DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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To: File

From: Robert Dobruskin

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Re: Technical Memorandum: 125th Street Rezoning and Related Actions
CEQR No. 07DCP030M
ULURP Nos. C080099(A) ZMM, CN080100(A) ZRM
SEQRA Classification: Type 1

A. INTRODUCTION

The Final Environmental Impact Statement ("FEIS") for the 125th Street Rezoning and Related Actions was certified as complete on February 29, 2008 by the City Planning Commission ("CPC") acting as lead agency. This Technical Memorandum regarding the environmental review of the 125th Street Rezoning and Related Actions considers modifications to the Proposed Actions being proposed by the New York City Council (the City Council) since the FEIS. The memorandum assesses whether the modifications contemplated by the City Council would have the potential to cause any significant adverse environmental impacts not previously identified in the FEIS. The proposed City Council modifications are considered in combination with the modifications approved by the CPC following the publication of the FEIS. The CPC modifications were subject of an earlier Technical Memorandum dated March 10, 2008, which found that the CPC modifications would not result in any significant adverse environmental impacts not already identified in the FEIS.

The CPC approved the Uniform Land Use Review Procedure ("ULURP") application with the following modifications:

- Below-grade performance space can qualify for an arts bonus;
- Definition of how above-grade rehearsal space would qualify for an arts bonus;
- Definition of enforcement of the arts bonus;
- Restriction of residential entrances on 125th Street within the Core Subdistrict;
- Increase of height at Projected Development Site 21 from 290 feet to 330 feet

The City Council is now considering the following additional modifications to the application:

Reduction in the allowed Residential Density in the C6-3 district within the Core Subdistrict

- The allowed residential density in the C6-3 zoning district within the Core Subdistrict, originally proposed at a base FAR of 6.0, bonusable to a maximum FAR of 8.0, would be reduced to a base FAR of 5.4, bonusable to a maximum FAR of 7.2.

Changes to the Arts Bonus Text

- Creation of a Bonused Space Local Arts Advisory Council consisting three members appointed by each Council Member representing one of the three Councilmanic districts in the Special District; the members appointed by a Council Member would sit on the Advisory Council only with respect to applications for proposed visual or performing arts spaces located in the Councilmanic district of their appointing officer. In addition, two members would be appointed by the Commissioner of the Department of Cultural Affairs, including the Council's chair; these members would sit on the Advisory Council with respect to all applications. The appointees would be representative from the Harlem arts, non-profit or business communities.
- In making its determination, the Bonused Space Local Arts Advisory Council would consider the prior history and/or proposed scope of outreach and educational activities in Community Boards 9, 10 or 11 by the proposed operator; and the organizational capacity and commitment of the proposed operator to implement local partnerships under the Community Engagement Plan. The Department of Cultural Affairs would provide staff assistance to the Advisory Council and would establish guidelines and procedures for the performance of its functions.
- The arts bonus provisions would also be modified so that eligibility for the bonus require that the proposed operator occupy the arts space under a lease having no less than a 15-year term, with two 5-year renewals.
- The list of arts uses that qualify for the arts bonus would be expanded to include literary arts spaces and visual/media arts spaces.

The analysis concludes that the Proposed Actions with the proposed modifications would not result in any significant adverse environmental impacts not already identified in the FEIS.

B. DESCRIPTION OF PROPOSED CITY COUNCIL MODIFICATIONS AND LIKELY AFFECTS

OVERVIEW

The FEIS examines a proposed rezoning of portions of the 125th Street corridor in Harlem, Manhattan Community Board Districts 9, 10 and 11. The area proposed to be rezoned is generally bounded by 124th Street, 126th Street, Broadway and Second Avenue. The proposed changes are part of a comprehensive City initiative to support the ongoing revitalization of 125th Street, Harlem's Main Street. The proposed rezoning area

is currently zoned R7-2, C4-4, C4-4A, C4-5, C4-7, and M1-2. The rezoning proposal would create a new special district, the Special 125th Street District, within the rezoning area and change the area's underlying zoning to R6A, R7-2, R7A, C4-4A, C4-4D, C6-3, and C4-7, as modified by the proposed special district. In addition to the zoning map and text amendments, the proposed action includes the disposition of City-owned property, an Urban Renewal Plan amendment, a City Planning Commission (CPC) certification pursuant to the Special TA (transit land use) District, and Urban Development Action Area Project (UDAAP) designation and project approval (a non-ULURP action) in connection with a known development on a site within the rezoning area.

The FEIS analyzed a range of alternatives to the proposed action, in addition to the proposed action itself. Among the alternatives considered, a new alternative, the "Expanded Arts Bonus Alternative," was developed largely in response to public comments received during the land use review since the issuance of the Draft EIS, and is under particularly active consideration by the CPC. The Expanded Arts Bonus Alternative includes a floor area bonus in the proposed C4-7, C6-3, and C4-4D districts in exchange for the provision of visual and performing arts space, and represents a combination of aspects of both the Arts Bonus and the C4-4D Alternatives. The modified ULURP application [C 080099(A) ZMM and C N 080100(A) ZRM] for the zoning map and text amendments which are analyzed in the new Expanded Arts Bonus Alternative were filed by the DCP on December 17, 2007 and are contained in their entirety in Appendix A of the FEIS.

