



CITY PLANNING COMMISSION

August 27, 2008 / Calendar No. 16

C 080332 HUM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the 15th amendment to the Harlem-East Harlem Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area, Borough of Manhattan, Community District 11.

The application for the proposed amendment to the Harlem-East Harlem Urban Renewal Plan was submitted by the Department of Housing Preservation and Development (HPD) on March 17, 2008.

The proposed Plan changes the designated land uses of Sites 8A, 9, 12, and 13A; removes a density restriction; updates the timetable for the implementation of the plan; extends the expiration date; and adds Block 1790, Lots 8 and 46, and Block 1791, Lots 25 and 34 as properties to be acquired. These changes will facilitate the development of the East 125th Street Development Project.

RELATED ACTIONS

In addition to the proposed amendment to the Harlem-East Harlem Urban Renewal Plan, which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 080331 HAM: Designation of an Urban Development Action Area and Project, and disposition of city-owned property

C 080333 ZMM: Zoning Map Amendment from M1-2, R7-2 and C4-4, to C6-3

M 850772(D) ZAM: Modification to East Harlem Triangle Large Scale Residential Development Plan (LSRD).

N 080334 ZCM: Special Transit Land Use District Certification

N 090083 HGM: Additional Property Designation, Amended Harlem-East Harlem Urban Renewal Area

BACKGROUND

The Department of Housing Preservation and Development (HPD) seeks approval of the 15th Amendment to the Harlem-East Harlem Urban Renewal Plan, with the related actions, to facilitate the East 125th Street Development Project, a new initiative to spur economic development in East Harlem. The project area comprises approximately 5.5 acres within an area generally bounded by East 125th and East 127th streets, and Second and Third avenues. The project area also includes the southeast corner of Third Avenue and East 125th Street, and abuts the Special 125th Street District to the west.

Task Force/RFP Process

The proposed East 125th Street Development Project is the result of ongoing consultations with a community-based task force that was convened in 2006. The task force includes Community Board 11, representatives of local community organizations, and elected and city officials. A Request for Proposals (RFP) for development of the project site was released by EDC in October 2006. The RFP responded to task force concerns including the need for affordable housing, economic development, employment and local retail, as well as local participation in the development process. The RFP provides the development framework for the proposed plan.

Existing Land Use and Context

The proposed development site has an area of approximately 241,000 square feet of lot area (approximately 5.5 acres) on three blocks generally bounded by East 125th and East 127th Streets, and Second and Third Avenues. The project site also includes the southeast corner of East 125th Street and Third Avenue.

The project area has a mix of vacant land, auto-related uses, local retail and commercial development, and an at-grade MTA bus storage facility. In total, the project area has 11 active businesses on 10 of the 11 private-owned lots. The project area also has a church, which is located at the southeast corner of Third Avenue and East 127th Street; although located within the proposed rezoning area, this property is not part of the proposed development project.

The project area includes 27 lots divided into three development parcels: Parcel A (Block 1791, Lots 1, 25, and 34); Parcel B (Block 1790, Lots 1, 101, 3, 5, 6, 8, 12, 13, 20, 24-31, 40, 45, 46 and 49); and Parcel C (Block 1789, Lot 46). Of the 27 aforementioned lots, 15 are currently owned by the City, 11 are private-owned, and one is owned by the Metropolitan Transit Authority (“MTA”). Pursuant to the urban renewal plan, the City would acquire the private-owned lots to complete the assemblage of the project site.

Existing Zoning

The project area has R7-2, C4-4 and M1-2 zoning districts. An R7-2 district is mapped on most of Parcel A, which is bounded by East 126th and East 127th streets, and Second and Third avenues. R7-2 districts are medium-density districts that allow residential uses up to 3.44 FAR and community facility uses up to 6.5 FAR. On wide streets outside the Manhattan Core (i.e., Manhattan Community Districts 9-12), residential development that complies with the Quality Housing Program is allowed up to 4.0 FAR. A C4-4 zoning district is located at the intersection of 125th Street and Third Avenue. C4-4 districts are general commercial districts that allow commercial uses up 3.4 FAR, residential uses up to 3.44 FAR, community facility uses up to 6.5 FAR. On wide streets outside the Manhattan Core, residential development that complies with the Quality Housing Program is allowed up to 4.0 FAR. An M1-2 district is mapped on most of Parcel B, which is bounded by East 125th and East 126th streets and Second and Third avenues, and also at the northeast corner of the project area, at East 127th Street and Second Avenue. M1-2 districts are light manufacturing districts that allow manufacturing and commercial uses up to 2.0 FAR, and certain community facility uses up to 4.8 FAR. M1-2 districts do not allow residential development.

A portion of the project area, along Second Avenue between East 125th and East 126th Streets, is within the Special Transit Land Use District (TA). The Special Transit Land Use District is mapped in the vicinity of the proposed Second Avenue subway to provide easements to facilitate pedestrian access and/or improve access of light and air to subway mezzanines or stations. The project area also abuts the recently approved Special 125th Street District.

Urban Renewal Site Description

The project site includes Urban Renewal Sites 8A, 9, 12, and 13A in the Harlem-East Harlem Urban Renewal Plan.

Urban Renewal Site 8A is located at the northeast corner of East 126th Street and Third Avenue (Block 1791). This site consists of vacant land.

Urban Renewal Site 9 abuts Site 8A and comprises most of Block 1791, which is bounded by East 126th and East 127th streets, and Second and Third avenues. This site is primarily used by the MTA for bus storage and has a five story brick-masonry building that is used as a motorcycle repair shop/dealership. In total, Site 9 has two vehicle repair businesses.

Urban Renewal Site 12 comprises Block 1790, which is bounded by East 125th and East 126th streets, and Second and Third avenues. Site 12 is used for vehicular parking, and local retail and service uses, including a carpet/flooring store, dry cleaners, a barber shop and salon, a muffler shop, an automobile repair shop, an appliance parts store, a gas station, a donut shop, and an antiques store. In total, Site 12 has nine businesses.

Urban Renewal Site 13A is located at the southeast corner of East 125th Street and Third Avenue (Block 1789). Site 13A consists of vacant land.

Urban Renewal Site 8 is located at the southeast corner of East 127th Street and Third Avenue. This site contains a privately-owned church and is adjacent to, but not part of, the proposed project site; however, it is included in the proposed zoning map amendment and the modification

of the Harlem-East Harlem Urban Renewal Area Large Scale Residential Development Plan (LSRD).

Surrounding Neighborhood

The surrounding neighborhood is residentially zoned (R7-2, R9) and predominantly residential in character, typified with 4-6 story multiple dwellings and high-rise public housing. C4-4D districts within the recently approved Special 125th Street District are mapped along portions of East 125th and East 124th streets. The Special 125th Street District is a comprehensive planning effort to establish the 125th Street Corridor as a regional business district and bolster its historic role as an arts, entertainment and retail center. The Plan is expected to catalyze new mixed-use development and would protect the scale of the historic brownstone areas north and south of 125th Street near Fifth Avenue. Special regulations would restrict the amount of the ground floor that could be occupied by banks, and office and residential lobbies, while requiring the inclusion of arts and entertainment uses for developments over a certain size, and for the first time, incorporates an innovative Arts Bonus to incentivize the development of new non-profit visual arts, performance and rehearsal space.

Commercial streets and local retail activity can be found along portions of Second and Third Avenues, and along 125th Street. Major commercial anchors in the area include a Pathmark supermarket, Gotham Plaza and Gateway Plaza, all of which are located on East 125th Street at or between Third and Lexington Avenues. Gotham Plaza is a three-story furniture store and Gateway Plaza is a three-story commercial building with ground floor retail space and offices for the NYS Department of Motor Vehicles (DMV) occupying the upper two floors.

The MTA's 126th Street Bus Depot, a 176-bus garage, is located on the east side of Second Avenue and faces the project site. The Triborough Bridge is also located one block east of the project site; cars exiting the bridge often use East 126th Street as a preferred means of traveling west from Second Avenue. The Manhattan Auto Mall (i.e., Potamkin Auto Mall), a recently opened new car dealership, faces the project site on East 127th Street between Second and Third

Avenues. The Robert Wagner Houses, a 2,162-unit NYCHA development, is located along Second Avenue between East 120th and East 124th streets, two blocks south of the project site.

The neighborhood is well served by mass transit, with subway access provided at Lexington Avenue and East 125th Street by the IRT Nos. 4, 5 and 6 subway lines. Bus service is also available on 125th Street and all major avenues.

East 125th Street Development Project

The East 125th Street Development Project would have up to 1.7 million square feet of new development. The total floor area and its distribution among the different program elements would be regulated by the proposed 15th Amendment to the Harlem-East Harlem Urban Renewal Plan. Specifically, the proposed amendment to the urban renewal plan requires the project to provide a minimum of 700 units of housing, a maximum of 770,000 square feet of commercial uses and a minimum of 30,000 square feet of community facility uses.

Within the urban renewal area, the project area comprises five urban renewal sites (Sites 8, 8A, 9, 12 and 13A) apportioned into three development parcels described below:

Parcel A – for the block between East 126th and East 127th Streets, Second and Third Avenues (Block 1791). Includes Urban Renewal Sites 8A and 9.

Parcel B – for the block between East 125th and East 126th Streets, Second and Third Avenues (Block 1790). Includes Urban Renewal Site 12.

Parcel C – for the single lot located at the SE corner of East 125th Street and Third Avenue (Block 1789, Lot 46). Includes Urban Renewal Site 13A.

Proposed Zoning

A C6-3 zoning district is proposed for the entire project area, an area generally bounded by East 125th and East 127th Streets, and Second and Third Avenues, and for the parcel located at the southeast corner of East 125th Street and Third Avenue. C6 districts permit a wide range of high-bulk commercial uses requiring a central location well-served by mass transit, such as corporate

headquarters, hotels and entertainment facilities. C6 districts also allow residential and community facility uses. C6-3 districts allow commercial use up to 6.0 FAR, residential use up to 7.52 FAR and community facility use up to 10.0 FAR. The proposed rezoning would increase the allowable residential, commercial and community facility density, and also allow residential development on a portion of the project site zoned only for light manufacturing use.

For the East 125th Street Development Project, the proposed amended urban renewal plan would limit the maximum FAR to 7.2 FAR, which is consistent with the maximum FAR permitted in the adjoining C4-4D district mapped within the Special 125th Street District (i.e., 7.2 FAR through the Inclusionary Housing bonus).

Residential Development

Overall, the proposed development project could include up to 1,000 units of low, moderate, and middle income housing. The proposed housing would be split between homeownership and rental units, with approximately 30 percent targeted to low income households, 35 percent targeted to moderate income households and 35 percent targeted to middle income households. Residents of Manhattan Community District 11 would be given preferential consideration for a minimum of 50 percent of the units.

Commercial and Other Uses

The project would also have approximately 770,000 square feet of commercial uses and approximately 30,000 square feet of community facility use that includes not-for-profit performing/media arts space. The commercial uses could include up to approximately 470,000 square feet of retail/entertainment space (including a maximum 300,000 square feet of anchor retail, a minimum of 120,000 square feet of specialty retail/entertainment space, and a minimum of 50,000 square feet of local retail space), a maximum of 300,000 square feet of commercial office space for media and production/post-production companies, and up to 100,000 square feet of hotel. All aforementioned uses are mandated and controlled by the proposed amended urban renewal plan.

Additionally, the proposed project would include a minimum of approximately 12,500 square feet of public open space, approximately 600 vehicular parking spaces on the two northerly blocks, and a 109,000-square foot, 80-space underground bus storage facility located on the northern block between 126th and 127th Streets. Subsequent to the issuance of the DEIS, the applicant has proposed and included in the FEIS, the MTA Bus Depot Expansion Alternative. This alternative includes the relocation of the existing bus parking from Parcel A to the bus depot which faces the project site directly across Second Avenue. Under this alternative, no underground MTA bus garage would be located on Parcel A. Instead, a two-story addition to the existing MTA Bus Depot would be built to accommodate the additional busses. The space that was reserved within Parcel A for bus parking would be redistributed for non-residential uses (i.e., storage space for on-site commercial uses). Vehicular parking for the proposed project would continue to be located on both Parcel A (approximately 200 spaces) and Parcel B (approximately 400 spaces).

Construction Phasing

It is anticipated that Parcels B and C would be developed first, which would allow the MTA bus surface parking lot to remain on Parcel A until at least 2012, before which it is expected that the MTA would find an alternate bus parking location. Sometime during or after 2012, development is expected to begin on Parcel A.

