DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Carl Weisbrod, *Director*
Department of City Planning

November 10, 2016

POSITIVE DECLARATION

Project Identification
East Harlem Rezoning
CEQR No. 17DCP048M
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271-3100
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

East Harlem Rezoning

The New York City Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), is proposing a zoning map amendment, zoning text amendments, and amendments to the Millbank Frawley Circle East and Harlem-East Harlem Urban Renewal Plans (collectively the "Proposed Actions") affecting an approximately 95-block area within the East Harlem neighborhood of Manhattan Community District 11. The affected area is generally bounded by East 104th Street to the south, East 132nd Street to the north, Park Avenue to the west and Second Avenue to the east.

The Proposed Actions include:

- A zoning map amendment to replace all or portions of existing R7-2, C8-3, M1-2, M1-4, C4-4, C4-4D, R8A, R7A, and C6-3 districts within the rezoning area with M1-6/R9, M1-6/R10, C4-6, C6-4, R10, R9, R7A, R7B, and R7D districts. The proposed rezoning would also replace or eliminate portions of existing C1-4, C2-4 and C1-5 overlays with C1-5 or C2-5 overlays and establish new C1-5 overlays. The proposed rezoning action would also amend the City's zoning map to include the boundaries of the Special East Harlem Corridors District along major thoroughfares within the rezoning area, as well as modified boundaries of the Special Transit Land Use District.

- Zoning text amendments to:
    - Establish the Special East Harlem Corridors District along major corridors within the rezoning area including Park Avenue, Lexington Avenue, Third Avenue, Second Avenue and East 116th Street corridors to establish special use, bulk, ground floor design and parking regulations;
    - Modify a portion of the Special 125th Special District located at the intersection of East 125th Street and Park Avenue to implement special use, bulk, ground floor design and parking regulations;
    - Modify the boundaries of the Special Transit Land Use District to reflect the Metropolitan Transportation Authority's current plan for prospective 2nd Avenue subway station locations and introduce bulk modifications to facilitate the inclusion of necessary transportation related facilities in new developments within the Special District; and,
    - Amend Appendix F of the Zoning Resolution to apply the Mandatory Inclusionary Housing program to portions of the proposed rezoning area, including areas where zoning changes are promoting new housing.
- Amendment to the Millbank Frawley Circle East and Harlem-East Harlem Renewal Plans to be compatible as warranted with the above zoning actions.

The Proposed Actions reflect DCP's on-going engagement with Community Board 11, local elected officials, and community residents and stakeholders to achieve the following land use objectives: a) create opportunities for additional housing, including requirements for permanently affordable housing, to ensure that the neighborhood continues to serve diverse housing needs; b) modify the existing zoning, where needed, to preserve the built neighborhood character; c) create opportunities for economic development while preserving the vitality of the existing commercial and manufacturing uses; d) establish a Special District that improves the pedestrian experience and establishes urban design controls that balance new development in response to existing neighborhood context and scale; and e) ensure a successful neighborhood plan by establishing a planning framework that is inclusive of the relevant capital infrastructure needs and services to support current demand and future growth.

The Proposed Actions are anticipated to facilitate new residential, commercial, community facility, and manufacturing development. The reasonable worst case development scenario (RWCDS) for the Proposed Actions identifies 69 projected development sites. On these sites, the Proposed Actions are expected to result in a net increase of approximately 3,500 dwelling units, a substantial proportion of which are expected to be affordable; 151,100 square feet of commercial space (retail, supermarket, restaurant, and office uses); 98,900 square feet of community facility space; and 132,400 square feet of manufacturing space; and net decreases of approximately 10,600 square feet of auto-related space, 33,000 square feet of hotel space, and 53,800 square feet of warehouse/storage space. The RWCDS also identifies 32 potential development sites which are considered less likely to be developed by the analysis year. The analysis year for the proposal is 2027.

The DEIS will also include an alternative that encompasses a separate action, in addition to the above Proposed Actions, which would facilitate a proposed HPD-sponsored affordable housing development located on an entire city block bounded by East 111th Street, East 112th, Park and Madison Avenues (the "East 111th Street" site). The land use actions necessary to facilitate this

development project are expected to enter public review concurrent with the Proposed Actions and include: a) zoning map amendment to rezone the existing R7-2 district to R9, b) zoning text amendment to apply the Mandatory Inclusionary Housing program to the site, c) disposition of city-owned land, d) amendment to the Millbank Frawley Circle East Urban Renewal Plan, and e) special permit for a large scale general development (LSGD) to allow for modifications to height and setback requirements and/or accessory off-street parking requirements. HPD is leading a coordination effort between various governmental agencies, community organizations, and the anticipated developer for the project.

Statement of Significant Effect:

On behalf of the lead agency, CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The actions, as proposed, may result in significant adverse impacts related to socioeconomic conditions in the vicinity of the affected area with respect to direct and indirect business displacement, indirect residential displacement and specific industries. The actions do not have any potential to result in significant adverse impacts with respect to direct residential displacement.
3. The actions, as proposed, may result in significant adverse impacts on community facilities and services in the vicinity of the affected area.
4. The actions, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.
5. The actions, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
6. The actions, as proposed, may result in significant adverse impacts on historic and cultural resources in the affected area.
7. The actions, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.
8. The actions, as proposed, may result in significant adverse impacts on natural resources in the vicinity of the affected area.
9. The actions, as proposed, may result in significant adverse impacts related to hazardous materials in the vicinity of the affected area.
10. The actions, as proposed, may result in significant adverse impacts on water and sewer infrastructure in the vicinity of the affected area.
11. The actions, as proposed, may result in significant adverse impacts on solid waste and sanitation services.
12. The actions, as proposed, may result in significant adverse impacts on energy.
13. The actions, as proposed, may result in significant adverse impacts to transportation in the vicinity of the affected area.
14. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.

