the Harlem River waterfront, particularly the waterfront esplanade, would improve views of Manhattan and the Harlem River and would improve public access to the waterfront.

Absent the Proposed Actions, however, the HRW district text would not change, and the district would not be expanded. Regulations under HRW would continue to shape waterfront development, but would not include important upgrades and would therefore be outdated in relation to newer flood resiliency measures, and the visual corridor along 144th Street would remain in its current

orientation—thus affecting adversely the buildable footprint of Parcel 1 of the HRW, but still providing limited views to the waterfront from the upland areas. The zoning provisions in the Special Mixed Use District (MX-1) in the proposed expansion area in western Port Morris would continue to apply, but there would be no Waterfront Access Plan for this area, thus limiting access to the visual resources of the Harlem River and the Manhattan skyline.

Study Area

Lower Concourse North would be constructed and would put in place a 40' shore public walkway, a supplemental public access area fulfills 20% waterfront public access requirement, and a visual corridor and upland connection to be accommodated along former E. 150th Street. Other known developments would not have a significant impact on any visual resources within the study area. Furthermore, development along the Harlem River waterfront, particularly the waterfront esplanade, would improve views of Manhattan and the Harlem River and would improve public access to the waterfront.

d. FUTURE WITH-ACTION CONDITION

Urban Design

Project area

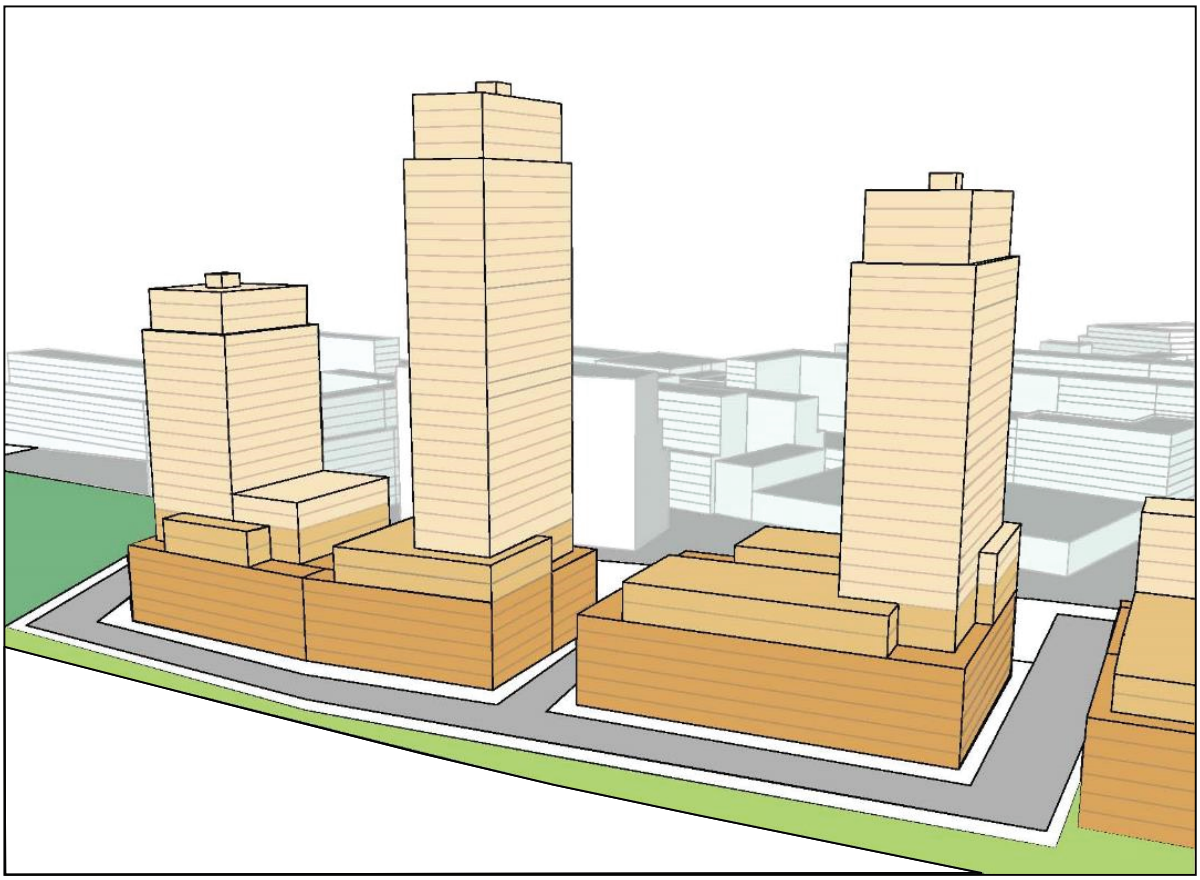
As described in Chapter 1, "Project Description," in the future With-Action condition the project area would be developed with the proposed amendments and expansion. The Proposed Actions would be established in response to unique conditions in the area regarding circulation, open space, and resiliency. Their establishment would ensure adequate access to the waterfront, and lively open space when future development occurs.

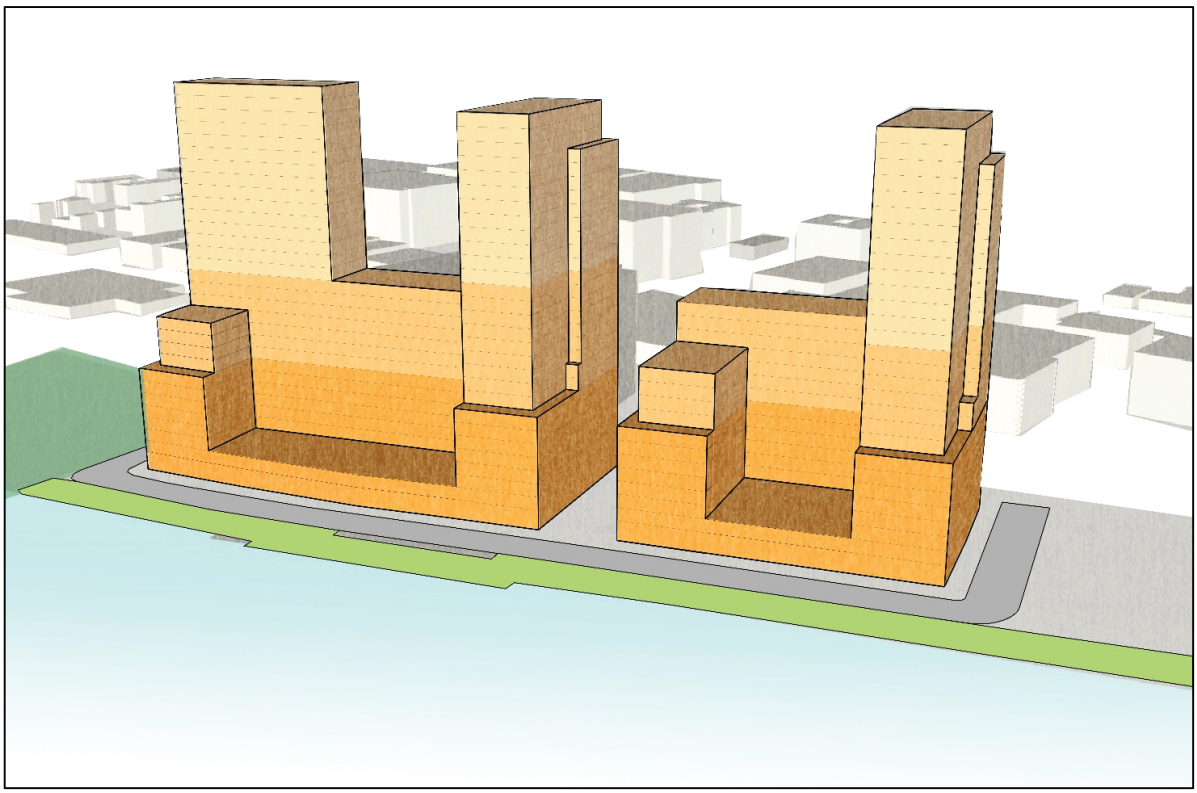
The 2009 Lower Concourse Rezoning established higher density tower-on-a-base development along the Harlem River. The Proposed Actions would not alter these key guiding principles. Future development along the waterfront is expected to introduce new mixed-use high-rise buildings, a new waterfront path along the Harlem River, and a new waterfront park, the Lower Concourse Park.

The proposed actions would require active frontages on key corners of new buildings facing Exterior Street or the shore public walkway. Minimum transparency requirements would provide "eyes on the street" and a general sense of safety and liveliness. Additionally, unenclosed sidewalk cafes shall be permitted along Upland Connections, SPW and mapped parkland. This will further ensure the abovementioned goal, will not increase or affect the floor area of buildings, and will lie outside of them.

Future buildings in the Core Subdistrict would have a 15 to 105 foot base above which there would be towers. Towers would have a maximum floor plate size of 10,000 gross square feet. 50 feet from the Shore Public Walkway, buildings will have a lower base of 0 to 85 feet. Additionally, an opening would be required to go up from 0 to 45 feet and have a maximum length of 60 feet or 30 percent of the building frontage, whichever is greater. Towers would be oriented perpendicular to the river and parallel to the 145th Street Bridge so that its narrow side faces its surroundings *(see Figure D2)*. All of these measures help in providing a more human scale to the waterfront, one of the goals outlined in the HRW.

No-Action illustration of building forms





With-Action illustration of building forms

Figure D2 – ***Massing (no action and with-action scenarios)***

The proposed zoning text amendments include provisions to loosen the zoning restrictions relating to the building envelope, street and ground floor uses on Parcel 1, to allow for greater building envelope flexibility. These changes would permit future development on the site to reach the maximum available FAR. *(See Figure D3)*

In the South Subdistrict, the Proposed Actions would be established in response to unique conditions in the area regarding circulation, open space, and resiliency. Their establishment would ensure adequate access to the waterfront, and lively open space when future development occurs. The Proposed Actions would create access to the waterfront through Upland Connections, Visual Corridors and a Shore Public Walkaway and would require a Supplemental Public Access Area (SPAA) on Block 2319, Lot 55. Should the proposed actions for the HRW be approved prior to the vesting of either of the planned developments on Block 2319, Lot 2, and Block 2316, Lots 1 and 35 in the proposed South Subdistrict, as described above, they would be subject to the applicable provisions in the proposed HRW Special District text, including the provision of a 40 foot WPAA along the shoreline.[6] There is no requirement, currently, for the development on Block 2319, Lot 2, to provide publicly accessible waterfront open space. Therefore, the proposed actions could result in approximately 17,824 sf of additional publicly accessible waterfront open space.

The Proposed Actions would encourage greater connectivity to the waterfront and the surrounding community, and would create a more welcoming lively area. Both the proposed text amendments and expansion area would activate Exterior Street, East 135th Street, and key frontages in upland connections with new active uses, areas that today are devoid of activity. Therefore, the Proposed Actions would not result in any adverse impacts to the urban design character of the study area.

Study Area

New buildings under construction at East 146th Street, River Avenue, Gerard Avenue, and East 149th Street would fundamentally transform East 149th Street and Exterior Street adjacent to the project site.

The recently certified project on the North Subdistrict of the HRW would connect Mill Pond Park with the Harlem River through the development of a shore public walkway, an upland connection, a programmed plaza, and the expansion of Mill Pond Park. The open space connection would improve the urban design character of the waterfront. While the proposed project would be taller than neighboring development to the east and north, it would be consistent with guiding principles for development along the waterfront, where larger buildings with higher lot coverage and taller towers are appropriate and would be consistent with development in the current HRW. The 145th Street Bridge and the Major Deegan Expressway provide separation such that the proposed project is not overbearing on the surrounding low scale development. The surrounding development, particularly the Bronx Terminal Market, is compatible with high-rise development along the Exterior Street corridor. The proposed development would improve the pedestrian experience along Exterior Street and Mill Pond Park. Ground-floor retail would further facilitate a positive pedestrian experience. The development of vacant and fenced off-land with a new mixed-use development that would activate the waterfront with a 24-hour population would create a substantial positive impact to the urban design character of this portion of the study area and the development would be appropriate for waterfront land. Therefore, the proposed project would not result in any adverse impacts to the urban design character of the study area.

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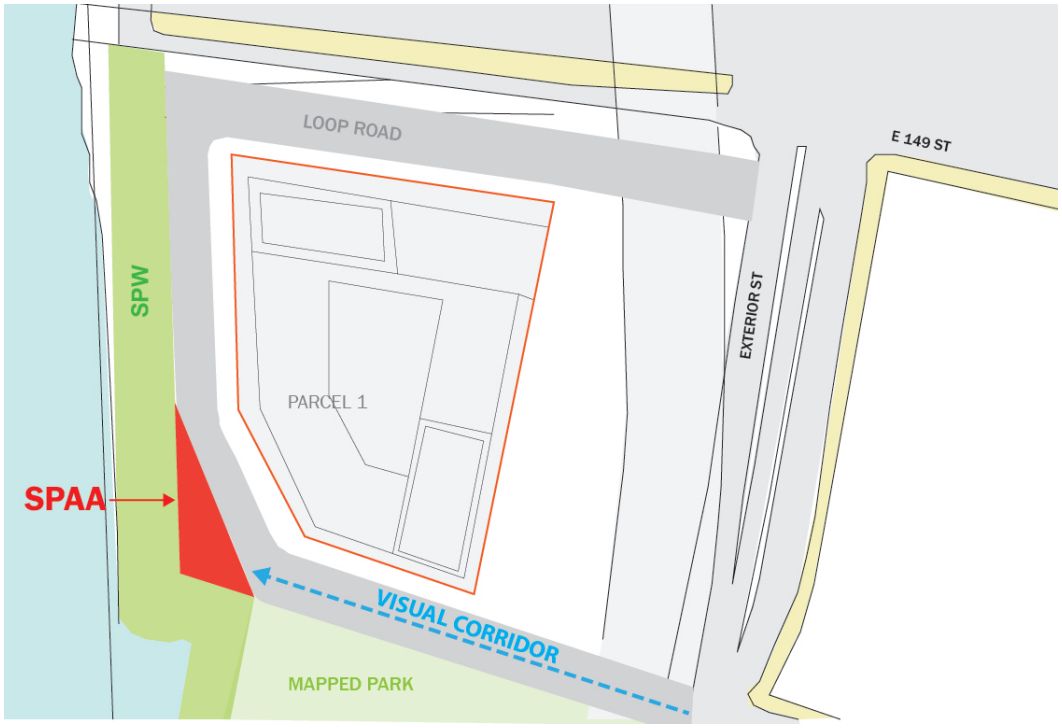
[6] The modified zoning text includes a provision that on parcels with no current requirement to provide an SPWW, a four year extension of the vesting period for bulk regulations would be provided conditional upon an easement to provide and guarantee public access. Parcels that have a filed certification that the design meets waterfront requirements would be grandfathered if the property owners record their restrictive declaration before HRW expansion is approved. This would not substantively change permissible floor area, building design or the provision of public access to the waterfront, and the modified zoning text would continue to align with and support the goals of the HRW as proposed.

