



IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS,) pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property located at 2460 Second Avenue (Block 1803, Lot 1), pursuant to zoning, Borough of Manhattan, Community District 11.

The application for the disposition of City-owned property was submitted by the Department of Citywide Administrative Services (DCAS) on February 15, 2017. This application, in conjunction with several applications submitted by the New York City Economic Development Corporation (EDC), will facilitate the East 126th Street Bus Depot Project (also known as the 126th Street Memorial and Mixed-Use Project), a new mixed-use, mixed-income development project in East Harlem.

RELATED ACTIONS

In addition to the requested disposition of City-owned property, 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 170275 ZMM** Zoning map amendment

- N 170276 ZRM** Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area

- C 170093 MMM** City Map amendment

BACKGROUND

DCAS is seeking the disposition of one city-owned property, located at 2460 Second Avenue

(Block 1803, Lot 1), pursuant to zoning. The application, in conjunction with the related applications filed by EDC, for Zoning Map, Zoning Text and City Map amendments, will facilitate the 126th Street Memorial and Mixed-Use Project, a new mixed-use, mixed-income development project in East Harlem comprising commercial and community facility space, and approximately 18,000 square feet of unbuilt outdoor memorial space to commemorate the former African Burial Ground, a former colonial-era burial ground that comprised a significant portion of the project site. The project site is located in the northeast portion of East Harlem, within Manhattan Community District 11.

The 126th Street Memorial and Mixed-Use Project would develop a full-block site bounded by East 126th and East 127th Streets, and First and Second Avenues (Block 1803, Lot 1), in Manhattan Community District 11. Since the 1940's the 105,710-square-foot site was occupied by the East 126th Street Bus Depot, a former Metropolitan Transportation Authority (MTA) garage for 176 buses as well as an adjoining 9,792 square foot bus parking area. In 2014, the MTA relocated its operations from this site to the new and expanded Mother Clara Hale Bus Depot at Malcolm X Boulevard (Lenox Avenue) and West 146th Street. Originally scheduled for renovation during 2015-2019, the East 126th Street bus depot was shut down permanently in January 2015.

In 2008, City employees unearthed a 17th-century African gravesite while refurbishing the Willis Avenue Bridge, which faces the bus garage to the east. The land upon which the garage sits was previously owned by the Reformed Low Dutch Church of Harlem, later known as the Elmendorf Reformed Church, from 1665 to 1869; it started as a cemetery in the mid-1600s, for a church on First Avenue between 126th and 127th Streets, setting aside a quarter acre of land later known as the "Negro Burying Ground" and eventually "The Harlem African Burial Ground." Church records indicate that an unknown number of free, as well as enslaved, Africans from all over Manhattan were buried there. The former burial ground comprises approximately 18,000 square feet of lot area on the proposed project site and is primarily located within the footprint of the bus garage.

The existing garage structure will be removed from the site to facilitate the development of new mixed-income housing, commercial and community facility space, and approximately 18,000 square feet of unbuilt outdoor memorial space to commemorate the former African Burial Ground. The proposed project is the result of consultations with the community-based Harlem African Burial Ground Task Force, which was convened in 2009. 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, to be released by EDC upon receipt of the requested discretionary approvals, will respond to the needs identified by the Task Force: affordable housing, the inclusion of a memorial to commemorate the African Burial Ground site, economic development, employment and local retail, as well as local participation in the development process.

The proposed project would contain approximately 655,000 square feet of residential development (comprising approximately 730 residential units, of which 50 percent would be affordable to households earning at or below 80 percent Area Median Income (AMI). To achieve the desired affordability outcomes, the applicant is seeking approval of a zoning text amendment to designate the project site as a Mandatory Inclusionary Housing (MIH) area. As proposed, the selected developer would use MIH Option 1 or Option 2, which would make 25 percent of the residential floor area permanently affordable to families making an average income of 60 percent AMI or 30 percent of the residential floor area permanently affordable to families making an average income of 80 percent AMI, respectively.

The proposed project would also provide approximately 315,000 square feet of commercial uses (including retail and office uses), and approximately 300 accessory parking spaces (to be provided in an above-ground garage).

Additionally, the proposed project would provide a publicly accessible memorial commemorating the Harlem African Burial Ground. As proposed, it would provide approximately 30,000 square feet of community facility space (including a 15,000 square-foot

historical and cultural center as part of the memorial) and approximately 18,000 square feet of outdoor, unbuilt memorial space.

The area surrounding the project site has a mix of commercial and residential uses, including auto-related uses, four-six story apartment buildings and high-rise public housing. Along the south side of East 126th Street, commercial, auto-related and residential uses can be found, facing the project site. 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 Gotham Plaza and Gateway Plaza, both of which are located on East 125th Street and Lexington Avenue.

