CHAPTER 2: LAND USE, ZONING, AND PUBLIC POLICY

A. INTRODUCTION

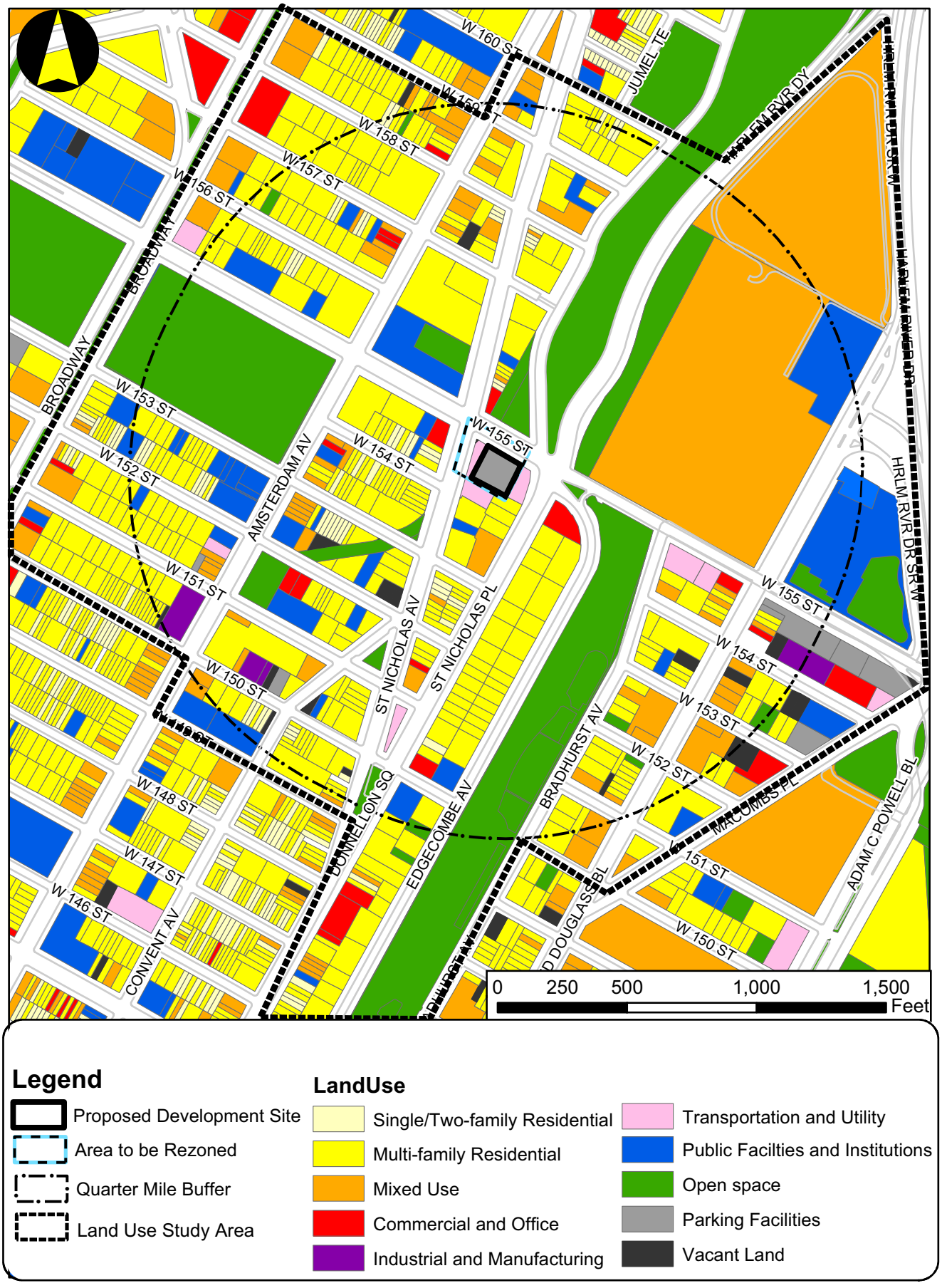
This application is for a set of actions intended to facilitate the redevelopment of a site in the Hamilton Heights North neighborhood of West Harlem, in Manhattan Community District 9. The requested actions include: (1) a zoning map change from C8-3 and R7-2 to a R8A residential zoning district; (2) acquisition/ disposition of City-owned property, in the form of an exchange of easements between the applicant and the NYC Department of Citywide Administrative Services (DCAS); (3) construction financing from the NYC Department of Housing Preservation and Development (NYCHPD), an Involved Agency for CEQR purposes, which will likely be comprised of federal funding from the U.S. Department of Housing and Urban Development (HUD); and (4) other financing from the New York State Division of Housing & Community Renewal (DHCR), and the New York State Office of Temporary Disability Assistance for the residential component of the Proposed Development These actions, collectively, comprise the "Proposed Action".

The Proposed Action would enable the applicant, Broadway Housing Communities (BHC), to construct a mixed-use building on a parcel within the proposed rezoning area, consisting of one privately owned lot (Block 2069, Lot 21) located at 404-414 West 155th Street (the "Proposed Development Site"). The Proposed Action would facilitate construction of an approximately 169,333 gsf 13-story mixed-use building (140,934 zsf, excluding parking and mechanical deductions) on the Proposed Development Site (the "Proposed Development"). The existing 300-space garage structure currently on the site would be demolished to allow construction of the new building. The Proposed Development would include: approximately 124 residential units, all of which would be affordable; an approximately 18,036 sf Faith Ringgold Children's Museum of Art and Storytelling; a 12,196 sf day care facility and early childhood center for approximately 100 children; 2,350 sf of non-profit program and office space; and an up to 114-space below-grade accessory parking garage.

It is expected that construction on the Proposed Development Site would commence in the second half of 2010 following demolition of the existing structure and site excavation, and the Proposed Development is expected to be completed by late 2012.

There are no current proposals for development of any of the other properties affected by the proposed zoning map change. As such, the RWCDS analyzed in this document consists of the proposed development as described above.

This chapter considers the effects of the Proposed Action on the land use study area as well as the Proposed Action's potential effects on zoning and public policy in the study area. The land use study area for this analysis includes the area within approximately one quarter-mile radius of the rezoning area, which has been modified and expanded as appropriate to include entire blocks (see Figure 2-1). As shown in Figure 2-1, the study area is roughly bounded by West 145th, West 149th, and West 150th Streets to the south, Bradhurst Avenue, Macombs Place, and Harlem River Drive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Proposed Development Site
Area to be Rezoned
Quarter Mile Buffer
Land Use Study Area
LandUse
Single/Two-family Residential
Multi-family Residential
Mixed Use
Commercial and Office
Industrial and Manufacturing
Transportation and Utility
Public Facilties and Institutions
Open space
Parking Facilities
Vacant Land

to the east, Amsterdam Avenue and Broadway to the west, and West 159th and West 160th Streets to the north. As detailed below, the Proposed Action is not anticipated to result in any significant adverse impacts on land use, zoning, or public policy.

B. EXISTING CONDITIONS

Land Use

Figure 2-1 shows the existing land uses within the rezoning area, as well as in the land use and zoning study area, based on March 2009 field visits, as well as secondary sources.