No-action scenario



With-action scenario

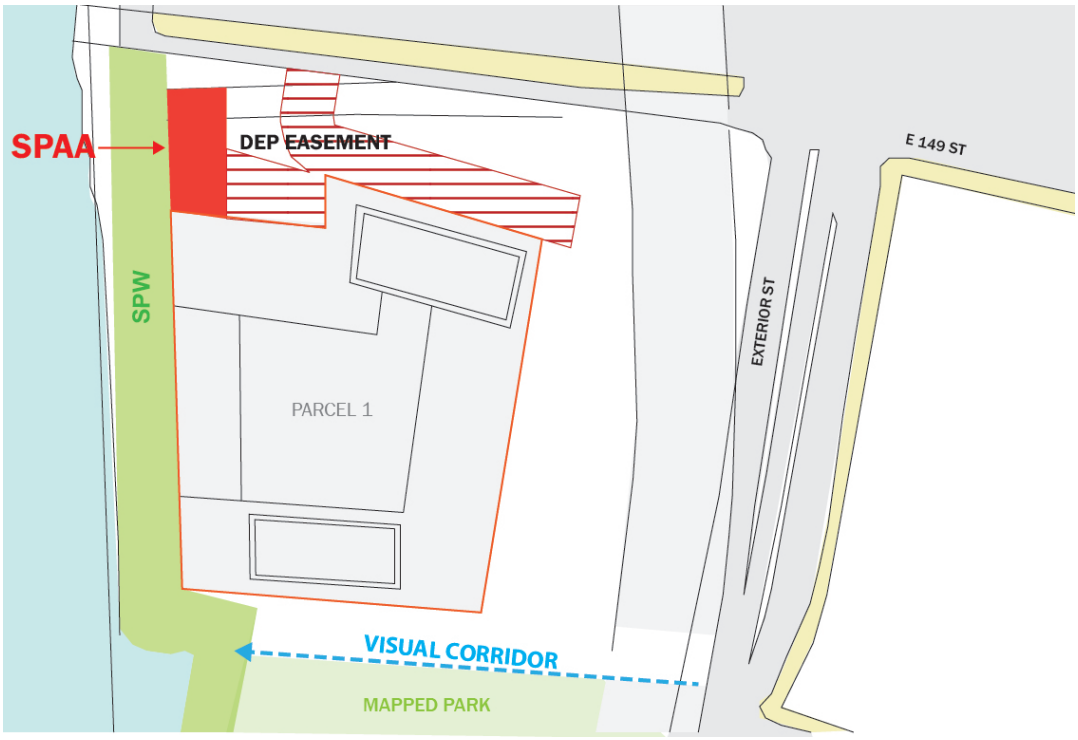


Figure D3 – Parcel 1 (no-action and with-action scenarios) [2]

[2] ~~Revised~~ Revised to show no easement for Major Deegan Expressway

No-action scenario

With-action scenario



Special Harlem River Waterfront District
Parcel Line
Shore Public Walkway
Supplemental Public Access Area (SPW Location)
Supplemental Public Access Area (Designated Location)
Upland Connection (Within Flexible Location Zone)
Upland Connection (Designated Location)
Upland Connection (Movable Location)

Figure D4 – *WAP requirements (no-action and with-action scenarios)*

Visual Resources

Project Area

In the Core Subdistrict, the Proposed Actions would be established and ensure adequate visual access to the waterfront, and open space when development occurs. In the South Subdistrict, the Proposed Actions would encourage visibility to the waterfront through Upland Connections, Visual Corridors and a Shore Public Walkaway and would require a Supplemental Public Access Area (SPAA) on Block 2319, Lot 55 (*see Figure D4*).

Study Area

As part of the proposed project in the North Subdistrict, Mill Pond Park, a visual resource, would be expanded. Additionally, the proposed development would alter view corridors to visual resources. In particular, views from the Exterior Street sidewalk to the Manhattan skyline and the Harlem River would be substantially obscured by the new buildings and landscaping elements. Under existing conditions and the future No-Action condition these view corridors are already substantially limited by the presence of the Major Deegan Expressway. As such, the proposed project would have little impact on these view corridors. Views of the Harlem River and the Manhattan skyline from Mill Pond Park would not be affected by the proposed development. Additionally, as part of the proposed project, new view corridors to the Manhattan skyline and Harlem River would be created along the demapped portion of the former East 150th Street and waterfront esplanade. View corridors to other visual resources in the study area would not be impacted by the proposed development. While the proposed project area would be visible along many of the upland view corridors, the proposed project would not obstruct any of these views.

f. CONCLUSION

The proposed actions would not result in a significant adverse impact on the area's urban design and visual resources, as defined by the CEQR Technical Manual. The proposed actions would modify the location requirements and configuration of shore public walkways, upland connections, supplemental public access areas, and visual corridors in the Harlem River Waterfront Access Plan (WAP) BX-1. Total public access requirements on parcels within the existing WAP would not change, but new publicly accessible open space would be added with the establishment of the South Subdistrict. The Proposed Actions would continue to support the goals of the existing HRW, but would be updated to meet current regulations for flood resiliency and affordable housing and to ensure that a greater portion of the Harlem River waterfront is accessible to the community and is of an appropriate quality. The proposed actions would improve and enhance the urban design and visual resources in the project area, and would not result in significant adverse impacts.

As mentioned above, following certification of the proposed actions on June 5, 2017, the CPC is considering modifications to the proposed actions, including revisions to the proposed text amendment only, based on verbal and written testimony provided at the CPC public hearing. The proposed modifications to the zoning text amendment would still align with and continue to support the goals of the HRW as proposed, and would not affect the conclusions of the Urban Design and Visual Resources analysis.

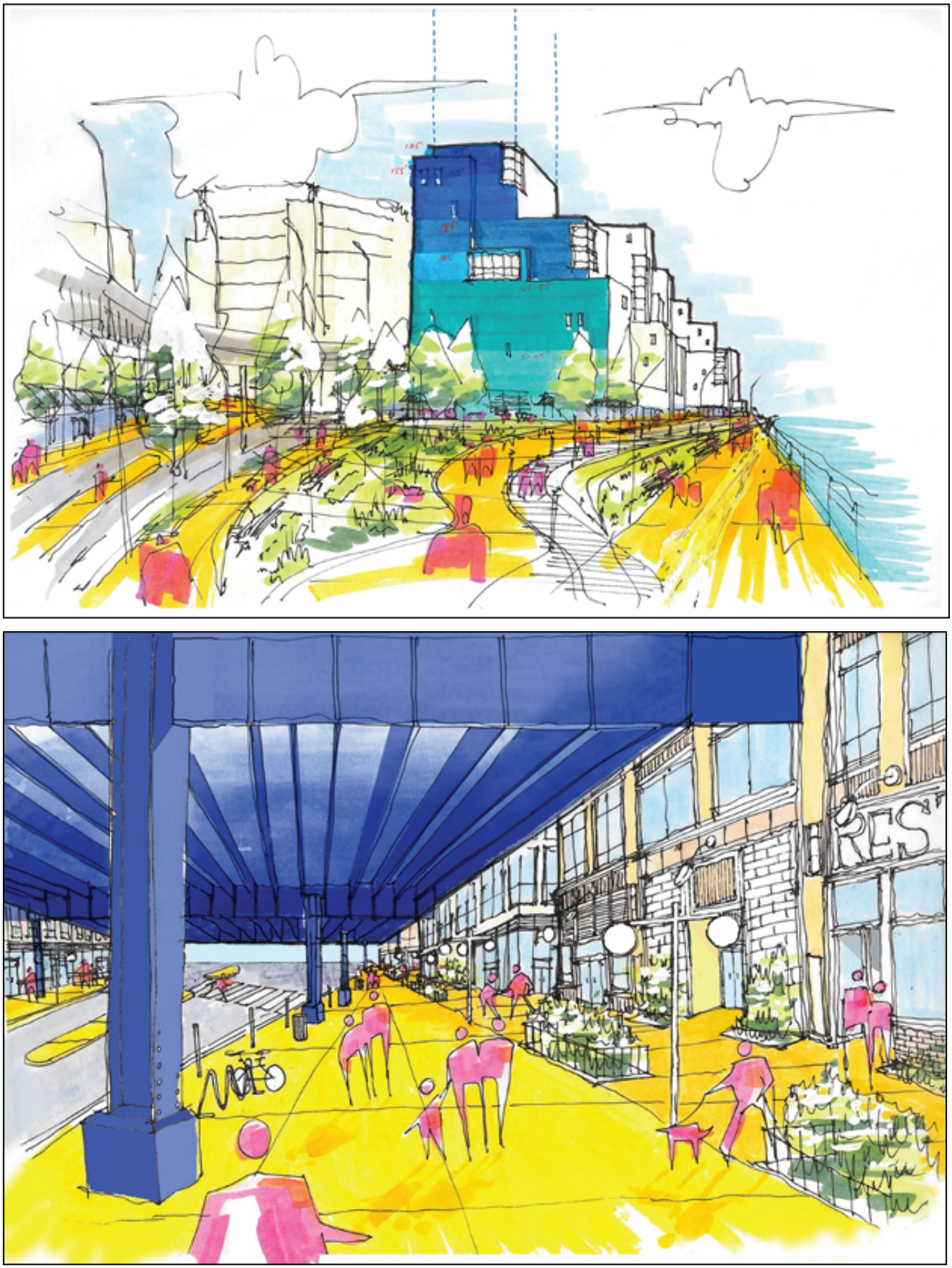


Figure D5 – *Illustrative rendering -*
view of Exterior Street and Shore Public Walkway

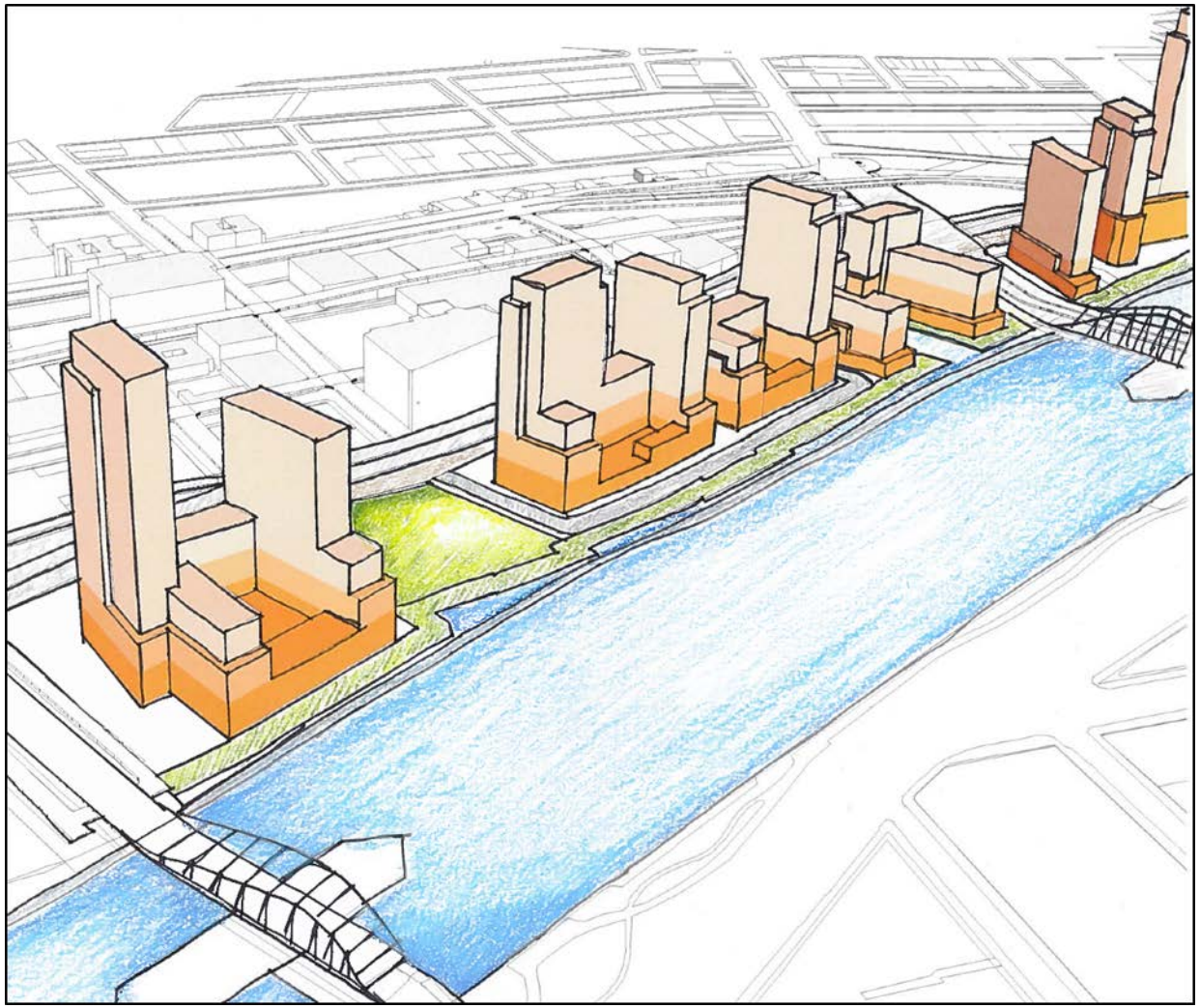


Figure D6 – Illustrative rendering – Core Subdistrict

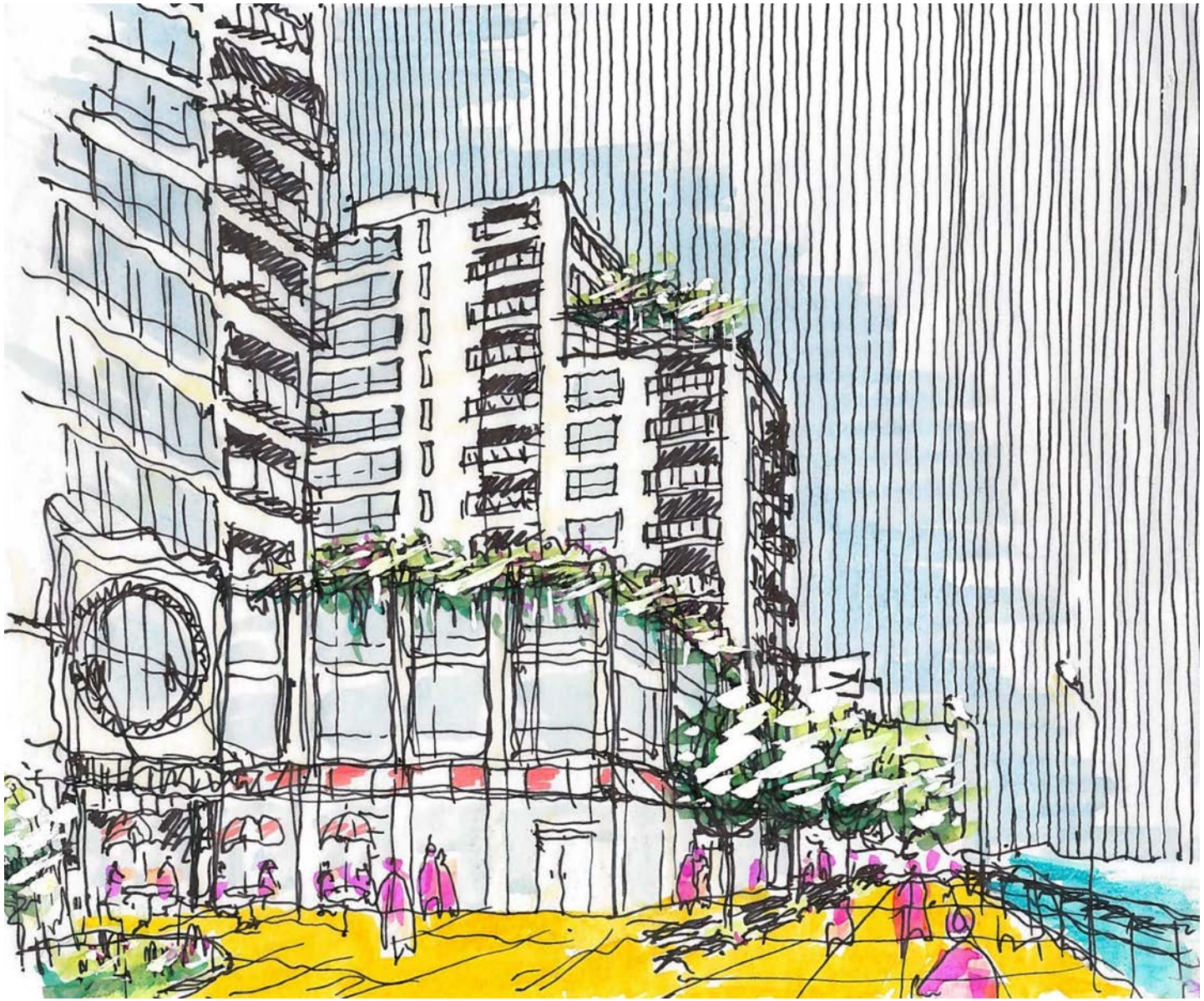


Figure D7 – Illustrative streetscape rendering - Active Ground Floor Uses

APPENDIX A: ZONING TEXT AMENDMENTS

Special Harlem River Waterfront District
Text Amendment

September 28, 2017

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article I
GENERAL PROVISIONS

Chapter 4
Sidewalk Cafe Regulations

* * *

14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

The Bronx	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
City Island District	No	Yes
Harlem River Waterfront	No	Yes

* * *

Article II
RESIDENCE DISTRICT REGULATIONS

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-00
APPLICABILITY AND GENERAL PURPOSES

23-01
Applicability of This Chapter

* * *

23-011
Quality Housing Program

* * *

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

(1) Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments);

(2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

* * *

#Special Grand Concourse Preservation District#;

#Special Harlem River Waterfront District#;

#Special Limited Commercial District#;

* * *

Article VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2
Special Regulations Applying in the Waterfront Area

*** * ***

62-90
WATERFRONT ACCESS PLANS

*** * ***

62-92
Borough of The Bronx

The following Waterfront Access Plans are hereby established within the Borough of The Bronx. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section 87-~~60~~70 (HARLEM RIVER WATERFRONT ACCESS PLAN).

