DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

June 2, 2017

Hilary Semel
Mayor's Office of Environmental Coordination
253 Broadway, 14th Floor
New York, NY 10007

NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW

Re: **Special Harlem River Waterfront District Expansion and Text Amendment**
CEQR No. 17DCP188X
ULURP Nos. 170413ZMX, N170414ZRX
Bronx, Community District 1
SEQRA Classification: Type I

The above-referenced application involves discretionary actions subject to City Planning Commission approval. These actions are subject to review under the City Environmental Quality Review (CEQR), Executive Order No. 91, and the State Environmental Quality Review Act (SEQRA), 6 NYCRR 617.

Pursuant to Sections 5.03 and 5.05 of the Rules of Procedure for City Environmental Quality Review (CEQR) as adopted June 26, 1991, the Department of City Planning, acting on behalf of the City Planning Commission, is assuming lead agency status for this application and is initiating the CEQR review.

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

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

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

The goals of the HRW are to:

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

The purpose and need for the proposed actions is to continue and improve upon the goals of the existing HRW, by updating the zoning text to: address new flood resiliency requirements; account for easements and other restrictions; create flexible building forms to encourage the development of affordable housing; and to ensure adequate circulation and waterfront public access to meet unique conditions, so that a greater portion of the Harlem River waterfront would be accessible to the community, and so that the anticipated waterfront development would be of an appropriate quality.

The blocks and lots in the existing HRW (Block 2349, Lots 3, 4, 15, 20, 38, 46, 47 100, 103, 107, 112, and 146, and Block 2323, Lots 5, 13, 28 and 43) are identified Parcels 1 through 9. The HRW is zoned R7-2/ C2-4 and C4-4, which permits a residential floor area ratio (FAR) of 3.0 (up to 4.0 with Inclusionary Housing), 2.0 of commercial FAR under the C2-4 commercial overlay, and 3.4 of commercial FAR under the C4-4 districts. A maximum base height of 85 feet is permitted, with a maximum tower height of 400 feet on lots larger than 100,000 square feet (sf), and 300 feet on lots smaller than 100,000 sf in the R7-2 and C4-4 districts, as well as a

maximum tower footprint of 8,100 sf. A 2.26-acre park is also mapped within the boundaries of the HRW, but has not yet been built.

The area in the existing HRW currently contains an open construction waste facility, bus parking, self-storage facility, auto sales, a Con Edison muster site and parking, and a moving and storage company. The CEQR review for the Lower Concourse Rezoning anticipated that area within the HRW would be developed with 2,443 dwelling units (DUs), 563,589 gross square feet (gsf) of commercial and community facility space, and 149,110 sf of open space, including the mapped parkland. To date, this development has not occurred.

The two waterfront blocks in the proposed South Subdistrict, located in Port Morris, were included in the 2005 Port Morris/Bruckner Boulevard Rezoning (CEQR No. 05DCP005X). The purpose of the rezoning was to permit a mix of industrial and residential uses, building on a 1997 rezoning that established the first Mixed Use district in the city (MX-1). The proposed South Subdistrict includes these two blocks (Block 2319, Lots, 2, 37, 55, 60, 98, 99, 100, 108, 109, 112, 155 and 200, and 2316, Lots 1 and 35), which are proposed to be identified as HRW Parcels 11 through 21. Currently mapped in the Special Mixed Use District (MX-1), these blocks have an underlying zoning designation of M1-3/R8. The underlying zoning would not change as part of the proposed actions, however the two blocks would become part of the HRW in place of their current designation in the MX-1.