Proposed Rezoning Area

The area to be rezoned includes the Proposed Development Site as well as a portion of the northern third of the block bounded by West 155th and West 153rd Street, St. Nicholas Avenue and St. Nicholas Place (Block 2069). The rezoning area extends approximately 150 feet south from West 155th Street, and includes Lots 21 and 28 in their entirety, approximately 44% of Lot 26 and about 12% of Lot 14. Lots 14 and 28 are not part of the Proposed Development Site, whereas a portion of Lot 26 will contain an access easement for the Proposed Development (refer to Figure 1-2 in Chapter 1, "Project Description").

The approximately 21,685 sf Proposed Development Site is currently occupied by a two-story plus cellar public parking garage, with a capacity of approximately 300 spaces. Due to the hilly topography in the area, the Proposed Development Site is naturally sloped, sloping down approximately 17 feet from its western boundary to its eastern boundary. Due to this steep grade in the site, the existing garage rises three stories at the northeast corner and is one story at the northwest corner.

Lots 26 and 28, and a portion of Lot 14, are included in the rezoning area but do not comprise part of the Proposed Development Site. Lot 26, located to the west of the Proposed Development Site, is located partially within the rezoning area (approximately 44%, or 9,020 sf of this lot falls within the rezoning area). Lot 26 is owned by the City and under control of the New York City Department of Environmental Protection (NYCDEP), and includes a 2-story building at the southern portion of the lot, which falls mostly outside the rezoning area. The building is occupied by a NYCDEP leak detection facility and includes a 2-truck garage. The portion of Lot 26 that falls within the proposed rezoning area, which is entirely enclosed by a brick wall with a fence above, is currently used predominantly for vehicle storage and parking and is also available for staging in the event of emergencies. It is entered through the existing NYCDEP building garage entrance.

The proposed rezoning area also includes the northern portion of Lot 14 (estimated at 12% of the lot), approximately 11 to 13 feet wide, comprising approximately 692 sf. Lot 14 is occupied by a 6-story elevator apartment building, with approximately 24 units, and it is the only lot within the rezoning area that falls within the NYC Landmarks Preservation Commission (NYCLPC) designated Hamilton Heights/Sugar Hill Northeast Historic District. The rezoning area also includes a very small triangular parcel at the corner of St. Nicholas Avenue, identified as Lot 28,

which is comprised of only 12 sf (approximately 2 feet wide and less than 10 feet deep), and is currently vacant.

Land Use Study Area

As shown in Figure 2-1, the land use study area has been roughly defined by a quarter-mile radius extending from the proposed rezoning area. The study area is generally bounded by West 145th, West 149th, and West 150th Streets to the south, Bradhurst Avenue, Macombs Place, and Harlem River Drive to the east, Amsterdam Avenue and Broadway to the west, and West 159th and West 160th Streets to the north.

Land uses in the vicinity of the rezoning area include a mix of residential, mixed-use, institutional, commercial, and open space, with some vacant lots located to the north, south, and east of the proposed rezoning area. Residential uses are predominant in the area and are typically located in all directions surrounding the proposed rezoning area. Commercial uses are mainly limited to the lots directly adjacent to the rezoning area to the north, east and west, while further away commercial uses are found along Amsterdam Avenue, Broadway, St. Nicholas Avenue, Frederick Douglass Boulevard, and Macombs Place – usually in the form of ground floor retail in mixed-use residential buildings. Open space is abundant in the study area and is located in all directions; while mixed-uses, and institutional uses are scattered throughout the study area. Transportation related uses, including parking facilities, are located on the Proposed Development Site as well as directly to the east of the rezoning area, as shown in Figure 2-1.

Immediately to the east of the Proposed Development Site is Lot 20, which is currently occupied by a gas station with a one-story structure housing a convenience store. The southern portion of the block containing the rezoning area is occupied by four 6-story multifamily elevator buildings, one contains ground floor retail uses; one 5-story multifamily building; and a 2-story Temple of Joy Sounds of Praise Church, which is a City-owned property under lease to the institutional facility.

To the north of the rezoning area, across West 155th Street, is Highbridge Park, which extends north to Dyckman Street, between Edgecombe and Amsterdam Avenues. This 118.75-acre park is widely known for its important landmarks, the Highbridge tower and the High Bridge (the city's oldest standing bridge), and also offers natural beauty and recreational fun, including a recreation center with pool, open vistas and an unusual geologic makeup. Among its strongest features are the magnificent cliffs and large rock outcroppings that dominate the park. Located to the northwest of the proposed rezoning area is Public Elementary School 28: Wright Brothers, along West 155th Street between St. Nicholas Avenue and Amsterdam Avenue, which also contains the Orville and Wilbur Playground. Also located on this block is a 6-story multifamily elevator building, and a 22-story New York Housing Authority (NYCHA) multifamily elevator building.

Across West 155th Street from the rezoning area and along St. Nicholas Avenue, is a series of 1-story commercial use buildings containing a delicatessen and grocery store, a laundromat, a check cashing store, and a pizza parlor. A 3-story mixed-use residential building contains a take-out restaurant and a vacant storefront on the ground floor. The remainder of the block contains 3-story rowhouse residential buildings, 5-story multifamily elevator buildings, and the Mount Sinai Church. The remainder of the northern portion of the land use study area contains a mix of 3-story rowhouse residential buildings, 5- to 6-story multifamily elevator buildings, some mixed-use residential buildings with ground floor retail, a large segment of Highbridge Park, and a number of community gardens and public parks.

To the east of the rezoning area is a 1-story commercial use building, between St. Nicholas Place and Edgecombe Avenue, containing a flat fix auto shop, Kennedy Fried Chicken and Pizza, a delicatessen and grocery store, Bud's Sports Bar, a Central-American restaurant, a laundromat, and a taqueria. Further south on the remainder of that block is a long series of 5 to 6-story multifamily residential buildings, as well as the 13-story historic landmark building located at 409 Edgecombe Avenue. This historic multifamily brick building sits on a bluff overlooking the Bronx and was once home to the intellectual and civil rights activist William Edward Burghardt Du Bois (1868-1963), poet Stanley Braithwaite, civil rights activist Paul Robeson, poet Countee Cullen, explorer Matthew Henson, musician Cab Calloway and union organizer and civil rights activist Asa Philip Randolph. This block also contains the Broadway Housing Development Fund, a non-profit low-income development company housed in a 3-story single-family home, and the M. Marshall Blake Funeral Home, both at the southernmost extent of the block.

Just beyond Edgecombe Avenue the topography drops off substantially, this is the location of Jackie Robinson Park, a 12.77-acre park that extends from West 155th Street south to 145th Street, between Bradhurst and Edgecombe Avenues, which provides ten blocks of recreational resources. It includes a pool and recreation center, as well as baseball diamonds, basketball courts, volleyball courts, and two playgrounds, as well as a bandshell that hosts concerts throughout the warm season. East of the park is a predominantly residential area characterized by 3 to 6-story multifamily buildings, some with ground floor retail along Bradhurst Avenue and Frederick Douglass Boulevard. On the north side of West 155th Street between Bradhurst Avenue and Frederick Douglass Boulevard is the Polo Grounds Towers, a 30-story four building NYCHA development with 1,612 apartments. Also located on this block is an Associated Supermarket and Public Elementary School 46: Arthur Tappan School. The NYCHA Rangel Houses are located at the northern extent of this block, containing eight 14-story buildings with 984 apartments. On the south side of West 155th Street is a 145-space public parking garage, an auto body shop, and local ground floor retail along Frederick Douglass Boulevard. Across Frederick Douglass Boulevard is Public Elementary School 156: Eugene Piercy Roberts School; and Holcombe Rucker Park, a 3.12-acre public park that features a baseball field, handball courts, and a playground, though the park is most well-known for its basketball courts, as many famous basketball players started their career at this famous neighborhood institution.