Urban Design and Open Space Guidelines

The proposed development project will have to comply with a series of urban design and open space guidelines designed to ensure that the project's building form, scale, bulk distribution and ground floor uses respond to the particular conditions of the project's site and the surrounding context, as well as to ensure that the project includes meaningful public amenities in the form of open space and landscaping. The urban design and open space guidelines are included in the proposed 15th Amendment to the Harlem-East Harlem Urban Renewal Plan and include the provisions listed below.

Building Form and Bulk Controls

Required street walls

The proposed urban design guidelines would require street walls, located at the street line, along East 125th, East 126th and East 127th Streets and along Third Avenue between East 124th and East 125th Streets. The required street walls would have to have a minimum height of 60 feet and a maximum height of 85 feet. Recesses would be allowed for entrances on the ground floor and at the street walls, above the level of the second story and along a maximum of 30 percent of the street wall, with a maximum depth of 5 feet. The articulation of corner street walls would be allowed within the 15 feet of a street intersection.

Regulations for portions of the building above the street wall

Any portion of the building above the street wall would be required to setback from the street line a minimum of 10 feet along wide streets and a minimum of 15 feet along narrow streets. Any building story above a height of 85 feet would not be allowed to exceed 170 feet in length for residential buildings and 175 feet in length for commercial buildings. In addition, any portion of the building above the street wall would be required to setback from any open space when such portion of the building exceeds 120 feet in length.

Maximum building height

The proposed urban design guidelines would allow a maximum building height of 210 feet on two selected locations, on Parcel A, within 100 feet of Second Avenue and on Parcel B, within 200 feet of Third Avenue. The remaining portions of Parcels A and B would be allowed a maximum building height of 150 feet. On Parcel C, the allowed maximum building height would be 120 feet.

Active Ground Floor Use and Transparency Requirements

In order to improve the pedestrian experience along East 125th Street in a manner consistent with the ground floor use requirements proposed for the majority of 125th Street through the Special 125th Street District, retail, entertainment or active uses as defined in the Special 125th Street District would be required to occupy the entire frontage of the ground floor of new development (excluding open space) along East 125th Street and along Third Avenue. Such frontages would

required to comply with transparency regulations as outlined in the Special 125th Street District (70 percent glazed, 50 percent transparent, to a height of 12') and any roll-down security gates would be required to be of mesh material and to allow visibility to the interior space. In addition, these requirements would apply to the ground floor frontage of new development facing a public open space.

Required Public Open Space

Minimum required open space

The proposed development project would be required to provide a minimum of 12,500 square feet of publicly accessible open space on Parcels A and B. A minimum of 10,000 square feet of open space would be required to be located on Parcel A and a minimum of 2,500 square feet on Parcel B.

Requirements for all public open space

The public open space on Parcels A and B would be required to comply with a series of guidelines based on the recently revised standards for Public Plazas (Section 37-70 of the Zoning Resolution). The guidelines require that the public open space be accessible to the public at all times; provide direct access from the public sidewalks and be located at street level; be open to the sky and unobstructed except for amenities and elements used for sheltering users from inclement weather and sun; have southern exposure and to provide sunlight for a majority of the day; be designed as a pedestrian friendly place that blends into the urban context; be illuminated to provide for safe use and enjoyment of all areas; not contain garage entrances, driveways, parking spaces, passenger drop-offs, loading berths, building trash storage facilities, or access to or service areas for building trash storage facilities; not contain any exhaust vents or mechanical equipment; provide amenities in the form of seating, planting, trees, litter receptacles, bicycle parking and drinking fountains and decoratively treat any non-transparent areas; and to screen any parking facilities facing the open space.

Requirements for public open space located on Parcel B

The open space on Parcel B would be required to: be directly accessibility from East 125th Street and from East 126th Street; provide an entrance along East 125th Street with a minimum opening

width of 80 feet and to provide an entrance along East 126th Street with a minimum opening with of 40 feet; have a through block pedestrian path connecting East 125th and East 126th Streets with a minimum width of 10 feet; be designed to encourage and support a variety of commercial and non-commercial activities including events such as festivals and performances; knit together stores and other venues open at night such as cinema, hotel, clubs and lounges, cafes, and restaurants to form a center of night life; and to be a well-lit, safe and lively place that increases the intensity of pedestrian activity at night.

Controls on Curb Cuts

Curb cuts for vehicular access to parking or loading facilities would not be allowed along East 125th Street, along Third Ave between East 125th and East 126th Streets, within 50' of any public open space, and within 50' of any street intersection. No curb cut would be allowed to exceed 50 feet in width and no curb cut would be allowed to be located within 50 feet of another curb cut or a public open space.

Requested Actions

15th Amendment to the Harlem-East Harlem Urban Renewal Plan – C 080332 HUM, N 090083 HGM

The East 125th Street Development Project requires an amendment to the Harlem-East Harlem Urban Renewal Plan. Since its inception in 1968, the Plan has been amended 14 times to facilitate residential, commercial and community facility development projects.

The proposed changes to the urban renewal plan involve land use changes, new acquisition parcels, a new expiration date, and supplementary controls. Specifically, Sites 8, 8A, 9, 12, and 13A would no longer be subject to the density restriction described in Section C.3.b of the Plan. Development on Sites 8A, 9, 12, and 13A will be pursuant to zoning and the supplementary controls in Section C.3.5 of the Plan, which include restrictions on use and bulk, building controls, design controls, and public open space requirements. Four properties (Block 1790, Lots 8 and 46 and Block 1791, Lots 25) that were not previously designated for acquisition in the Plan would be added to the urban renewal area (N 090083 HGM). The designated land use of Sites 8,

8A, 9, 12, and 13A would be changed to residential, commercial, and institutional. The effectuation date of the Plan would be extended to December 19, 2020.

Zoning Map Amendment – C 080333 ZMM

The proposed project also requires a zoning map amendment to rezone the development area generally bounded by East 125th and East 127th Streets, and Second and Third Avenues, from R7-2, C4-4 and M1-2 to C6-3. The proposed rezoning also includes the lot on the southeast corner of East 125th Street and Third Avenue, to be rezoned from C4-4 to C6-3. The proposed zoning would allow commercial, residential and community facility use that would facilitate housing, office, and retail development. Under the current zoning, M1-2 permits 2.0 FAR for commercial and manufacturing use and 4.8 FAR for certain community facility uses. R7-2 districts allow 3.44 FAR for residential use and 6.5 FAR for community facility use. The proposed rezoning would allow residential development up to 7.52 FAR, commercial uses up to 6.0 FAR and community facility uses up to 10 FAR.

The proposed rezoning would increase the allowable residential, commercial and community facility density, and also allow residential development on a portion of the project site zoned only for light manufacturing use.

For the East 125th Street Development Project, the proposed amended urban renewal plan would limit the maximum FAR to 7.2 FAR, which is consistent with the maximum FAR permitted in the adjoining C4-4D district mapped within the Special 125th Street District (i.e., 7.2 FAR through the Inclusionary Housing bonus).

UDAAP and Disposition of City-owned Property – C 080331 HAM

The applicant also seeks approval of an Urban Development Action Area designation and project, and disposition of city-owned property. The development site comprises 27 lots; 15 lots are city-owned, 11 lots are private-owned and one lot is owned by the MTA. All properties are subject to the proposed UDAAP and disposition action, including properties that will be acquired pursuant to the urban renewal plan.

***Modification of Large Scale Residential Development Plan (LSRD) –
M850772(C) ZAM***

Portions of the project area are located within the East Harlem Triangle Large Scale Development Plan (LSRD), which encompasses an area generally bounded by East 126th, East 127th and East 130th Streets, and Second, Third and Park Avenues. Approved by the Board of Estimate in December 1968 (CP 20528), the LSRD permitted waivers of height, setback and yard regulations for certain parcels to facilitate residential development. The LSRD was last modified in November 2000 (M 850772 (B) ZAM) to delete and dispose a portion of Parcel 4D.

The requested action would modify the LSRD to remove Site 8, Site 8A, and Site 9 from the LSRD to facilitate the proposed project. This modification will not create any new floor area, floor area ratio, open space ratio, or dwelling unit compliance issues within the remaining LSRD.

Special Transit Land Use District Certification – N 080334 ZCM

Portions of the project area are located within the Special Transit Land Use District that is mapped along Second Avenue between East 125th and East 126th streets. The Special Transit Land Use District is mapped in the vicinity of the proposed Second Avenue subway to provide easements to facilitate pedestrian access and/or improve access of light and air to subway mezzanines and stations. Any new development or enlargement involving ground level construction within the Special Transit Land Use District shall provide an easement on the zoning lot for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section 95-04 of the Zoning Resolution. The administrative approval process involves a joint determination by the MTA and City Planning Commission as to whether a transit easement volume is required. In a letter dated February 14, 2008, the MTA stated that they would not pursue a Special Transit Land Use District easement at the above-referenced location.

ENVIRONMENTAL REVIEW

This application (C 080332 HUM), in conjunction with the applications for the related actions (C 080331 HAM, C 080333 ZMM, M 850772(D) ZAM and N 080334 ZCM) was reviewed

pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07DME025M. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding (DME).

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on June 20, 2007, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on June 20, 2007. A public scoping meeting was held on the DEIS on July 19, 2007. A Final Scope of Work, reflecting the comments made during the scoping, was issued on December 27, 2007.

The applicant prepared a DEIS and a Notice of Completion for the DEIS was issued on March 19, 2008. On July 23, 2008, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion for the FEIS was issued on August 15, 2008.

The FEIS identified the following significant impacts and proposed the following mitigation measures:

Socioeconomics

The Socioeconomic Conditions analysis (see Chapter 3.2) indicates that by 2016 the proposed action could result in the direct displacement of a small number of formerly occupied residential units and an estimated eleven businesses with approximately 79 private sector employees. However, the direct displacement would not result in a significant adverse impact.

While all businesses contribute to neighborhood character and provide value to the city's economy, CEQR seeks to determine whether displacement of a single business or group of businesses would rise to a level of significance in terms of impact on the City's or the area's economy or the character of the affected neighborhood. The purpose of CEQR is to identify significant adverse impacts to the environment. Under CEQR, displacement of a business or group of businesses is not, in and of itself, an adverse environmental impact. Rather, the CEQR

Technical Manual provides a framework to analyze the effects of displacement by asking whether the businesses in question have “substantial economic value to the City or region” or “contribute substantially to a defining element of neighborhood character”.

Redevelopment of the project site would potentially cause displacement. However, according to the analysis conducted according to the CEQR Technical Manual methodology discussed in Chapter 3.2, the potential direct displacement would not constitute a significant adverse impact. The principal categories of businesses that could be displaced are in the retail and service sectors, in particular, personal services and auto-related services and sales, two businesses that sell appliances and antiques, respectively, and a commercial parking lot. Given that New York City’s commercial streets are dynamic -- and that businesses regularly open and close in response to changes in the economy, local demographics, and consumer trends -- it is possible that some of the businesses identified for displacement as the project site is redeveloped could close or relocate prior to site development due to reasons independent of the proposed action.

The assessment of a business’ economic value considers its products and services, its locational needs, particularly whether those needs can be satisfied at other locations, and potential effects on business or consumers of losing the displaced business as a product or service. An example of redevelopment that affected a special and identifiable sector of the City’s economy was the redevelopment of the World Trade Center in the 1960s, which resulted in the displacement of the locus of the radio parts industry.

In the case of the East 125th Street Development, the goods and services provided by the displaced businesses are commonly found on commercial streets in the area and in New York City. They consist primarily of personal services, auto-related services and sales, a health services clinic and several retail establishments. Although the potentially displaced firms each contribute to the City’s economy and therefore have economic value, the products and services they provide are widely available in the area and the city; the locational needs of these firms could be accommodated in the area and in other commercial districts, which are widely mapped throughout the city; and the products and services provided by these companies would still be available to consumers as many other existing businesses would remain and firms providing similar products and services would still be available in the socioeconomic study area, on 125th Street, or in the surrounding area.

On the subject of neighborhood character, the *CEQR Technical Manual* advises that an impact could occur if the displaced businesses “define or contribute substantially to a defining element of neighborhood character,” such as a marina or shipyard on the waterfront. The character of portions of 125th Street in the socioeconomic study area is a regional destination retail street, with a mix of national and regional chains, franchises and independent businesses. The area contains stores and service establishments that offer a variety of shopper goods and services, such as retailers, auto-related services and sales, and services such as salons.

The potentially displaced businesses sell mostly comparative retail goods related to appliances and antiques, or provide personal or auto-related services - products and services that will continue to be widely available in the area after redevelopment. Although each business adds to the commercial fabric of the study area, none of the businesses that could be displaced from the

project site individually define the character of the neighborhood. Nor would the collective displacement of the firms be expected to change neighborhood character, since the similar types of goods and services would continue to be available in the surrounding area. Furthermore, the proposed project would contain ground floor retail in the future, creating new retail opportunities to replace the non-automotive-related businesses that may be displaced.