*** * ***

[NOTE: Section titles and provisions in the following Chapter may reflect the proposed text amendment, Lower Concourse North Rezoning (ULURP No. N 170312 ZRX, certified on 3/20/2017).]

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special Harlem River Waterfront District

87-00
GENERAL PURPOSES

The "Special Harlem River Waterfront District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

*** * ***

(f) provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus encourage more attractive and economic building forms; ~~and~~

(g) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(h) encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner that will safeguard the health and safety of people using the area; and

(i) promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River waterfront and thus conserve the value of land and buildings and thereby protect City tax revenues.

87-01
Definitions

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 62-11 or 64-11, or within this Section.

[NOTE: The definition of "ground floor level," moved from 87-10 (SPECIAL USE REGULATIONS) and amended]

Ground floor level

~~As used in this Section,~~ The "ground floor level" shall mean the finished floor level of ~~a~~ the first #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#, or the finished floor level of the #lowest occupiable floor# pursuant to the provisions of Section 64-21 (Ground Floor Use), whichever is lower.

~~Parcel 1 building~~ Major Deegan Expressway street line

The "~~Parcel 1 building~~ Major Deegan Expressway street line" shall be:

(a) in the event that the portion of the Major Deegan Expressway traversing Parcel 1, 2, 3 or 4, as shown on Map 1 in the Appendix of this Chapter, has been widened after ~~June 30, 2009~~ [date of adoption], a line 22 feet west of and parallel to the as-built western edge of such Expressway structure; or

(b) in the event that the portion of the Major Deegan Expressway traversing Parcel 1, 2 , 3 or 4, as shown on Map 1 in the Appendix to this Chapter, has not been widened after ~~June 30, 2009~~ [date of adoption], a line connecting on:

(1) Parcel 1:

(i) a point located on the southern ~~#street line# of East 149th Street~~ boundary of Parcel 1 that is ~~47~~ 120 feet west of its intersection with the ~~western edge of such Expressway structure~~ eastern parcel boundary; and

~~(2)~~(ii) a point on the southern boundary of Parcel 1 that is ~~107~~ 110 feet west of its intersection with the ~~western edge of such Expressway structure~~ eastern parcel boundary.

(2) Parcel 2:

(i) a point located on the northern boundary of Parcel 2 that is 74 feet west of its intersection with the eastern parcel boundary; and

(ii) a point located on the southern boundary of Parcel 2 that is 74 feet west of its intersection with the eastern parcel boundary.

(3) Parcel 3:

(i) a point located on the northern boundary of Parcel 3 that is 74 feet west of its intersection with the eastern parcel boundary; and

(ii) a point located on the southern boundary of Parcel 3 that is 30 feet west of its intersection with the eastern parcel boundary.

(4) Parcel 4:

(i) a point located on the northern #lot line# of Parcel 4 that is 30 feet west of its eastern #lot line#; and

(ii) a point located on the eastern #lot line# of Parcel 4 that intersects with a line parallel to and 60 feet from the northern #lot line#.

[NOTE: The following terms are already defined in Section 62-11 (Definitions)]

~~Shore public walkway~~

~~A "shore public walkway" is a linear public access area running alongside the shore or water edges of a #platform#, as defined in Section 62-11, on a #waterfront zoning lot#.~~

~~Supplemental public access area~~

~~A "supplemental public access area" is a public access area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the required #waterfront public access area# requirements.~~

~~A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.~~

~~Upland connection~~

~~An "upland connection" is a pedestrian way which provides a public access route from a #shore public walkway# to a public sidewalk within an open and accessible #street#, public mapped parkland or other accessible public place.~~

~~Visual corridor~~

~~A "visual corridor" is a public #street# or tract of land within a #block# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, public mapped parkland or other public place.~~

~~Waterfront block or waterfront zoning lot~~

~~A "waterfront block" or "waterfront zoning lot" is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:~~

~~(a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;~~

~~(b) a #block# within the #waterfront area# that abuts public mapped parkland along the waterfront shall be deemed to be part of a #waterfront block#; and~~

~~(c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.~~

~~Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not abut public mapped parkland along the waterfront, shall be deemed outside of the #waterfront block#.~~

~~Waterfront public access area~~

~~A "waterfront public access area" is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or, as defined in Section 62-11, a public access area on a #pier# or #floating structure#.~~

87-02
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control, except as specifically modified in this Chapter. ~~However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.~~

[NOTE: The Article VI, Chapter 4 applicability provision, moved to Section 87-043]

87-03
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in the Appendix to this Chapter. The plan area has been divided into two Subdistricts comprised of parcels that consist~~ing~~ of tax blocks and lots ~~as established on June 30, 2009,~~ as follows:

Core Subdistrict - tax blocks and lots existing on June 30, 2009

Parcel 1: Block 2349, Lot 112

Parcel 2: Block 2349, Lot 100 (that portion not mapped as parkland* in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the Bronx Borough President)

Parcel 3: Block 2349, Lots 46, 47, 146

Parcel 4: Block 2349, Lot 38

Parcel 5: Block 2349, Lots 15, 20

Parcel 6: Block 2349, Lots 3, 4

Parcel 7: Block 2323, Lot 43

Parcel 8: Block 2323, Lot 28

Parcel 9: Block 2323, Lots 5, 13, 18

[NOTE: The following North Subdistrict provisions are currently under review as part of Lower Concourse North Rezoning, N 1700312 ZRX, certified 3/20/2017]

[North Subdistrict - tax blocks and lots existing on [date of adoption]

Parcel 10: Block 2539, Lot 1, portion of Lots 2, 3
Block 2356, Lots 2, 72 and tentative Lot 102 (existing on [date of adoption])]

South Subdistrict - tax blocks and lots existing on [date of adoption]

Parcel 11: Block 2319, Lot 55

Parcel 12: Block 2319, Lot 60

Parcel 13: Block 2319, Lots 37 and 155

Parcel 14: Block 2319, Lot 98

Parcel 15: Block 2319, Lot 99

Parcel 16: Block 2319, Lots 100 and 108

Parcel 17: Block 2319, Lot 109

Parcel 18: Block 2319, Lot 112

Parcel 19: Block 2319, Lot 2

Parcel 20: Block 2316, Lots 1 and 35

Parcel 21: Block 2319, Lot 200

The District Plan includes the following maps:

Map 1. (Special Harlem River Waterfront District, Subdistricts and Parcels)

Map 2. (Designated Non-residential Use Locations)

Map 3. (Waterfront Access Plan: Public Access Elements)

Map 4. (Waterfront Access Plan: Designated Visual Corridors)

~~* in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the Bronx Borough President~~

87-04
Applicability of ~~Article VI, Chapter 2~~ District Regulations

[NOTE: Existing provisions, moved to 87-042 and modified]

87-041
Applicability of the Quality Housing Program

In the #Special Harlem River Waterfront District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

87-042
Applicability of Article VI, Chapter 2

[NOTE: Existing provisions, moved from Section 87-04 and modified.]

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply in all #waterfront areas#, except as modified by the provisions of this Chapter.

[NOTE: Existing provisions, moved from Section 87-65 and modified.]

For the purpose of applying the provisions of Article VI, Chapter 2, Parcels 1, 2, 3 and 4 within the Core Subdistrict, and any parcels having a boundary within 40 feet of a #shoreline# within the South Subdistrict, as shown on Map 1 (Special Harlem River Waterfront District, Subdistricts and Parcels) in the Appendix to this Chapter, shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after June 30, 2009 for the Core Subdistrict, and after [date of adoption] for the South Subdistrict.

87-043
Applicability of Article VI, Chapter 4

[NOTE: Existing provisions, moved from Section 87-02 and modified]

~~i~~In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control, except as modified by the provisions of this Chapter.

84-044
Applicability of Article XII, Chapter 3

Within the South Subdistrict, for M1 Districts mapped with a #Residence District#, the provisions of Article XII, Chapter 3 (Special Mixed Use District) for #waterfront blocks# shall apply, except as modified in this Chapter. In the event of a conflict between the provisions of Article XII, Chapter 3 and this Chapter, the provisions of this Chapter shall control.

87-045
Applicability of Inclusionary Housing Program

[NOTE: Existing Inclusionary Housing applicability provision, moved from Section 87-20 and modified.]

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, shall be an #Inclusionary Housing designated area#.

87-05
Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 in the Core Subdistrict after June 30, 2009, and on any Parcel in the South Subdistrict after [date of adoption], as shown on Map 1 in the Appendix to this Chapter, ~~after June 30, 2009,~~ the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying ~~all #use# and #bulk#~~ #floor area# regulations of this Zoning Resolution.

87-10
SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts or of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) are modified ~~in Sections 87-11 through 87-24~~ by the provisions of this Section, inclusive.

~~As used in this Section, "ground floor level" shall mean the finished floor level of a #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#.~~

[NOTE: the definition of "ground floor level" moved to 87-01 and amended.]

87-11
~~Vehicle Storage Establishments~~
Use Regulations within the Core Subdistrict

[NOTE: Existing Section 87-11 provisions, moved to Section 87-111]

The special #use# provisions of this Section, inclusive, shall apply to #zoning lots# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-111
Vehicle storage establishments

[NOTE: Existing provisions, moved from Section 87-11 and cross-references are updated]

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps as listed in Use Group 16C shall be a permitted #use# on Parcel 5, as shown on Map 1 in the Appendix to this Chapter, provided that:

(a) such #use# is the primary #use# on the parcel;

(b) no more than 10,000 square feet of #floor area# shall be provided on Parcel 5; and

(c) a #shore public walkway# is provided as set forth in paragraph (a) of Section 87-~~61~~71 (Special Public Access Provisions ~~by Parcel~~).

The streetscape provisions of Section 87-~~13~~41, inclusive, ~~the maximum width of establishment provisions of Section 87-23~~ and the special height and setback regulations of Section 87-~~30~~32, inclusive, shall not apply to such #use#. In lieu thereof, the applicable height and setback provisions of Article VI, Chapter 2 shall apply.

87-112
Location of ~~C~~commercial ~~S~~space

[NOTE: Existing provisions, moved from Section 87-12]

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #residential uses# on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial uses# are not located directly over any #residential use#. However, such #commercial uses# may be located over a #residential use# by authorization of the City Planning Commission upon a

finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

87-12
~~**Location of Commercial Space**~~
Use Regulations in the North Subdistrict

[NOTE: Existing provisions, moved to Section 87-112]

[NOTE: This section would contain special use provisions proposed by Lower Concourse North Rezoning]

~~**87-13**~~
~~**Streetscape Regulations**~~

[NOTE: Existing provisions, moved to Section 87-40]

~~**87-14**~~
~~**Location of Underground Uses**~~

~~Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.~~

87-20
SPECIAL FLOOR AREA REGULATIONS

The applicable #floor area# regulations of the underlying districts, of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), or of Article XII, Chapter 3 (Special Mixed Use District), are modified by the provisions of this Section, inclusive.

[NOTE: The following provisions, moved to Section 87-045]

~~The #Special Harlem River Waterfront District# shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.~~

87-21
~~**Special Residential Floor Area Regulations**~~
Floor Area Regulations in the Core Subdistrict

[NOTE: Existing provisions, moved to Section 87-211]

The provisions of this Section, inclusive, shall apply to #developments# and #enlargements# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-211
Special Floor Area Regulations

[NOTE: Existing floor area ratio (FAR) provisions for mixed buildings, moved from Section 87-21 and amended]

The ~~base~~ maximum #floor area ratio# for ~~any~~ #zoning lots# containing only ~~#residences~~ residential uses#, or #residential uses# and #community facility# or #commercial uses# shall be 3.0. Such ~~base~~ maximum #floor area ratio# may be increased to ~~a maximum of~~ 4.0 through the provision of #affordable housing# pursuant to ~~the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING)~~ paragraph (b) of Section 23-154 (Inclusionary Housing). The maximum #floor area ratio# for #affordable independent residences for seniors# shall be 4.0. ~~, except that the height and setback regulations of Sections 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.~~

[NOTE: the above height and setback applicability provisions, moved to Section 87-30]

87-212
Special floor area requirement for certain commercial uses

[NOTE: Existing special floor area provisions, moved from Section 87-22]

(a) For each square foot of #commercial floor area# in a #building# occupied by the #uses# listed in paragraph (a)(1) of this Section, an equal or greater amount of #residential#, #community facility# or #commercial floor area# shall be provided from #uses# listed in paragraph (a)(2) of this Section.

* * *

87-213
Location of building entrances

[NOTE: Existing provisions, moved from 87-24]

On Parcels ~~1,~~ 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, ~~the~~ a main front entrance for ~~of~~ at least one #building# on each Parcel, as the term "main front entrance" is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

~~(a) on Parcel 1, located no less than 120 feet from 149th Street;~~

~~(b)~~ (a) on Parcel 2, located no less than 95 feet from a mapped parkland; and

~~(c)~~ (b) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

~~**87-22**~~
~~**Special Retail Floor Area Requirement**~~

[NOTE: Existing provisions moved to Section 87-212]

~~**87-23**~~
~~**Maximum Width of Establishments**~~

[NOTE: Existing requirements for commercial and community facility would be eliminated and be replaced with provisions of Section 87-40]

~~On Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#.~~

~~**87-24**~~
~~**Location of Building Entrances**~~

[NOTE: Existing 87-24 provisions, moved to 87-213]

87-30
SPECIAL HEIGHT AND SETBACK AND OTHER BULK REGULATIONS

~~The underlying height and setback regulations shall not apply. In lieu thereof, the special height and setback regulations of this Section, inclusive, shall apply. For the purposes of applying such regulations:~~

In the #Special Harlem River Waterfront District#, the provisions of Section 87-32 (Special Height and Setback Regulations in the Core Subdistrict), inclusive, shall apply to the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

In the Core Subdistrict, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive. The height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive, shall not apply.