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

Two future developments requiring City Planning Commission (CPC) waterfront certifications are anticipated in the proposed South Subdistrict. The first, located at 2401 3rd Avenue (Block 2319, Lot 2) (CEQR No. 16DCP050X), received approval of its waterfront certification that, due to an intervening City-owned zoning lot on the shoreline, no Waterfront Public Access Area (WPAA) is required, in 2015. The underlying MX-1 zoning provisions require a 30 foot waterfront yard, however, this waterfront open space would not need to be publicly accessible. Block 2319, Lot 2 will be developed with an approximately 368,000 gsf mixed-use building containing residential, commercial, and community facility uses, including 450 DUs. The second proposed development, located at 101 Lincoln Avenue (Block 2316, Lots 1 and 35) (CEQR No. 17DCP170X), is planned pending approval of its proposed waterfront certification, and would be developed with an approximately 830,000 gsf mixed-use building containing residential, commercial and community facility uses, including 985 DUs. The planned development on Block 2316, Lots 1 and 35 would be subject to a WPAA as part of its approvals under the current underlying zoning, as the site abuts the shoreline. Should the proposed actions for the HRW be approved prior to the vesting of either of the above-mentioned planned developments, they would be subject to the applicable provisions in the proposed HRW Special District text, including the provision of a 40 foot WPAA along the shoreline.

Following the adoption of the Lower Concourse Rezoning, DCP learned that the size of an easement on Parcel 1 (Block 2349, Lot 112) in the existing HRW was larger than previously thought. The easement, along with another easement for the future expansion of the Major Deegan Expressway, and the provisions in the current HRW Special District zoning text, imposes restrictions on the future building envelope. The maximum FAR permitted in the zoning could not be achieved on the site. A building on Parcel 1 could nonetheless contain the same uses, including the same number of DUs, however, the building footprint would be constrained, and would result in less space for uses and smaller DUs. The proposed zoning text amendments therefore include provisions to loosen the zoning restrictions relating to the building envelope, street and ground floor uses on Parcel 1, to allow for greater building envelope flexibility. These changes would permit future development on the site to reach the maximum available FAR.

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

The underlying zoning districts of the blocks already within the HRW, as well as the blocks in the proposed South Subdistrict, would not change. The proposed actions would not induce new development compared to what was previously analyzed in the environmental reviews for the Lower Concourse and Port Morris/Bruckner Boulevard rezonings. Consequently, specific development sites have not been identified within the existing HRW or the proposed South Subdistrict. The proposed actions would modify the general public access requirements of waterfront zoning within the HRW WAP, and would contain provisions for the locations and configuration of shore public walkways, upland connections, supplemental public access areas, and visual corridors. The proposed modifications to the HRW district text also include provisions to improve urban design elements, including providing greater flexibility for streetscape regulations and building design, promoting active uses on street corners, and promoting resiliency measures, as well as permitting sidewalk cafes. Other text amendments include reorganizing the provisions in the existing text to account for the new provisions, but these edits to the ZR would be for clerical purposes and have no practical effect.

Absent the proposed actions, the existing HRW text provisions would remain, and the South Subdistrict would not be mapped. Future development on blocks in the existing HRW would continue as projected in the prior rezoning. The special district text would continue to contain its current provisions, regulating: the location of commercial space in mixed use buildings; ground floor uses; transparency requirements; security gates; special residential and retail floor area requirements; floor area rules for parcels containing newly mapped streets; maximum width of establishments; location of building entrances; special yard, height and setback regulations; permitted obstructions; street wall location and building base; tower heights, location,

articulation and setbacks; design requirements for fire apparatus access roads; parking; curb cuts; and the current HRW WAP. The blocks in the proposed South Subdistrict would continue to be regulated solely by the underlying Special Mixed-Use District (MX-1), and would not be subject to the HRW WAP. Due to the presence of city-owned lots fronting the shoreline, most blocks would not be subject to waterfront public access requirements, but would be subject to a 30 foot waterfront yard requirement on waterfront lots per the underlying zoning regulations.

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

An Environmental Assessment Statement is attached. Please contact Annabelle Meunier of the Department of City Planning at (212) 720-3426, if you have any questions regarding the application.

Sincerely,

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