2226 Third Avenue
Environmental Assessment Statement (EAS)

July 7, 2023

CEQR No. 23DCP070M
ULURP Nos. 230344ZMM; N230345ZRM; 230346ZSM

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

Prepared by:
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432 Park Avenue South
New York, NY 10016

2226 Third Avenue EAS

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Environmental Assessment Statement Full Form

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 2226 Third Avenue

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
23DCP070M	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
230344ZMM; N230345ZRM; 230346ZSM	

2a. *Lead Agency Information*			**2b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
New York City Department of City Planning			REEC THIRD AVE LLC		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Stephanie Shellooe, AICP – Director, EARD			Brandon Klein		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 18 East 48th Street, Penthouse		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10017
TELEPHONE	EMAIL		TELEPHONE	EMAIL	
212-720-3328	sshellooe@planning.nyc.gov		212-682-2121	Bklein@reec-ny.com	

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): § 617.4(b)(9)

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

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

4. *Project Description*

The Applicant, REEC THIRD AVE LLC, is seeking the approval of the following actions to facilitate the construction of a 10-story, approximately 145-foot-tall building that would contain approximately 133,426 square feet ("sf") of floor area (7.06 FAR) and 159,603 gross square feet ("gsf") of primarily Use Group ("UG") 9A commercial (specifically, life science) uses (the "Proposed Development") at 2226 Third Avenue (Block 1770, Lot 36) (the "Development Site") in the East Harlem neighborhood of Manhattan Community District ("CD") 11:

(1) a Zoning Map Amendment to rezone a portion of Manhattan Block 1770, Lot 36 (the "Rezoning Area") from R7B to C4-6/Special East Harlem Corridors District ("EHC");

(2) a Zoning Text Amendment to the Appendix of Zoning Resolution ("ZR") Article XIII Chapter 8, "Special East Harlem Corridors District" to extend the EHC boundaries to include the entirety of the Development Site (Block 1770, Lot 36);

(3) a Zoning Text Amendment to establish ZR Section 138-42 to enable the City Planning Commission ("CPC") to reduce the number of required loading berths for zoning lots located within a C4-6/EHC zoning district;

(4) a CPC Special Permit pursuant to the proposed ZR Section 138-42 to reduce the number of required loading berths at the Development Site (Block 1770, Lot 36); and

(5) a Zoning Text Amendment to Appendix F of the ZR to establish a new Mandatory Inclusionary Housing ("MIH") area coterminous with Block 1770, Lots 36, 38, 39, and 40 (the "Project Area") (collectively known as the "Proposed Actions"). The New York City Department of City Planning ("DCP") will be serving as the lead agency on behalf of the CPC.

In addition to the Development Site, the Project Area includes Lots 38, 39, and 40. Lot 38 is improved with an approximately 4,761 gsf three-story mixed-use commercial/residential building, Lot 39 is improved with an approximately 6,308 gsf three-story community facility building, and Lot 40 is improved with an approximately 9,561 gsf four-story mixed-use commercial/residential building.

Refer to **Attachment A, "Project Description"** for additional information.

Project Location

BOROUGH Manhattan	COMMUNITY DISTRICT(S) 11	STREET ADDRESS 2226, 2236, 2238, 2240 Third Avenue
TAX BLOCK(S) AND LOT(S) Block 1770, Lots 36, 38, 39, and 40		ZIP CODE 10035

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Project Area contains approximately 150 feet of frontage on the north side of East 121st Street, approximately 202 feet of frontage on the west side of Third Avenue, and approximately 100 feet of frontage on the south side of East 122nd Street.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY	ZONING SECTIONAL MAP NUMBER
C4-6/EHC and R7B	6b

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 Proposed ZR Section 138-42, Appendix F

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 ☐ Cogeneration Facility ☐ Title V Permit

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

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

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.): 26,479 sf (Project Area)

Waterbody area (sq. ft.) and type: 0 sf

Roads, buildings, and other paved surfaces (sq. ft.): 26,479 sf (Project Area)

Other, describe (sq. ft.): 0 sf

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): Proposed Development: 159,603 gsf; With-Action scenario: 217,603 gsf

NUMBER OF BUILDINGS: Proposed Development and With-Action scenario: 1

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): Proposed Development: 159,603 gsf; With-Action scenario: 217,603 gsf

HEIGHT OF EACH BUILDING (ft.): Proposed Development: 145'; With-Action scenario: 235'

NUMBER OF STORIES OF EACH BUILDING: Proposed Development: 10; With-Action scenario: 16

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: 6,342 sf

The total square feet not owned or controlled by the applicant: 0 sf

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): 2023

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 12- to 16-month period of construction

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: Single phase of construction lasting between 12 and 16 months

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

☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☒ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Mixed-use commercial/residential; Public Facilities and Institutions; Parking facilities

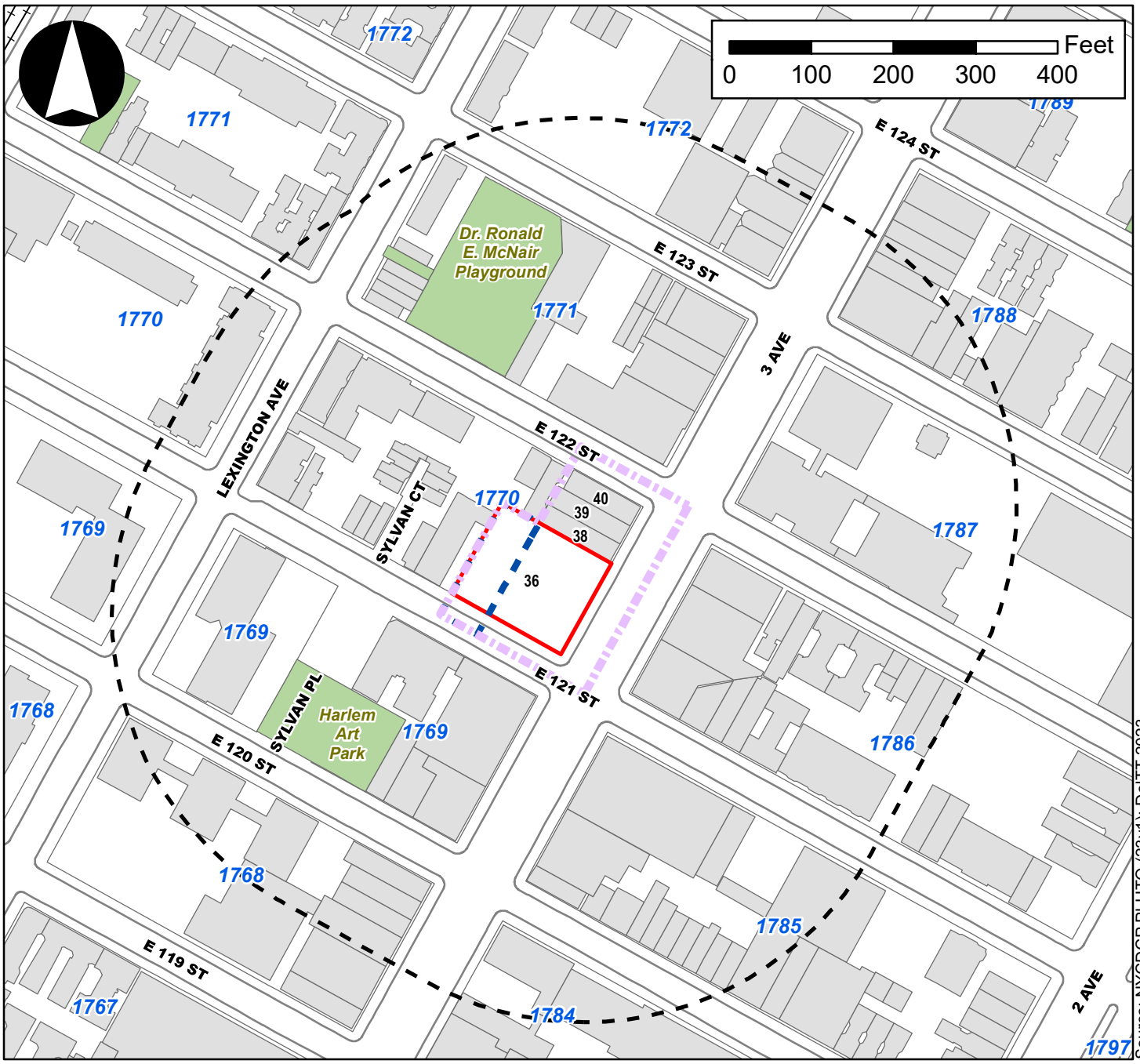
DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

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				
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)		Use Group 9A	Use Group 9A	
Gross floor area (sq. ft.)		51,616	156,674	105,058
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type of use				
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		Use Group 4	Use Group 4	
Gross floor area (sq. ft.)		107,987	60,929	-47,058
Vacant Land	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:	The Development Site is currently under construction with a No Action scenario building.			
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):				
Other Land Uses	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
PARKING				
Garages	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
POPULATION				
Residents	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
If "yes," specify number:				
Briefly explain how the number of residents was calculated:				
Businesses	☐ YES ☒ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. and type		Commercial (Use Group 9A); Community Facility (Use Group 4)	Commercial (Use Group 9A); Community Facility (Use Group 4)	
No. and type of workers by business		530: 206 Use Group 9A workers; 324 Use Group 4 workers	810: 627 Use Group 9A workers; 183 Use Group 4 workers	280: 421 Use Group 9A workers; -141 Use Group 4 workers
No. and type of non-residents who are not workers		N/A	N/A	
Briefly explain how the number of businesses was calculated:	Worker population estimates based on industry standard rates provided by DCP: One worker per 250 sf of commercial (UG 9A) space; and one worker per 333 sf of community facility (UG 4) space.			
Other (students, visitors, concert-goers, *etc.*)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	C4-6/EHC and R7B	C4-6/EHC and R7B	C4-6/EHC	
Maximum amount of floor area that can be developed	145,078	145,078	189,220	44,142
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Mixed-use Commercial/Residential, Residential, Public Facilities and Institutions, Open Space	Mixed-use Commercial/Residential, Residential, Public Facilities and Institutions, Open Space	Mixed-use Commercial/Residential, Residential, Public Facilities and Institutions, Open Space	
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.				

Figure 1
Project Location



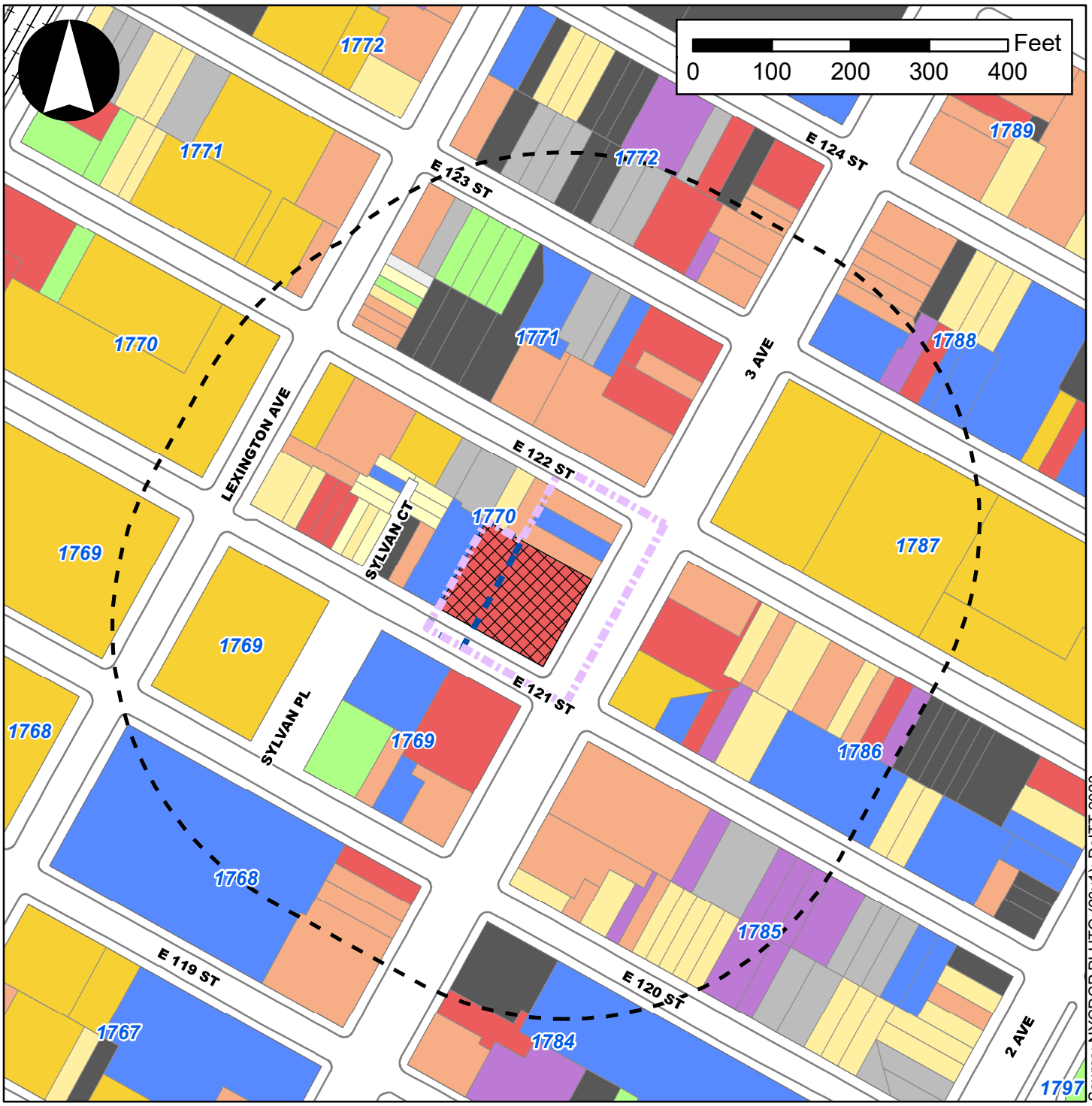
Source: NYCDCP PLUTO (23v1); DoITT 2023

Legend

- Project Area
- 400-Foot Radius
- Rezoning Area
- Development Site
- Existing Building Footprints
- Open Space
- 1770 Tax Blocks



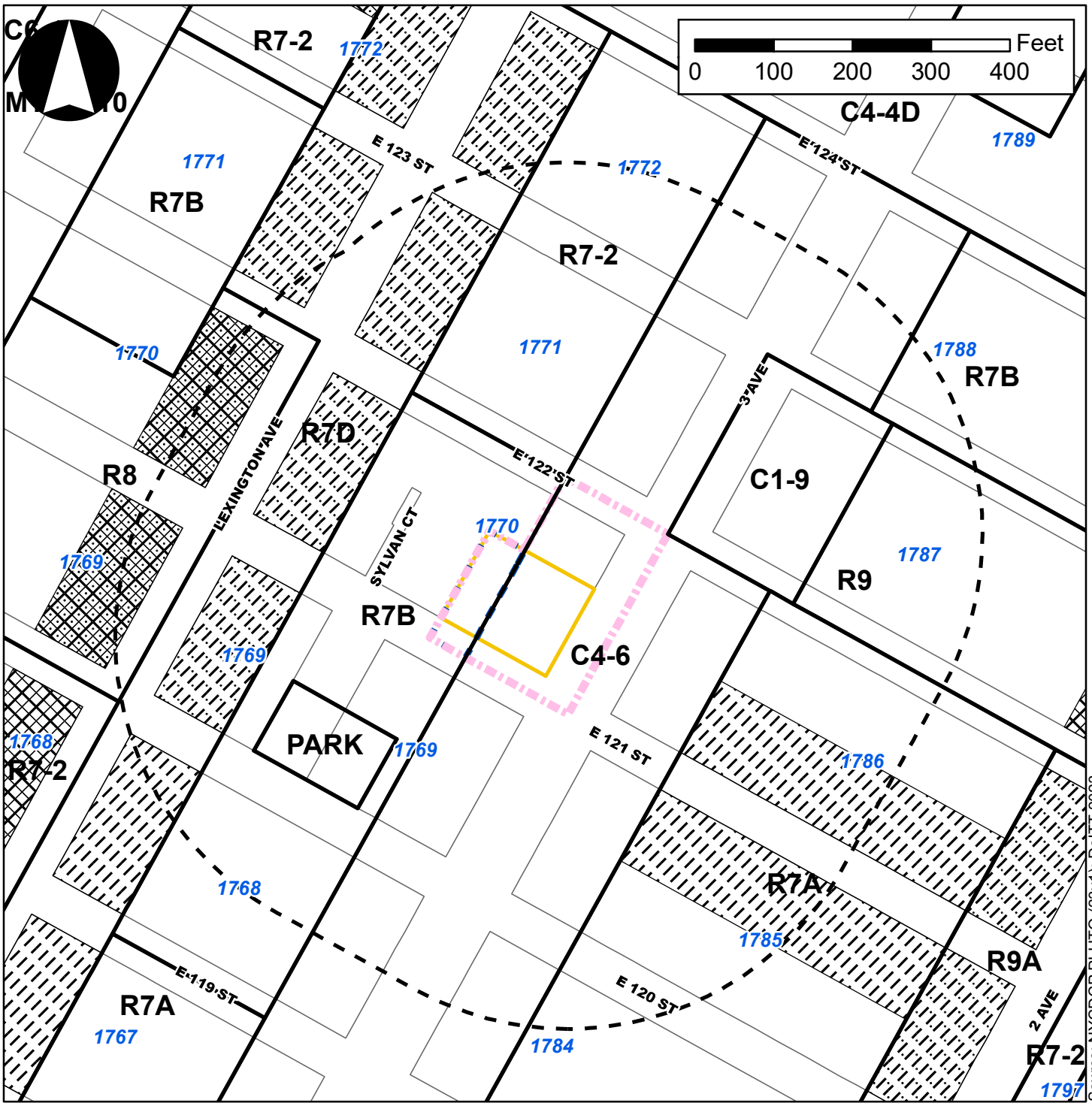
Figure 2
Land Use Map



Legend

- Project Area
- 400-Foot Radius
- Rezoning Area
- Development Site
- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

Zoning Map: Commercial Overlays and Zoning Districts



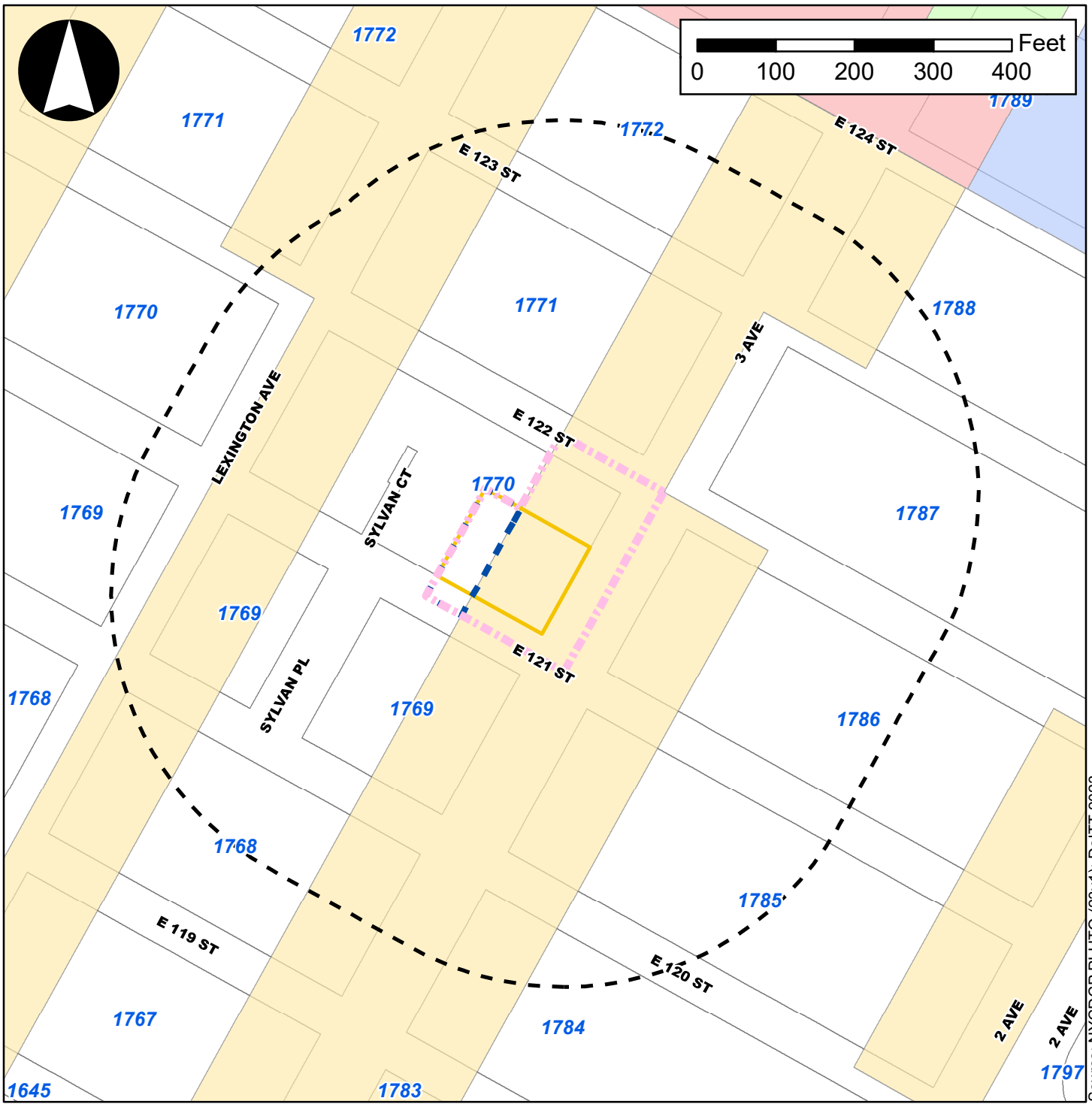
Legend

- Project Area
- 400-Foot Radius
- Rezoning Area
- Development Site
- C4-6 Zoning District Boundaries

Commercial Overlays

- C1-4
- C1-5
- C2-4
- C2-5

Zoning Map: Special Purpose Districts



Legend

- Project Area
- 400-Foot Radius
- Rezoning Area
- Development Site
- Special 125th Street Dist./Transit Land use Dist.
- Special 125th Street District
- Special East Harlem Corridors
- Special Transit Land Use District



2226 Third Avenue EAS

Figure 4
Tax Map



1. View of the Project Area looking south from the north side of East 122nd Street.



2. View of the Project Area looking southwest from the intersection of Third Avenue and East 122nd Street.



3. View of the Project Area looking northwest from the intersection of Third Avenue and East 122nd Street.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Project Area is outlined by a purple dashed line.
2. The Rezoning Area by a blue dashed line.
3. The Development Site is indicated in a solid red line.



4. View of the Project Area looking northwest from the intersection of Third Avenue and East 121st Street.



5. View of the Project Area looking north from the south side of East 121st Street.



6. View looking east towards the Project Area from the south side of East 121st Street.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Project Area is outlined by a purple dashed line.
2. The Rezoning Area by a blue dashed line.
3. The Development Site is indicated in a solid red line.

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?	☐	☒
○ 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?	☐	☒
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ 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.		
○ Directly displace 500 or more residents?	☐	☒
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
○ Directly displace more than 100 employees?	☐	☒
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
○ 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		
○ If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	☐	☐
○ 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		
○ Would expected average incomes of the new population exceed the average incomes of study area populations?	☐	☐
○ 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?	☐	☐
○ 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		
○ 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?	☐	☐
○ Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?	☐	☐

	YES	NO
iv. Indirect Business Displacement		
○ Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	☐	☐
○ 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		
○ Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	☐	☐
○ 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		
○ 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. Early Childhood Programs		
○ 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)	☐	☒
○ If "yes," would the project result in a collective utilization rate of the Early Childhood Programs in the study area that is greater than 100 percent?	☐	☐
○ If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
ii. Public Schools		
○ 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)	☐	☒
○ If "yes," would the project result in a utilization rate of the elementary or middle schools that is equal to or greater than 100 percent?	☐	☐
○ If "yes," would the project generate 100 or more elementary or middle school students past the 100% utilization rate?	☐	☐
○ If "yes," would the project result in a utilization rate of the high schools that is equal to or greater than 100 percent?	☐	☐
○ If "yes," would the project increase the high school utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
iii. Libraries		
○ 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)	☐	☒
○ If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	☐	☐
○ If "yes," would the additional population impair the delivery of library services in the study area?	☐	☐
iv. Health Care Facilities		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of health care facilities in the area?	☐	☐
v. Fire and Police Protection		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ 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) Would the project generate more than 200 additional residents or 500 additional employees?	☐	☒
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. **Refer to Attachment D, "Shadows"**		
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		

	YES	NO
(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. **Refer to Attachment E, "Historic and Cultural 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. **Refer to Attachment F, "Urban Design and Visual Resources"**		
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?	☐	☒
○ 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?	☐	☒
○ If "yes," complete the Jamaica Bay Watershed Protection Plan Project Tracking 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) Would the proposed project introduce new activities or processes using hazardous materials and increase the risk of human or environmental exposure?	☐	☒
(c) 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?	☒	☐
(d) 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 the Hazardous Materials Appendix (including nonconforming uses)?	☐	☒
(e) 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?	☒	☐
(f) 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)?	☒	☐
(g) 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?	☐	☒
(h) 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?	☐	☒
(i) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: **Refer to Attachment B, "Supplemental Screening"**	☒	☐
(j) Based on the Phase I Assessment, is a Phase II Investigation needed? **Refer to Attachment B, "Supplemental Screening"**	☒	☐
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?	☐	☒
(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?	☐	☒

	YES	NO
(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): **Proposed Development: (638 commercial workers x 13 pounds per week [the commercial office building rate is applied]) = 8,299 pounds per week** **With-Action scenario: (627 commercial workers x 13 pounds per week [the commercial office building rate is applied]) + (183 community facility workers x 13 pounds per week [the commercial office building rate is applied]) = 10,526 pounds per week**		
○ 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?	☐	☒
○ 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): **Proposed Development: (159,603 gsf commercial x 216.3 MBtu/sf [the source energy for the commercial building type]) = 34,522,129 annual BTUs** **With-Action scenario: (156,674 gsf commercial x 216.3 MBtu/sf [the source energy for the commercial building type]) + (60,929 gsf commercial x 250.7 MBtu/sf [the source energy for the institutional building type]) = 49,163,486 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:		
○ 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.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail, bus trips, or 50 Citywide Ferry Service ferry 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), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing?	☐	☐
○ 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, bus stop, or Citywide Ferry Service landing?	☐	☐
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?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) **Refer to Attachment B, "Supplemental Screening"**	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒

	YES	NO
(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?	☐	☐
○ 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 114 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. **The Proposed Actions are not expected to result in any significant adverse impacts on the technical areas relating to neighborhood character, including land use, zoning, and public policy, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, and noise. Therefore, the Proposed Actions would not result in a significant adverse impact to neighborhood character, and further analysis is not warranted.**		
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?	☐	☒

	YES	NO

(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.

Refer to Attachment B, "Supplemental Screening"

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
Philip Habib, P.E. | Philip Habib & Associates		7/7/2023

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

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:

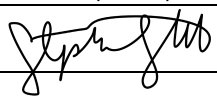
☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental 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	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission
NAME	DATE
Stephanie Shellooe, AICP, Director	July 7, 2023

SIGNATURE 

NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

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

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

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

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

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

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

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

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

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

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

TITLE	
Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 7/10/2023
SIGNATURE	

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

Determination of Significance Appendix

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

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

(E) Designation Requirements

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

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

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

Air Quality

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

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

Attachment A:

Project Description

I. INTRODUCTION

The Applicant, REEC THIRD AVE LLC, is seeking the approval of the following actions to facilitate the construction of a 10-story, approximately 145-foot-tall building that would contain approximately 133,426 square feet ("sf") of floor area (7.06 FAR) and 159,603 gross square feet ("gsf") of primarily Use Group ("UG") 9A commercial (specifically, life science) uses (the "Proposed Development") at 2226 Third Avenue (Block 1770, Lot 36) (the "Development Site") in the East Harlem neighborhood of Manhattan Community District ("CD") 11:

(1) a Zoning Map Amendment to rezone a portion of Manhattan Block 1770, Lot 36 (the "Rezoning Area") from R7B to C4-6/Special East Harlem Corridors District ("EHC");
(2) a Zoning Text Amendment to the Appendix of Zoning Resolution ("ZR") Article XIII Chapter 8, "Special East Harlem Corridors District" to extend the EHC boundaries to include the entirety of the Development Site (Block 1770, Lot 36);
(3) a Zoning Text Amendment to establish ZR Section 138-42 to enable the City Planning Commission ("CPC") to reduce the number of required loading berths for zoning lots located within a C4-6/EHC zoning district;
(4) a CPC Special Permit pursuant to the proposed ZR Section 138-42 to reduce the number of required loading berths at the Development Site (Block 1770, Lot 36); and
(5) a Zoning Text Amendment to Appendix F of the ZR to establish a new Mandatory Inclusionary Housing ("MIH") area coterminous with the Project Area Project Area (Block 1770, Lots 36, 38, 39, and 40) (collectively known as the "Proposed Actions").

This attachment provides a description of the Proposed Actions, including information about the Project Area, the Development Site, the Rezoning Area, existing conditions, project purpose and need, the analysis framework and Reasonable Worst Case Development Scenario ("RWCDS"), and the governmental approvals required. The attached supplemental studies examine the potential for the Proposed Actions to result in significant adverse impacts in any City Environmental Quality Review ("CEQR") technical areas, including separate attachments with detailed analyses of land use, zoning, and public policy; shadows; historic and cultural resources; urban design and visual resources; and Air Quality in Attachments C through G, respectively. In addition, a conceptual analysis to assess the potential environmental impacts that could result if a CPC Special Permit is applied for and obtained pursuant to the proposed ZR Section 138-42 is provided in **Attachment H, "Conceptual Analysis."** All other preliminary screening analyses are summarized in **Attachment B, "Supplemental Screening."**

II. EXISTING CONDITIONS

Project Area

As shown in **Figure A-1**, the Project Area measures 26,479 sf and is comprised of four tax lots: Block 1770, Lots 36, 38, 39, and 40. The Project Area contains approximately 150 feet of frontage on the north side of

Figure A-1
Aerial View of the Project Area



Source: NYCDCP PLUTO (23v1); DoITT 2023; ESRI

Legend

Project Area | 400-Foot Radius | Rezoning Area | Development Site

East 121st Street, approximately 202 feet of frontage on the west side of Third Avenue, and approximately 100 feet of frontage on the south side of East 122nd Street.

Lot 36, the Development Site, measures approximately 18,922 sf. An as-of-right commercial and community facility building is currently being constructed on the Development Site pursuant to New York City Department of Buildings ("DOB") Job No. 121209156. Lot 38 measures approximately 2,517 sf and is currently occupied by a three-story, approximately 4,761 gsf (1.89 FAR) mixed-use commercial/residential building. Lot 39 measures approximately 2,517 sf and is currently occupied by a three-story, approximately 6,308 gsf (2.51 FAR) church. Lot 40 measures approximately 2,523 sf and is currently occupied by a four-story, approximately 9,561 gsf (3.79 FAR) mixed-use commercial/residential building.

The Rezoning Area comprises an approximately 6,342 sf western portion of the Development Site (Block 1770, Lot 36). The Rezoning Area has approximately 50 feet of frontage on the north side of East 121st Street, a one-way street with a mapped width of 60 feet. The Rezoning Area is zoned R7B and is not located within the EHC or an MIH area. As described above, the Rezoning Area is currently being developed with a 10-story as-of-right building.

As shown in **Figures 3a** and **3b** of the **Environmental Assessment Statement ("EAS") Full Form**, the Project Area is currently zoned C4-6/EHC and R7B. C4 districts are mapped in regional centers located outside of the central business districts where specialty and department stores, theaters and office uses serve a larger region than neighborhood shopping areas. Although established by the 1961 Zoning Resolution, C4 districts have evolved since then to cover a wide range of densities. A large number of individual C4 districts have been created over time to address a range of conditions designated by different suffixes. In general, the higher the numeric suffix is, the higher the permitted density and the lower the commercial parking requirement. C4 districts with a letter suffix are contextual districts that require a contextual building form. C4-6 and C4-7 districts are mapped in densely built areas of Manhattan, including most of Broadway on the Upper West Side and portions of central Harlem. In C4-6 districts, the maximum commercial FAR is 3.4, the maximum community facility FAR is 10.0, and the maximum residential FAR is 10.0[1], which is equivalent to regulations governing R10 districts. In C4-6 districts, accessory parking is not required for Parking Requirement Category ("PRC")-B.

R7B districts are contextual districts where the Quality Housing regulations are mandatory. R7B districts, which are mapped throughout Brooklyn and Queens, as well as in the East Village of Manhattan, typically produce six- to seven-story apartment buildings. These districts are often, but not exclusively, mapped along narrow streets. The maximum community facility FAR is 3.0 and the maximum residential FAR is 3.0. In R7B districts, the minimum base height before setback is 40 feet and the maximum base height before setback is 65 feet. The maximum building height is 75 feet. In R7B districts, accessory parking is required for 50 percent of a building's market-rate dwelling units and required for 25 percent of a building's income-restricted housing units ("IRHUs"). Accessory parking requirements can be waived if five or fewer parking spaces are required.

The Special East Harlem Corridors District ("EHC") was created as part of the broader East Harlem Neighborhood Initiative (CEQR No. 17DCP048M; ULURP Nos. C170358ZMM, N170359ZRM, and C170360HUM) to facilitate the development of affordable housing, preserve existing neighborhood character, improve the pedestrian experience, and enable new commercial and manufacturing space to support job creation. The EHC regulations, which aim to facilitate the creation of affordable housing and

[1] In R10 districts, if affordable housing is provided, the maximum residential FAR is 12.0.

strengthen the role of East Harlem as a major transit hub and job center, apply only to the area's major avenues and crosstown streets and include minimum requirements for non-residential uses in certain areas, unique height and setback controls, and ground floor requirements to improve walkability.

Surrounding Area

Land Use

As shown in **Figure 2** of the **EAS Full Form**, the area surrounding the Project Area is a dense urban setting consisting predominantly of residential, commercial/office, mixed-use commercial/residential, and public facility and institutional land uses. Residential buildings, of which multi-family elevator buildings are the predominant building type, are located throughout the surrounding area. Mixed-use commercial/residential buildings are located throughout the surrounding area. In mixed-use commercial/residential buildings, commercial uses are typically local restaurant and retail establishments located on the ground floors of low- to mid-rise buildings with residential uses located above the commercial uses. Commercial/office buildings are located primarily along Third Avenue. Public facility/institutional uses are located throughout the surrounding area and include several religious facilities, two health care facilities (Boriken Neighborhood Health Center and Odyssey Family Health Center), and the Harlem Community Justice Center, which is located within the Harlem Courthouse to the south of the Project Area. The 0.60-acre Dr. Ronald E. McNair Playground and the 0.35-acre Harlem Art Park are two prominent open space uses located near the Project Area. The surrounding area also features land dedicated to industrial/manufacturing uses and parking facilities.

The Project Area is well-served by mass transit. In terms of rail transit, the 125th Street Subway Station (serviced by the 4, 5, and 6 trains) is located approximately 0.3 miles to the north of the Project Area and the Harlem – 125th Street Station (serviced by the Harlem, Hudson, and New Haven lines) is located approximately 0.4 miles to the northwest of the Project Area. In terms of bus transit, several bus routes are located near the Project Area, including: the M98 (connecting Washington Heights and East Midtown), which runs north along Third Avenue and south along Lexington Avenue, the M100 (connecting Inwood and East Harlem), which runs east and west along 125th Street, the M101 (connecting the East Village and Harlem), which runs north along Third Avenue and south along Lexington Avenue, the M103 (connecting East Harlem and City Hall), which runs north along Third Avenue and south along Lexington Avenue, the Bx15 (connecting Fordham Plaza and Manhattanville), which runs east and west along 125th Street, and the M60 Select Bus Service ("SBS") (connecting the West Side of Manhattan and LaGuardia Airport), which runs east and west along 125th Street.

Zoning

As shown in **Figure 3a** of the **EAS Full Form** and described above, the Project Area is zoned C4-6/EHC and R7B. The surrounding area contains a variety of contextual and non-contextual residential zoning designations, including R7A, R7D, R7-2, R8, and R9 districts, as well as a C1-9 district mapped along Third Avenue between East 122nd and 123rd Streets.

As also shown in **Figure 3a** of the **EAS Full Form**, properties along Lexington Avenue are mapped with C1-4, C1-5, C2-4, and C2-5 commercial overlays and properties along East 121st Street to the east of Third Avenue are mapped with C1-5 commercial overlays. These commercial overlays are mapped along streets that serve local retail needs, and are found extensively throughout the city's medium-density

neighborhoods. Typical retail uses include neighborhood grocery stores, restaurants, and beauty parlors; C2 districts permit a slightly wider range of uses than C1 districts, such as funeral homes and repair services. Commercial overlays mapped within R1 to R5 districts are subject to a maximum commercial FAR of 1.0, while commercial overlays mapped within R6 to R10 districts are subject to a maximum commercial FAR of 2.0.

III. THE PROPOSED ACTIONS

The Applicant is seeking one Zoning Map Amendment, three Zoning Text Amendments, and one CPC Special Permit. The one Zoning Map Amendment, three Zoning Text Amendments, and one CPC Special Permit are discretionary actions that are subject to both the Uniform Land Use Review Procedure ("ULURP") and City Environmental Quality Review ("CEQR").

Zoning Map Amendment

The Zoning Map Amendment would rezone the Rezoning Area from R7B to C4-6/EHC. As shown in **Table A-1**, the Zoning Map Amendment would permit commercial uses up to 7.2 FAR; no commercial uses are permitted in the existing R7B district. As also shown in **Table A-1**, the Zoning Map Amendment would increase the maximum permitted community facility FAR to 10.0 from 3.0 and the maximum residential FAR to 12.0 (with bonuses) from 3.0.

Table A-1: Comparison of Existing and Proposed Zoning

	Existing R7B	Proposed C4-6/EHC
Use Groups	1-4	1-6, 8-10, 12
Maximum Permitted FAR		
Residential		
Tower Regulations	N/A	10.0 or 12.0[1]
Quality Housing Regulations	3.0	10.0 or 12.0[1]
Community Facility	3.0	10.0
Commercial	Not Permitted	7.2
Manufacturing	Not Permitted	Not Permitted

Source: *Zoning Resolution of the City of New York.*
Note:
[1] With VIH pursuant to ZR Section 23-154.

Zoning Text Amendments

The Applicant is proposing three Zoning Text Amendments. A Zoning Text Amendment to the Appendix of ZR Article XIII Chapter 8, "Special East Harlem Corridors District" would extend the existing EHC boundaries on the district plan maps to include the portion of the Development Site currently zoned R7B is proposed. A Zoning Text Amendment to establish ZR Section 138-42 to reduce the number of required loading berths at the Development Site (Block 1770, Lot 36) is proposed. The Zoning Text Amendment would permit the CPC to reduce the number of required loading berths within the C4-6 district in the EHC. A Zoning Text Amendment to Appendix F of the ZR to establish a new MIH area coterminous with the Project Area (Block 1770, Lots 36, 38, 39, and 40) is proposed. An MIH area requires compliance with one of the affordable housing options provided in ZR Section 23-154(d)(3) if the property is developed with residential uses. The final MIH option will be selected by the City Council during ULURP.

CPC Special Permit

The Applicant proposes a CPC Special Permit pursuant to the proposed ZR Section 138-42 to reduce the number of required loading berths at the Development Site (Block 1770, Lot 36). Pursuant to the proposed Zoning Map Amendment, the Rezoning Area would be rezoned from R7B to C4-6/EHC, and the Proposed Development would be required to have three loading berths pursuant to ZR Section 36-62. The Applicant seeks a CPC Special Permit to reduce the number of required loading berths from three to one.

IV. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

The proposed Zoning Map Amendment would permit life science uses (UG 9A) on the entirety of the Development Site up to 7.2 FAR (refer to **Table A-1**). The Development Site is subject to the regulations of Article VII, Chapter 7 of the ZR, "Special Provisions for Zoning Lots Divided by District Boundaries." Pursuant to ZR Section 77-12, the use regulations for the R7B zoning district apply to the portion of the Development Site zoned R7B and the use regulations for the C4-6/EHC zoning district apply to the portion of the Development Site zoned C4-6/EHC such that life science uses (UG 9A) are not permitted on the entirety of the Development Site. C4-6 zoning permits commercial uses at a maximum FAR of 3.4 and commercial uses are not permitted within R7B zoning districts. Therefore, the maximum commercial floor area permitted on the zoning lot is approximately 42,894 sf (which is calculated based on the Development Site's lot area within the C4-6/EHC district (approximately 12,616 sf) multiplied by 3.4). This equates to a maximum commercial FAR of 2.27 for the entire zoning lot, representing a fraction of the maximum permitted FAR of 10.0 available for other uses within C4-6 zoning districts.

In addition, the proposed Zoning Map Amendment would be consistent with the city's objective of attracting life science uses. The city supports the growth of the life sciences industry as an important source of high-skilled jobs that is uniquely suited for expansion in the city due to its many academic and medical institutions, strong financial industry, and large and diverse population. Pursuant to a memorandum jointly issued by the New York City Economic Development Corporation ("EDC"), DCP, and DOB, dated December 13, 2016[2] (the "memorandum"), certain life sciences laboratories can be classified as UG 9 medical laboratories, which may be located in certain commercial districts. According to the memorandum, these medical laboratories may include facilities for research, testing, and development, and may include limited production activities. In January 2018, during the State of the City address, former Mayor de Blasio announced LifeSci NYC, a ten-year plan led by EDC to create jobs and establish New York City as the global leader in life sciences. The initiative will invest $500 million in developing talent, companies, and new space for life science uses. According to EDC's January 2021 vision plan, the heart of the city's life sciences ecosystem is "LifeSci Avenue," an established corridor along the East Side of Manhattan stretching from Kips Bay in the south through East Harlem and the Project Area in the north. The area encompasses some of the country's premier institutions in biomedical research, clinical care, and commercial biotech. In June 2021, former Mayor de Blasio announced a plan to double the city's investment in life sciences to $1 billion as part of LifeSci NYC. The expanded initiative is expected to generate 40,000 jobs. The proposed Zoning Map Amendment to permit additional life science uses and commercial uses within the Development Site would further the city's goals of expanding the life sciences industry and strengthening the existing "LifeSci Avenue" corridor along the East Side of Manhattan.

[2] < https://edc.nyc/sites/default/files/filemanager/Programs/LifeSci_NYC/ClarificationMemo-LifeSciences-CommercialZoningDistricts.pdf >

The proposed Zoning Text Amendment to the Appendix of ZR Article XIII Chapter 8, "Special East Harlem Corridors District" would extend the existing EHC boundaries on the district plan maps to include the portion of the Development Site currently zoned R7B. The proposed Zoning Text Amendment would facilitate the proposed CPC Special Permit pursuant to the proposed ZR Section 138-42, which itself would establish a mechanism to reduce the number of required loading berths within the EHC.

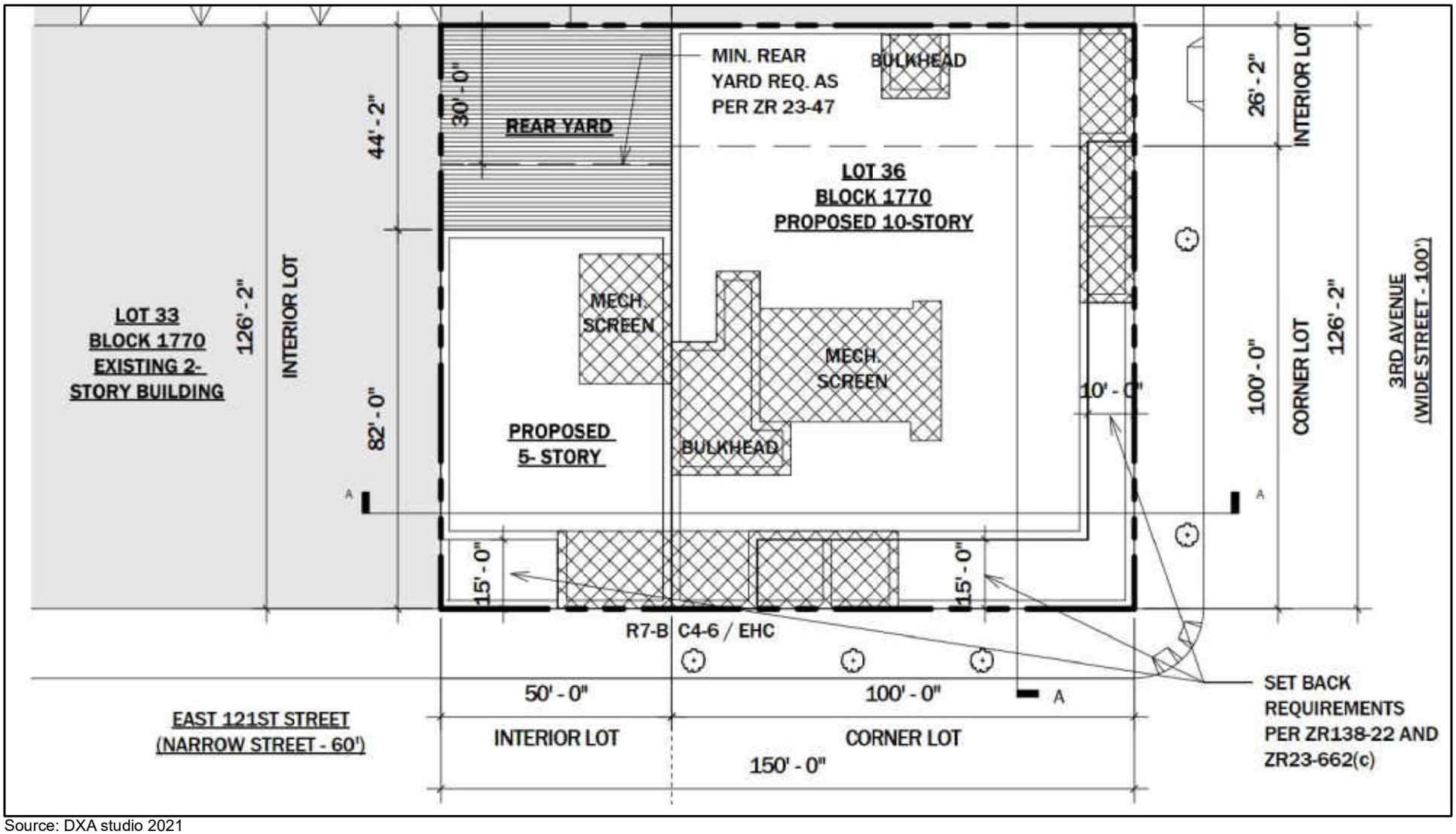
The proposed Zoning Text Amendment to establish ZR Section 138-42 to reduce the number of required loading berths at the Development Site (Block 1770, Lot 36) would permit the CPC to reduce the number of required loading berths within the EHC. The proposed Zoning Text Amendment would provide a mechanism to reduce the number of required loading berths provided that certain findings are met.