The Senator Robert F. Wagner Houses, a 2,162-unit NYCHA-managed complex bounded by East 120th and East 124th Streets, Second and Paladino Avenues, are located two blocks south of the project site. The Wagner Houses are located one block south of Cuvillier Park, which is one block south of the project site. The complex comprises two superblocks developed with 17 buildings having heights ranging from seven to 16 stories, and two public schools, P.S. 45 and P.S. 80. In addition to accessory parking provided on the Wagner Houses campus, resident parking is available at a NYCHA-managed parking lot located along the western edge of the Cuvillier Park, at First Avenue between East 124th and East 125th Streets.

The neighborhood is well served by mass transit, with subway access provided at Lexington Avenue and East 125th Street by the 4, 5 and 6 subway lines. Bus service is also available on 125th Street and all major avenues. The area also has significant transportation infrastructure, with access ramps that serve the Robert F. Kennedy Bridge (formerly Triborough Bridge), Harlem River Drive and Willis Avenue Bridge on neighboring streets within a 600-foot radius of the project site.

Upon grant of the requested discretionary approvals, an RFP soliciting proposals for development of the project site would be issued. It is anticipated that the site disposition would

stipulate location and programming elements of a memorial to commemorate the African Burial Ground, which would include an outdoor area and an indoor cultural facility, as well as any required mitigation measures.

Requested Actions

Zoning Map Amendment – C 170275 ZMM

The project site is located within an M1-2 manufacturing district. 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.

The requested action would rezone the project site from an M1-2 zoning district to a C6-3 district. C6-3 zoning districts are high-density districts that, under MIH, permit residential development up to 8.0 FAR and community facility uses up to 10.0 FAR. On wide streets, such as Second Avenue, the building must have a contextual street wall of 60-85 feet with a tower-on-a-base building form. The height of the tower is controlled by a minimum lot coverage requirement and a requirement that at least 55 percent of the floor area on the zoning lot be located below a height of 150 feet.

Under the existing M1-2 zoning, residential use is not permitted as-of-right. Accordingly, the proposed build program, which includes 730 mixed-income residential units, could not be developed without the requested rezoning action.

Zoning Text Amendment – N 170276 ZRM

To complement the rezoning proposal, the applicant requests approval of a zoning text amendment to include the rezoning area as an MIH area. As proposed, the project would require 25 percent of the total residential floor area to remain permanently affordable to families with incomes that average 60 percent AMI (MIH Option 1); or 30 percent of the total residential floor area to remain permanently affordable to families with incomes that average 80 percent AMI (MIH Option 2).

City Map Amendment – C 170093 MMM

In addition, the applicant has filed a related application (C 170093 MMM), which requests a change to the City Map involving the narrowing, by elimination, discontinuance and closing, of Second Avenue between East 126th and East 127th Streets.

The proposed demapping area was mapped as part of the Second Avenue widening in 1946 and acquired by the City. It is physically separated from the street bed by curbs and a sidewalk with street trees, and has been used by the bus depot primarily as a parking lot for buses. It provides access to building vehicular entrances on the western side of the bus depot building. As such, the demapping area functioned as a western extension to the bus depot lot. It has a total north-south length of 199.83 feet and will measure up to 49 feet (east-west) in width, for a total area of up to 9,792 square feet. Prior to 1946, when the Second Avenue right-of-way was widened, this area was part of Block 1803, Lot 1. As part of the proposed project, this area would be reincorporated into Block 1803 and rezoned as part of this application and included in the future disposition.

Disposition of City-Owned Property – C 170278 PPM

The requested disposition action would dispose of the project site and the adjacent demapped area to the EDC for future disposition to the selected developer.

ENVIRONMENTAL REVIEW

This application (C 170278 PPM), in conjunction with the applications for the related actions (C 170275 ZMM, N 170276 ZRM, and C 170093 MMM), 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 16DME011M. The lead is the Office of the Deputy Mayor for Housing and Economic Development.

It was determined that the proposed actions may have a significant effect on the environment, and that a generic environmental impact statement would be required. A Positive Declaration was issued on August 19, 2016, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Generic Environmental Impact Statement (DGEIS) was issued on August 19, 2016. A public scoping meeting was held on October 7, 2016, and the Final Scope of Work was issued on February 16, 2017.

A DGEIS was prepared and a Notice of Completion for the DGEIS was issued on February 16, 2017.

Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DGEIS on June 7, 2017, in conjunction with the public hearing on this application (C 170278 PPM) and the related applications (C 170275 ZMM, N 170276 ZRM, and C 170093 MMM).

A Final Generic Environmental Impact Statement (FGEIS) reflecting the comments made during the public hearing was completed, and a Notice of Completion of the FGEIS was issued on July 13, 2017.

The Proposed Action as analyzed in the FGEIS identified significant adverse impacts with respect to historic and cultural resources – archaeological resources, transportation (traffic, buses, subways, and pedestrians), and construction activities related to noise.

The identified significant adverse impacts and proposed mitigation measures under the Proposed Actions are summarized in Exhibit A attached hereto.