Some potential exists for secondary residential displacement. However, secondary displacement trends have been ongoing in East Harlem for a number of years and the additional pressure on low income renter households as a result of the proposed East 125th Street Development would represent the continuation of trends that are already in place. Up to 650 units of low and moderate income housing would also be constructed on the project site as part of the proposed action. No significant impacts on Neighborhood Character from changes to socioeconomic conditions would be expected.

Community Facilities

The assessment of potential impacts on community facilities and services is based on the number of net new potential users of community facilities and services that would be generated by the East 125th Street Development. By 2016, in the future with the proposed action, there would be a net increase of 1,000 dwelling units (DUs) over the future without the proposed action. The projected 2,570 new residents of the proposed development, as well as workers and visitors to the future East 125th Street Development, would generate increases in demand for community facilities and services. However, no significant adverse impacts to community facilities are anticipated. An estimated 120 elementary, 30 intermediate, and 50 high school students would be introduced into the half-mile study area, located entirely within Community School District 5 (CSD 5), which is below its capacity for elementary schools. There would be also be no significant adverse impacts expected on library services, publicly funded day care facilities, health care services, or other community facilities and services as a result of the proposed action.

An existing substance abuse clinic located on the second floor of a mixed-use building on Parcel B would be displaced as a result of the proposed action. While the *CEQR Technical Manual* does not call for an evaluation of impacts to outpatient health clinics, adequate replacement space for this type of use is likely to be available within the Health Services study area, and there are currently 19 other substance abuse health clinics in the one-mile study area that serve a similar function.

Open Space

As described in Chapter 3.4, the proposed East 125th Street Development project would not result in significant adverse open space impacts. The 2001 *New York City Environmental Quality Review (CEQR) Technical Manual* guidelines indicate the need for an open space analysis when an action would result in the physical loss of public open space, or the introduction of 200 or more residents or 500 or more workers to an area. The proposed East 125th Street Development calls for the creation of new publicly accessible open space in the central portion of the northerly two project blocks, between East 125th Street and approximately East 127th Street. No direct impact on an existing open space is proposed.

While the open space ratios for the non-residential and residential study areas are below the levels recommended by the New York City Department of City Planning (DCP) under existing conditions, future conditions without the proposed action, and future conditions with the proposed action, it is recognized that these are goals that are not feasible for many areas of the city and are therefore not considered impact thresholds. The qualitative assessments of the residential and non-residential open space study area presented in Chapter 3.3 conclude that even though the proposed project would result in a substantial increase in the number of residents and employees, and a decrease in the open space ratio, the existing and future open space resources in the study areas would be sufficient to address the needs of the user populations of the area. The proportional amount of open space and the ratio of acreage to population are also higher than in the majority of other Manhattan neighborhoods.

Shadows

Most shadow sensitive resources in the study area would not experience shadow impacts from the proposed project. Five existing resources would experience incremental shadow impacts from the proposed project, but most of those impacts would not be considered significant. The only significant shadow impact from the proposed project on existing shadow sensitive resources would be on the eastern portion of the PS 30 Playground in the winter, which would reduce the usability of this open space in the morning hours during the coldest months. The proposed open spaces created by the action would also see shadow effects from the action. While much of this shadow impact would be an unavoidable consequence of the design guidelines, the impact would be mitigated through the programming of those open spaces, and their orientation, which provides the most sun during times of day when these open space plazas would be expected to be most highly utilized. Because the creation of this open space is part of the proposed action, these shadows are not considered a significant adverse impact.

Historic Resources

Archaeological Resources

The proposed action is not expected to result in significant adverse impacts on archaeological resources, although two lots within the project site that may not have been disturbed by twentieth-century construction and demolition could potentially contain intact nineteenth-century archaeological resources. The LPC has reviewed a November 2007 Archeological Documentary Study prepared by Historical Perspectives, Inc. (see Appendices) and have determined that archeological testing is required before any excavation can occur at the site.

Urban Design

The Urban Design and Visual Resources analysis (see Chapter 3.7) indicates that the proposed action would result in changes to the urban form of the proposed rezoning area. The proposed action would bring new office, retail, cultural, hotel, and residential construction, and new open space, to the project site. The new buildings proposed for the project site would be much larger than the buildings that currently exist on the site, and would be characterized by much larger

building frontages and a more intensive array of uses, than would otherwise be present under future conditions without the proposed action.

The proposed action would achieve urban design objectives for the project site described in guidelines developed by the Task Force convened to prepare guidelines for the development of the site. The current zoning on the project site that faces much of 125th Street (M1-2) acts as an impediment to uses, building forms, heights and densities considered desirable for a commercial corridor. The proposed action would result in an integrated, active building form, with streetwalls along 125th Street enlivened by new retail and mixed-use development through requirements for urban design features such as transparent and “active” retail frontages. The proposed action would result in development of the site in a comprehensive manner with a unified streetwall and central open space plaza. A visual connection to 126th Street from 125th Street would be created. The project site would be developed with the intensive array of uses, creating a substantial eastern anchor to the 125th Street corridor.

Neighborhood Character

The proposed action would result in a change in the character of East Harlem in general. However, were the proposed action not to change the character of the area, it would fail to achieve the project’s goals. Examination of the future No-Action condition, compared to the analyses of conditions as projected in 2016 resulting from the proposed action, indicates that the action would result in an overall change in the character of the project site with respect to land use, socioeconomic conditions, urban design and visual resources, and street-level pedestrian activity. While a number of significant adverse traffic impacts were identified, it is expected that these transportation impacts would not significantly alter neighborhood character. The neighborhood character of the area would not be impacted by noise increases resulting from the proposed action. In addition, the proposed action would not affect historic resources so as to affect neighborhood character.

Overall, the proposed action would alter neighborhood character in beneficial ways, by bringing about significant improvements to the urban form of the project site and the surrounding area and providing for the replacement of underutilized land and predominantly low density commercial uses with high density residential and commercial development. The new mixed-use development on the project site generated by the proposed action would include “active” ground floor retail uses which in turn would encourage pedestrian activity and enhance the area’s streetscape. In addition, residential and office uses on the project site would strengthen the area as a 24-hour neighborhood that would bring increased pedestrian traffic to area sidewalks.

The proposed higher building coverage and form is expected to be beneficial for urban design conditions of the study area, bringing more activity to the sidewalks of the area while maintaining a continuous streetwall that would create an attractive environment for pedestrians. The project is designed so that up to four levels of retail uses would line the base of the proposed mixed-use buildings, which would encourage pedestrian activity. The office tower at the corner of Third Avenue and East 125th Street, and the residential and hotel uses would also foster pedestrian activity. While taller than most of the new buildings built or planned for the study

area, the heights of proposed buildings would not be exceptional in the study area. The proposed project would encourage growth and development in this area of Manhattan, and the increased built density of the project would be in keeping with changes that are occurring and planned along the 125th Street corridor and the surrounding area.

Given that the proposed action is expected to have an overall beneficial effect on neighborhood character, significant adverse impacts to neighborhood character are not expected.

Hazardous Materials

Recognized Environmental Conditions (RECs) were identified during a non-intrusive Phase I Environmental Site Assessment (ESA) prepared for the New York City Economic Development Corporation by Metcalf & Eddy, Inc. in November 2006. The Phase I ESA identified RECs pertaining to the potential presence of petroleum underground storage tanks identified at the project site through visual observations and historical records; two open New York State Department of Environmental Conservation (NYSDEC) spill cases and offsite (adjacent) areas of concern including an adjacent service/gasoline station, several service/gasoline stations hydraulically upgradient and cross gradient to the project site, and an adjacent dry cleaning establishment (2315 Third Avenue, Block 1790, Lot 46). While no assessment was conducted of asbestos or lead based paint as part of the Phase I ESA, these are expected to be present in buildings on the project site.

A Phase II Environmental Site Investigation (ESI) was prepared by STV, Inc., for the East 125th Street Development project site in July 2007 to investigate areas of environmental concern identified in a Phase I ESA. A Phase II ESI Work Plan identified the methods for investigation in the Phase II ESI and characterization of site soils and groundwater, potential USTs, and subsurface soil vapor, and also described quality assurance/quality control (QA/QC) protocols to be followed during the investigation activities. The Work Plan was implemented in accordance with applicable NYSDEC and New York City Department of Environmental Protection (NYCDEP) guidance, NYCEDC requirements, and safety protocols as specified in a site-specific Construction Health and Safety Plan (CHASP).

Under conditions with the proposed East 125th Street Development, the developer would be obliged to prepare and submit plans for site remediation, for NYCDEP approval. Along with these plans, a Site Management Plan (SMP) and a CHASP would be required, in accordance with standard industry practice. In addition, it is expected that the selected developer would apply for inclusion in the NYSDEC Brownfields Cleanup Program (BCP), and would also be required to prepare the documentation required by NYSDEC to support that application. The New York State Department of Environmental Conservation would provide oversight for spill remediation. Requirements for vapor mitigation would follow NYSDOH Final "Guidance Evaluating Soil Vapor Intrusion in the State of New York," dated October 2006.

Potential redevelopment of the off-site parcel located at Third Avenue and East 127th Street that is to be rezoned only would be expected to occur in accordance with applicable regulations and guidelines related to hazardous materials. No development is currently proposed for that

separate parcel. The proposed rezoning would be expected to increase the amount of potential floor area that could be developed on that site, which now contains the two-story United Moravian Church.

It is expected that the project development efforts required for the East 125th Street Development project site would include removal of existing buildings and foundations, and excavation for site development, to depths that would accommodate the proposed garages on both Parcel A and Parcel B. Basement foundations for Parcel A are estimated to be about 25 feet below grade and the basement for Parcel B is estimated to be 15 or 30 feet deep, depending on the number of parking levels. Note that the 2007 ESI served as an initial due diligence document and additional investigation may be required, depending on development details. A Memorandum of Understanding (MOU) between the NYC Economic Development Corporation and the NYC Department of Environment Protection was executed, committing the designated developer to perform additional investigation when and if necessary.

For future site development (projected for the year 2016), the following actions would be undertaken:

- Additional soil and groundwater investigations, followed by remediation of the gasoline station property area located at 255 East 125th Street (Block 1790, Lot 24);
- Removal of the former gasoline USTs at the northeast corner lot of Third Avenue and 126th Street (southwest corner of Block 1791) in accordance with NYSDEC requirements;
- Inspection of existing buildings by a licensed asbestos inspector to ensure that Asbestos Contaminated Materials (ACMs) are identified and removed prior to demolition in accordance with applicable federal, State, and local requirements; and,
- In a similar vein, prior to demolition, the existing buildings would be inspected for the presence of lead-based paint (LBP), to be removed and disposed of as required by the Occupational Safety and Health Administration (OSHA).

Additionally, in accordance with industry practice, the following is recommended:

- Incorporation of engineering controls such as soil vapor barriers or other vapor mitigation procedures in new buildings, in accordance with the NYSDOH Final Guidance for Evaluating Soil Vapor Intrusion in the State of New York, dated October 2006, to address residual elevated concentrations of volatile organic compounds attributed to the existing dry cleaning and automotive establishments;
- If shallow soils at the site are excavated during renovations or construction activities, it is recommended that the soils be characterized to identify material handling and/or waste disposal requirements and, for material reuse, handling requirements; and that they be managed in accordance with federal, state and local regulations;
- As at-grade landscaped areas may be incorporated into the development of the project site, at least two-foot thick certified clean fill cap should be placed over on-site soils in these areas;
- If dewatering is required for construction activities, then groundwater at the locations of dewatering should be sampled and the need for pretreatment assessed prior to discharge to the NYC sewer; and,
- Adherence to a Soil Management Plan (SMP) and a CHASP.

Infrastructure

Water Supply

The proposed action would increase demand by approximately 550,000 gallons per day (gpd) above Future Conditions without the Proposed Action, including usage by residents, employees, visitors, and air conditioning systems. This increase does not exceed the CEQR impact threshold of one million gallons per day (mgd) and, therefore, would not create any adverse impacts to water pressure or supply. No detailed assessment of the development's effects on water supply or pressure is required.

Sanitary Sewage and Stormwater

Sewage generation from the proposed East 125th Street Development is estimated to be approximately equivalent to water consumption, or 432,840 gpd during peak demand (does not include water used for air conditioning). This represents an increase of less than 0.2 percent of the average flow (2006) to the Wards Island WPCP and would not be expected to adversely impact the plant's treatment design capacity of 275 mgd.