The Applicant proposes a CPC Special Permit pursuant to the proposed ZR Section 138-42 to reduce the number of required loading berths at the Development Site (Block 1770, Lot 36). Pursuant to the proposed Zoning Map Amendment, a portion of the Development Site would be rezoned from R7B to C4-6/EHC, and the Proposed Development would be required to have three loading berths pursuant to ZR Section 36-62. The Applicant proposes to reduce the number of required loading berths from three to one; the loading berth would be provided on the ground floor and accessed via Third Avenue. It is the Applicant's opinion that the provision of three loading berths is not necessary for a 133,426 sf building with primarily life science uses, as the provision of one loading berth would be sufficient to meet the Proposed Development's anticipated delivery demand. The configuration of the building that has been constructed in connection with the Proposed Development cannot accommodate loading berths on its East 121st Street frontage because of the Development Site's grade change from east to west. Along East 121st Street to the west of Third Avenue, the Development Site's grade change would render locating loading berths on East 121st Street infeasible. In addition, it is the Applicant's opinion that the provision of three loading berths on Third Avenue could impede safe pedestrian circulation along Third Avenue adjacent to the Development Site because Third Avenue is a key neighborhood commercial corridor that exhibits significant volumes of pedestrian and vehicular traffic. The Applicant will maximize the utility of the proposed loading berth by implementing an efficient goods receiving system that would minimize or eliminate the need for queueing to use the loading berth, as well as ensure pedestrian safety adjacent to the Development Site.

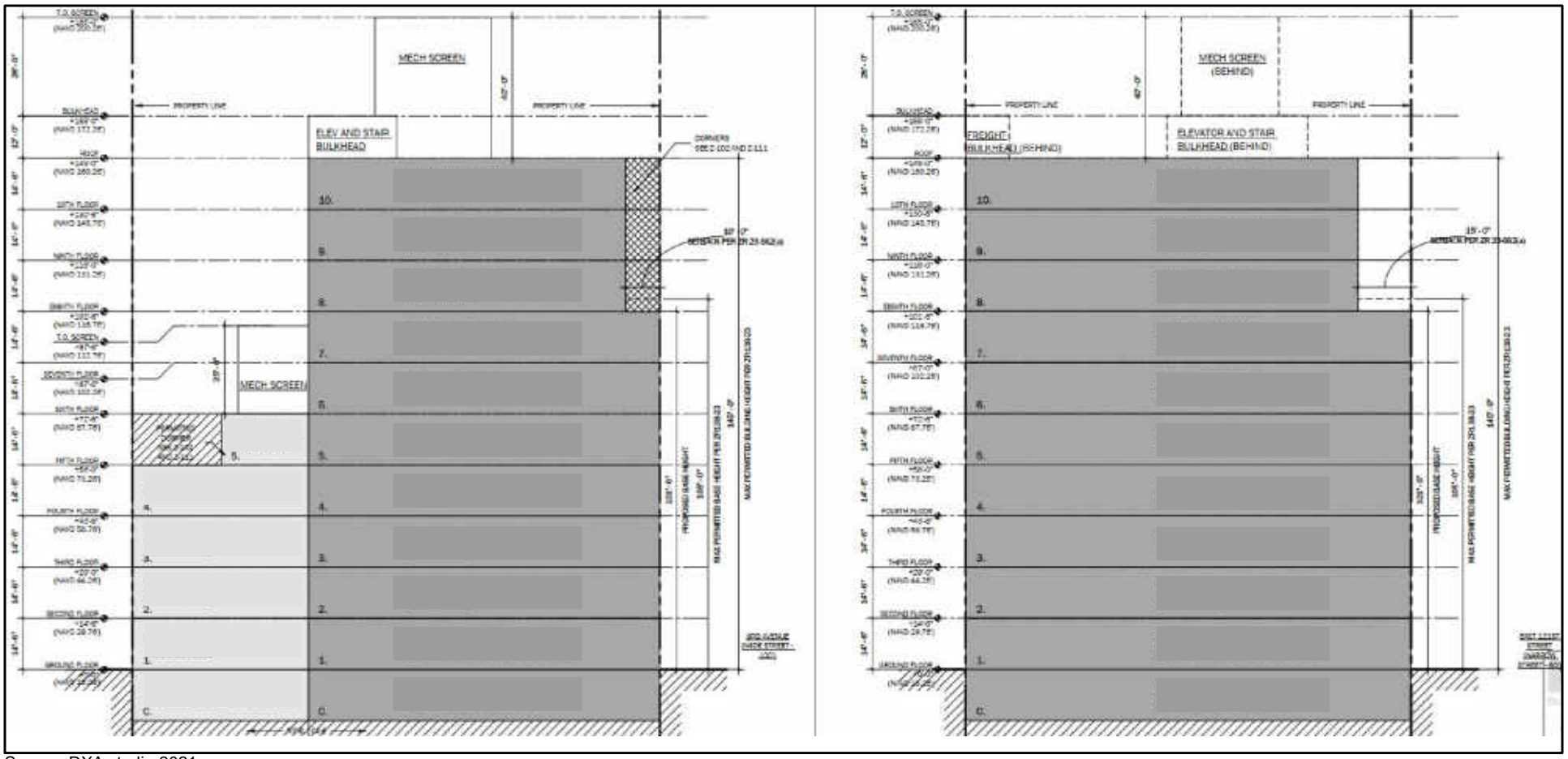
Although the Proposed Development comprises a commercial building, the Zoning Text Amendment to Appendix F of the ZR to establish a new MIH area coterminous with the Project Area (Block 1770, Lots 36, 38, 39, and 40) is proposed to be consistent with city policy regarding all applications seeking a Zoning Map Amendment(s) because the maximum residential FAR would be increased to 10.0 pursuant to the proposed rezoning and the East Harlem District Plan. As stated above, the Development Site is located in a transit accessible area of the city that could support increased density.

V. DESCRIPTION OF THE PROPOSED DEVELOPMENT

As shown in **Figures A-2**, **A-3**, and **A-4**, the Applicant is proposing to develop the Development Site with a 10-story approximately 145-foot-tall building containing approximately 159,603 gsf (133,426 zsf; 7.06 FAR) of total space. The Proposed Development would be occupied by commercial uses, primarily by life science uses (UG 9A). The Proposed Development would include a cellar and no accessory parking. One loading berth would be provided on the ground floor and accessed via a new 16-foot wide curb cut located on Third Avenue. The Proposed Development would feature building entry/egress points on both street



Source: DXA studio 2021
Note: For Illustrative Purposes Only. Plan is Not to Scale.



Source: DXA studio 2021
Note: For Illustrative Purposes Only. Plans are Not to Scale.

Figure A-4
No-Action Scenario and Proposed Development: Rendering



Source: DXA studio 2021
Note: For Illustrative Purposes Only. Image is Not to Scale.

frontages. The main lobby would be accessible via East 121st Street and a separate tenant access corridor would be accessible via Third Avenue, adjacent to the proposed loading berth.

As shown in **Figures A-2**, **A-3**, and **A-4**, the western portion of the Proposed Development would stand five-stories tall (72.5-foot-tall to the rooftop; 97.5-foot-tall to the top of the mechanical screen), while the eastern portion of the Proposed Development would stand 10-stories tall (145-foot-tall to the rooftop; 185-foot-tall to the top of the mechanical screen). On East 121st Street, the Proposed Development would feature base heights of 58 feet and 101.5 feet before being setback 15 feet. On Third Avenue, the Proposed Development would feature a base height of 101.5 feet before being setback 10 feet.

VI. ANALYSIS FRAMEWORK AND RWCDS

Build Year

As described in Section II, "Existing Conditions," an as-of-right commercial and community facility building (also known as ("aka") the No-Action scenario) is currently being constructed on the Development Site pursuant to DOB Job No. 121209156. The as-of-right building topped out in summer 2022. The as-of-right building and the Proposed Development would be identical in terms of bulk. Therefore, the construction timelines and the as-of-right construction activities, which are planned to continue during 2023, would be the same for the No-Action scenario and the Proposed Development. It is anticipated that construction of the No-Action scenario would be completed on an as-of-right basis prior to approval of the Proposed Actions in early 2024. If the Proposed Actions are approved, only the Proposed Development's program of use groups would be modified. No other properties within the Project Area, other than the Applicant-controlled Development Site, are anticipated to be redeveloped as a result of the Proposed Actions. Overall, construction of the Proposed Development would occur over an approximately 12- to 16-month period, with completion and occupancy expected to occur in early 2024. Accordingly, the RWCDS uses a 2024 build year for analysis purposes.

Identification of Development Sites

According to 2021 *CEQR Technical Manual* guidance, the following factors, commonly referred to as "soft site criteria," are generally considered when evaluating whether some amount of development would likely be constructed by the build year as a result of a proposed action:

- The uses and bulk allowed: Lots located in areas where changes in use would be permitted and/or contain buildings built to substantially less than the maximum allowable FAR under the existing zoning are considered "soft" enough, such that there would likely be sufficient incentive to develop in the future, depending on other factors specific to the area (e.g., the amount and type of recent as-of-right development in the area, recent real estate trends, recent and expected future changes in residential population and employment in the study area, government policies or plans (such as a building on site being identified for a landmark designation) that may affect the development potential of a site or sites, site-specific conditions that make development difficult, and issues related to site control or site assemblage that may affect redevelopment potential; and

- Size of the development site: Lots must be large enough to be considered "soft." Generally, lots with a small lot size are not considered likely to be redeveloped, even if currently built to substantially less than the maximum allowable FAR. A small lot is often defined for this purpose as 5,000 sf or less, but the lot size criteria is dependent on neighborhood-specific trends, and common development sizes in the surrounding area should be examined prior to establishing these criteria.

However, the following uses and types of buildings that meet the soft site criteria are typically excluded from development scenarios because they are unlikely to be redeveloped as a result of a proposed action:

- Full block and newly constructed buildings with utility uses, as these uses are often difficult to relocate;

- Long-standing institutional uses with no known development plans; or

- Residential buildings with six or more units constructed before 1974. These building are likely to be rent-stabilized and difficult to legally demolish due to tenant relocation requirements.

Definition of Projected and Potential Development Sites

To produce a reasonable, conservative estimate of future growth, identified development sites are typically divided into two categories: projected development sites and potential development sites. Projected development sites are considered more likely to be developed within the analysis period for the Proposed Actions (i.e. by 2023), while potential sites are considered less likely to be developed over the same period.

The Project Area includes the Applicant-owned Development Site (Block 1770, Lot 36), as well as three lots not owned or under the control of the Applicant: Lots 38 (2236 Third Avenue), 39 (2238 Third Avenue), and 40 (2240 Third Avenue) on Block 1770. The Development Site is considered a projected development site, as the Applicant intends to develop the Development Site with a commercial development in the future with the Proposed Actions.

Lots 38, 39, and 40 on Block 1770 do not classify as soft sites as defined by the 2021 *CEQR Technical Manual*.

Lot 38 measures approximately 2,517 sf and contains an approximately 4,761 gsf mixed-use commercial/residential building with three dwelling units ("DUs") and approximately 2,515 gsf of commercial uses (1.89 FAR). Although underbuilt pursuant to the existing C4-6/EHC zoning, this property would not be considered a projected or potential development site as the lot size does not meet the minimum lot size criterion for projected or potential development sites, in accordance with 2021 *CEQR Technical Manual* guidance.

Lot 39 measures approximately 2,517 sf and contains an approximately 6,308 gsf church (2.51 FAR). The existing church is a long-standing community facility use, constructed circa 1900. Although underbuilt pursuant to the existing C4-6/EHC zoning, this property would not be considered a projected or potential development site as the lot size does not meet the minimum lot size criterion for projected or potential development sites, in accordance with 2021 *CEQR Technical Manual* guidance.

Lot 40 measures approximately 2,523 sf and contains a 9,651 gsf mixed-use commercial/residential building with six DUs and approximately 2,523 gsf of commercial uses (3.79 FAR). Although underbuilt pursuant to the existing C4-6/EHC zoning, this property would not be considered a projected or potential development site as the lot size does not meet the minimum lot size criterion for projected or potential development sites, in accordance with 2021 *CEQR Technical Manual* guidance. In addition, the existing building contains six DUs constructed before 1974. According to 2021 *CEQR Technical Manual* guidance, such buildings are likely to be rent-stabilized and difficult to legally demolish due to tenant relocation requirements.

Therefore, Lots 38 (2236 Third Avenue), 39 (2238 Third Avenue), and 40 (2240 Third Avenue) on Block 1770 are not likely to be redeveloped in the future with the Proposed Actions.

The Future without the Proposed Actions (No-Action Scenario)

Project Area

In the future without the Proposed Actions, the Rezoning Area's existing R7B zoning would remain in place. In the future without the Proposed Actions, the Applicant would not proceed with the Proposed Development. Under the No-Action scenario, the Development Site would be developed with a new, as-of-right commercial and community facility building. As shown in **Figures A-2**, **A-3**, and **A-4**, the No-Action scenario comprises a five- and 10-story commercial and community facility building totaling 159,603 gsf (133,426 zsf; 7.06 FAR). The building would contain approximately 107,987 gsf of UG 4 (medical office) community facility uses and approximately 51,616 gsf of UG 9A commercial uses. The No-Action scenario would include a cellar and no accessory parking. One loading berth would be required pursuant to ZR Section 36-62 and provided on the ground floor and accessed via a new 16-foot wide curb cut located on Third Avenue. The No-Action scenario is currently under construction, pursuant to DOB Job No. 121209156. The portion of the No-Action scenario building located within the C4-6/EHC district would stand 10-stories tall (145-foot-tall to the rooftop; 185-foot-tall to the top of the mechanical screen), while the portion of the No-Action scenario located within the R7B district would stand five-stories tall (72.5-foot-tall to the rooftop; 97.5-foot-tall to the top of the mechanical screen). The height and set back characteristics of the No-Action scenario do not differ from the height and set back characteristics of the Proposed Development. No changes to any other lots within the Project Area would occur in the No-Action scenario.

Within 400-Foot of the Project Area

There are two known development projects anticipated to be completed within a 400-foot radius of the Project Area in the future without the Proposed Actions. At 201 East 120th Street (aka 2203 Third Avenue), an existing four-story building is being renovated into a mixed-use commercial/residential building by the East Harlem El Barrio Community Land Trust in partnership with the City of New York. The building will contain five DUs (4,480 sf) and approximately 852 sf of commercial space. At 202 East 120th Street (aka 2201 Third Avenue), a 21-story (approximately 251-foot-tall to the top of the elevator bulkhead) mixed-use building comprising approximately 134,990 gsf of total space is planned. The building would contain approximately 139 DUs, 5,944 gsf of UG 6A commercial space, and 1,530 gsf of UG 4A community facility space.

The Future with the Proposed Actions (With-Action Scenario)

In the future with the Proposed Actions, the requested one Zoning Map Amendment, three Zoning Text Amendments, and one CPC Special Permit would be approved. Therefore, the Rezoning Area would be rezoned from R7B to C4-6/EHC. The Project Area would be designated as an MIH area. Under the With-Action scenario, the maximum allowable residential FAR within the Project Area would be 12.0 for buildings participating in the city's MIH Program, while the maximum allowable commercial FAR within the Project Area would be 7.2 and the maximum allowable community facility FAR within the Project Area would be 10.0 (refer to **Table A-1**).

In the future with the Proposed Actions, the Development Site would be developed in accordance with underlying zoning applicable to the Development Site. As described in Section V, "Description of the Proposed Development," the Applicant intends to develop the Development Site with a 10-story approximately 145-foot-tall building containing approximately 159,603 gsf (133,426 zsf; 7.06 FAR) of total space.

Although the Applicant's intention is to construct the Proposed Development on the Development Site in the future with the Proposed Actions, the Proposed Development does not represent the RWCDS. The Proposed Development would not maximize the maximum FAR of 10.0 permitted on the Development Site pursuant to the proposed C4-6/EHC zoning. The Proposed Development would not maximize the permitted building height; the maximum permitted building height pursuant to the proposed C4-6/EHC zoning (R10 equivalent) is 235 feet (and 23 stories). For CEQR analysis purposes, the maximum allowable building height of 235 feet (plus a 40-foot-tall rooftop bulkhead) will be assumed for the 2021 *CEQR Technical Manual* areas that are dependent on height, where applicable. In addition, the RWCDS for the With-Action scenario will assume approximately 28 percent (equivalent to 2.8 FAR) of the With-Action scenario's space would comprise UG 4 (medical office) community facility uses.

Therefore, the With-Action scenario comprises a 16-story, approximately 235-foot-tall building (plus a 40-foot-tall rooftop bulkhead) that would contain approximately 189,220 sf of floor area (10.0 FAR) and 217,603 gsf of total space. The building would be occupied by approximately 156,674 gsf (136,238 zsf) of commercial uses, primarily by life science uses (UG 9A), and approximately 60,929 gsf (52,982 zsf) of UG 4 (medical office) community facility uses. The With-Action scenario would include a cellar and no accessory parking. One loading berth would be provided on the ground floor and accessed via a new 16-foot wide curb cut located on Third Avenue. No changes to any other lots within the Project Area would occur in the With-Action scenario.

Project Increment

As presented in **Table A-2**, compared to the No-Action scenario, the Proposed Development would result in the incremental development of approximately 107,987 gsf of UG 9A commercial space and approximately -107,987 gsf of UG 4 community facility space. In terms of population, the Proposed Development is expected to generate approximately 108 incremental workers.

Table A-2: Comparison of the No-Action Scenario and the Proposed Development

Use	No-Action Scenario	Proposed Development	Increment
Commercial (gsf)	(UG 9A) 51,616 gsf	(UG 9A) 159,603 gsf	(UG 9A) +107,987 gsf
Community Facility (gsf)	(UG 4) 107,987 gsf	0 gsf	(UG4) -107,987 gsf
Population/Employment[1]	**No-Action Scenario**	**Proposed Development**	**Increment**
Workers	530	638	+108

Note:
[1] The number of No-Action scenario and Proposed Development workers has been calculated based on the following ratios: Three workers per 1,000 gsf of Use Group 4 community facility space and one worker per 250 gsf of UG 9A commercial space (the commercial office rate).

As presented in **Table A-3**, compared to the No-Action scenario, the With-Action scenario would result in the incremental development of approximately 105,058 gsf of UG 9A commercial space and approximately -47,058 gsf of UG 4 community facility space. In terms of population, the With-Action scenario is expected to generate approximately 280 incremental workers.

Table A-3: Comparison of the No-Action Scenario and the With-Action Scenario

Use	No-Action Scenario	With-Action Scenario	Increment
Commercial (gsf)	(UG 9A) 51,616 gsf	(UG 9A) 156,674 gsf	(UG 9A) +105,058 gsf
Community Facility (gsf)	(UG 4) 107,987 gsf	(UG 4) 60,929 gsf	(UG4) -47,058 gsf
Population/Employment[1]	**No-Action Scenario**	**With-Action Scenario**	**Increment**
Workers	530	810	+280

Note:
[1] The number of No-Action scenario and With-Action scenario workers has been calculated based on the following ratios: Three workers per 1,000 gsf of Use Group 4 community facility space and one worker per 250 gsf of UG 9A commercial space (the commercial office rate).

VII. REQUIRED APPROVALS

The Applicant is seeking one Zoning Map Amendment, three Zoning Text Amendments, and one CPC Special Permit to facilitate the Proposed Development. The proposed one Zoning Map Amendment, three Zoning Text Amendments, and one CPC Special Permit are discretionary actions that are subject to both ULURP and CEQR.

The city's ULURP process, mandated by Sections 197-c and 197-d of the New York City Charter, is designed to allow public review of ULURP applications at four levels: Community Board, Borough President, the CPC, and the City Council. The procedure has mandated time limits for review at each stage to ensure a maximum review period of approximately seven months. The process begins with certification by DCP that the ULURP application is complete. The application is then referred to the relevant Community Board (in this case Manhattan Community Board 11). The Community Board has up to 60 days to review and discuss the proposal, hold a public hearing, and adopt an advisory resolution on the ULURP application. The Borough President then has up to 30 days to review the application. The CPC then has up to 60 days, during which time a public hearing is held on the ULURP application. Following CPC approval, the application is then forwarded to the City Council, which has 50 days to review the ULURP application. Mayoral approval is not required. A decision by the City Council to approve or disapprove a land use application is considered to be final unless the Mayor elects to veto a Council action within five days of

the vote. The City Council can override a Mayor's veto of its decision within 10 days of the veto, by a supermajority vote.

CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment. The City of New York established CEQR regulations in accordance with the New York State Environmental Quality Review Act ("SEQR"). In addition, the city has published a guidance manual for environmental review, the 2021 *CEQR Technical Manual*. CEQR rules guide environmental review through the following steps:

- *Establish a Lead Agency*. Under CEQR, the "lead agency" is the public entity responsible for conducting the environmental review. The environmental review for the Proposed Actions will be reviewed by DCP, which is serving as the lead agency for this project.

- *Environmental Review and Determination of Significance*. The lead agency will determine whether the Proposed Actions may have a significant impact on the environment. To do so, an Environmental Assessment Statement ("EAS") must be prepared. This EAS will be reviewed by the lead agency, which will determine if the Proposed Actions and subsequent development will result in any significant adverse impacts on the environment.

Attachment B:

Supplemental Screening

I. INTRODUCTION

This Environmental Assessment Statement ("EAS") has been prepared in accordance with the guidance and methodologies presented in the 2021 *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 this guidance, preliminary screening assessments were conducted for the Proposed Actions to determine whether detailed analysis of any technical area may be appropriate. Part II of the EAS Full Form identifies those technical areas that warrant additional assessment. The technical areas that warranted a "Yes" answer in Part II of the EAS Full Form were Land Use, Zoning, and Public Policy, Shadows, Historic and Cultural Resources, Urban Design and Visual Resources, Hazardous Materials, Transportation, Air Quality, Noise, and Construction. Therefore, a supplemental screening assessment for each technical area is provided in this attachment. All remaining technical areas described in the 2021 *CEQR Technical Manual* were not deemed to require supplemental screening because they do not trigger initial CEQR thresholds and/or are not expected to result in significant adverse impacts.

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, and Public Policy			X
Socioeconomic Conditions	X		
Community Facilities and Services	X		
Open Space	X		
Shadows			X
Historic and Cultural Resources			X
Urban Design and Visual Resources			X
Natural Resources	X		
Hazardous Materials		X	
Water and Sewer Infrastructure	X		
Solid Waste and Sanitation Services	X		
Energy	X		
Transportation - Traffic - Transit - Pedestrians - Parking		X X X X X	
Air Quality - Mobile Sources (Garage) - Mobile Sources (Traffic) - Stationary Sources	 X 	X X 	 X
Greenhouse Gas Emissions	X		
Noise		X	
Public Health	X		
Neighborhood Character	X		
Construction		X	

As shown in **Table B-1**, the supplemental screening assessment contained herein identified that a detailed analysis is warranted for Land Use, Zoning, and Public Policy, Shadows, Historic and Cultural Resources, Urban Design and Visual Resources, and Air Quality. **Table B-1** identifies for each CEQR technical area whether (a) the potential for impacts can be screened out based on the EAS Full Form, Part II, Technical Analysis; (b) the potential for impacts can be screened out based on a supplemental screening per the 2021 *CEQR Technical Manual*; or (c) whether a more detailed assessment is warranted.

II. SUPPLEMENTAL SCREENING

LAND USE, ZONING, AND PUBLIC POLICY

According to 2021 *CEQR Technical Manual* guidance, a detailed analysis of land use and zoning is appropriate if a proposed project 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 project would change the zoning on a site or result in the loss of a particular use.

As the Proposed Actions include one Zoning Map Amendment, three Zoning Text Amendments, and one CPC Special Permit, a detailed analysis of land use, zoning, and public policy is appropriate and provided in **Attachment C, "Land Use, Zoning, and Public Policy."** As discussed therein, no significant adverse impacts on land use, zoning, or public policy, as defined by the guidance for determining impact significance set forth in the 2021 *CEQR Technical Manual*, are anticipated in the 2024 future with the Proposed Actions in the primary and secondary study areas.

In the future with the Proposed Actions, the With-Action scenario would introduce new commercial (Use Group ["UG"] 9A life science) and community facility (UG 4 medical office) land uses to the primary study area. The With-Action scenario's commercial and community facility land uses would be complementary to the existing land use character of East Harlem. In addition, the No-Action scenario currently under construction on the Development Site would also introduce commercial (UG 9A life science) and community facility (UG 4 medical office) land uses to the primary study area. The Proposed Actions would not directly displace any land uses so as to adversely affect surrounding land uses, nor would they generate land uses that would be incompatible with land uses, zoning, or public policy in the secondary study area.

The Proposed Actions would not create a land use nor a structure that would be incompatible with the existing zoning districts within the surrounding secondary study area.

The Proposed Actions would also not result in land uses that would conflict with public policy applicable to the primary or secondary study areas. Specifically, the Proposed Actions would be consistent with the city's objective of attracting life science uses, as outlined in the *Life Sciences in Commercial Zoning Districts* memorandum (the "memorandum").[1] Pursuant to the memorandum, certain life sciences laboratories can be classified as UG 9 medical laboratories, which may be located in certain commercial districts. The Proposed Actions, specifically the proposed Zoning Map Amendment to permit additional life science uses and commercial uses within the primary study area, would further the city's goals of expanding the life

[1] < https://edc.nyc/sites/default/files/filemanager/Programs/LifeSci_NYC/ClarificationMemo-LifeSciences-CommercialZoningDistricts.pdf >

sciences industry and strengthening the existing "LifeSci Avenue" corridor along the East Side of Manhattan.

Therefore, the Proposed Actions are not anticipated to result in significant adverse impacts on land use, zoning, or public policy.

SHADOWS

As stated in the 2021 *CEQR Technical Manual*, a shadow assessment considers projects that result in new shadows long enough to reach a sunlight-sensitive resource. Therefore, a shadow assessment is appropriate only if a project would either: (a) result in new structures (or additions to existing structures including the addition of rooftop mechanical equipment) of 50 feet or more; or (b) be located adjacent to, or across the street from, a sunlight-sensitive resource.

The Proposed Actions would facilitate a height increment of approximately 90 feet. Both the Proposed Development and the No-Action scenario would comprise an approximately 145-foot-tall building (185-foot-tall to the top of the mechanical screen), while the maximum permitted building height pursuant to the proposed C4-6/EHC zoning (R10 equivalent) is 235 feet (the maximum number of stories is 23). In addition, the Proposed Development would be located adjacent to several sunlight-sensitive resources, including public open space and historic and cultural resources. As described in **Attachment A, "Project Description,"** the Proposed Development would not maximize the permitted building height; the maximum permitted building height pursuant to the proposed C4-6/EHC zoning (R10 equivalent) is 235 feet. Therefore, for CEQR analysis purposes, the With-Action scenario comprises a 16-story, approximately 235-foot-tall building (plus a 40-foot-tall rooftop bulkhead).

As the potential for significant adverse shadow impacts could not be screened out, a detailed analysis of shadows is appropriate and is provided in **Attachment D, "Shadows."** As discussed therein**,** the With-Action scenario would result in incremental shadow coverage (i.e. additional, or new, shadow coverage) on portions of three sunlight-sensitive open space resources: Life Spire Garden, Dr. Ronald E. McNair Playground, and Harlem Art Park. The extent and duration of the incremental shadow coverage on these three sunlight-sensitive open space resources would not substantially reduce or completely eliminate direct sunlight exposure, and would not significantly alter the public's use and enjoyment of the resources or threaten the viability of vegetation or other resources. Therefore, incremental shadow coverage from the With-Action scenario on Life Spire Garden, Dr. Ronald E. McNair Playground, and Harlem Art Park would not be considered a significant adverse shadow impact, in accordance with 2021 *CEQR Technical Manual* guidance.

HISTORIC AND CULTURAL RESOURCES

Historic and cultural resources include both architectural and archaeological resources. The 2021 *CEQR Technical Manual* identifies historic and cultural resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks ("NYCL"); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission ("LPC"); properties listed on the State/National Registers of Historic Places ("S/NR") or contained within a district listed on or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic

Landmarks ("NHL"); and properties not identified by one of the programs listed above, but that meet their eligibility requirements. An assessment of historic and archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures or within historic districts, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated.

According to 2021 *CEQR Technical Manual* guidance, impacts on historic architectural resources are considered on those sites affected by a proposed action and in the area surrounding the project area. The historic resources study area is therefore defined as the Project Area (Manhattan Block 1770, Lots 36, 38, 39, and 40) plus an approximate 400-foot radius surrounding the Project Area. As the Project Area is located adjacent to the S/NR-listed and NYCL-eligible Elmendorf Reformed Church, a detailed analysis of historic architectural resources is warranted for the Proposed Actions and is provided in **Attachment E, "Historic and Cultural Resources."**

As discussed therein, the Proposed Actions would not result in any significant adverse impacts to historic architectural resources. The Project Area contains one historic resource: the S/NR-eligible building located at 2238 Third Avenue. However, the Proposed Actions would not result in the physical destruction, demolition, damage, alteration, or neglect of all or part of the S/NR-eligible building located at 2238 Third Avenue. Therefore, the Proposed Actions would not result in any direct impacts to historic architectural resources.

The Proposed Actions would also not result in significant adverse indirect impacts on any historic architectural resources. The Proposed Actions would not significantly alter the contexts or settings of nearby historic architectural resources as compared to the No-Action scenario, and development facilitated by the Proposed Actions would not introduce any incompatible visual, audible, or atmospheric elements to any historic resource's setting. Moreover, construction within the Project Area facilitated by the Proposed Actions would not alter the relationship of any surrounding historic architectural resources to the streetscape. In addition, as described in **Attachment D, "Shadows,"** there are no sunlight-sensitive historic and cultural resources in the vicinity of the Project Area which could potentially be shaded by incremental shadows in the future with the Proposed Actions.

Archaeological resources are considered only in those areas where new excavation or ground disturbance is likely and would result in new in-ground disturbance as compared to the No-Action scenario; these are limited to sites that may be developed as a result of a proposed action. The Proposed Actions would not result in any additional excavation or in-ground disturbance within the Project Area as compared to the No-Action scenario. As described in **Attachment E, "Historic and Cultural Resources,"** the No-Action scenario comprises an as-of-right building, which has been constructed on the Development Site pursuant to New York City Department of Buildings ("DOB") Job No. 121209156. The No-Action scenario topped out in summer 2022. As such, excavation and foundation construction have been completed at the Development Site. If the Proposed Actions are approved, only the Proposed Development's program of use groups would be modified. Therefore, the Proposed Actions would not result in any significant adverse archaeological impacts and an archaeological assessment is not warranted

No additional in-ground disturbance on the Development Site is anticipated at this time. However, it should be noted that LPC has identified the Development Site as archaeologically sensitive. As detailed in a letter dated December 21, 2022 (provided in **Appendix 1**), LPC determined that, based on the Dripps 1851 map, the Development Site was once the site of the Dutch Reformed Church and associated burial vaults. Therefore, the Development Site had, and may still have, some potential to contain human

remains. As such, if there is any additional excavation on the Development Site in areas that have not been previously disturbed by the as-of-right building, LPC recommends that an archaeological documentary study be completed to further assess this potential as per the *Guidelines for Archaeological Work in New York City* and if human remains are found, the Proposed Development will be subject to the new New York State Unmarked Burial Site Protection Act.

URBAN DESIGN AND VISUAL RESOURCES

The 2021 *CEQR Technical Manual* defines urban design as the totality of elements – including streets, buildings, visual resources, open space, natural features, and wind – that shape and affect a pedestrian's experience of public space. A visual resource is defined as the connection from the public realm to significant natural or built features, including, but not limited to, views of the waterfront, public parks, public art, statures or sculptures, landmark structures or districts, otherwise distinct buildings or groups of buildings that may be iconic or historic, or natural resources. In an urban design assessment pursuant to CEQR, one considers whether and how a project may change the experience of a pedestrian in the project area. For CEQR analysis purposes, this includes only views from public and publicly accessible locations and does not include those from private residences or places of business. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance, and functionality of the built and natural environment in the context of the project.

As described in **Attachment A, "Project Description,"** the Proposed Actions would permit the modification of yard, height, and setback requirements, as well as result in an increase in built floor area beyond what would be allowed "as-of-right." As the Proposed Actions have the potential to change pedestrians' experience of public space surrounding the Project Area in comparison to conditions in the No-Action scenario, a detailed analysis of urban design and visual resources is required and provided in **Attachment F, "Urban Design and Visual Resources."** As discussed therein, the Proposed Actions would not result in significant adverse impacts on urban design and visual resources in the primary study area or the surrounding secondary study area. Although the With-Action scenario would change the pedestrian experience in the vicinity of the primary study area as compared to the No-Action scenario, this change would not be adverse. The With-Action scenario in the primary study area would be constructed on an existing block and would not entail any changes to topography, street patterns, street hierarchy, block shapes, or natural features in the primary or secondary study areas. In addition, the Proposed Actions would not create land uses nor structures that would be substantially incompatible with the existing and emerging character of the surrounding East Harlem neighborhood. The With-Action scenario would activate the street, thereby enhancing the pedestrian experience adjacent to the Development Site within the primary study area through the improvement of streetscape and sidewalk conditions, including the preservation of three existing street trees (three on East 121st Street) and the addition of one new street tree (on East 121st Street) adjacent to the Development Site within the primary study area. Therefore, the Proposed Actions would not result in significant adverse impacts on urban design and visual resources.

HAZARDOUS MATERIALS

As described in the 2021 *CEQR Technical Manual*, the goal of a hazardous materials assessment is to determine whether a proposed project may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. A hazardous material is any substance that poses a threat to

human health or the environment. Substances that may be of concern include, but are not limited to, heavy metals, volatile organic compounds ("VOCs"), semivolatile organic compounds ("SVOCs"), methane, polychlorinated biphenyls ("PCBs"), pesticides, polychlorinated dibenzodioxins and dibenzofurans (commonly referred to as dioxins), and hazardous wastes. According to the 2021 *CEQR Technical Manual*, the potential for significant impacts related to hazardous materials can occur when: (a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposure; (b) the project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or (c) the project would introduce a population to potential human or environmental exposure from off-site sources.

(E) Designation

The Development Site was rezoned as part of the East Harlem Rezoning (approved in 2017) (CEQR No. 17DCP048M; ULURP Nos. C170358ZMM, N170359ZRM, and C170360HUM), an initiative led by the New York City Department of City Planning ("DCP") in conjunction with the New York City Department of Housing Preservation and Development ("HPD"). The Environmental Impact Statement ("EIS") prepared for the East Harlem Rezoning projected that the Development Site (identified as "Projected Development Site 12" in the EIS) would be developed with a 200-foot-tall, 168,400 sf (8.88 FAR) mixed-use building containing approximately 164 DUs (148,046 sf) and 20,354 sf of commercial (local retail and office) space.

As part of the East Harlem Rezoning, a hazardous materials (E) designation (E-422) was placed on the tax lot encompassing Projected Development Site 12. The Mayor's Office of Environmental Remediation ("OER") has the authority and responsibility for administering (E) designations and existing hazardous materials Restrictive Declarations recorded on privately-owned parcels as a result of zoning and/or variance actions approvals, pursuant to Section 11-15 ("Environmental Requirements") of the *Zoning Resolution of the City of New York* and Chapter 24 of Title 15 of the Rules of the City of New York.

The hazardous materials (E) designation (E-422) text is as follows:

Task 1

The applicant submits to OER, for review and approval, a Phase I ESA of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving

such results, a determination is made by OER if the results indicate that remediation is necessary.

If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

As described in **Attachment A, "Project Description,"** a building permit has been issued for an as-of-right commercial and community facility building, which is being constructed on the Development Site pursuant to DOB Job No. 121209156. The Applicant filed a Hazardous Materials Remedial Action Work Plan at OER; OER issued a Notice to Proceed for DOB Job No. 121209156 on April 22,2021. Therefore, the Applicant has demonstrated compliance with (E) designation (E-422) and the Proposed Actions would not result in significant adverse impacts related to hazardous materials.

TRANSPORTATION

The objective of the transportation analyses is to determine whether a proposed project may have a potential significant impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, safety of all roadway users (pedestrians, cyclists, transit users, and motorists), on- and off-street parking, and/or goods movement.

The 2021 *CEQR Technical Manual* identifies minimum development densities potentially requiring transportation analysis. Development at less than the development densities presented in Table 16-1 of the 2021 *CEQR Technical Manual* generally result in fewer than 50 peak hour vehicle trips (with "trips" referring to trip-ends), 200 peak hour subway/rail or bus transit riders, and 200 peak hour pedestrian trips, where significant adverse impacts are generally considered unlikely. According to the 2021 *CEQR Technical Manual*, if a proposed project would result in development densities greater than the minimum development densities presented in Table 16-1, a Level 1 (Project Trip Generation) Screening Assessment should be prepared. In most areas of New York City, if a proposed project is projected to result in fewer than 50 peak hour vehicle trip-ends, 200 peak hour subway/rail or bus transit riders, or 200 peak hour pedestrian trips, it is unlikely that further analysis would be necessary. If these Level 1 Screening Assessment thresholds are exceeded, a Level 2 (Project Generated Trip Assignment) Screening Assessment should be prepared to determine if a proposed project would generally result in intersections with 50 or more vehicle trips, pedestrian elements with 200 or more pedestrian trips, 50 or more bus trips in a single direction on a single route, 25 or more passenger ferry trips in a single direction on a single route, 50 or more passengers at a ferry landing, or 200 or more passengers at a subway station or on a subway line during any analysis peak hour. If these Level 2 Screening Assessment thresholds are met or exceeded, further detailed analysis may be needed for a particular travel mode.

As detailed in **Attachment A, "Project Description,"** the (net) incremental development program associated with the Reasonable Worst Case Development Scenario ("RWCDS") for the Proposed Actions comprises: an increase of approximately 105,058 gsf of UG 9A commercial space and a decrease of approximately 47,058 gsf of UG 4 community facility space. It should be noted that, for the purposes of

demand forecasting, the proposed UG 9A commercial space is conservatively assumed as commercial office space.

A Level 1 Screening Assessment was prepared for the net incremental development program to determine if the Proposed Actions would result in 50 or more peak hour vehicle trips, 200 or more peak hour subway/rail or bus transit riders, and 200 or more peak hour pedestrian trips. The Level 1 Screening Assessment is provided in **Appendix 2 "Transportation Planning Factors and Travel Demand Forecast Technical Memorandum." Table B-2** presents a summary of the incremental trips, by mode, generated by the Proposed Actions.

Table B-2: Summary of Incremental Peak Hour Travel Demand

	Weekday AM	Weekday Midday	Weekday PM	Saturday Midday
Vehicle Trips	42	-12	34	-6
Subway Trips	-107	-235	-74	-146
Bus Trips	9	-9	9	-8
Walk Trips[1]	-173	-191	-121	-232

Notes:
[1] Walk Trips include walk-only, vehicle, subway, and bus trips.
[2] Refer to **Appendix 2** for additional details.

Traffic and Parking

As shown in **Table B-2**, the Proposed Actions would generate less than 50 vehicle trips in the weekday AM, midday, and PM peak hours, and the Saturday peak hour. As the Proposed Actions would generate net incremental vehicle trips below the Level 1 Screening Assessment threshold, significant adverse impacts would not occur and no further assessment of traffic and parking is warranted pursuant to 2021 *CEQR Technical Manual* guidance.

Transit

As shown in **Table B-2**, the Proposed Actions would generate less than 200 subway trips and less than 50 bus trips in the weekday AM, midday, and PM peak hours, and the Saturday peak hour. As the Proposed Actions would generate incremental subway and bus trips below the applicable Level 1 Screening Assessment thresholds, significant adverse impacts would not occur and no further assessment of transit is warranted pursuant to 2021 *CEQR Technical Manual* guidance.

Pedestrians

For the Proposed Actions, pedestrian trips include not only walk trips, but also trips by public transit modes that include a walk segment of travel between the Development Site and transit facilities such as subway station entries/exits and bus stops. As shown in **Table B-2**, the Proposed Actions would generate less than 200 pedestrian trips in the weekday AM, midday, and PM peak hours, and the Saturday peak hour. As the Proposed Actions would generate incremental pedestrian trips below the Level 1 Screening Assessment threshold, significant adverse impacts would not occur and no further assessment of pedestrians is warranted pursuant to 2021 *CEQR Technical Manual* guidance.

AIR QUALITY

Mobile Sources

CO and $PM_{2.5}$ Emissions

As stated in the 2021 *CEQR Technical Manual*, projects—whether site-specific or generic—may result in significant mobile source air quality impacts when they increase or cause a redistribution of traffic, create any other mobile sources of pollutants (e.g., diesel trains, helicopters, boats), or add new uses near mobile sources (e.g., roadways, garages, parking lots). According to the 2021 *CEQR Technical Manual* screening thresholds, if 170 or more project-generated vehicles pass through an intersection in any peak hour (for CO impact), or if a project would result in greater than 12 to 23 heavy duty diesel vehicle ("HDDV") trips or its equivalent vehicle emissions based on the type of road (for $PM_{2.5}$ impact), there is the potential for mobile source air quality impacts and a detailed analysis is required.

As presented in **Appendix 2, "Transportation Planning Factors and Travel Demand Forecast Technical Memorandum,"** the Proposed Actions would not introduce 170 or more project-generated vehicles through an intersection in any peak hour. As such, a detailed mobile source air quality analysis for CO emissions is not warranted.

The $PM_{2.5}$ equivalent truck calculation in vehicular emission screen ranges from 12 to 23 HDDVs depending on the type of roadway. The net incremental change in peak hour vehicle trips presented in **Appendix 2, "Transportation Planning Factors and Travel Demand Forecast Technical Memorandum,"** were used for the $PM_{2.5}$ equivalent truck calculations. All autos were assumed to be LDGT1 class vehicles and all trucks were assumed to be HDDV7, based on guidance from DCP. **Table B-3** shows the incremental peak hour traffic volumes generated by the Proposed Actions (by vehicle type) and the 2021 *CEQR Technical Manual* Equivalent Truck Calculations.

Table B-3: Incremental Peak Hour Traffic Volumes Generated by the Proposed Actions

Roadway	Roadway Classification (Threshold HDDVs screen)[1]	Peak-Hour Period	Trucks Per Hour	Vehicle Per Hour	Equivalent Truck	Equivalent Truck Threshold	Pass/Fail
Third Avenue and East 121st Street	Principal Arterial Other (14)	AM	4	38	5	23	Pass
		Midday	2	-14	1	23	Pass
		PM	0	34	1	23	Pass
		Saturday Midday	0	-6	0	23	Pass

Note:
1. Roadway classification obtained from the New York State Department of Transportation ("NYSDOT") Functional Class Maps <https://www.dot.ny.gov/gisapps/functional-class-maps> (September 2022).

As shown in **Table B-3**, the Proposed Actions $PM_{2.5}$ equivalent truck calculations in vehicular emissions do not exceed the HDDVs screening threshold criterion(s) for any peak hour. As such, a detailed mobile source air quality analysis for $PM_{2.5}$ emissions is not warranted.

Therefore, the Proposed Actions would not exceed the 2021 *CEQR Technical Manual* screening thresholds for CO and $PM_{2.5}$ emissions, and a detailed mobile source air quality analysis is not warranted for the Proposed Actions.

Stationary Sources

Projects may result in stationary source air quality impacts when they (a) create new stationary sources of pollutants – such as emission stacks from industrial plants, hospitals, other large institutional uses, or even a building's boilers – that may affect surrounding uses; (b) introduce certain new uses near existing or planned emissions stacks that may affect the use; or (c) introduce structures near such stacks so that changes in the dispersion of emissions from the stacks may affect surrounding uses.