The blocks south of West 155th Street and east of Frederick Douglass Boulevard contain a 100-space parking lot, a plumbing supply company, an auto storage lot, some vacant lots, 3- to 6-story multifamily buildings with ground floor retail located along Frederick Douglass Boulevard, and commercial and local services along Macombs Place including a United States Post Office and a gas station.

Directly west of the proposed rezoning area is a block that contains the 6-story St. Nicholas Hotel with a delicatessen and grocery store on the ground floor, the adjacent lot is the Prince Hall Masonic Temple. The Prince Hall Masons are a benevolent service organization dedicated to uplifting people of color. The remainder of the block is occupied by 3- to 6-story multifamily residential buildings, and a 20-story NYCHA building containing 168 apartments that faces Amsterdam Avenue. Further west is the landmark Trinity Cemetery and Rector Church. The blocks to the north and south of the cemetery contain a number of churches as well as 3- to 6-story multifamily residential buildings, with a few single family buildings, and one 15-story elevator building located on West 155th Street and Amsterdam Avenue. Amsterdam Avenue contains a number of small local retail and commercial establishments but ground floor retail in mixed-use residential buildings are predominant.

The area further to the south and west of the proposed rezoning area is mainly composed of 3 to 6-story multifamily residential buildings, with a small number of single family buildings. Carmanville Playground, a 0.58-acre park, serves this area of the community. There are a small number of institutional facilities (mainly churches), community gardens and open spaces, mixed-use residential buildings with ground floor retail, and vacant lots scattered throughout this portion of the study area, in addition to two commercial lots that are occupied by the Harlem Dance Theatre and a cultural affairs office.

The study area is well connected by the transit system and regional road network. The area is well connected to the greater region via West 155th Street which connects to the Westside Highway (Route 9A), FDR Drive, and Major Deegan Expressway/New York State Thruway (Interstate Route 87). The C subway line stops adjacent to the rezoning area at the intersection of West 155th Street and St. Nicholas Avenue, and the number 1 subway line stops at West 157th Street and Broadway. Bus routes connect the area to the Bronx, Harlem, and Midtown Manhattan. Yankee Stadium is located directly across the Harlem River, just over a ½-mile from the rezoning area, and is connected to the area by Macombs Dam Bridge.

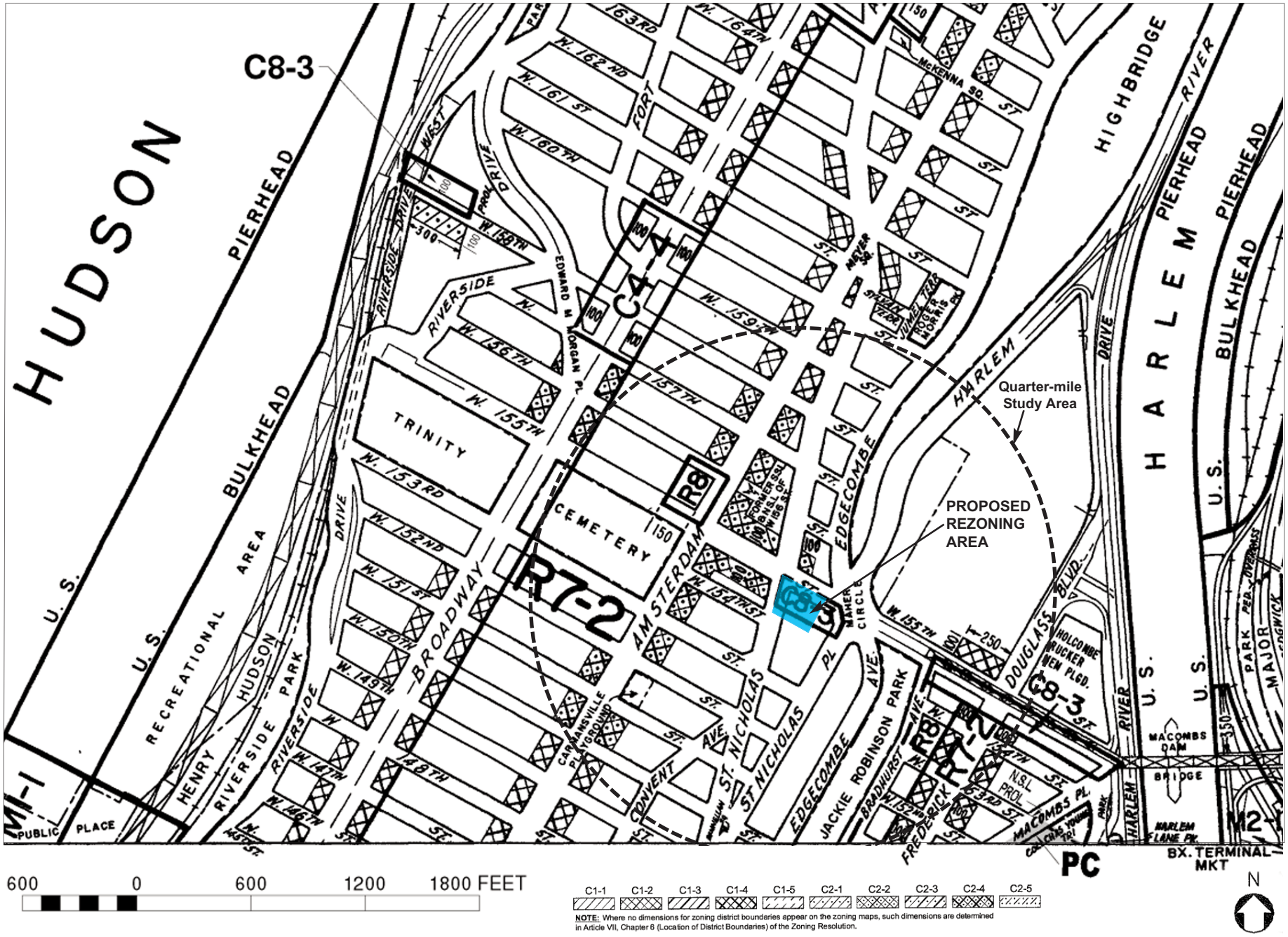
Lastly, the landmark Old Croton Aqueduct, a significant physical feature in the study area, is located adjacent to the Proposed Development Site, passing underneath the adjacent Lot 26 to the west. The portion of land over the Old Croton Aqueduct between West 153rd Street and West 152nd Street is utilized as a community garden known as the Senior Citizens Sculpture Garden.

Zoning

The Proposed Development Site, which is located in the northeastern portion of the rezoning area, is currently zoned C8-3 (about 74% or approximately 16,047 sf), with an R7-2 residential district mapped along an area at the southern edge of the site that ranges from 37 to 44 feet wide (approximately 5,638 sf). The remainder of the rezoning area is also zoned C8-3 and R7-2. The existing C8-3 zoning district is mapped at a depth of 100 feet from West 155th Street. As shown in Table 2-1, the C8-3 zoning district allows uses such as automotive sales and service facilities and warehouses, with a maximum allowable Floor Area Ratio (FAR) of 2.0 for commercial uses and 6.5 for allowable community facilities. Housing is not permitted in C8-3 zoning districts (refer to Table 2-1 below). R7-2 is a general residence zoning district with a maximum allowable FAR of 3.44 for residential uses and 6.5 for allowable community facilities.