The proposed action would increase the built density of the project site with vacant lots and underutilized parcels replaced with new commercial, residential, retail, and other uses. As a result, the Project Site may experience an increase in impermeable surfaces, and stormwater runoff may likewise increase. The project includes rooftop gardens where buildings are conducive to green space on the roof. This would help to reduce stormwater runoff, although rooftop gardens have not been factored into the estimate of increase in stormwater runoff from the site presented below in order to provide a conservative analysis.

As outlined in the *CEQR Technical Manual* (§323), by applying the *Rational Method* for calculating stormwater runoff, the estimated increase in stormwater runoff from the East 125th Street Development would be approximately five cubic feet per second (cfs) during a 10-year storm event, from 20 cfs in existing conditions to 25 cfs with the proposed action. This calculation assumes a reduction of permeable surfaces from approximately 1 ½ acres to no permeable surfaces and a rainfall intensity of five inches per hour. Although an increase in storm water runoff is anticipated, the change would be small and the proposed action would not result in significant impacts as the result of CSO events.

Solid Waste and Sanitation Services

An increase in the amount of Municipal Solid Waste (MSW) generated as the result of development in the study area, including the proposed action, would have no significant adverse impact to solid waste and sanitation services. Residential uses and other uses generating New York City Department of Sanitation (DSNY) managed waste would increase MSW by 44,500 pounds (22 tons) per week as a result of the East 125th Street Development compared to future conditions without the action. Considering a DSNY six-day work-week, this amount is the equivalent of less than one truckload per day; there would be no significant burden on the City's

solid waste management program. The study area is currently served by DSNY-managed waste collection trucks and any increases could be easily accommodated.

Commercial waste from future development in both No-Action and Build conditions would increase, but not significantly. Private carters collecting MSW from commercial users would be hauling the equivalent of one truckload extra per day (approximately 11 tons), assuming 12.5 ton hauling capacity. This amounts to less than two percent of the potential quantity of commercial wastes (780 TPD) hauled to the East 91st Street Converted MTS by commercial carters. This is a minimal amount and it is expected that it could be easily handled by commercial solid waste management entities.

Curbside pickup and removal of commercial trash (non-DSNY-managed trash) is not proposed. All commercial solid waste would be housed within the East 125th Street Development buildings and removed in a discreet, controlled manner in order to mitigate noise, alleviate traffic, and minimize disruption to neighbors. It is anticipated that restaurants would store trash in refrigerated trash rooms within the tenant space until the scheduled pickup time.

Traffic and Parking

In the 2016 Future with the Proposed Action condition, there would be a net increase of 435 vehicle trips (autos, taxis and trucks) during the 7:45-8:45 AM peak hour, 1,002 vehicle trips during the 1-2 PM peak hour, 1,223 trips during the 4-5 PM peak hour, and 1,929 during the Saturday midday peak hour. This new demand would create significant traffic impacts at nine signalized intersections in one or more peak hours by 2016 (see Table 1-3). The PM peak hour would have the most impacts, with six impacted intersections, followed by the midday and the Saturday midday with three impacted intersections each, and lastly the AM peak hour with two impacted intersections. See Chapter 3.22, "Mitigation," for proposed mitigation measures.

It is expected that the accessory off-street parking capacity provided under the proposed action would be sufficient to accommodate overnight demand from proposed residential and hotel uses. The accessory parking facilities would be at capacity during one hour during the midday peak period, during which time the excess demand (approximately nine vehicles) would need to park at other public parking facilities in the area, or on the street. Both the existing off-street public parking facilities and on-street parking would have spaces available during this time of day to accommodate this small amount of excess demand. Therefore, no significant adverse impacts to study area parking conditions would result from the proposed action.

Table 1-3 Summary of Traffic Impacted Intersections

Signalized Intersections		A M	M D	PM	Sat MD
West 129 th Street @	Lenox Avenue				X
West 128 th Street @	Lexington Avenue			X	
West 126 th Street @	Lenox Avenue			X	
East 126 th Street @	Park Avenue		X	X	
	Third Avenue	X		X	X
	Second Avenue	X			
East 125 th Street @	Lexington Avenue		X	X	
	Second Avenue			X	
East 124 th Street @	Lexington Avenue		X		X

The analysis for the DEIS assumed a Build Year of 2012 with five years of background growth at 0.5 percent per year from 2007 to 2012 (total 2.5 percent). However, in the past year overall traffic has significantly declined. A Technical Memorandum discussing this reduction in traffic is located in Appendix O and the findings of the memo are as follows. The traffic crossing the Triborough Bridge Manhattan Plaza has declined 4.5 percent between 2007 and 2008. This reduction of traffic in the area attributable to high fuel cost and a declining economy demonstrates that the approximately 2.5 percent growth that was analyzed between 2007 and the 2012 (DEIS Build Year) would still be valid, if not conservative, for the revised 2016 FEIS Build Year analysis. As such, future No Build traffic conditions in the FEIS remain unchanged from those presented in the DEIS.

Transit and Pedestrians

The analyses of transit and pedestrian facilities show that new demand from the proposed action would not result in any significant adverse impacts to subway line haul conditions, local bus services or pedestrian facilities (sidewalks, corner areas and crosswalks) in any analyzed peak hour in the 2012 Future with the Proposed Action condition. However, project-generated subway trips at the 125th Street IRT (4, 5, 6) subway station would result in significant adverse impacts to stair S4 at the northeast corner of East 125th Street and Lexington Avenue in both the AM and PM peak hours. Mitigation measures to address subway station stairway impacts typically involve physically widening an affected stair to increase its capacity, or implementing measures that would decrease demand, typically by providing new and/or more convenient access points. A theoretical widening of stair S4 by 27.8 inches would return the stair to an acceptable LOS in both the AM and PM peak hours. In practice, NYC Transit typically widens stairs to a standard width of either 7.5 feet or 8.5 feet. It is therefore anticipated that stair S4 would be widened by approximately 31 inches to a total width of 8.5 feet. With this widening, stair S4 would operate at an acceptable LOS C (v/c ratio of 0.75) in the AM peak hour and LOS C (v/c ratio of 0.95) in the PM peak hour, and the proposed project’s significant adverse impacts in both peak hours would be fully mitigated. Implementation of this mitigation measure would be coordinated with NYC Transit. If widening stair S4 and other potential mitigation measures

should prove infeasible, the proposed project's significant adverse impacts to this stair in the AM and PM peak hours would remain unmitigated.

Air Quality

The proposed action is not expected to result in significant adverse impacts to Air Quality. Increases in mobile source emissions of CO, PM_{2.5} and PM₁₀ related to increases in project-induced traffic would not result in any exceedances of the National Ambient Air Quality Standards (NAAQS) or the DEP/DEC NYC interim guideline impact criteria at existing or future project-related sensitive receptors. Pollutant emissions of SO₂, PM_{2.5} and PM₁₀ related to the proposed developments HVAC systems and the proposed bus garage would not result in any violations of applicable NAAQS standards or exceed the DEP / DEC NYC interim guideline incremental impact criteria. Existing pollutant sources would not result in any air quality related impacts of the proposed development. Existing large scale pollutant sources, in addition to industrial sources that would emit air toxics, would not result in any significant adverse impacts at any of the sensitive land uses that would be created by the proposed action.

Noise

The proposed development would not result in significant adverse impacts related to noise. The proposed action would generate new residential, commercial and cultural uses in an area that is already characterized by medium to high density residential and commercial development. Residential, commercial and cultural use portions of the development would be required to provide sufficient noise attenuation to maintain interior noise levels of 45 dBA or lower, so that the proposed development would not result in significant adverse noise impacts. It is anticipated that "E" designations, a restrictive declaration, restrictions in the property deed, or other similar techniques would be used to enforce these noise abatement measures.

Construction Impacts

Construction-related activities resulting from the proposed action are not expected to have any significant adverse impacts on historic resources, natural resources, infrastructure, traffic, air quality, noise, or hazardous materials conditions. Project construction would be completed in 2016, a total construction and bus relocation period of approximately eight years. Construction on the project site would entail temporary relocation of the existing at-grade MTA bus parking facility, currently housed on Parcel A, to Parcel B or elsewhere during construction of the new MTA underground bus storage facility on Parcel A. (If Parcel B is selected, this stage of the project would involve land clearing of Parcel B to allow for a portion of Parcel B to be used for temporary surface parking for the MTA). Once construction of the new MTA underground bus storage facility on Parcel A is fully built out and operational, construction of the buildings on Parcel B would begin and the above-grade portions of construction on Parcel A would continue. Environmental remediation and building demolition, excavation and grading, installation of foundations, and building construction on Parcels A, B, and C would likely occur in overlapping stages. The activities and durations indicated are estimated based on the Illustrative Concept Plan as indicated in Chapter 3.19.

Construction of the proposed project would begin with environmental remediation to address hazardous materials currently existing on the site and demolition of the existing structures. As described in Chapter 3.10, “Hazardous Materials,” the selected developer would be obliged to prepare and submit plans for site remediation, for NYCDEP approval. The environmental remediation would be conducted under a Remedial Work Plan (RWP) and CHASP to be approved by the NYCDEP. In addition, it is expected that the selected developer would apply for inclusion in the NYSDEC Brownfields Cleanup Program (BCP), and would also be required to prepare the documentation required by NYSDEC to support that application. The New York State Department of Environmental Conservation would provide oversight for spill remediation.

Public Health

The proposed action would not result in significant adverse impacts to public health.

The *City Environmental Quality Review (CEQR) Technical Manual* states that a public health assessment may not be necessary for many proposed actions, but a thorough consideration of health issues should be documented. In determining whether a public health assessment is appropriate, the following has been considered:

Whether increased vehicular traffic or emissions from stationary sources would result in significant adverse air quality impacts.

The potential for these impacts was examined in Chapter 3.17, “Air Quality.” As indicated above, the proposed action is not expected to result in significant adverse impacts to Air Quality.

If there is an increased potential for exposure to contaminants in soil or dust or vapor infiltration from contaminants within a building or underlying soil that may result in significant adverse hazardous materials or air quality impacts.

As described in detail in Chapter 3.10, “Hazardous Materials,” the proposed action has the potential to result in an increased human exposure to potential contaminants in soil or dust during construction and potentially during occupancy of the project site. Prior to construction, further investigation would be performed on the project site to determine the presence and nature of contamination of concern and the proper remedial and/or health and safety measures that would be employed during development of the project site. Under conditions with the proposed action, the developer would be obliged to prepare and submit plans for site remediation, for New York City Department of Environmental Protection (NYCDEP) approval. Significant adverse hazardous materials or air quality impacts are not anticipated.

Solid waste management practices that could attract vermin and result in an increase in pest populations.

No solid waste management practices are proposed beyond those which occur at residential and commercial uses found in the City. These practices would include all contemporary solid waste collection and containment practices and conformance with the laws of the New York City Board

of Health. Development pursuant to the proposed action would occur in an area that is currently served by DSNY residential trash and recycling pickups. As discussed in Chapter 3.13, “Solid Waste and Sanitation Services,” the proposed action would not affect the delivery of these services, or place a significant burden on the City’s solid waste management system.

Potentially significant adverse impacts to sensitive receptors from noise.

The proposed action would facilitate a new mixed-use development in an area with high ambient noise levels, due to the presence of transportation infrastructure, commercial and transportation land uses, and proximity to the busy 125th Street traffic corridor. No new significant sources of noise would be generated by the proposed action. Traffic generated by the proposed action would not produce any significant adverse noise impacts.

Potentially significant adverse impacts to sensitive receptors from odors.

No new odor sources would be created as a result of the proposed action.

No activities are proposed that would exceed accepted City, State, or federal standards with respect to public health or result in activities which result in significant public health concerns. For the reasons stated above, a full assessment of potential impacts on public health is not necessary and no significant adverse impacts are expected as a result of the proposed action. While the proposed project would not meet any of the thresholds warranting a public health assessment, this DEIS presents a discussion of asthma, its prevalence in New York City and its possible causes and triggers, and then presents an assessment of the potential public health effects from the proposed project. This analysis concludes that potential PM_{2.5} emissions from mobile and stationary sources related to the proposed project are not expected to result in adverse public health impacts, including impacts on asthma rates.

Alternatives

CEQR requires that alternatives to a proposed action be identified and evaluated in an EIS. Alternatives considered should reduce or eliminate impacts of the proposed action while substantively meeting the goals and objectives of the action. These typically include a No Action Alternative that would demonstrate environmental conditions that would exist if no action were implemented; an As-of-Right alternative that demonstrates the reasonable worst-case development scenario for a given site or area under existing regulatory and land use policy conditions; and, alternatives that demonstrate differing types, or levels of intensity, of a particular use, such as a different size, design or configuration. Another typical alternative would be a development that does not result in impacts.