HVAC

Emissions from a project's heating/hot water, ventilation, and air conditioning ("HVAC") system may affect surrounding uses. As discussed in **Attachment A, "Project Description,"** the Proposed Development would contain a maximum of 10-stories (145-foot-tall to the rooftop; 185-foot-tall to the top of the mechanical screen). The With-Action scenario would contain a maximum of 16 stories (235-foot-tall to the rooftop; 275-foot-tall including a rooftop bulkhead). For CEQR analysis purposes, the shorter Proposed Development was considered for the HVAC screening analysis, and the total square footage of the With-Action scenario (217,603 gsf of total space) was considered for the maximum development size. The nearest building of similar or greater height to the Proposed Development is a 35-story apartment building located at 2253 Third Avenue (Block 1787, Lot 1), which features a maximum building height of approximately 324 feet. 2253 Third Avenue is located approximately 260 feet to the northeast of the Development Site within the Taino Towers apartment complex, which includes four 35-story buildings and approximately 1.1 million square feet of floor area. A screening analysis was conducted using Figure 17-3 of the 2021 *CEQR Technical Manual*. As shown in **Figure B-1**, using Figure 17-3, it was determined that the HVAC emissions from the Proposed Development on 2253 Third Avenue would not be significant and no further analysis of the impacts of the Proposed Development's HVAC system would be warranted.

To ensure that there is no potential for significant adverse impacts from the Proposed Development's HVAC system emissions, an Air Quality (E) designation [E-713] would be mapped on the Development Site (Block 1770, Lot 36) in connection with the Proposed Actions. The proposed (E) designation text is as follows:

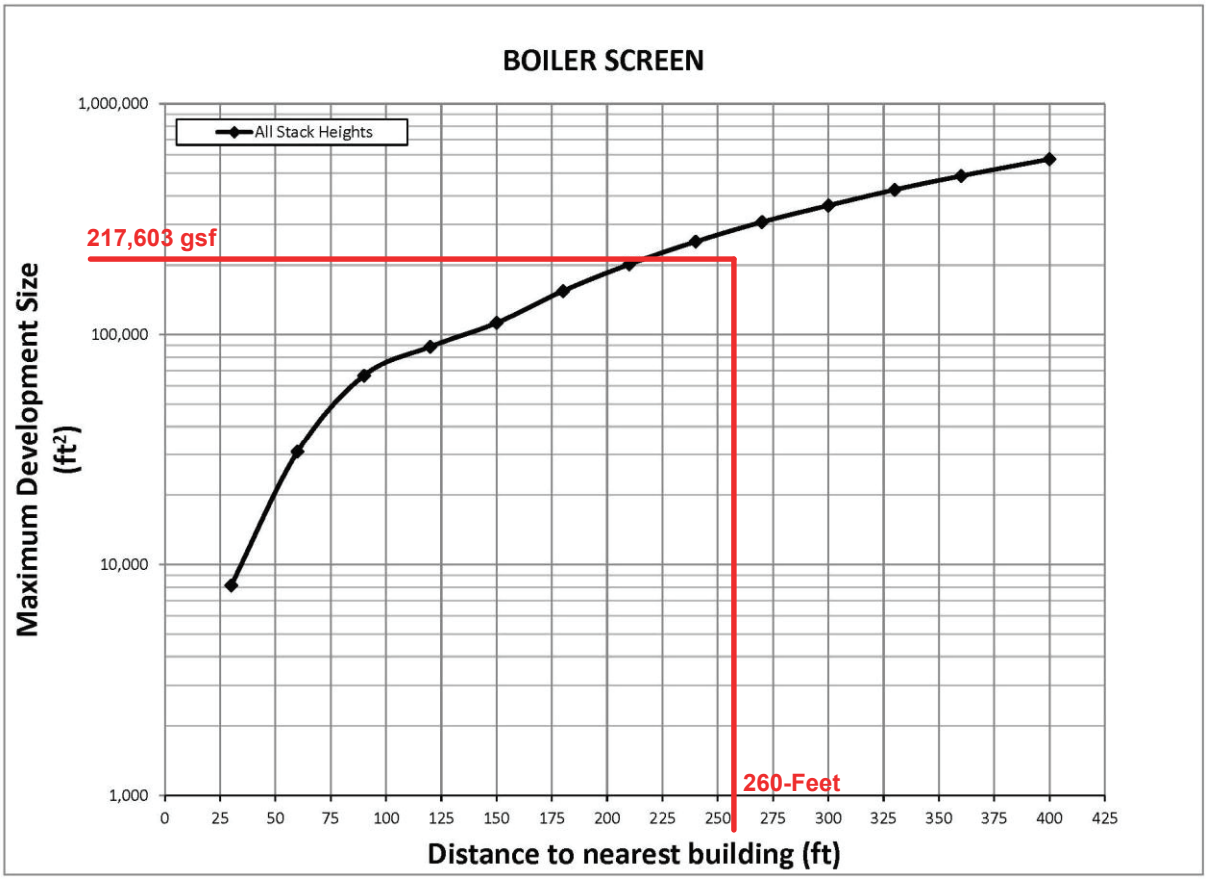
> **Any new community facility and/or commercial development on the above-referenced property must ensure the heating, ventilating, and air conditioning (HVAC) system and hot water equipment stack is located at the highest tier and at least 185 feet above grade to avoid any significant adverse air quality impact.**

Air Toxics

In accordance with 2021 *CEQR Technical Manual* methodology, projects that would result in new uses (particularly schools, hospitals, parks, and residences) (a) within 1,000 feet of a major or large emission source; (b) near medical, chemical, or research labs; (c) within 400 feet of manufacturing or processing facilities; (d) near an odor-producing facility; and/or (e) near "non-point" sources (e.g., unpaved surfaces and storage piles that could result in fugitive dust) may result in stationary source air quality impacts.

The Proposed Development would not be located near medical, chemical, or research labs, within 400 feet of manufacturing or processing facilities, near an odor-producing facility, or near "non-point" sources. However, the Proposed Development would be located within 1,000 feet of Taino Towers, a large

Figure 17-3
Stationary Source Screen- Heat and Hot Water System



emission source with an active New York State Department of Environmental Conservation (DEC) Air State Facility Permit (No. 2-6206-00047-00005). A detailed assessment of the identified large source has been provided in **Attachment G, "Air Quality."** As discussed therein, Taino Towers would not result in significant adverse stationary source air quality impacts on the Proposed Development. Therefore, the Proposed Actions would not result in any significant adverse air quality impacts.

NOISE

The goal of the noise analysis is to determine both (a) a proposed project's potential effects on existing noise sensitive uses and/or locations (known as "receptors"), including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable), and at open spaces, and (b) the effects of ambient noise levels on new receptors introduced by the proposed project. The three principal types of noise sources that affect the New York City environment are mobile, stationary, and construction sources.

The initial impact screening considers whether the proposed project would: (a) generate any mobile or stationary sources of noise; and/or (2) introduce a new receptor to an area with existing high ambient noise levels. If the proposed project is located in areas with high ambient noise levels, which typically include those near highly trafficked thoroughfares, airports, heliports, train facilities, or other loud activities, further noise analysis may be warranted to determine the attenuation measures that are appropriate for the proposed project.

Mobile Sources

According to the 2021 *CEQR Technical Manual*, a detailed analysis of mobile sources is generally performed if a proposed project would increase noise passenger car equivalent ("Noise PCE") values by 100 percent or more. The Proposed Actions would not increase Noise PCE values by 100 percent or more. Therefore, the Proposed Actions would not result in significant adverse noise impacts.

Stationary Sources

According to the 2021 *CEQR Technical Manual*, a detailed analysis of stationary sources may be appropriate if the proposed project would (a) cause a substantial stationary source (e.g., unenclosed mechanical equipment, manufacturing activities, or a playground) to be operating within 1,500 feet of, and have a direct line of sight to, a receptor; or (b) introduce a new receptor in an area with high ambient noise levels resulting from stationary sources (e.g., unenclosed mechanical equipment, manufacturing activities, or a playground).

The Proposed Development would not result in the operation of a substantial stationary source. It is assumed that the building mechanical systems (i.e., HVAC systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. The Proposed Development would not be located in an area with high ambient noise levels resulting from stationary sources. Therefore, the Proposed Actions would not result in significant adverse noise impacts.

(E) Designation

As part of the East Harlem Rezoning, a noise (E) designation (E-422) was placed on the tax lot encompassing Projected Development Site 12. The noise (E) designation (E-422) text (for window/wall attenuation of 33 dBA) is as follows:

> **To ensure an acceptable interior noise environment, the building façade(s) or future development must provide minimum composite building façade attenuation as shown in Appendix G of the *East Harlem Rezoning Environmental Impact Statement* in order to maintain an interior L10 noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses. To maintain a closed-window condition in these areas, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building façade(s) must also be provided.**

As described in **Attachment A, "Project Description,"** an as-of-right commercial and community facility building is being constructed on the Development Site pursuant to DOB Job No. 121209156. The Applicant filed a Noise Remedial Action Plan at OER; OER issued a Notice to Proceed for DOB Job No. 121209156 on April 22,2021. Therefore, the Applicant will demonstrate compliance with (E) designation (E-422) and the Proposed Actions would not result in significant adverse noise impacts.

CONSTRUCTION

Construction activities, although temporary in nature, can sometimes result in significant adverse impacts. A proposed project's construction activities may affect a number of technical areas analyzed for the operational period, such as air quality, noise, and traffic; therefore, a construction assessment relies to a significant extent on the methodologies and resulting information gathered in the analyses of these technical areas.

Anticipated Construction Schedule

The Proposed Development is expected to be constructed over an approximately 12- to 16-month period and implemented in a single phase. Therefore, the construction schedule is considered short-term. As described in **Attachment A, "Project Description,"** an as-of-right commercial and community facility building is currently being constructed on the Development Site pursuant to DOB Job No. 121209156. In summer 2022, the as-of-right building topped out (i.e., has reached its maximum building height of 10-stories). The height and set back characteristics of the Proposed Development do not differ from the height and set back characteristics of the No-Action scenario. While the No-Action scenario would be occupied by commercial and community facility uses, the Proposed Development would be occupied by commercial uses. Therefore, in the future with the Proposed Actions, construction activities at the Development Site would be interior-related activities, including core and shell fit-out.

Most construction activities would occur Monday through Friday, although the delivery and installation of certain equipment could occur on weekend days. Hours of construction are regulated by DOB and apply in all areas of New York City. In accordance with DOB regulations, nearly all work would occur between the hours of 7:00 AM and 6:00 PM on weekdays, although some workers would arrive and begin to prepare work areas before 7:00 AM. Occasionally, Saturday or overtime hours may be required to complete time-sensitive tasks. Weekend work requires a permit from DOB and, in certain instances,

approval of a noise mitigation plan from the New York City Department of Environmental Protection ("DEP") pursuant to the New York City Noise Code.

Transportation Conditions

Traffic and Pedestrians

It is anticipated that construction activities would primarily occur within the Development Site footprint. Specifically, in the future with the Proposed Actions, construction activities would primarily occur within the recently topped out building shell. However, construction activities may result in short-term disruption of traffic and pedestrian movements in the vicinity of the Development Site. Under existing construction conditions at the Development Site, the adjacent curbside parking lanes and sidewalks on Third Avenue and East 121st Street have been closed temporarily for the purposes of equipment staging and materials storage. To ensure the safety of pedestrians adjacent to the Development Site, sidewalk sheds and Jersey barriers have been erected along the Development Site's Third Avenue and East 121st Street frontages. The existing construction site is surrounded by construction fencing and barriers as required by DOB. Therefore, pedestrian circulation and safety adjacent to the Development Site would be ensured and maintained in the future with the Proposed Actions. Given the limited duration of these temporary obstructions, these conditions would not result in significant adverse impacts on traffic and pedestrian transportation conditions.

Public Transportation

Construction activities would not result in the disruption of public transportation services in the vicinity of the Development Site. Although the M101 bus route runs north along Third Avenue, there are no bus stop locations located adjacent to the Development Site. In addition, there are no subway stations nor bicycle lanes located adjacent to the Development Site. Therefore, construction activities would not result in significant adverse impacts on public transportation conditions.

Construction Noise

Potential impacts on community noise levels during construction activities could result from the operation of construction equipment and from construction and delivery vehicles traveling to and from construction sites. Noise levels at a given location are dependent on the type and quantity of construction equipment being operated, the acoustical utilization factor of the equipment (i.e., the percentage of time the equipment is operating), the distance from the construction site, and any shielding effects (e.g., from structures such as walls or barriers). Because the location of the construction activities relative to receptors would vary over the course of the construction schedule, as would the amount and type of construction equipment, the level of noise experienced at receptors would also vary. As stated previously, an as-of-right building is currently being constructed on the Development Site pursuant to DOB Job No. 121209156. In August 2022, the as-of-right building topped out. Therefore, the most noise-intensive construction activities (e.g., demolition, excavation, foundation construction, and superstructure- and exterior envelope-related construction) have all been completed.

Noise Reduction Measures

Construction noise is regulated by the requirements of the New York City Noise Control Code (also known as Chapter 24 of the Administrative Code of the City of New York, or Local Law 113) and DEP's Notice of Adoption of Rules for Citywide Construction Noise Mitigation (also known as Chapter 28). These requirements mandate that specific construction equipment and motor vehicles meet specified noise emission standards; that construction activities be limited to weekdays between the hours of 7:00 AM and 6:00 PM; and that construction materials be handled and transported in such a manner as not to create unnecessary noise. For weekend and after hour work, permits would be required, as specified in the New York City Noise Control Code. As required under the New York City Noise Control Code, a site-specific noise mitigation plan for construction under the Proposed Actions would be developed and implemented that may include source and path controls. This noise mitigation plan would be expected to include such measures as avoiding unnecessary evening construction and truck idling. A copy of the noise mitigation plan would also be kept at the construction site for compliance review by DOB and DEP. These controls and the temporary nature of construction activities would assure that there would be no significant adverse noise impacts associated with construction activities at the Development Site.

Historic and Cultural Resources

According to 2021 *CEQR Technical Manual* guidance, construction impacts may occur on historic and cultural resources if in-ground disturbances or vibrations associated with construction activities could undermine the foundation or structural integrity of nearby historic and cultural resources. The New York City Building Code provides some measures of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to buildings and structures designated or eligible for designation as NYCLs and listed or eligible for listing on the S/NR located within 90 linear feet of a proposed construction site. For these buildings and structures, DOB's Technical Policy and Procedure Notice ("TPPN") #10/88 applies. TPPN #10/88 supplements the standard building protections afforded by the New York City Building Code by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent historic and cultural resources (within 90 linear feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

The Development Site is located within 90 feet of the S/NR-listed and NYCL-eligible Elmendorf Reformed Church and the S/NR-listed and NYCL-designated Harlem Courthouse. However, the as-of-right building has been constructed without a construction protection plan; therefore, a construction protection plan is not required (refer to **Appendix 1**). Therefore, the Proposed Actions would have no significant adverse construction-related impacts on historic and cultural resources and further analysis is not warranted.

Overall, the Proposed Development would result in temporary disruption in the surrounding area, including noise, dust, and traffic associated with the delivery of materials and arrival of workers on the Development Site. However, given the magnitude and duration of construction effects, no impacts from construction are expected as a result of the Proposed Development, and further analysis is not warranted.

Attachment C:

Land Use, Zoning, and Public Policy

I. INTRODUCTION

As outlined in the 2021 *City Environmental Quality Review* ("CEQR") *Technical Manual*, a detailed analysis 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 analysis of zoning is typically performed in conjunction with a land use analysis when the action would change the zoning on a site or result in the loss of a particular use. As the Proposed Actions include one Zoning Map Amendment, three Zoning Text Amendments, and one City Planning Commission ("CPC") Special Permit, a detailed analysis of land use, zoning, and public policy is warranted and is provided in this attachment.

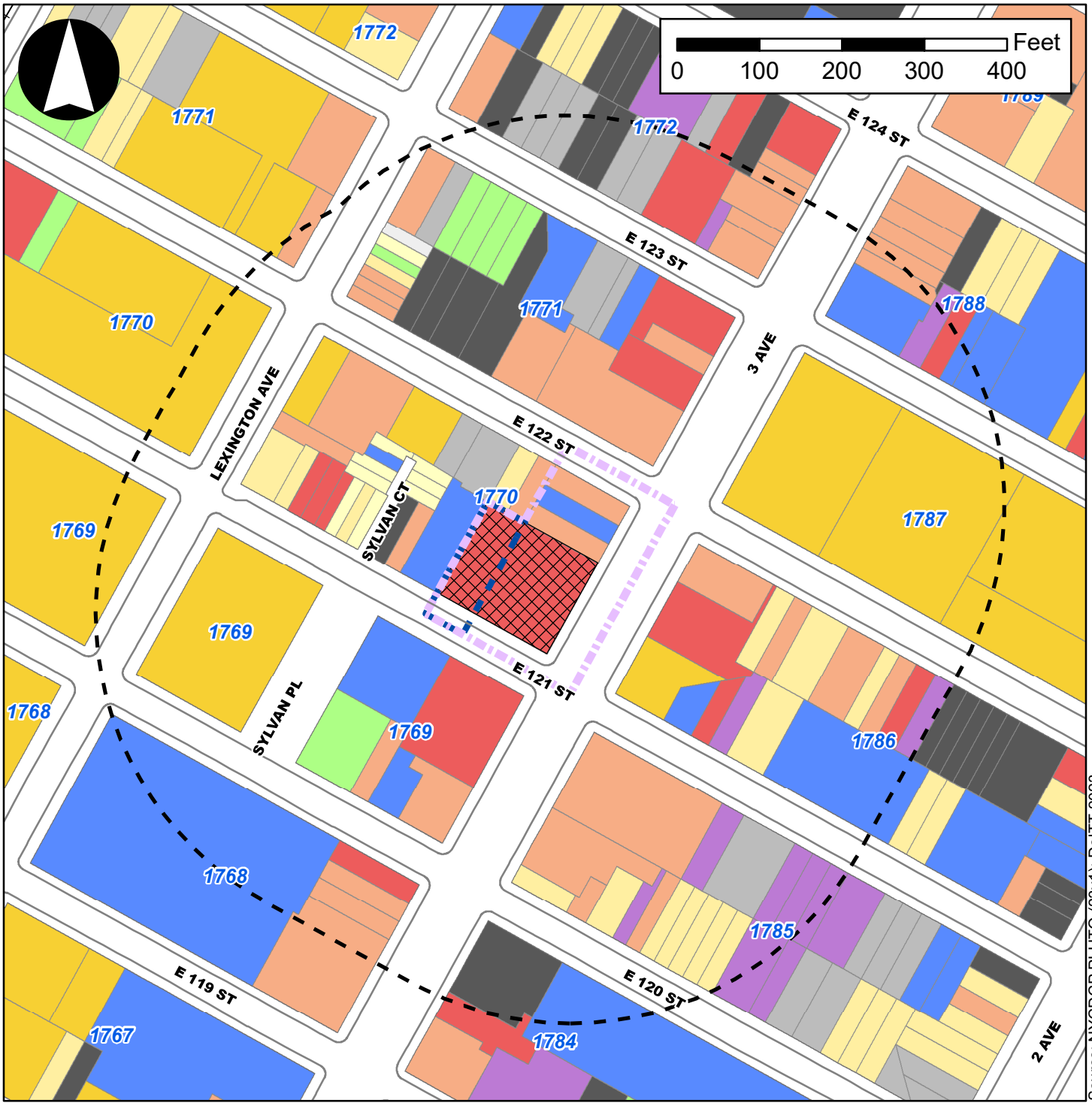
II. METHODOLOGY

As mentioned above, the Proposed Actions include one Zoning Map Amendment, three Zoning Text Amendments, and one CPC Special Permit, which would affect land use, zoning, and public policy. Land use, zoning, and public policy are addressed and analyzed for two geographical areas. For the purpose of this analysis, the primary study area encompasses the Project Area (Block 1770, Lots 36, 38, 39, and 40). The secondary study area encompasses areas that have the potential to experience indirect impacts as a result of the Proposed Actions. The secondary study area extends an approximate 400-foot radius from the boundary of the primary study area. The secondary study area is generally bound by East 123rd Street to the north, midblock portions of Blocks 1785, 1786, and 1787 (located between Second and Third Avenues) to the east, East 120th Street to the south, and Lexington Avenue to the west. Both the primary and secondary study areas have been established in accordance with 2021 *CEQR Technical Manual* guidance and are presented in **Figure C-1**.

The analysis of land use, zoning, and public policy first provides a description of the existing land use, zoning, and public policy conditions in each of the study areas. Existing land uses within the primary and secondary study areas were determined based on the New York City Primary Land Use Tax Lot Output ("PLUTO") data files for 2022 and June 2022 field visits; no discrepancies between PLUTO data files and existing field conditions were observed. New York City Zoning and Land Use ("ZoLa"), New York City Zoning maps, and the *Zoning Resolution of the City of New York* ("ZR") were consulted to describe existing zoning districts in each of the study areas. Relevant public policy documents, recognized by the New York City Department of City Planning ("DCP") and other city agencies were utilized to describe existing public policies pertaining to the primary and secondary study areas.

The analysis then projects land use, zoning, and public policy conditions in the 2024 build year without the Proposed Actions. This is the "No-Action" or "future without the Proposed Actions" scenario, which is developed by identifying known and proposed developments and other relevant changes anticipated to occur within the primary and secondary study areas within this time frame. The No-Action scenario describes the baseline conditions in each of the study areas against which the Proposed Actions' incremental changes are measured. Finally, the analysis projects land use, zoning, and public policy conditions in 2024 with the approval of the Proposed Actions. This is the "With-Action" or "future with the Proposed Actions" scenario.

Figure C-1
Land Use Map



Source: NYCDCP PLUTO (23v1); DoITT 2023

Legend

- Primary Study Area (Project Area)
- Secondary Study Area (400-Foot Radius)
- Rezoning Area
- Development Site
- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

III. PRELIMINARY ASSESSMENT

Land Use and Zoning

A preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. As the Proposed Actions include one Zoning Map Amendment, three Zoning Text Amendments, and one CPC Special Permit, a detailed analysis of land use and zoning is warranted and provided in Section IV, "Detailed Analysis."

Public Policy

According to the 2021 *CEQR Technical Manual*, a project that would be located within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policy. A preliminary assessment of public policy should identify and describe any public policies, including formal plans or published reports that pertain to the study areas. If a proposed action could potentially alter or conflict with identified policies, a detailed analysis should be conducted; otherwise, no further analysis of public policy is necessary.

The primary and secondary study areas are not located within a designated Industrial Business Zone ("IBZ"), a Business Improvement District ("BID"), a designated historic district, or within an area defined by an adopted 197-a plan; nor would the Proposed Actions involve the siting of any public facilities (Fair Share). However, both the primary and secondary study areas are located in the Harlem-East Harlem Urban Renewal Area ("URA"). In addition, several adopted city, state, and federal policies are applicable to both the primary and secondary study areas: *Housing Our Neighbors: A Blueprint for Housing and Homelessness*, *OneNYC 2050: Building a Strong and Fair City*, *Excelsior Jobs Program*, *Upper Manhattan Empowerment Zone*, the FRESH program, *Where We Live NYC Plan*, the Transit Zone, as well as a memorandum titled *Life Sciences in Commercial Zoning Districts* jointly issued by the New York City Economic Development Corporation ("EDC"), DCP, and the New York City Department of Buildings ("DOB").[1] These public policies are discussed in Section IV, "Detailed Analysis."

IV. DETAILED ANALYSIS

Existing Conditions

Land Use

Primary Study Area (Project Area)

[1] < https://edc.nyc/sites/default/files/filemanager/Programs/LifeSci_NYC/ClarificationMemo-LifeSciences-CommercialZoningDistricts.pdf >

As described in **Attachment A, "Project Description,"** the approximately 26,479 square feet ("sf") primary study area is comprised of four tax lots: Block 1770, Lots 36, 38, 39, and 40. Lot 36, the Development Site, measures approximately 18,922 sf. An as-of-right commercial and community facility building is currently being constructed on the Development Site pursuant to DOB Job No. 121209156. Lot 38 measures approximately 2,517 sf and is currently occupied by a three-story, approximately 4,761 gsf (1.89 FAR) mixed-use commercial/residential building. Lot 39 measures approximately 2,517 sf and is currently occupied by a three-story, approximately 6,308 gsf (2.51 FAR) church. Lot 40 measures approximately 2,523 sf and is currently occupied by a four-story, approximately 9,561 gsf (3.79 FAR) mixed-use commercial/residential building. As shown in **Figure C-1**, within the primary study area, an approximately 6,342 sf western portion of the Development Site comprises the "Rezoning Area."

Secondary Study Area (400-Foot Radius)

As shown in **Figure C-1** and **Table C-1**, the built floor area within the secondary study area is predominantly comprised of residential and mixed-use commercial/residential buildings, and to a lesser extent commercial/office and public facility and institutional buildings.

Table C-1: Existing Land Uses within the Secondary Study Area

Land Use	Number of Lots	Percentage of Total Lots (%)	Lot Area (sf)	Percentage of Total Lot Area (%)	Building Area (sf)	Percentage of Total Building Area (%)
Residential (Total)	31	26.7	149,787	31.4	863,067	50.3
One & Two-Family Buildings	*9*	*7.8*	*7,827*	*1.6*	*12,313*	*0.7*
Multi-Family Walkup Buildings	*16*	*13.8*	*38,111*	*8.0*	*133,025*	*7.8*
Multi-Family Elevator Buildings	*6*	*5.2*	*103,849*	*21.8*	*717,729*	*41.8*
Mixed Commercial/Residential Buildings	28	24.1	109,931	23.1	407,448	23.7
Commercial/Office Buildings	12	10.3	53,184	11.2	192,166	11.2
Industrial/Manufacturing	10	8.6	26,312	5.5	80,073	4.7
Transportation/Utility	0	0.0	0	0.0	0	0.0
Public Facilities & Institutions	9	7.8	55,417	11.6	173,583	10.1
Open Space	6	5.2	18,471	3.9	0	0.0
Parking Facilities	9	7.8	29,630	6.2	0	0.0
Vacant Land	10	8.6	32,962	6.9	0	0.0
All Others or No Data	1	0.9	865	0.2	0	0.0
Totals	***116***	***100.0***	***476,559***	***100.0***	***1,716,337***	***100.0***

Source: 2023 PLUTO data; May 2023 field visits.
Note: Total lot areas and built areas included for all lots which have 50 percent or more of their area within a 400-foot radius of the primary study area; Block 1770, Lots 36, 38, 39, and 40 (the primary study area) are excluded from the analysis of land uses within the secondary study area (refer to **Figure C-1**).

As shown in **Figure C-1**, residential land uses, which are located throughout the secondary study area, comprise mid- and high-rise multi-family residential buildings. Most notably, the western portion of the Taino Towers complex is located within the northeastern portion of the secondary study area. The Taino Towers complex, comprising an entire block bound by Second and Third Avenues and 122nd and 123rd Streets, consists of four 35-story residential towers positioned atop a four-story base that includes commercial and cultural facilities, as well as a parking garage and outdoor plazas. The Taino Towers complex contains 656 total dwelling units ("DUs"). Mixed-use commercial/residential land uses are located throughout the secondary study area. In mixed-use commercial/residential buildings, commercial uses are typically local restaurant and retail establishments located on the ground floors of low- to mid-rise buildings with residential uses located above the commercial uses. Commercial/office land uses are located primarily along Third Avenue. Public facility/institutional land uses are located throughout the secondary study area and include several religious facilities, two health care facilities (Boriken Neighborhood Health Center and Odyssey Family Health Center), and the Harlem Community Justice Center, which is located within the Harlem Courthouse to the south of the primary study area (Block 1769,

Lot 45). Open space land uses within the secondary study area include the 0.60-acre Dr. Ronald E. McNair Playground and the 0.35-acre Harlem Art Park.

As shown in **Figure C-1**, additional, minor land uses within the secondary study area include 10 parcels of vacant land, nine parcels of land utilized for parking, and 10 parcels of land occupied by industrial/manufacturing land uses. The 10 industrial/manufacturing land uses are concentrated in the southeastern portion of the secondary study area and comprise low-rise warehouses. No transportation/utility land uses are located within the secondary study area.

Zoning

Primary Study Area (Project Area)

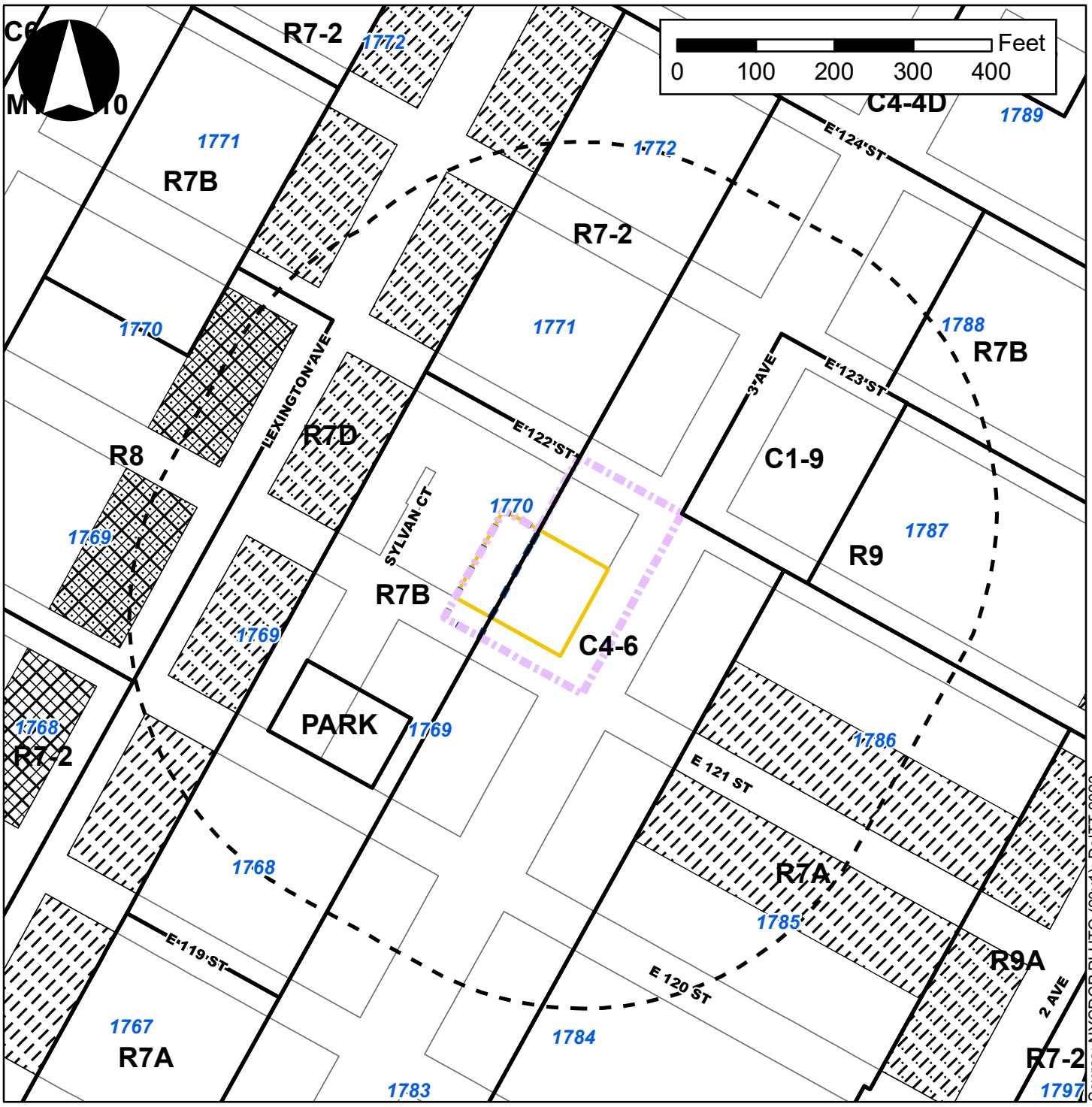
As shown in **Figures C-2a** and **C-2b**, the primary study area is currently zoned C4-6/EHC (Special East Harlem Corridors District or "EHC") and R7B. C4 districts are mapped in regional centers located outside of the central business districts where specialty and department stores, theaters and office uses serve a larger region than neighborhood shopping areas. Although established by the 1961 Zoning Resolution, C4 districts have evolved to cover a wide range of densities. A large number of individual C4 districts have been created over time to address a range of conditions designated by different suffixes. In general, the higher the numeric suffix is, the higher the permitted density and the lower the commercial parking requirement. C4 districts with a letter suffix are contextual districts that require a contextual building form. C4-6 and C4-7 districts are mapped in densely built areas of Manhattan, including most of Broadway on the Upper West Side and portions of central Harlem. In C4-6 districts, the maximum commercial FAR is 3.4, the maximum community facility FAR is 10.0, and the maximum residential FAR is 10.0[2], which is equivalent to regulations governing R10 districts. In C4-6 districts, accessory parking is not required for Parking Requirement Category ("PRC")-B.

R7B districts are contextual districts where the Quality Housing regulations are mandatory. R7B districts, which are mapped throughout Brooklyn and Queens, as well as in the East Village of Manhattan, typically produce six- to seven-story apartment buildings. These districts are often, but not exclusively, mapped along narrow streets. The maximum community facility FAR is 3.0 and the maximum residential FAR is 3.0. In R7B districts, the minimum base height before setback is 40 feet and the maximum base height before setback is 65 feet. The maximum building height is 75 feet. In R7B districts, accessory parking is required for 50 percent of a building's market-rate dwelling units and required for 25 percent of a building's income-restricted housing units ("IRHUs"). Accessory parking requirements can be waived if five or fewer parking spaces are required.

The Special East Harlem Corridors District ("EHC") was created as part of the broader East Harlem Neighborhood Initiative (CEQR No. 17DCP048M; ULURP Nos. C170358ZMM, N170359ZRM, and C170360HUM) to facilitate the development of affordable housing, preserve existing neighborhood character, improve the pedestrian experience, and enable new commercial and manufacturing space to support job creation. The EHC regulations, which aim to facilitate the creation of affordable housing and strengthen the role of East Harlem as a major transit hub and job center, apply only to the area's major avenues and crosstown streets and include minimum requirements for non-residential uses in certain areas, unique height and setback controls, and ground floor requirements to improve walkability.

[2] In R10 districts, if affordable housing is provided, the maximum residential FAR is 12.0.

Zoning Map: Commercial Overlays and Zoning Districts



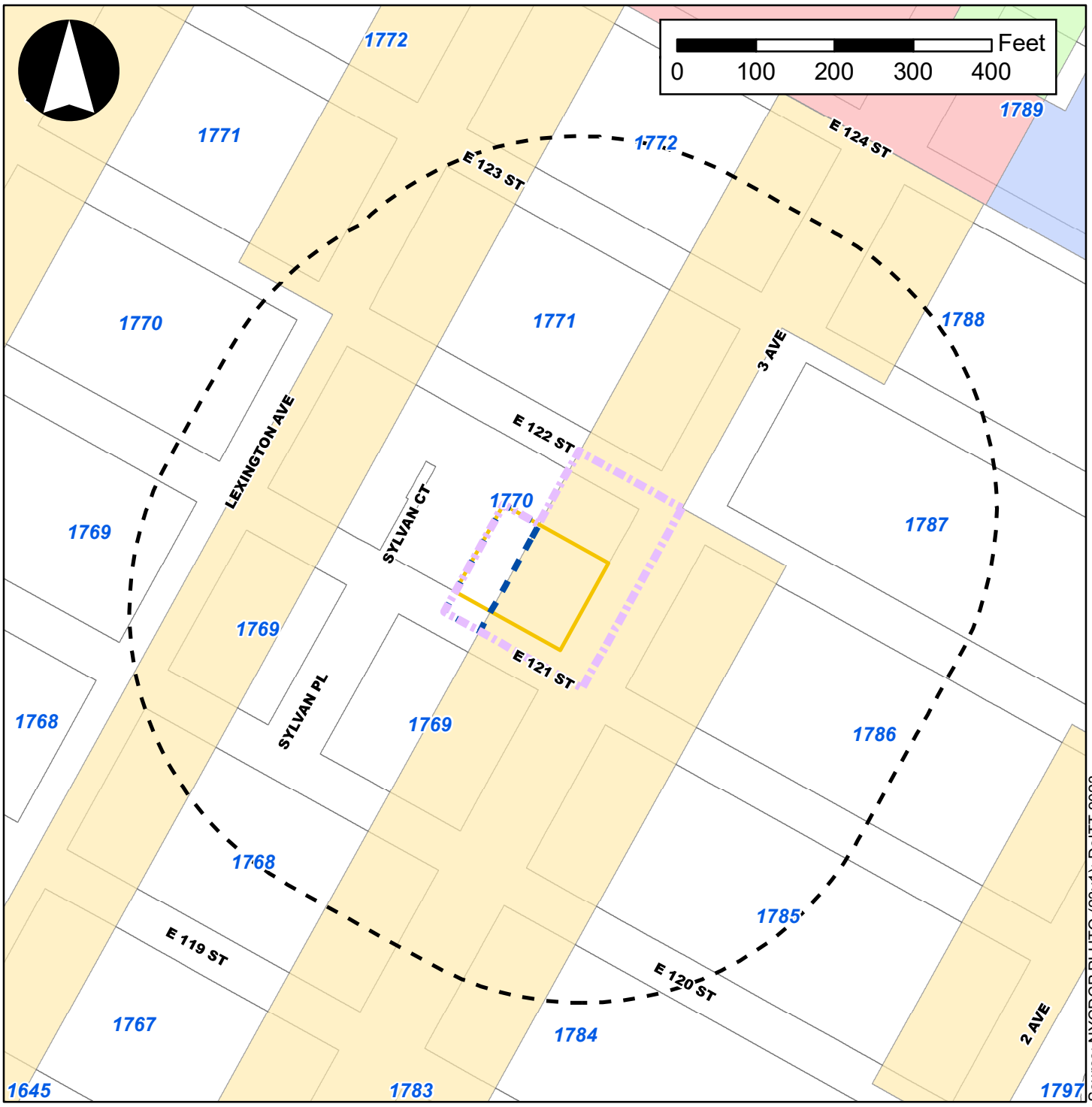
Legend

- Primary Study Area (Project Area)
- Secondary Study Area (400-Foot Radius)
- Rezoning Area
- Development Site
- C4-6 Zoning District Boundaries

Commercial Overlays

- C1-4
- C1-5
- C2-4
- C2-5

Zoning Map: Special Purpose Districts



Source: NYCDCP PLUTO (23v1); DoITT 2023

Legend

- Primary Study Area (Project Area)
- Secondary Study Area (400-Foot Radius)
- Rezoning Area
- Development Site
- Special 125th Street Dist./Transit Land use Dist.
- Special 125th Street District
- Special East Harlem Corridors
- Special Transit Land Use District

Secondary Study Area (400-Foot Radius)

As shown in **Figures C-2a** and **C-2b**, the secondary study area includes a variety of contextual and non-contextual residential zoning districts, including R7A, R7D, R7-2, R8, and R9 districts, as well as a C1-9 district mapped along Third Avenue between East 122nd and 123rd Streets. As also shown in **Figure C-2a**, within the secondary study area, properties along Lexington Avenue are mapped with C1-4, C1-5, C2-4, and C2-5 commercial overlays and properties along East 121st Street to the east of Third Avenue are mapped with C1-5 commercial overlays. Zoning districts are summarized in **Table C-2**.

Table C-2: Existing Zoning Districts within the Secondary Study Area

Zoning District	Building Type	Permitted Use Groups	Maximum FAR[1]
Commercial Districts			
C1-9	C1-9 districts are commercial districts that are predominantly residential in character. They are mapped along major thoroughfares in medium- and higher-density areas of the city, such as Second and Lexington Avenues on the Upper East Side or Columbus and Amsterdam Avenues on the Upper West Side. In C1-9 districts, the bulk regulations of R10 districts apply for residential uses.	1-6	R: 10.0; R (IH): 12.0; C: 2.0; CF: 10.0
C1-4, C1-5, C2-4, and C2-5 Overlays	C1 and C2 commercial overlays are mapped within residential districts along streets that serve local retail needs. In mixed-use buildings, commercial uses are limited to one or two stories and must always be located below residential uses. Typical retail uses include neighborhood grocery stores, restaurants, and beauty parlors; C2 districts permit a slightly wider range of uses than C1 districts, such as funeral homes and repair services.	C1: 1-6; C2: 1-9, 14	C: 2.0
Residential Districts			
R7-2	R7 districts are medium-density, multi-family housing districts mapped in much of the Bronx, as well as the Upper West Side in Manhattan and Brighton Beach in Brooklyn. Developers in R7 districts can choose between Height Factor and optional Quality Housing bulk regulations. R7-2 districts, which are mapped primarily in upper Manhattan, have lower parking requirements than R7-1 districts.	1-4	R: 3.44; R (IH): 4.6; CF: 6.5
R7A	R7A contextual districts are mapped along Prospect Park South and Ocean Parkway in Brooklyn, Jackson Heights in Queens, and in Harlem and along the avenues in the East Village in Manhattan. Quality Housing bulk regulations are mandatory in R7A districts. R7A districts typically result in high lot coverage residential buildings of roughly seven- to nine-stories, set at or near the street line.	1-4	R: 4.0; R (IH): 4.6; CF: 4.0
R7D	R7D contextual districts promote new contextual development along transit corridors. Quality Housing bulk regulations are mandatory in R7D districts. R7D districts typically result in high lot coverage residential buildings of 10-stories set at or near the street line.	1-4	R: 4.2; R (IH): 5.6; CF: 4.2
R8	R8 districts are high-density, multi-family housing districts mapped along the Grand Concourse in the Bronx, Washington Heights in Manhattan, and along the border of Brooklyn Heights in Brooklyn. Developers in R8 districts can choose between Height Factor and optional Quality Housing bulk regulations, as in R7 districts.	1-4	R: 6.02; R (IH): 7.2; CF: 6.5
R9	R9 districts are high-density, multi-family housing districts mapped along several major thoroughfares in Manhattan. Developers in R9 districts can choose between Height Factor and optional Quality Housing bulk regulations, as in R7 and R8 districts.	1-4	R: 7.52; R (IH): 8.0; CF: 10.0

Source: *Zoning Resolution of the City of New York*.
Note: [1] R = residential; C = commercial; CF = community facility.

Public Policy

As noted above, the primary and secondary study areas are not located within a designated IBZ, a BID, a designated historic district, or within an area defined by an adopted 197-a plan; nor would the Proposed Actions involve the siting of any public facilities (Fair Share). However, both the primary and secondary study areas are located in the Harlem-East Harlem Urban Renewal Area ("URA"). In addition, several

adopted city, state, and federal policies are applicable to both the primary and secondary study areas: *Housing Our Neighbors: A Blueprint for Housing and Homelessness*, *OneNYC 2050: Building a Strong and Fair City*, *Excelsior Jobs Program*, *Upper Manhattan Empowerment Zone*, the FRESH program, *Where We Live NYC Plan*, the Transit Zone, as well as a memorandum titled *Life Sciences in Commercial Zoning Districts*.

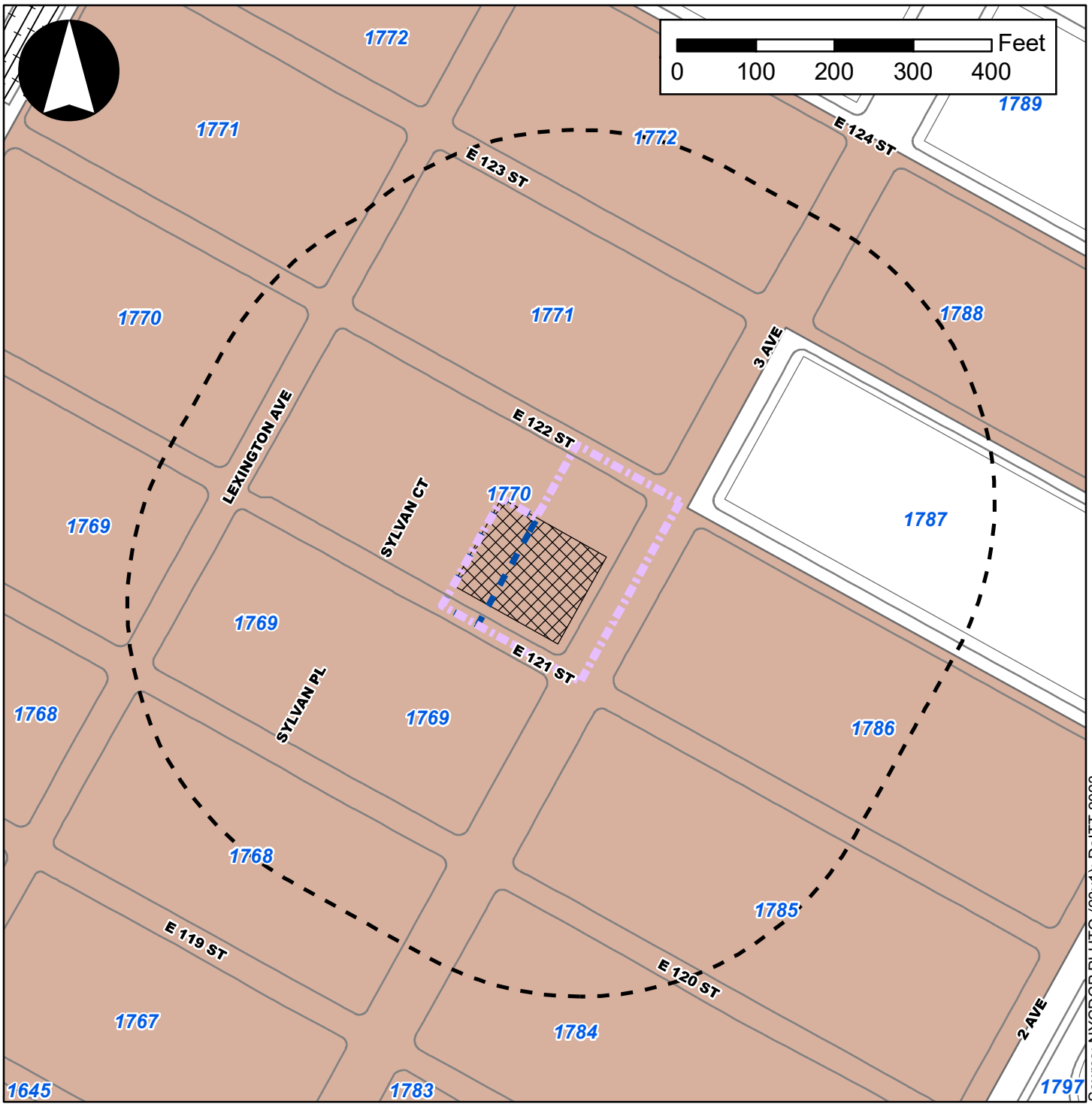
Harlem-East Harlem Urban Renewal Plan

As shown in **Figure C-3**, the primary study area and a majority of the secondary study area are located within the Harlem-East Harlem URA. The Harlem-East Harlem URA covers portions of Manhattan Community Districts 10 and 11 from approximately East 106th to East 133rd Streets, generally east of Fifth Avenue. The Harlem-East Harlem Urban Renewal Plan ("URP") that governs the redevelopment of this geographic area was established in 1968. The URP seeks to accomplish the following objectives: redevelop the area in a comprehensive manner, remove blight, and maximize appropriate land use; remove or rehabilitate substandard and unsanitary structures; remove impediments to land assemblage and orderly development; strengthen the tax base of the city by encouraging development and employment opportunities in the area; provide new housing of high quality and/or rehabilitated housing of upgraded quality; provide appropriate community facilities, parks and recreational uses, retail shopping, public parking, and private parking; and, provide a stable environment within the area that will not be a blighting influence on surrounding neighborhoods. Design objectives of the plan are to develop the area in a manner compatible with the surrounding community in terms of scale and materials, and to reinforce the existing urban pattern in areas with uniform street character. Acquisition parcels are designated according to five land use categories, and supplementary controls are recommended including site-specific controls such as screening and landscaping, open space requirements, recommended pedestrian facilities, and industrial performance standards, among others. Building bulk and parking requirements are also specified. Although the primary study area is located within the Harlem-East Harlem URA, properties located within the primary study area, including the Development Site, were not identified in the URP as acquisition parcels. Therefore, all properties within the primary study area, which includes the Development Site, are not subject to the controls of the URP.