UNIFORM LAND USE REVIEW

This application (C 170278 PPM), in conjunction with the related actions (C 170275 ZMM and C 170093 MMM), was certified as complete by the Department of City Planning on February 21, 2017, 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 application for a zoning text amendment, (N 170276 ZRM), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 11 held a public hearing on this application (C 170278 PPM) on April 18, 2017, and on that date, by a vote of 26 in favor, one opposed, and two abstentions, adopted a resolution recommending approval of the application with the following comments:

“Community Board 11 (CB11) recommends approval with conditions of ULURP Application Nos. C 170275 ZMM, C 170278 PPM, and C 170093 MMM provided that the New York City Economic Development Corporation commit to:

1. Ensuring the project honors and commemorates the sacred and significant social, economic and cultural history of the Harlem African Burial Ground.
2. Following the recommendations and design guidelines outlined by the Harlem African Burial Ground Task Force.
3. Formally engage CB11 so as to allow the Board to continue to:
 - (i) Inform the RFP process,
 - (ii) Participate in the blind-briefing and selection of the developer, and
 - (iii) Inform the final design and resulting uses of the project.
4. Continue exploring funding options to ensure the project is 100% affordable, in line with CB11 and East Harlem Neighborhood Plan (EHNP) recommendations.
5. Ensure that a portion of the project’s residential units be designated for and affordable to seniors.
6. Providing preference to not-for-profit affordable housing developers, should the land be disposed of for \$1.00.
7. Selecting a developer who will fund a “First-Source Hiring” plan and meet CB11’s percentage benchmarks for MWBE and local hiring to maximize local workforce participation, job training, and placement associated with the

project, both pre- construction and post construction.

8. Selecting a developer who will commit to working with the Building Service Union for a developer-funded training program that would select East Harlem residents and train them for permanent union jobs.
9. Exploring potential partnerships with both national and local cultural and educational institutions for funding for the cultural space and ensuring its sustainability.
10. Ensuring that the developer has a contingency plan if additional remains are found.
11. Reducing to writing the aforementioned commitments and providing CB11 an equal role as the Councilperson in crafting a Points of Agreement.”

Borough President Recommendation

This application (C 170278 PPM) was considered by the Manhattan Borough President, who issued a recommendation on June 2, 2017 approving the application with the following comments:

“Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. C 170275 ZMM, N 170276 ZRM, C 170278 PPM, and C 170093 MMM with the following conditions:

1. Honor the commitment to ensuring the project honors and commemorates the Harlem African Burial Ground;
2. Follow through on its commitment to exhaust all possibilities in providing 100% affordability with at least 20% of the residential units affordable at 30% AMI;
3. Provide an official role for CB11 to continue to inform the development of an RFP for the project site, have a meaningful role in the selection of the developer, and inform the final design and resulting uses of the project;
4. Provide preference to not-for-profit affordable housing developers;
5. Continue to work with the HABGTF in developing design guidelines and other recommendations for the site;

6. Explore diverse funding sources on a local, state, and national level to ensure the project's sustainability;
7. Conduct outreach to nonprofit and educational organizations with related focus to the Harlem African Burial Ground.”

City Planning Commission Public Hearing

On May 24, 2017 (Calendar No. 6), the City Planning Commission scheduled June 7, 2017 for a public hearing on this application (C 170278 PPM). The hearing was duly held on June 7, 2017 (Calendar No. 26), in conjunction with the hearing on the applications for the related actions (C 170275 ZMM, N 170276 ZRM, and C 170093 MMM).

There were five speakers in favor of the application and related actions and no speakers in opposition.

Those who spoke in support included a representative of EDC, the chair of Community Board 11, a representative from the National Black Theater, the Deputy Borough Historian and a community resident.

The EDC representative described the project, the chronology and formulation of the community-based task force 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 stated that a local preference would be afforded to them. She also stated that the RFP and final developer would be selected after the completion of ULURP to leverage the best development proposal and to best ensure that the proposed project's cultural components (i.e., the Harlem African Burial Ground) are fundable and sustainable in the long term.

Regarding housing, the EDC speaker also discussed the EIS analysis, which assumed 50 percent of the 730 units would be at or below 80 percent AMI. EDC/HPD have committed to ensuring

that 20 percent of all units (146 units) would be set aside for households at 30 percent AMI. The MIH option has not yet been determined, the speaker stated, and may not be determined until City Council review. The speaker said that under MIH Option 1, approximately 156 units would be provided; under Option 2, approximately 187 units would be provided.

She further stated that EDC is striving to maximize affordability on the site while ensuring that the memorial/cultural center is financially sustainable. Accordingly, EDC has hired a consulting firm (Lord Cultural Resources), to both define the memorial concept and associated costs, and to determine the programming to support its continued operations.

The chair of Community Board 11 spoke about the Board's concern that there is no specific development proposal under consideration at this time for the proposed project site, and that an RFP soliciting proposals for development of the site would be issued by EDC after ULURP. She underscored the Board's support for this project and has confidence that EDC will continue to work with the Board as the project advances to the RFP process.