Zoning classifications within a ¼-mile radius include R7-2 to the north, south and west; R8, R7-2 and C8-3 to the east, and R8 and C4-4 further to the northwest. Commercial overlays are mapped along the major thoroughfares in the area, including Amsterdam Avenue, Broadway, and Fredrick Douglas Boulevard, as well as the block of west 155th Street to the west of the rezoning area. The blocks in the immediate vicinity of the rezoning area are mostly zoned R7-2 with C2-4 commercial overlays (see Figure 2-2). The C2-4 overlay extends over most of the lots with frontage on Amsterdam Avenue and West 155th Street. The C2-4 commercial zoning overlay is widely mapped within residence districts and allows such retail uses as grocery stores, restaurants and beauty parlors, with a maximum allowable FAR of 2.0 for commercial uses.

There is an R8 residential zoning district located to the east of the rezoning area, along Bradhurst Avenue, and another one block to the west of the rezoning area on the stretch of block fronting on Amsterdam Avenue and bound by West 155th and West 156th Streets. As shown in table 2-1, R8 is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PIERHEAD
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W. 159TH
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McKENNA SQ.
HIGHBRIDGE
HARLEM RIVER
PIERHEAD
BULKHEAD
U.S.
C4-4
C4-4A
R8
R7-2
C8-1
C8-3
M1-1
M2-1
PC
TRINITY CEMETERY
BROADWAY
AMSTERDAM
ST. NICHOLAS
EDGECOMBE
JACKIE ROBINSON PARK
BRADHURST AVE.
FREDERICK DOUGLASS BLVD.
W. 155TH
W. 154TH ST
W. 153RD ST
W. 151ST ST
W. 145TH ST
CONVENT AVE
HOLCOMBE RUCKER MEM PLGD.
MACOMBS DAM BRIDGE
HARLEM LANE PK.
BX. TERMINAL MKT
EDWARD M MORGAN PL
CARMANSVILLE PLAYGROUND
PUBLIC PLACE
Quarter-mile Study Area
PROPOSED REZONING AREA
600 0 600 1200 1800 FEET
C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5
NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.
N

a mid- to high-density residential zoning district that allows mid- to high-rise buildings, with a maximum allowable FAR of up to 6.02 for residential uses, and 6.5 for community facilities. In addition, a two block wide C8-3 commercial zoning district is also located to the east of the study area.

TABLE 2-1
Study Area Zoning Designations

DISTRICT	DEFINITION/GENERAL USE	MAXIMUM FAR
R7-2	R7-2 districts are medium-density apartment house districts. Building heights are governed by sky exposure planes. Parking is required for 50% of the dwelling units and waived if 15 or fewer spaces are required.	R: 3.44 maximum C: 2.0 as overlay CF: 6.5 M: Not permitted
R8	R8 zones are appropriate for mid-rise, eight to ten-story buildings. Building heights are governed by sky exposure planes. Parking is required for 50% of the dwelling units and waived if 15 or fewer spaces are required, or the lot is 10,000 square feet or less.	R: 6.02 maximum C: 2.0 as overlay CF: 6.5 M: Not permitted
C8-3	C8-3 districts are usually buffers between commercial and manufacturing uses, usually services that require large amounts of land. Semi-industrial general service uses permitted in Use Groups 11A and 16. These districts are mainly mapped along major traffic arteries and parking requirements vary with use.	R: Not permitted C: 2.0 CF: 6.5 M: Not permitted
C2-4 (Overlay)	C2 are commercial overlays mapped in residential districts. They permit local retail and service establishments. Regulations limit commercial use to one or two floors.	R: Same as underlying R zone C: 1.0 in R1- R5 Districts 2.0 in R6 – R10 Districts CF: Same as underlying R zone M: Not permitted

R: Residential; C: Commercial; CF: Community Facility; & M: Manufacturing

Public Policy

The rezoning area is not located within the designated boundaries of New York City's Coastal Zone. As discussed in Chapter 1, "Project Description," the area affected by the proposed zoning map changes is located adjacent to and partially (Lot 14) within the New York City Landmarks Preservation Commission (NYCLPC) designated Hamilton Heights/Sugar Hill Historic District, and the entire rezoning area falls within the State and National Register-listed (S/NR) Sugar Hill Historic District. In addition, as the Proposed Development Site is located within Community District 9 of Manhattan, it is subject to the development guidelines outlined in the District's approved 197-a plan. Additionally, while there are not specific initiatives and goals in PlaNYC that relate to the study area, it is a citywide initiative that would be applicable to the Proposed Action and is therefore included in this analysis. Each of these public policies is discussed below.

Hamilton Heights/Sugar Hill Historic District

As detailed in Chapter 5, "Historic Resources," the Proposed Development Site and rezoning area are located within the S/NR Sugar Hill Historic District, and Lot 14, which falls partially within the rezoning area, also falls within the NYCLPC designated Hamilton Heights/Sugar Hill Historic District. The intent of both the S/NR and LPC historic districts is to protect the neighborhood character and unique architectural value of the Hamilton Heights and Sugar Hill neighborhoods, known as the foundation of the Civil Rights Movement. Landmarking status prohibits any demolition or major upgrade to the buildings within the NYCLPC-designated district without consent by the NYCLPC. Historic resources that are listed on the S/NR 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. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review, and consultation process. Properties listed on the S/NR are similarly protected against impacts resulting from State-sponsored or State-assisted projects under the State Historic Preservation Act. Private owners of properties that are eligible for, or even listed on, the S/NR using private funds, can, however, alter or demolish their properties without such a review process.

Community District 9 Manhattan 197-a Plan: Hamilton Heights, Manhattanville, Washington Heights

The 197-a plan covers Manhattan's Community District 9, an area generally bounded by West 110th Street, the Hudson River, West 155th Street and Jackie Robinson, St. Nicholas, and Morningside parks. The plan's stated goals are to: build on the strong social, economic and cultural base of the district through a sustainable agenda that would reinforce and reinvigorate the ethnically diverse and culturally diverse community; ensure that future development is compatible with the existing and historic urban fabric and complements the neighborhood's character; create the conditions necessary to generate good jobs for its residents; provide housing and services that are affordable to the community; and provide for future growth while preserving the district's physical and demographic character without displacement of existing residents.

This public policy document does not provide any recommendations specifically pertaining to the Proposed Development Site. However, some of the Plan's district-wide recommendations that are relevant to the Proposed Action include the following:

- Study and adopt contextual zoning in appropriate areas of Community District 9;
- Mandate affordable housing in the district, preserve existing affordable housing, and increase the number of housing opportunities for low, moderate- and middle income residents, including seniors;
- Explore the development of underbuilt sites for housing, community facilities, or mixed residential/commercial buildings. It should be noted that Lot 26, which is occupied by the NYCDEP facility within the proposed rezoning area, was identified as an underbuilt site in the 197-a Plan.

PlaNYC

PlaNYC is a city plan that focuses on the five key dimensions of the City's environment – land, air, water, energy, and transportation. The plan outlines several goals including: the efficient use of land to enable the City to absorb tremendous growth while creating affordable, sustainable housing and open spaces in every neighborhood; initiatives to improve the quality of air across the City; the protection of the purity of the City's water, ensuring its reliable supply throughout the City; a new approach to energy planning in New York; and the expansion and funding of the City's transportation network.