For the East 125th Street Development, four alternatives are considered, including: 1) a No Action Alternative; 2) an As-of-Right Alternative; 3) a No Impact Alternative; and, 4) an MTA Bus Depot Expansion Alternative that entails the relocation of the existing MTA bus storage lot from Parcel A of the East 125th Street Development to an adjacent offsite block to the east that contains an existing MTA Bus Depot. With this alternative, the Bus Depot in this location would be enlarged.

No-Action Alternative

The No-Action Alternative entails a scenario in which no rezoning or other approvals are sought and no development occurs on the Project Site during the Build Year of 2016. Under this alternative, the site would remain partially vacant and underutilized, and the MTA bus storage facility would continue in its at-grade location as it presently exists.

The introduction of up to 1.7 million square feet of new mixed-use development in East Harlem that would occur under the proposed action would not be realized under the No-Action Alternative. As a result, there would be no restoration of the population base on the East 125th Street Development project site and no associated incremental increases in demand for community facilities or open space. Proposed action-generated impacts including increases in traffic and shadows would not occur under the No-Action Alternative.

The surrounding community would not experience the benefits of the proposed action under the No-Action Alternative. Substantial increases in affordable housing and construction of new office and retail development bringing jobs and shopping opportunities would not occur on the East 125th Street Development project site, which would continue to contain underutilized parcels and an at-grade bus storage facility. Policies of the City of New York, including objectives of the Harlem-East Harlem Urban Renewal Area, and redevelopment recommendations of a Task Force convened to formulate redevelopment guidelines would not be implemented for the East 125th Street Development project site. The No-Action Alternative would not sustain the ongoing revitalization of 125th Street at its eastern gateway.

As-of-Right Alternative

The project site would be redeveloped under the current R7-2, C4-4 and M1-2 zoning, and no additional amendments to the HEHURP would occur. The As-of-Right Alternative includes the redevelopment of the project site with the following uses by parcel, pursuant to existing zoning:

- Parcel A: construction of approximately 300 units of mid-rise residential development on the R7-2 portion of Parcel A (maximum Residential FAR 3.44) and approximately 50,000 square feet of light industrial use (warehouse/storage) on the M1-2 portion of Parcel A (maximum FAR of 2.00);
- Parcel B: approximately 112,000 square feet of retail space on the southern M1-2 portion of the Parcel B facing East 125th Street (maximum FAR of 2.00), approximately 120,000 square feet of light industrial (warehouse/storage) space facing the M1-2 portion of Parcel B on East 126th Street, and approximately 20 market rate apartments in a mixed-use building with approximately 8,000 square feet of ground floor retail at the northeast corner of Third Avenue and East 125th Street on the C4-4 portion of Parcel B (R7-2 equivalent 3.44 Residential FAR);
- Parcel C: approximately 24 market rate apartments in a mixed-use building with approximately 10,000 square feet of ground floor retail on the C4-4 southeast corner of Third Avenue and East 125th Street (R7 equivalent 3.44 Residential FAR).

As-of-Right development on the project site would result in lower demands on services, and lower amounts of traffic, air quality and noise effects and lower shadow effects with the lower density and scale of the development that would result. There would also be a different mix of

uses anticipated, with less mixed-use development, little office use, if any, and the development of light industrial uses on East 126th Street where mixed-use development is proposed under the proposed action. While as-of-right development would result in far lower numbers of residents and workers on the project site, and far less of the associated traffic and other environmental effects, it would also not stimulate the revitalization of the surrounding area to the degree that would be expected through the proposed action's introduction of up to 1.7 million square feet of new mixed-use development. The 344 units of market rate housing under this alternative would not increase options for affordable housing as with the proposed action, and jobs created on the project site would not include a substantial amount of office workers that could create a critical mass of media businesses on the eastern end of the 125th Street corridor.

Policies of the City of New York for the East 125th Street Development project site, including objectives of the Harlem-East Harlem Urban Renewal Area, and redevelopment recommendations of a Task Force of elected and community representatives convened to formulate redevelopment guidelines for the East 125th Street Development project site, would not be implemented.

No Impact Alternative

The No Impact Alternative includes a mixed-use program of development with only retail and residential development, and at a reduced scale and density. Only market rate housing would be expected, as opposed to the low-, moderate-, and middle-income housing units included in the proposed action. This alternative would eliminate impacts of the proposed action related to traffic and shadows.

Similar to the proposed action, the No Impact Alternative would result in lower demands on services, and lower amounts of traffic, air quality and noise effects and lower shadow effects with the lower density and scale of the development that would result. However, the program of development would be limited to 500 dwelling units and 50,000 square feet of retail use in order to eliminate any significant adverse impacts related to traffic or pedestrians. The lower building height would also eliminate the potential shadow impacts that would be expected with the proposed action. While the No Impact Alternative would generate a far smaller number of residents and worker population on the project site, and no traffic, shadow, or other environmental effects, it would also not stimulate the revitalization of the surrounding area to the degree that would be expected through the proposed action's introduction of up to 1.7 million square feet of new mixed-use development. No office development would result, and the 500 units of market rate housing under this alternative would not increase options for affordable housing as with the proposed action. Jobs created on the project site would not include a substantial amount of office workers that could create a critical mass of media businesses on the eastern end of the 125th Street corridor.

Policies of the City of New York for the East 125th Street Development project site, including objectives of the Harlem-East Harlem Urban Renewal Area, and redevelopment recommendations of a Task Force of elected and community representatives convened to formulate redevelopment guidelines for the East 125th Street Development project site, would not be implemented.

MTA Bus Depot Expansion Alternative

The MTA Bus Depot Expansion Alternative (“Depot Alternative”) includes the relocation and enlargement of the MTA Bus Depot located across Second Avenue to the east of Parcel A to accommodate bus storage that currently occurs on the Parcel A and its surroundings. The MTA’s 126th Street Bus Depot is located at 2460 Second Avenue (Block 1803, Lot 1). Under this alternative, no underground MTA Bus Storage would be located on Parcel A of the East 125th Street Development. As shown on Figure 3.21-1, the enlargement of the MTA Bus Depot would result in the addition of two additional floors of bus storage to accommodate the equivalent of 250 buses, including both standard and articulated buses, for a total of three full floors.

Although including bus storage below the mixed-use buildings on Parcel A would not be considered to result in significant adverse land use impacts under the proposed action, this alternative would be more compatible with the overall mixed-use program of development for the project site. An additional 19,000 square feet of retail space would be constructed on Parcel A of the East 125th Street Development project site, with the businesses that would occupy that space employing an additional 57 workers. Buses would not be entering or exiting the proposed buildings on East 126th Street or East 127th Street, and the bus storage would be relocated to an adjacent manufacturing district above an existing MTA Bus Depot. In order to relocate this bus storage, increases in shadow and urban design effects would be expected with the addition of two stories to the existing MTA Bus Depot. However, these incremental increases in shadows and additional building height would not be expected to result in significant adverse impacts.

The Depot Alternative would result in generally similar demands on services, and similar amounts of traffic, air quality and noise effects as the proposed action. Policies of the City of New York for the East 125th Street Development project site, including objectives of the Harlem-East Harlem Urban Renewal Area, and redevelopment recommendations of a Task Force convened to formulate redevelopment guidelines for the East 125th Street Development project site would be implemented similar to the proposed action.

Aside from the removal of bus storage from the future East 125th Street Development that would result from this alternative and consolidation of area bus storage onto the site of the MTA Bus Depot, this alternative would result in alterations of visual conditions of the MTA Bus Depot, with an increase in building height by approximately 40 feet. Impacts on urban design and visual conditions would be limited due to the existing industrial appearance of this site and its separation from the waterfront by elevated highway. Increases in shadow effects on parkland to the north would result. However, these incremental shadow effects would not be expected to result in significant adverse impacts. Shadows would only be cast on these areas late in the day in March and May. There would be no impact on the Crack is Wack Playground. The open space in Harlem River Park that would be affected includes small, irregularly shaped open spaces that are used for planting, and not for recreational purposes or sitting areas. Extensive shadowing would occur only in December, when the trees in these open spaces are dormant. The added shadows would not be expected to affect plant survival in these open spaces. Therefore, the impact of this shadowing would not be considered to be significant, even though it would be extensive. The increased bulk of the building would be an addition onto an existing industrial-

type use, in an existing manufacturing district.

Increases in construction effects from noise and mobile source emissions would be temporary and would not be expected to result in significant adverse impacts. If the potential for archeological impacts is identified, mitigation measures related construction impacts to archeological resources would be determined through consultation with LPC and, as the MTA is a public benefit corporation of New York State, the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP).

Mitigation

Where significant impacts have been identified, in accordance with the CEQR Technical Manual, mitigation measures are examined to minimize or eliminate these impacts. These mitigation measures are discussed below.

Socioeconomic Conditions

As described in Chapter 3.2, “Socioeconomic Conditions,” with regard to secondary or indirect residential displacement, the Population and Housing Study Area contains populations that could be vulnerable to displacement pressures. Potential secondary displacement as a result of the substantial increase in the non-residential development proposed, and the upgrading of three blocks in the East Harlem Triangle with new mixed-use development, would be offset to some degree by the proposed affordable housing that would include up to 650 units of low- and moderate-income housing. However, some negative effects may result as a result of rising land values and rents in areas surrounding the project site if low income households in unprotected buildings in the area are forced to move due to rising rents.

Mitigation measures described in the *CEQR Technical Manual* to address such adverse effects include actions such as providing appropriate, comparable space as part of development projects, either on-site or off-site but within a reasonable distance of the current location of the units that would be displaced; contributions to tenant advocacy groups; or enacting laws and regulations to prevent indirect displacement from occurring. In the case of the East 125th Street Development, a significant amount of affordable housing is proposed onsite. Further measures that could mitigate indirect residential displacement impacts caused by the proposed action could include HPD working with local Community Development Corporations to counsel displaced tenants and connect them to affordable housing resources. Another option for mitigation to address the potential for secondary displacement would be for HPD to continue to utilize publicly controlled properties in the community for the development of affordable housing, and to target a certain percentage of affordable units constructed on publicly-controlled property for local residents. Even with the implementation of such mitigation measures to address the potential for secondary displacement, some degree of potential indirect residential displacement resulting from the East 125th Street Development might remain unmitigated.

Transit & Pedestrians

Subway Service

The results of the analysis of the 125th Street IRT (4, 5, 6) subway station in the future with the proposed action indicate that new demand from the proposed project would result in significant adverse impacts in the AM and PM peak hours to stairway S4 located at the northeast corner of East 125th Street and Lexington Avenue. As shown in Table 3.16-17, under future conditions with the project, this stair would deteriorate from LOS B (0.71 v/c ratio) to LOS D (1.25 v/c ratio) in the AM peak hour, with 12.2 inches of theoretical widening required to return this stair to an acceptable LOS (a v/c ratio of less than 1.00). In the PM peak hour, stair S4 would deteriorate from LOS B (0.58 v/c ratio) to LOS E (1.58 v/c ratio), with 27.8 inches of theoretical widening required to return this stair to an acceptable LOS. All other analyzed station elements, including stair S2 and the fare array and exit gates, would not be impacted based on *CEQR Technical Manual* impact criteria.

Mitigation measures to address subway station stairway impacts typically involve physically widening an affected stair to increase its capacity, or implementing measures that would decrease demand, typically by providing new and/or more convenient access points. As described above, a theoretical widening of stair S4 by 27.8 inches would return the stair to an acceptable LOS in both the AM and PM peak hours. In practice, NYC Transit typically widens stairs to a standard width of either 7.5 feet or 8.5 feet. It is therefore anticipated that stair S4 would be widened by approximately 31 inches to a total width of 8.5 feet. With this widening, stair S4 would operate at an acceptable LOS C (v/c ratio of 0.75) in the AM peak hour and LOS C (v/c ratio of 0.95) in the PM peak hour, and the proposed project's significant adverse impacts in both peak hours would be fully mitigated. Implementation of this mitigation measure would be coordinated with NYC Transit. If widening stair S4 and other potential mitigation measures should prove infeasible, the proposed project's significant adverse impacts to this stair in the AM and PM peak hours would remain unmitigated.

Traffic and Parking

As discussed in Chapter 3.15, "Traffic and Parking" and shown in Table 3.15-8, demand from the Proposed Project would result in significant adverse impacts traffic impacts at nine signalized intersections in one or more peak periods by 2012. A traffic mitigation plan was therefore developed to address these impacts. The paragraphs below discuss the measures that would be included in the traffic mitigation plan, and the effects that these measures would have on each of the impacted intersections. Table 3.23-1 summarizes the measures contained in the mitigation plan.