A representative from the National Black Theater spoke about how the proposed project would spur economic development, expand cultural activity and promote commerce along the eastern portion of 125th Street. The Deputy Borough Historian spoke about the creation of the Harlem African Burial Ground Task Force and its desired goals and objectives to develop a memorial at the development site. The community resident spoke on behalf of the construction trades; she underscored the need for this project to hire responsible general contractors and subcontractors who pay fair wages to their workers. She also emphasized the need for safety on construction sites.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 170278 PPM), in conjunction with the related applications (C 170275 ZMM, N 170276 ZRM, and C 170093 MMM) was reviewed by the City Coastal Commission for

consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 et seq.) The designated WRP number is 16-011.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the requested disposition of City-owned property, in conjunction with the related actions, is appropriate. The requested actions would facilitate the 126th Street Memorial and Mixed-Use Project, a new mixed-use, mixed-income development in East Harlem.

Collectively, the requested actions would facilitate the development of a publicly accessible memorial commemorating the Harlem African Burial Ground and its important role in the history of Harlem and New York City, integrated into a mixed-use development with approximately 730 residential units, including 365 affordable residential units aimed at households earning up to 80 percent AMI; approximately 315,000 gross square feet of commercial space and approximately 30,000 square feet of community facility space.

The Commission notes that the proposed project is the result of an extensive public engagement process with ongoing consultations with the Harlem African Burial Ground Task Force, a community-based task force that was convened in 2009. The Task Force includes Community Board 11, representatives of local community organizations, and elected and city officials. The proposed project responds 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. After ULURP, EDC intends to release an RFP that will provide the development framework for the proposed project. The Commission commends EDC on its pre-

ULURP community engagement efforts.

Zoning Map Amendment – C 170275 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 126th and East 127th Streets, and First and Second Avenues, from M1-2 to C6-3. The proposed rezoning area includes the bus depot and the proposed demapping area, which comprise the project site. The proposed rezoning would allow commercial, residential and community facility use, which would facilitate housing, office, and retail development. The proposed rezoning would increase the allowable residential, commercial and community facility density, and also allow residential development on a site currently zoned only for light manufacturing use.

Zoning Text Amendment – N 170276 ZRM

The Commission believes that the requested zoning text amendment is appropriate. The zoning text amendment complements the related requested actions and ensures that the proposed project expands and provides additional affordable housing in East Harlem.

City Map Amendment – C 170093 MMM

The Commission believes that the requested City Map amendment is appropriate. The Commission notes that the proposed demapping area is physically separated from the street bed by curbs and a sidewalk with street trees, and has been used by the bus depot primarily as a parking lot for buses. Accordingly, the demapping area, which has approximately 9,792 square feet of lot area, functioned as a western extension to the bus depot. As part of the proposed project, this area would be incorporated into Block 1803 and rezoned as part of this application and included in the future disposition.

Disposition of City-owned Property – C 170278 PPM

The Commission believes that the requested disposition of City-owned property is appropriate.

The Commission is aware that while the necessary discretionary approvals have been defined, the specific development program and site plan for the proposed project would depend on the RFP responses. At the public hearing, EDC stated that it is anticipated that the site disposition would stipulate location and programming elements of the Harlem African Burial Ground memorial, including an outdoor area and an indoor historical and cultural facility, as well as any required mitigation measures.

During public review, concerns were raised about the non-selection of a developer prior to ULURP, the process used to dispose of city-owned property to the selected developer, the possibility for significant changes in the development program, and future opportunities for the African Burial Ground Task Force, the 126th Street Bus Depot Task Force and Community Board 11 to engage the selected developer and recommend changes to the final design.

The requested discretionary actions before the Commission for the proposed project did not allow the Commission to undertake an urban design review of this project during ULURP. Given the size of the proposed disposition site and the complex proposed program to develop the site, the Commission strongly believes that it should have a post-ULURP opportunity to review, opine on and inform the proposed project's design and any significant changes in the development program.

In the past, the Commission has had a post-ULURP urban design review role in major projects. For example, the Commission was able to review the proposed open space and site plan design for Seward Park – Site 5 (C 120228 ZSM). The proposed open space design and site plan for this site were required to undergo a CPC Chair Review and Certification of Design process, which was memorialized in the Restrictive Declaration for the large-scale general development. Once completed, the Department of City Planning (DCP) would send a letter to the Department of Buildings to enable this site's owner to obtain a Certificate of Occupancy for the Seward Park project. While a Restrictive Declaration may not be warranted for the 126th Street Memorial and Mixed-Use Project, the Commission believes that it should likewise have a formal opportunity to review, comment on and inform the project's proposed urban design, primarily with respect to the massing of the development and its relationship to the memorial and its proposed

programming, as well as the location of active ground floor uses. The Commission should also have an opportunity to review, comment on and inform any significant changes in the development program. Accordingly, DCP will work with EDC to establish and memorialize a post-ULURP urban design review protocol to enable the Chair to review, opine on and inform the proposed project's urban design and development program to enable the proposed project to achieve the highest urban design standards regarding building form, aesthetics and functionality and to ensure that the development program remains consistent with the Commission's overall goals for the area. The Chair has committed to provide periodic updates, as appropriate, to the Commission and receive their input. The protocol would require that, prior to issuance and acceptance of a building permit, the Chair must have certified that the Commission concerns, as articulated above, have been adequately addressed. The protocol would further require that, notwithstanding the foregoing, in the event that the Chair has not issued the certification by the date of the Public Design Commission (PDC) preliminary design approval, the certification shall be deemed to have been issued.