In the South Subdistrict, as shown on Map 1, the height and setback and other bulk regulations of Article XII, Chapter 3 (Special Mixed Use District) applicable to M1 Districts mapped with an R8 District in #waterfront blocks# shall apply, except as modified in this Section, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#.

[NOTE: Lower Concourse North text amendment also contains applicability language]

[The following paragraph (a) provisions moved to Section 87-32, and (b) re-located above.]

~~(a) a #shore public walkway#, mapped parkland, an #upland connection# or fire apparatus access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#. However, the following shall not be considered #streets# for the purposes of applying the #street wall# location provisions of paragraph (a) of Section 87-32:~~

~~(1) Exterior Street; and~~

~~(2) that portion of any other #street#, mapped parkland, #upland connection# or fire apparatus access road that is located east of the #Parcel 1 building line#; and~~

~~(b) the height of all #buildings or other structures# shall be measured from the #base plane#.~~

87-31
Permitted Obstructions

In the Core Subdistrict, ~~T~~the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

87-32
~~Street Wall Location and Building Base~~
Special Height and Setback Regulations in the Core Subdistrict

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, for #developments# and #enlargements#, the provisions of this Section, inclusive, shall apply.

[Following #street line# provisions moved from 87-30 and modified]

For the purposes of applying the special height and setback regulations of this Section, inclusive, and the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as applicable, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection#, or fire apparatus access road provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#, except that:

(a) for Parcels 1, 2, 3 and 4, the westerly #street line# along Exterior Street shall be the #Major Deegan Expressway street line# or the #street line# of Exterior Street, whichever is closest to the #shore line#; and

(b) for Parcel 1, the #street line# of East 149th Street shall be the southernmost boundary of or any easement area existing on [date of adoption], any fire apparatus access road or any private road.

Where a fire apparatus access road adjoins the #shore public walkway#, the fire apparatus access road shall be considered as part of the #shore public walkway#, and the #street line# shall be considered the boundary of the fire apparatus road furthest from the #shoreline#. In addition, where a fire apparatus access road adjoins the mapped parkland, the #street line# shall be considered the boundary of the fire apparatus road furthest from the mapped parkland.

[NOTE: Lower Concourse North text amendment proposed temporary language to apply existing rules to Core Subdistrict]

[NOTE: Existing 87-32 provisions moved to 87-321 and 87-322 and modified]

~~(a) #Street wall# location~~

~~The #street wall# of a #building# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:~~

~~(1) ground floor level recesses up to three feet deep shall be permitted for access to #building# entrances;~~

~~(2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;~~

~~(3) for #buildings# that are required to locate at least one main front entrance facing a #shore public walkway#, pursuant to Section 87-24 (Location of Building Entrances), no portion of the #street wall# containing such entrance shall be closer to the #shore public walkway# than the main front entrance; and~~

~~(4) no portion of a #building# facing a #shore public walkway#, except on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, shall exceed a width of 300 feet.~~

~~However, on Parcel 1, in order to accommodate a sewer easement located within an area bounded by the eastern boundary of the #shore public walkway#, East 149th Street, a line 120 feet south of and parallel to East 149th Street and a line 120 feet east of and parallel to the #shore public walkway#, no #street wall# shall be required along that portion of East 149th Street and any fire apparatus access road within such easement area. Such area not developed as a fire apparatus access road and open to the sky shall be at least 35 percent planted and shall not be used for parking or loading. Furthermore, in the event such area contains a driveway, it shall be screened from the #shore public walkway# and East 149th Street, except for curb cuts and pedestrian paths, with densely planted evergreen shrubs maintained at a height of three feet.~~

~~(b) Minimum and maximum base heights~~

~~The #street wall# shall rise without setback to a minimum base height of six #stories# or 60 feet, or the height of the #building#, whichever is less, and a maximum base height of eight #stories# or 85 feet, whichever is less, before a setback is required.~~

~~However, on Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, for #street walls# facing a #shore public walkway#, the minimum base height shall be 20 feet and the maximum base height shall be four #stories# or 40 feet, whichever is less, before a setback is required. Any portion of a #building or other structure# that does not exceed such maximum base heights shall hereinafter be referred to as a "building base."~~

~~All portions of #buildings or other structures# that exceed the maximum base heights set forth in this paragraph, (b), shall be set back from the #street wall# at least ten feet along a #shore public walkway#, mapped parkland and Exterior Street, and at least 15 feet along an #upland connection#.~~

~~For #buildings# that exceed a height of eight #stories# or 85 feet, except on Parcels 5, 6, 7 and 9, as shown on Map 1 in the Appendix to this Chapter, not more than 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of six #stories# or 60 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of eight #stories# or 85 feet, whichever is less.~~

~~Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(1) of this Section.~~

~~(c) Transition heights~~

~~All #street walls#, except on Parcels 5 and 6, may rise to a maximum transition height of 115 feet, provided that, except on Parcel 7, not more than 60 percent of the #aggregate width of street walls# facing a #shore public walkway# exceeds a height of 85 feet. On Parcels 5 and 6, a #street wall# may rise to a maximum transition height of 85 feet, without limitation.~~

~~All portions of #buildings# that exceed the transition heights set forth in this paragraph, (c), shall comply with the tower provisions of Section 87-33.~~

87-321
Street wall location

[Existing provisions, moved from 87-32 (a), and modified]

In the Core Subdistrict, the following #street wall# location rules shall apply.

(a) Parcels 1, 2, 3 and 4

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for frontages along the #shore public walkway#, #supplemental public access areas#, #upland connections#, mapped parkland or #visual corridors#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# of a #building# shall be located within eight feet of the #street line#. For frontages beyond 50 feet of the #shore public walkway#, such #street wall# shall rise to at least the minimum base height specified in Section 87-322 (Base heights and transition heights), or the height of the #building#, whichever is less. Along all frontages, up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along any #street#, or deeper than 15 feet along #shore public walkway#, are located within an #outer court#.

Along other frontages, no #street wall# location provisions shall apply.

(b) Parcels 5, 6, 7, 8 and 9

On Parcels 5, 6, 7, 8 and 9, as shown on Map 1, for frontages along #visual corridors#, or #upland connections#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall rise to at least the minimum base height specified in Section 87-322, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along any #street#, or deeper than 15 feet along #shore public walkway#, are located within an #outer court#.

Along other frontages, no #street wall# location provisions shall apply.

87-322
Base heights and transition heights

[Existing provisions, moved from paragraph (a) of Section 87-32, and modified]

In the Core Subdistrict, the following base heights, required setbacks and maximum transition heights shall apply. Towers are permitted above the maximum heights set forth in this Section only in accordance with Section 87-323 (Tower provisions).

(a) Base heights

(1) Within 50 feet of the #shore public walkway#

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, the maximum base height shall be 85 feet, except that:

(i) on Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for #street walls# fronting on a #shore public walkway#, at least 30 percent of the #aggregate width of street walls# fronting on the #shore public walkway#, or a contiguous #street wall# width of 60 feet, whichever is greater, shall not exceed a maximum height of 45 feet. In addition to being applied along the #shore public walkway#, such lowered #street wall# may be applied along intersecting #streets# within 100 feet of the #shore public walkway#; and

(ii) on Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, such maximum base height shall be 45 feet.

(2) Beyond 50 feet of the #shore public walkway# and beyond 50 feet of the #Major Deegan Expressway street line#

Along all other frontages beyond 50 feet of the #shore public walkway# and beyond 50 feet of the Major Deegan Expressway, the #street wall# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(3) Along, and within 50 feet of, the #Major Deegan Expressway street line#

Along, and within 50 feet of, the #Major Deegan Expressway street line#, the #street wall# shall rise without setback to a minimum base height of 15 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(b) Required setbacks

Above such maximum base height, #street walls# shall be set back a minimum of 30 feet from the #street line# along the #shore public walkway# on Parcel 1, 15 feet from such #street line# along the #shore public walkway# on any other parcels, and a minimum of 10 feet from the #street line# along all other #streets#. Along all #streets#, such set back shall have a minimum depth of seven feet from any portion of the #street wall# below such maximum base height. However, the depth of such setback may include the depth of recesses or #outer courts# provided that the aggregate width of such portion of a #street wall# with a reduced setback shall not exceed 30 percent of the #street wall#.

In addition, on Parcels 1, 2, 3 and 4, in locations where the maximum base height is limited to 45 feet, #street walls# above such maximum base height shall be set back a minimum of 30 feet from the #street line#, and a minimum of seven feet from any portion of the #street wall# below such height.

Dormers provided in accordance with paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) shall be permitted obstructions in all setback areas, except along the #shore public walkway#. Such dormers shall not exceed the maximum transition height set forth in paragraph (c) of this Section.

(c) Maximum transition heights

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, #street walls# above a required setback may rise to a maximum transition height of 125 feet and, along all other frontages, #street walls# above a required setback may rise to a maximum transition height of 155 feet. Such transition heights may only be exceeded where towers are provided in accordance with the provisions of Section 87-323 (Tower provisions).

87-323
Tower provisions

[Existing provisions, moved from 87-33, and modified]

A #building or other structure# may exceed the applicable maximum heights set forth in Section 87-322 (Base heights and transition heights) only in accordance with the tower provisions of this Section.

(a) Maximum number of towers

For #zoning lots# with less than 100,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted. The minimum separation between any two towers on the same #zoning lot# shall be 60 feet.

(b) Setbacks

All towers shall comply with the applicable setback provisions set forth in paragraph (b) of Section 87-322, except that on Parcel 1, towers shall be set back from the #shore public walkway# a minimum of 30 feet.

The dormer provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) shall not apply to the tower portion of a #building#. In lieu thereof, up to 50 percent of the width of the #street wall# of a tower shall be permitted to encroach into a required setback area, except in setback areas along the #shore public walkway#.

(c) Maximum tower size

Each #story# of a tower shall not exceed a gross area of 10,000 square feet, except that any encroachment into a setback area provided in accordance with paragraph (b) of this Section need not be included in such gross area.

(d) Maximum tower width

On Parcels 1, 3, 4 and 7, as shown on Map 1 in the Appendix to this Chapter, the maximum width of any #story# of a tower facing the #shoreline# shall not exceed 130 feet, and on Parcel 2, the maximum width of any #story# of a tower facing mapped parkland shall not exceed 100 feet.

(e) Maximum height of towers

For #zoning lots# with 100,000 square feet or less of #lot area#, the maximum height of a tower shall be 300 feet, and for #zoning lots# with more than 100,000 square feet of #lot area# the maximum height of a tower shall be 400 feet.

However, for #zoning lots# with two towers, such maximum tower height of 400 feet shall apply to only one tower and a maximum tower height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between any two #towers# on a #zoning lot#.

(f) Tower top articulation

The uppermost three #stories# of a tower, or as many #stories# as are located entirely above a height of 300 feet, whichever is less, shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#.

87-33
~~Towers~~
[Special Height and Setback and Other Bulk Regulations in the North Subdistrict]

[NOTE: Lower Concourse North text amendment is adding height and setback provisions for the North Subdistrict]

[Existing text moved to 87-323 and modified]

~~All #stories# of a #building# located partially or wholly above the applicable transition height set forth in paragraph (c) of Section 87-32 shall be considered a "tower" and shall comply with the provisions of this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.~~

~~(a) Maximum tower height~~

~~For #zoning lots# with 100,000 square feet of #lot area# or less, the maximum height of a #building# shall be 300 feet. The maximum height of #buildings# on #zoning lots# with more than 100,000 square feet of #lot area# shall be 400 feet. For #zoning lots# with two towers, however, such maximum #building# height of 400 feet shall apply to not more than one tower and a maximum #building# height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between towers.~~

~~(b) Location rules for #zoning lots# adjacent to mapped parkland~~

~~Where a tower is provided on a #zoning lot# adjacent to mapped parkland, such tower or portion thereof shall be located within 85 feet of such mapped parkland, and if two towers are provided on such #zoning lot#, the second tower or portion thereof shall be located either within 120 feet of East 149th Street or within 45 feet of an #upland connection#. Where two towers are provided on a #zoning lot# adjacent to mapped parkland, the shorter of the towers shall be located nearer the mapped parkland.~~

~~(c) Maximum tower size~~

~~The outermost walls of each #story# located entirely above the applicable transition height shall be inscribed within a rectangle. The maximum length of any side of such rectangle shall be 135 feet. Each #story# of a tower located entirely above the applicable transition height shall not exceed a gross area of 8,800 square feet.~~

~~(d) Tower top articulation~~

~~All #buildings# that exceed a height of 200 feet shall provide articulation in accordance with at least one of following provisions:~~

~~(1) Setbacks on each tower face~~

~~(i) For #buildings# less than 260 feet in height, the highest three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#;~~

~~(ii) For #buildings# 260 feet or more in height, the highest four #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#.~~

~~Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (d)(1), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.~~

~~(2) Three setbacks facing Harlem River~~

~~The upper #stories# of a tower shall provide setbacks with a minimum depth of 15 feet measured from the west-facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many~~

~~#stories# as are located entirely above a height of 230 feet, whichever is less. The lowest level at which such setbacks may be provided is 230 feet, and the highest #story# shall be located entirely within the eastern half of the tower.~~

87-34
Special Height and Setback Provision in South Subdistrict

For #zoning lots# that coincide with, or are completely within, the boundaries of Parcel 19 in the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of paragraph (a)(2) of Section 62-341 shall be modified to require an #initial setback distance# with a depth of 15 feet from the boundary of a #shore public walkway#.

87-40
~~SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS~~
SPECIAL REGULATIONS FOR GROUND FLOOR LEVEL

[NOTE: All existing Sections 87-40, 87-41 and 87-42 provisions, moved to Section 87-50]

[NOTE: Existing provisions, moved from Section 87-13 and modified]

The provisions set forth in this Section, inclusive, shall apply to #ground floor levels# of #developments# and #ground floor level enlargements# within the #Special Harlem River Waterfront District#, as applicable.

87-41
~~Fire Apparatus Access Roads~~
Streetscape Requirements in the Core and South Subdistricts

[NOTE: Existing 87-41 provisions, moved to 87-62]

In the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, for #developments# and #ground floor level enlargements#, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the special streetscape regulations of this Section, inclusive , a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection# or a fire apparatus access road provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#.

87-411
Ground floor uses

[NOTE: Existing provisions, moved from Section 87-13 and modified]

~~All #ground floor level uses# facing a #shore public walkway#, mapped parkland or an #upland connection# shall comply with the minimum depth requirements of 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail #streets#. Lobbies and entrances shall comply with the provisions for Type 1 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses). The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent public sidewalk or other publicly accessible area.~~

~~For #buildings# on Parcels 1 through 6, as shown on Map 1 in the Appendix to this Chapter, that face a #shore public walkway#, mapped parkland or #upland connection#, not less than 20 percent of the ground floor level #floor area# of such portions of #buildings# shall consist of #uses# from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.~~

Within the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, the following shall apply:

(a) Minimum amount of required #ground floor level floor area#

At least 50 percent of the width of the #ground floor level street wall# of a #building# shall be occupied by #floor area#, and on Parcels 1 and 2, as shown on Map 1, the entire width of the #ground floor level street wall# facing a #shore public walkway# or a mapped parkland, shall be occupied by #floor area#. Such #floor area# shall be allocated to any permitted #use#, except #group parking facilities#.

