CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

REVISED NEGATIVE DECLARATION **October 2, 2017**

(Supersedes the Negative Declaration issued on June 5, 2017) [1]

Project Identification
CEQR No. 17DCP188X
ULURP Nos. C 170413ZMX, N170414ZRX
SEQRA Classification: Type I

Lead Agency
City Planning Commission
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Name, Description and Location of Proposal:

Special Harlem River Waterfront District Expansion and Text Amendment

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.

[1] This Revised Negative Declarations 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 under consideration concern revisions to the proposed zoning text amendments, including: 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 zoning map amendment would not change. The modifications are analyzed in a Revised EAS, dated September 29, 2017, and are further described in the Supporting Statement below. The Revised EAS also contains corrections to minor errors in the original EAS.

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 purpose and need for the proposed actions is to continue and improve upon the goals of the existing HRW, by updating the zoning text to: address new flood resiliency requirements; account for easements and other restrictions; create flexible building forms to encourage the development of affordable housing; and to 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.

The blocks and lots in the existing HRW (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) are identified Parcels 1 through 9. The HRW is zoned R7-2/ C2-4 and C4-4, which permits a residential floor area ratio (FAR) of 3.0 (up to 4.0 with Inclusionary Housing), 2.0 of commercial FAR under the C2-4 commercial overlay, and 3.4 of 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. A 2.26-acre park is also mapped within the boundaries of the HRW, but has not yet been built.

The area in the existing HRW currently contains 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 CEQR review for the Lower Concourse Rezoning anticipated that area within the HRW would be developed with 2,443 dwelling units (DUs), 563,589 gross square feet (gsf) of commercial and community facility space, and 149,110 sf of open space, including the mapped parkland. To date, this development has not occurred.

The two waterfront blocks in the proposed South Subdistrict, located in Port Morris, were included in the 2005 Port Morris/Bruckner Boulevard Rezoning (CEQR No. 05DCP005X). The purpose of the rezoning was to permit a mix of industrial and residential uses, building on a 1997 rezoning that established the first Mixed Use district in the city (MX-1). The proposed 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 identified as HRW Parcels 11 through 21. Currently mapped in the Special Mixed Use District (MX-1), these blocks have 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.

The MX-1 district permits residential uses at a maximum FAR of 6.02, and light manufacturing and commercial uses at an FAR of 5.0. Buildings may reach maximum height of 210 feet, with up to 40 feet of additional height for a tower top articulation. The areas within the proposed South Subdistrict currently contain buildings with light manufacturing uses, a mixed-use building with commercial office and light manufacturing uses, a vacant manufacturing building, an empty lot, and a personal storage facility. Access to the waterfront blocks is limited.

Two future developments requiring City Planning Commission (CPC) waterfront certifications 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. The underlying MX-1 zoning provisions require a 30 foot waterfront yard, 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.

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. 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. 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.

The underlying zoning districts of the blocks already within the HRW, as well as the blocks in the proposed South Subdistrict, would not change. The proposed actions would not induce new development compared to what was previously analyzed in the environmental reviews for the Lower Concourse and Port Morris/Bruckner Boulevard rezonings. Consequently, specific development sites have not been identified. 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 actions would not increase density or reduce the amount or quality of available open space within the existing HRW (the proposed future Core Subdistrict).

The HRW WAP would also be expanded to include the proposed South Subdistrict. The lots facing the waterfront in the proposed South Subdistrict are not currently mapped within a WAP. 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. As mentioned above, 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.

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 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.

Absent the proposed actions, the existing HRW text provisions would remain, and the South Subdistrict would not be mapped. Future development on blocks in the existing HRW would continue as projected in the prior rezoning. 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 current HRW WAP. The blocks in the proposed South Subdistrict would continue to be regulated solely by the underlying Special Mixed-Use District (MX-1), and would not be subject to the HRW WAP. Due to the presence of city-owned lots fronting the shoreline, most blocks would not be subject to waterfront public access requirements, but would be subject to a 30 foot waterfront yard requirement on waterfront lots per the underlying zoning regulations.

As mentioned above, development projected on sites within the existing and proposed HRW has not yet occurred as analyzed in the environmental review for the Lower Concourse and Port Morris Bruckner Boulevard rezonings. Development is now nonetheless expected to occur as projected, due to improving economic conditions. The analysis year for the proposed actions is 2027, to analyze the effect of the proposed actions on future development of multiple sites as projected.

Statement of No Significant Effect:
The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Revised Environmental Assessment Statement, dated September 29, 2017, prepared in connection with the ULURP Application (Nos. C 170413ZMX, N170414ZRX). The City Planning Commission has determined that the Proposed Actions will have no significant effect on the quality of the environment.

Supporting Statement:
The above determination is based on an environmental assessment which finds that:

1. An Environmental Assessment Statement (EAS) was completed on June 2, 2017 and a Negative Declaration was issued on June 5, 2017 for the original ULURP application. The environmental review concluded that the proposed actions would not result in significant adverse impacts.