15. The actions, as proposed, may result in significant adverse impacts to greenhouse gases in the vicinity of the affected area.
16. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
17. The actions, as proposed, may result in significant adverse impacts related public health.
18. The actions, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
19. The actions, as proposed, may result in significant adverse construction-related impacts

Supporting Statement:

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

1. Land Use, Zoning and Public Policy - The Proposed Actions would alter existing land uses and zoning by allowing greater densities than the current zoning permits. In addition, the effects of the Proposed Actions may not be compatible with one or more of the public policies that are applicable to portions of the affected area.
2. Socioeconomic Conditions – The Proposed Actions do not have the potential to result in the direct displacement of 500 residents. However, the Proposed Actions would introduce approximately 3,500 new dwelling units and 283,500 square feet of new commercial and/or industrial uses that would result in a substantial population increase and has the potential to increase rents.
3. Community Facilities – The Proposed Actions would not result in the direct displacement of any existing community facilities or services. However, the Proposed Actions would result in a substantial increase of residential units and, therefore would have the potential to result in significant adverse impacts related to public schools, libraries, and child care.
4. Open Space – The Proposed Actions would not have a direct effect on any open space resource; however, the Proposed Actions may have an indirect effect on open space resources due to increased demand for use of publicly accessible spaces by the new residents and workers expected to be introduced to the area.
5. Shadows – The Proposed Actions would allow an increase in development density and greater building heights in the affected area. Shadows cast by new buildings that could be developed as the result could affect publicly accessible open spaces and sunlight-sensitive architectural resources in the area.
6. Historic and Cultural Resources – The Proposed Actions may affect designated historic landmarks and/or buildings that may be eligible for designation. In addition, the Proposed Actions may result in additional in-ground disturbance and therefore has the potential to affect archaeological resources that may be present.
7. Urban Design and Visual Resources – The Proposed Actions and subsequent projected development would result in physical changes in the affected area beyond the bulk and form currently permitted as-of-right; therefore, these changes could affect a pedestrian's experience of public space and may alter the urban design character and visual resources of the surrounding area.
8. Natural Resources – The area of the Proposed Actions is adjacent, in part, to the Harlem River, which his considered under *CEQR* guidelines to be a natural resource; therefore, the Proposed Actions have the potential to create significant adverse impact on natural

resources.

9. Hazardous Materials – The Proposed Actions would result in additional in-ground disturbance which, given the historical on-and off-site uses and conditions, has the potential to result in hazardous materials impacts.
10. Water and Sewer Infrastructure – The Proposed Actions would result a sizable net increase of building space within the affected area which could place additional demands on infrastructure, including water supply and storm water management.
11. Solid Waste and Sanitation – Due to the increase in density within the affected area, the Proposed Actions would increase the demands on solid waste and sanitation transport and disposal services.
12. Energy – Although significant adverse energy impacts are not anticipated for the Proposed Actions as it would not affect the transmission or generation of energy, the projected amount of energy consumption during long-term operation resulting from the Proposed Actions will be assessed.
13. Transportation – The Proposed Actions would result in an increase in the number of vehicular trips and increase ridership on mass transit facilities. The Proposed Actions would also affect pedestrian movements in the area due to the increased number of residents and workers expected to be introduced to the area.
14. Air Quality – Increased demand for heating, ventilation and air conditioning (HVAC) and additional vehicular traffic introduced by the Proposed Actions may affect air quality. In addition, existing industrial uses in the surrounding area have the potential to affect air quality surrounding the new residential development resulting from the Proposed Actions.
15. Greenhouse Gas Emissions and Climate Change – The Proposed Actions would allow an increase in development density that may affect greenhouse gas emissions due to increased construction and operational activities with the projected development. In addition, portions of the area that would be affected by the Proposed Actions are located within the current 500-year flood hazard zone, and some areas could be within the 100-year flood zone potentially as soon as the 2020s; therefore, the Proposed Actions' affected area may be susceptible to storm surge and coastal flooding
16. Noise – The Proposed Actions would increase the volume of traffic in the area, which could result in additional traffic noise and may have the potential to result in stationary source noise impacts. In addition, the Metropolitan Transit Authority (MTA)'s elevated Metro North Railroad operates adjacent and within the Proposed Actions' affected area.
17. Public Health - The Proposed Actions would result in an increase in development density which could potentially result in public health concerns.
18. Neighborhood Character – The Proposed Actions have the potential to alter certain constituent elements of the affected area's neighborhood character, including land use patterns, socioeconomic conditions, traffic, and noise levels.
19. Construction – The Proposed Actions would increase the allowable density of the area resulting in new development that involves activities which may result in construction-related impacts.
20. The Draft Environmental Impact Statement (DEIS) to be prepared for the Proposed Actions will identify and describe any other potential effects on the environment.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Thursday, December 15, 2016, and will be held in the Silberman School of Social Work at Hunter College, 2180 3rd Ave, New York, New York 10035. The public meeting will be held in two sessions with the first session starting at 2:00 pm and the second starting at 6:00 pm. Written comments will be accepted by the lead agency until the close of business on Wednesday, January 4, 2017.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Diane McCarthy, at (212) 720-3417.

Olga Abinader

11/10/2016

Olga Abinader, Deputy Director
Environmental Assessment & Review Division
New York City Department of City Planning

Date