As mentioned above, the CPC modifications enabled below-grade performance space to qualify for the arts bonus in the proposed C4-7, C6-3, and C4-4D districts in exchange for the provision of core and shell space for visual and performing arts uses. The below-grade arts bonus modification was projected to be utilized by the three projected development sites identified in the FEIS as commercial sites, effectively increasing the potential density in the core by 30,126 sf of additional office space and 4,289 sf of additional hotel space above what was analyzed in the FEIS. Additional modifications raised the allowable height limit at Projected Development Site 21 and restricted residential entrances on 125th Street within the Core Subdistrict. These modifications, along with additional procedural and administrative modifications related to the arts bonus, were the subject of the previous Technical Memorandum dated March 10, 2008, and were found to not result in any significant adverse environmental impacts not already identified in the FEIS.

Currently, the City Council is considering modifications that would reduce the residential density in the Core Subdistrict, as well as several changes to the arts bonus text.
The reduction in residential density would be applicable exclusively to the C6-3 zoning district within the Core Subdistrict, the modified residential FAR would be reduced to a base FAR of 5.4, bonusable to a maximum FAR of 7.2 through the inclusionary housing program or the arts bonus. The modification would affect 7 of the projected sites and 5 of the potential development sites within the Core Subdistrict. The modifications would not change the number or placement of the projected or potential development sites identified. The changes to the arts bonus text include the creation of a Bonused Space

Local Arts Advisory Council consisting three members appointed by each Council Member representing one of the three Councilman districts in the Special District; the members appointed by a Council Member would sit on the Advisory Council only with respect to applications for proposed visual or performing arts spaces located in the Councilman district of their appointing officer. In addition, two members would be appointed by the Commissioner of the Department of Cultural Affairs, including the Council's chair; these members would sit on the Advisory Council with respect to all applications. The appointees would be representative from the Harlem arts, non-profit or business communities. In making its determination, the Bonused Space Local Arts Advisory Council would consider the prior history and/or proposed scope of outreach and educational activities in Community Boards 9, 10 or 11 by the proposed operator; and the organizational capacity and commitment of the proposed operator to implement local partnerships under the Community Engagement Plan. The Department of Cultural Affairs would provide staff assistance to the Advisory Council and will establish guidelines and procedures for the performance of its functions. The arts bonus provisions would also be modified so that eligibility for the bonus require that the proposed operator occupy the arts space under a lease having no less than a 15-year term, with two 5-year renewals. The list of arts uses that qualify for the arts bonus would be expanded to include literary arts spaces and visual/media arts spaces. The changes to the arts bonus text are not expected to result in changes to the development projections identified before.

ANALYSES

Aside from the proposed modification for reduction in residential density in the C6-3 district within the Core Subdistrict, the modifications are largely clarifications and/or adjustments that are procedural in nature. The proposed modifications would not alter the assumptions, analysis, or conclusions contained the FEIS with respect to the Expanded Arts Bonus Alternative and the subsequent CPC modifications. None of the proposed modifications would result in significant adverse environmental impacts not already identified in the FEIS.

The sites that would be affected by the proposed reduction in residential density in the C6-3 district within the Core Subdistrict are Projected Development Sites 8, 9, 11, 12, 13, 16 and 17 and Potential Development Sites 34, 35, 36, 39 and 40. The reductions in dwelling units at the Projected Development Sites below what was analyzed in the FEIS and subsequent CPC modifications are as follows: Projected Development Site 8 would be reduced by 16 residential units; Projected Development Site 9 would be reduced by 18 residential units; Projected Development Site 11 would be reduced by 10 residential units; Projected Development Site 12 would be reduced by 10 residential units; Projected Development Site 13 would be reduced by 15 residential units; Projected Development Site 16 would be reduced by 10 residential units; and Projected Development Site 17 would be reduced by 11 residential units. In total, there would be 93 fewer residential units at projected development sites below what was analyzed in the FEIS.

The proposed modification would reduce the allowable FAR for residential uses on the south side of 125th Street within the Core Subdistrict, would not affect the allowable height, and would only slightly affect the bulk envelope of development on these sites. The 93 less residential units represents a de minimus amount when compared to the 2,236 units analyzed in the Expanded Arts Bonus Alternative in the FEIS and subsequent CPC modifications. Consequently, the proposed modification would not result in any significant impacts not identified in the FEIS with respect to the following impact areas and do not require further analysis: land use, zoning and public policy; community facilities; socioeconomic conditions; shadows; historic resources; urban design and visual resources; neighborhood character; natural resources; waterfront revitalization; hazardous materials; infrastructure; solid waste; energy; transit and pedestrians; parking; air quality (mobile source); noise; construction impacts, and public health. This Technical Memorandum addresses the proposed modification and resulting incremental increases in commercial uses with respect to the following impact analysis areas: traffic and air quality (stationary source). Mitigation is discussed, as appropriate, in the text for each impact area.