(b) Required non-#residential uses# in certain locations

The #ground floor level street wall# within 50 feet of the point on a #street#, or the intersection of two #streets#, designated on Map 2, shall be occupied exclusively by non-#residential floor area#. In addition, on Parcels 3 and 4, at least 50 feet of additional #ground floor level street wall# facing the #shore public walkway# shall be occupied exclusively by non-#residential floor area#, at the locations designated on Map 2. Offices (Use Group 6B) and clubs (Use Group 6E) as listed in Section 32-15, automotive service establishments (Use Groups 8C, 7D and 12D) as listed in Sections 32-16, 32-17 and 32-

21, and #Group parking facilities# including entrances and exits thereto, shall not be permitted within such locations.

Non-#residential floor area# required pursuant to this paragraph may satisfy #ground floor level floor area# required pursuant to paragraph (a) of this Section.

All #ground floor level floor area# required pursuant to this Section shall extend to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, all #streets# shall be considered designated retail streets.

87-412
Transparency requirements in the Core and South Subdistricts

[NOTE: Existing provisions, moved from 87-13 (b)]

~~Any#building# wall containing #ground floor level commercial# or #community facility uses# that faces a #shore public walkway#, mapped parkland or #upland connection#, shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail streets.~~

In the Core and South Subdistricts, for non-#residential uses# located at the #ground floor level# shall be subject to the following requirements, any portion of a #ground floor level street wall# that is subject to the #floor area# requirements of paragraph (b) of Section 87-411 (Ground floor uses), shall be glazed in accordance with the transparency requirements for designated retail streets set forth in Section 37-34 (Minimum Transparency Requirements), except that:

(a) in the South Subdistrict, where the #ground floor level street wall# is occupied by #uses# in Use Groups 16, 17 or 18, up to 50 percent of the length of such #ground floor level street wall# may be exempt from such transparency requirements, provided that any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide planting or screening in accordance with the provisions of paragraphs (a) or (e) of Section 87-415 (Special streetscape provisions for certain blank walls) for at least 75 percent of such blank wall; and

(b) in #flood zones#, for #buildings# utilizing the provisions of paragraph (a) of Section 64-21 (Ground Floor Use), where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the

level of the adjoining sidewalk for a continuous width of at least 25 feet, visual mitigation elements shall be provided in accordance with Section 87-415 for such blank wall.

For the purposes of applying the provisions of Section 37-34, locations subject to the provisions of paragraph (b) of Section 87-411 shall be considered designated retail streets.

87-413
Parking wrap and screening requirements in the Core and South Subdistricts

The following provisions shall apply to any #group parking facility# in the Core and South Subdistricts:

[NOTE: Existing provisions, moved from paragraphs (c) through (e) of 87-50]

~~(c) Location requirements for parking facilities~~

~~No parking facility, open or enclosed, shall front upon or be visible from:~~

~~(1) a #shore public walkway#, except as provided for in paragraph (e) of this Section for Parcel 5;~~

~~(2) any #upland connection# or mapped parkland, or portion thereof, that is located west of the #Parcel 1 building line#.~~

~~(d)~~(a) Design requirements for enclosed ~~off-street~~ #group parking facilities#

All enclosed ~~off-street~~ #group parking facilities# shall be located either entirely below the level of ~~any #street#~~ an adjacent sidewalk or ~~open area accessible to the public upon which such facility fronts~~ any other adjacent pedestrian area required to be accessible to the public or, when located above grade, shall comply with the following: ~~in compliance with the following provisions:~~

~~(1) The provisions of this paragraph, (d)(1), shall apply to facilities facing a #shore public walkway#, an #upland connection#, mapped parkland, or the northern #street line# of 138th Street.~~

~~At every level above grade, off-street parking facilities shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). For the purposes of applying such provisions, #shore public walkways#, an #upland connection# or mapped~~

~~parkland and East 138th Street shall be considered designated retail streets. All such parking facilities shall be exempt from the definition of #floor area#.~~

~~On Parcel 6, as shown on Map 1 in the Appendix to this Chapter, the ground floor of a #building# within 60 feet of the intersection of Exterior Street and East 138th Street shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 so that no portion of a parking facility is visible from such portion of Exterior Street or East 138th Street.~~

~~(2) The provisions of this paragraph, (d)(2), shall apply to facilities not facing a #shore public walkway#, or that portion of an #upland connection# or mapped parkland located west of the #Parcel 1 building line#, or the northern #street line# of East 138th Street.~~

~~Such facilities shall be screened in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35.~~

(1) #Group parking facilities# on the #ground floor level# within 30 feet of #street walls# subject to the provisions of Section 87-411 (Ground floor uses) shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements. For the purpose of applying such provisions, #street walls# subject to the provisions of Section 87-411 shall be considered designated retail streets.

(2) #Group parking facilities# along all other frontages shall either be wrapped by #floor area#, or screened in accordance with the provisions of paragraph (e) of Section 87-415. In addition, any continuous stretch of screening that exceeds 25 feet in width shall provide planting in accordance with the provisions of paragraph (a) of Section 87-415 (Special streetscape provisions for certain blank walls) along 50 percent of such screened frontage.

~~(e)~~(c) Open parking areas

Open parking areas shall be permitted only in the following locations:

(1) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the # Major Deegan Expressway street line#;

(2) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the Parcel only if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel;

(3) on Parcel 6, a parking lot shall be permitted within 130 feet of the southern boundary of the parcel with East 138th Street; and

(4) on all parcels, open, unscreened, in tandem (one behind the other), #accessory# off-street parking spaces shall be permitted on private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), provided that all parking spaces comply with the Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of Section 28-43 (Location of Accessory Parking) shall not apply. In addition, on Parcel 1, for parking lots located east of the # Major Deegan Expressway street line#, or on Parcel 5, for parking lots used solely as a commercial or public utility vehicle storage #use# as listed in Use Group 16C, the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing is not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections 37-90 and 62-555 shall not apply to any parking lots provided within private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-61.

[ORIGINAL PROVISIONS]

~~The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), are modified as set forth in this paragraph, (e).~~

~~For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.~~

~~On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street~~

~~and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.~~

~~On Parcel 5, as shown on Map 1 in the Appendix to this Chapter, if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.~~

87-414
Special provisions applicable within the flood zone

In the Core and South Subdistricts, the provisions of Section 64-336 (Alternative height measurement in Commercial and Manufacturing Districts) shall be modified so that where the #flood-resistant construction elevation# is between four feet and 12 feet above #curb level#, #building# height may be measured from a reference plane 12 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. The requirements of Section 64-642 (Transparency requirements for buildings utilizing alternative height measurement) shall apply to #buildings# utilizing these alternative height measurement provisions.

87-415
Special streetscape provisions for certain blank walls

The provisions of this Section shall apply to a #ground floor level building# frontage, or any portion thereof, facing a #street#, #shore public walkway#, #upland connection#, or fire apparatus access road provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), where no transparent materials or entrances or exits are provided on the #ground floor level# below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 25 feet. For the purpose of this Section, such a #building# wall, or portion thereof, shall be referred to as a "blank wall" and visual mitigation elements shall be provided in accordance with this Section.

At least 50 percent of the linear footage of any blank wall on a #ground floor level building# frontage shall be treated by one or more of the following visual mitigation elements. Where a #building# wall fronts upon a #street#, such visual mitigation elements shall be provided on the #zoning lot#, except that the depth of an area containing such elements within the #zoning lot#

need not be greater than three feet, when measured perpendicular to the #street line#. Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of paragraph (a) of this Section, and where a blank wall exceeds a height of 10 feet, as measured from the level of the adjoining grade, for a width of more than 25 feet, at least 50 percent of such #street wall# width shall provide wall treatments in accordance with the provisions of paragraph (e) of this Section.

The maximum width of a portion of the #ground floor level# blank wall without visual mitigation elements shall not exceed 10 feet. However, such blank wall limitation shall not include portions of #street walls# occupied by entrances or exits to #accessory# off-street parking facilities and #public parking garages#, where permitted, entryways to required loading berths, where permitted, or doors accessing emergency egress stairwells and passageways.

Visual mitigation elements:

(a) Planting

Any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

(b) Benches

Fixed benches with or without seatbacks shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(c) Bicycle racks

Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street wall#. Each bicycle rack so provided shall satisfy five linear feet of frontage mitigation requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(d) Tables and chairs

Fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

(e) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of frontage mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

87-416
Special open area provisions

(a) For Parcels 1, 2, 3 and 4, the open area between the #street wall# of a #building# fronting the #Major Deegan Expressway street line# and the western edge of such Expressway, shall be subject to the provisions of Section 28-23 (Planting Areas), whether the ground floor is occupied by #residential uses# or non- #residential uses#. Such provisions shall be modified by the provisions of this Section.

(1) Primary circulation path

A circulation path, with a width of at least 13 feet or the width of such open area, whichever is less, and the western edge of such path shall be provided within five feet of a #street wall# facing #Major Deegan Expressway street line#. Such circulation path shall extend along the entire frontage of the #zoning lot#, and shall be constructed in accordance with Department of Transportation standards for sidewalks.

(2) Planting

At least 20 percent, but not more than 50 percent of the required open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such

planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet. For planting located east of the circulation path required pursuant to paragraph (a) of this Section, the maximum linear length of any individual planting bed shall not exceed 50 feet.

(3) Other amenities

The remainder of the open area may contain any combination of:

(i) Streetscape amenities, including, but not limited to, benches, or tables and chairs;

(ii) entertainment amenities, including, but not limited to, water features, playgrounds, dog runs, game tables or courts, skateboard parks; and

(iii) streetscape enhancing amenities, including, but not limited to, trees in tree pits, and lighting, or sculptural artwork.

All streetscape and entertainment amenities provided in accordance with paragraphs (c)(1) and (c)(2) of this Section shall be connected to the primary circulation path required by paragraph (a) of this Section through secondary circulation paths, paved with permeable materials, each with a minimum width of six feet. Any planting associated with an amenity, including, but not limited to playgrounds and dog runs, as applicable, may exceed the amount set forth in paragraph (b) of this Section.

Any open area not otherwise allocated to amenities or secondary circulation paths shall also be paved with permeable materials. The minimum clear space between any planted areas required by paragraph (b) of this Section, any amenity provided under this paragraph, or any combination thereof, shall be six feet.

(4) Fencing

In no event shall chain link fencing or barbed or razor wire be permitted in any open area provided pursuant to this Section. No fences may exceed a height of four feet.

[NOTE: Existing provisions, moved from Section 87-42 and modified]

(b) In the event that Parcel 1, as shown on Map 1 in the Appendix to this Chapter, is #developed# with #mixed buildings#, sidewalks shall be provided on Parcel 1, as follows: Sidewalks with a width of at least 15 feet shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# such that the combined width of the sidewalk within the #street# and the sidewalk widening equals at least 15 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards and shall connect at grade to the adjoining public sidewalks.

[NOTE: Original provisions]

~~In the event that Parcel 1, as shown on Map 1 in the Appendix to this Chapter, is #developed# with #mixed use buildings#, as defined in Section 123-11, sidewalks shall be provided on Parcel 1, as follows:~~

~~(a) Sidewalks with a depth of at least 15 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 15 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement.~~

~~(b) A 22 foot wide walkway shall extend east of and along the #Parcel 1 building line#, linking East 149th Street and mapped parkland, or a fire apparatus access road if such road is provided adjacent to mapped parkland. In the event that a parking lot is provided east of such walkway, the easternmost seven feet of such walkway shall be densely planted with evergreen shrubs maintained at a maximum height of three feet above the adjoining walkway. Such walkway and planting strip may be interrupted to allow vehicular or pedestrian access.~~

~~(c) Any driveway located east of the #Parcel 1 building line# that extends along a sewer easement and intersects Exterior Street shall have curbs and sidewalks with a minimum width of 13 feet along each curb, which may be interrupted to allow for vehicular access to a parking lot.~~

~~All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.~~

~~**Sidewalks**~~

[NOTE: Existing provisions, moved to paragraph (b) of Section 87-416]

87-50
SPECIAL PARKING REGULATIONS

[NOTE: Existing provisions, moved to Section 87-51]

The applicable parking and loading regulations of underlying districts or of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except as modified by the provisions of this Section, inclusive.

87-51
~~**Curb Cut Restrictions**~~
Special Parking Regulations in the Core Subdistrict

[NOTE: Existing provisions, moved from 87-50; existing 87-51 provisions moved to 87-52]

The following provisions shall apply to all parking facilities in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter:

~~(a) Use of parking facilities~~

~~All #accessory# off-street parking spaces may be made available for public use; any such space, however, shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord.~~

~~(b)~~(a) Off-site parking

The off-site parking location provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required #accessory# off-street parking spaces may be provided on any #zoning lot# ~~other than the same #zoning lot# to which such spaces are #accessory#, provided the lot to be used for parking is~~ within the ~~#Special Harlem River Waterfront District#~~ Core Subdistrict.

[NOTE: Existing text in paragraphs (c) through (e) of 87-51 moved to Section 87-412]

~~(f)~~(b) Roof parking

Any roof, or portion thereof, ~~of a facility containing~~ that covers off-street parking spaces~~, not otherwise covered by a #building#, that~~ and is larger than 400 square feet in surface area, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

~~(e)~~(c) Open parking lots

Open parking lots shall be permitted only in the following locations:

(1) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the #Major Deegan Expressway street line#;

(2) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the Parcel only if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel;

(3) on Parcel 6, along the southern boundary of the Parcel with East 138th Street, provided that such parking lot is south of any #building# on the Parcel and east of the #shore public walkway#; and

(4) on all Parcels, open, unscreened, tandem (one behind the other), #accessory# off-street parking spaces shall be permitted on fire apparatus access roads provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), provided that all parking spaces comply with Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of Section 28-43 (Location of Accessory Parking) shall not apply, and, on Parcels 1 and 5, the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing in not more than 50 percent opaque and provided that the

height does not exceed six feet. The provisions of Sections 37-90 and 62-655 shall not apply to fire apparatus access roads provided pursuant to the provisions of Section 87-61.

[ORIGINAL PROVISIONS]

~~The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), are modified as set forth in this paragraph, (e).~~

~~For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.~~

~~On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.~~

~~On Parcel 5, as shown on Map 1 in the Appendix to this Chapter, if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.~~

87-52
Curb Cut Restrictions

[EXISTING PROVISIONS MOVED FROM 87-51]

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, no curb cuts shall be provided facing a #shore public walkway#, and further, on Parcels 1 and 2, no curb cuts shall be provided facing a mapped parkland.

87-60
~~HARLEM RIVER WATERFRONT ACCESS PLAN~~
FIRE APPARATUS ACCESS ROADS

The provisions of this Section, inclusive, shall apply in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter. The #lot area# allocated to fire apparatus access road pursuant to the provisions of This Section 87-60, may count towards any required #supplemental access area# required pursuant to the provisions of Section 62-57 (Required Supplemental Public Access Areas), and where applied, such area may be discounted from the planting requirement set forth in paragraph (c) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

87-61
~~Special Public Access Provisions~~
Special Provisions for Certain Fire Apparatus Access Roads

[NOTE: Existing 87-61 provisions moved to 87-71]

[NOTE: Existing provisions, moved from Section 87-41 and modified]

Within the Core and South Subdistricts, for Parcels 1, 2, 3, 4 and 11, where a fire apparatus access road is provided as required by New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor, the Chairperson of the City Planning Commission shall certify, in conjunction with a certification application filed pursuant to paragraph (c) of Section 62-811, the following:

(a) the road shall be constructed to minimum Department of Transportation standards for public #streets#, including sidewalks, curbs and curb drops, lighting, signage, materials, and crosswalk, and shall meet the requirements set forth in the New York City Fire Code;

(b) for Parcels 2, 3, or 4, the contiguity provisions of paragraph (a) of Section 87-62 shall be met, except that where no connection for vehicular travel lanes terminating at the opposite side of a shared #lot line# exist at the time of construction, the provisions of paragraph (b) of such section may be utilized as an interim alternative;

(c) a restrictive declaration shall be executed in accordance with the provisions of Section 87-63; and

(d) street trees shall be planted pursuant to the requirements of Section 26-41 along such fire apparatus access road as if it were a #street#.