At the public hearing, EDC testified that, as part of the post-ULURP RFP process, it will continue to engage with the Harlem African Burial Ground Task Force, the 126th Street Bus Depot Task Force, Community Board 11 and community residents. The Commission urges EDC to continue to work with area residents, constituents and stakeholders as the RFP process advances to the finalization of an overall project design, affordable housing framework and development of the Harlem African Burial Ground Memorial and related cultural space.

The Community Board made additional recommendations to broaden local participation and maximize employment opportunities for area residents. Such recommendations included hiring thresholds for local residents, the use of Minority and Women Owned 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. While many of these issues are outside the scope of the requested actions, the Commission urges EDC to continue meeting with the Community Board, the Borough President and local elected officials to address these concerns to the greatest extent practicable as the

proposed project progresses toward implementation.

The Commission believes that the proposed project would expand opportunities for mixed-income affordable housing, retail use and cultural space while recognizing the legacy of the Harlem African Burial Ground. Moreover, the proposed project would rejuvenate the eastern portion of the 125th Street corridor and complement new residential development proposed for neighboring blocks. Accordingly, the Commission believes that the requested disposition of City-owned property, in conjunction with the requested actions, is appropriate.

RESOLUTION

RESOLVED, that having considered the Final Generic Environmental Impact Statement (FGEIS), for which a Notice of Completion was issued on July 14, 2017, 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 FGEIS 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 FGEIS, constitute 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, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, that the City Planning Commission finds that the application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property located at 2460 Second Avenue (Block 1803, Lot 1), pursuant to zoning, Borough of Manhattan, Community District 11, is approved, subject to a future review protocol that shall require, as a condition to the issuance of a building permit, that the Chair have certified that the Commission's concerns with respect to urban design, primarily with respect to the development's proposed massing of the development and its relationship to the memorial and its proposed programming, as well as the location of active ground floor uses, have been adequately addressed. Notwithstanding the foregoing, in the event the Chair has not issued the certification by the date of PDC's preliminary design approval, the certification shall be deemed to have been issued.

The above resolution (C 170278 PPM), duly adopted by the City Planning Commission on July 26, 2017 (Calendar No. 14), 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.

MARISA LAGO, *Chair*
KENNETH J. KNUCKLES, ESQ., *Vice Chairman*
RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, CHERYL COHEN EFFRON,
MICHELLE DE LA UZ, JOSEPH DOUEK,
RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARÍN, LARISA ORTIZ, *Commissioners*

Application #: **C 170275 ZMM**

Project Name: **126th Street Bus Depot Project**

CEQR Number: 16DME011M

Borough(s): **Manhattan**

Community District Number(s): **11**

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description

IN THE MATTER OF an application submitted by the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b, changing from an M1-2 District to an C6-3 District property bounded by East 127th Street, First Avenue, East 126th Street, and Second Avenue*, Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated February 21, 2017.

*Note: Second Avenue between East 126th Street and East 127th Street is proposed to be narrowed under a concurrent related application (C 170093 MMM) for an amendment of the City Map.

Applicant(s): NYC Economic Development Corporation 110 William Street New York, NY 10038		Applicant's Representative: Robert Hollbrook NYC Economic Development Corporation 110 William Street New York, NY 10038
Recommendation submitted by: Manhattan Community Board 11		
Date of public hearing: 4/18/17	Location: NATIONAL Black Theatre 2031 5 th Ave, NY NY 10025	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: 4/18/17	Location: NATIONAL BLACK THEATRE 2031 5 th Avenue, NY NY 10025	
RECOMMENDATION		
<input type="checkbox"/> Approve	<input checked="" type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting		
# In Favor: 26	# Against: 1	# Abstaining: 2 Total members appointed to the board: 46
Name of CB/BB officer completing this form Angel Mescari	Title District Manager	Date 4/21/17

Application # **C 170278 PPM**

Project Name: **126th Street Bus Depot Project**

CEQR Number: 16DME011M

Borough(s): Manhattan

Community District Number(s): 11

Please use the above application number on all correspondence concerning this application

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Docket Description

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 2460 Second Avenue (Block 1803, Lot 1), pursuant to zoning.