According to the *CEQR Technical Manual*, a significant traffic impact is considered mitigated if measures return projected future conditions to what they would be if a proposed project were not in place, or to acceptable levels. For a future No-Build level of service (LOS) D, E or F, mitigating back to the No-Build condition is required; for No-Build LOS A, B, C, mitigating to mid-LOS D is required (45 seconds of delay for signalized intersections). Table 3.22-2 shows the effectiveness of the proposed traffic mitigation measures during the weekday AM, midday,

PM, and Saturday midday peak periods based on these criteria.

West 129th Street and Lenox Avenue

To address the project's Saturday midday peak hour impact to the westbound West 129th Street approach, proposed mitigation measures would include the transfer of one second of green time from the northbound/southbound signal phase to West 129th Street phase in the Saturday midday. As shown in Table 3.22-2, this measure would reduce delay on this approach to 66.1 seconds in the Saturday midday, below the 69.6 seconds of delay in the No-Build Condition, fully mitigating the impact from the proposed action at this location.

East 128th Street and Lexington Avenue

To address the project's PM peak hour impact to the eastbound East 128th Street approach, proposed mitigation measures would include the transfer of three seconds of green time from the southbound signal phase to East 128th Street phase in the PM peak hour. As shown in Table 3.22-2, this measure would reduce delay on this approach to 50.5 seconds in the PM, below the 55.7 seconds of delay in the No-Build Condition, fully mitigating the impact from the proposed action at this location.

West 126th Street and Lenox Avenue

To address the project's PM peak hour impact to the westbound West 126th Street through-right movement, proposed mitigation measures would include the transfer of one second of green time from the northbound only signal phase to the West 126th Street phase in the PM. As shown in Table 3.22-2, this measure would reduce delay at this movement to 44.3 seconds in the PM, below the CEQR mid-LOS D threshold of 45 seconds, fully mitigating the impact from the proposed action at this location.

East 126th Street and Park Avenue

Traffic generated by the proposed action would impact westbound East 126th Street in the midday and PM peak hours. To address these impacts to the westbound East 126th Street approach, proposed mitigation measures would include the transfer of three seconds and one second of green time from the northbound/southbound signal phase to the West 126th Street phase in the midday and PM peak hours, respectively. As shown in Table 3.22-2, these measures would reduce delay on this approach to 41.1 seconds in the midday and 43.6 seconds in the PM peak hour, both of which are below the CEQR mid-LOS D threshold of 45 seconds, fully mitigating the impacts from the proposed action at this location.

East 126th Street and Third Avenue

Traffic generated by the proposed action would impact westbound East 126th Street in the AM, PM and Saturday midday peak hours. To address the project's impacts to the westbound East 126th Street approach, proposed mitigation measures would include the transfer of two seconds from the northbound signal phase to the West 126th Street phase in both the AM and PM peak hours. For the Saturday midday impact, proposed mitigation measures would include the transfer of one second from the northbound signal phase to the West 126th Street phase. As shown in Table 3.22-2, these measures would reduce delay on this approach to 42.3 seconds in the AM, 43.3 seconds in the PM, and 43.4 seconds in the Saturday midday peak hour, all of which are below the CEQR mid-LOS D threshold of 45 seconds, fully mitigating the impacts

from the proposed action at this location.

East 126th Street and Second Avenue

To address the project's AM peak hour impact to the northbound left turn movement at Second Avenue, proposed mitigation measures would include the transfer of one second of green time from the southbound only signal phase to the northbound only phase in the AM. As shown in Table 3.22-2, this measure would reduce delay at this movement to 80.7 seconds in the AM, below the 86.6 seconds of delay in the No-Build Condition, fully mitigating the impact from the Proposed Project at this location.

East 125th Street and Lexington Avenue

Traffic generated by the Proposed Project would impact the eastbound East 125th Street approach in the midday and PM peak hours. To address the midday impact, proposed mitigation measures would include the transfer of one second from the southbound signal phase to the East 125th Street phase in the midday peak hour. For the PM impact, proposed mitigation measures would include the implementation of "No Standing, 4-7PM" for 100 feet along the south curb of the eastbound approach. As shown in Table 3.22-2, these measures would reduce delay on the eastbound approach to 44.3 seconds in the midday and 27.3 seconds in the PM, both of which are below the CEQR mid-LOS D threshold of 45 seconds, fully mitigating the impacts from the proposed action at this location.

East 125th Street and Second Avenue

To address the project's PM peak hour impact to the southbound left turn movement at Second Avenue, proposed mitigation measures would include the re-striping of the southbound approach to include an exclusive left turn lane, one left-through lane, three through lanes and one through-right turn lane. As shown in Table 3.22-2, this measure would reduce delay on this approach to 44.3 seconds in the PM, below the CEQR mid-LOS D threshold of 45 seconds, fully mitigating the impact from the proposed action at this location.

East 124th Street and Lexington Avenue

Traffic generated by the Proposed Project would impact the eastbound East 124th Street approach in the midday peak hour and the southbound Lexington Avenue approach in the Saturday midday peak hour. To address the midday impact, proposed mitigation measures would include the transfer of two seconds from the southbound signal phase to the East 124th Street phase in the midday peak hour. For the Saturday midday impact, proposed mitigation measures would include the implementation of "No Standing Anytime" for 100 feet along the east curb of the southbound approach. The midday mitigation measure would reduce delay on the eastbound approach to 62.1 seconds, below the 68.9 seconds of delay in the No-Build Condition. The Saturday midday mitigation measure would reduce delay on the southbound approach to 21.1 seconds, below the CEQR mid-LOS D threshold of 45 seconds, fully mitigating the impacts from the proposed action at this location.

Unavoidable Significant Adverse Impacts

Unavoidable significant adverse impacts are defined as those that meet the following two criteria:

- There are no reasonably practicable mitigation measures to eliminate the impacts; and
- There are no reasonable alternatives to the proposed project that would meet the purpose and need of the action, eliminate the impact, and not cause other or similar significant adverse impacts.

As described in Chapter 3.22, “Mitigation,” a number of the potential impacts identified for the proposed action could be mitigated. However, as described below, in some cases, project impacts would not be fully mitigated.

Socioeconomic Conditions

As described in Chapter 3.2, “Socioeconomic Conditions,” with regard to secondary or indirect residential displacement, the Population and Housing Study Area contains populations that could be vulnerable to displacement pressures. Potential secondary displacement as a result of the substantial increase in the non-residential development proposed, and the upgrading of three blocks in the East Harlem Triangle with new mixed-use development, would be offset to some degree by the proposed affordable housing that would include up to 650 units of low- and moderate-income housing. However, some negative effects may result as a result of rising land values and rents in areas surrounding the project site if low income households in unprotected buildings in the area are forced to move due to rising rents.

Mitigation measures described in the *CEQR Technical Manual* to address such adverse effects include such actions as described in Chapter 3.22. Even with the implementation of such mitigation measures to address the potential for secondary displacement, some degree of potential indirect residential displacement resulting from the East 125th Street Development might remain unmitigated. While indirect displacement could still occur with the mitigation measures described in Chapter 3.22, the amount of displacement would likely be less.

Open Space

As discussed in Chapter 3.5, “Shadows,” the Proposed Action would result in a direct adverse shadow impact on the PS 30 Playground. Most of the shadow impact on the PS 30 Playground would result from reasonable worst case development scenario development on the off-site parcel (Lot 44 of Block 1791) that is to be rezoned only, with no actual development proposed at this time. For the purposes of this EIS, it has been assumed that this site could theoretically be built as a quality housing building to the maximum streetwall and height allowed in the zoning district, which would create the significant impact discussed in Chapter 3.5. Because the Zoning Resolution largely determines the form of buildings built under these regulations, there are no meaningful mitigation measures that could be taken when the building is constructed according to the maximum development allowed for a quality housing building. A building constructed under the Zoning Resolution’s height factor regulations would likely have a smaller shadow impact on this resource. As a result, the impact disclosed in Chapter 3.5 can be viewed as the likely maximum incremental shadow impact. These shadow impacts would represent an unavoidable adverse impact resulting from the zoning amendments that are part of the proposed action, which implement the urban design objectives for the project site described in guidelines

developed by the Task Force convened to prepare guidelines for the development of the site.

Shadows

As stated above, the only identified significant shadow impact of the proposed action is the impact on the PS 30 Playground. The only significant shadow impact from the proposed project on existing shadow sensitive resources would be on the eastern portion of the PS 30 Playground in the winter, which would reduce the usability of this open space in the morning hours during the coldest months. In addition, the proposed open spaces created by the action would also see shadow effects from the action. While much of this shadow would be an unavoidable consequence of the design guidelines, the impact on the onsite open space would be addressed through the programming of those open spaces, and their orientation, which provides the most sun during times of day when these open space plazas would be expected to be most highly utilized. Because the creation of this open space is part of the proposed action, these on-site shadows are not considered to be a significant adverse impact.

Archeological Resources

As described in Chapter 3.6, "Historic Resources," with the exception of portions of two lots within the project site that may contain the potential for the recovery of remains from 19th Century occupation (Block 1790, Lot 13, and Block 1791, Lot 1), all portions of the project site and rezoning area have been significantly disturbed by past construction activities and are not expected to contain significant archeological resources. Whether or not two areas on those two lots within the project site that may not have been previously disturbed could potentially contain intact nineteenth-century archaeological resources, or whether additional testing is required, will be determined by LPC. Therefore, the potential for impacts on archeological resources will be determined prior to construction activities.

Transit and Pedestrians

Mitigation measures to address subway station stairway impacts typically involve physically widening an affected stair to increase its capacity, or implementing measures that would decrease demand, typically by providing new and/or more convenient access points. The significant adverse impacts to stair S4, located at the northeast corner of East 125th Street and Lexington Avenue, would require a 12.2-inch and 27.8-inch widening to return the stairway to an acceptable level of service (a v/c ratio of less than 1.00) in the AM and PM peak hours, respectively. Implementation of this mitigation measure would be coordinated with NYC Transit. If widening stair S4 and other potential mitigation measures should prove infeasible, the proposed project's significant adverse impacts to this stair in the AM and PM peak hours would remain unmitigated.

Growth Inducing Aspects of the Proposed Action

As set forth in the *CEQR Technical Manual*, growth-inducing aspects of a proposed action generally refer to "secondary" impacts of a proposed action that trigger further development. Proposals that add substantial new land use, new residents, or new employment could induce

additional development of a similar kind or of support uses (e.g., stores to serve new residential uses). Actions that introduce or greatly expand infrastructure capacity (e.g., sewers, central water supply) might also induce growth, although this could be an issue only in limited areas of Staten Island and Queens, since in most areas of New York City the infrastructure is already in place and its improvement or expansion is usually proposed only to serve existing or expected users.

The proposed action is expected to result in the construction of up to approximately 1,000 units of housing within an overall program of development that includes up to 1.7 million square feet of new construction on the East 125th Street Development project site. The environmental consequences of this growth are the subject of Chapters 3.1 through 3.20 of this DEIS. The projected increase in residential population is likely to increase the demand for neighborhood services, ranging from banks to local retail. This would enhance the growth of local commercial corridors in the vicinity of the project site and rezoning area. The proposed action could also lead to additional growth in the City and State economies, primarily due to employment and fiscal effects during construction on the project site.

The proposed action includes the rezoning of an offsite parcel, the United Moravian Church, located at East 127th Street and Third Avenue. Rezoning this parcel from R7-2 to C6-3 could facilitate redevelopment of this offsite parcel, and an additional increment of development of approximately 32 dwelling units attributable to its rezoning may result if development pursuant to the proposed zoning were to occur on that offsite parcel separately from the East 125th Street Development.

As a result of the proposed new construction on the East 125th Street Development project site and any potential new development occurring on the offsite parcel that is to be rezoned only, the proposed action would result in more intensive land uses (generating new residents, daily workers, and visitors). However, it is not anticipated that it would have significant spillover or secondary effects resulting in substantial new development in nearby areas, as the development is proposed in an area that is already experiencing a high degree of growth and redevelopment. Moreover, by providing a significant new supply of affordable housing and local commercial space, the proposed action is expected to help stabilize or reduce the pressure for new development and changes in land use in areas adjoining the rezoning area beyond those already projected through planned development and the 125th Street Rezoning and Related Actions project.

Irreversible and Irrecoverable Commitment of Resources

There are a number of resources, both natural and built, that would be expended in the construction and operation of the proposed action. These resources include the materials used in construction; energy in the form of gas and electricity consumed during construction and operation of the proposed East 125th Street Development; and the human effort (time and labor) required to develop, construct, and operate various components of the project. They are considered irretrievably committed because their reuse for some purpose other than the proposed action would be highly unlikely. The demolition of existing buildings on the project site would also be required.