   This Revised Negative Declarations reflects modifications to the proposed actions as certified, 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 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, considered in response to property owners on the proposed South Subdistrict, who requested permission to proceed under existing regulations. The proposed zoning text amendment would be revised to include a grandfather provision for specific parcels in the proposed South Subdistrict, subject to specified terms and conditions which would continue to ensure waterfront public access.

- a reduction in number of active ground floor use requirements on corners for Parcels 3,4,5, 6 and 20, considered in response to CPC concerns that the active required active non-residential uses on certain ground floor corners should be limited to support public spaces and commercial viability.

- a lower minimum base height (from 60' to 15') along Exterior Street, considered in response to a letter from a property owner suggesting that the minimum base height should be lowered to provide a greater distance from the Major Deegan Expressway for new residential units and would provide more light and air to the surrounding open space.

- and the provision of setbacks from the street line on the Major Deegan Expressway on Parcels 2, 3, and 4, considered to account for an area that was previously assumed to be a New York State Department of Transportation (DOT) easement for the expansion of the Expressway. Following certification of the proposed actions, the CPC learned that an easement does not currently exist, and plans for future expansion have been delayed. The proposed modification to the zoning text specifies setback requirements in a location equal to the area previously assumed as the easement, to account for the eventual possible expansion of the Expressway.

The proposed modifications would still align with and continue to support the goals of the HRW as proposed.

As discussed in the Revised EAS, 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.

2. The proposed actions would not induce new development and would not affect the amount, type, or location of development compared to what was previously analyzed in the environmental reviews for the Lower Concourse and Port Morris/Bruckner Boulevard rezonings.

3. Land Use, Zoning and Public Policy: The proposed actions would not have a significant adverse impact on Land Use, Zoning and Public Policy. The proposed actions would update the HRW special district zoning regulations and would expand the special district and the WAP BX-1 to the south to include two waterfront blocks. The land uses that are anticipated

as a result of the Lower Concourse and Port Morris/Bruckner Boulevard rezonings are not expected to change as a result of the proposed actions, and the proposed actions would not adversely affect land uses in the surrounding area. The underlying zoning for the HRW Core Subdistrict and South Subdistrict would not change, and the zoning in the surrounding area would also not change. The proposed actions would also be consistent with applicable public policies, including the relevant Waterfront Revitalization Program policies and sub-policies. The proposed actions would continue to support the goals of the HRW and would complement future projected land uses, as well as land uses in the surrounding area, by improving the availabililty and accessibility of waterfront open space and urban design. Therefore, there would be no significant adverse impacts to land use, zoning or public policy as a result of the proposed actions.

4. Open Space: The proposed actions would not have a significant adverse impact on Open Space. 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 HRW WAP BX-1, and the proposed actions would not increase density or reduce the amount or quality of available open space within the HRW Core Subdistrict. The HRW WAP would also be expanded to include the proposed South Subdistrict. The lots facing the waterfront in the proposed South Subdistrict are not currently mapped within a WAP. 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 amount of publicly accessible open space that would be developed in the South Subdistrict would increase by approximately 17,824 sf with the proposed actions. Therefore, the proposed actions would have a direct positive effect on the amount of publicly accessible open space, and would not result in a significant adverse impact to Open Space.

5. Urban Design and Visual Resources: The proposed actions would not result in a significant adverse impact on the area's urban design and visual resources. The proposed actions would not hinder the urban design of the area or block important visual resources, but would improve the urban design character of and enhance visual resources for the entire proposed HRW through defined Upland Connections, Visual Corridors and a Shore Public Walkaway and a Supplemental Public Access Area (SPAA), zoning provisions that would encourage greater connectivity to the waterfront and the surrounding community and that create a more welcoming lively area. The proposed actions would encourage active ground floor uses in the proposed South Subdistrict. The proposed actions are moreover not expected to adversely affect the urban design or visual resources of the surrounding area, but would create attractive visual corridors and complement the urban design character of the surrounding mixed-use neighborhoods. Overall, the proposed actions would improve the urban design character and visual resources of the entire proposed HRW and surrounding area and would ensure adequate access to and views of the waterfront, and lively open space and connections to it when future development occurs. Therefore, no significant adverse impacts to urban design and visual resources are expected as a result of the proposed actions.

6. Neighborhood Character: The proposed actions would not adversely affect any component of the surrounding area's neighborhood character. The proposed actions would update the existing HRW regulations and expand the area to which it applies, in order 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. As the proposed actions would not adversely affect land use, zoning and public policy, open space, or urban design and visual resources in the entire proposed HRW or surrounding area, no adverse impacts to neighborhood character are expected. Moreover, the proposed actions would improve neighborhood character by ensuring that future development: meets updated flood resiliency standards; results in better building forms that permit creation of affordable housing; and includes the creation of open space along the waterfront and visual and physical connections to that open space. Therefore, the proposed actions would not result in a significant adverse impact to neighborhood character.

7. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Please contact Annabelle Meunier of the Department of City Planning at (212) 720-3426 if you have any questions regarding this application.

Robert Dobruskin

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Environmental Assessment and Review Division
Department of City Planning

Date: September 29, 2017

Marisa Lago

Marisa Lago, Chair
City Planning Commission

Date: October 2, 2017