Applicant(s): Department of Citywide Administrative Services (DCAS) 1 Centre Street, 20th Floor New York, NY 10007		Applicant's Representative: Robert Holbrook NYC Economic Development Corp. (NYC EDC) 110 William Street; NY, NY 10038;212.312.3706	
Recommendation submitted by: Manhattan Community Board 11			
Date of public hearing: 4/18/17		Location: National Black Theatre 2031 5th Ave, NY NY 10035	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: 4/18/17		Location: National Black Theatre 2031 5th Ave, NY NY 10035	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input checked="" type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
# In Favor: 26 # Against: 1 # Abstaining: 2 Total members appointed to the board: 46			
Name of CB/BB officer completing this form Angel Mescaia		Title District Manager	Date 4/21/17

Application # **C 170093 MMM**

Project Name: **126th Street Bus Depot Project**

CEQR Number: 16DME011M

Borough(s): Manhattan

Community District Number(s): 11

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description

IN THE MATTER OF an application, submitted by The New York City Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Second Avenue between East 126th Street and East 127th Street;
- the delineation of a sidewalk easement;
- the adjustment of grades and block dimensions necessitated thereby;

in Community District 11, Borough of Manhattan, in accordance with Map No. 30251 dated February 17, 2017 and signed by the Borough President.

Applicant(s): New York City Economic Development Corporation (NYCEDC) 110 William Street New York, NY 10038		Applicant's Representative: Hardy Adasko NYCEDC 110 William Street New York, NY 10038 212.619.5000
Recommendation submitted by: Manhattan Community Board 11		
Date of public hearing: 4/18/17	Location: NATIONAL Black Theatre 2031 5 th Avenue, NY, NY 10025	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: 4/18/17	Location: NATIONAL BLACK THEATRE 2031 5 th Ave, NY NY 10025	
RECOMMENDATION <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting		
# In Favor: 26 # Against: 1 # Abstaining: 2 Total members appointed to the board: 46		
Name of CB/BB officer completing this form Angel Mescaia	Title District Manager	Date 4/21/17



Diane Collier
Chair

Angel D. Mescain
District Manager

COMMUNITY BOARD ELEVEN

BOROUGH OF MANHATTAN
1664 PARK AVENUE
NEW YORK, NEW YORK 10035
TEL: (212) 831-8929/30
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May 4, 2017

Marisa Lago
Director
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Recommendation on ULURP Application Nos. 170275 ZMM, 170278 PPM, 170093 MMM - 126th Street Bus Depot Mixed-Use Development and Harlem African Burial Ground Memorial Project

Dear Director Lago,

On April 18, 2017, Community Board 11 (CB11) held a public hearing and voted on the land use applications submitted by the New York City Economic Development Corporation (NYCEDC), on behalf of the Office of the Deputy Mayor for Housing and Economic Development for zoning map amendment and zoning text amendment actions, and the New York City Department of Citywide Administrative Services (DCAS) for a disposition action, that would facilitate the redevelopment of a City-owned site consisting of Block 1803, Lot 1 and a City-owned portion of Second Avenue between 126th Street and 127th Street in the East Harlem community of Manhattan (“Project Site”).

Our board has considered this project over the past few months and has hosted several presentations by the development team.

Project Description

There is no specific development proposal under consideration at this time for the Project Site that would be implemented pursuant to this application and the related land use applications. A Request for Proposals (RFP) soliciting proposals for development of the Project Site would be issued by the New York City Economic Development Corporation (NYCEDC) only after this application and the related land use applications are approved. While the discretionary approvals that comprise the Proposed Project have been defined, the specific development program and site plan under the Proposed Project would depend on the RFP responses. It is anticipated that the site disposition would stipulate location and programming elements of the Harlem African Burial Ground memorial, including an outdoor area and an indoor historical and cultural facility, as well as any required mitigation measures. As the Project Site is City-owned; the applicant intends to provide more affordable housing than required by the Mandatory Inclusionary Housing (MIH) program. For City Environmental Quality Review (CEQR) analysis purposes, the current affordable housing program for the Proposed Project assumes that 50 percent of the residential units would be affordable to households earning at or below 80 percent area median income (AMI).

Based on site conditions and the uses and densities permitted under the proposed C6-3 (MIH) zoning, the applicant and the lead agency for environmental review identified a reasonable worst-case development scenario (RWCDS) that will be the subject of the environmental review.

Reasonable Worst-Case Development Scenario

The RWCDS assumes the Proposed Project would result in approximately 655,215 gsf (624,014 zsf (5.40 FAR)) of residential development (comprising approximately 730 dwelling units, of which 50 percent would be affordable to households earning at or below 80 percent AMI); approximately 315,000 gsf (300,000 zsf (2.60 FAR)) of commercial uses (including retail and office uses); approximately 30,000 gsf (28,571 zsf (0.25 FAR)) of community facility uses, including an approximately 15,000 gsf (14,286 zsf (0.12 FAR)) historical and cultural facility as part of the memorial; 300 accessory parking spaces occupying approximately 90,000 gsf; and approximately 18,000 sf of outdoor, unbuilt memorial space.