C. THE FUTURE WITHOUT THE PROPOSED ACTION (NO-ACTION)

Land Use

Proposed Rezoning Area

In the absence of the Proposed Action, the rezoning area would continue to be zoned C8-3 and R7-2. None of the properties within the proposed rezoning area would be expected to be redeveloped in the absence of the Proposed Action, and the existing land uses would remain. The Proposed Development Site would continue to be occupied by a 300-space public parking garage. Therefore, for CEQR analysis purposes, the No-Action condition would be identical to the existing conditions.

Land Use Study Area

In the future without the Proposed Action, it is expected that the current land use trends and general development patterns in the area would continue. These trends are characterized by moderate levels of additional residential and commercial growth. There are two proposed developments anticipated to be constructed or under construction within the defined study area by 2012 (#1 and 4 in Figure 2-3 and Table 2-2).

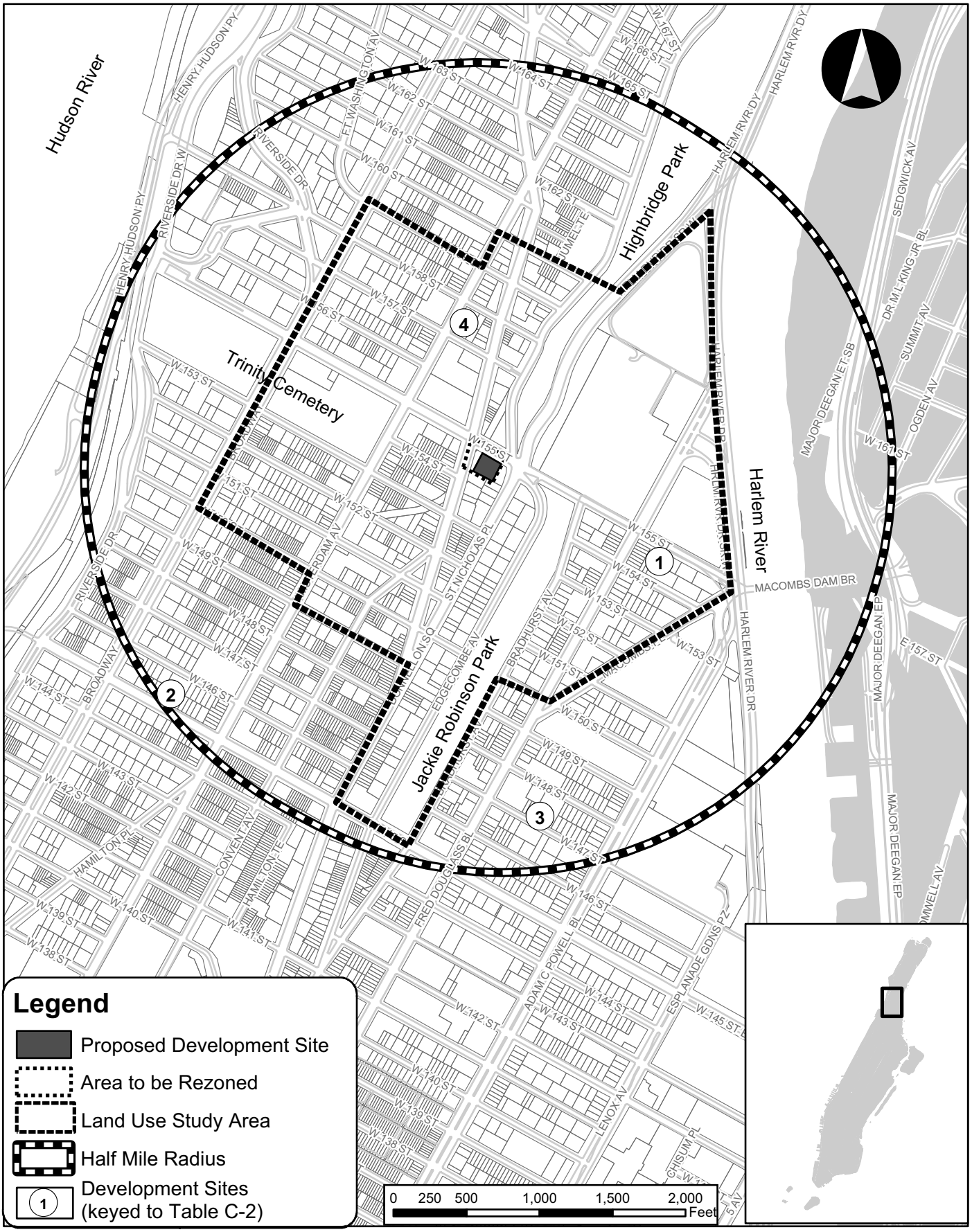
TABLE 2-2
Development Projects in the Future Without the Proposed Action Within an Approximate Half-Mile Radius

Key #	Address	Housing Units	Retail Floor Area	Community Facility Floor Area
1	West 155th Street Rezoning	272	32,844	0
2	Public School 186 - 525 West 145th Street	120	0	7,000
3	Public School 90 - 217 West 147th Street	75	0	7,000
4	Community Health Academy of the Heights – 1970 Amsterdam Avenue	0	0	16,000
TOTAL		**467**	**32,844 gsf**	**30,000 gsf**

Source: NYC Department of City Planning

In the future without the Proposed Action, parts of two blocks to the east of the proposed rezoning area are expected to be rezoned from C8-3 to R8/C1-4, which would facilitate the planned redevelopment of the site of a 125-space parking facility with a new mixed-use building (#1 in Table 2-2 below). This development (Block 2040, Lots 48, 61 and 62), according to available information, is expected to be completed by 2012 and is planned to consist of a 12-story mixed-use building that would include approximately 272 residential units and 32,800 sf of retail uses, as well as 144 public parking spaces. In addition, the School Construction Authority (SCA) has proposed to construct the Community Health Academy of the Heights, a proposed 572-seat intermediate school, on a site located at 1970 Amsterdam Avenue between West 157th and West 158th streets (Block 2116, Lot 33), which comprises a NYCHA development (#4 in Figure 2-3 and Table 2-2).

No-Action Developments in Half-Mile Radius



Two other planned developments fall just outside the defined land use and zoning study area, but are within a half-mile radius of the proposed rezoning area (see Figure 2-3). These include a proposal by the ML Wilson Boys and Girls Club to redevelop PS 186, a vacant public school located on the north side of West 145th Street between Amsterdam Avenue and Broadway (#2 in Figure 2-3 and Table 2-2). The proposed build program calls for approximately 80-120 residential units, a community facility to accommodate the ML Wilson Boys and Girls Club and space to accommodate a new postal facility. In order to achieve their overall development objective, the school would be demolished and the development site would need to be rezoned from R7-2 to an R8 density. To date, no land use or CEQR applications have been filed.

Additionally, L & M Equities and Harlem Congregations for Community Improvement are seeking to renovate the former Public School 90, located on West 148th Street between Adam Clayton Powell Jr. and Frederick Douglass boulevards (Block 2033, Lot 12, #2 in Figure 2-3 and Table 2-2). PS 90 is city-owned has been vacant for over twenty years. The project was approved by the City Planning Commission and the City Council in 2007. The proposed build program would convert the building into 75 residential units with community facility space. No commercial space or accessory parking is proposed for this project. In order to meet the overall development objective, the applicant obtained BSA zoning variances for height, setback and use (135-05-BZ, CEQR No. 05-BSA-135M). PS 90 is designated as Site 27 in the Bradhurst Urban Renewal Plan. Accordingly, NYCHPD prepared a final Environmental Assessment Statement (06HPD004M) for this project.