However, the requirements of this Section shall not apply to: fire apparatus access roads on Parcels 1 and 3 that are provided pursuant to the provisions of paragraph (b)(3) of Section 87-71 (Special Public Access Provisions); and to a fire apparatus access road on Parcel 11 located in the required #upland connection# within the prolongation of East 134th Street.

[ORIGINAL PROVISIONS]

~~Where a fire apparatus access road is provided as required by the New York City Fire Code, such road shall comply with the following requirements:~~

~~(a) the width of a paved road bed shall be 34 feet, constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops;~~

~~(b) curbs shall be provided along each side of the entire length of such road;~~

~~(c) a minimum 13 foot paved sidewalk shall be provided adjacent to and along the entire length of the required curb;~~

~~(d) for the purposes of making the #street# tree requirements of Section 26-41 applicable to fire apparatus access roads, a fire apparatus access road shall be considered a #street#; and~~

~~(e) all such roads shall be constructed with lighting, signage, materials and crosswalks to minimum Department of Transportation standards for public #streets#.~~

87-62
~~Certification to Waive Supplemental Public Access Area Requirement~~
Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4

[NOTE: Existing provisions, moved to paragraph (b) of this Section]

On Parcels 2, 3 and 4, in addition to the certification provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads**)**, a fire apparatus access road shall be provided in accordance with the provisions of this Section.

(a) Bi-Directional Road

[NOTE: Existing provisions, moved from Section 87-66 (Connection with Adjacent Zoning Lots) and modified]

On each of Parcels 2, 3 and 4, and only among such Parcels, a connection for bi-directional vehicular travel lanes to an adjacent #zoning lot line# shall be provided. When complete, such fire apparatus access road shall provide bi-directional contiguous vehicular access from the along the mapped parkland adjacent to Parcel 2, along the #shore public walkway# of Parcels 2, 3 and 4, and within the southerly #upland connection# of Parcel 4.

Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of, and maintain the street width of, the existing adjacent fire apparatus access road. Such fire apparatus access road shall extend along the entire #shore public walkway# of the #zoning lot#, from #lot line# to #lot line#. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-63, has been recorded against the adjacent #zoning lot#.

(b) Interim fire apparatus turnaround

[NOTE: Existing provisions of Section 87-63, modified]

When bi-directional vehicular travel lanes are constructed that terminate at a #lot line# and do not continue on the adjacent #zoning lot# at the time of their construction, an interim dead-end fire apparatus access road turnaround may be constructed as an alternative to the provisions of paragraph (a) of this Section, in accordance with the following provisions.

An applicant utilizing the provisions of this paragraph shall construct a fire apparatus access road that extends along the entire #upland connection# and #shore public walkway# of the #zoning lot#, from #lot line# to #lot line#, and shall provide an "approved turnaround area," constructed as part of a "dead-end fire apparatus access road," as those terms are defined in the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor.

Such turnaround area shall be constructed to dimensions no greater than required under the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor, and shall be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. Such turnaround area may extend into the designated #shore public walkway, but at no point may such turnaround area extend into the associated circulation path. Where an interim dead-end fire apparatus road turnaround area extends into a #shore public walkways#, the area of such turnaround may be discounted from the planting requirement set forth in paragraph (c) of Section 62-62. Sidewalks shall not be required adjacent to the

turnaround area. The portion of the turnaround area that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials to the extent permissible by the Fire Commissioner and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage.

At the time of certification pursuant to Section 87-61, the site plan shall demonstrate a suitable design for the dead-end fire apparatus access road that demonstrates both the approved turnaround area and the repurposed turnaround area outside of the roadbed upon the issuance of a notice of substantial compliance for the adjacent #zoning lot#. In addition, a conceptual site plan shall demonstrate that the proposed site plan and grading plan for required contiguous access pursuant to the provisions of paragraph (a) of this Section is compatible with future #development# on the adjoining #zoning lot#. Such site plans shall be included as an exhibit to the declaration of restrictions recorded pursuant to Section 87-63.

Repurposing a turnaround area and providing contiguous access in accordance with an approved conceptual site plan shall not necessitate a certification pursuant to Section 62-811, provided that there are no further modifications to an approved #waterfront public access area#.

[BELOW: Original provisions of Section 87-66 (Connection with Adjacent Zoning Lots)]

~~The following provisions apply to #developments#, #enlargements#, alterations or changes of #use#, pursuing certification, pursuant to either Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement) or 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).~~

~~On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development#, #enlargement#, alteration or change of #use#, shall provide a connection for bi-directional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a connection that terminates at the shared #lot line#. Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of, and maintain the street width of, the existing adjacent private street. In addition to such physical shared #lot line# connection, a #private road# declaration shall be provided pursuant to the provisions of Section~~

~~87-64. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-64, has been recorded against the adjacent #zoning lot#.~~

~~When no connection for vehicular travel terminating at the opposite side of a shared #lot line# exists, a dead-end fire apparatus access road turnaround may be constructed, pursuant to Section 87-63, which may extend into the designated #shore public walkway#. Such certification is also contingent upon providing a declaration of restrictions, in accordance with Section 87-64.~~

[BELOW: Original provisions of Section 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways)]

~~On Parcels 2, 3 and 4, a dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code, Section 503.2.5 (Dead-ends) may, by certification, extend into the designated #shore public walkway#, provided that:~~

~~(a) a declaration of restrictions has been provided, pursuant to Section 87-64;~~

~~(b) a fire apparatus access road abutting the shared #zoning lot line# between the #development#, #enlargement#, alteration or change of #use# seeking certification under this Section and Parcels 2, 3 or 4 does not exist; and~~

~~(c) the fire apparatus access road serves as a segment of a bi-directional loop road along the #shore public walkway#, providing a connection to Exterior Street at the northeast corner of Parcel 2 and a connection to Exterior Street at the southeast corner of Parcel 4.~~

~~Such turnaround shall have a diameter of 70 feet and be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. At no point may the turnaround extend into the #shore public walkway# for a distance greater than 23 feet. Sidewalks shall not be required adjacent to the turnaround. The portion of the turnaround that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials, and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.1.1 (Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush with the level of adjoining sidewalks.~~

87-63

~~Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways~~
Declaration of Restrictions

[NOTE: Existing provisions, moved from Section 87-64 and modified]

For any fire apparatus access road proposed for certification pursuant to Sections ~~87-62~~ 61 (Special Provisions for Certain Fire Apparatus Access Roads), a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, and any sidewalk adjacent to such road, to guarantee that such road, and any sidewalk adjacent to such road, remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Sections ~~87-62~~ 61 ~~and 87-63~~, where applicable.

For certifications proposed pursuant to Section 87-61 on Parcels 2, 3 or 4, where #developments# or #enlargements# on such parcels utilize the allowance for interim fire access turnaround, in accordance with paragraph (b) of Section 87-62 (Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4), any declaration of restrictions shall include that, at the time of the issuance of the notice of substantial compliance for the adjacent #development#, or #enlargement# pursuant to this Section, thereby permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously-constructed fire apparatus access road turnaround area shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

(a) repurposing the fire apparatus access road turnaround area pursuant to the requirements set forth in paragraph (b) of Section 87-62;

(b) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable unobstructed pedestrian movement across parcels;

(c) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code; and

(d) providing a connection with the adjacent #zoning lot# pursuant to Section 87-62.

[Note: Original provisions of Section 87-64 (Declaration of Restrictions)]

~~For any fire apparatus access road proposed for certification pursuant to Sections 87-62 or 87-63, a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, to guarantee that such road remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Sections 87-62 and 87-63, where applicable.~~

~~For certifications proposed pursuant to Section 87-63, at the time a declaration of restrictions has been provided by the adjacent #development#, #enlargement#, alteration or change of #use#, pursuant to this Section, permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously-constructed fire apparatus access turnaround shall be responsible for the following actions on the portion of the connection on such #zoning lot#:~~

~~(a) deconstructing the fire apparatus access road turnaround;~~

~~(b) re-landscaping the area that had extended into the #shore public walkway#, so as to create the conditions of the immediately surrounding #shore public walkway#, which may include any combination of tree planting, laying sod, removing pavers, or any other required landscaping action;~~

~~(c) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable pedestrian movement across parcels; and~~

~~(d) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code.~~

~~87-64~~
~~Declaration of Restrictions~~

[Note: existing provisions, moved to Section 87-63]

87-70
HARLEM RIVER WATERFRONT ACCESS PLAN

[NOTE: Existing waterfront access plan provisions, moved from Section 87-60]

Map ~~2~~3 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location ~~of~~ where certain features are mandated or permitted by the Plan.

The underlying regulations for #waterfront public access areas# shall apply, except as modified in this Section, inclusive. For the purposes of applying the provisions of Section 61-822, the City Planning Commission may authorize modifications to the requirements for #waterfront public access areas# set forth in Article VI, Chapter 2, and as those provisions are modified by the provisions of this Section, inclusive.

87-71
Special Public Access Provisions

[NOTE: Existing provisions, moved from 87-61]

The provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply to #developments#, ~~#enlargements#, alterations or changes of #use#,~~ as ~~follows~~ modified in this Section~~:~~. For the purpose of applying the provisions of this Section, "development" shall be as defined in Section 62-11, that require #waterfront public access areas#. To "develop" shall mean to create such #development#. In addition, the #lot area# allocated to fire apparatus access road pursuant to the provisions of Section 87-60, inclusive, may count towards any required #supplemental access area# required pursuant to the provisions of Section 62-57 (Required Supplemental Public Access Areas).

(a) #Shore public walkways#

(1) The #shore public walkway# shall be provided in the location designated on Map 3 (Waterfront Access Plan: Public Access Elements) and constructed at an elevation ~~of two feet above~~ not lower than the highest level of the train track bed of the Oak Point Rail Link, except that~~:~~

~~(i) on Parcels 6 and 7, no such elevation requirement shall apply;~~

~~(ii)~~ on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is #developed# ~~or #enlarged#~~ as the primary #use# on the #zoning lots#, ~~such~~ the elevation requirement shall not apply. However, for any other #use#, ~~such~~ the elevation requirement shall only apply along

the westernmost section of the #shore public walkway# to a depth of 40 feet.

~~(iii) on all #zoning lots#, a #shore public walkway# shall be required to meet the grade of an existing adjacent #street#, which may include deviating from such elevation requirement where necessary.~~

(2) An approved turnaround area in a dead-end fire apparatus access road ~~turnaround area~~, as defined in the New York City Fire Code, Section 503.2.9~~5~~ (Dead-end turnarounds), or its successor, may, by certification extend into a designated #shore public walkway# pursuant to paragraph (b) of Section 87-~~63~~ 62 (~~Certification to Allow Fire Apparatus Access Road Turnaround Area in Shore Public Walkways~~ Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4).

(3) In the event that a portion of a #waterfront zoning lot# is within 40 feet of the #shoreline# yet does not abut the #shoreline# because of an intervening #zoning lot#, a #shore public walkway# shall be provided on such upland portion. The width of the #shore public walkway# on such portion shall be 40 feet measured from the #shoreline# of the intervening #zoning lot# and shall include the width of the intervening #zoning lot#. The portion of such #shore public walkway# located upland of the intervening #zoning lot# shall be improved with a circulation path at least ten feet wide, and any required planted screening buffer shall have a width of at least four feet.

(4) On Parcel 5, if a commercial or public utility vehicle storage #use# is #developed# ~~or #enlarged#~~ as the primary #use# on the parcel, the #shore public walkway# requirements set forth in Section 62-62 shall apply, except that:

(i) the required width of the #shore public walkway# may be reduced to a minimum of 20 feet along the northern edge of the inlet and may be reduced to a minimum of 30 feet along the eastern edge of the inlet;

(ii) the circulation path required in paragraph (a)(1) of Section 62-62 shall be modified to a minimum width of 10 feet along the northern and eastern edge of the inlet; and

(iii) the screening provisions of paragraph (c)(2) of Section 62-62 shall not apply. In lieu thereof, a planted screening buffer with a width of four feet shall be provided. Such planted buffer shall consist of densely planted

shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting~~; and~~.

(iv) ~~in the event that the #upland connection# on Parcel 6 has not been provided,~~ a ten foot wide pedestrian walkway between the #shore public walkway# and Exterior Street shall be provided on Parcel 5 adjacent to such #upland connection# location.

(b) #Upland connections#

#Upland connections# shall be located on Parcels 1, 3, 4, 5 ~~and~~ 6 and 11, as designated on Map ~~2~~3 in the Appendix to this Chapter.

The applicable provisions of Sections 62-50, inclusive, are modified, as follows:

(1) On Parcel 1, for an #upland connection# required along the northern boundary of a mapped park, the additional open area requirement of paragraph (a)(2) of Section 62-561 (Types of upland connections) shall not apply;

(2) ~~Parcel 3 may provide the #upland connection# at either of the two optional locations indicated on Map 2.~~ Parcel 3 shall provide an #upland connection# at the designated location shown on Map 3. In addition, such #upland connection# shall be provided as specified below:

(i) On Parcel 3, an #upland connection# is required at the designated location as shown on Map 3. The additional area requirements of paragraph (a)(2) of Section 62-561 shall not apply;

(ii) In the event that Parcel 3 is developed with Parcels 2 or 4, an #upland connection# shall be provided within the flexible location zone shown on Map 3. The additional area requirements of paragraph (a)(2) of Section 62-561shall apply.

(3) On Parcels 1 and 3, if a Type 1 #upland connection# is provided, and a fire apparatus access road is required pursuant to the New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor, the design requirements of 62-64 shall be modified as follows:

(i) the required circulation path may be used to allow such fire apparatus access road, and it's minimum width shall be in accordance with all applicable requirements of the Fire Code;

(ii) such circulation path shall be paved with distinct materials, not including asphalt, to facilitate pedestrian usage; and

(ii) the minimum planting area requirements shall be reduced to 15 percent;

(4) The required width for an #upland connection# on Parcel 6 is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) #Supplemental public access areas#

#Supplemental public access areas#, pursuant to this Plan, shall be provided on Parcels 1,~~and~~ 2 and 11, as indicated on Map ~~2~~3 in the Appendix to this Chapter, except that:~~. However, the requirement may be waived by certification by the Chairperson of the City Planning Commission as set forth in Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement).~~

(1) such requirement may be waived for Parcels 1 and 2 by the Chairperson of the City Planning Commission, in conjunction with a certification pursuant to paragraph (c) of Section 62-811 (Waterfront public access and visual corridors), where the site plan includes a vehicular connection through the #zoning lot#, provided that:

(i) such vehicular connection complies with the requirements of Section 87-62 (Fire Apparatus Access Roads) and, for Parcel 2, the requirements of Section 87-62 (Contiguity of Fire Apparatus Access Road With Adjacent Zoning Lots on Parcels 2, 3 and 4); and

(ii) such vehicular connection, either:

(a) on Parcel 1, provides access between East 149th Street and Exterior Street, serving all #buildings# along the #shore public walkway# and mapped parkland; or

(b) on Parcel 2, provides a bi-directional connection between Exterior Street at its intersection with East 144th Street and the southernmost #lot line# of Parcel 2.