Although the proposed action would result in a net overall increase in open spaces and a wider variety of land uses, the land use changes associated with the development of the proposed East 125th Street Development may also be considered a resource loss. The proposed action constitutes an irreversible and irretrievable commitment of the project site as a land resource, thereby rendering land use for other purposes infeasible. These commitments of land resources and materials are weighed against the public purpose and benefits of the proposed action, which are to provide a substantial amount of affordable housing, open space, office and retail uses, and other mixed-use development on a project site that consists of long-vacant parcels and generally underutilized land, and to revitalize the surrounding community with new mixed-use development that maintains the existing scale and context of the surrounding community.

UNIFORM LAND USE REVIEW

This application (C 080332 HUM), in conjunction with the applications for the related actions (C 080331 HAM, C 080333 ZMM), was certified as complete by the Department of City Planning on March 24, 2008, and was duly referred to Community Board 11 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related non-ULURP applications (M 850772(D) ZAM) and N 0080334 ZCM), which were sent to the board and the Borough President for information and review.

Community Board Public Hearing

Community Board 11 held a public hearing on this application on May 20, 2008, and on May 28, 2008, by a vote of 30 to 0 with 0 abstentions, adopted a resolution recommending disapproval of the application with conditions. The Community Board's resolution stated:

WHEREAS Community Board 11 has through the East 125th Street Development Community Taskforce, and through numerous public meetings, expressed a desire to select a development team and a proposal that maximizes community benefits, including affordable housing, local business development, local job development and the creation of community focused cultural and public open spaces; and

WHEREAS Community Board 11 has not been provided a set of specific commitments from the City or a development team and has not reviewed a final proposal within our 60 day ULURP review period; and

WHEREAS the Community Board will not be able to accurately determine if the final project will meet our desired outcomes until after our review period, when the final

project is actually selected, thus not providing the Community Board a fair opportunity to review this project.

THEREFORE BE IT RESOLVED that Manhattan Community Board 11 voted on May 28, 2008 to DISSAPROVE the East 125th Street Development ULURP application number C080331HAM and C080333ZMM and requests that the RFP and project be terminated unless all of the following conditions are met by the selected proposal:

1. The Church located on the southeast corner of East 127th Street and Third Avenue, as not planned as part of this project, should be removed from the rezoning area of the ULURP.
2. No more than two towers to not exceed 210 feet be located on Second Avenue or East 125th Street.
3. The project includes a minimum of 25,000 sq.ft. of at-grade landscaped/green public open space.
4. LEED Silver Certification is achieved through use of the East 125th Street Development Community Taskforce's priorities listed in a memo titled "LEED Points Requirements".
5. Proposal must include a minimum contribution of \$2.5 million for area parks and waterfront, and the designs should keep waterfront and park accessibility in mind.
6. Affordable housing must be maximized, with all units conforming to the RFP guidelines of 30% low income, 35% moderate income, and 35% middle income.
7. Middle income units must target households with incomes between 100% and 130% of AMI, instead of the 150% AMI limit in the RFP which is on the extreme fringe of the community's income distribution.
8. The Community Preference requirement for affordable housing should be limited to those CB11 residents that have maintained residency within the boundaries of CB11 for at least 5 years.
9. Both rental and homeownership units must be permanently affordable.
10. Affordability for homeownership should be preserved permanently through the use of either deed restrictions, a community land trust or a limited equity cooperative model.
11. Retail space is limited to 350,000 sq.ft. so as not to dominate the project; national retail be located on East 125th Street and/or Third Avenue between East 125th and East 126th Streets only.
12. At least 10% of the office space is set aside for local non-profits, with rent significantly reduced below market rate.
13. The development teams must provide funding to fit-out the cultural space.
14. A hotel must be included in the project.
15. The project must include a Local Development Corporation with an equity interest in addition to the existing local development partners.
16. Provide a minimum of \$10 million for the Local Investment Fund to support local businesses locating in project with start-up capital, low-interest loans, grants, etc.
17. The final proposal must commit to hiring locally for all jobs created through the development of this project and agree to the following local hiring targets:

- a. Retail jobs – 75% locally hired
 - b. Office Managerial jobs – 25% locally hired
 - c. Office Clerical jobs – 50% locally hired
 - d. Building Maintenance jobs – 75% locally hired
 - e. Hotel related jobs – 75% locally hired
 - f. Construction jobs – 25% locally hired
18. Provide and fund a job training component that utilizes a First Source Hiring System that commits to first source new employment from the local community.
 19. The Development Team must work with unions to commit upfront to utilizing local labor to help meet our local hiring targets, and work to create apprenticeship opportunities for local residents so that they may benefit and be prepared for future projects as well, and provide specific opportunities to local community residents that do not have high school diplomas.
 20. As the project construction will be phased, each separate building should have a separate MWBE architect partner in the design (preferably local firms); no fewer than 3 MWBE Architectural firms must be Joint Ventured with the developer's selected Architect for this project.
 21. MWBE firms, contractors and professional services are utilized totaling 30% to 40% of the total contract value of the entire project.

BE IT FURTHER RESOLVED that Community Board 11 is vehemently against the use of eminent domain under any circumstances to seize private property in the development site and has consequently voted to DISSAPROVE without condition ULURP application no. C080332HUM which would add privately owned non-blighted lots to the East Harlem Urban Renewal Area facilitating the use of eminent domain; and

BE IT FURTHER RESOLVED that the City or developer should provide funds to assist in relocating any displaced businesses currently on the site, similar to the relief provided through the 125th Street Rezoning; and

BE IT FURTHER RESOLVED we are opposed to the inclusion of an Underground Bus Depot at this site, and strongly advise against its construction, and instead urge that the State, City and MTA review and initiate a plan to renovate and expand their existing depot facility on Second Avenue between East 126th and East 127th Streets to accommodate parking and maintenance for the total number of vehicles envisioned as required for the current facilities; and

BE IT FURTHER RESOLVED Community Board 11 will continue to request the termination of this project unless all the above conditions are met and that we are again consulted in a formal manner once the final project is selected, with a full presentation by the development team before a meeting of our Full Board, with an opportunity to respond prior to the City Council vote.

Borough President Recommendation

This application (C 080332 HUM) was considered by the Manhattan Borough President, who issued a recommendation for conditional disapproval on July 2, 2008. The Borough President provided comments with the recommendations. The excerpts below highlight the chief comments which are fully described in the attached recommendation.

This largely City-owned development site represents a tremendous opportunity to meet East Harlem community planning principles, further City-wide policy goals, and promote economic development and job creation. The initial stages of the development process were a model of cooperation between City agencies and community leaders, which brought stakeholders together to move development forward. However, since the land use actions for the proposal are now proceeding without a developer being selected for the project, it is difficult, if not impossible, for ULURP participants to offer informed consideration and approval of the requested land use actions. This has, unfortunately, weakened the strong community consensus that had been built behind the project.

The proposed applications are premature and lack the regulatory controls and assurances appropriately associated with City-initiated rezonings and dispositions of City-owned property. Since no developer, and no final development program, has been determined for the site, it is impossible to determine whether the findings for certain land use actions have been met, and it is impossible to determine whether the proposed dispositions achieve the highest and best public good.

The City should return to its initial process of seeking community consensus behind a development plan, which had been well on its way to fruition. The proposed actions should not be approved until a final developer and development program have been established, and until an appropriate venue for further review and input has been provided.

The Manhattan Borough President therefore recommends conditional disapproval of ULURP Application Nos. C 080331 HAM, C 080332 HUM and C 080333 ZSM unless:

- 1. a developer is selected before ULURP is completed and presentations are made to Community Board 11 for recommendation;**
- 2. significant assurances can be made that the full program outlined in the RFP will be realized;**
- 3. that all of Community Board 11's recommendations be analyzed for financial feasibility and where possible implemented;**
- 4. the City commits to disposition to EDC and submitting to the necessary 384(b)(4) approval by the Borough Board to allow additional public review, post ULURP.**

The Manhattan Borough President recommends approval of N 080334 ZCM and M 850772(D) ZAM as the required findings have been satisfied.

City Planning Commission Public Hearing

On July 2, 2008 (Calendar No. 3), the City Planning Commission scheduled July 23, 2008 for a public hearing on this application (C 080332 HUM). The hearing was duly held on July 23, 2008 (Calendar No. 28), in conjunction with the hearing on the applications for the related actions (C 080331 HAM, C 080333 ZMM).

There were 8 speakers in favor of the application and related actions and 4 speakers in opposition.

Those who spoke in support included two representatives of EDC, three representatives of HPD and the project's environmental consultant. Also speaking in favor, were the City Councilmember from the 8th District and a representative from Local 32BJ service workers union.

Those who spoke in opposition included the Director of Land Use for the Borough President, the District Manager of Community District 11 and two property owners that would be affected by the proposed project.

The EDC project manager described the project, the chronology and formulation of the community-based task force, which established development goals that were incorporated in the RFP, and the pre-ULURP public outreach for this project. She described the opportunities for local residents to access the project's local retail and cultural space, and that a local preference would be afforded to them. She also stated that the final developer would be selected before the completion of ULURP to leverage the best development proposal. The second speaker from EDC stated that approximately 79 businesses would be directly affected by this project.

The three speakers from HPD described the urban renewal process, the proposed housing program, the number of units and how they would be financed. Up to 1,000 units would be developed and the proposed housing would be split between 50 percent rental and 50 percent homeownership. The housing would also have a 50 percent community preference, which is consistent with other HPD-funded housing projects. They also stated that funding for the housing component would come from City capital and possibly State funding sources.

The Councilmember from the 8th District also spoke in favor. She stated that the local participation and public outreach for this project was unprecedented and that the community-based task force had a key role in developing the RFP for this project. She also reiterated her concern for the affected property owners that would be displaced and encouraged the City to directly engage them.

A representative from the Local 32BJ service workers union also spoke in support of this project and urged the City to award the project site to a responsible developer. The project's environmental consultant also appeared in favor.

The Director of Land Use for the Borough President spoke in opposition, citing concern that a developer has not been selected and that the City does not intend to dispose of the project site through the 384(b)4 process, which requires Borough Board and City Council review and approval. The District Manager of Community Board 11 spoke in opposition, stating that the community board did not have an opportunity to question a developer or review a specific project.

Two property owners also spoke in opposition, citing concerns about the use of eminent domain to acquire their property. They also reiterated the community board's disapproval of this project.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed 15th Amendment to the Harlem-East Harlem Urban Renewal Plan, in conjunction with the related actions, is appropriate. The requested actions would facilitate the East 125th Street Development Project, a mixed-use development comprising 1.7 million square feet of floor area in East Harlem.

In addition to the proposed 15th Amendment to the Harlem-East Harlem Urban Renewal Plan, the proposed East 125th Street Development Project also requires a zoning map amendment to rezone the project area from C4-4, M1-2 and R7-2 to C6-3; an Urban Development Action Area designation, Project approval and disposition of city-owned property; a modification to the East Harlem Triangle Large Scale Residential Development (LSRD) Plan and Special Transit Land Use District Certification.

The proposed project area encompasses approximately 5.5 acres on three blocks generally bounded by East 125th and East 127th Streets, and Second and Third Avenues. The project would also develop the southeast corner of East 125th Street and Third Avenue. The project site includes Urban Renewal Sites 8A, 9, 12, and 13A in the Harlem-East Harlem Urban Renewal Plan.

Overall, the proposed development project would include up to 1,000 units of low, moderate, and middle income housing. The project would also have approximately 770,000 square feet of commercial uses and approximately 30,000 square feet of community facility uses that include not-for-profit performing/media arts space. Additionally, the project would include a minimum of approximately 12,500 square feet of public open space, approximately 600 vehicular parking spaces on the two northerly blocks, and a 109,000-square foot, 80-space underground bus storage facility located on the northern block between East 126th and East 127th Streets.

***15th Amendment to the Harlem-East Harlem Urban Renewal Plan – C 080332 HUM,
N 090083 HGM***

The Commission believes that the proposed 15th Amendment to the Harlem-East Harlem Urban Renewal Plan is appropriate. Since its inception in 1968, the Plan has been amended 14 times to facilitate residential, commercial and community facility development projects.

The proposed changes to the urban renewal plan involve land use changes, new acquisition parcels, a new expiration date, and supplementary controls. Specifically, Sites 8, 8A, 9, 12, and 13A would no longer be subject to the density restriction described in Section C.3.b of the Plan. Development on Sites 8A, 9, 12, and 13A will be pursuant to zoning and the supplementary controls in Section C.3.5 of the Plan, which include restrictions on use and bulk, building controls, design controls, and public open space requirements. Four properties (Block 1790, Lots 8 and 46 and Block 1791, Lots 25) that were not previously designated for acquisition in the Plan would be added to the urban renewal area (N 090083 HGM). The designated land use of Sites 8, 8A, 9, 12, and 13A would be changed to residential, commercial, and institutional. The effectuation date of the Plan would be extended to December 19, 2020. Collectively, these changes will facilitate the development of the proposed project.