Overall, the existing mix of land uses in the area surrounding the proposed rezoning area is expected to persist in 2012 without the Proposed Action.

Zoning

As noted above, two of the planned developments that are expected within or just beyond the defined study area would require zoning map changes. The rezoning action associated with No-Build site # 1 in Table 2-2 would affect the northern portions of the two blocks on the south side of West 155th Street between Bradhurst Avenue and Macombs Place, which would be rezoned from C8-3 to R8/C1-4. Additionally, the planned redevelopment of PS 186 would require that site to be rezoned from R7-2 to an R8 density.

In addition, there is currently a NYC Department of City Planning (NYCDCP) proposal for a rezoning of West Harlem. The study area comprises the northern portion of Community District 9, a 95-block area generally bounded by West 126th and West 155th streets, St. Nicholas and Jackie Robinson parks and the Hudson River. The study area for this rezoning does not include the Manhattanville Houses, the City College campus or recently established Special Manhattanville Mixed Use District, which was created to advance Columbia University's long-term build program for the area. Although still in a preliminary stage, the study would produce a zoning framework that protects the existing built context of areas with a strong rowhouse/brownstone character, such as the Hamilton Heights and Sugar Hill Historic Districts. The plan would also identify areas that could accommodate modest increases in density to support future growth, such as the M-zoned area generally bounded by Amsterdam and Convent avenues, West 126th and West 130th streets.

Public Policy

In the future without the Proposed Action, no changes to public policy are expected to occur in the study area.

D. PROBABLE IMPACTS OF THE PROPOSED ACTION

In the future with the Proposed Action, the rezoning area would be rezoned from C8-3 and R7-2 to R8A. The new land uses that are expected to result from the Proposed Action would represent a continuation of general land use trends in a manner compatible with surrounding land uses. The Proposed Action would allow for the construction of a mixed-use residential and community facility development on the Proposed Development Site that is consistent with the built character of the area. New development is not projected to result from the Proposed Action on any other sites within the proposed rezoning area. The potential effect of planned development on the Proposed Development Site is assessed below.

Land Use

Proposed Rezoning Area

The Proposed Action would enable construction of an approximately 169,333 gsf 13-story mixed-use building (140,934 zsf, excluding parking and mechanical deductions) on the Proposed Development Site. The existing garage structure currently on the site would be demolished to allow construction of the new building. The proposed new building would include approximately 121,683 gsf (114,878 zsf) of residential floor area, with approximately 124 residential rental units, all of which would be affordable, as well as an approximately 18,036 sf Faith Ringgold Children's Museum of Art and Storytelling, a 12,196 sf day care facility and early childhood center for approximately 100 children, 2,350 sf of non-profit program and office space, and an up to 114-space below-grade accessory parking garage.

The up to 114 accessory parking spaces represent a net reduction of 300 public parking spaces compared to No-Action conditions.

As described in Chapter 1, "Project Description," the Proposed Development Site is bounded on its western side by a roughly triangular, 4,597 square foot paved portion of the City-owned NYCDEP property on Lot 26 that has frontage along St. Nicholas Avenue. The applicant would acquire an easement over this area as part of the Proposed Action for use as a plaza, which would be paved and landscaped, to provide access to the primary entrances for the museum, day care and residential spaces of the Proposed Development. The existing NYCDEP uses on that triangular potion of Lot 26 would be relocated to the proposed NYCDEP easement area as described below. In exchange, the roughly rectangular, 4,321 square foot southern portion of the Proposed Development Site would be the subject of an easement from BHC to NYCDEP for vehicle parking and storage and for emergency staging. BHC would pave this area and construct a curb cut leading to it in connection with the construction of the Proposed Development. In both instances, the

easements would be surface easements and would exclude the below grade volumes that encompass the Old Croton Aqueduct on the NYCDEP Site and the future garage on the Proposed Development Site. Other than as described above, permanent above-grade construction would not be permitted on either easement.

Assessment

The Proposed Action is not expected to affect existing land use patterns in the study area except on the Proposed Development Site, nor is it expected to affect the viability of land uses in the surrounding area. The blocks immediately to the north, south and west of the rezoning area support predominately residential uses, as well as a few institutional uses, and commercial uses along the main thoroughfares. To the east and north are large public open spaces. The Proposed Development would provide quality housing and services to the City's struggling families, and expand the supply of affordable housing in the City, while providing valuable community services, including a day care center and a children's museum.

The Proposed Development would be constructed in accordance with all applicable regulations of the new R8A zoning. It would consist of one 13-story plus cellar building that would rise approximately 120 feet tall from the average curb level to the roof line and extend along West 155th Street with an entry plaza on St. Nicholas Avenue (see Figures 1-6 and 1-7 in Chapter 1, "Project Description" for illustrative building section and rendering of the proposed building). The Proposed Development, occupying the central portion of the rezoning area, would require excavation to remove the existing garage structure.

The site's gradient/slope along West 155th Street will be used to create separate access points for the Proposed Development's users, with a separate entrance for residents and children at the St. Nicholas Avenue level, a mid-block entrance for the museum, also off of St. Nicholas Avenue, and an entrance for the proposed garage at the lowest level of the Proposed Development, along West 155th Street (refer to site plan in Figure 1-5 of Chapter 1). As discussed in Chapter 1 and illustrated in Figure 1-5, the Proposed Action includes the acquisition of an access easement on the northern triangular portion of adjacent Lot 26 (which is owned by the City). This easement area would be converted into an entry plaza for the Proposed Development, with entrances for the museum, day care and residential components. In return, the applicant would provide an access easement to NYCDEP along the southern 28 feet of the Proposed Development Site, which would be utilized for vehicular storage and vehicular access to NYCDEP's building.

The Proposed Development, at 13-stories, would be taller than most buildings immediately to the south of the rezoning area, which fall within the Sugar Hill historic district. However, there are several buildings within the study area that are of similar height or taller than the Proposed Development. These include the 13-story landmark building at 409 Edgecombe Avenue, as well as newer mid-century buildings, especially those owned by the New York City Housing Authority, such as the 22-story NYCHA development at Amsterdam Avenue and West 156th Street, the 20-story NYCHA building at the southeast corner of Amsterdam Avenue and West 155th Street, one block to the west of the Proposed Development, and the 30-story Polo Grounds Towers to the northeast of the rezoning area. Moreover, the Proposed Development would be located along West 155th Street, which is a major two-way thoroughfare that divides the historic district to the south and the open spaces and the 30-story Polo Ground residential complex to the north. Most of the taller structures noted above are located along West 155th Street, similar to the Proposed

Development. As such, the Proposed Development would relate well to the taller contemporary buildings in the study area.

The Proposed Action would introduce new land uses and increase the density of uses on the Proposed Development Site, but these new uses and increased density would be consistent with the largely residential and mixed uses in the study area. The proposed zoning changes would represent an opportunity to strengthen the existing residential uses of the Hamilton Heights/Sugar Hill area of Manhattan by allowing a new affordable residential development at a scale and density appropriate for the area. No substantially different or incompatible land uses would be introduced to the study area as a result of the Proposed Action. In addition, the Proposed Development facilitated by the proposed rezoning would not result in any non-conforming uses.