(2) for Parcel 11, at the location designated as "Supplemental Public Access Area (Shore Public Walkway Location)" on Map 3, a #supplemental public access area# shall be provided at a minimum width of 40 feet as indicated on Map 3, and the design and dimensional requirements for #shore public walkway# as set forth in Sections 62-50, inclusive, and 62-60, inclusive, shall apply.

(d) #Visual Corridors#

#Visual corridors# shall be located within Parcels ~~1 and~~ 4, 9, 11, 12 and 13, and mapped parkland, as indicated on Map ~~24~~ (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter. For all required #visual corridors#, the provisions of Section 62-512 (Dimension of visual corridors) shall be modified to allow the lowest level of a #visual corridor#, at its seaward points, to be measure to a height two feet above #base flood elevation# or a height equal to the Oak Point Rail Link train track bed elevation, whichever is higher.

The Oak Point Rail Link shall be a permitted obstruction for #visual corridors#.

87-72
Applicability of Waterfront Regulations

[NOTE: Existing provisions, moved from Section 87-65]

In the event that #streets# are mapped within a #zoning lot# on Parcels 1, 2, 3 ~~and~~ or 4 after June 30, 2009, or on Parcel 11 after [date of adoption], the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

87-73
Special Vesting Provisions for the South Subdistrict

In the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMNET), inclusive, shall apply, except as follows:

(a) for #zoning lots# on #waterfront blocks# located completely beyond 100 feet of the #shoreline#, where an application has been filed with the Department of City Planning for certification pursuant to the provisions of Section 62-811 prior to [date of adoption], and where subsequently, the Chairperson of the City Planning Commission certifies that no #waterfront public access area# or #visual corridor# is required on the #zoning lot#, the #development# of a #building# on such #zoning lot# shall be permitted in accordance with the #bulk# and #waterfront public access area# regulations that were effective immediately prior to [date of adoption], provided that all work on the foundations for such #development# has been completed prior to [date of adoption + 4 years] ;

(b) for #zoning lots# on #waterfront blocks# located within 100 feet of the #shoreline#, where, as part of an application filed with the Department of City Planning for certification pursuant to the provisions of Section 62-811 prior to [date of adoption], a declaration of restrictions has been recorded with the Office of the Register of the City of New York (County of New York), setting forth the obligations of the owner to construct, maintain a #waterfront public access area# pursuant to the provisions of Section 62-811, the #development# of a #building# on such #zoning lot# shall be permitted in accordance with such #waterfront public access area# plan and in accordance with the #bulk# regulations that were effective immediately prior to [date of adoption]; and

(c) for #zoning lots# on #waterfront blocks# located within 100 feet of the #shoreline#, where the Chairperson has certified that no #waterfront public access area# is required on the #zoning lot# pursuant to the provisions of Section 62-811 prior to [date of adoption], the #development# of a #building# on such #zoning lot# shall be permitted in accordance with the #bulk# and #waterfront public access area# regulations that were effective immediately prior to [date of adoption], provided that no new #buildings or other structures#, except those permitted as obstructions pursuant to Section 62-111, are located within 40 feet of the #shoreline#, and further provided that all work on the foundations for such #development# has been completed prior to [date of adoption + 4 years] . In addition, for such #developments#, no temporary certification of occupancy shall be granted by the Department of Buildings unless and until the Chairperson of the City Planning Commission certifies that the #zoning lot# provides open space between the #building# and the #shoreline# that is in compliance with the size and design provisions for #shore public walkways# set forth in Section 62-53 and the applicable provisions of Section 62-60, inclusive. However, such provisions may be modified as follows:

(1) in addition to the permitted obstructions listed in Section 62-611, a dead-end fire apparatus access road turnaround shall be a permitted obstruction within a #shore

public walkway#, and an emergency egress path from #buildings# shall be a permitted obstruction within a screening buffer;

(2) for portions of the #shore public walkway# where a fire apparatus access road turnaround is provided, the minimum width of a circulation path required pursuant to paragraph (a)(1) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be reduced to a width of 10 feet, and the required width of a screening buffer required pursuant to paragraph (c)(2) of Section 62-62, may be reduced to six feet; and

(3) where a fire apparatus access road is provided within the #shore public walkway#, the percentage of the #shore public walkway# required to be planted pursuant to paragraph (c) of Section 62-62 may be reduced to 35 percent.

A site plan shall be submitted with such application for certification, demonstrating compliance with such provisions.

As part of such certification, a written declaration of restrictions, in a form acceptable to the Chairperson, setting forth the obligations of the owner to construct, maintain and provide public access to improvements designated on site plans submitted pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

Where foundations are required to be completed prior to [date of adoption + 4 years], in the event that such foundations have been commenced but not completed before such date, the building permit shall automatically lapse and the right to continue construction under the provisions of this Section shall terminate. No application to renew the building permit may be made to the Board of Standards and Appeals.

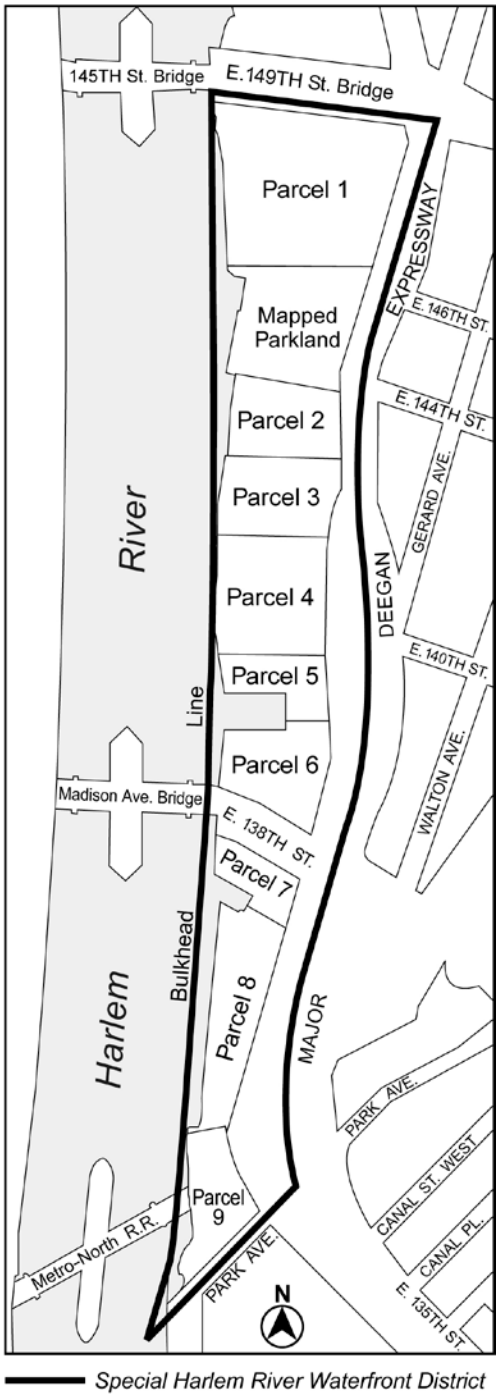
In addition, where foundations are required to be completed prior to [date of adoption + 4 years], such date shall be the effective date for applying the provisions of Section 11-332 (Extension of period to complete construction).

For the purposes of this Section, #development# shall be as defined in Section 62-11.

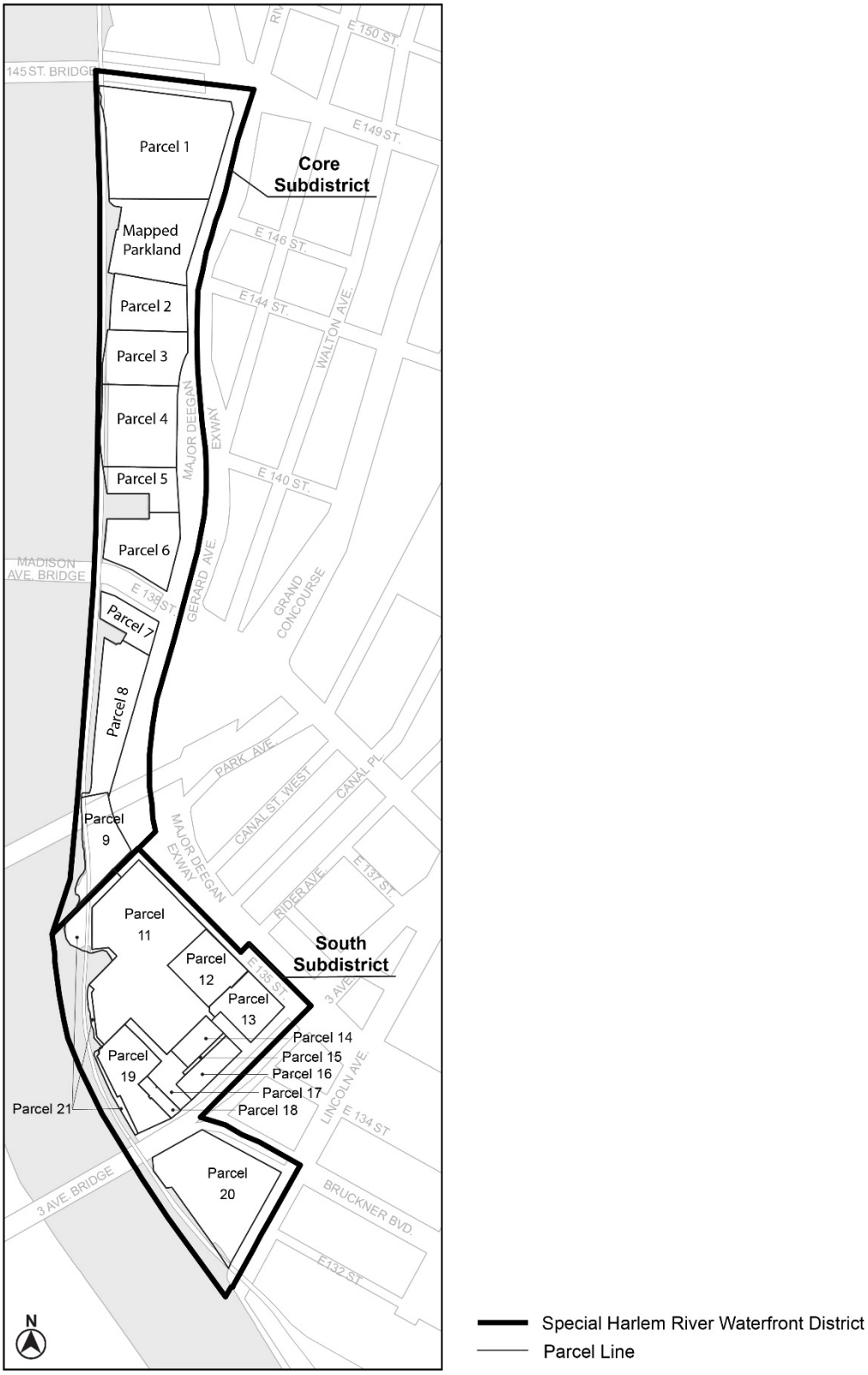
Appendix
Special Harlem River Waterfront District Plan

Map 1. Special Harlem River Waterfront District, Subdistricts and Parcels

[EXISTING MAP]

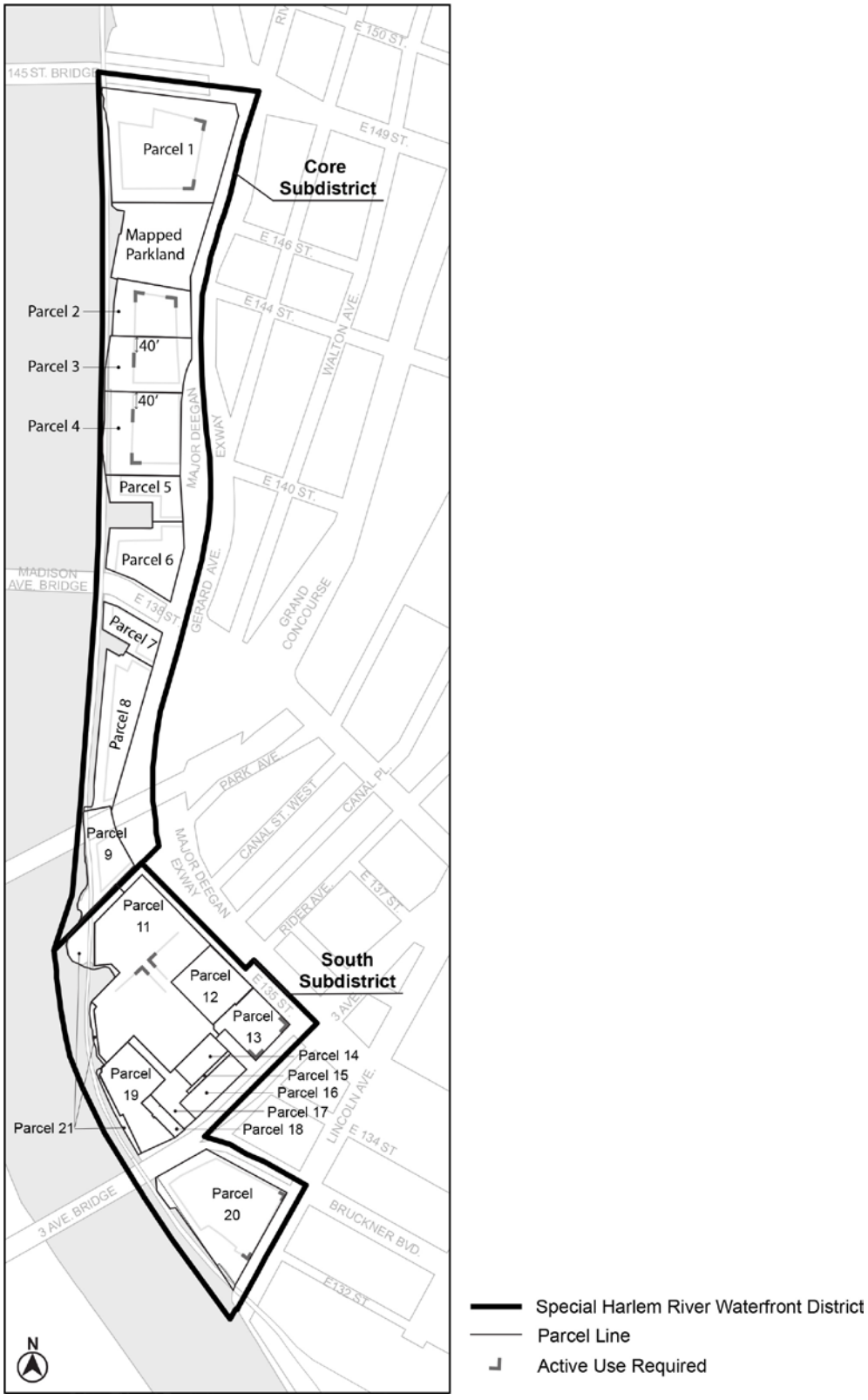


[PROPOSED MAP]