Housing Our Neighbors: A Blueprint for Housing and Homelessness

On June 14, 2022, the Adams administration released *Housing Our Neighbors: A Blueprint for Housing and Homelessness*, a comprehensive plan intended to cover the entire spectrum of New Yorkers' housing needs and options, including City-subsidized affordable housing, public housing, private market-rate housing, and greater support programs for New Yorkers' experiencing homelessness. The plan is the result of an extensive stakeholder input and community engagement process, which included direct engagement with New Yorkers who are experiencing or having experienced homelessness and outlines major steps the Adams administration will take up:

- Significantly expand affordable homeownership opportunities and help communities build and maintain wealth;
- Accelerate the creation of supportive housing by completing the 15,000 supportive homes promised by 2030 two years ahead of schedule;
- Transform the New York City Housing Authority ("NYCHA") by both delivering much-needed resources for repairs and improving and streamlining the services NYCHA provides residents and the processes by which they do so;



Source: NYCDCP PLUTO (23v1); DoITT 2023

Legend

- Primary Study Area (Project Area)
- Secondary Study Area (400-Foot Radius)
- Rezoning Area
- Development Site
- Harlem-East Harlem Urban Renewal Area

- Break down government siloes to bolster transparency and address the full scope of the homelessness crisis, adding to the City's homeless count while creating a more even playing field to give more New Yorkers in all the city's shelter systems access to critical services and resources; and
- Get New Yorkers into safe, high-quality, affordable homes faster and without forcing them to relive past trauma by eliminating unnecessary paperwork and obstacles to obtaining housing.

OneNYC 2050: Building a Strong and Fair City

In April 2019, the de Blasio administration released *OneNYC 2050: Building a Strong and Fair City* ("OneNYC 2050"), a strategic plan for inclusive growth and climate action in New York City. Building upon its predecessor, *One New York: The Plan for a Strong and Just City* ("OneNYC"), OneNYC 2050 brings new attention to the fundamental link between climate action and inclusive growth with a focus on creating good-paying jobs, ensuring equitable access to natural resources, guaranteeing the right to quality healthcare and education, and promoting justice by recognizing and repairing the damage caused by historic oppression.

OneNYC 2050 includes progress realized since 2015, saluting the success of OneNYC's growth, sustainability, resiliency, and equity initiatives. However, the plan emphasizes that there is still much to be done to address critical challenges like climate change, increasing unaffordability, and failing infrastructure. The plan's eight goals lay the foundation for transformational change:

- **A Vibrant Democracy**, where every New Yorker is welcomed into the city's civic and democratic life.
- **An Inclusive Economy**, where economic growth creates opportunities for New Yorkers and safeguards the American Dream.
- **Thriving Neighborhoods**, where all communities have safe, affordable housing and are well-served by parks, cultural resources, and other shared public spaces.
- **Healthy Lives**, where health inequities based on race and ethnicity are eliminated, and all residents have equal access to health care, clean air, and healthy food.
- **Equity and Excellence in Education**, where diverse and fair schools provide a quality education for every student, and New York serves as a model for educating children of all backgrounds.
- **A Livable Climate**, where we no longer rely on fossil fuels and have mitigated the risks posed by climate change.
- **Efficient Mobility**, where affordable, reliable, safe, and sustainable transportation options mean no New Yorker need rely on a car.
- **Modern Infrastructure**, where reliable physical and digital infrastructure allows New Yorkers to flourish.

OneNYC 2050 articulates a global perspective on the long-term needs of the city and how the city must grow responsibly and sustainably while supporting the well-being of all New Yorkers. The plan is referred to as New York City's Green New Deal, and progress reports will be released yearly.

Excelsior Jobs Program

Businesses located within the primary and secondary study areas are eligible to participate in New York State's Excelsior Program (which replaced the Empire Zones program in 2010). The Excelsior Program is administered by Empire State Development and is designed to encourage the expansion in and location to New York of businesses in growth industries such as clean technology, broadband, information systems, renewable energy, and biotechnology. Firms in these industries that create and maintain new jobs or make significant financial investment are eligible to apply for tax credits associated with job creation, investment, research and development, and a real property tax credit. The Excelsior Real Property Tax Credit is only available to firms located in certain distressed areas, identified as Investment Zones. East Harlem has been identified as such a zone and businesses within East Harlem and firms in targeted industries that meet higher employment and investment thresholds can apply for the real property tax credit.

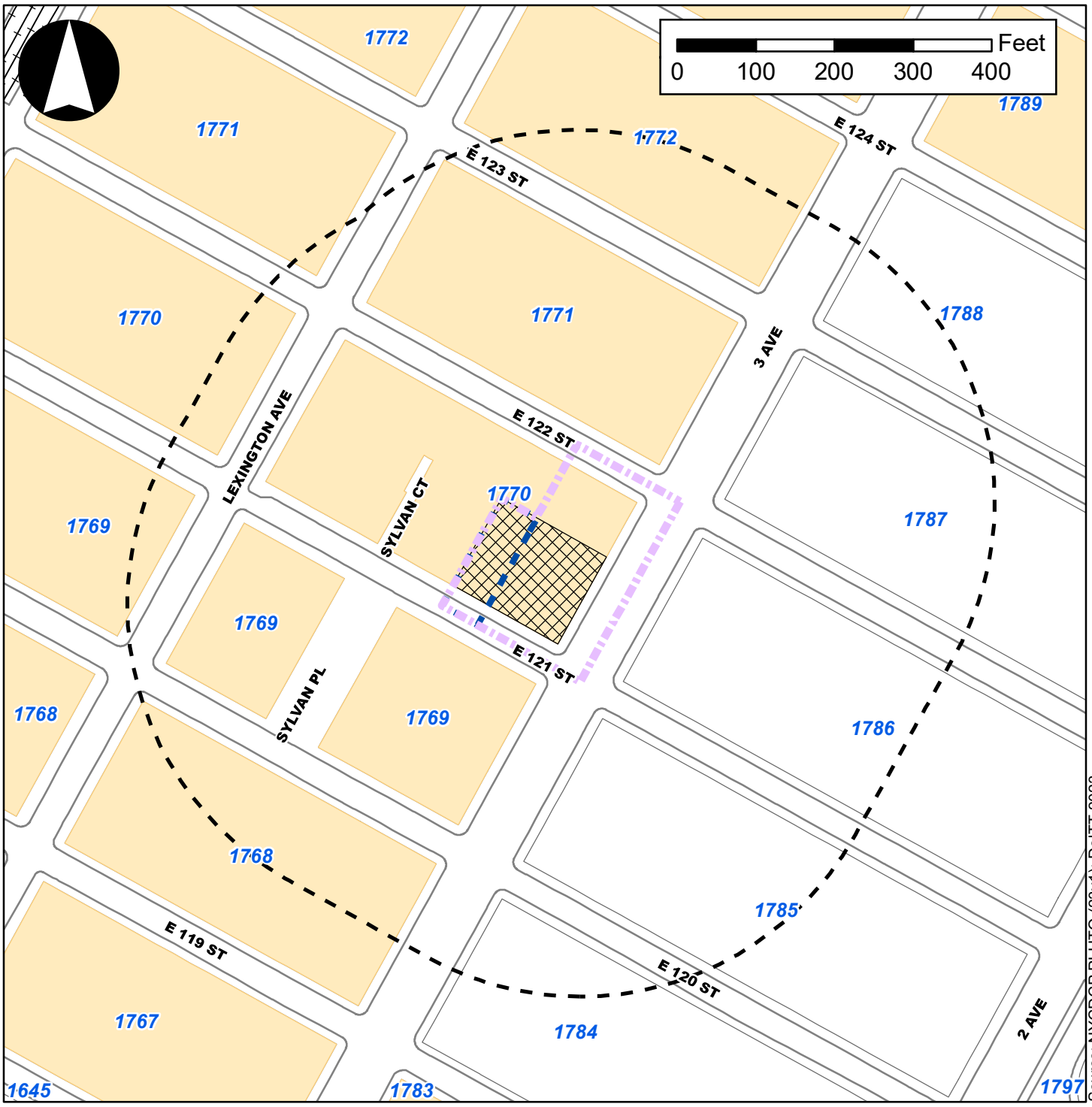
Upper Manhattan Empowerment Zone

As shown in **Figure C-4**, the primary study area and the western portion of the secondary study area are located within the Upper Manhattan Empowerment Zone ("UMEZ"). Upper Manhattan was designated as an urban empowerment zone (Empowerment Zone) under federal legislation authored by Congressman Charles B. Rangel and signed into law by President Clinton in 1994. The Upper Manhattan Empowerment Zone Development Corporation is provided with funding from the federal government with matching amounts from the City of New York and the State of New York. The primary study area and the western portion of the secondary study area are located within the portion of East Harlem dedicated to the UMEZ. The goals of the UMEZ are to sustain the economic revitalization of all communities in Upper Manhattan through job creation, corporate alliances, strategic investments, and small business assistance. The UMEZ provides grants focused on arts and culture and workforce development and loans and bond financing to real estate development projects, commercial businesses, and small business enterprises.

FRESH Program

The Food Retail Expansion to Support Health ("FRESH") Program was developed in response to a citywide study, *Going to Market*, conducted by DCP in 2008, which highlighted the widespread shortage of neighborhood grocery stores providing fresh food options in several communities of the city. The FRESH Program offers zoning incentives and financial benefits in these underserved communities. The goal of the FRESH Program is to encourage the development and retention of convenient, accessible stores that provide fresh meat, fruit and vegetables, and other perishable goods in addition to a full range of grocery products. The FRESH Program offers a set of zoning incentives that provide additional floor area in mixed-use buildings, reduce the amount of required accessory parking for food stores, and permit larger grocery stores as-of-right in light manufacturing districts. The financial benefits, administered by the New York City Industrial Development Agency, exempt or reduce certain taxes for qualifying FRESH food stores.

In 2021, the city modified and expanded the FRESH Program (Z 210380 ZRY) into 10 additional neighborhoods in the Bronx, Brooklyn, Queens, and Staten Island. The modifications to the FRESH Program included the introduction of a mechanism to prevent saturation of FRESH food stores, amendments to the glazing requirement for conversions, amendments to the accessory parking regulations for FRESH food stores, and the clarification of sundry zoning text.



Source: NYCDCP PLUTO (23v1); DoITT 2023

Legend

- Primary Study Area (Project Area)
- Secondary Study Area (400-Foot Radius)
- Rezoning Area
- Development Site
- Upper Manhattan Empowerment Zone

As shown in **Figure C-5**, the primary study area and the secondary study area are located within an area designated for both zoning and discretionary tax incentives pursuant to the FRESH Program. To utilize the incentives applicable to the FRESH Program, an Applicant must demonstrate that the primary business of the commercial use is associated with the FRESH Program, and the FRESH food store must provide at least 6,000 sf toward the FRESH food store use. In addition, a percentage of the ground floor street wall must be glazed and transparent.

Where We Live NYC Plan

Through the *Where We Live NYC Plan*, the city has developed a plan to take bold, transformative action to break down barriers to opportunity and build more integrated, equitable, and inclusive neighborhoods throughout New York City. The plan recognizes that intentional policies and practices have created segregation and inequity across the country and in New York City, and that it will take concerted effort from all levels of government, as well as partners in the private and non-profit sectors, to undo legacies of segregation and inequity. The plan is separated into six key goals that will guide the city's work in advancing fair housing through 2025:

- Goal 1 – Combat persistent, complex discrimination with expanded resources and protections;
- Goal 2 – Facilitate equitable housing development in New York City and the region;
- Goal 3 – Preserve affordable housing and prevent displacement of long-standing residents;
- Goal 4 – Enable more effective use of rental assistance benefits, especially in amenity-rich neighborhoods;
- Goal 5 – Create more independent and integrated living options for people with disabilities;
- Goal 6 – Make equitable investments to address the neighborhood-based legacy of discrimination, segregation, and concentrated poverty.

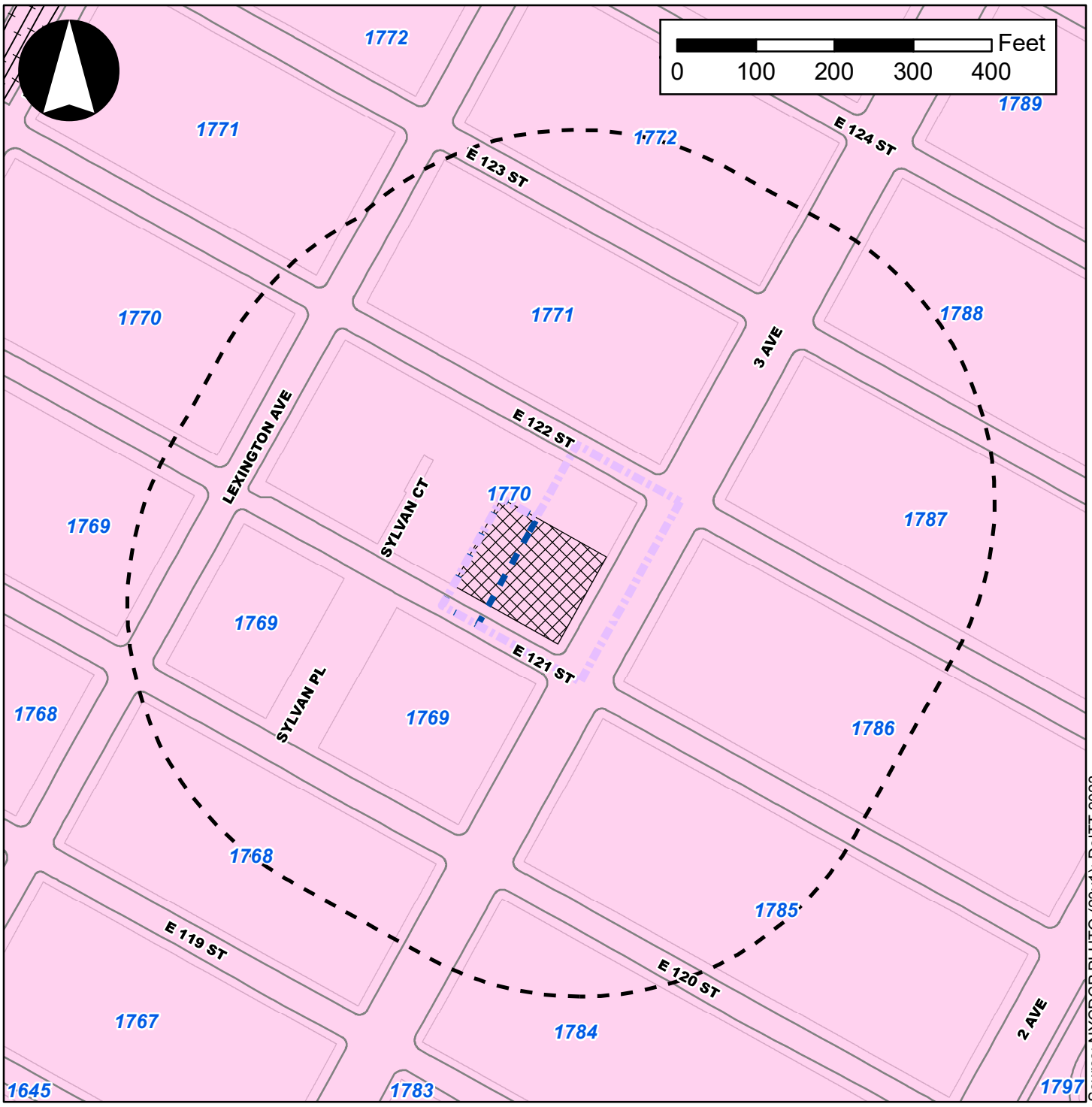
Transit Zone

The boundaries of the Transit Zone are set forth in Appendix I of the ZR. The Transit Zone is defined by DCP as an area where special lower accessory parking requirements apply for various types of affordable housing, including IRHUs. Areas located within the Transit Zone are generally areas of the city beyond the Manhattan Core within one-half mile of a subway station where auto ownership rates are among the lowest in the city. As set forth in Appendix I of the ZR, all of Manhattan Community Districts 9, 10, 11, and 12 are located within the boundaries of the Transit Zone. As shown in **Figure C-6**, the primary study area and the secondary study area are located within the Transit Zone.

Life Sciences in Commercial Zoning Districts Memorandum

Pursuant to a memorandum jointly issued by EDC, DCP, and DOB, dated December 13, 2016, certain life sciences laboratories can be classified as Use Group ("UG") 9 medical laboratories, which may be located in certain commercial districts. According to the memorandum, these medical laboratories may include facilities for research, testing, and development, and may include limited production activities. The memorandum establishes the city's objective of attracting life science uses. The city supports the growth of the life sciences industry as an important source of high-skilled jobs that is uniquely suited for expansion in the city due to its many academic and medical institutions, strong financial industry, and large and diverse population.

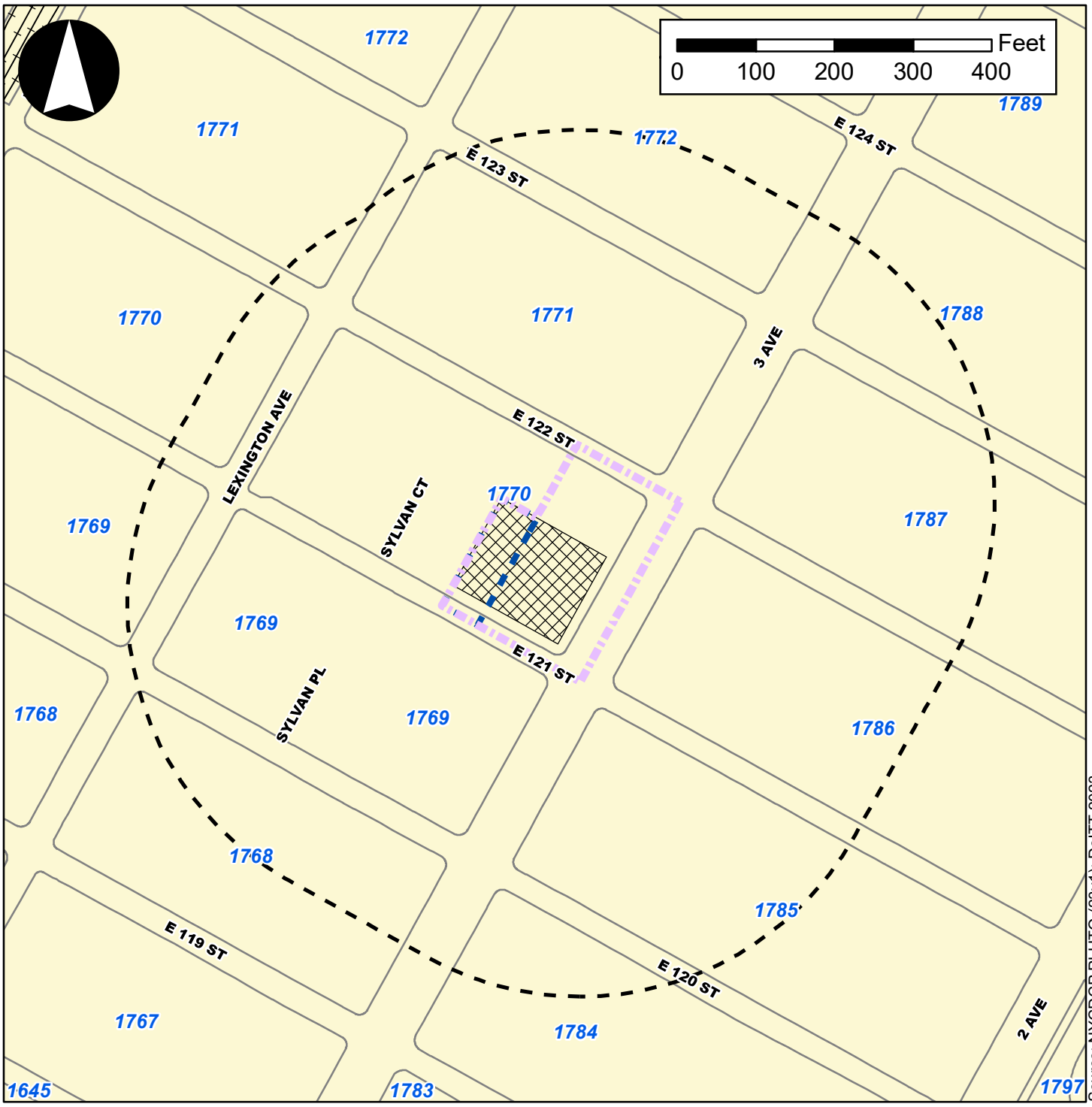
Figure C-5
FRESH Program



Source: NYCDCP PLUTO (23v1); DoITT 2023

Legend

- Primary Study Area (Project Area)
- Secondary Study Area (400-Foot Radius)
- Rezoning Area
- Development Site
- FRESH Program Discretionary Tax Incentives
- FRESH Program Zoning & Discretionary Tax Incentives
- FRESH Program Zoning Incentives



Source: NYCDCP PLUTO (23v1); DoITT 2023

Legend

- Primary Study Area (Project Area)
- Secondary Study Area (400-Foot Radius)
- Rezoning Area
- Development Site
- Transit Zone

In January 2018, during the State of the City address, former Mayor de Blasio announced LifeSci NYC, a ten-year plan led by EDC to create jobs and establish New York City as the global leader in life sciences. The initiative will invest $500 million in developing talent, companies, and new space for life science uses. According to EDC's January 2021 vision plan, the heart of the city's life sciences ecosystem is "LifeSci Avenue," an established corridor along the East Side of Manhattan stretching from Kips Bay in the south through East Harlem and the primary study area in the north. The area encompasses some of the country's premier institutions in biomedical research, clinical care, and commercial biotech. In June 2021, former Mayor de Blasio announced a plan to double the city's investment in life sciences to $1 billion as part of LifeSci NYC. The expanded initiative is expected to generate 40,000 jobs.

The Future without the Proposed Actions (No-Action Scenario)

Land Use and Zoning

Primary Study Area (Project Area)

As described in **Attachment A, "Project Description,"** in the future without the Proposed Actions, the primary study area's existing C4-6/EHC and R7B zoning would remain in place. In the future without the Proposed Actions, the Applicant would not proceed with the Proposed Development within the Development Site (Lot 36).

Under the No-Action scenario, the Development Site would be developed with an as-of-right 10-story commercial and community facility building totaling 159,603 gsf (133,426 zsf; 7.06 FAR). The building would contain approximately 107,987 gsf of UG 4 (medical office) community facility uses and approximately 51,616 gsf of UG 9A commercial uses. The No-Action scenario would include a cellar and no accessory parking. One loading berth would be required pursuant to ZR Section 36-62 and provided on the ground floor and accessed via a new 16-foot wide curb cut located on Third Avenue. The No-Action scenario is currently under construction, pursuant to DOB Job No. 121209156. The portion of the No-Action scenario building located within the C4-6/EHC district would stand 10-story-tall (145-foot-tall to the rooftop; 185-foot-tall to the top of the mechanical screen), while the portion of the No-Action scenario located within the R7B district would stand five-stories tall (72.5-foot-tall to the rooftop; 97.5-foot-tall to the top of the mechanical screen). No changes to any other lots within the primary study area would occur in the No-Action scenario.

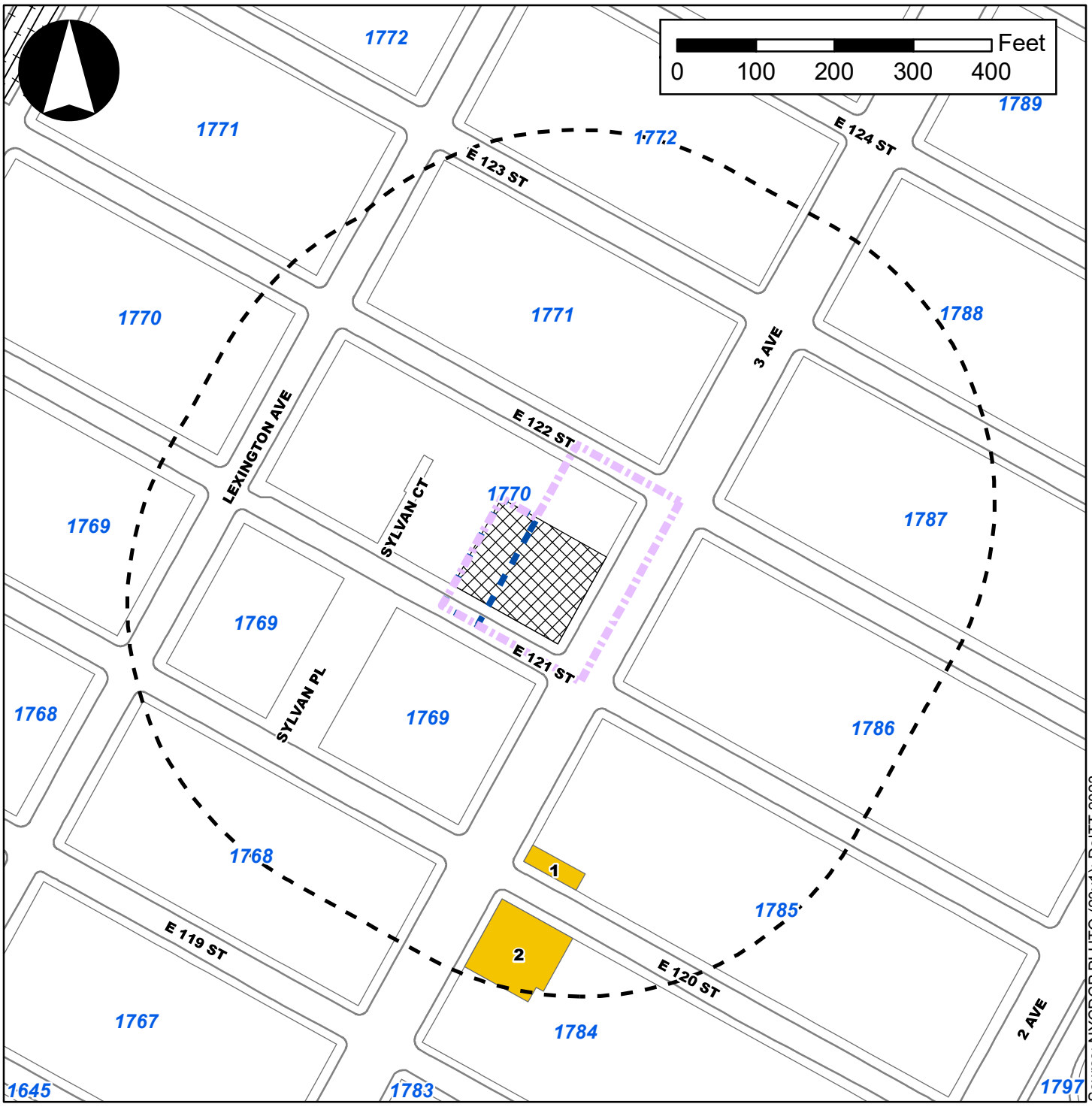
Secondary Study Area (400-Foot Radius)

In the future without the Proposed Actions, there are two known or anticipated development projects that could be completed within the secondary study area. The No-Action development projects are identified in **Figure C-7** and summarized in **Table C-3**.

Table C-3: No-Action Development Projects within the Secondary Study Area

Development Project Map No.	Address	Market-rate DUs	Affordable DUs	Commercial Space (gsf)	Community Facility (gsf)	Industrial (gsf)	Parking Spaces	Number of Stories	Anticipated Build Year
1	201 East 120th Street	0	5	852	0	0	0	4	2023
2	202 East 120th Street	139	0	5,944	1,530	0	0	21	2025
Totals		**139**	**5**	**6,796**	**1,530**	**0**	**0**		

Figure C-7
No-Action Development Projects



Source: NYCDCP PLUTO (23v1); DoITT 2023

Legend

- Primary Study Area (Project Area)
- Secondary Study Area (400-Foot Radius)
- Rezoning Area
- Development Site
- 1 No-Action Development Projects

Note:
[1] The No-Action development projects are mapped in **Figure C-7**.

At 201 East 120th Street (also known as ["aka"] 2203 Third Avenue), an existing four-story building is being renovated into a mixed-use commercial/residential building by the East Harlem El Barrio Community Land Trust in partnership with the City of New York. The building will contain five DUs (4,480 sf) and approximately 852 sf of commercial space. At 202 East 120th Street (aka 2201 Third Avenue), a 21-story (approximately 251-foot-tall to the top of the elevator bulkhead) mixed-use building comprising approximately 134,990 gsf of total space is planned. The building would contain approximately 139 DUs, 5,944 gsf of UG 6A commercial space, and 1,530 gsf of UG 4A community facility space.

Public Policy

There are no known or planned changes to public policy applicable to either the primary or secondary study areas in the future without the Proposed Actions.

The Future with the Proposed Actions (With-Action Scenario)

In the future with the Proposed Actions, the requested one Zoning Map Amendment, three Zoning Text Amendments, and one CPC Special Permit would be approved. Therefore, the Rezoning Area within the primary study area would be rezoned from R7B to C4-6/EHC. In addition, a new Mandatory Inclusionary Housing ("MIH") area would be mapped on the primary study area. As described in **Attachment A, "Project Description,"** the With-Action scenario established for the Development Site differs from the Proposed Development.

Land Use

Primary Study Area (Project Area)

As summarized in **Table C-4**, the With-Action scenario comprises a 16-story, approximately 235-foot-tall building (plus a 40-foot-tall rooftop bulkhead) that would contain approximately 189,220 sf of floor area (10.0 FAR) and 217,603 gsf of total space. The building would be occupied by approximately 156,674 gsf (136,238 zsf) of commercial uses, primarily life science uses (UG 9A), and approximately 60,929 gsf (52,982 zsf) of UG 4 (medical office) community facility uses. The With-Action scenario would include a cellar and no accessory parking. One loading berth would be provided. No changes to any other lots within the primary study area would occur in the With-Action scenario.

Table C-4: Comparison of No-Action and With-Action Scenarios

Use	No-Action Scenario	With-Action Scenario	Increment
Commercial (gsf)	(UG 9A) 51,616 gsf	(UG 9A) 156,674 gsf	(UG 9A) +105,058 gsf
Community Facility (gsf)	(UG 4) 107,987 gsf	(UG 4) 60,929 gsf	(UG4) -47,058 gsf

Assessment

In the future with the Proposed Actions, the one requested Zoning Map Amendment, three Zoning Text Amendments, and one CPC Special Permit would not result in changes to land use within the primary study area. As described above, the No-Action scenario currently under construction on the Development

Site would introduce commercial (primarily UG 9A life science) and community facility (UG 4 medical office) land uses to the primary study area. In addition, the primary study area is located in East Harlem, a neighborhood with an established blend of commercial/office, community facility, mixed-use commercial/residential, and residential land uses. The new commercial (primarily UG 9A life science) and community facility (UG 4 medical office) land uses introduced by the With-Action scenario would be complementary to the existing land use character of East Harlem.

Therefore, the With-Action scenario would not generate land uses that would be incompatible with surrounding land uses, nor would it displace existing land uses within the primary study area in such a way as to adversely affect surrounding land uses. Therefore, the With-Action scenario would complement the existing land uses within the primary study area, and no significant adverse land use impacts are expected within the primary study area. In addition, the secondary study area would not undergo any land use changes as a result of the Proposed Actions. As noted above, the secondary study area includes a mixture of commercial/office, mixed-use commercial/residential, public facility and institutional, and residential land uses. Therefore, the With-Action scenario would not introduce any new land uses that would be incompatible with their surroundings, and no significant adverse land use impacts would occur within the secondary study area.

Zoning

Primary Study Area (Project Area)

In the future with the Proposed Actions, the requested one Zoning Map Amendment, three Zoning Text Amendments, and one CPC Special Permit would be approved. Therefore, the Rezoning Area within the primary study area would be rezoned from R7B to C4-6/EHC. In addition, a new MIH area would be mapped on the primary study area. As shown in **Table C-5**, within the primary study area, the Proposed Actions would modify the maximum allowable density to 7.2 FAR for commercial uses.

Table C-5: Comparison of Existing and Proposed Zoning

	Existing C4-6/EHC	Existing R7B	Proposed C4-6/EHC
Use Groups	1-6, 8-10, 12	1-4	1-6, 8-10, 12
Maximum Permitted FAR			
Residential *Tower Regulations* *Quality Housing Regulations*	 10.0[1] or 12.0[2] 10.0[1] or 12.0[2]	 N/A 3.0	 10.0[1] or 12.0[2] 10.0[1] or 12.0[2]
Community Facility	10.0	3.0	10.0
Commercial	3.4	Not Permitted	7.2
Manufacturing	Not Permitted	Not Permitted	Not Permitted
Yards			
Minimum Front Yard	None	None	None
Minimum Side Yard	None	None	None
Minimum Rear Yard	20' (commercial) or 30'	30'	20' (commercial) or 30'
Height and Setbacks			
Minimum Base Height *Tower Regulations* *Quality Housing Regulations*	 60'[2] 60'[3] or 125'[4]	 N/A 40'	 60'[2] 60'[3] or 125'[4]
Maximum Base Height *Tower Regulations* *Quality Housing Regulations*	 85'[2] 125'[3]/155'[2, 4] or 155'[4]	 N/A 65'	 85'[2] 125'[3]/155'[2, 4] or 155'[4]
Maximum Building Height *Tower Regulations* *Quality Housing Regulations*	N/A 185'[3] or 215'[4] (Basic with QGF); 215'[3] or 235'[4] (MIH with QGF)	N/A 75'	N/A 185'[3] or 215'[4] (Basic with QGF); 215'[3] or 235'[4] (MIH with QGF)
Maximum Height of Front Wall *Tower Regulations* *Quality Housing Regulations*	 N/A 85' or nine-stories	 N/A 65'	 N/A 85' or nine-stories
Maximum Number of Stories *Tower Regulations* *Quality Housing Regulations*	 N/A 21 (Basic); 21[2, 4] or 23[2, 4]	 N/A N/A	 N/A 21 (Basic); 21[2, 4] or 23[2, 4]
Sky Exposure Plane	(*Tower Regulations*) Begins at 85'; 2.7:1 narrow street/ 5.6:1 wide street	N/A	(*Tower Regulations*) Begins at 85'; 2.7:1 narrow street/ 5.6:1 wide street
Setbacks from Narrow Streets	15'	15'	15'
Setbacks from Wide Streets	10'	10'	10'
Parking			
Residential	40%	50%	40%
Commercial	None	N/A	None
Manufacturing	N/A	N/A	N/A
Income-Restricted Housing Units	None (Transit Zone) or 12% (Outside Transit Zone)	None (Inside Transit Zone) or 25% (Outside Transit Zone)	None (Transit Zone) or 12% (Outside Transit Zone)
Affordable Independent Residences for Seniors	None (Transit Zone) or 10% (Outside Transit Zone)	None (Transit Zone) or 10% (Outside Transit Zone)	None (Transit Zone) or 10% (Outside Transit Zone)

Source: *Zoning Resolution of the City of New York.*

Notes:

[1] Per ZR Section 138-211 and Map 2 "Maximum Residential Floor Area (11/30/17)" of Appendix – SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN.

[2] With VIH pursuant to ZR Section 23-154.

[3] Beyond 100 feet of a wide street.

[4] Within 100 feet of a wide street.

Assessment

Zoning Map Amendment

The proposed Zoning Map Amendment from R7B to C4-6/EHC would newly allow commercial uses on the R7B portion of the Development Site within the primary study area and permit an increase in commercial density from 3.4 to 7.2 FAR. Compared to C4-6 district regulations, there will be no changes to the maximum permitted density (10.0 FAR) or height and setback regulations. The proposed C4-6 district would be consistent with the existing land use and zoning character of the surrounding secondary study

area, including the C4-6 (R10 equivalent) zoning district mapped along Third Avenue to the north and south. The primary study area is located along a wide street and the surrounding secondary study area is located near major public transportation hubs, making the area well equipped to absorb the additional permitted commercial density.

Zoning Text Amendments and CPC Special Permit

The proposed Zoning Text Amendment to the Appendix of ZR Article XIII Chapter 8, "Special East Harlem Corridors District" would extend the existing EHC boundaries on the district plan maps to include the portion of the primary study area currently zoned R7B. The proposed Zoning Text Amendment would facilitate the proposed CPC Special Permit pursuant to the proposed ZR Section 138-42, which itself would establish a mechanism to reduce the number of required loading berths within the EHC.

The proposed Zoning Text Amendment to establish ZR Section 138-42 would permit the CPC to reduce the number of required loading berths within the EHC. The proposed Zoning Text Amendment would provide a mechanism to reduce the number of required loading berths provided that certain findings are met. The proposed Zoning Text Amendment would permit the Applicant to seek a reduction in the number of required loading berths at the Development Site (Block 1770, Lot 36).

The proposed CPC Special Permit pursuant to the proposed ZR Section 138-42 would permit a reduction in the number of required loading berths at the Development Site (Block 1770, Lot 36); the proposed CPC Special Permit would only apply to the Development Site. Under the Proposed Actions, the Rezoning Area within the primary study area would be rezoned from R7B to C4-6/EHC and the Proposed Development would require three loading berths pursuant to ZR Section 36-62. The Applicant proposes to reduce the number of required loading berths from three to one; the loading berth would be provided on the ground floor and accessed via Third Avenue. It is the Applicant's opinion that the provision of three loading berths is not necessary for a 133,426 sf building with primarily life science uses, as the provision of one loading berth would be sufficient to meet the Proposed Development's anticipated delivery demand. The configuration of the building that has been constructed in connection with the Proposed Development cannot accommodate loading berths on its East 121st Street frontage because of the Development Site's grade change from east to west. Along East 121st Street to the west of Third Avenue, the Development Site's grade change would render locating loading berths on East 121st Street infeasible. In addition, it is the Applicant's opinion that the provision of three loading berths on Third Avenue could impede safe pedestrian circulation along Third Avenue adjacent to the Development Site because Third Avenue is a key neighborhood commercial corridor that exhibits significant volumes of pedestrian and vehicular traffic. The Applicant will maximize the utility of the proposed loading berth by implementing an efficient goods receiving system that would minimize or eliminate the need for queueing to use the loading berth, as well as ensure pedestrian safety adjacent to the Development Site.

In addition, a new MIH area would be mapped on the primary study area. The MIH area would be subject to the affordability requirements of the MIH program (as an amendment to ZR Appendix F).

For these reasons, the Proposed Actions would not represent a significant adverse impact on zoning within the primary or secondary study areas, in accordance with the criteria set forth in the 2021 *CEQR Technical Manual*.

Public Policy

Harlem-East Harlem Urban Renewal Plan

The Harlem-East Harlem Urban Renewal Plan ("URP") seeks to redevelop the area in a comprehensive manner, remove blight, and maximize appropriate land use; remove or rehabilitate substandard and unsanitary structures; remove impediments to land assemblage and orderly development; strengthen the tax base of the city by encouraging development and employment opportunities in the area; provide new housing of high quality and/or rehabilitated housing of upgraded quality; provide appropriate community facilities, parks and recreational uses, retail shopping, public parking, and private parking; and, provide a stable environment within the area that will not be a blighting influence on surrounding neighborhoods. Although the primary study area is located within the Harlem-East Harlem Urban Renewal Area ("URA"), properties located within the primary study area, including the Development Site, were not identified in the URP as acquisition parcels. Therefore, all properties within the primary study area, which includes the Development Site, are not subject to the controls of the URP. Although the Proposed Actions and subsequent development would not be subject to the controls of the URP, the Proposed Actions and subsequent development would be compatible with the redevelopment objectives of the URP. The Proposed Actions would facilitate additional commercial uses (primarily UG 9A life science) in a transit-accessible area of the East Harlem neighborhood that could support increased density. The Proposed Actions would also encourage new employment opportunities for residents of the East Harlem neighborhood. Therefore, the Proposed Actions would be compatible with the policy goals and objectives of the URP.

Housing Our Neighbors: A Blueprint for Housing and Homelessness

Although the Proposed Actions would not facilitate the development of residential uses, the Proposed Actions would support the policies and goals of *Housing Our Neighbors: A Blueprint for Housing and Homelessness* by mapping a new MIH area on the primary study area, which would require future residential development to include permanent affordable dwelling units. An MIH area requires compliance with one of the affordable housing options provided in ZR Section 23-154(d)(3). The final MIH option will be selected by the City Council during ULURP. Therefore, the Proposed Actions would be consistent with the policy goals and objectives of *Housing Our Neighbors: A Blueprint for Housing and Homelessness*.

OneNYC 2050: Building a Strong and Fair City

The Proposed Actions would support the policies and goals of OneNYC 2050. The Proposed Actions would facilitate additional commercial uses (primarily UG 9A life science) and new employment opportunities within the primary study area, thereby contributing to the community development of the East Harlem neighborhood. Therefore, the Proposed Actions would be consistent with the policy goals and objectives of OneNYC 2050.

Excelsior Jobs Program

The Proposed Actions would facilitate additional commercial uses (primarily UG 9A life science) and therefore would enable an opportunity for new businesses to locate in the East Harlem neighborhood. The East Harlem neighborhood has been identified as a distressed area where the Excelsior Real Property

Tax Credit would be applicable. Therefore, new businesses located within the primary study area would be eligible for the Excelsior Jobs Program. Furthermore, the mission of the Excelsior Jobs Program reflects the purpose of the Proposed Actions. The Excelsior Jobs Program is intended to facilitate a wide variety of local and regional commercial activities, including job creation. The continued administration of the Excelsior Jobs Program would encourage the creation, relocation, and expansion of businesses in growth industries in the East Harlem neighborhood. These businesses would create and maintain employment opportunities within the primary and secondary study areas. Therefore, the Proposed Actions would be consistent with the policy goals and objectives of the Excelsior Jobs Program.

Upper Manhattan Empowerment Zone

Through the expansion of economic development activities, the Proposed Actions would support the goals of the UMEZ. The UMEZ seeks to sustain the economic revitalization of communities in Upper Manhattan through job creation, corporate alliances, strategic investments, and small business assistance. The Proposed Actions would facilitate additional commercial uses (primarily UG 9A life science) along Third Avenue, which the UMEZ identifies as a key corridor in the East Harlem neighborhood. In consideration of the existing transit facilities located near Third Avenue, this key corridor has the potential to become a center for local and regional commercial and economic development activity. The Proposed Actions would introduce a worker population and provide opportunities for new businesses to locate in the East Harlem neighborhood. These businesses would have the opportunity to take advantage of the UMEZ, which provides grants focusing on workforce development and loans and bond financing to real estate development projects, commercial businesses, and small business enterprises. Therefore, the Proposed Actions would be consistent with the policy goals and objectives of the UMEZ.

FRESH Program

The primary study area is located within an area designated for both zoning and discretionary tax incentives pursuant to the FRESH Program, thereby allowing future development in the primary study area to take advantage of the incentives applicable to the FRESH Program. The primary goal of the FRESH Program is to encourage the development and retention of convenient, accessible stores that provide fresh meat, fruit and vegetables, and other perishable goods in addition to a full range of grocery products. The Proposed Actions would not facilitate the development of a FRESH food store; however, the Proposed Actions would not preclude the future development of a FRESH food store in the primary study area. Therefore, the Proposed Actions would not conflict with the policy goals and objectives of the FRESH Program.