The proposed access easement for NYCDEP would not result in any increase in traffic, as this easement would not alter the operation of the existing NYCDEP facility. NYCDEP would benefit from the use of the proposed NYCDEP easement, which is more conveniently located to the building on the NYCDEP site, which would provide an automobile egress to the NYCDEP site from St. Nicholas Avenue, and which would fulfill NYCDEP's need for vehicle storage and parking as well as emergency staging. In connection with the City's acquisition of the proposed NYCDEP easement, NYCDEP will request a Mayoral zoning override to permit NYCDEP vehicle parking, storage and emergency staging uses on the proposed NYCDEP easement area, which will be located in the R8A zoning district.

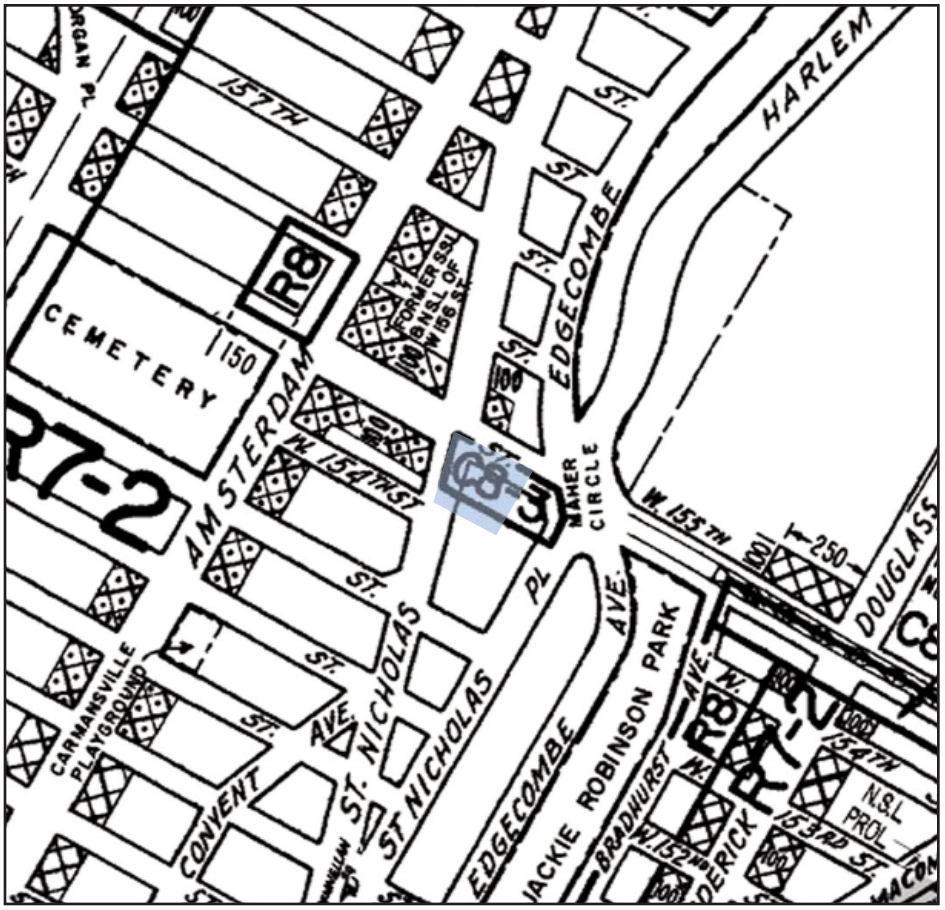
The Proposed Development would provide land uses that would be consistent with and compatible to existing and anticipated uses in the surrounding area, and would further promote and enhance the ongoing revitalization of this area of northern Manhattan. The Proposed Action is also expected to advance the City's public policies of providing affordable housing and introducing new jobs and drawing visitors to the area, as well as generating economic activity. Therefore, the Proposed Action is not anticipated to result in any significant adverse land use impacts.

Zoning

The Proposed Action includes an amendment of the City's zoning map for the northern portion of the block bounded by West 155th and West 153rd Streets, St. Nicholas Avenue, and St. Nicholas Place, changing the zoning from C8-3 and R7-2 to a R8A residential district (see Figure 2-4). The Proposed Action, if approved, would represent a change in zoning on Block 2069, Lots 21 and 28 in their entirety, and approximately 44% of Lot 26 and about 12% of Lot 14. The area to be rezoned would be approximately 205 feet along the south side of West 155th Street, and would extend to a depth of 150 feet south of West 155th Street.

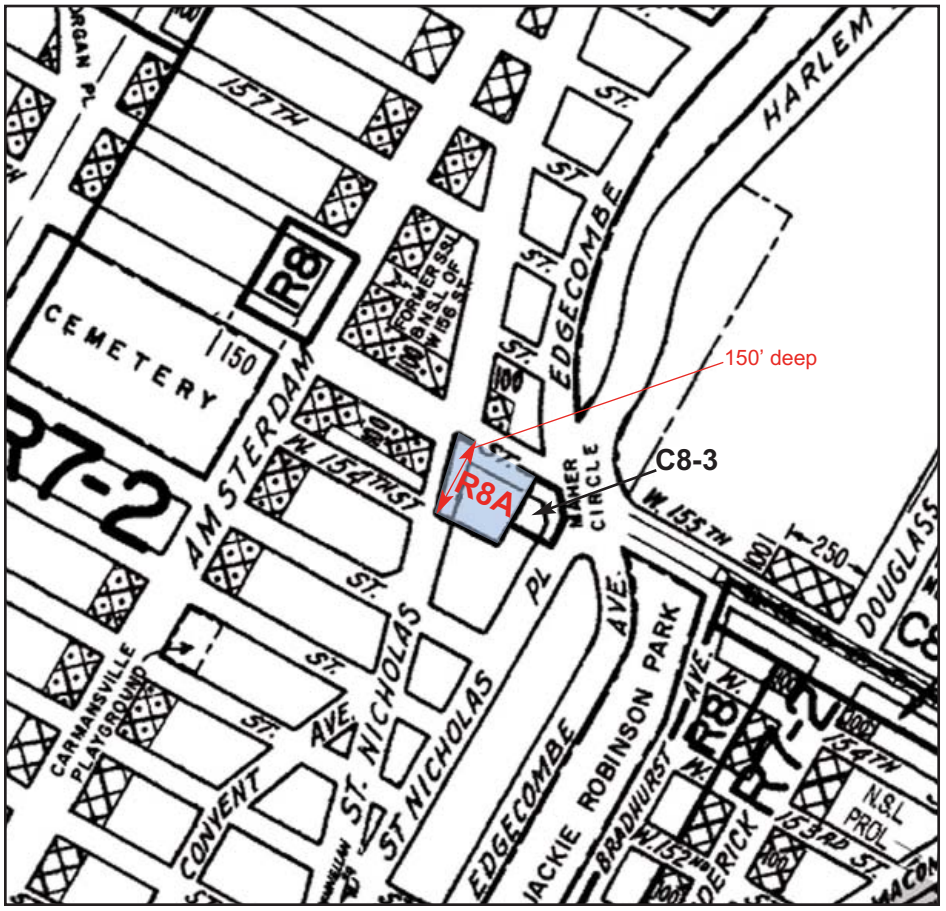
The proposed R8A district would allow residential and community facility uses within Use Groups 1-4, and establish envelope controls within the new district. Table 2-3 provides a comparison of the pertinent zoning regulations for the existing C8-3 and R7-2 districts and the proposed R8A district. As shown in the table, residential Use Groups 1 and 2 and community facilities Use Groups 3 and 4 would be allowed as-of-right under the proposed zoning, while commercial Use Groups 5 through 14, and 16 (automotive and semi-industrial uses) would no longer be permitted as they are currently in the C8-3 portion of the rezoning area. As such, all of the existing uses in the rezoning area are expected to be in conformance with the proposed R8A zoning.