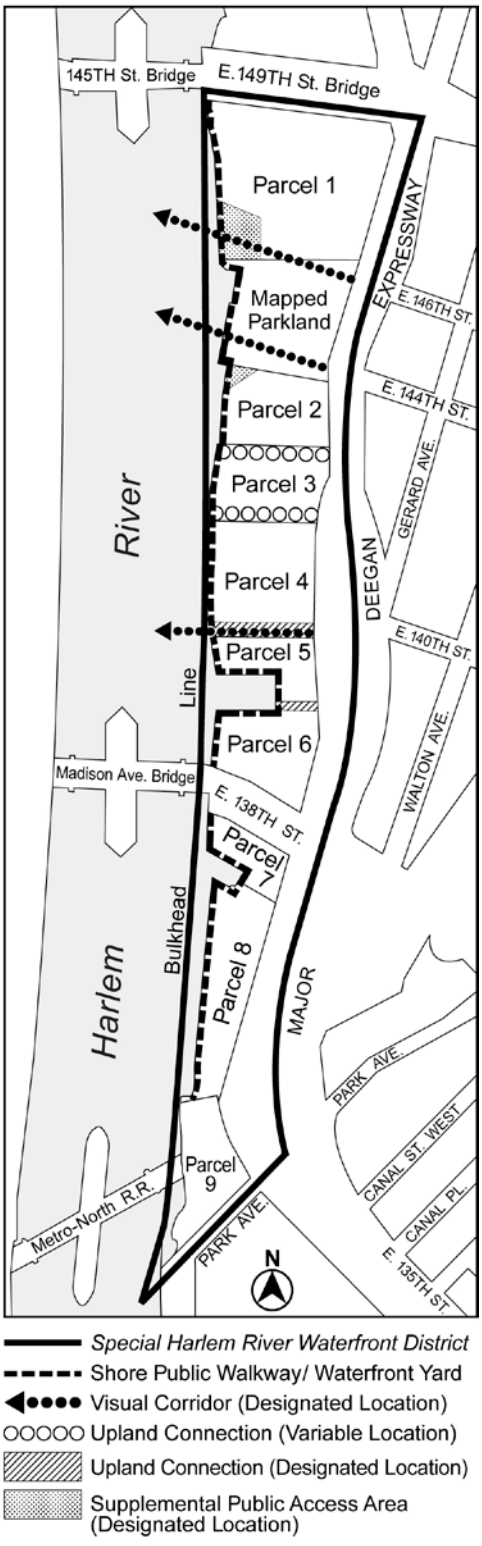
Map 2. Designated Non-residential Use Locations

[PROPOSED MAP]

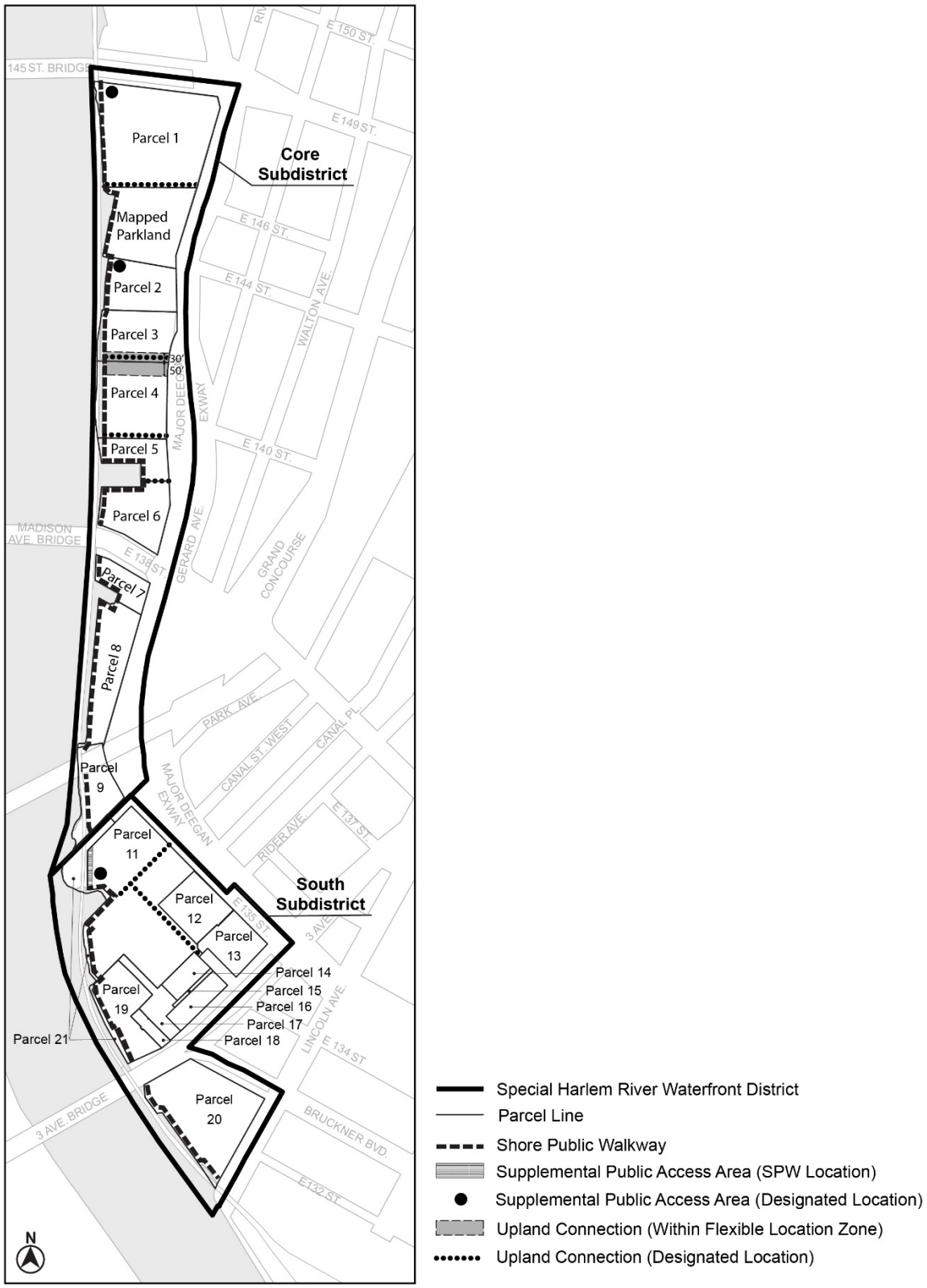


Map 3. Waterfront Access Plan: Public Access Elements

[EXISTING MAP]

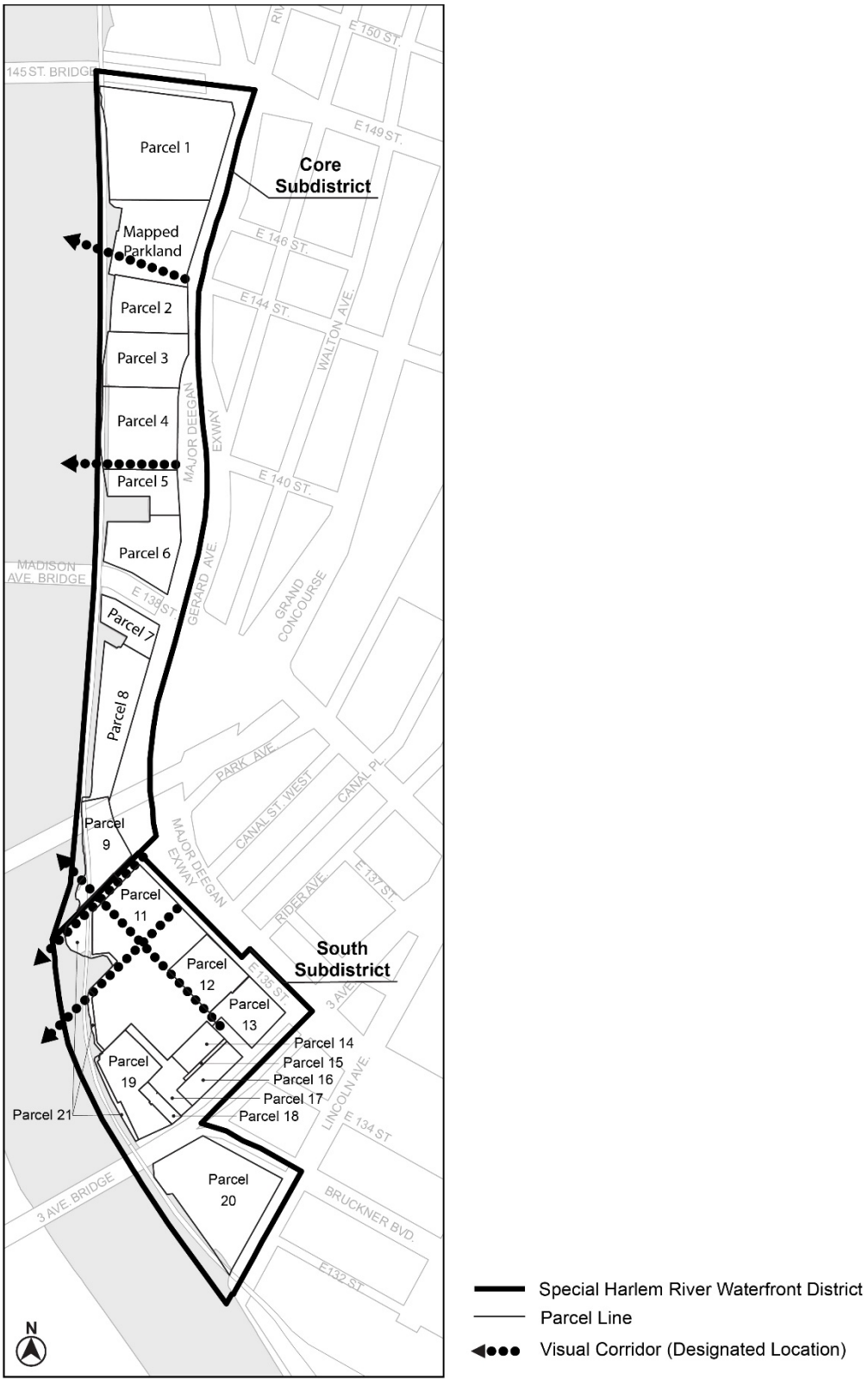


[PROPOSED MAP]



Map 4. Waterfront Access Plan: Visual Corridors

[PROPOSED MAP]



APPENDIX B:

WATERFRONT REVITALIZATION PROGRAM-CONSISTENCY ASSESSMENT FORM

FOR INTERNAL USE ONLY	WRP No.
Date Received: _____	16__122_____
	DOS No.

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: Department of City Planning - Bronx Office

Name of Applicant Representative: Carol Samol

Address: One Fordham Plaza, Suite 502, Bronx, NY 10458

Telephone: 718-220-8505 Email: csamol@planning.nyc.gov

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The New York City Department of City Planning is proposing a zoning map amendment and zoning text amendments to the NYC Zoning Resolution (the "Proposed Actions") to (1) expand the existing Special Harlem River Waterfront District (SHRWD) to extend the Waterfront Access Plan (WAP) BX-1 to encompass two waterfront blocks to the south, and (2) update the existing special district regulations. The zoning text amendments propose modifications to Article VIII, Chapter 7, Article I, Chapter 4 and Article VI, Chapter 2 of the NYC Zoning Resolution (ZR).

2. Purpose of activity

(1) To address flood resiliency needs, account for easements and other restrictions, ensure adequate circulation, and provide flexible building forms to encourage the development of affordable housing and open space on the Harlem River waterfront in the Bronx and (2) promote access to the waterfront area in the proposed extension area.

C. PROJECT LOCATION

Borough: Bronx Tax Block/Lot(s): _____

Street Address: _____

Name of water body (if located on the waterfront): Harlem River

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☑ Yes ☐ No

☐	City Map Amendment	☐	Zoning Certification	☐	Concession
☑	Zoning Map Amendment	☐	Zoning Authorizations	☐	UDAAP
☑	Zoning Text Amendment	☐	Acquisition – Real Property	☐	Revocable Consent
☐	Site Selection – Public Facility	☐	Disposition – Real Property	☐	Franchise
☐	Housing Plan & Project	☐	Other, explain: _____		
☐	Special Permit (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____				

Board of Standards and Appeals ☐ Yes ☑ No

- ☐ Variance (use)
- ☐ Variance (bulk)
- ☐ Special Permit (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

Other City Approvals

☐	Legislation	☐	Funding for Construction, specify: _____
☐	Rulemaking	☐	Policy or Plan, specify: _____
☐	Construction of Public Facilities	☐	Funding of Program, specify: _____
☐	384 (b) (4) Approval	☐	Permits, specify: _____
☐	Other, explain: _____		

State Actions/Approvals/Funding

- ☐ State permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Federal Actions/Approvals/Funding

- ☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☑ No

E. LOCATION QUESTIONS

1.	Does the project require a waterfront site?	☑ Yes	☐ No
2.	Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters?	☑ Yes	☐ No
3.	Is the project located on publicly owned land or receiving public assistance?	☐ Yes	☑ No
4.	Is the project located within a FEMA 1% annual chance floodplain? *(6.2)*	☐ Yes	☑ No
5.	Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)*	☐ Yes	☑ No
6.	Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).*	☐ Yes	☑ No

- ☐ Significant Maritime and Industrial Area (SMIA) (*2.1*)
- ☐ Special Natural Waterfront Area (SNWA) (*4.1*)
- ☐ Priority Martine Activity Zone (PMAZ) (*3.5*)
- ☐ Recognized Ecological Complex (REC) (*4.4*)
- ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

For those policies checked Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

		Promote	Hinder	N/A
1	**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**	☑	☐	☐
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	☑	☐	☐
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	☑	☐	☐
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	☐	☐	☑
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	☐	☐	☑
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	☑	☐	☐

		Promote	Hinder	N/A
2	**Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.**	☐	☐	☑
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	☐	☐	☑
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	☐	☐	☑
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	☐	☐	☑
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	☐	☐	☑
3	**Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.**	☐	☐	☑
3.1.	Support and encourage in-water recreational activities in suitable locations.	☐	☐	☑
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	☐	☐	☑
3.3	Minimize conflicts between recreational boating and commercial ship operations.	☐	☐	☑
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	☐	☐	☑
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	☐	☐	☑
4	**Protect and restore the quality and function of ecological systems within the New York City coastal area.**	☐	☐	☑
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	☐	☐	☑
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	☐	☐	☑
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	☐	☐	☑
4.5	Protect and restore tidal and freshwater wetlands.	☐	☐	☑
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	☐	☐	☑
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	☐	☐	☑
4.8	Maintain and protect living aquatic resources.	☐	☐	☑

		Promote	Hinder	N/A
5	**Protect and improve water quality in the New York City coastal area.**	☐	☐	☑
5.1	Manage direct or indirect discharges to waterbodies.	☐	☐	☑
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	☐	☐	☑
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	☐	☐	☑
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	☐	☐	☑
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	☐	☐	☑
6	**Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.**	☐	☐	☑
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	☐	☐	☑
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone.	☐	☐	☑
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	☐	☐	☑
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	☐	☐	☑
7	**Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.**	☐	☐	☑
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	☐	☐	☑
7.2	Prevent and remediate discharge of petroleum products.	☐	☐	☑
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	☐	☐	☑
8	**Provide public access to, from, and along New York City's coastal waters.**	☑	☐	☐
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	☑	☐	☐
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	☑	☐	☐
8.3	Provide visual access to the waterfront where physically practical.	☑	☐	☐
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	☐	☐	☑

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	☐	☐	☑
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	☐	☐	☑
9	**Protect scenic resources that contribute to the visual quality of the New York City coastal area.**	☑	☐	☐
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	☑	☐	☐
9.2	Protect and enhance scenic values associated with natural resources.	☐	☐	☑
10	**Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.**	☐	☐	☑
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	☐	☐	☑
10.2	Protect and preserve archaeological resources and artifacts.	☐	☐	☑

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Carol Samol

Address: One Fordham Plaza, Suite 502, Bronx, NY 10458

Telephone: 718-220-8505 Email: csamol@planning.nyc.gov

Applicant/Agent's Signature: _____

Date: _____

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3525
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State
Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
(518) 474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- [x] Copy of original signed NYC Consistency Assessment Form
- [ ] Attachment with consistency assessment statements for all relevant policies
- [ ] For Joint Applications for Permits, one (1) copy of the complete application package
- [ ] Environmental Review documents
- [ ] Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.