Where We Live NYC Plan

Although the Proposed Actions would not facilitate the development of residential uses, the Proposed Actions would support Goal 2 of the *Where We Live NYC Plan* by mapping a new MIH area on the primary study area, which would require future residential development to include permanent affordable dwelling units. An MIH area requires compliance with one of the affordable housing options provided in ZR Section 23-154(d)(3). The final MIH option will be selected by the City Council during ULURP. Therefore, the Proposed Actions would be consistent with Goal 2 of the *Where We Live NYC Plan*.

Transit Zone

The Proposed Actions would facilitate additional commercial uses (primarily UG 9A life science) in a transit-accessible area of the East Harlem neighborhood. The primary study area is located within the Transit Zone and the 125th Street Subway Station (serviced by the 4, 5, and 6 trains) is located approximately 0.3 miles to the north of the primary study area. The Proposed Actions would not conflict with the primary study area's location within the Transit Zone.

Life Sciences in Commercial Zoning Districts Memorandum

The Proposed Actions would be consistent with the city's objective of attracting life science uses, as outlined in the *Life Sciences in Commercial Zoning Districts* memorandum. Pursuant to the memorandum, certain life sciences laboratories can be classified as UG 9 medical laboratories, which may be located in certain commercial districts. The Proposed Actions, specifically the proposed Zoning Map Amendment to permit additional life science uses and commercial uses within the primary study area, would further the city's goals of expanding the life sciences industry and strengthening the existing "LifeSci Avenue" corridor along the East Side of Manhattan. In addition, the Proposed Actions would result in the creation of additional new employment opportunities within the primary study area. Therefore, the Proposed Actions would be consistent with the *Life Sciences in Commercial Zoning Districts* memorandum.

Attachment D:

Shadows

I. INTRODUCTION

This attachment assesses the potential for the Proposed Actions to result in incremental shadows long enough to reach any nearby publicly accessible open spaces or other sunlight-sensitive resources. According to the 2021 *City Environmental Quality Review* ("CEQR") *Technical Manual*, a shadows analysis is required if a proposed action would result in structures (or additions to existing structures) of 50 feet or greater in height, or those that would be located adjacent to, or across the street from, a sunlight-sensitive resource.

The Proposed Actions would facilitate a height increment of approximately 90 feet. Both the Proposed Development and the No-Action scenario would comprise an approximately 145-foot-tall building (185-foot-tall to the top of the mechanical screen), while the maximum permitted building height pursuant to the proposed C4-6/EHC zoning (R10 equivalent) is 235 feet (and 23 stories). In addition, the Proposed Development would be located adjacent to several sunlight-sensitive resources, including public open space and historic and cultural resources. Therefore, a detailed shadows analysis was prepared in accordance with 2021 *CEQR Technical Manual* guidance to determine the potential for the Proposed Actions to result in significant adverse shadow impacts on sunlight-sensitive resources. As described in **Attachment A, "Project Description,"** the Proposed Development would not maximize the permitted building height; the maximum permitted building height pursuant to the proposed C4-6/EHC zoning (R10 equivalent) is 235 feet (and 23 stories). Therefore, for CEQR analysis purposes, the With-Action scenario utilizes the maximum allowable building height and comprises a 16-story, approximately 235-foot-tall building (plus a 40-foot-tall rooftop bulkhead).

II. METHODOLOGY

According to the 2021 *CEQR Technical Manual*, the longest shadow a structure will cast in New York City, except for periods close to dawn or dusk, is 4.3 times its height. For actions or projects resulting in structures less than 50 feet tall, a shadows analysis is generally not necessary, unless the structures are adjacent to a park, historic resource, or important natural feature (if the feature that makes the structure significant depends on sunlight).

First, a preliminary screening assessment must be conducted to ascertain whether shadows resulting from an action or project could reach any sunlight-sensitive resource at any time of year. The 2021 *CEQR Technical Manual* defines sunlight-sensitive resources as those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. The following are considered to be sunlight-sensitive resources[1]:

- *Public open space* (e.g., parks, playgrounds, plazas, schoolyards, greenways, and landscaped medians with seating). Planted areas within unused portions of roadbeds that are part of the

[1] According to the 2021 *CEQR Technical Manual*, city streets, sidewalks, and private open spaces (such as private residential front and back yards, stoops, and vacant lots) are not considered to be sunlight-sensitive resources.

Greenstreets program are also considered sunlight-sensitive resources. The use of an open space establishes its sensitivity to shadows. This sensitivity is assessed for both (1) warm-weather dependent features, such as wading pools and sandboxes, or vegetation that could be affected by loss of sunlight during the growing season (i.e., March through October); and (2) features, such as benches, that could be affected by a loss of winter sunlight. Open space uses that rely on sunlight include: Passive uses, such as sitting or sunning areas; active uses, such as playfields or paved courts; and such activities as gardening, or children's wading pools and sprinklers. Where lawns are actively used, the turf requires extensive sunlight. Vegetation requiring direct sunlight includes the tree canopy, flowering plants, and plots in community gardens. Generally, six to eight hours a day of sunlight, particularly in the growing season, is a minimum requirement.

- *Features of historic architectural resources that depend on sunlight for their enjoyment by the public.* Only the sunlight-sensitive features are considered, as opposed to the entire architectural resource. Sunlight-sensitive features include the following: design elements that are part of a recognized architectural style that depends on the contrast between light and dark (e.g., deep recesses or voids, such as open galleries, arcades, recessed balconies, deep window reveals, and prominent rustication); elaborate, highly carved ornamentation; stained glass windows; exterior building materials and color that depend on direct sunlight for visual character (e.g., the polychromy [multicolored] features found on Victorian Gothic Revival or Art Deco facades); historic landscapes, such as scenic landmarks, including vegetation recognized as an historic feature of the landscape; and structural features for which the effect of direct sunlight is described as playing a significant role in the structure's importance as an historic landmark.

- *Natural resources where the introduction of shadows could alter the resource's condition or microclimate.* Such resources could include surface water bodies, wetlands, or designated resources, such as coastal fish and wildlife habitats.

The preliminary shadow screening assessment consists of three tiers of analysis. The first tier determines a simple radius around the site representing the longest shadow that could be cast by the proposed building(s). If there are sunlight-sensitive resources within the radius, the analysis proceeds to the second tier, which reduces the area that could be affected by action-generated shadows by accounting for a specific range of angles that can never receive shade in New York City due to the path of the sun in the northern hemisphere. If the second tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be reached by new shadows by looking at specific representative days of the year and determining the maximum extent of shadow coverage over the course of each representative day.

If the third tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a detailed shadows analysis is required to determine the extent and duration of the incremental shadow – or the additional, or new, shadow that a building or other built structure resulting from a proposed action would cast on a sunlight-sensitive resource during the year – resulting from a proposed action. Incremental shadows are determined by establishing a baseline condition (the No-Action scenario) and comparing it to the future condition resulting from a proposed action (the With-Action scenario), thus illustrating the shadows cast by existing or future buildings and distinguishing the additional (incremental) shadows cast by a proposed project. In accordance with 2021 *CEQR Technical Manual* guidance, shadows on sunlight-sensitive resources of concern were modeled for four representative days of the year. For the New York City area, the months of interest for an open space resource encompass the growing season (i.e., March through October) and one month between

November and February representing a cold-weather month (usually December). Representative days for the growing season are generally the March 21 vernal equinox (or the September 21 autumnal equinox, which is approximately the same), the June 21 summer solstice, and a spring or summer day halfway between the summer solstice and equinoxes, such as May 6 or August 6 (which are approximately the same). For the cold weather months, the December 21 winter solstice is included to demonstrate conditions when open space users rely most heavily on available sunlight warmth. As these months and days are representative of the full range of possible shadows, they are also used for assessing shadows on sunlight-sensitive resources.

The 2021 *CEQR Technical Manual* defines the temporal limits of a shadows analysis period to fall from an hour and a half after sunrise to an hour and a half before sunset.

The detailed analysis provides the data needed to assess the shadow impact. The effects of the new shadows on the sunlight-sensitive resources are described, and their degree of significance is considered. The results of the analysis are documented with graphics, a table of incremental shadow durations, and narrative text. As described in the 2021 *CEQR Technical Manual*, an incremental shadow is generally not considered significant when its duration is no longer than 10 minutes at any time of year and the resource continues to receive substantial direct sunlight. A significant shadow impact generally occurs when an incremental shadow of 10 minutes or longer falls on a sunlight-sensitive resource and results in one of the following:

- *Vegetation:* A substantial reduction in sunlight available to sunlight-sensitive features of the resource to less than the minimum time necessary for their survival (when there would be sufficient sunlight in the future without the project) or a reduction in direct sunlight exposure where the sensitive features of the resource are already subject to substandard sunlight (i.e., less than the minimum time necessary for their survival).

- *Historic and cultural resources:* A substantial reduction in sunlight available for the enjoyment or appreciation of the sunlight-sensitive features of an historic or cultural resource.

- *Open space utilization:* A substantial reduction in the usability of open space as a result of increased shadow, including information regarding anticipated new users and the open space's utilization rates throughout the affected time periods.

- *For any sunlight-sensitive feature of a resource:* Complete elimination of all direct sunlight on the sunlight-sensitive feature(s) of the resource, when the complete elimination results in substantial effects on the survival, enjoyment, or, in the case of open space or natural resources, the use of the resource.

In general, a significant adverse shadow impact occurs when the incremental shadow added by a proposed action falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight exposure, thereby significantly altering the public's use and enjoyment of the resource or threatening the viability of vegetation or other resources.

III. PRELIMINARY SCREENING

Tier 1 Screening Assessment

According to the 2021 *CEQR Technical Manual*, the longest shadow that a structure will cast in New York City, except for periods close to dawn or dusk, is 4.3 times its height. The maximum shadow radius for the With-Action scenario (1,183 feet) was determined using a maximum building height (including rooftop bulkhead) of 275 feet (Tier 1 Screening Assessment).

Base maps were prepared (refer to **Figures D-1** and **D-2**) for the Development Site, which identify all potentially sunlight-sensitive resources within the maximum shadow radius. As shown in **Figure D-1**, within the longest shadow study area, there are 17 potentially sunlight-sensitive open space resources. As shown in **Figure D-2**, within the longest shadow study area, there are 21 potentially sunlight-sensitive historic and cultural resources. Therefore, further screening was warranted to determine whether these resources could be affected by action-generated shadows.

Tier 2 Screening Assessment

Due to the path of the sun across the sky in the northern hemisphere, no shadow can be cast in a triangular area south of any given site. In New York City, this area lies between -108 and +108 degrees from true north. The purpose of the Tier 2 screening assessment is to determine whether the potentially sunlight-sensitive resources identified in the Tier 1 screening assessment are located within portions of the longest shadow study area that can receive shade from the With-Action scenario.

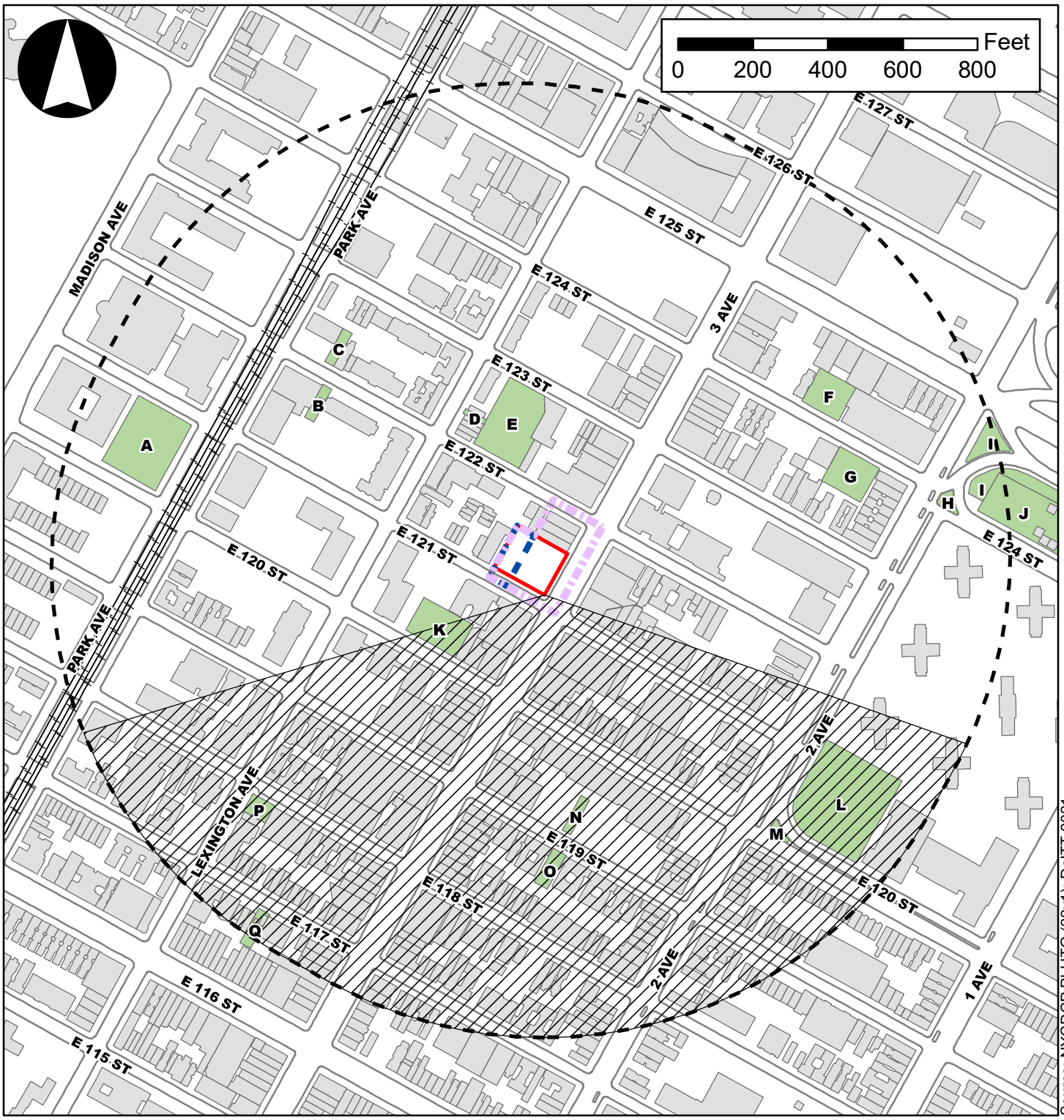
Figures D-1 and **D-2** provide base maps illustrating the results of the Tier 2 screening assessment (i.e., the portion of the longest shadow study area lying within -108 degrees from true north and +108 degrees from true north as measured from the southernmost corner of the Development Site). As shown in **Table D-1**, there are 11 sunlight-sensitive open space resources that warrant further assessment based on the Tier 2 screening assessment.

Table D-1: Open Space Resources Warranting Further Analysis Based on Tier 2 Screening Assessment

Map ID.[1]	Resources	Sunlight-Sensitive (Yes/No)
Open Space Resources		
A	Eugene McCabe Field	Yes
B	Carolina Garden	Yes
C	Jackie Robinson Community Garden	Yes
D	Life Spire Garden	Yes
E	Dr. Ronald E. McNair Playground	Yes
F	Detective Omar Edwards Park	Yes
G	Carver Community Garden	Yes
H	Greenstreet – East 124th Street and Second Avenue	Yes
I	Triboro Plaza	Yes
J	Wagner Houses Pool	Yes

Figure D-1

Tier 1 and 2 Screening Assessments: Open Space Resources

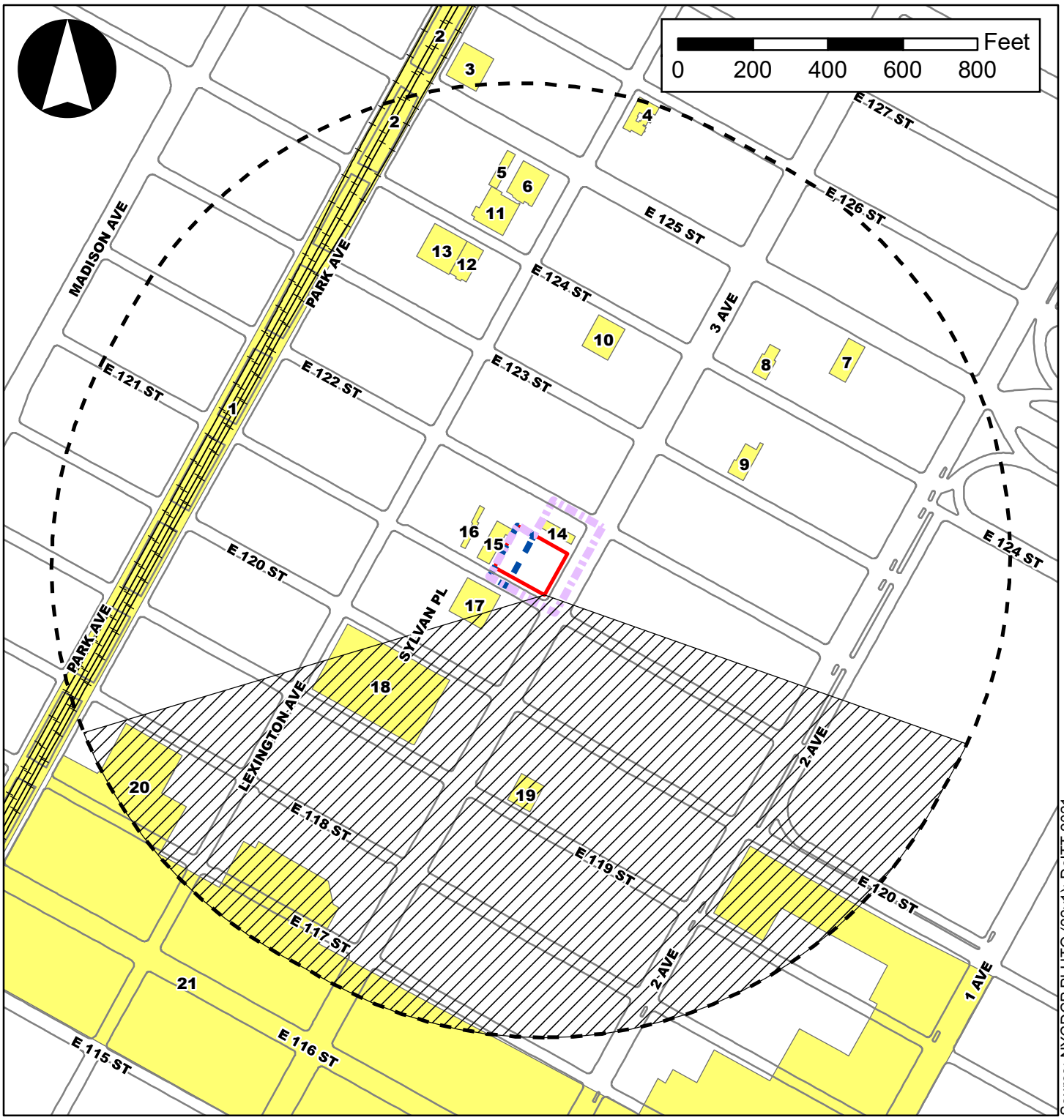


Source: NYCDCP PLUTO (22v1); DoITT 2021

Legend

- Project Area
- Rezoning Area
- Development Site
- Tier 1 Screening Assessment: Longest Shadow Study Area
- Tier 2 Screening Assessment: Area That Cannot Be Shaded
- Open Space Resources
- Existing Building Footprints

Tier 1 and 2 Screening Assessments: Historic and Cultural Resources



Source: NYCDCP PLUTO (22v1); DoITT 2021

Legend

- Project Area
- Rezoning Area
- Development Site
- Tier 1 Screening Assessment: Longest Shadow Study Area
- Tier 2 Screening Assessment: Area That Cannot Be Shaded
- Historic and Cultural Resources

K	Harlem Art Park	Yes

Note:
[1] The resources are identified in **Figure D-1**.

As shown in **Table D-2**, the 18 identified historic and cultural resources do not warrant further assessment based on the Tier 2 screening assessment. According to the 2021 *CEQR Technical Manual*, only the sunlight-sensitive features of historic and cultural resources should be considered, as opposed to the entire architectural resource. The 18 historic and cultural resources located within the portion of the longest shadow study area that can be shaded by the With-Action scenario were determined to not contain sunlight-sensitive features.

Table D-2: Historic and Cultural Resources Warranting Further Analysis Based on Tier 2 Screening Assessment

Map ID[1]	Resources	Sunlight-Sensitive (Yes/No)
Historic and Cultural Resources		
1	Park Avenue Viaduct of the New York Central and Hudson River Railroad (State/National Registers of Historic Places ("S/NR")-Eligible)	No
2	Harlem 125th Street Station (Metro-North 125th St. Station) (S/NR-Eligible)	No
3	Former Hamilton Storage and Warehouse Co. (S/NR-Eligible)	No
4	Apartment – 2075-2087 Lexington Avenue (S/NR-Eligible)	No
5	Fire Hook and Ladder Company No. 14 (New York City Landmarks Preservation Commission ("LPC") Individual Landmark and S/NR-Listed)	No
6	Former Harlem Savings Bank – 124 East 125th Street (S/NR-Eligible)	No
7	New York Public Library, 125th Street Branch (LPC Individual Landmark and S/NR-Eligible)	No
8	Tenement – 205 East 124th Street (S/NR-Eligible)	No
9	Chambers Memorial Baptist Church (S/NR-Eligible)	No
10	Former Stable – 166 East 124th Street (S/NR-Eligible)	No
11	Former New York City Telephone Company (S/NR-Eligible)	No
12	Former Stable – 124 East 124th Street (S/NR-Eligible)	No
13	Former Loft Building – 116 – 120 East 124th Street (S/NR-Eligible)	No
14	2238 Third Avenue (S/NR-Eligible)	No
15	Elmendorf Reformed Church (LPC Individual Landmark-Eligible and S/NR-Listed)	No
16	Sylvan Court (S/NR-Eligible)	No
17	Harlem Courthouse (LPC Individual Landmark and S/NR-Listed)	No
18	P.S. 7 (S/NR-Eligible)	No

Note:
[1] The resources are identified in **Figure D-2**.

Tier 3 Screening Assessment

According to the 2021 *CEQR Technical Manual*, a Tier 3 screening assessment should be performed to determine if, in the absence of intervening buildings, shadows resulting from a proposed action can reach a sunlight-sensitive resource, thereby warranting a detailed shadows analysis. The Tier 3 screening assessment is used to determine if shadows resulting from a proposed action can reach a sunlight-sensitive resource at any time between an hour and a half after sunrise and an hour and a half before sunset on representative analysis days.

As action-generated shadows could reach nine sunlight-sensitive open space resources, a Tier 3 assessment was performed using three dimensional ("3D") computer mapping software. The 3D model was used to calculate and display action-generated shadows on individual representative analysis days. The model contained 3D representations of the elements in the base map used in the preceding assessments and a 3D model of the With-Action scenario located on the Development Site. In the Tier 3 screening assessment, surrounding buildings within the longest shadow study area are not included in the model so that it may be determined whether action-generated shadows would reach the sunlight-sensitive open space resources identified.

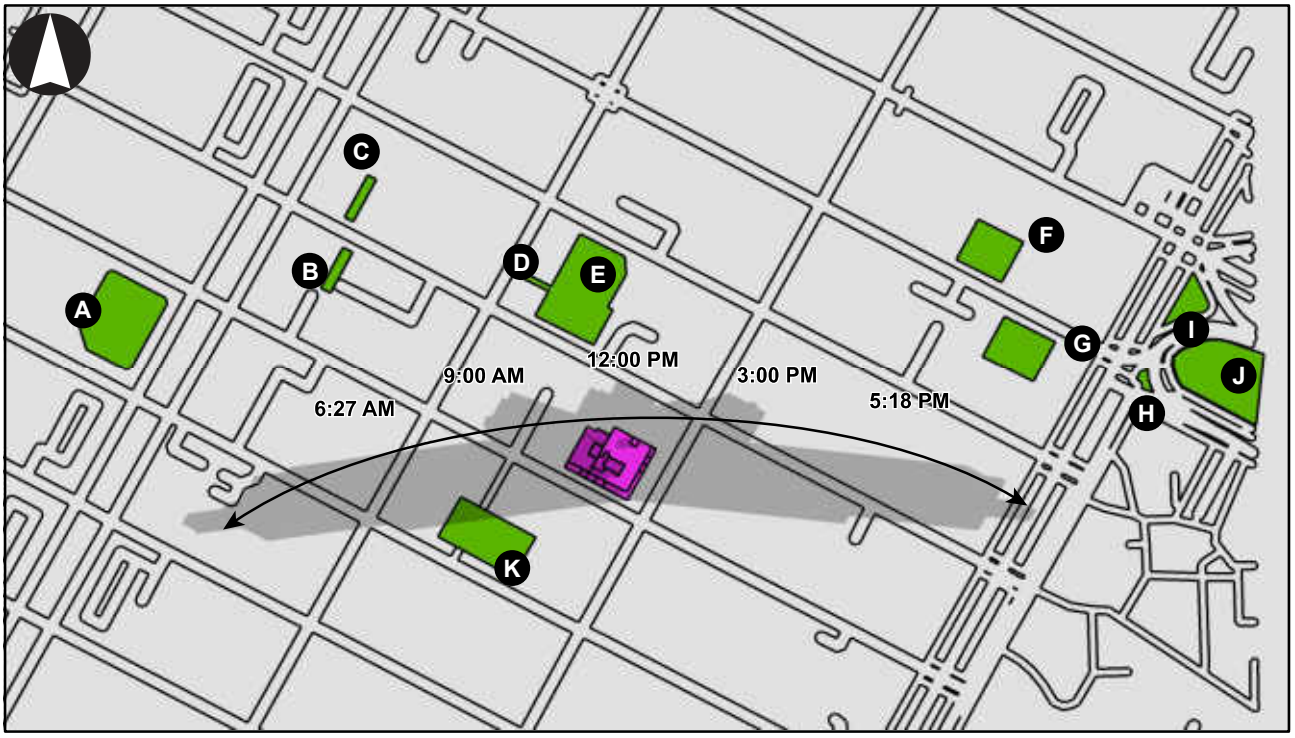
As shown in **Figures D-3** and **D-4**, and presented in **Table D-3**, based on the Tier 3 screening assessment, the potential for new incremental shadows to be cast on Jackie Robinson Community Garden, Life Spire Garden, Dr. Ronald E. McNair Playground, Carver Community Garden, and Harlem Art Park could not be ruled out. Therefore, a detailed shadows analysis is warranted for these sunlight-sensitive open space resources. Eugene McCabe Field, Carolina Garden, Detective Omar Edwards Park, the Greenstreet located at the intersection of East 124th Street and Second Avenue, Triboro Plaza, and Wagner Houses Pool would not receive action-generated shadows on any of the four representative analysis days and would not require further analysis.

Table D-3: Sunlight-Sensitive Open Space Resources Warranting Further Analysis Based on Tier 3 Screening Assessment

Map ID	Name	March 21/September 21 7:36 AM - 4:29 PM	May 6/August 6 6:27 AM - 5:18 PM	June 21 5:57 AM - 6:01 PM	December 21 8:51 AM - 2:53 PM	Representative Analysis Days
A	Eugene McCabe Field	NO	NO	NO	NO	0
B	Carolina Garden	NO	NO	NO	NO	0
C	Jackie Robinson Community Garden	NO	NO	NO	**YES**	**1**
D	Life Spire Garden	NO	NO	NO	**YES**	**1**
E	Dr. Ronald E. McNair Playground	**YES**	NO	NO	**YES**	**2**
F	Detective Omar Edwards Park	NO	NO	NO	NO	0
G	Carver Community Garden	**YES**	NO	NO	NO	**1**



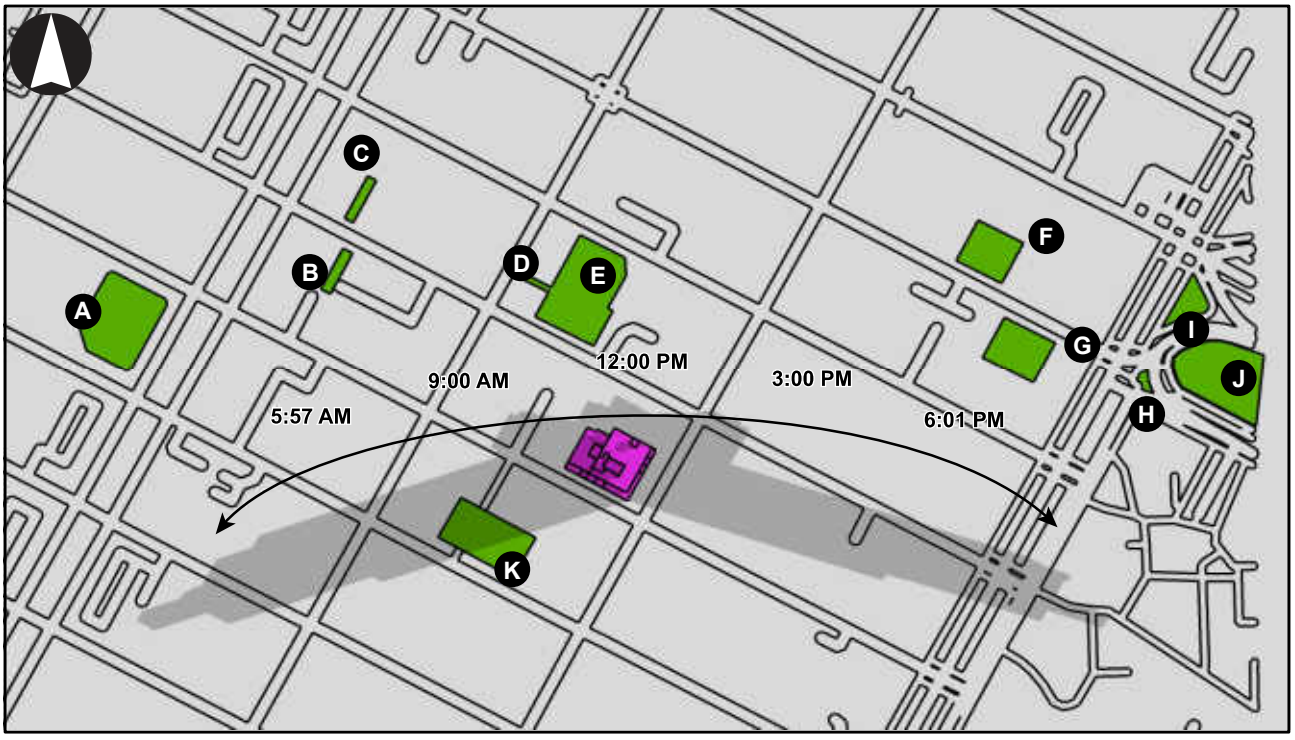
MARCH 21/SEPTEMBER 21



MAY 6/AUGUST 6

With-Action Scenario | Open Space | Incremental Shadow

Note: Resources keyed to Table D-1



JUNE 21



DECEMBER 21

With-Action Scenario | Open Space | Incremental Shadow

Note: Resources keyed to Table D-1

H	Greenstreet – East 124th Street and Second Avenue	NO	NO	NO	NO	0
I	Triboro Plaza	NO	NO	NO	NO	0
J	Wagner Houses Pool	NO	NO	NO	NO	0
K	Harlem Art Park	NO	**YES**	**YES**	NO	**2**

IV. DETAILED ANALYSIS OF SHADOW IMPACTS

Detailed Shadows Analysis

Per 2021 *CEQR Technical Manual* guidance, shadows analyses were performed for the four sunlight-sensitive open space resources identified above on four representative days of the year: March 21/September 21 (the equinoxes); May 6 (the midpoint between the summer solstice and the equinoxes, and equivalent to August 6); June 21 (the summer solstice and the longest day of the year); and December 21 (the winter solstice and shortest day of the year). As noted previously, 2021 *CEQR Technical Manual* guidance defines the temporal limits of a shadows analysis period to fall from an hour and a half after sunrise to an hour and a half before sunset. The results of the shadows analyses show the incremental difference in shadow impact between the No-Action scenario and the With-Action scenario; **Table D-4** summarizes the results of the shadows analyses.

Table D-4: Duration of Shadows on Sunlight-Sensitive Open Space Resources (Increment Compared to the No-Action Scenario)

Open Space Resource	Representative Day	March 21/September 21 7:36 AM – 4:29 PM	May 6/August 6 6:27 AM – 5:18 PM	June 21 5:57 AM – 6:01 PM	December 21 8:51 AM – 2:53 PM
Jackie Robinson Community Garden	Shadow enter-exit time				-
	Incremental shadow duration				-
Life Spire Garden	Shadow enter-exit time				9:38 – 9:50 AM; 10:20 – 10:29 AM; 10:49 – 11:37 AM
	Incremental shadow duration				Approx. 1 hour, 9 minutes
Dr. Ronald E. McNair Playground	Shadow enter-exit time	11:00 – 11:41 AM			9:46 AM – 12:55 PM
	Incremental shadow duration	Approx. 41 minutes			Approx. 3 hours, 9 minutes
Carver Community Garden	Shadow enter-exit time	-			
	Incremental shadow duration	-			
Harlem Art Park	Shadow enter-exit time		-	7:34 – 7:46 AM	
	Incremental shadow duration		-	Approx. 12 minutes	

Notes:
[A] All times are Eastern Standard Time; Daylight Saving Time was not accounted for per 2021 *CEQR Technical Manual* guidance.
[B] Table indicates the entry and exit times and total approximate duration of incremental shadows for the sunlight-sensitive open space resources.

As shown in **Table D-4**, incremental action-generated shadows would reach three of the five sunlight-sensitive open space resources identified in the Tier 3 screening assessment: Life Spire Garden, Dr. Ronald E. McNair Playground, and Harlem Art Park. Incremental action-generated shadows would not reach Jackie Robinson Community Garden and Carver Community Garden on any of the four representative analysis days and further analysis is not required for these sunlight-sensitive open space resources. **Figures D-5** and **D-6**, as well as **Figures D-8** through **D-11**, provided at the end of this attachment, show representative views of the action-generated shadows for the three affected sunlight-sensitive open space resources.

It should be noted that, per 2021 *CEQR Technical Manual* guidance, all times reported herein are Eastern Standard Time and do not reflect adjustments for Daylight Saving Time that is in effect from mid-March to early November. Therefore, the times reported in this attachment for March 21/September 21, May 6/August 6, and June 21 need to have one hour added to reflect Daylight Saving Time.

Resources Affected by Incremental Shadows

Life Spire Garden

Life Spire Garden is an approximately 0.02-acre (865 square feet ("sf")) community garden owned and operated by the New York City Department of Parks and Recreation ("NYC Parks"). The community garden is located at 2015 Lexington Avenue and is set on a narrow lot between two three-story buildings. The community garden's sunlight-sensitive features include benches and vegetation. No public hours of operation could be ascertained for Life Spire Garden.

December 21

On December 21, the time period for shadows analysis begins at 8:51 AM and continues until 2:53 PM. On the winter solstice, which is the day of the year with the shortest period of daylight, the sun is low in the sky and shadows are at their longest but move rapidly. On the winter solstice, incremental shadows from the With-Action scenario would reach portions of Life Spire Garden.

The With-Action scenario would cast incremental shadows on portions of Life Spire Garden for a total duration of approximately one hour and nine minutes. Incremental shadows would enter the garden at 9:38 AM and continue until 9:50 AM before briefly exiting the garden. At 10:20 AM, incremental shadows would re-enter the garden before exiting after 10:29 AM. At 10:49 AM, incremental shadows would re-enter the garden for a final time before exiting after 11:37 AM. As illustrated in **Figure D-5**, the extent of incremental shadow coverage would be limited to the community garden's easternmost area, at the rear of the community garden. After 11:37 AM, Life Spire Garden would not experience incremental shadow coverage from the With-Action scenario. The easternmost portion of Life Spire Garden that would experience incremental shadow coverage contains a shed and vegetation.

Assessment

The With-Action scenario would cast incremental shadows on Life Spire Garden on one of the four representative analysis days. Incremental shadow duration would be minimal, affecting the community garden for a total duration of approximately one hour and nine minutes on the December 21 representative analysis day. Incremental shadow coverage would generally be limited in scope and would not be cast on any single area of the community garden for an extended period of time. On December 21, the duration of incremental shadow coverage would occur in the late morning during a cold-weather month when the public's use of the community garden would be relatively low. In addition, the December 21 representative analysis day is outside the growing season and incremental shadow coverage would not affect the viability of the community garden's vegetation. Therefore, incremental shadow coverage from the With-Action scenario on Life Spire Garden would not be considered a significant adverse shadow impact, in accordance with 2021 *CEQR Technical Manual* guidance.

Dr. Ronald E. McNair Playground

Dr. Ronald E. McNair Playground is an approximately 0.60-acre playground owned and operated by NYC Parks. The playground is located near Lexington Avenue between East 122nd and East 123rd Streets. The playground's sunlight-sensitive features include playground equipment, benches, and vegetation. Dr. Ronald E. McNair Playground is open to the public between the hours of 7:00 AM and 9:00 PM (March 2 – October 31) and 7:00 AM and 6:00 PM (November 1 – March 1).

March 21/September 21

On March 21/September 21, the time period for shadows analysis begins at 7:36 AM and continues until 4:29 PM. March is considered the beginning of the growing season in New York City, and September 21, which has the same shadow patterns as March 21, is also within the growing season. On the March 21/September 21 analysis day, incremental shadows from the With-Action scenario would reach a small portion of Dr. Ronald E. McNair Playground.

The With-Action scenario would cast incremental shadows on a small portion of Dr. Ronald E. McNair Playground beginning at 11:00 AM and continuing until 11:41 AM, for a total duration of approximately 41 minutes. As illustrated in **Figure D-6**, the extent of incremental shadow coverage would be limited to the playground's southernmost area. After 11:41 AM, Dr. Ronald E. McNair Playground would not experience incremental shadow coverage from the With-Action scenario. As illustrated in **Figure D-7**, the small portion of Dr. Ronald E. McNair Playground that would experience incremental shadow coverage contains benches and vegetation.

December 21

On December 21, the time period for shadows analysis begins at 8:51 AM and continues until 2:53 PM. On the winter solstice, which is the day of the year with the shortest period of daylight, the sun is low in the sky and shadows are at their longest but move rapidly. On the winter solstice, incremental shadows from the With-Action scenario would reach portions of Dr. Ronald E. McNair Playground.

The With-Action scenario would cast incremental shadows on portions of Dr. Ronald E. McNair Playground beginning at 9:46 AM and continuing until 12:55 PM, for a total duration of approximately three hours

and nine minutes. As illustrated in **Figure D-8**, incremental shadows would enter the playground from the west and would be positioned in the western portion of the playground at 10:30 AM. As illustrated in **Figure D-8**, at 11:00 AM, incremental shadows, combined with shadows cast by existing buildings and structures, would eliminate direct sunlight exposure on Dr. Ronald E. McNair Playground. As illustrated in **Figures D-8** and **D-9**, between 11:00 AM and 11:30 AM, incremental shadow coverage would continue to reduce the amount of direct sunlight in the playground's northern, western, and central areas. However, as illustrated in **Figure D-10**, by 12:30 PM, incremental shadow coverage would decrease significantly and would be limited to the playground's eastern area. After 12:55 PM, Dr. Ronald E. McNair Playground would not experience incremental shadow coverage from the With-Action scenario. As illustrated in **Figure D-7**, the portions of Dr. Ronald E. McNair Playground that would experience incremental shadow coverage contain playground equipment, benches, and vegetation.

Assessment

The With-Action scenario would cast incremental shadows on Dr. Ronald E. McNair Playground on two of the four representative analysis days. Incremental shadow duration would affect the playground for a total duration of approximately 41 minutes on the March 21/September 21 representative analysis day and approximately three hours and nine minutes on the December 21 representative analysis day.

On the March 21/September 21 representative analysis day, incremental shadow duration would be minimal, affecting Dr. Ronald E. McNair Playground for a duration of approximately 41 minutes. Incremental shadow coverage would generally be limited in scope and would not be cast on any single area of the playground for an extended period of time. This would allow the playground's sunlight-sensitive vegetation to receive adequate direct sunlight (at least the six to eight hours recommended in the 2021 *CEQR Technical Manual*) during the growing season.

On the December 21 representative analysis day, incremental shadow coverage would eliminate direct sunlight exposure on Dr. Ronald E. McNair Playground between 11:00 AM and 11:30 AM. However, incremental shadow coverage would not be cast on any single area of the playground for an extended period of time, as shadows move from west to east throughout the day. This would allow the playground's sunlight-sensitive features, principally benches, which could be affected by a loss of winter sunlight, to receive adequate direct sunlight. On the December 21 representative analysis day, the duration of incremental shadow coverage would occur during a cold-weather month when the public's use of the playground would be relatively low. In addition, the December 21 representative analysis day is outside the growing season and incremental shadow coverage would not affect the viability of the playground's vegetation. Therefore, incremental shadow coverage from the With-Action scenario on Dr. Ronald E. McNair Playground would not be considered a significant adverse shadow impact, in accordance with 2021 *CEQR Technical Manual* guidance.

Harlem Art Park

Harlem Art Park is an approximately 0.35-acre park owned and operated by NYC Parks. The park is located along East 120th Street between Lexington and Third Avenues. The park's sunlight-sensitive features include benches and vegetation, including an established tree canopy. Harlem Art Park is open to the public between the hours of 8:00 AM and 8:00 PM.

June 21

On June 21, the time period for shadows analysis begins at 5:57 AM and continues until 6:01 PM. On the summer solstice, which is the day of the year with the longest period of daylight, the sun is most directly overhead and generally shadows are shortest and move across the widest angular range from west to east. On the summer solstice, incremental shadows from the With-Action scenario would reach a small portion of Harlem Art Park.

The With-Action scenario would cast incremental shadows on a small portion of Harlem Art Park beginning at 7:34 AM and continuing until 7:46 AM, for a total duration of approximately 12 minutes. As illustrated in **Figure D-11**, the extent of incremental shadow coverage would be limited to the park's northwestern area. After 7:46 AM, Harlem Art Park would not experience incremental shadow coverage from the With-Action scenario. The northwestern area of Harlem Art Park that would experience incremental shadow coverage contains vegetation and portions of the park's established tree canopy.

Assessment

The With-Action scenario would cast incremental shadows on Harlem Art Park on one of the four representative analysis days. Incremental shadow duration would be minimal, affecting the park for a duration of approximately 12 minutes on the June 21 representative analysis day. Incremental shadow coverage would generally be limited in scope and would not be cast on any single area of the park for an extended period of time. This would allow the park's sunlight-sensitive vegetation and established tree canopy to receive adequate direct sunlight (at least the six to eight hours recommended in the 2021 *CEQR Technical Manual*) during the growing season. In addition, the duration of incremental shadow coverage would occur in the early morning prior to the park's opening to the public at 8:00 AM. Therefore, incremental shadow coverage from the With-Action scenario on Harlem Art Park would not affect the public's use or enjoyment of the space and would not be considered a significant adverse shadow impact, in accordance with 2021 *CEQR Technical Manual* guidance.