Traffic

The proposed City Council modification would result in a decrease in the number of residential units expected on seven projected development sites within the Core Subdistrict. The incremental decrease in residential units on these seven projected development sites with the proposed City Council modification, compared to the CPC Expanded Arts Bonus Alternative analyzed as part of the 125th Street Corridor Rezoning and Related Actions FEIS, is as follows:

- Projected Development Site 8: a decrease of 16 residential units
- Projected Development Site 9: a decrease of 18 residential units
- Projected Development Site 11: a decrease of 10 residential units
- Projected Development Site 12: a decrease of 13 residential units
- Projected Development Site 13: a decrease of 15 residential units
- Projected Development Site 16: a decrease of 10 residential units
- Projected Development Site 17: a decrease of 11 residential units

The decrease in residential units, which totals 93 units, anticipated under the City Council modification would change the projected trip generation relative to the proposed CPC modification (see DCP Technical Memorandum dated March 10, 2008) and compared to the Expanded Arts Bonus Alternative analyzed as part of the 125th Street Corridor Rezoning and Related Actions FEIS. Table 1 (see attachment) compares the vehicle trip generation estimates for the City Council Modification versus the proposed CPC modification and the Expanded Arts Bonus Alternative.

As shown in Table 1, the reduction in the projected vehicle trip generation of the City Council modification as compared to the CPC modification is as follows:

- Weekday AM Peak Hour – a decrease of 7 trips (1 in, 6 out)

- Weekday Midday Peak Hour - a decrease of 4 trips (2 in, 2 out)
- Weekday PM Peak Hour - a decrease of 10 trips (7 in, 3 out)
- Saturday Midday Peak Hour - a decrease of 7 trips (3 in, 4 out)

As shown in Table 1, the difference in the projected vehicle trip generation of the City Council modification as compared to the Expanded Arts Bonus Alternative is as follows:

- Weekday AM Peak Hour – an increase of 11 trips (15 in, -4 out)
- Weekday Midday Peak Hour - an increase of 5 trips (2 in, 3 out)
- Weekday PM Peak Hour - an increase of 11 trips (-6 in, 17 out)
- Saturday Midday Peak Hour - a decrease of 3 trips (1 in, 2 out)

As discussed in the Technical Memorandum for the proposed CPC modification (see DCP Technical Memorandum dated March 10, 2008), the proposed CPC modifications are negligible and would not change the mitigation measures identified during the analyzed time periods for the Expanded Arts Bonus Alternative. When compared to the CPC modifications, the City Council modifications would result in a decrease of peak hour projected trips. Thus, it is concluded that the City Council modifications are negligible, similar to the CPC modifications, would not change the proposed traffic mitigation measures of the Expanded Arts Bonus alternative.

Air Quality – Stationary Source

The proposed reduction in residential density within the Core Subdistrict would not cause any stationary source air quality impacts to neighboring project buildings. The proposed modification would result in less overall building area for the projected and potential sites identified but would not affect the building heights. Based on the small magnitude of these proposed modifications, the newly estimated stack emissions for these sites would decrease slightly. This decrease effectively reduces the distance that the HVAC stack would need to be placed from the lot lines to ensure no adverse air quality impact on surrounding buildings. Subsequently, the reduction in stack emissions would cause the following revisions to the (E) designations contained in the FEIS for the Expanded Arts Bonus Alternative, for Projected Development Sites 8, 12, 13, and 16, and Potential Development Sites 34 and 39. The (E) designation revisions are below:

<u>Block 1930, Lots 49, 50, 51, 53 (Projected Development Site 8)</u>
Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 85 and 74 feet for Oil No.4 and Oil No.2 from the lot lines or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

<u>Block 1909, Lots 44, 46 (Projected Development Site 12)</u>
Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 90 and 74 feet for Oil No.4 and Oil No.2 from the lot lines or use

Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1909, Lots 26, 27, 28, 29, 30, 31, 32, 38, 39, 129 (Potential Development Site 13)
Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 107 and 83 feet for Oil No.4 and Oil No.2 from the lot lines or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1722, Lots 63, 65, 66, 67, 68, 168 (Projected Development Site 16)
Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 65 and 56 feet for Oil No. 4 and Oil No.2 from the lot lines or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1930, Lot 1 (Potential Development Site 34)
Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 66 and 53 feet for Oil No.4 and Oil No.2 from the lot lines or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1722, Lots 69, 168 (Potential Development Site 39)
Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 54 and 46 feet for Oil No.4 and Oil No.2 from the lot lines or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Conclusion

Consequently, as discussed above, the proposed modification would not alter the analysis or conclusions contained in the FEIS, and would not result in any significant adverse environmental impact not already identified in the FEIS with respect to the CPC approved Expanded Arts Bonus Alternative.