EXISTING ZONING



Area to be Rezoned

PROPOSED ZONING



Area to be Rezoned

The proposed R8A zoning district is a contextual zoning district, which regulates the height, bulk, and setback of new buildings. The maximum allowable FAR for the proposed R8A district is 6.02 for residential uses, 6.5 for community facilities, and does not allow commercial uses. The maximum allowable lot coverage is 70 percent for an interior lot, such as the Proposed Development Site. The minimum building base height is 60 feet, the maximum building base height is 85 feet, and the maximum building height is limited to 120 feet. Compliance with the Quality Housing Program is mandatory for residential buildings in R8A districts. Quality Housing buildings must include amenities relating to the planting of trees, landscaping and recreational space.

TABLE 2-3
Comparison of Zoning Regulations: Existing C8-3 and R7-2 with Proposed R8A

	Existing C8-3	Existing R7-2	Proposed R8A
Use Groups	4 - 14, and 16	1 - 4	1 – 4
Maximum FAR	Community Facility: 6.5 Commercial: 2.0	Residential: 0.87-3.44 Community Facility: 6.5 Commercial: N/A (only in zoning overlays)	Residential: 6.02 Community Facility: 6.5 Commercial: N/A (only in zoning overlays)
Height and Setback *	Sky Exposure Plane	Sky Exposure Plane	120 ft maximum height, setback after 60 ft base

* Sky exposure plane is an imaginary inclined plane beginning above the street line at a height set forth in the district regulations and which rises over a zoning lot at a ratio of vertical distance to horizontal distance set forth in the district regulations, which a building may not penetrate

The proposed zoning change would permit new residential development as-of-right on the Proposed Development Site, whereas no residential uses are permitted under the existing C8-3 zoning, which is currently mapped on most of the Proposed Development Site. The proposed R8A district would not differ significantly from other zoning districts nearby, and would be compatible with existing land uses in the area. The proposed rezoning would not interfere with existing activities nor would the Proposed Development be affected by incompatible uses in the surrounding area. In connection with the City's acquisition of the proposed NYCDEP easement, NYCDEP will request a Mayoral zoning override to permit NYCDEP vehicle parking, storage and emergency staging uses on the proposed NYCDEP easement area, which will be located in the R8A zoning district.

Therefore, no significant adverse zoning impacts are expected to result from the Proposed Action.

Public Policy

The proposed mixed-use and residential developments resulting from the Proposed Action would be consistent with the objectives of the public policies established for the study area. The Proposed Action would facilitate the development of an underutilized site with active residential, community facility, commercial and public parking uses, which would help to accommodate the growing need for affordable housing in this area of Manhattan. The Proposed Development would serve to enliven the surrounding area and contribute to the mixed-use environment by introducing low-income residential units, museum space, a childcare facility, and non-profit office space.

The Proposed Action would not involve any new public policy actions. In terms of existing public policies, it would not result in significant adverse public policy impacts. The rezoning area is located within the S/NR-listed Hamilton Heights/Sugar Hill Historic District and, as discussed in Chapter 5, "Historic Resources," demolition of the existing garage structure on the Proposed Development Site, as well as the new building's potential to alter the visual context of the northern boundary of the historic district, have been identified as a significant adverse impact on architectural resources. However, the Proposed Action is not expected to result in a significant adverse impact with respect to public policy, as demolition of the existing garage would not create a significant change in the overall context or cohesion of the historic district as compared to existing or No-Action conditions, and therefore would not diminish the special architectural and historic character of the rest of the S/NR historic district. As also described in Chapter 5, "Historic and Cultural Resources," the Proposed Development would result in a significant adverse indirect contextual impact to historic resources, as its modern massing, façade materials, and fenestration would differ from the historic rowhouses and apartment buildings prevalent in the historic district. However, as the Proposed Development would not obstruct important views to the Sugar Hill historic district, which would continue to be visible from all streets throughout the study area, nor would the Proposed Action alter the street grid so that the approach to the historic district changes, it would not result in a significant adverse impact to visual resources.

The Proposed Action does, however, address some objectives of the 197-a Plan for Manhattan Community District 9, which includes recommendations for contextual zoning in appropriate areas of Community District 9, increasing the number of housing opportunities for low, moderate- and middle income residents, and development of underbuilt sites. The Proposed Action would establish a contextual zoning district, and provide affordable housing in the district. Thus the Proposed Action would promote several of the objectives of the 197-a plan and implement some of its recommendations.

The Proposed Action and resulting Proposed Development would also support City goals relating to the creation of affordable housing, as outlined in Mayor's housing plan and PlaNYC.

Therefore, the Proposed Action is not expected to cause any significant adverse public policy impacts.

E. CONCLUSION

The Proposed Action would introduce new land uses and increase the density of uses on the Proposed Development Site, but these new uses and increased density would be consistent with the largely residential and mixed uses in the study area. The proposed zoning changes would also represent an opportunity to strengthen the existing residential uses of the Hamilton Heights/Sugar Hill area of Manhattan by allowing a new affordable residential development at a scale and density appropriate for the area. No substantially different or incompatible land uses would be introduced to the study area as a result of the Proposed Action. In addition, the Proposed Development facilitated by the proposed rezoning would not result in any non-conforming uses.

The proposed zoning change would permit new residential development as-of-right on the Proposed Development Site, whereas no residential uses are permitted under the existing C8-3

zoning, which is currently mapped on most of the Proposed Development Site. The proposed R8A district would not differ significantly from other zoning districts nearby, and would be compatible with existing land uses in the area. The proposed rezoning would not interfere with existing activities nor would the Proposed Development be affected by incompatible uses in the surrounding area.

The rezoning area is located within the S/NR-listed Hamilton Heights/Sugar Hill Historic District and, as discussed in Chapter 5, "Historic Resources," demolition of the existing garage structure on the Proposed Development Site, as well as the new building's potential to alter the visual context of the northern boundary of the historic district, have been identified as a significant adverse impact on architectural resources. However, the Proposed Action is not expected to result in a significant adverse impact with respect to public policy, as demolition of the existing garage would not create a significant change in the overall context or cohesion of the historic district as compared to existing or No-Action conditions, and therefore would not diminish the special architectural and historic character of the rest of the S/NR historic district. The Proposed Development would result in a significant adverse indirect contextual impact to historic resources, as its modern massing, façade materials, and fenestration would differ from the historic rowhouses and apartment buildings prevalent in the historic district. However, as the Proposed Development would not obstruct important views to the Sugar Hill historic district, which would continue to be visible from all streets throughout the study area, nor would the Proposed Action alter the street grid so that the approach to the historic district changes, it would not result in a significant adverse impact to visual resources. The Proposed Action addresses some objectives of the 197-a Plan for Manhattan Community District 9, by establishing a contextual zoning district, and providing affordable housing in the district. Thus the Proposed Action would promote several of the objectives of the 197-a plan. Moreover, The Proposed Action and resulting Proposed Development would also support City goals relating to the creation of affordable housing, as outlined in Mayor's housing plan and PlaNYC.

Therefore, the Proposed Action would not result in any significant adverse land use, zoning, or public policy impacts.