Figure D-5

Incremental Shadows on December 21 - Life Spire Garden



9:45 AM



11:00 AM

With-Action Scenario (Not shown in this figure)

Area of Resource in Direct Sunlight

Area of Resource in New Shadow

Area of Resource in No-Action Scenario Shadow

Incremental Shadows on March 21/September 21 -
Dr. Ronald E. McNair Playground



11:20 AM

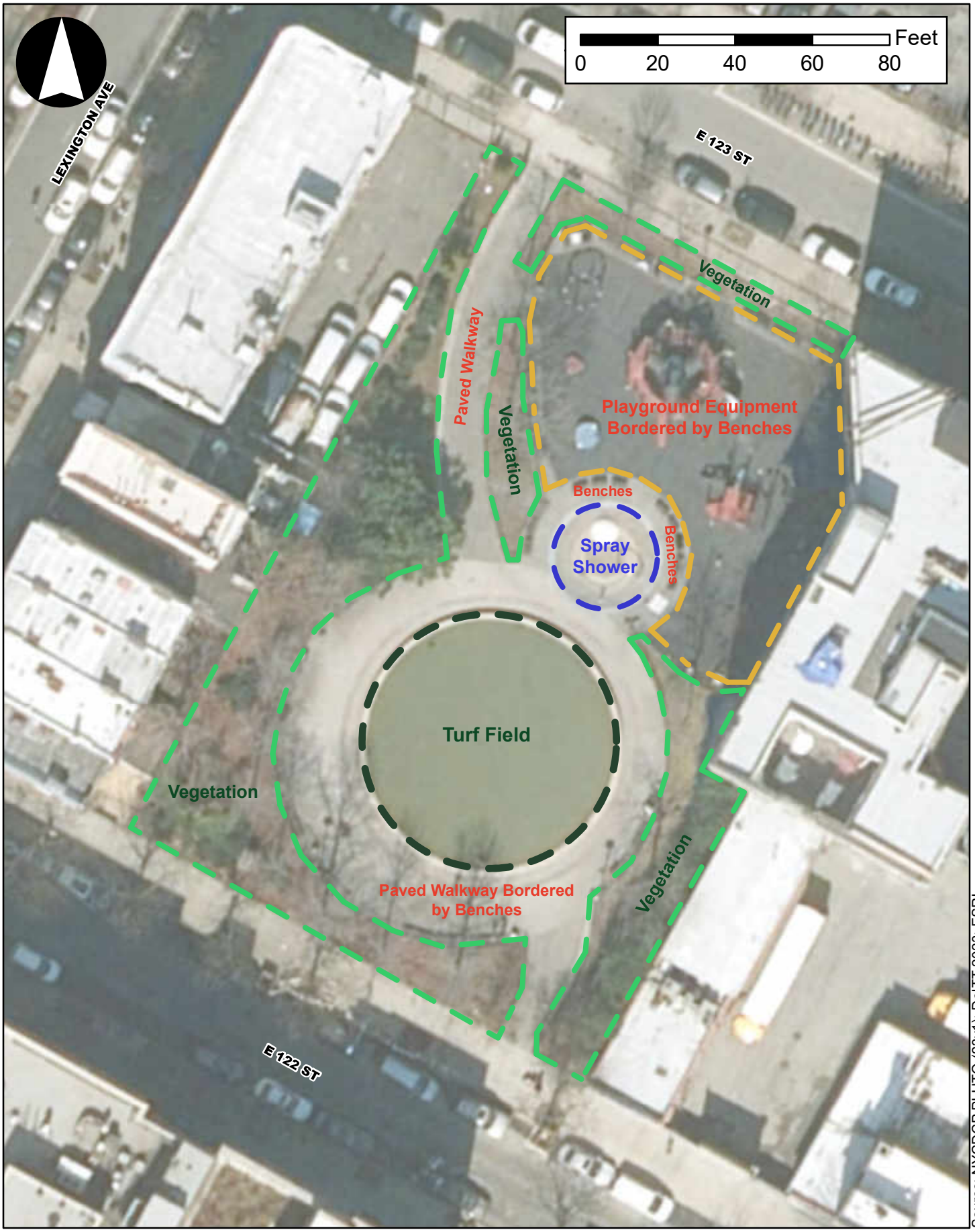
With-Action Scenario
(Not shown in this figure)

Area of Resource
in Direct Sunlight

Area of Resource
in New Shadow

Area of Resource
in No-Action
Scenario Shadow

Figure D-7
Dr. Ronald E. McNair Playground: Aerial View



Source: NYCDCP PLUTO (23v1); DoITT 2023; ESRI

Figure D-8

Incremental Shadows on December 21 -
Dr. Ronald E. McNair Playground



10:30 AM



11:00 AM

With-Action Scenario
(Not shown in this figure)

Area of Resource
in Direct Sunlight

Area of Resource
in New Shadow

Area of Resource
in No-Action
Scenario Shadow

Figure D-9

Incremental Shadows on December 21 -
Dr. Ronald E. McNair Playground



11:30 AM



12:00 PM

With-Action Scenario
(Not shown in this figure)

Area of Resource
in Direct Sunlight

Area of Resource
in New Shadow

Area of Resource
in No-Action
Scenario Shadow

Figure D-10

Incremental Shadows on December 21 -
Dr. Ronald E. McNair Playground



12:30 PM

With-Action Scenario
(Not shown in this figure)

Area of Resource
in Direct Sunlight

Area of Resource
in New Shadow

Area of Resource
in No-Action
Scenario Shadow

Figure D-11

Incremental Shadows on June 21 - Harlem Art Park



7:40 AM

With-Action Scenario (Not shown in this figure)

Area of Resource in Direct Sunlight

Area of Resource in New Shadow

Area of Resource in No-Action Scenario Shadow

Attachment E:

Historic and Cultural Resources

I. INTRODUCTION

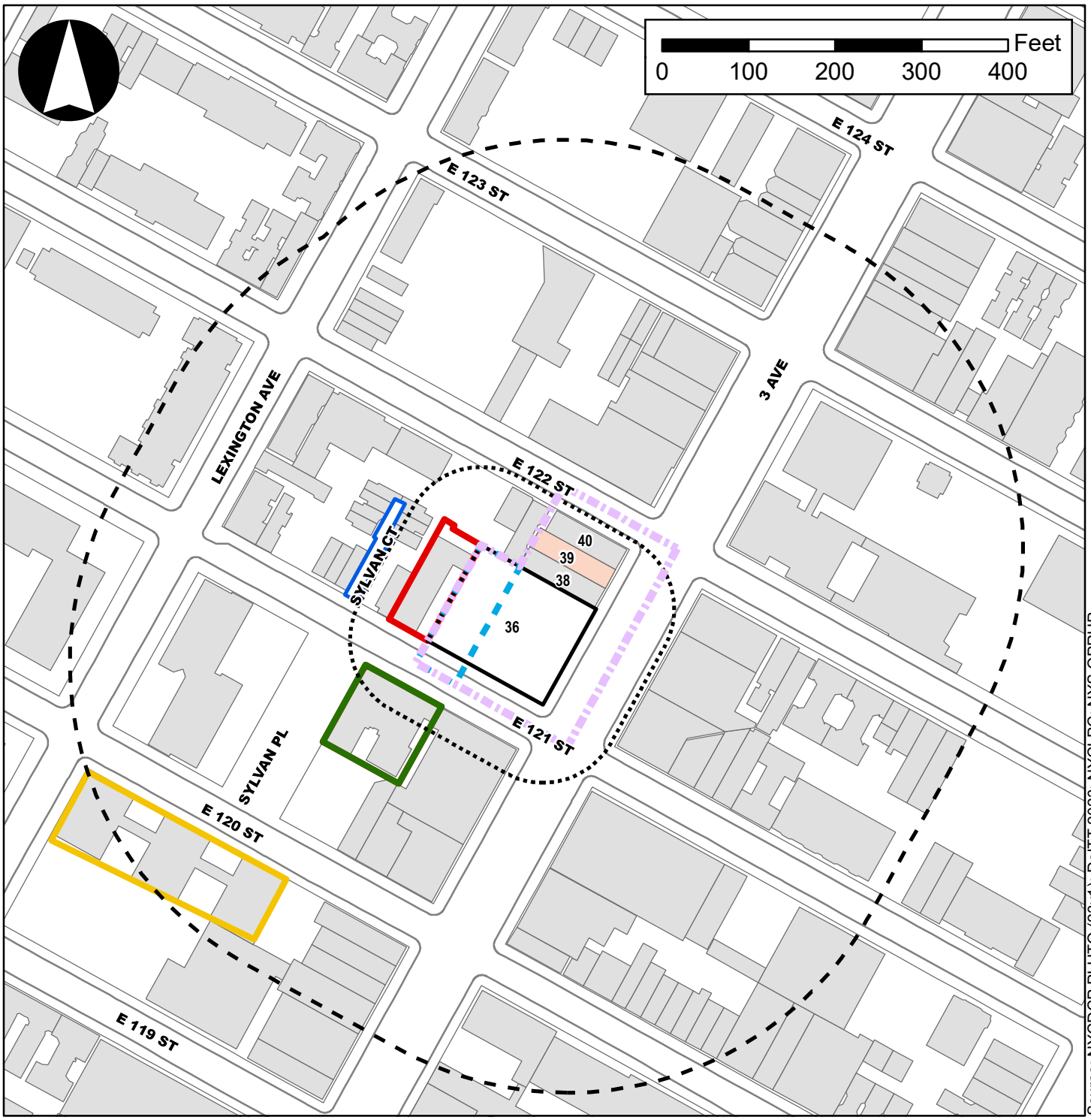
Historic and cultural resources include both architectural and archaeological resources. The 2021 *City Environmental Quality Review* ("CEQR") *Technical Manual* identifies historic and cultural resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks ("NYCL"); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission ("LPC"); properties listed on the State/National Registers of Historic Places ("S/NR") or contained within a district listed on or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks ("NHL"); and properties not identified by one of the programs listed above, but that meet their eligibility requirements. An assessment of historic and archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures or within historic districts, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated.

As the Project Area is located adjacent to the S/NR-listed and NYCL-eligible Elmendorf Reformed Church, it is necessary to assess the potential impacts of the Proposed Actions on historic architectural resources. According to 2021 *CEQR Technical Manual* guidance, impacts on historic architectural resources are considered on those sites affected by a proposed action and within the area surrounding the project area. The historic resources study area is therefore defined as the Project Area (Manhattan Block 1770, Lots 36, 38, 39, and 40) plus an approximate 400-foot radius surrounding the Project Area (refer to **Figure E-1**), which is typically adequate for the analysis of historic architectural resources, in terms of physical, visual, and historical relationships.

Archaeological resources are considered only in those areas where new excavation or ground disturbance is likely and would result in new in-ground disturbance as compared to the No-Action scenario; these are limited to sites that may be developed as a result of a proposed action. The Proposed Actions would not result in any additional excavation or in-ground disturbance within the Project Area as compared to the No-Action scenario. As described in **Attachment A, "Project Description,"** the No-Action scenario comprises an as-of-right building, which has been constructed on the Development Site pursuant to New York City Department of Buildings ("DOB") Job No. 121209156. The No-Action scenario topped out in summer 2022. As such, excavation and foundation construction have been completed at the Development Site. If the Proposed Actions are approved, only the Proposed Development's program of use groups would be modified. Therefore, the Proposed Actions would not result in any significant adverse archaeological impacts and an archaeological assessment is not warranted, and this attachment focuses exclusively on historic architectural resources.

No additional in-ground disturbance on the Development Site is anticipated at this time. However, it should be noted that LPC has identified the Development Site as archaeologically sensitive. As detailed in a letter dated December 21, 2022 (provided in **Appendix 1**), LPC determined that, based on the Dripps 1851 map, the Development Site was once the site of the Dutch Reformed Church and associated burial vaults. Therefore, the Development Site had, and may still have, some potential to contain human remains. As such, if there is any additional excavation on the Development Site in areas that have not

Historic and Cultural Resources Map



Source: NYCDCP PLUTO (23v1); DoITT 2023; NYCLPC; NYS OPRHP

Legend

- Project Area
- Rezoning Area
- Development Site
- 90-Foot Radius
- 400-Foot Study Area
- Existing Building Footprints
- NYCL-Designated and S/NR-Listed Harlem Courthouse
- S/NR-Listed and NYCL-Eligible Elmendorf Reformed Church
- S/NR-Eligible P.S. 7
- S/NR-Eligible 2238 Third Avenue
- S/NR-Eligible Sylvan Court

been previously disturbed by the as-of-right building, LPC recommends that an archaeological documentary study be completed to further assess this potential as per the *Guidelines for Archaeological Work in New York City* and if human remains are found, the Proposed Development will be subject to the new New York State Unmarked Burial Site Protection Act.

II. DEVELOPMENT BACKGROUND

Prior to the arrival of the European colonists in the 17th century, Manhattan was inhabited by Native Americans from the Leni Lenape tribe, who traveled between encampments on the island. The largely rural Village of New Harlem was incorporated by the Director-General and Council of New Amsterdam in 1658, and in 1665, New Harlem was consolidated into New York City. Due to the rich soils of the area, European settlers established farms in New Harlem, and its first congregation, the Reformed Low Dutch of Harlem, was organized. Today, that same congregation worships in the S/NR-listed and NYCL-eligible Elmendorf Reformed Church, located to the west of the Project Area (refer to **Figure E-1**).

The study area and surrounding environs remained largely rural until the late-1830s, when construction of the New York and Harlem Railroad on present-day Park Avenue was completed, connecting Lower Manhattan with East Harlem. This was followed by the establishment of the Second and Third Avenue Elevated Trains in the 1870s, providing an abundance of inexpensive rail travel for commuters looking to escape the crowded and unclean tenements of Lower Manhattan. In response, speculative development turned the formerly rural area of East Harlem into a dense urban neighborhood; it is estimated that approximately 65,000 apartments were built in the area between 1870 and 1910.

During this time, different groups of immigrants moved into the new tenements of East Harlem, beginning with Irish, German Jews, and Italians from the Lower East Side tenements, as well as black migrants from the American South and the Caribbean. By the turn of the 20th century, East Harlem contained the second-largest black community in America. Throughout the following decades, new waves of immigrants moved into the neighborhood, including an influx of Puerto Ricans in the 1930s, resulting in a new moniker for the area, El Barrio, or Spanish Harlem.

The population of East Harlem peaked in the 1950s, and was predominately of African-American and Latino decent. In response to this population growth as well as the deteriorating conditions of the aging tenements in the area, the City and federal governments implemented urban renewal programs in East Harlem, replacing the low-rise fabric of the neighborhood with modern, high-rise housing projects, during the mid- and late-20th century. Examples within the study area include the 35-story tower at 2243 Third Avenue and the 32-story tower at 1982 Lexington Avenue, both of which were erected in 1974, as well as the eight-story building at 150 East 120th Street (constructed in 1984) and the 11-story building at 1980 Lexington Avenue (constructed in 1986).

Since the turn of the 21st century, several new high-rise residential buildings have been developed within the study area, all with ground floor commercial uses. In 2008, 2223 Third Avenue (across the street from the Development Site) and 2205 Third Avenue were both redeveloped with 12-story buildings. Subsequently, in 2015, an 11-story building was constructed at 2211 Third Avenue. In addition, as described further below, a 21-story tower is currently under construction at 2201 Third Avenue within the study area.

III. ARCHITECTURAL RESOURCES

Criteria and Regulations

Once the study area was determined, an inventory of officially recognized architectural resources was compiled. Criteria for listing on the National Register are in the Code of Federal Regulations, Title 36, Part 63. As recommended in the 2021 *CEQR Technical Manual*, Chapter 9, Section 160, LPC has adopted these criteria for use in identifying National Register listed and eligible architectural resources for review pursuant to CEQR. Following these criteria, districts, sites, buildings, structures, and objects are eligible for the National Register if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and: (1) are associated with events that have made a significant contribution to the broad patterns of history (Criterion A); (2) are associated with significant people (Criterion B); (3) embody distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction (Criterion C); or (4) may yield [archaeological] information important in prehistory or history. Properties younger than 50 years of age are ordinarily not eligible, unless they have achieved exceptional significance. Official determinations of eligibility are made by the New York State Office of Parks, Recreation and Historic Preservation ("NYS OPRHP").

In addition, LPC designates historically significant properties in New York City as NYCLs and/or Historic Districts, following the criteria provided in the Local Laws of the City of New York, New York City Charter, Administrative Code, Title 25, Chapter 3. Buildings, properties, or objects are eligible for landmark status when a part is at least 30 years old. Landmarks have a special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation. There are four types of NYCLs: individual landmarks, interior landmarks, scenic landmarks, and historic districts.

Existing Conditions

Project Area

According to the NYS OPRHP's *Cultural Resource Information System* ("CRIS"), LPC's *Discover New York City Landmarks* map, and LPC determination letters dated December 21, 2022 and May 19, 2023 (provided in **Appendix 1**), there is one historic architectural resource located within the Project Area: the S/NR-eligible building located at 2238 Third Avenue (refer to **Figure E-1**). The building was constructed during the late-19th century (circa 1900) and is currently occupied by a church. As shown in **Figure E-2**, on Third Avenue, the building's façade contains cast iron façade elements, including columns and modillion cornices, on the second and third floors. The Third Avenue façade's second and third floor aluminum framed windows are not original to the building. The building's ground floor has been altered and does not contain cast iron façade elements similar to the building's second and third floors.

400-Foot Study Area

As shown in **Figure E-1**, there are four historic architectural resources located within the study area surrounding the Project Area. A brief description of each resource is presented below, and photos are provided in **Figures E-2** and **E-3**.



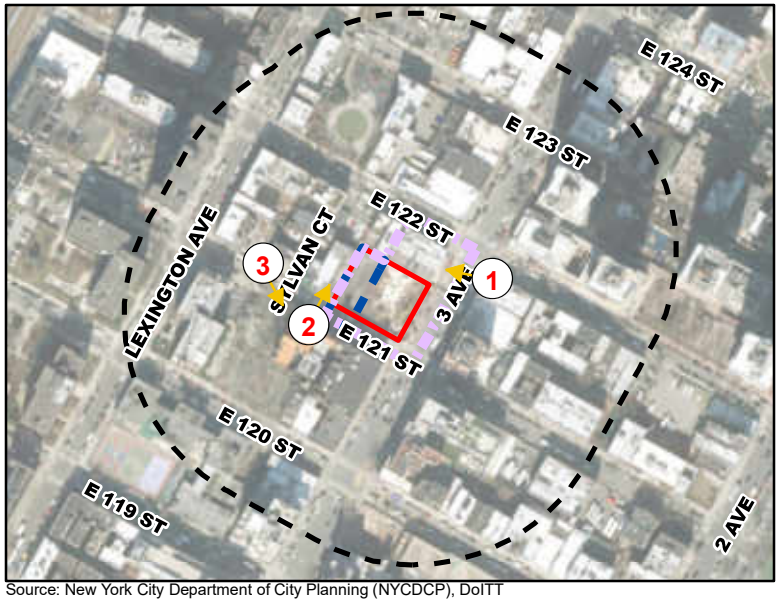
1. View of the S/NR-Eligible 2238 Third Avenue from the intersection of Third Avenue and East 122nd Street.



2. View of the S/NR-Listed and NYCL-Eligible Elmendorf Reformed Church from the south side of East 121st Street.



3. View of the S/NR-Listed and NYCL-Designated Harlem Courthouse from East 121st Street.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Project Area is outlined by a purple dashed line.
2. The Rezoning Area by a blue dashed line.
3. The Development Site is indicated in a solid red line.
4. The 400-Foot Study Area is outlined by a black dashed line.



4. View of the S/NR-Eligible Sylvan Court from the north side of East 121st Street.



5. View of the S/NR-Eligible P.S. 7 from the intersection of East 120th Street and Lexington Avenue.



6. View of the S/NR-Eligible P.S. 7 from the north side of East 120th Street.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Project Area is outlined by a purple dashed line.
2. The Rezoning Area by a blue dashed line.
3. The Development Site is indicated in a solid red line.
4. The 400-Foot Study Area is outlined by a black dashed line.

Elmendorf Reformed Church (S/NR-listed and NYCL-eligible): *169 East 121st Street (Block 1770, Lot 33)*

Immediately to the west of the Project Area is the two and a half story, Classical Revival style Elmendorf Reformed Church, constructed in 1894 (the architect and builder are unknown). As shown in **Figure E-2**, the tripartite stone façade is clad in beige ashlar sandstone painted to look like limestone and divided into eastern and western sections. The western section is subdivided into three bays separated by pilasters supporting a wide frieze and a modillioned pediment. The eastern section contains the round-arched main entrance to the church, which is topped by a simple, denticulated cornice (refer to **Figure E-2**). The imposing large pediment and upper cornice of the façade are of pressed metal, and the unornamented side and rear elevations of the building area are faced in common red brick. According to LPC, the church has had its stained glass windows removed (refer to **Appendix 1**). The S/NR-listed and NYCL-eligible Elmendorf Reformed Church is the fifth meeting house of the oldest congregation in East Harlem (founded circa 1660).

Harlem Courthouse (S/NR-listed, NYCL-designated): *170 East 121st Street (Block 1769, Lot 45)*

Constructed from 1891 to 1893 to the designs of architectural firm Thom and Wilson, the Romanesque Revival style Harlem Courthouse building has served a variety of government functions during its lifespan. The first story of the four and a half story structure is faced with rusticated brownstone, and the upper floors are finished in Roman brick, with bluestone and terra cotta trim and a steep mansard roof. As shown in **Figure E-2**, the building's two main elevations (north and west façades) meet to form an imposing round corner tower. The tower is ornamented with rows of small round-arched windows, and is topped with an octagonal belfry resting on a row of corbels with colonettes, gargoyles, a steep gable, and a copper-covered spire. The main elevations are almost symmetrical, and are divided by stone bandcourses into horizontal sections with irregular window bays (refer to **Figure E-2**). The historically and architecturally significant Harlem Courthouse is listed on the S/NR and is a designated NYCL.

Sylvan Court (S/NR-eligible)

Sylvan Court is a private alley located between Lexington and Third Avenues; Sylvan Court is not a mapped street. As shown in **Figure E-3**, the narrow alley, measuring less than 15 feet in width, is secured by fencing and a gate. The alley facilitates pedestrian access to eight two-story carriage houses constructed during the late-19th century. The carriage houses are faced in common red brick and primarily function as private residences. Sylvan Court is eligible for listing on the S/NR.

P.S. 7 (S/NR-eligible): *147 East 119th Street (Block 1768, Lot 21)*

Designed by architects Perkins&Will, P.S. 7 is a representative example of modern school development, constructed from 1958 to 1960 as a response to the growing school-aged population of East Harlem during the 1950s. During this time, school design began to incorporate technologies and materials that had come into use for new commercial and industrial buildings in New York City. As shown in **Figure E-3**, P.S. 7 has an exterior metal curtain-wall system in lieu of traditional brick masonry. The four-story building contains three classroom blocks, connected by glass-enclosed bridging structures along East 120th Street and a large lunch room/gymnasium on East 119th Street, reflecting the functional requirements of a large school as well as the repetitive geometric shapes of the new modernist style. P.S. 7 contains horizontal blue panels between levels and aluminum framed windows, as well as slightly recessed and visually minimized entrances (refer to **Figure E-3**). The building is eligible for listing on the S/NR.

The Future without the Proposed Actions (No-Action Scenario)

Under the No-Action scenario, the status of historic resources could change. S/NR-eligible architectural resources could be listed in the Registers, and properties found eligible for consideration for designation as NYCLs could be calendared and/or designated. Changes to the historic resources identified above or to their settings could also occur irrespective of the Proposed Actions. Future projects could affect the settings of architectural resources. It is possible that some architectural resources within the area surrounding the Project Area could deteriorate, while others could be restored. In addition, future projects could accidentally damage architectural resources through adjacent construction.

Properties that are designated NYCLs are protected under the New York City Landmarks Law, which requires LPC review and approval before any alteration or demolition of those resources can occur. All properties within NYCL-designated historic districts also require LPC permit and approval prior to new construction, addition, enlargement, or demolition. The owners of a property may work with LPC to modify their plans to make them appropriate. Properties that have been calendared for consideration for designation as NYCLs are also afforded a measure of protection insofar as, due to their calendared status, permits may not be issued by DOB for any structural alteration to the buildings for any work requiring a building permit, without at least 40 days prior notice being given to LPC. During the 40-day period, LPC has the opportunity to consider the case and, if it so chooses, schedule a hearing and move forward with designation.

The New York City Building Code provides some measures of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to designated NYCLs and S/NR-listed historic buildings located within 90 linear feet of a proposed construction site. For these structures, DOB's Technical Policy and Procedure Notice ("TPPN") #10/88 applies. TPPN #10/88 supplements the standard building protections afforded by the New York City Building Code by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent NYCL-designated or S/NR-listed historic resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

In addition, historic resources that are listed on the S/NR or that have been found eligible for listing are given a measure of protection from the effects of federally-sponsored, or federally-assisted projects under Section 106 of the National Historic Preservation Act, and are similarly protected against impacts resulting from state-sponsored or state-assisted projects under the New York State Historic Preservation Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review, and consultation process. Private property owners using private funds can, however, alter or demolish their S/NR-listed or S/NR-eligible properties without such a review process.

Anticipated Developments in the No-Action Scenario

Project Area

In the future without the Proposed Actions, the Project Area's existing zoning would remain in place, and the Development Site would be developed with a new, as-of-right commercial and community facility building rising 10-stories, the foundation of which is currently constructed. No changes to any other lots within the Project Area would occur in the No-Action scenario.

The Development Site is located within 90 feet of the S/NR-listed and NYCL-eligible Elmendorf Reformed Church and the S/NR-listed and NYCL-designated Harlem Courthouse (refer to **Figure E-1**). However, the as-of-right building has been constructed without a construction protection plan; therefore, a construction protection plan is not required (refer to **Appendix 1**). The No-Action scenario building on the Development Site is expected to change the setting of the surrounding historic resources as compared to existing conditions, as it would be visible when looking westward at 2238 Third Avenue, when looking eastward at Sylvan Court, the Elmendorf Reformed Church, and the Harlem Courthouse along East 121st Street, and potentially in the background of P.S. 7 when looking northeast from the intersection of Lexington Avenue and East 119th Street.

400-Foot Study Area

There are two known development projects anticipated to be completed within a 400-foot radius of the Project Area in the 2024 future without the Proposed Actions. At 201 East 120th Street/2203 Third Avenue, an existing four-story building is being renovated into a mixed-use commercial/residential building. At 202 East 120th Street/2201 Third Avenue, a 21-story, mixed-use (residential, commercial, and community facility) building is expected to be completed. Similar to the No-Action scenario building being constructed on the Development Site, it is anticipated that the new 21-story building at 202 East 120th Street/2201 Third Avenue would be visible in the background of some vantage points of the surrounding historic landmarks, changing their backdrops as compared to existing conditions.

The Future with the Proposed Actions (With-Action Scenario)

According to the 2021 *CEQR Technical Manual*, generally, if a project would affect those characteristics that make a resource eligible for NYCL designation or S/NR listing, a significant adverse impact could result. This section assesses the Proposed Actions' potential to result in significant adverse impacts on identified architectural resources within the study area, including impacts resulting from construction of the Proposed Development, project-generated shadows, or other indirect effects on existing historic resources within the study area.

The Proposed Actions were assessed in accordance with guidance established in the 2021 *CEQR Technical Manual* (Chapter 9, Part 420), to determine (a) whether there would be a physical change to any designated or listed property as a result of the Proposed Actions; (b) whether there would be a physical change to the setting of any designated or listed resource, such as context or visual prominence, as a result of the Proposed Actions; and (c) if so, whether the change is likely to diminish the qualities of the resource that make it important. Whereas this attachment focuses specifically on the Proposed Actions' effects on the visual context of historic resources, an assessment of the Proposed Actions' effects on the visual character of the study area in general is provided separately in **Attachment F, "Urban Design and Visual Resources."**

As described in **Attachment A, "Project Description,"** the Proposed Actions would facilitate a height increment of approximately 90 feet. Both the Proposed Development and the No-Action scenario would comprise an approximately 145-foot-tall building, while the maximum permitted building height pursuant to the proposed C4-6/EHC zoning (R10 equivalent) is 235 feet (and 23 stories). As the Proposed Development does not maximize the permitted as-of-right floor area ratio ("FAR") and building height pursuant to the proposed C4-6/EHC zoning, it does not represent the Reasonable Worst Case Development Scenario ("RWCDS"). Therefore, for CEQR analysis purposes, the With-Action scenario

comprises a 16-story, approximately 235-foot-tall building (plus a 40-foot-tall rooftop bulkhead) (refer to **Attachment A, "Project Description"** for additional details). No changes to any other lots within the Project Area are expected to occur as a result of the Proposed Actions.

Direct (Physical) Impacts

Historic resources can be directly affected by physical destruction, demolition, damage, alteration, or neglect of all or part of a historic resource. For example, alterations, such as the addition of a new wing to a historic building or replacement of the resource's entrance could result in significant adverse impacts, depending on the design. Direct effects also include changes to an architectural resource that cause it to become a different visual entity, such as a new location, design, materials, or architectural features.

The Proposed Actions are area-specific, and, as discussed above, the Project Area contains one historic resource: the S/NR-eligible building located at 2238 Third Avenue (refer to **Figure E-1**). However, the Proposed Actions would not result in the physical destruction, demolition, damage, alteration, or neglect of all or part of the S/NR-eligible building located at 2238 Third Avenue. Therefore, the Proposed Actions would not result in any direct impacts to historic architectural resources.

Indirect (Contextual) Impacts

Contextual impacts may occur to architectural resources under certain conditions. According to the 2021 *CEQR Technical Manual*, possible impacts to architectural resources may include isolation of the property from, or alteration of, its setting or visual relationships with the streetscape. This includes changes to the resource's visual prominence so that it no longer conforms to the streetscape in terms of height, footprint, or setback; is no longer part of an open setting; or can no longer be seen as part of a significant view corridor. Significant indirect impacts can occur if a proposed action would cause a change in the quality of a property that qualifies it for listing on the S/NR or for designation as a NYCL.

The Proposed Actions would not result in significant adverse indirect impacts on historic architectural resources. The Proposed Actions would not significantly alter the contexts or settings of nearby historic architectural resources as compared to the No-Action scenario, and development facilitated by the Proposed Actions would not introduce any incompatible visual, audible, or atmospheric elements to any historic resource's setting. Moreover, construction within the Project Area facilitated by the Proposed Actions would not alter the relationship of any surrounding historic architectural resources to the streetscape, as all streets within the study area would remain open and all historic resources' relationships to streets would remain unchanged.

The study area is a dense urban environment with numerous existing high-rise buildings that form the backdrop of the S/NR-listed and NYCL-eligible Elmendorf Reformed Church, the S/NR-listed and NYCL-designated Harlem Courthouse, the S/NR-eligible Sylvan Court, and the S/NR-eligible P.S. 7. As described above, under the RWCDS, the Proposed Actions would facilitate the construction of a 16-story building on the Development Site, which would be six-stories taller than the as-of-right, No-Action scenario building on the Development Site. The With-Action scenario building on the Development Site would be visible immediately adjacent to the S/NR-listed and NYCL-eligible Elmendorf Reformed Church when looking east and northeast along East 121st Street; however, it would not obstruct any primary façades, significant architectural ornament, or notable features of the S/NR-listed and NYCL-eligible church. The upper floors of the With-Action scenario building would also be visible when looking at Sylvan Court and the Harlem Courthouse eastward along East 121st Street, and behind P.S. 7 when looking northeast from the corner

of Lexington Avenue and East 119th Street. Nevertheless, the With-Action scenario building would not substantially change the visual setting or context of these historic resources so as to affect those characteristics that make them eligible for listing on the S/NR or for designation as NYCLs. The With-Action scenario building would not eliminate or screen public views of any historic architectural resources as compared to the No-Action scenario, and all surrounding historic architectural resources would continue to be publicly visible in view corridors on adjacent streets and sidewalks.

The Proposed Actions would not result in development that would diminish the qualities that make the surrounding designated and eligible landmarks historically and architecturally significant. Therefore, the Proposed Actions would not result in significant adverse indirect or contextual impacts on historic architectural resources.

Construction-Related Impacts

Any new construction taking place within historic districts or adjacent to individual landmarks has the potential to cause damage to contributing buildings to those historic resources from ground-borne construction vibration. As noted above, the New York City Building Code provides some measure of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to NYCL-designated and S/NR-listed historic resources located within 90 linear feet of a proposed construction site. For these structures, DOB's TPPN #10/88 applies. TPPN #10/88 supplements the standard building protections afforded by the New York City Building Code by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent NYCL-designated or S/NR-listed resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

The Development Site is located within 90 feet of the S/NR-listed and NYCL-eligible Elmendorf Reformed Church and the S/NR-listed and NYCL-designated Harlem Courthouse (refer to **Figure E-1**). However, the as-of-right building has been constructed without a construction protection plan; therefore, a construction protection plan is not required (refer to **Appendix 1**). Therefore, no significant adverse construction-related impacts on historic architectural resources would occur as a result of the Proposed Actions.

Shadows Impacts

The Proposed Actions would not result in significant adverse shadows impacts on historic and cultural resources. As described in **Attachment D, "Shadows,"** there are no sunlight-sensitive historic and cultural resources in the vicinity of the Project Area which could potentially be shaded by incremental shadows in the future with the Proposed Actions.

Attachment F:

Urban Design and Visual Resources

I. INTRODUCTION

This attachment assesses the Proposed Actions' potential effects on urban design and visual resources. The Proposed Actions would facilitate the development of the Proposed Development, a 10-story building (145-foot-tall to the rooftop; 185-foot-tall to the top of the mechanical screen) containing approximately 159,603 gsf. As described in **Attachment A, "Project Description,"** the Proposed Development would not maximize the permitted building height; the maximum permitted building height pursuant to the proposed C4-6/EHC zoning (R10 equivalent) is 235 feet (and 23 stories). Therefore, for CEQR analysis purposes, the With-Action scenario utilizes the maximum allowable building height and comprises a 16-story, approximately 235-foot-tall building (plus a 40-foot-tall rooftop bulkhead).

The 2021 *City Environmental Quality Review* ("CEQR") *Technical Manual* defines urban design as the totality of elements – including streets, buildings, visual resources, open space, natural features, and wind – that shape and affect a pedestrian's experience of public space. A visual resource is defined as the connection from the public realm to significant natural or built features, including, but not limited to, views of the waterfront, public parks, public art, statues or sculptures, landmark structures or districts, otherwise distinct buildings or groups of buildings that may be iconic or historic, or natural resources. In an urban design assessment pursuant to CEQR, one considers whether and how a project may change the experience of a pedestrian in the project area. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance, and functionality of the built and natural environment in the context of the project. An assessment of the potential impacts of the Proposed Actions on urban design and visual resources was prepared in conformance with the 2021 *CEQR Technical Manual*. This assessment describes existing conditions and compares conditions in the future without and with the Proposed Actions to determine potential impacts on urban design and visual resources. The urban design and visual resources assessment is based on observations, drawings, maps, renderings, and photographs taken from the perspective of a pedestrian.

II. METHODOLOGY

In general, an assessment of urban design is warranted when a project may have effects on one or more of the elements that contribute to a pedestrian's experience of public space.

As described in **Attachment A, "Project Description,"** the Proposed Actions would permit the modification of yard, height, and setback requirements, as well as result in an increase in built floor area beyond what would be allowed "as-of-right." As the Proposed Actions have the potential to change pedestrians' experience of public space surrounding the Project Area in comparison to conditions in the No-Action scenario, it is necessary to assess the Proposed Actions' potential impacts on urban design and visual resources.

A pedestrian wind condition analysis is not warranted for the Proposed Actions pursuant to 2021 *CEQR Technical Manual* methodology. The Project Area is not located in a high wind location (such as along the waterfront) and the Proposed Actions would not result in the construction of multiple tall buildings that

would have the potential to alter wind conditions. Therefore, a pedestrian wind condition analysis is not warranted for the Proposed Actions pursuant to 2021 *CEQR Technical Manual* methodology.

Following 2021 *CEQR Technical Manual* guidance, the analysis is based on field visits, aerial views, photographs, and other graphic images of the Zoning Lot and surrounding area. Zoning calculations, including floor area calculations, building heights and lot coverage information is also provided. The following preliminary analysis also considers the effects of the Proposed Actions on the surrounding area's visual resources, which are generally considered important public view corridors, vistas, or natural or built features. Visual resources can include waterfront views, public parks, landmark structures or districts, or natural features, such as rivers or geologic formations.

Study Areas

The study area for the assessment of urban design and visual resources corresponds to the area where the proposed project may influence land use patterns, the built environment, and pedestrian's experiences in the public realm surrounding the project area. The study area is generally consistent with the study area used for the land use analysis. For visual resources, the view corridors within the study area from which such resources are publicly viewable should be identified.

The urban design analysis considers both a primary study area, which is generally coterminous with the boundaries of the Project Area, and a secondary study area, which extends an approximate 400-foot radius from the boundary of the Project Area. Consistent with the secondary study area presented in **Attachment C, "Land Use, Zoning, and Public Policy,"** the secondary study area extends to include all tax lots with at least 50 percent of their area within the 400-foot radius. The secondary study area is generally bound by East 123rd Street to the north, midblock portions of Blocks 1785, 1786, and 1787 (located between Second and Third Avenues) to the east, East 120th Street to the south, and Lexington Avenue to the west. Both the primary and secondary study areas have been established in accordance with 2021 *CEQR Technical Manual* guidance and are presented in **Figure F-1**.

III. EXISTING CONDITIONS

Urban Design

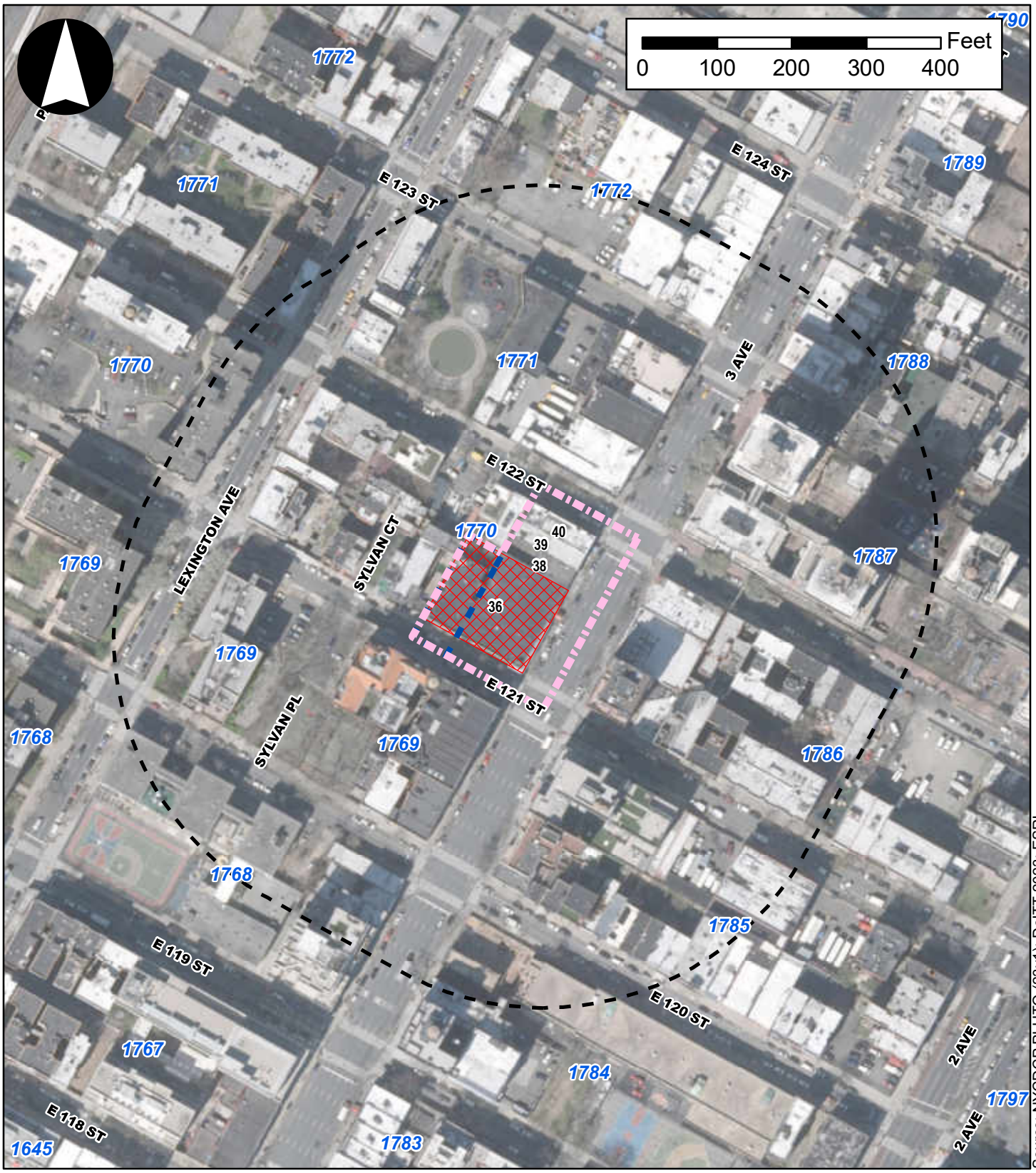
Primary Study Area (Project Area)

The primary study area is coterminous with the Project Area (Block 1770, Lots 36, 38, 39, and 40). The approximately 26,479 square feet ("sf") primary study area contains approximately 150 feet of frontage on the north side of East 121st Street, approximately 202 feet of frontage on the west side of Third Avenue, and approximately 100 feet of frontage on the south side of East 122nd Street.

BUILDINGS

The primary study area is currently occupied by several buildings. Lot 36, the Development Site, is currently an active construction site. An as-of-right commercial and community facility building is currently being constructed on the Development Site pursuant to New York City Department of Buildings ("DOB") Job No. 121209156. Lot 38 is currently occupied by a three-story (approximately 34-foot-tall),

Figure F-1
Urban Design Study Areas



Source: NYCDCP PLUTO (23v1); DoITT 2023; ESRI

Legend

Primary Study Area (Project Area) | Secondary Study Area (400-Foot Radius) | Rezoning Area | Development Site

approximately 4,761 gsf (1.89 FAR) mixed-use commercial/residential building. Lot 39 is currently occupied by a three-story (approximately 45-foot-tall), approximately 6,308 gsf (2.51 FAR) church. Lot 40 is currently occupied by a four-story (approximately 61-foot-tall), approximately 9,561 gsf (3.79 FAR) mixed-use commercial/residential building. Refer to **Figures F-2** and **F-3** for photographs of the primary study area. The existing buildings on Lots 38, 39, and 40 are of masonry construction.

STREETS AND STREETSCAPE

The area immediately surrounding the primary study area is characterized by a rectilinear street grid system, with east-west streets spaced approximately 200 feet apart and north-south avenues spaced approximately 400 to 600 feet apart. In the immediate vicinity of the primary study area, east-west streets carry local vehicular traffic, while north-south avenues carry both local and through vehicular traffic. All streets adjacent to the primary study area are one-way streets with parking lanes on both sides of the streets. East 121st Street is a westbound street with a mapped width of 60 feet; the road connects Madison Avenue to the west and Second Avenue to the east. Third Avenue is a northbound avenue with a mapped width of 100 feet; the road connects East 128th Street to the north and Cooper Square to the south. East 122nd Street is an eastbound street with a mapped width of 60 feet; the road connects Madison Avenue to the west and Second Avenue to the east.

All of the streets bordering the primary study area are flanked by concrete sidewalks: Along East 121st Street, the sidewalk width is 15 feet; along Third Avenue, the sidewalk width is 15 feet; and along East 122nd Street, the sidewalk width is 15 feet. There are no curb cuts located along the primary study area's three street frontages. Other streetscape elements include two standard cobrahead street lights (one on East 121st Street and one on Third Avenue), standard New York City Department of Transportation ("DOT") parking and street signage, one DOT traffic signal located at the northwestern corner of the intersection of East 121st Street and Third Avenue, one DOT pedestrian signal located at the southwestern corner of the intersection of East 122nd Street and Third Avenue, two fire hydrants (one on East 121st Street and one on Third Avenue), and a New York City Department of Sanitation ("DSNY") litter receptacle located on Third Avenue. There are nine street trees (three on East 121st Street, three on Third Avenue, and three on East 122nd Street) located on the sidewalks adjoining the primary study area.

NATURAL FEATURES AND OPEN SPACE

The topography of the area surrounding the primary study area is generally flat and there are no natural features or open space located within the primary study area.

Secondary Study Area (400-Foot Radius)

BUILDINGS

As described in **Attachment C, "Land Use, Zoning, and Public Policy,"** the predominant land uses within the secondary study area include residential and mixed-use commercial/residential buildings, and to a lesser extent commercial/office and public facility and institutional buildings (refer to **Figure C-1** in **Attachment C, "Land Use, Zoning, and Public Policy"**). Refer to **Figures F-4** and **F-5** for photographs of buildings within the secondary study area.

Mid- and high-rise buildings are located throughout the secondary study area and are generally built to the lot lines, creating continuous street walls (see photo nos. 7 and 8 in **Figure F-4** and photo no. 11 in



1. View of the Primary Study Area looking south from the north side of East 122nd Street.



2. View of the Primary Study Area looking southwest from the intersection of Third Avenue and East 122nd Street.



3. View of the Primary Study Area looking northwest from the intersection of Third Avenue and East 122nd Street.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Primary Study Area is outlined by a purple dashed line.
2. The Rezoning Area by a blue dashed line.
3. The Development Site is indicated in a solid red line.



4. View of the Primary Study Area looking northwest from the intersection of Third Avenue and East 121st Street.



5. View of the Primary Study Area looking north from the south side of East 121st Street.



6. View looking east towards the Primary Study Area from the south side of East 121st Street.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Primary Study Area is outlined by a purple dashed line.
2. The Rezoning Area by a blue dashed line.
3. The Development Site is indicated in a solid red line.



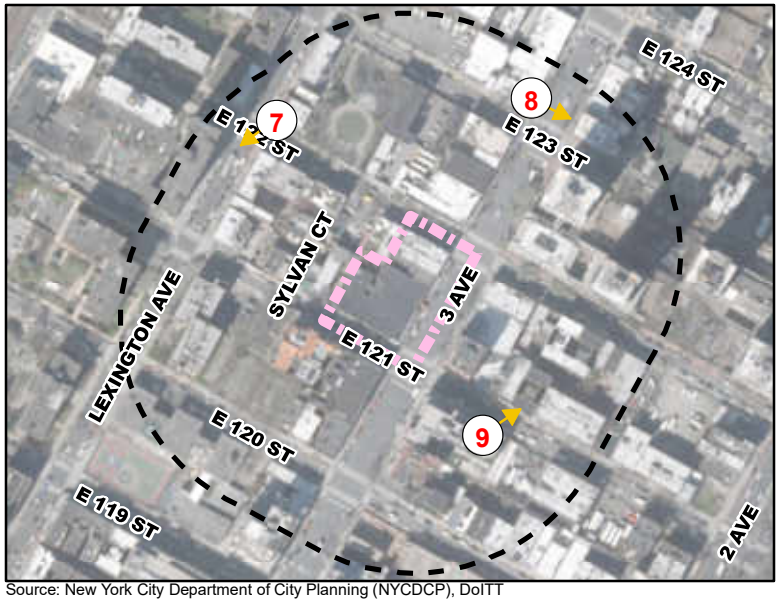
7. View of a high-rise residential building looking southwest from the intersection of Lexington Avenue and East 122nd Street.



8. View of mid- and high-rise buildings looking southeast from the intersection of Third Avenue and East 123rd Street.



9. View of low- and mid-rise buildings looking northeast from the south side of East 121st Street.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Primary Study Area is outlined by a purple dashed line.
2. The Secondary Study Area is outlined by a black dashed line.



10. View of the low-rise P.S. 7 looking northwest from the south side of East 120th Street.



11. View of mid- and high-rise buildings looking northeast from the intersection of Third Avenue and East 120th Street.



12. View of low-rise buildings looking northwest from the intersection of Third Avenue and East 120th Street.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Primary Study Area is outlined by a purple dashed line.
2. The Secondary Study Area is outlined by a black dashed line.