The RWCDS would include a total of approximately 952,585 zsf, representing a built FAR of 8.25 on the 115,502-sf Project Site. Overall, including accessory parking areas that would not be higher than 23 feet above the base plane elevation, the Project Site would have a total of 1,090,215 gsf of building area (or 1,000,215 gsf of building area excluding accessory parking).

As noted above, the Proposed Project includes a Zoning Text Amendment that would designate the Project Site an MIHA subject to the affordability requirements of Options 1 or 2 of the MIH program. The specific MIH option applied to the Project Site will be determined by the New York City Planning Commission (CPC) and ultimately the City Council during ULURP, which would establish the required share and bands of housing affordability required for new residential developments. However, as the project site is City-owned, the applicant intends to provide more affordable housing than required by the MIH program. For CEQR analysis purposes, the current affordable housing program for the Proposed Project assumes 50 percent of the residential units would be affordable to households earning at or below 80 percent AMI. This 50 percent share of the total housing exceeds any of the MIH options outlined by the Zoning Resolution and the 80 percent of AMI threshold provides affordability for low- and moderate-income households that would not qualify for some affordable units created pursuant to MIH requirements. While MIH designation establishes a zoning requirement for affordability, the City ownership of the Project Site and its policy decision to provide greater affordability under the Proposed Project, consistent with the OneNYC Plan, would enable the site to provide approximately 365 units for low and moderate income households.

In order to capture the upper range of development possible on the Project Site, a preliminary massing scenario for the RWCDS has been developed for environmental review purposes and reflects a scenario that maximizes the permitted FAR, is consistent with the RWCDS land use breakdown, and anticipates that site disposition would stipulate location and programming elements of the Harlem African Burial Ground memorial, including an outdoor area within the likely footprint of the historic cemetery and an indoor historical and cultural facility, as well as any required mitigation measures. For analysis purposes, the RWCDS massing assumes two separate buildings. The larger of the two RWCDS buildings would occupy the western portion of the Project Site (west of the outdoor, unbuilt memorial space), would have frontage on Second Avenue, E. 126th Street, and E. 127th Street, and would rise to a maximum building height of 340 feet (34 stories). The smaller of the two RWCDS buildings would occupy the eastern portion of the Project Site (east of the outdoor, unbuilt memorial space), would have frontage on First Avenue, E. 126th Street, and E. 127th Street, and would have a maximum building height of 211 feet (19 stories). The larger of the two buildings would include 300 accessory parking spaces, which is expected to be accessed via vehicle entry/exit(s) on E. 126th Street. All parking and loading, and associated curb cuts would be in accordance with the applicable C6-3 (MIH) zoning requirements.

Based on a feasible development timeline, design and construction are assumed to be undertaken in a continuous manner, and it is assumed that full build-out would occur by 2022. Accordingly, a 2022 analysis year is assumed for analysis purposes. As development facilitated by the Proposed Project is expected to be operational in 2022, its environmental setting is not the current environment, but the future environment.

Purpose and Need

The Proposed Project is intended to facilitate a mixed-use, mixed-income development on a large City owned site, currently not in active use, with dedicated outdoor and indoor space that honors and commemorates the significant social, economic, and cultural history of the Harlem African Burial Ground and its descendent community. The Proposed Project reflects ongoing consultation with the Harlem African Burial Ground Task Force (HABGTF), the 126th Street Bus Depot Task Force, Manhattan Community Board (CB) 11 and local elected officials, who identified the need for affordable housing, economic development, enhanced neighborhood connectivity, and a space to honor the history of the site and of the broader East Harlem community.

The recently issued East Harlem Neighborhood Plan noted that the Project Site is a “Pipeline Site2,” a site located outside of the proposed area-wide East Harlem Rezoning Proposal that the City is working toward developing, with potential for creation of new housing and other development. Although further discussion of the Project Site was not provided, its redevelopment is consistent with a recommendation to “allow for increased density in select places to create more affordable housing and spaces for jobs.” The Plan also included a recommendation to “protect buildings and sites with significant local and cultural heritage” and identified the Harlem African Burial Ground as one of these sites.

Local residents, elected officials, and other interested stakeholders created the Harlem African Burial Ground Task Force (HABGTF) to ensure that the Project Site would be recognized as the site of the Harlem African Burial Ground. The goal of these efforts is to ensure the proper recognition and respect for the history of the surrounding community is embodied in the Proposed Project. The RFP to be issued by New York City Economic Development Corporation (NYCEDC) in the future would require the selected site developer to include a memorial area comprised of an outdoor space (approximately 18,000 sf) within the likely footprint of the historic cemetery, in addition to an approximately 15,000 gsf interior historical and cultural facility, thereby furthering the HABGTF’s goals of honoring and commemorating the history of the Harlem African Burial Ground and its descendent community.