During the course of the public review, concerns were raised about the use of eminent domain to facilitate assemblage of the project site. The project area comprises 27 lots, of which 11 are private-owned. The proposed amendment to the urban renewal plan would enable acquisition of the 11 private-owned properties in the project area. At the Commission's public hearing, the Commission heard testimony from two affected property owners who did not support the City's use of eminent domain for this project. The Commission notes that EDC testified that they have reached out to all affected property owners and it is EDC's preference to acquire property through negotiated acquisition. The Commission urges EDC to continue to work with these property owners regarding the acquisition of their properties.

Zoning Map Amendment – C 080333 ZMM

The Commission believes that the proposed zoning map amendment is appropriate. The proposed zoning map amendment would rezone the development area generally bounded by East

125th and East 127th Streets, and Second and Third Avenues, from R7-2, C4-4 and M1-2 to C6-3. The proposed rezoning also includes the lot on the southeast corner of East 125th Street and Third Avenue, to be rezoned from C4-4 to C6-3. The proposed zoning would allow commercial, residential and community facility use that would facilitate housing, office, and retail development. Under the current zoning, M1-2 permits 2.0 FAR for commercial and manufacturing use and 4.8 FAR for certain community facility uses. R7-2 districts allow 3.44 FAR for residential use and 6.5 FAR for community facility use. The proposed rezoning would allow residential development up to 7.52 FAR, commercial uses up to 6.0 FAR and community facility uses up to 10 FAR. The proposed rezoning would increase the allowable residential, commercial and community facility density, and also allow residential development on a portion of the project site zoned only for light manufacturing use.

For the East 125th Street Development Project, the Commission notes that the maximum bulk would be limited to 7.2 FAR, which is consistent with the maximum FAR permitted in the adjoining C4-4D district mapped within the Special 125th Street District (i.e., 7.2 FAR through the Inclusionary Housing bonus). The proposed maximum FAR would be regulated through new bulk controls included in the 15th Amended Harlem-East Harlem urban renewal plan.

The Commission notes that Community Board 11 recommended that the church located at the southeast corner of East 127th Street and Third Avenue be excluded from the proposed rezoning area. Although included in the proposed rezoning area, the church abuts the proposed development site and is not part of the East 125th Street Development Project.

The Commission notes that during the public review, the church did not indicate that they wanted to be excluded from the proposed rezoning area. The Commission believes that the exclusion of the church from the proposed rezoning area would leave an isolated pocket of R7-2 zoned property north of East 125th Street, east of Third Avenue. that would be inconsistent with sound land use planning principles. Moreover, the proposed C6-3 zoning would expand future development opportunities for the church should they decide to redevelop their property in the future.

UDAAP and Disposition of City-owned Property – C 080331 HAM

The Commission also believes that the proposed Urban Development Action Area designation and Project, and disposition of city-owned property are appropriate. The proposed development site comprises 27 lots; 15 lots are city-owned, 11 lots are private-owned and one lot is owned by the MTA. All properties are subject to the proposed UDAAP and disposition action, including properties that will be acquired pursuant to the urban renewal plan. The requested UDAAP and disposition action would enable the project to achieve its overall development objectives.

Modification of Large Scale Residential Development Plan (LSRD) – M850772(C) ZAM

The Commission believes that the requested modification to the East Harlem Triangle Large Scale Development (LSRD) Plan is appropriate. The LSRD encompasses an area generally bounded by East 126th, East 127th and East 130th Streets, and Second, Third and Park Avenues. Approved by the Board of Estimate in December 1968 (CP 20528), the LSRD permitted waivers of height, setback and yard regulations for certain parcels to facilitate residential development. The requested action would modify the LSRD to remove Site 8, Site 8A, and Site 9 from the LSRD to facilitate the proposed project. The Commission notes that this modification would not create any new floor area, floor area ratio, open space ratio, or dwelling unit compliance issues within the remaining LSRD.

Special Transit Land Use District Certification – N 080334 ZCM

The Commission notes that portions of the project area are located within the Special Transit Land Use District that is mapped along Second Avenue between East 125th and East 126th streets. In a letter dated February 14, 2008, the MTA stated that they would not pursue a Special Transit Land Use District easement at the above-referenced location, to which the Commission concurs.

Other Issues

During the public review, concerns were raised about the number of businesses that would be affected by the proposed actions; the non-selection of a developer prior to ULURP; the process used to dispose of city-owned property to the selected developer; MTA bus parking and future

opportunities for Community Board 11 to engage the selected developer and recommend changes to the final design. EDC, in a memorandum dated August 7, 2008, responded to the following issues:

MTA Bus Depot Expansion Alternative: “The MTA Bus Depot Expansion Alternative would be more compatible with the overall mixed-use program of development for the project site. Buses would not be entering or exiting the proposed buildings on East 126th Street or East 127th Street, and the bus parking would be relocated to an adjacent manufacturing district above an existing MTA Bus Depot.” The Commission supports the applicant’s consideration of this alternative as a possible development option.

Business Relocation: In addition to its testimony at the Commission public hearing, the August 7, 2008 memo also stated “the City will work with businesses to help find suitable relocation space. Businesses will also be eligible for moving and related expenses.”

Developer Selection: “the developer designation is expected to occur in early September and the ULURP clock expires in late October. During that period, it is expected that the selected proposal will be vetted with the task force.”

Disposition of the Development Site: “as the project is predominantly an affordable housing project, HPD is the lead applicant for the ULURP application and the project is going through HPD’s disposition process. 384 (b) 4 is not a required approval.”

Lower Target Incomes: “the project’s development goals as specified in the RFP are a product of nearly a year long negotiation with the task force, which included three members of the Community Board, including the current Chairman. While we appreciate the Community Board’s recommendation to lower the AMI levels, we will not be changing the agreed upon design guidelines.”

The Community Board made additional recommendations to broaden local participation, maximize employment opportunities for area residents and promote an overall sustainable,

environmentally responsive design for this project. Such recommendations included hiring thresholds for local residents, the use of LEED Silver Certification standards in the proposed project design, the use of Minority and Women Owned (MWBE) Business Enterprises, and the hiring of local design and construction professionals. The Community Board also made recommendations for affordable commercial rents, start-up business loans and related business terms. The Commission notes that while many of these issues are outside the scope of its land use review, the Commission urges the applicant to continue meeting with the Community Board, the Borough President and local elected officials to address these concerns to the extent practicable, as the project progresses toward implementation.

The Commission believes that the proposed East 125th Street Development Project would promote economic growth and expand opportunities for income targeted affordable housing, commercial use and new arts/cultural activity within the eastern portion of the 125th Street corridor. The East 125th Street Development Project would also develop long-vacant and underutilized City-owned property. Accordingly, the Commission believes that the proposed 15th Amendment to the Harlem-East Harlem Urban Renewal Plan, in conjunction with the requested actions, is appropriate.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 15, 2008, with respect to this application, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those

mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission finds that the proposed 15th Amended Harlem-East Harlem Urban Renewal Plan is an appropriate plan for the area involved.

The City Planning Commission certifies that the 15th Amended Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area complies with provisions of Section 502, Article 15 of the General Municipal Law of New York State, conforms to the comprehensive community plan for the development of the municipality as a whole, and is consistent with local objectives.

The Commission further certifies that the 15th Amended Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area is in conformity with the findings and designation of the Harlem-East Harlem Urban Renewal Area as adopted by the City Planning Commission on November 20, 1968. The Commission certifies its unqualified approval of the 15th Amended Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area, pursuant to Section 505, Article 15 of the General Municipal Law of New York State; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, the Uniform Land Use Review Procedure, and Section 505, Article 15 of the General Municipal Law of New York State, and after due consideration of the appropriateness of

this action, that the proposed 15th Amended Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area, Community District 11, Borough of Manhattan, submitted by the Department of Housing Preservation and Development on March 17, 2008, is approved (C 080332 HUM).

The above resolution (C 080332 HUM), duly adopted by the City Planning Commission on August 27, 2008 (Calendar No.16), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, MARIA M. DEL TORO,
NATHAN LEVENTHAL, SHIRLEY A. McRAE, JOHN MEROLO, Commissioners

KAREN A. PHILLIPS, Commissioner Voting No

Statement of Commissioner Karen A. Phillips is attached.

CITY PLANNING COMMISSION STATEMENT

ON THE EAST 125th STREET REZONING

BY KAREN A. PHILLIPS

August 27, 2008

I am pleased to see the development of this area advance and commend the New York Economic Development Corporation, Department of Housing Preservation and Development and the Community Task Force for this proposal. The large scale plan and rezoning of the 2 blocks from East 125th to 127th streets between 2nd and 3rd avenues sets the stage for the transfer of one the largest parcels of city owned land in Manhattan and, more importantly, it is the last sizable site in Harlem.

This area of East Harlem was called ‘The Triangle’ from the shape formed by the Harlem River, the elevated tracks of Metro North along Park Avenue, and the regional commercial district of 125th Street. The Triangle was predominantly an industrial area linked to the waterfront before Robert Moses and the 1961 zoning was put into place, with tenement housing scattered on its eastern edge. These houses were inhabited primarily by African Americans who had migrated from the south and from my knowledge many came from an area around Georgetown, South Carolina. So this area was a tight knit enclave where people looked out for each other much like in the formation of other ethnic neighborhoods.

When ‘urban removal’ created a plan to redevelop the entire area as an industrial park, these residents organized a neighborhood group and came up with their own plan with assistance from a group of young architects and planners including our own alumnus, Max Bond. They crafted a comprehensive community plan for a mixed-use neighborhood with the development of housing for low income residents as a first phase, negotiated a more favorable urban renewal plan, and launched a community based organization under the leadership of an activist named Alice Kornegay. She became the head of this group, named the ‘Community Association of the East Harlem Triangle, Inc.’. She was a shrewd negotiator, a brilliant grassroots organizer, a fierce fighter, and an untiring advocate for her neighborhood. This dynamic woman was responsible for nearly a thousand units of housing in the area and worked tirelessly for 15 years to bring a

Pathmark Supermarket to 125th and Lexington Avenue. I worked with Ms. Kornegay for 5 years to get this full service grocery store built by Abyssinian Development Corporation and CAEHT, but she died before it was built.

In that project, the deal we struggled to put in place for the community was to have quality food at affordable prices and 200 union jobs until it was nearly aborted by the then current mayor. Though it had been approved by the Community Board, the CPC, the EDC, HPD, the Borough President and the Borough Board, he changed the plans substantially just before construction was to start. This lack of respect for the community's efforts worked to undermine residents' belief in the integrity of public review and planning processes.

These are different times with another administration [thank God], --a new Community Board, improved neighborhood conditions and many additional residents of diverse incomes and ethnicities. However, those whose lives are directly impacted, who lived through the bad times, and especially those who worked on the Task Force and other community organizations deserve better! They participated in good faith, as volunteers, in a planning process prescribed in the NYC Charter that we help to administer. Then the rules were changed at the end of the process by adjustments to the sequence of the developer selection, thereby reducing the community's influence in ULURP.

When I reviewed the physical and economic merits of what EDC put before the Planning Commission, I agreed that the proposal has merit, as do HPD's financial models for affordable housing and the urban design framework. However, with the changes to the process, I paused at the word "APPROPRIATE" in the section of the CPC report that states:

"The Commission believes that the application for Urban Development Action Area designation and Project (UDAAP) approval, and disposition of City-owned property, in conjunction with the related actions, is appropriate."

To fully assess what the community anticipated as participants in the process, I reviewed the NYC Community Needs Analysis which was prepared several years ago by the Community

Boards and has been distributed to the Commission. This site was specifically discussed in the Community Board 11 section as needing to be rezoned into a mixed use site after the creation of a partnership with City agencies. With the goal of achieving a comprehensive approach to economic development of this area, CB 11 on page 261, made recommendations of how their partnership with NYC could “explore options of linking jobs and other community needs with real estate development projects via zoning and other land use regulations” as a method “to help meet the community and city-wide needs.”

The action before us has sidestepped the designation process, reduced community input as defined at the outset of the Taskforce process, and undermined CB 11’s vision of a ‘partnership’. Therefore, in my role as a member of the Commission appointed by the Public Advocate, and out of RESPECT for the memory of Alice Kornegay and for the community leaders on whose shoulders I stand, I cannot agree with this plan as ‘APPROPRIATE’ and MUST VOTE NO on the East 125th Street requested action!