Figure F-5). Most notably, the western portion of the Taino Towers complex is located within the northeastern portion of the secondary study area. The Taino Towers complex, comprising an entire block bound by Second and Third Avenues and 122nd and 123rd Streets, consists of four 35-story residential towers positioned atop a four-story base that includes commercial and cultural facilities, as well as a parking garage and outdoor plazas. Low-rise buildings (see photo no. 9 in **Figure F-4** and photo nos. 10 and 12 in **Figure F-5**), are located throughout the secondary study area. As shown in **Figure F-6**, buildings within the secondary study area are typically one-story to six-stories tall, with taller buildings (containing six or more stories) concentrated in the southern and eastern portions of the secondary study area, along Third Avenue; in feet, building heights within the secondary study area range from a minimum of 14.82 feet (one-story) to a maximum of 324 feet (35 stories). As shown in **Figure F-7**, taller buildings are also generally the buildings with the highest built density within the secondary study area.

Overall, the secondary study area is characterized by a variety of building typologies that lack a consistent built character. The secondary study area features a mixture of high lot-coverage, low-, mid-, and high-rise buildings which form continuous street walls, while open space, parking lots, and vacant parcels of land within the secondary study area breakup the street wall.

STREETS AND STREETSCAPE

As discussed above, the area immediately surrounding the primary study area is characterized by a rectilinear street grid system. Within the secondary study area, East 120th Street (one-way eastbound) and East 123rd Street (one-way westbound) are narrow (less than 75 feet in width) streets; Lexington Avenue (one-way southbound) is a wide (75 feet or greater in width) street. All streets within the secondary study area contain parking lanes on both sides of the streets. Within the secondary study area, East 120th Street features an eastbound conventional bike lane. Within the secondary study area, Sylvan Place (located between Third and Lexington Avenues) is a 75-foot wide dead end street closed to through traffic; the southern portion of Sylvan Place adjacent to East 120th Street was demapped in 1992 to facilitate an expansion of Harlem Art Park. On a one block portion of East 123rd Street between Second and Third Avenues, in the northeastern portion of the secondary study area, New York City Police Department ("NYPD") vehicles and NYPD employee vehicles have been observed parked on sidewalks, in contravention of DOT curbside parking regulations. Refer to **Figures F-8** and **F-9** for photographs of local streets and streetscapes within the secondary study area. As shown in the figures, all of the streets within the secondary study area are flanked by concrete sidewalks with varied widths. Streetscape elements include street trees, standard cobrahead street lights, standard DOT parking and street signage, DOT traffic signals, DOT pedestrian signals, Fire Department of the City of New York ("FDNY") call boxes, fire hydrants, United States Postal Service ("USPS") collection boxes, DSNY litter receptacles, bollards, and newsracks. Two Citi bike stations are located within the secondary study area: along East 123rd Street (between Lexington and Third Avenues) and along Lexington Avenue (between East 120th and 121st Streets). Curb cuts are common within the secondary study area.

NATURAL FEATURES AND OPEN SPACE

The topography of the secondary study area is generally flat. There are no natural features within the secondary study area. Open space within the secondary study area includes Life Spire Garden, Dr. Ronald E. McNair Playground, Harlem Art Park, parking lots enclosed with fencing, as well as numerous private rear yards. **Figure F-10** shows photographs of open spaces within the secondary study area.

Figure F-6
Existing Building Heights



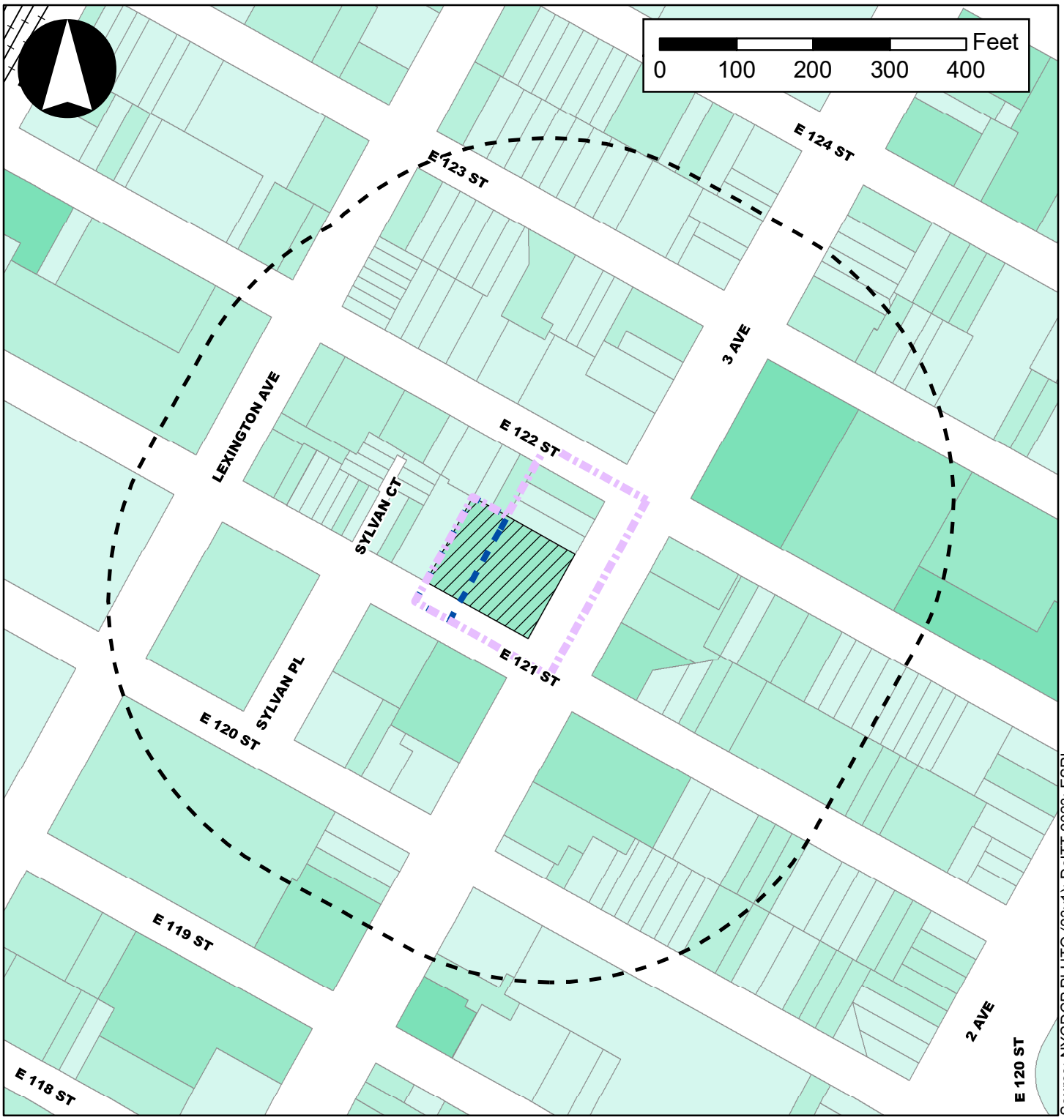
Legend

- Primary Study Area (Project Area)
- Secondary Study Area (400-Foot Radius)
- Rezoning Area
- Development Site

Number of Stories

- 3 Stories or Less
- 4 - 6 Stories
- 7 - 9 Stories
- 10 - 12 Stories
- Greater than 12 Stories

Figure F-7
Existing Building Density



Legend

- Primary Study Area (Project Area)
- Secondary Study Area (400-Foot Radius)
- Rezoning Area
- Development Site

Built FAR

- 0.0 - 3.0 FAR
- 3.1 FAR - 6.0 FAR
- 6.1 - 10.0 FAR
- 10.1 - 19.0 FAR
- Greater than 19.1 FAR



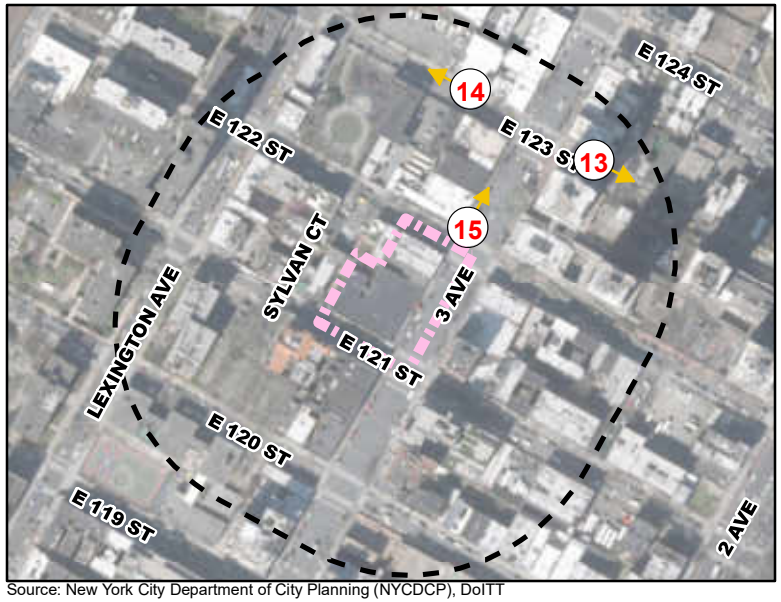
13. View of streetscape conditions looking southeast from the north side of East 123rd Street.



14. View of streetscape conditions looking northwest from the north side of East 123rd Street.



15. View of streetscape conditions looking northeast from the west side of Third Avenue.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Primary Study Area is outlined by a purple dashed line.
2. The Secondary Study Area is outlined by a black dashed line.



16. View of streetscape conditions looking southwest from the east side of Third Avenue.



17. View of streetscape conditions looking northeast from the intersection of Sylvan Court and East 121st Street.



18. View of streetscape conditions looking northeast from the east side of Lexington Avenue.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Primary Study Area is outlined by a purple dashed line.
2. The Secondary Study Area is outlined by a black dashed line.



19. View of Life Spire Garden from the west side of Lexington Avenue.



20. View of Dr. Ronald E. McNair Playground from the south side of East 122nd Street.



21. View of Harlem Art Park from the south side of East 120th Street.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Primary Study Area is outlined by a purple dashed line.
2. The Secondary Study Area is outlined by a black dashed line.

Visual Resources

Primary Study Area (Project Area)

There is one visual resource located within the primary study area: the State/National Registers of Historic Places ("S/NR")-eligible building located at 2238 Third Avenue (refer to photo no. 22 in **Figure F-11**). The building was constructed during the late-19th century (circa 1900) and is currently occupied by a church. As shown in **Figure F-11**, on Third Avenue, the building's façade contains cast iron façade elements, including columns and modillion cornices, on the second and third floors.

Secondary Study Area (400-Foot Radius)

The S/NR-listed and New York City Landmarks ("NYCL")-eligible Elmendorf Reformed Church, the S/NR-listed and NYCL-designated Harlem Courthouse, the S/NR-eligible Sylvan Court, and the S/NR-eligible P.S. 7 are visual resources located within the southwestern portion of the secondary study area (refer to **Attachment E, "Historic and Cultural Resources"** for descriptions of the four visual resources). **Figures F-11** and **F-12** show photographs of the visual resources within the secondary study area. The four visual resources are visible from viewpoints looking east- and westward along East 120th and East 121st Streets, between Lexington and Third Avenues.

IV. FUTURE WITHOUT THE PROPOSED ACTIONS (NO-ACTION SCENARIO)

Urban Design

Primary Study Area (Project Area)

As described in **Attachment A, "Project Description,"** in the future without the Proposed Actions, the primary study area's existing C4-6/EHC and R7B zoning would remain in place. In the future without the Proposed Actions, the Applicant would not proceed with the Proposed Development within the Development Site (Lot 36). Under the No-Action scenario, the Development Site would be developed with a new, as-of-right commercial and community facility building. The No-Action scenario comprises a 10-story commercial and community facility building totaling 159,603 gsf (133,426 zsf; 7.06 FAR). The No-Action scenario would include a cellar and no accessory parking. One loading berth would be required and provided on the ground-floor and accessed via a new 16-foot wide curb cut located on Third Avenue. The No-Action scenario is currently under construction, pursuant to DOB Job No. 121209156. The portion of the No-Action scenario building located within the C4-6/EHC district would stand 10 stories tall (145-foot-tall to the rooftop; 185-foot-tall to the top of the mechanical screen), while the portion of the No-Action scenario building located within the R7B district would stand five stories tall (72.5-foot-tall to the rooftop; 97.5-foot-tall to the top of the mechanical screen). On 121st Street, the No-Action scenario building would feature base heights of 58 feet and 101.5 feet before being setback 15 feet. On Third Avenue, the No-Action scenario building would feature a base height of 101.5 feet before being setback 10 feet. No changes to any other lots within the primary study area would occur in the No-Action scenario.

Adjacent to the Development Site, the No-Action scenario would introduce a pedestrian-oriented ground floor featuring large windows, which would be glazed with transparent materials. The No-Action scenario's principal access point would be located on East 121st Street. The sidewalks adjoining the



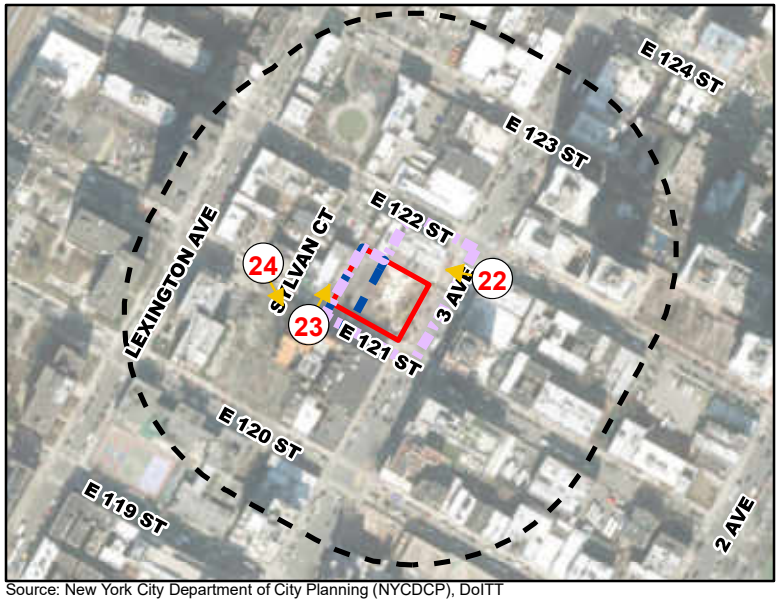
22. View of the S/NR-Eligible 2238 Third Avenue from the intersection of Third Avenue and East 122nd Street.



23. View of the S/NR-Listed and NYCL-Eligible Elmendorf Reformed Church from the south side of East 121st Street.



24. View of the S/NR-Listed and NYCL-Designated Harlem Courthouse from East 121st Street.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Project Area is outlined by a purple dashed line.
2. The Rezoning Area by a blue dashed line.
3. The Development Site is indicated in a solid red line.
4. The 400-Foot Study Area is outlined by a black dashed line.



25. View of the S/NR-Eligible Sylvan Court from the north side of East 121st Street.



26. View of the S/NR-Eligible P.S. 7 from the intersection of East 120th Street and Lexington Avenue.



27. View of the S/NR-Eligible P.S. 7 from the north side of East 120th Street.



Source: New York City Department of City Planning (NYCDCP), DoITT
Notes:
1. The Project Area is outlined by a purple dashed line.
2. The Rezoning Area by a blue dashed line.
3. The Development Site is indicated in a solid red line.
4. The 400-Foot Study Area is outlined by a black dashed line.

Development Site would be reconstructed in conjunction with the No-Action scenario, and one new 16-foot wide curb cut would be constructed on Third Avenue to provide loading berth access. At the corner of East 121st Street and Third Avenue, new pedestrian ramps would be constructed to enhance pedestrian safety. Three of the five existing street trees (the three street trees on East 121st Street) adjacent to the Development Site would be preserved with reconstruction of the sidewalks; the two existing street trees on Third Avenue would be removed to facilitate the installation of new electrical vaults. One new street tree would be planted on the Development Site's East 121st Street frontage.

Secondary Study Area (400-Foot Radius)

BUILDINGS

As described in **Attachment C, "Land Use, Zoning, and Public Policy,"** two development projects are anticipated to be completed within the secondary study area in the future without the Proposed Actions. At 201 East 120th Street (also known as ("aka") 2203 Third Avenue), an existing four-story building is being renovated into a mixed-use commercial/residential building by the East Harlem El Barrio Community Land Trust in partnership with the City of New York. The building will contain five DUs (4,480 sf) and approximately 852 sf of commercial space. At 202 East 120th Street (aka 2201 Third Avenue), a 21-story (approximately 251-foot-tall to the top of the elevator bulkhead) mixed-use building comprising approximately 134,990 gsf of total space is planned. The building would contain approximately 139 DUs, 5,944 gsf of UG 6A commercial space, and 1,530 gsf of UG 4A community facility space (refer to **Table C-3** and **Figure C-7** in **Attachment C, "Land Use, Zoning, and Public Policy"**). As compared to existing conditions, these two development projects would not introduce new building heights to the secondary study area, as the secondary study area's current tallest building is 324-foot-tall (35 stories).

STREETS AND STREETSCAPE

In the future without the Proposed Actions, no changes to streets or streetscape are anticipated within the secondary study area. There are no known streetscape improvement plans within the secondary study area.

NATURAL FEATURES AND OPEN SPACE

The secondary study area does not contain any natural features. In the future without the Proposed Actions, existing secondary study area open space, including Life Spire Garden, Dr. Ronald E. McNair Playground, Harlem Art Park, parking lots, and private rear yards, are anticipated to remain unchanged from existing conditions.

Visual Resources

Primary Study Area (Project Area)

The S/NR-eligible building located at 2238 Third Avenue is a visual resource located within the primary study area. In the future without the Proposed Actions, existing views of the visual resource would change. As described in **Attachment E, "Historic and Cultural Resources,"** the development constructed under the No-Action scenario is expected to change the setting of the S/NR-eligible building located at 2238 Third Avenue as compared to existing conditions, as it would be visible when looking westward at 2238

Third Avenue. In addition, similar to the No-Action scenario building being constructed within the primary study area, the planned new 21-story building at 202 East 120th Street/2201 Third Avenue within the secondary study area would be visible in the background of some vantage points of 2238 Third Avenue when looking southward, changing the visual resource's backdrop as compared to existing conditions. Therefore, in the future without the Proposed Actions, existing views of the visual resource located at 2238 Third Avenue would change, altering the context and setting of the visual resource. In addition, no new visual resources are anticipated to be introduced within the primary study area in the absence of the Proposed Actions.

Secondary Study Area (400-Foot Radius)

The S/NR-listed and NYCL-eligible Elmendorf Reformed Church, the S/NR-listed and NYCL-designated Harlem Courthouse, the S/NR-eligible Sylvan Court, and the S/NR-eligible P.S. 7 are visual resources located within the secondary study area. In the future without the Proposed Actions, existing views of the four visual resources would change. As described in **Attachment E, "Historic and Cultural Resources,"** the development constructed under the No-Action scenario is expected to change the setting of the four visual resources as compared to existing conditions, as it would be visible when looking eastward at Sylvan Court, Elmendorf Reformed Church, and Harlem Courthouse along East 121st Street, and potentially in the background of P.S. 7 when looking northeast from the intersection of Lexington Avenue and East 119th Street. In addition, similar to the No-Action scenario building being constructed within the primary study area, the planned new 21-story building at 202 East 120th Street/2201 Third Avenue within the secondary study area would be visible in the background of some vantage points of the four visual resources, changing their backdrops as compared to existing conditions. Therefore, in the future without the Proposed Actions, existing views of the four visual resources would change, altering the context and setting of the four visual resources.

V. FUTURE WITH THE PROPOSED ACTIONS (WITH-ACTION SCENARIO)

This section describes the effects of the Proposed Actions on the urban design and visual resource conditions within both the primary and secondary study areas and evaluates the potential for the With-Action scenario to result in significant adverse impacts. As described in **Attachment A, "Project Description,"** the Proposed Development within the Development Site (Lot 36) would not maximize the permitted building height; the maximum permitted building height pursuant to the proposed C4-6/EHC zoning (R10 equivalent) is 235 feet (the maximum number of stories is 23). Therefore, for CEQR analysis purposes, the With-Action scenario utilizes the maximum allowable building height and comprises a 16-story, approximately 235-foot-tall building (plus a 40-foot-tall rooftop bulkhead).

Urban Design

Primary Study Area (Project Area)

BUILDINGS

In the future with the Proposed Actions, the With-Action scenario assumes the development of a 16-story, approximately 235-foot-tall building (plus a 40-foot-tall rooftop bulkhead) that would contain approximately 189,220 sf of floor area (10.0 FAR) and 217,603 gsf of total space. The building would be

occupied by approximately 156,674 gsf (136,238 zsf) of commercial uses, primarily life science uses (UG 9A), and approximately 60,929 gsf (52,982 zsf) of UG 4 (medical office) community facility uses. The With-Action scenario would include a cellar and no accessory parking. One loading berth would be provided on the ground floor and accessed via a new 16-foot wide curb cut located on Third Avenue. No changes to any other lots within the Project Area would occur in the With-Action scenario.

The With-Action scenario would comply with the bulk regulations applicable to the primary study area's proposed C4-6/EHC zoning. The western portion of the With-Action scenario building would stand 13 stories tall (193.8-foot-tall to the rooftop; 218.8-foot-tall to the top of the mechanical screen), while the eastern portion of the With-Action scenario building would stand 16 stories tall (235-foot-tall to the rooftop; 275-foot-tall to the top of the mechanical screen). On 121st Street, the With-Action scenario building would feature base heights of 116 feet (8 stories) and 145 feet (10 stories) before being setback 15 feet. On Third Avenue, the With-Action scenario building would feature a base height of 145 feet (10 stories) before being setback 10 feet. **Figures F-13** through **F-16** provide illustrative views of the primary study area comparing the No-Action and With-Action scenarios. As shown in these figures, in comparison to the No-Action scenario, the With-Action scenario would introduce a taller building and alter the visual setting of the primary study area.

STREETS AND STREETSCAPE

The Proposed Actions and With-Action scenario would not change the configuration of the existing block. In comparison to the No-Action scenario, the With-Action scenario would not alter the streetscape surrounding the Development Site within the primary study area. Both the No-Action scenario and the With-Action scenario would introduce pedestrian-oriented ground floors featuring large windows, which would be glazed with transparent materials. The With-Action scenario's principal access point would also be located on East 121st Street. The With-Action scenario, similar to the No-Action scenario, would result in the reconstruction of the public sidewalks adjoining the Development Site within the primary study area, the addition of one new 16-foot wide curb cut on Third Avenue, and the installation of new pedestrian ramps at the corner of East 121st Street and Third Avenue. In addition, similar to the No-Action scenario, three of the five existing street trees (the three street trees on East 121st Street) adjacent to the Development Site would be preserved with reconstruction of the sidewalks; the two existing street trees on Third Avenue would be removed to facilitate the installation of new electrical vaults. One new street tree would be planted on the Development Site's East 121st Street frontage.

NATURAL FEATURES AND OPEN SPACE

The With-Action scenario would not result in the creation of any new publicly accessible open space within the primary study area. The primary study area does not contain natural features or open space.

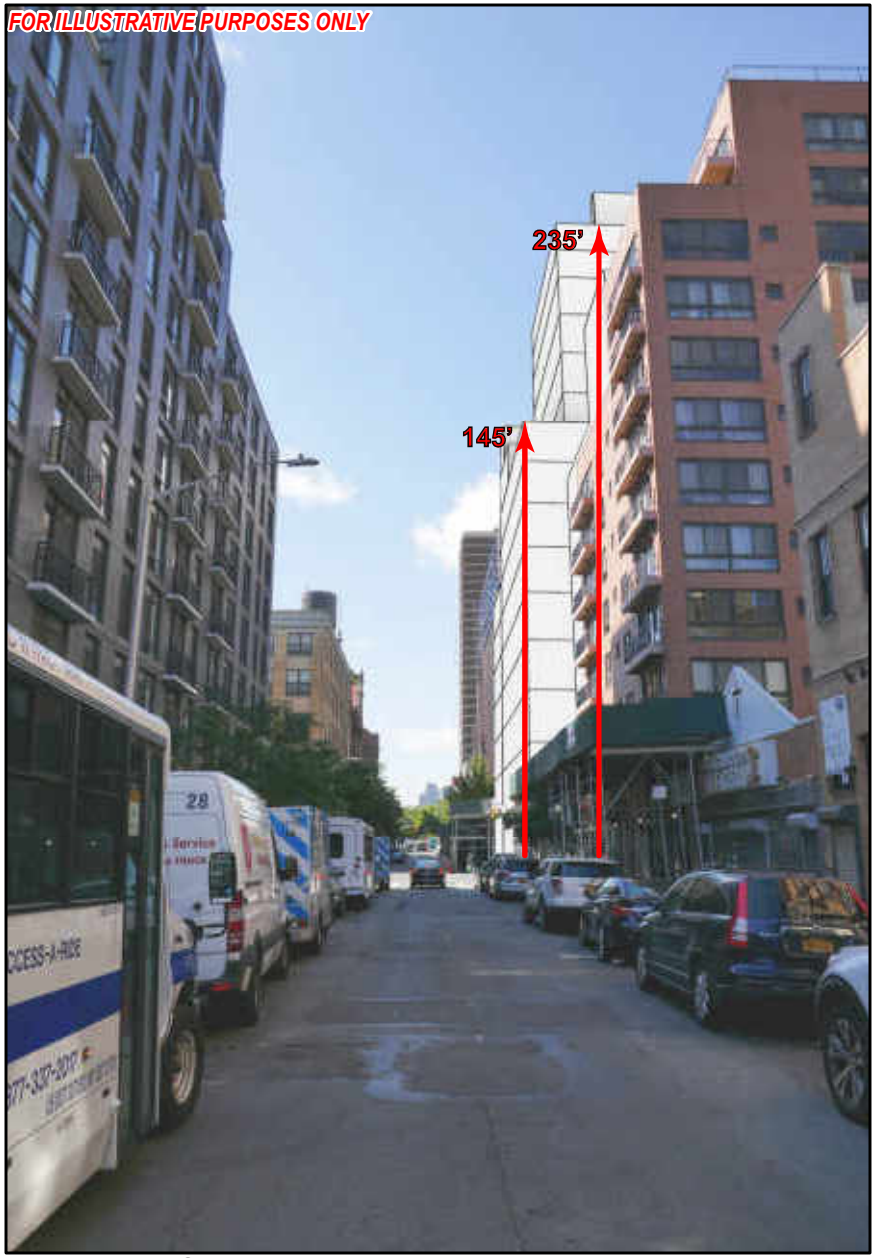
Secondary Study Area (400-Foot Radius)

BUILDINGS

Within the secondary study area, it is anticipated that two development projects (201 East 120th Street and 202 East 120th Street) would be completed in the 2024 build year. There are no other development projects planned within the secondary study area that are anticipated to be completed by the 2024 build year.



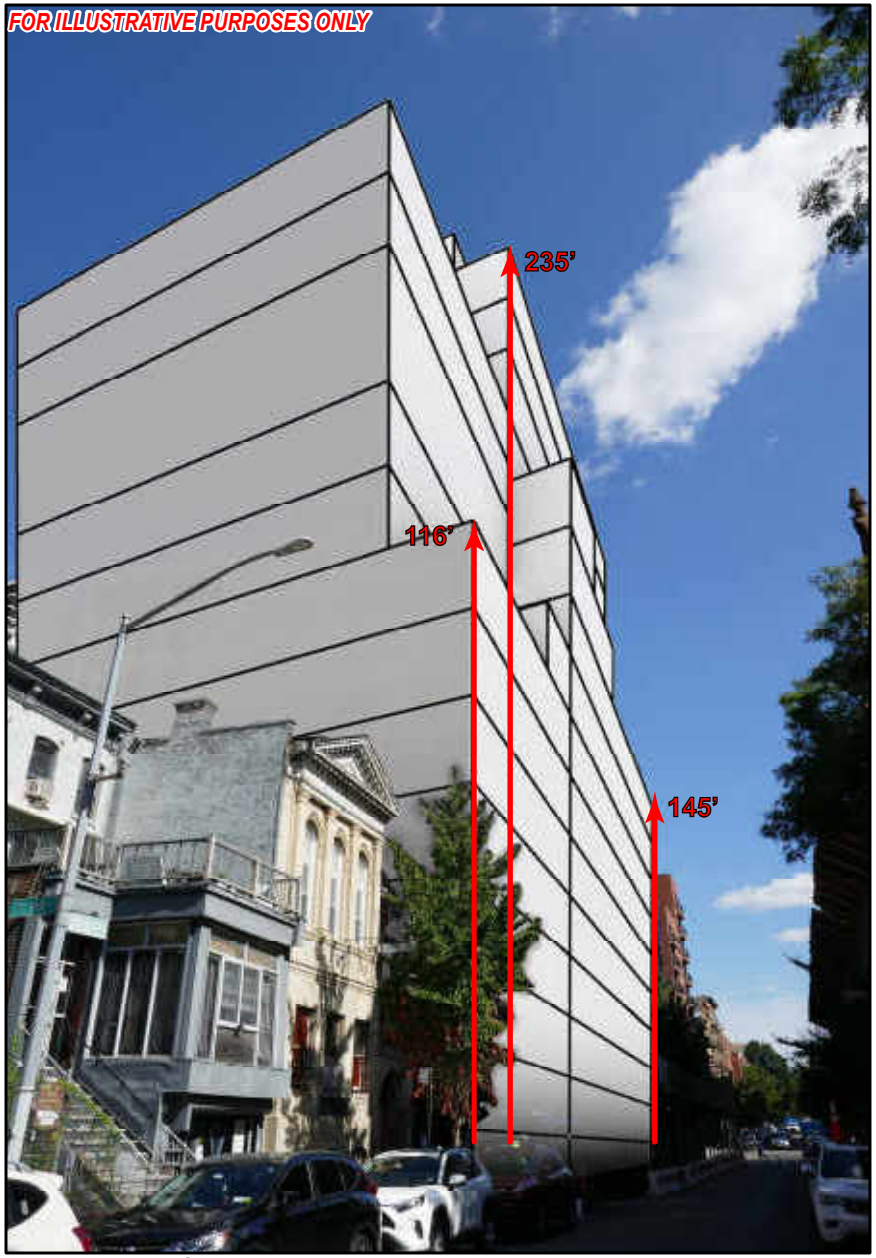
1. No-Action Scenario:
View of the Primary Study Area looking northwest from the south side of East 121st Street, east of Third Avenue.



1. With-Action Scenario:
View of the Primary Study Area looking northwest from the south side of East 121st Street, east of Third Avenue.



1. No-Action Scenario:
View of the Primary Study Area looking east from the south side of East 121st Street, east of Lexington Avenue.



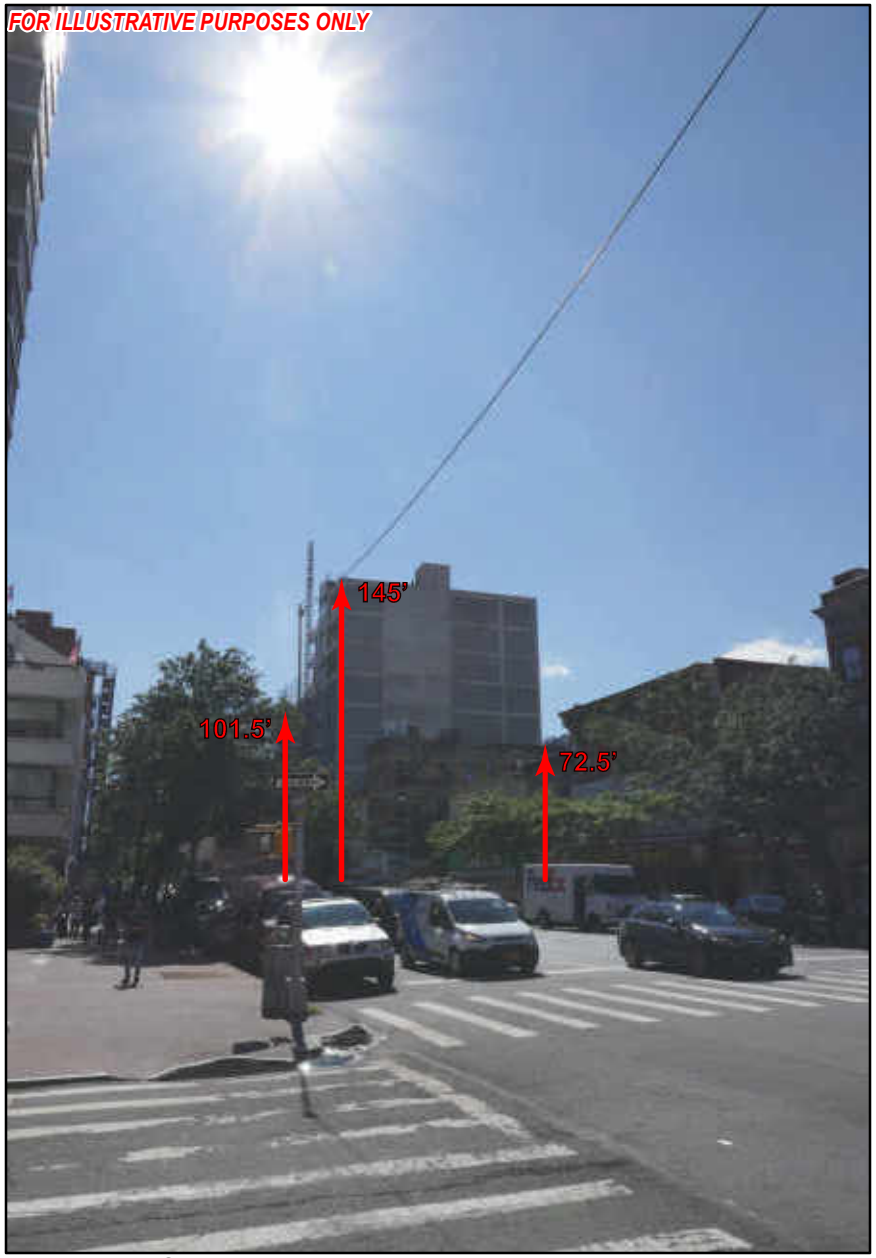
1. With-Action Scenario:
View of the Primary Study Area looking east from the south side of East 121st Street, east of Lexington Avenue.



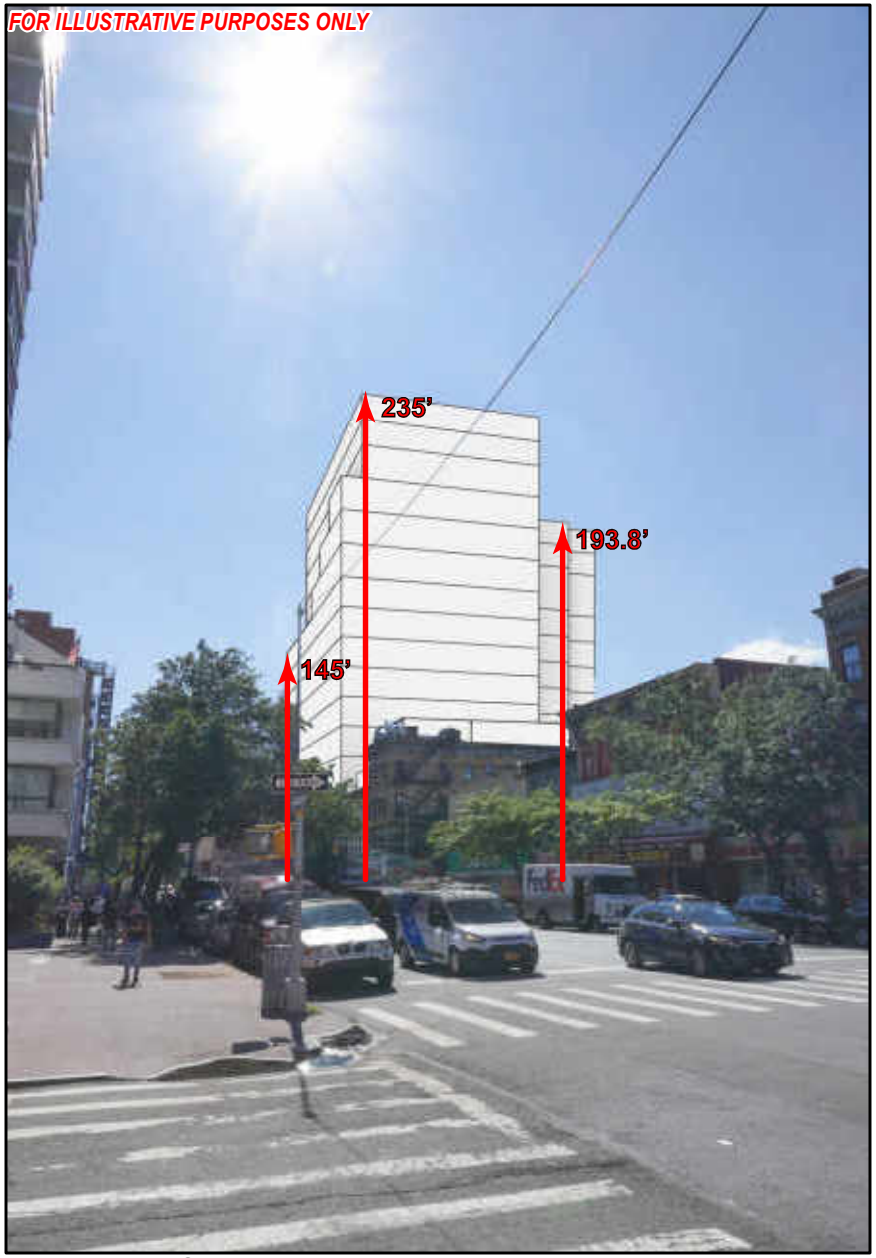
1. No-Action Scenario:
View of the Primary Study Area looking north from the intersection of Third Avenue and East 120th Street.



1. With-Action Scenario:
View of the Primary Study Area looking north from the intersection of Third Avenue and East 120th Street.



1. No-Action Scenario:
View of the Primary Study Area looking southwest from the intersection of Third Avenue and East 123rd Street.



1. With-Action Scenario:
View of the Primary Study Area looking southwest from the intersection of Third Avenue and East 123rd Street.

STREETS AND STREETSCAPE

The Proposed Actions would not alter any street patterns, street hierarchies, streetscape arrangements, or block forms within the secondary study area.

NATURAL FEATURES AND OPEN SPACE

The secondary study area does not contain any natural features. The Proposed Actions would not result in changes to the secondary study area's open spaces.

Visual Resources

Primary Study Area (Project Area)

The S/NR-eligible building located at 2238 Third Avenue is a visual resource located within the primary study area. In the future with the Proposed Actions, views of the visual resource would not significantly change in comparison to the future without the Proposed Actions. As described above, the No-Action scenario building on the Development Site is expected to change the setting of the S/NR-eligible building located at 2238 Third Avenue as compared to existing conditions, as the No-Action scenario building would be visible when looking looking westward at 2238 Third Avenue. Although the With-Action scenario building would be taller than the No-Action scenario building, the With-Action scenario building would not significantly change views of the visual resource or alter the context and setting of the visual resource beyond the changes that would occur in the future without the Proposed Actions.

Secondary Study Area (400-Foot Radius)

The Proposed Actions are localized, and would not alter building uses, bulks, or arrangements in the surrounding area, or result in any changes to streets, blocks, topography, open spaces, or natural features within the secondary study area under the With-Action scenario. The S/NR-listed and NYCL-eligible Elmendorf Reformed Church, the S/NR-listed and NYCL-designated Harlem Courthouse, the S/NR-eligible Sylvan Court, and the S/NR-eligible P.S. 7 are visual resources located within the secondary study area.

In the future with the Proposed Actions, views of the four visual resources would not significantly change in comparison to the future without the Proposed Actions. As described above, the No-Action scenario building on the Development Site is expected to change the setting of the four visual resources as compared to existing conditions, as the No-Action scenario building would be visible when looking eastward at Sylvan Court, Elmendorf Reformed Church, and Harlem Courthouse along East 121st Street, and potentially in the background of P.S. 7 when looking northeast from the intersection of Lexington Avenue and East 119th Street. Although the With-Action scenario building would be taller than the No-Action scenario building, the With-Action scenario building would not significantly change views of the four visual resources or alter the context and setting of the four visual resources beyond the changes that would occur in the future without the Proposed Actions.

Assessment

The Proposed Actions would not result in significant adverse impacts on urban design and visual resources within the primary study area or the surrounding secondary study area. Although the With-Action scenario would introduce a massing and scale larger than what would be constructed as-of-right under No-Action scenario, this change would not adversely affect the pedestrian experience in the vicinity of the primary study area as compared to conditions in the No-Action scenario, as both the No-Action scenario and the With-Action scenario would introduce pedestrian-oriented ground floors featuring large transparent windows, as well as the same streetscape and sidewalk infrastructure improvements. The With-Action scenario would be constructed on an existing block and would not entail any changes to topography, street patterns, street hierarchy, block shapes, or natural features within the primary or secondary study areas. In addition, the Proposed Actions would not create land uses or structures that would be substantially incompatible with the existing and emerging character of the surrounding East Harlem neighborhood.

As illustrated in **Figures F-13** through **F-16**, the With-Action scenario's bulk would be consistent and compatible with the bulk of existing buildings in the surrounding area. In addition, the With-Action scenario would not obstruct any views of visual resources, including views of the S/NR-listed and NYCL-eligible Elmendorf Reformed Church, the S/NR-listed and NYCL-designated Harlem Courthouse, the S/NR-eligible Sylvan Court, and the S/NR-eligible P.S. 7, nor would the With-Action scenario adversely impact any view corridors within the secondary study area. Similar to the No-Action scenario, the With-Action scenario would activate the pedestrian experience adjacent to the primary study area through the improvement of streetscape and sidewalk conditions, including the installation of new pedestrian ramps at the corner of East 121st Street and Third Avenue, the preservation of three existing street trees (three on East 121st Street) and the addition of one new street tree (on East 121st Street), and the introduction of a pedestrian-oriented ground floor featuring large, transparent windows.

While the addition of the With-Action scenario to the primary study area would be a noticeable change from the perspective of a pedestrian, the change would not represent a significant adverse impact. Therefore, the Proposed Actions would not result in significant adverse impacts on urban design and visual resources within the primary study area or the surrounding secondary study area.

Attachment G:

Air Quality

I. INTRODUCTION

The potential for air quality impacts associated with the Proposed Actions is assessed in this attachment. As described in **Attachment B, "Supplemental Screening,"** the Proposed Development would be located within 1,000 feet of Taino Towers, a large emission source with an active New York State Department of Environmental Conservation ("NYSDEC") Air State Facility Permit (No. 2-6206-00047-00005). Therefore, a detailed analysis to determine the potential for stationary source impacts from Taino Towers is warranted.

II. LARGE SOURCE ANALYSIS

In accordance with 2021 *CEQR Technical Manual* methodology, projects that would result in new uses (particularly schools, hospitals, parks, and residences) (a) within 1,000 feet of a major or large emission source; (b) near medical, chemical, or research labs; (c) within 400 feet of manufacturing or processing facilities; (d) near an odor-producing facility; and/or (e) near "non-point" sources (e.g., unpaved surfaces and storage piles that could result in fugitive dust) may result in stationary source air quality impacts.

The Proposed Development would not be located near medical, chemical, or research labs, within 400 feet of manufacturing or processing facilities, near an odor-producing facility, or near "non-point" sources. However, the Proposed Development would be located within 1,000 feet of Taino Towers, a large emission source. Major emission sources are identified as those sources located at Title V facilities that require Prevention of Significant Deterioration permits. Large emission sources are identified as sources located at facilities which require a State facility permit. Major and large emission source are regulated by NYSDEC.

The Taino Towers Air State Facility (Facility NYSDEC ID: 2620300047) (Permit ID: 2-6203-00047/00005, effective date: 05/22/2017, expiration date: 05/21/2027), located at 2253 Third Avenue, is a housing complex consisting of four towers of apartments, with a central heating and air conditioning plant that provides heat and hot water for 656 residential apartments. The heat and the hot water is provided using four (4) identical small boilers/burners (27.675 million BTU per hour each) burning natural gas and ultra-low sulfur No. 2 fuel oil. Emissions are discharged through one common stack.

An analysis of the Taino Tower Air State Facility was undertaken in the 2017 *East Harlem Rezoning Final Environmental Impact Statement* ("FEIS") (CEQR No. 17DCP048M). The emission profile of the facility used in the *FEIS East Harlem Rezoning* was applied in the detailed analysis. As in the *East Harlem Rezoning FEIS*, short-term emissions corresponded to fuel oil No. 2 use. **Table G-1** shows the Taino Tower Air State Facility emission rates and stack parameters as specified in the *East Harlem Rezoning FEIS*.

Table G-1: Taino Towers Stack Parameters and Emission Rates

Parameters	Values	
Stack Height (ft)	360	
Stack Diameter (ft)	4.51	
Exhaust Flow Rate (acfm)	24,549	21,824
Exhaust Temperature (°F)	150	
Fuel Type	Oil No. 2	Natural Gas
NOx Short Term Emission (g/s)	2.011	1.367
NOx Annual Emission (g/s)	0.01	0.204
SO_2 Short Term Emission (g/s)	0.021	0.008
PM_{10} Short Term Emission (g/s)	0.239	0.104
$PM_{2.5}$ Short Term Emission (g/s)	0.214	0.104
$PM_{2.5}$ Annual Emission (g/s)	0.001	0.015

Pollutant concentrations were evaluated with the National Ambient Air Quality Standards ("NAAQS"). The U.S. Environmental Protection Agency ("EPA") has established NAAQS for six of the most common air pollutants—known as "criteria" pollutants. The presence of these pollutants in ambient air is generally due to numerous diverse and widespread sources of emissions. Determination of significant impacts related to criteria pollutants accounts for pollutant concentrations in the ambient air, which include background concentrations. Background concentrations (2019 concentrations) were obtained from NYSDEC at the nearest federally mandated monitoring station(s).

Lakes Environmental, Inc. AERMOD MPI version 22112 executable was used in the dispersion analysis. Lakes Environmental, Inc. adjusted the EPA AERMOD source code and recompiled the model to parallelize the processing of receptors, reducing run-time significantly. The MPI executable (used in the analysis) modified the EPA AERMOD executable model version 22112. The AERMOD model incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. The model was run with the regulatory default option, where applicable, and for both with and without downwash effects options, where the Building Profile Input Program ("BPIP") was run with the downwash effect enabled. All analyses were conducted using five consecutive years of meteorological data (2017-2021), obtained from NYSDEC. Meteorology surface data is sourced from LaGuardia Airport, upper air data is sourced from Brookhaven station, New York. The meteorological data provided hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the five-year period. Population in Manhattan, obtained from the New York City Department of City Planning's ("DCP's") 2020 annual report, was specified to account for the effects of increased surface heating from an urban area on pollutant dispersion under stable atmospheric conditions.

The Proposed Actions' Reasonable Worst Case Development Scenario ("RWCDS") building height (235 feet) was modeled as a building that covers the Development Site's entire lot area (the wall façade located on the outer lot lines). Buildings in the surrounding area were accounted for in the downwash effect on plume dispersions (i.e., the BPIP). Receptors were placed on all wall façades from the ground floor to the rooftop height of 235 feet, in spaced intervals. Lakes Environmental, Inc. commercial application of AERMOD (AERMOD View) was used to spatially locate buildings. The U.S. Geological Service ("USGS") National Elevation Dataset ("NED") 1/3 arc-second resolution (GeoTIFF dataset) was used to process buildings' base elevations. The base elevations of receptors and stacks were set to their buildings' base elevations.

The model was run twice (with building wake effect enabled/disabled). The predicted concentration is the highest concentration of these. Pollutants modeled (increment) concentrations were added to the background concentrations, and the results were evaluated with the NAAQS. The dispersion analysis results are shown in **Table G-2**. As shown in Error! Reference source not found.**G-2**, the predicted pollutant concentrations are below the NAAQS threshold concentrations. Therefore, Taino Towers would not result in significant adverse air quality impacts at the Proposed Development.

Table G-2: Taino Towers Air State Facility Dispersion Analysis Results

Pollutant	Modeled Concentration ($\mu g/m^3$)	Background Concentration ($\mu g/m^3$)	Evaluated Concentration ($\mu g/m^3$)	Threshold Concentration ($\mu g/m^3$)	Threshold Standard
1-hour NO_2	53.95	110.54	164.5	188	NAAQS
Annual NO_2	0.47	31.8	32	100	NAAQS
24-hour $PM_{2.5}$	1.97	18.3	20.3	35	NAAQS
Annual $PM_{2.5}$	0.04	7.5	7.54	12	NAAQS
1-hour SO_2	0.6	14.6	15	196	NAAQS
24-hour PM_{10}	2.63	33.0	36	150	NAAQS

Notes:

1. NYSDEC. 2019. New York State Ambient Air Quality Report for 2019. https://www.dec.ny.gov/chemical/8406.html#Quality.
2. Background concentration Station(s): NO_2 and SO_2 – IS 52, $PM_{2.5}$ – JHS 45.

Attachment H:

Conceptual Analysis

I. INTRODUCTION

This attachment provides a conceptual analysis to assess potential environmental impacts that could result if a CPC Special Permit is applied for and obtained pursuant to the proposed ZR Section 138-42. The Proposed Actions include a Zoning Text Amendment to establish ZR Section 138-42 to permit the CPC to reduce or waive, by special permit, the number of required loading berths within the C4-6 district in the Special East Harlem Corridors District ("EHC"). The proposed Zoning Text Amendment would provide a mechanism to reduce or waive the number of required loading berths provided that certain findings are met. The purpose of this conceptual analysis is to consider the potential for significant adverse impacts that could result from future utilization of the new CPC Special Permit.

Given that the new CPC Special Permit would be applicable for all sites within the C4-6 district in the EHC, it is not possible to predict whether and where the new CPC Special Permit would be pursued in the future. It should be noted that utilization of such a CPC Special Permit would be subject to discretionary approval, and any environmental impacts associated with such action would be assessed and disclosed pursuant to a separate, project-specific environmental review.

II. TECHNICAL ANALYSIS

Land Use, Zoning, and Public Policy

As outlined in the 2021 *City Environmental Quality Review* ("CEQR") *Technical Manual*, a detailed analysis 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 analysis of zoning is typically performed in conjunction with a land use analysis when the action would change the zoning on a site or result in the loss of a particular use.

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC provided that certain conditions and safeguards related to traffic and safety are satisfied and an efficient goods receiving system is implemented on-site. The creation of the CPC Special Permit itself would not result in a change or loss in land use, would not result in a change in zoning, and would not have the potential to affect an applicable public policy. In addition, granting this CPC Special Permit would not increase the allowed development density or uses for any site within the C4-6 district in the EHC. Therefore, no significant adverse land use, zoning, and public policy impacts are anticipated.

Socioeconomic Conditions

The 2021 *CEQR Technical Manual* states that a socioeconomic analysis should be conducted if a project would: (a) directly displace more than 500 residents; (b) directly displace more than 100 employees; (c) directly displace a business that is unusually important because its products or services are uniquely

dependent on its location, is the subject of other regulations or publicly adopted plans aimed at its preservation, or that serves a population uniquely dependent on its services in its present location; (d) result in the development of more than 200 residential units or more than 200,000 square feet ("sf") of commercial uses; (e) result in the development of 200,000 sf or more of retail on a single development site; and/or (f) affect conditions within a specific industry.

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. The creation of the CPC Special Permit itself would not result in direct or indirect residential displacement, nor would it result in direct or indirect business displacement or affect conditions within a specific industry. In addition, granting this CPC Special Permit would not increase the allowed development density for any site within the C4-6 district in the EHC. Therefore, no significant adverse socioeconomic condition impacts are anticipated.

Community Facilities and Services

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Creation of the CPC Special Permit itself would not directly eliminate, displace, or alter public or publicly funded community facilities (a "direct effect"). In addition, granting this CPC Special Permit would not increase the allowed development density for any site within the C4-6 district in the EHC, and as such would not cause a change in populations (compared to as-of-right development) that may affect services delivered by public or publicly funded community facilities (an "indirect effect"). Therefore, no significant adverse community facilities and services impacts are anticipated.

Open Space

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Creation of the CPC Special Permit itself would not change or eliminate existing open space (a "direct effect"). In addition, granting this CPC Special Permit would not increase the allowed development density for any site within the C4-6 district in the EHC, and as such it would not generate additional residents or employees (compared to as-of-right development) that may affect utilization of existing open space facilities (an "indirect effect"). Therefore, no significant adverse open space impacts are anticipated.

Shadows

As stated in the 2021 *CEQR Technical Manual*, a shadow assessment considers projects that result in new shadows long enough to reach a sunlight-sensitive resource. Therefore, a shadow assessment is appropriate only if a project would either: (a) result in new structures (or additions to existing structures including the addition of rooftop mechanical equipment) of 50 feet or more; or (b) be located adjacent to, or across the street from, a sunlight-sensitive resource. The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Regardless of any future project's adjacency to a sunlight-sensitive

resource within the C4-6/EHC district, granting this CPC Special Permit would not increase the allowed development density or alter the allowed massing for any site within the C4-6 district in the EHC, and therefore would not result in new structures (or additions to existing structures including the addition of rooftop mechanical equipment) of 50 feet or more. Therefore, no significant adverse shadow impacts are anticipated.

Historic and Cultural Resources

Archaeological Resources

The C4-6 district in the EHC is located in an archeological buffer area as defined by the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP"). The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Granting this CPC Special Permit would not increase the allowed development density or massing for any site within the C4-6 district in the EHC. Therefore, creation of the CPC Special Permit itself and subsequent granting of the CPC Special Permit are unlikely to result in construction activities that would result in new in-ground disturbance beyond construction activities that would occur as-of-right pursuant to existing C4-6/EHC regulations. Therefore, no significant adverse archaeological resource impacts are anticipated.

Architectural Resources

Privately owned properties that are New York City Landmarks or located within New York City Historic Districts would continue to be protected under the New York City Landmarks Law that requires New York City Landmarks Preservation Commission ("LPC") review and approval before any alteration or demolition activities can occur. Although eligible architectural resources that are not protected by local, state or national designations may be affected by future projects subject to the new CPC Special Permit, creation of the CPC Special Permit itself and subsequent granting of the CPC Special Permit are unlikely to result in construction activities beyond construction activities that would occur as-of-right pursuant to existing C4-6/EHC regulations. Therefore, no significant adverse architectural resource impacts are anticipated.

Urban Design and Visual Resources

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Creation of the CPC Special Permit itself would not 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 any future project that would not be allowed as-of-right pursuant to existing C4-6/EHC regulations. In addition, granting this CPC Special Permit would not increase the allowed development density for any development site within the C4-6 district in the EHC, and as such is unlikely to obstruct publicly accessible views to visual resources as compared to what is allowed as-of-right pursuant to existing C4-6/EHC regulations. Therefore, no significant adverse urban design and visual resource impacts are anticipated.

Natural Resources

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Given the built-up nature of the area affected by the Proposed Actions, natural resources are unlikely to be found within the C4-6 district within the EHC. The proposed CPC Special Permit would also not be applicable to areas within the Jamacia Bay Watershed. Furthermore, creation of the CPC Special Permit itself and subsequent granting of the CPC Special Permit would not eliminate and/or change existing State or local protections for natural resources. Therefore, no significant adverse natural resource impacts are anticipated.

Hazardous Materials

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. It should be noted that creation of the CPC Special Permit itself and subsequent granting of the CPC Special Permit are unlikely to result in construction activities that would result in new in-ground disturbance beyond construction activities that would occur as-of-right pursuant to existing C4-6/EHC regulations. Although it is possible that a future project seeking to utilize the proposed CPC Special Permit may have the potential for significant adverse hazardous materials impacts, such impacts are impossible to define in detail absent a specific CPC Special Permit application. As granting of the proposed CPC Special Permit is a discretionary action, an analysis would be conducted at the time of a specific CPC Special Permit application and any potential impacts would be disclosed and addressed pursuant to a separate, project-specific environmental review. An applicant for any future development seeking to utilize the proposed CPC Special Permit would also have to prescribe to any E-designation on a parcel or parcels, if applicable.

Water and Sewer Infrastructure

Water Supply

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Granting this CPC Special Permit would not increase the allowed development density for any development site within the C4-6 district in the EHC. As such, creation of the CPC Special Permit itself and subsequent granting of the CPC Special Permit would not result in an exceptionally large demand for water. Moreover, the area affected by the proposed CPC Special Permit (C4-6 district in the EHC) is not located in an area that experiences low water pressure (e.g., areas at the end of the water supply distribution system such as Rockaway Peninsula and Coney Island). Therefore, no significant adverse water supply impacts are anticipated.

Wastewater and Stormwater Conveyance and Treatment

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. The C4-6 district in the EHC is located in a combined sewer area. Granting the proposed CPC Special Permit would not increase the allowed development density for any development site within the C4-6 district in the EHC, and as such, creation of the CPC Special Permit itself and subsequent granting of the CPC Special Permit would not facilitate any incremental new development. Furthermore, creation of the CPC Special Permit itself

and subsequent granting of the CPC Special Permit would not involve the construction of a new stormwater outfall that requires federal and/or state permits. Therefore, no significant adverse wastewater and stormwater conveyance and treatment impacts are anticipated.

Solid Waste and Sanitation Services

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Granting the proposed CPC Special Permit would not increase the allowed development density for any development site within the C4-6 district in the EHC and is unlikely to have the potential to generate additional solid waste, nor would it involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the city. Therefore, no significant adverse solid waste and sanitation service impacts are anticipated.

Energy

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Creation of the CPC Special Permit itself and subsequent granting of the CPC Special Permit are unlikely to affect the transmission or generation of energy in the city. Therefore, no significant adverse energy impacts are anticipated.

Transportation

The 2021 *CEQR Technical Manual* identifies minimum development densities potentially requiring transportation analysis. Development at less than the development densities presented in Table 16-1 in Chapter 16 of the 2021 *CEQR Technical Manual* generally result in fewer than 50 peak hour vehicle trips (with "trips" referring to trip-ends), 200 peak hour subway/rail or bus transit riders, and 200 peak hour pedestrian trips, where significant adverse impacts are generally considered unlikely. The C4-6 district in the EHC is located in CEQR Traffic Zone 2 (Manhattan north of 110th Street). The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Granting the proposed CPC Special Permit would not increase the allowed development density for any development site within the C4-6 district in the EHC and is therefore unlikely to generate development that would exceed the minimum development densities presented in Table 16-1 in Chapter 16 of the 2021 *CEQR Technical Manual*. Therefore, no significant adverse transportation impacts are anticipated.

Air Quality

Mobile Sources

As stated in the 2021 *CEQR Technical Manual*, projects—whether site-specific or generic—may result in significant mobile source air quality impacts when they increase or cause a redistribution of traffic, create

any other mobile sources of pollutants (e.g., diesel trains, helicopters, boats), or add new uses near mobile sources (e.g., roadways, garages, parking lots). The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Creation of the CPC Special Permit itself and subsequent granting of the CPC Special Permit are unlikely to result in the conditions outlined in Section 210 of Chapter 17 of the 2021 *CEQR Technical Manual*. Therefore, no significant adverse mobile source air quality impacts are anticipated.

Stationary Sources

As stated in the 2021 *CEQR Technical Manual*, projects may result in stationary source air quality impacts when they (a) create new stationary sources of pollutants – such as emission stacks from industrial plants, hospitals, other large institutional uses, or even a building's boilers – that may affect surrounding uses; (b) introduce certain new uses near existing or planned emissions stacks that may affect the use; or (c) introduce structures near such stacks so that changes in the dispersion of emissions from the stacks may affect surrounding uses. The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Creation of the CPC Special Permit itself and subsequent granting of the CPC Special Permit are unlikely to result in the conditions outlined in Section 220 of Chapter 17 of the 2021 *CEQR Technical Manual*. An applicant for any future development seeking to utilize the proposed CPC Special Permit would also have to prescribe to any existing E-designation on a parcel or parcels, if applicable. Therefore, no significant adverse stationary source air quality impacts are anticipated.

Greenhouse Gas Emissions and Climate Change

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Creation of the CPC Special Permit itself and subsequent granting of the CPC Special Permit would not involve a city capital project or a power generation plant, nor would it fundamentally change the city's solid waste management system. In addition, granting the proposed CPC Special Permit would not increase the allowed development density for any development site within the C4-6 district in the EHC and thus would not facilitate the development of 350,000 sf or more of space. Therefore, no significant adverse greenhouse gas emissions and climate change impacts are anticipated.

Noise

Mobile Sources

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Creation of the CPC Special Permit itself and subsequent granting of the CPC Special Permit are unlikely to result in the conditions outlined in Section 210 of Chapter 19 of the 2021 *CEQR Technical Manual*. Therefore, no significant adverse mobile source noise impacts are anticipated.

Stationary Sources

The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Creation of the CPC Special Permit itself and subsequent granting of the CPC Special Permit are unlikely to result in the conditions outlined in Section 220 of Chapter 19 of the 2021 *CEQR Technical Manual*. An applicant for any future development seeking to utilize the proposed CPC Special Permit would also have to prescribe to any existing E-designation on a parcel or parcels, if applicable. Therefore, no significant adverse stationary source noise impacts are anticipated.

Public Health

Based on the findings of this conceptual analysis, it is not anticipated that significant adverse impacts would result from the creation and subsequent granting of the proposed CPC Special Permit with regards to hazardous materials, air quality, and noise. Therefore, no significant adverse public health impacts are anticipated.

Neighborhood Character

Based on the findings of this conceptual analysis, it is not anticipated that significant adverse impacts would result from the creation and subsequent granting of the proposed CPC Special Permit with regards to land use, zoning, and public policy, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, and noise. Therefore, no significant adverse neighborhood character impacts are anticipated.

Construction

As stated in the 2021 *CEQR Technical Manual*, for construction activities not related to in-ground disturbance, short-term construction (i.e., less than two years) generally does not warrant a detailed construction analysis. The Proposed Actions would create a new CPC Special Permit, which would permit the CPC to reduce or waive the number of required loading berths within the C4-6 district in the EHC. Granting the proposed CPC Special Permit would not increase the allowed development density for any development site within the C4-6 district in the EHC, and therefore creation and subsequent granting of the proposed CPC Special Permit are unlikely to result in any incremental above-ground construction activities that would exceed two years. Therefore, no significant adverse construction impacts are anticipated.

Appendix 1:
New York City Landmarks Preservation Commission Consultation

NYC Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 23DCP070M
Project: 2226 THIRD AVENUE
Date Received: 12/21/2022

Properties with no Architectural or Archaeological significance:

1) 2240 3 AVENUE, BBL: 1017700040

Properties with Archaeological and No Architectural significance:
1) 2226 3 AVENUE, BBL: 1017700036, ARCHEOLOGY FINDINGS: HISTORIC POTENTIAL, COMMENTS: DESTROYED?
2) 2236 3 AVENUE, BBL: 1017700038, ARCHEOLOGY FINDINGS: HISTORIC POTENTIAL

Properties with Architectural and No Archaeological significance:
1) 2238 3 AVENUE, BBL: 1017700039, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE FOR NATIONAL REGISTER LIST

Comments:
The LPC notes that the EAS dated December 19, 2022 states that construction has already occurred for Block 1770 Lot 36. The Commission notes that the Dripps 1851 map indicates that the site was once the Dutch Reformed Church which had burial vaults and so this site had, and may still have, some potential to contain human remains.

If there will be any further excavation at the site in areas that have not been previously disturbed by the recent construction as a result of this application, the LPC recommends that an archaeological documentary study be completed to further assess this potential as per the Guidelines for Archaeological Work in New York City.

There are no further archaeological concerns for Block 1777 Lots 39 and 40. In addition, the LPC notes that if any human remains are found during any inground work at this site or anywhere else in New York City, work must be stopped and the Police and Medical Examiner must be contacted.

Gina Santucci 1/24/2023

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 36808_FSO_GS_01242023.docx

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 23DCP070M
Project: 2226 THIRD AVENUE
Date Received: 5/19/2023

Properties with no Architectural or Archaeological significance:

1) 2240 3 AVENUE, BBL: 1017700040

Properties with Architectural significance in the radius:

1) 169 EAST 121 STREET, BBL: 1017700033, LPC FINDINGS: ELIGIBLE NYC LANDMARK EXTERIOR, STATE/NATIONAL REGISTER FINDINGS: PROPERTY NATIONAL REGISTER LISTED, COMMENTS: ELMENDORF REFORMED CHURCH; NOT A PROJECT SITE, ADJACENT.

2) 2238 3 AVENUE, BBL: 1017700039, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE FOR NATIONAL REGISTER LIST (SECOND AVENUE SUBWAY CONSTRUCTION).

3) SYLVAN COURT, S/NR ELIGIBLE

Properties with Archaeological and No Architectural significance:

1) 2226 3 AVENUE, BBL: 1017700036, ARCHEOLOGY FINDINGS: HISTORIC POTENTIAL, COMMENTS: DESTROYED.

2) 2236 3 AVENUE, BBL: 1017700038, ARCHEOLOGY FINDINGS: HISTORIC POTENTIAL

Comments: LPC is in receipt of the revised EAS dated 5/13/23, including both the Historic and Shadows Chapters. LPC notes that project construction was started prior to the initial EAS of 12/19/22, thus foreclosing LPC's opportunity to fully comment.

LPC notes that the Elmendorf Reformed Church appears LPC eligible. The text should be updated to reflect that fact. A construction protection plan (CPP) would have been required prior to construction. LPC did not receive a CPP as stated in the text. The text should be updated to state that no CPP is now required, since the new building is almost completed.

Regarding shadow impacts, the Elmendorf Reformed Church has had its stained glass windows removed, so there is no potential for adverse impact.

Gina Santucci

5/22/2023

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 36808_FSO_GS_05222023.docx

Landmarks Preservation Commission

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New York, NY 10007

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ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 23DCP070M
Project: 2226 THIRD AVENUE
Date Received: 6/30/2023

Comments:

Properties with no Architectural or Archaeological significance:

1) 2240 3 AVENUE, BBL: 1017700040

Properties with Architectural significance in the radius:

1) 169 EAST 121 STREET, BBL: 1017700033, LPC FINDINGS: ELIGIBLE NYC LANDMARK EXTERIOR, STATE/NATIONAL REGISTER FINDINGS: PROPERTY NATIONAL REGISTER LISTED, COMMENTS: ELMENDORF REFORMED CHURCH; NOT A PROJECT SITE, ADJACENT.

2) 2238 3 AVENUE, BBL: 1017700039, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE FOR NATIONAL REGISTER LIST (SECOND AVENUE SUBWAY CONSTRUCTION).

3) SYLVAN COURT, S/NR ELIGIBLE

Properties with Archaeological and No Architectural significance:

1) 2226 3 AVENUE, BBL: 1017700036, ARCHEOLOGY FINDINGS: HISTORIC POTENTIAL, COMMENTS: DESTROYED.

2) 2236 3 AVENUE, BBL: 1017700038, ARCHEOLOGY FINDINGS: HISTORIC POTENTIAL

The LPC is in receipt of the EAS dated June 30, 2023.

There are no additional comments regarding architectural resources.

The text pertaining to archaeology notes that construction has already occurred for Block 1770 Lot 36 and that LPC had noted that the site had the potential to contain burial vaults. The text also includes the other text LPC recommended be included in the 12/28/22 findings in the event that additional in-ground work is needed, but the June 2023 text should be revised to add that if human remains are found, the ~~project will be subject to the new New York State Unmarked Burial Site Protection~~ Act.

Gina Santucci

7/7/2023

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

Landmarks Preservation Commission

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9th Floor North
New York, NY 10007

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File Name: 36808_FSO_ALS_07062023.docx

Appendix 2:
Transportation Planning Factors and Travel Demand Forecast Technical Memorandum

Philip Habib & Associates
Engineers and Planners • 432 Park Avenue South • New York, NY 10016 • 212 929 5656 • 212 929 5605 (fax)

TECHNICAL MEMORANDUM

TO: **New York City Department of Department of City Planning (DCP)**

FROM: **Philip Habib & Associates (PHA)**

DATE: **July 7, 2023**

PROJECT: **2226 Third Avenue EAS (CEQR No. 23DCP070M)**

RE: **Transportation Planning Factors and Travel Demand Forecast**

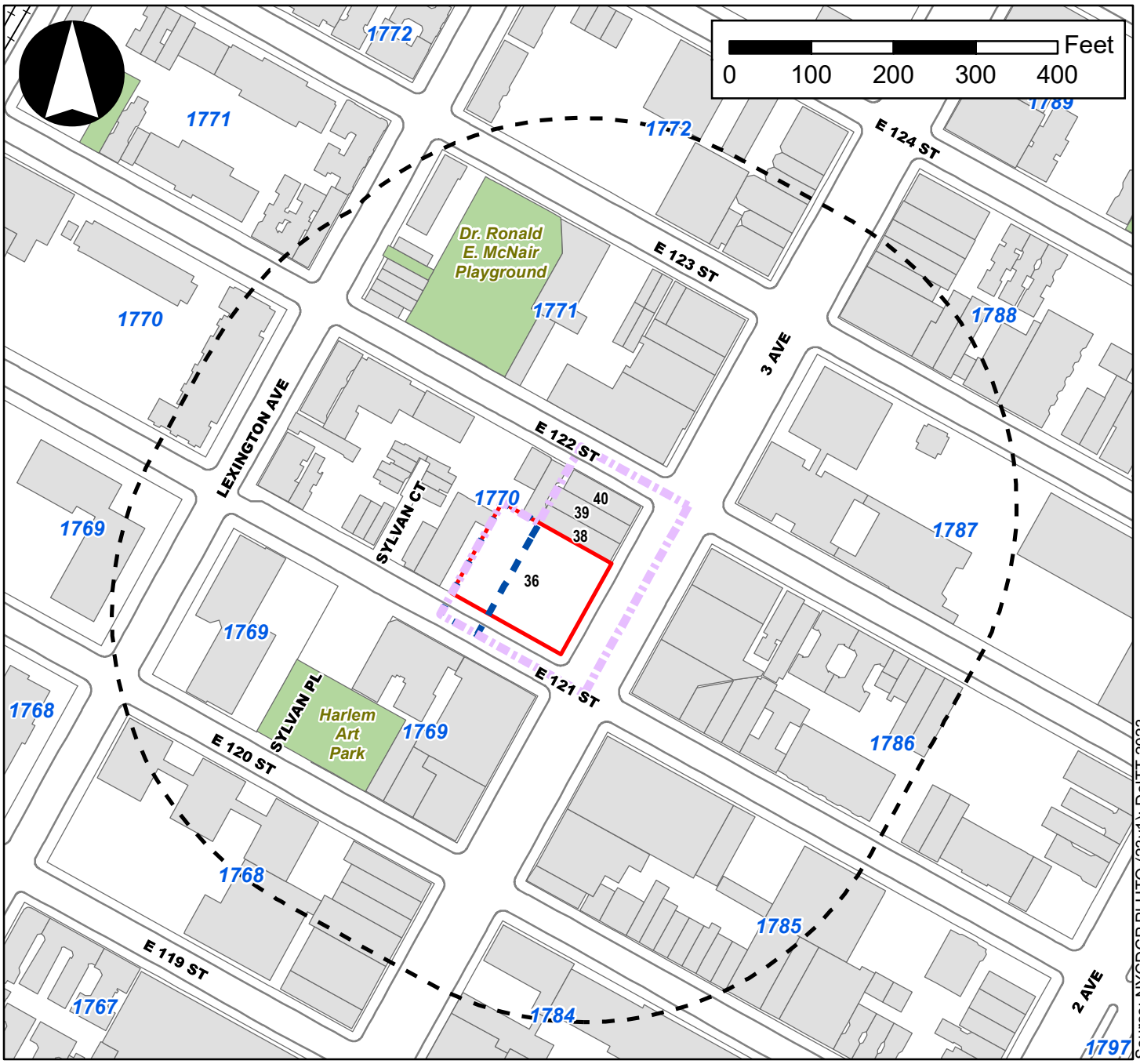
This memorandum summarizes the transportation planning factors to be used for the analyses of traffic, transit, pedestrian, and parking conditions for the *2226 Third Avenue EAS*. Estimates of the peak travel demand for the Reasonable Worst Case Development Scenario ("RWCDS") are provided, along with a discussion of trip assignment methodologies and study area definitions.

THE PROPOSED ACTIONS

The proposal involves an application by REEC Third Ave LLC (the "Applicant"), for several discretionary actions (the "Proposed Actions") subject to City Planning Commission ("CPC") approval, to facilitate the construction of a new 10-story (145-foot-tall to the rooftop) building with approximately 159,603 gross square feet ("gsf") (133,426 zoning square feet ("zsf"); 7.06 FAR) of life science (Use Group ("UG") 9A) uses and one loading berth (the "Proposed Development") at 2226 Third Avenue (Block 1770, Lot 36) (the "Development Site") in the East Harlem neighborhood of Manhattan Community District ("CD") 11 (refer to **Figure 1**). The Proposed Actions include:

(1) a Zoning Map Amendment to rezone a portion of Manhattan Block 1770, Lot 36 (the "Rezoning Area") from R7B to C4-6/Special East Harlem Corridors District ("EHC");
(2) a Zoning Text Amendment to the Appendix of Zoning Resolution ("ZR") Article XIII Chapter 8, "Special East Harlem Corridors District" to extend the EHC boundaries to include the entirety of the Development Site (Block 1770, Lot 36);
(3) a Zoning Text Amendment to establish ZR Section 138-42 to enable the City Planning Commission ("CPC") to reduce the number of required loading berths for zoning lots located within a C4-6/EHC zoning district;
(4) a CPC Special Permit pursuant to the proposed ZR Section 138-42 to reduce the number of required loading berths at the Development Site (Block 1770, Lot 36); and

Figure 1
Project Location



Source: NYCDCP PLUTO (23v1); DoITT 2023

Legend

- Project Area
- 400-Foot Radius
- Rezoning Area
- Development Site
- Existing Building Footprints
- Open Space
- 1770 Tax Blocks



(5) a Zoning Text Amendment to Appendix F of the ZR to establish a new Mandatory Inclusionary Housing ("MIH") area coterminous with Block 1770, Lots 36, 38, 39, and 40 (the "Project Area"). DCP will be serving as the lead agency on behalf of the CPC.

THE REASONABLE WORST CASE DEVELOPMENT SCENARIO (RWCDS)

In order to assess the potential effects of the Proposed Actions, a RWCDS for both the "future without the Proposed Actions" (No-Action scenario) and the "future with the Proposed Actions" (With-Action scenario) are analyzed for an analysis year of 2024. The incremental difference between the No-Action and With-Action scenarios will serve as the basis of the impact category analyses of the EAS. In the future (2024) without the Proposed Actions, the Proposed Actions would not be approved and the Applicant would not proceed with the Proposed Development. In the No-Action scenario, construction of an as-of-right 10-story mixed-use development containing approximately 51,616 gsf of commercial (UG 9A) space and approximately 107,987 gsf of community facility (UG 4) space would occur.

In the future (2024) with the Proposed Actions, the Applicant would proceed with the Proposed Development, a 10-story (145-foot-tall to the rooftop) building with approximately 159,603 gsf (133,426 zsf; 7.06 FAR) of life science (UG 9A) uses. The Proposed Development would include a cellar and no accessory parking. One loading dock would be provided on the ground-floor and accessed via a new curb cut located on Third Avenue. However, the Proposed Development does not represent the RWCDS for the With-Action scenario. The With-Action scenario comprises a 16-story, approximately 235-foot-tall building (plus 40 feet for a rooftop bulkhead) that would contain approximately 189,220 sf of floor area (10.0 FAR) and 217,603 gsf. The building would be occupied by approximately 156,674 gsf of commercial uses, primarily by life science uses (Use Group 9A), and approximately 60,929 gsf of Use Group 4 (medical office) community facility uses. The Proposed Development would include a cellar and no accessory parking. One loading dock would be provided on the ground-floor and accessed via a new curb cut located on Third Avenue.

As shown in **Table 1**, compared to the No-Action scenario, the With-Action scenario would introduce approximately 105,058 gsf of UG 9A commercial space and a negative (net) increment of approximately 47,058 gsf of UG 4 community facility space. It should be noted that, for the purposes of demand forecasting, the proposed UG 9A commercial space is conservatively assumed as commercial office space.

Table 1: Comparison of No-Action and With-Action Scenarios

Land Use	No-Action Scenario	With-Action Scenario	Net Increment
UG 9A (Commercial Office)	51,616 gsf	156,674 gsf	105,058 gsf
UG 4 Community Facility (Medical Office)	107,987 gsf	60,929 gsf	-47,058 gsf

TRANSPORTATION PLANNING FACTORS

The transportation planning factors used to forecast the travel demand that would be generated by the No-Action and With-Action scenarios on the Development Site are summarized in **Table 2** and discussed below. The trip generation rates, temporal distributions, modal splits, vehicle occupancies, and truck trip factors for each of the land uses were primarily based on those cited in the 2021 *City Environmental Quality Review* ("CEQR") *Technical Manual* and factors cited in the 2017 *East Harlem Rezoning FEIS*. Factors are shown for the weekday AM and PM peak hours (the typical peak periods for commuter travel demand) and the weekday midday and Saturday peak hours (the typical peak periods for retail demand and for office pedestrian demand).

Commercial Office

Although the proposed commercial use is intended for life science uses (UG 9A), for the purposes of demand forecasting, the With-Action scenario's commercial space is conservatively assumed as traditional commercial office space. Typically, life science spaces accommodate less employees per square foot of floor area and would generate less demand than compared to traditional commercial office space. The commercial office trip generation rates, temporal distributions, directional distributions, and truck trip generation rates for the commercial office use were based on data from the 2021 *CEQR Technical Manual*. A weekday trip generation rate of 18.0 person trips per 1,000 gsf and a Saturday trip generation rate of 3.9 person trips per 1,000 gsf were utilized to forecast commercial office demand. The commercial office modal splits and auto vehicle occupancy were derived from 2012-2016 AASHTO CTPP reverse journey-to-work five-year data for Manhattan census tracts 182, 184, 188, 194, 196, 198, 206, and 242. The modal splits used for the weekday AM, PM, and Saturday peak hours were 28.4 percent, 0.8 percent, 46.6 percent, 11.4 percent, and 12.8 percent for autos, taxis, subway, bus, and walk/bike/other, respectively. The modal splits used for the weekday midday peak hour were 2.0 percent, 3.0 percent, 6.0 percent, 6.0 percent, and 83.0 percent for autos, taxis, subway, bus, and walk/bike/other, respectively. The taxi vehicle occupancy was based on the 2017 *East Harlem Rezoning FEIS*.

Medical Office

The trip generation rates, temporal distributions, and directional splits for the UG 4 medical office use were based on data from the 2021 *CEQR Technical Manual*. The forecast of travel demand for medical office space used a weekday trip generation rate based on the following equation: 141.77 + 66.626 x gsf (in thousands), and a Saturday trip generation rate of 37.0 trips per 1,000 gsf, respectively. Medical office temporal distributions of 11.0 percent, 12.6 percent, 8.5 percent, and 16.6 percent were used for the weekday AM, midday, PM, and Saturday peak hours, respectively. Modal splits of 1.0 percent, 5.0 percent, 60.0 percent, 5.0 percent, and 29.0 percent for auto, taxi, subway, bus, and walk/bike/other, respectively, were utilized from data provided by the New York City Department of Transportation ("DOT"). The vehicle occupancies were also based on data provided by DOT. Rates from the *East New York Rezoning FEIS* (2016) were used to estimate truck trip generation and temporal distributions.

Table 2: Transportation Planning Factors

Land Use:	Office		Medical Office	
Trip Generation:	(2)		(2)	
Weekday	18.0		See note	
Saturday	3.9		37.0	
	per 1,000 sf		per 1,000 sf	
Temporal Distribution:	(2)		(2)	
AM	12.4%		11.0%	
MD	11.0%		12.6%	
PM	10.5%		8.5%	
SAT	14.1%		16.6%	
Modal Splits:	(3)	(1)	(4)	
	AM/PM/SAT	MD	All Periods	
Auto	28.4%	2.0%	1.0%	
Taxi	0.8%	3.0%	5.0%	
Subway	46.6%	6.0%	60.0%	
Bus	11.4%	6.0%	5.0%	
Walk/Other	12.8%	83.0%	29.0%	
Total	100.0%	100.0%	100.0%	
In/Out Splits:	(2)		(2)	
	In	Out	In	Out
AM	89%	11%	62%	38%
MD	48%	52%	47%	53%
PM	17%	83%	35%	65%
SAT	50%	50%	49%	51%
Vehicle Occupancy:	(3)(1)		(4)	
Auto	1.14		1.53	
Taxi	1.40		1.53	
Truck Trip Generation:	(2)		(5)	
Weekday	0.32		0.29	
Saturday	0.01		0.29	
	per 1,000 sf		per 1,000 sf	
Truck Temporal Distribution:	(2)		(5)	
AM	10.0%		3.0%	
MD	11.0%		11.0%	
PM	2.0%		1.0%	
SAT	11.0%		0.0%	
Truck In/Out Splits:	In	Out	In	Out
All Periods	50.0%	50.0%	50.0%	50.0%

(1) Based on data from the 2017 East Harlem Rezoning FEIS.
(2) Based on data from the 2021 CEQR Technical Manual.
(3) Based on AASHTO CTTP 5-year data reverse journey-to-work (2012-2016) data for Manhattan Census Tracts 182, 184, 188, 194, 196, 198, 206, and 242.
(4) Based on NYCDOT survey data.
(5) Based on data from the 2021 SoHo NoHo Neighborhood Plan FEIS

TRIP GENERATION

The net incremental change in person and vehicle trips expected to result from the Proposed Actions by the 2024 analysis year was calculated based on the net change in land uses shown in **Table 1** and the transportation planning factors shown in **Table 2**.

Table 3 shows an estimate for the total net incremental change in peak hour person trips and vehicle trips (as compared to the No-Action scenario) that would occur in 2024 with implementation of the Proposed Actions. As shown in **Table 3**, under the RWCDS, the Proposed Actions would generate a net change of approximately -126 person trips in the weekday AM peak hour, -206 person trips in the weekday midday, -80 person trips in the weekday PM peak hour, and -232 person trips in the Saturday peak hour.

As shown in **Table 3**, peak hour vehicle trips (including auto, truck, and balanced taxi trips) would change by a net total of approximately +42, -12, +34, and -6 (in and out combined) in the weekday AM, midday, and PM peak hours, and the Saturday peak hour, respectively. Peak hour subway trips would decrease by a net total of approximately 107, 235, 74, and 146 during these periods, respectively, while bus trips would change by approximately +9, -9, +9, and -8, respectively. Lastly, walk-only trips would change by approximately -75, +53, -56, and -78 trips during the weekday AM, midday, and PM peak hours, and Saturday peak hour, respectively. The total pedestrian trips (subway, bus, and walk-only trips) would decrease by approximately 173, 191, 121, and 232 trips during the weekday AM, midday, and PM peak hours, and Saturday peak hour, respectively.

LEVEL 1 SCREENING ASSESSMENT

The *CEQR Technical Manual* describes a two-level screening procedure for the preparation of a "preliminary analysis" to determine if quantified operational analyses of transportation conditions are warranted. As discussed in the following sections of this memorandum, the preliminary analysis begins with a trip generation (a Level 1 screening assessment) analysis to estimate the numbers of person and vehicle trips attributable to a proposed action. According to the *CEQR Technical Manual*, if a proposed action is expected to result in fewer than 50 peak hour vehicle trips and fewer than 200 peak hour transit or pedestrian trips, further quantified analyses are not warranted. When these thresholds are exceeded, detailed trip assignments (a Level 2 screening assessment) are to be performed to estimate the incremental trips that could occur at specific transportation elements and to identify potential locations for further analysis. If the trip assignments demonstrate that a proposed action would generate 50 or more peak hour vehicle trips at an intersection, 200 or more peak hour subway trips at a station, 50 or more peak hour bus trips in one direction along a bus route, or 200 or more peak hour pedestrian trips traversing a sidewalk, corner area, or crosswalk, then further quantified operational analyses may be warranted to assess the potential for significant adverse impacts on traffic, transit, pedestrian, vehicular and pedestrian safety, and parking conditions.

Table 3: RWCDS Travel Demand Forecast

Land Use:	Office		Medical Office		Total	
Size/Units:	105,058 gsf		-47,058 gsf			
Peak Hour Person Trips:						
AM	234		-360		-126	
Midday	208		-414		-206	
PM	200		-280		-80	
Saturday	58		-290		-232	
Person Trips:						
AM	In	Out	In	Out	In	Out
Auto	59	7	-2	-1	57	6
Taxi	2	0	-11	-7	-9	-7
Subway	97	12	-134	-82	-37	-70
Bus	24	3	-11	-7	13	-4
Walk/Other	27	3	-65	-40	-38	-37
Total	209	25	-223	-137	-14	-112
MD	In	Out	In	Out	In	Out
Auto	2	2	-2	-2	0	0
Taxi	3	3	-10	-11	-7	-8
Subway	6	7	-117	-131	-111	-124
Bus	6	6	-10	-11	-4	-5
Walk/Other	83	90	-56	-64	27	26
Total	100	108	-195	-219	-95	-111
PM	In	Out	In	Out	In	Out
Auto	10	47	-1	-2	9	45
Taxi	0	1	-5	-9	-5	-8
Subway	16	78	-59	-109	-43	-31
Bus	4	19	-5	-9	-1	10
Walk/Other	4	21	-28	-53	-24	-32
Total	34	166	-98	-182	-64	-16
SAT	In	Out	In	Out	In	Out
Auto	8	8	-1	-1	7	7
Taxi	0	0	-7	-7	-7	-7
Subway	14	14	-85	-89	-71	-75
Bus	3	3	-7	-7	-4	-4
Walk/Other	4	4	-42	-44	-38	-40
Total	29	29	-142	-148	-113	-119
Vehicle Trips :						
AM	In	Out	In	Out	In	Out
Auto	52	6	-1	-1	51	5
Taxi	1	0	-7	-5	-6	-5
Taxi (Balanced)	1	1	-10	-10	-9	-9
Truck	2	2	0	0	2	2
Total	55	9	-11	-11	44	-2
MD	In	Out	In	Out	In	Out
Auto	2	2	-1	-1	1	1
Taxi	2	2	-7	-7	-5	-5
Taxi (Balanced)	4	4	-12	-12	-8	-8
Truck	2	2	-1	-1	1	1
Total	8	8	-14	-14	-6	-6
PM	In	Out	In	Out	In	Out
Auto	9	41	-1	-1	8	40
Taxi	0	1	-3	-6	-3	-5
Taxi (Balanced)	1	1	-8	-8	-7	-7
Truck	0	0	0	0	0	0
Total	10	42	-9	-9	1	33
SAT	In	Out	In	Out	In	Out
Auto	7	7	-1	-1	6	6
Taxi	0	0	-5	-5	-5	-5
Taxi (Balanced)	0	0	-9	-9	-9	-9
Truck	0	0	0	0	0	0
Total	7	7	-10	-10	-3	-3

Traffic

Based on *CEQR Technical Manual* guidance, a quantified traffic analysis is typically required if a proposed action would result in 50 or more vehicle trip ends in a peak hour at one or more intersections. As shown in **Table 3**, under the Proposed Actions' RWCDS, the net number of incremental vehicle trips — +42, -12, +34, and -6 in the weekday AM, midday, and PM peak hours, and Saturday peak hour, respectively — would not exceed the 50-trip threshold in any peak hour. Therefore, based on *CEQR Technical Manual* guidance, significant adverse impacts to traffic conditions are not anticipated.

Transit

According to the general thresholds used by the Metropolitan Transportation Authority ("MTA") and cited in the *CEQR Technical Manual*, detailed transit analyses are generally not required if a proposed action would result in fewer than 200 peak hour subway/rail or bus transit riders. If a proposed action would result in 50 or more bus passengers being assigned to a single bus route in one direction, or if it would result in an increase of 200 or more passengers at a single subway station or on a single subway line, a detailed bus and/or subway analysis would be warranted. Transit analyses typically focus on the weekday AM and PM commuter peak hours, as it is during these periods that overall demand on the subway and bus systems is usually highest.

As shown in **Table 3**, the Proposed Actions are expected to generate a net decrease of approximately 107 and 74 incremental subway trips in the weekday AM and PM peak hours, respectively. As the numbers of trips in the weekday AM and PM peak hours would not exceed the 200-trip *CEQR Technical Manual* analysis threshold, a Level 2 screening assessment is not warranted for the subway mode. As also shown in **Table 3,** the Proposed Actions are expected to generate a net increase of approximately 9 and 9 incremental bus trips in the weekday AM and PM peak hours, respectively. As the numbers of trips do not exceed the 50-trip per direction *CEQR Technical Manual* analysis threshold on any route, a Level 2 screening assessment is not warranted for the bus mode. Therefore, based on *CEQR Technical Manual* guidance, significant adverse impacts to transit conditions are not anticipated.

Pedestrians

According to *CEQR Technical Manual* guidance, a quantified or detailed analysis of pedestrian conditions is typically required if a proposed action would result in 200 or more peak hour pedestrian trips at any pedestrian element (sidewalk, corner area, or crosswalk).

As shown in **Table 3**, the Proposed Actions' RWCDS would generate a net decrease of approximately 173, 191, 121, and 232 total incremental pedestrian trips (including walk-only trips and pedestrians en route to and from nearby subway stations and bus stops) in the weekday AM, midday, and PM peak hours, and Saturday peak hour, respectively. As the number of trips in the weekday AM, midday, PM, and Saturday peak hours would not exceed the 200-trip threshold, a Level 2 screening assessment is not

warranted for any peak periods. Therefore, based on *CEQR Technical Manual* guidance, significant adverse impacts to pedestrian conditions are not anticipated.

CONCLUSION

According to 2021 *CEQR Technical Manual* guidance, if a proposed action is expected to result in fewer than 200 peak hour pedestrian and subway trips, and fewer than 50 peak hour bus and vehicle trips, further quantified analyses are not warranted.

As shown in **Table 3**, the incremental vehicle trips generated by the Proposed Actions would not exceed the *CEQR Technical Manual* 50-vehicle Level 1 screening assessment threshold during the weekday AM, midday, PM, and Saturday midday peak hours. As also shown in **Table 3**, the Proposed Actions would generate less than the *CEQR Technical Manual* Level 1 screening assessment threshold of 50 incremental bus trips during each of the analysis peak hours. Similarly, the Proposed Actions would generate less than the *CEQR Technical Manual* Level 1 screening assessment threshold of 200 incremental subway trips during each of the analysis peak hours. Finally, as shown in **Table 3**, the Proposed Actions would generate less than the *CEQR Technical Manual* Level 1 screening assessment threshold of 200 incremental pedestrian trips during each of the analysis peak hours. As these *CEQR Technical Manual* thresholds would not be exceeded, detailed traffic, bus, subway, and pedestrian analyses are not warranted for the Proposed Actions.