Actions Necessary to Facilitate the Proposal

In order to facilitate the Proposed Development, the Applicant requests the following series of actions:

The Proposed Project requires several discretionary approvals. These include a Zoning Map Amendment, a City Map change, and disposition of City-owned property, actions that are subject to review under ULURP, under Section 200 of the City Charter. The Proposed Project also includes a Zoning Text Amendment, which is subject to public review with requirements similar to ULURP under Sections 200 and 201 of the City Charter. The Proposed Project is also subject to the CEQR process. The discretionary approvals include:

- A Zoning Map Amendment (Zoning Sectional Map 6b) approval by the CPC to change the zoning on the Project Site (Block 1803, Lot 1 and the adjacent Demapping Area) from the existing M1-2 light manufacturing district (high performance) to a C6-3 general central commercial district;

- A Zoning Text Amendment to map the Project Site as an MIHA subject to the affordability requirements of Options 1 or 2 of the MIH program in Appendix F of the Zoning Resolution (ZR), pursuant to ZR 23-154;
- A change to the City Map to narrow a portion of Second Avenue from 174 feet to a width of 125 feet and the conveyance of that area to the adjoining City-owned property (Block 1803, Lot 1) pursuant to §4-105 of the Administrative Code of the City of New York (subject to a separate application); and
- In accordance with Sections 197-c(10) and 384(b)(4) of the New York City Charter, the City seeks disposition approval of Manhattan Block 1803, Lot 1 (approximately 105,710 sf) and a portion of Second Avenue between E. 126th Street and E. 127th Street to be demapped (approximately 9,792 sf). The total Project Site that the City seeks to dispose of is approximately 115,502 sf. The NYCEDC intends to issue an RFP for the Project Site. The City will dispose of this site to the New York City Land Development Corporation, which will then be disposed of to the selected developer.

As the Project Site is located in the Coastal Zone, pursuant to Section 1, Chapter for of Title 63 of the Rules of the City of New York, the Proposed Project requires review for consistency with the New York City Waterfront Revitalization Program (WRP).

In addition, in the future site developer may seek public financing by HPD or the New York City Housing Development Corporation (HDC) to facilitate the development of affordable housing and/or the public financing by New York City Industrial Development Agency for economic development purposes.

As discussed above, although a specific development project would not be formulated until after the completion of the approval process, it is projected that the Project Site would be developed with a new mixed-use development pursuant to the design envelope allowed by these actions and by conditions specified in the conveyance of the property including requirements for the provision of the Harlem African Burial Ground outdoor memorial and indoor historical and cultural facility.

Community Board Comments

As proposed, 126th Street Bus Depot Mixed-Use Development and Harlem African Burial Ground Memorial Project would create much need affordable housing and commercial space as well as develop a memorial, including open space and community facility space, for the historic Harlem African Burial Ground. While there is more that can be done in terms of affordability of residential units in this project, our board is encouraged that EDC, HPD, and the Speaker Melissa Mark-Viverito's Office are committed to ensuring that 20% of the site's residential units will be affordable at or below 30% of the area median income (AMI).

Community Board 11 looks forward to continuing dialogue with EDC, the 126th Street Bus Depot Taskforce, and the Harlem African Burial Ground Taskforce in anticipation and preparation for the Request for Proposals (RFP) that EDC will issue and the Points of Agreement that will ensure the chosen developer adheres to its commitments to the East Harlem community.

Community Board Recommendation

Community Board 11 (CB11) recommends approval with conditions of ULURP Application Nos. C 170275 ZMM, 170278 PPM, and 170093 MMM provided that the New York City Economic Development Corporation commit to:

1. **Ensuring the project honors and commemorates the sacred and significant social, economic and cultural history of the Harlem African Burial Ground**
2. **Following the recommendations and design guidelines outlined by the Harlem African Burial Ground Task Force**
3. **Formally engage CB11 so as to allow the Board to continue to: (i) inform the RFP process, (ii) participate in the blind-briefing and selection of the developer, and (iii) inform the final design and resulting uses of the project.**
4. **Continue exploring funding options to ensure the project is 100% affordable, in line with CB11 and East Harlem Neighborhood Plan (EHNP) recommendations.**
5. **Ensure that a portion of the project's residential units be designated for and affordable to Seniors.**
6. **Providing preference to Not-for-profit affordable housing developers, should the land be disposed of for \$1.00**
7. **Selecting a developer who will fund a "First-Source Hiring" plan and meet CB11's percentage benchmarks for MWBE and local hiring to maximize local workforce participation, job training, and placement associated with the project, both pre-construction and post construction.**
8. **Selecting a developer who will commit to working with the Building Service Union for a developer-funded training program that would select East Harlem residents and train them for permanent union jobs.**
9. **Exploring potential partnerships with both national and local cultural and educational institutions for funding for the cultural space and ensuring its sustainability.**
10. **Ensuring that the developer has a contingency plan if additional remains are found**
11. **Reducing to writing the aforementioned commitments and providing CB11 an equal role as the Councilperson in crafting a Points of Agreement.**

Full Board Vote: 26 in favor, 1 opposed, 2 abstained

If you have any questions regarding our recommendation, please contact Angel Mescain, District Manager at 212-831-8929 or amescain.cb11@gmail.com.

Sincerely,



Diane Collier
Chair
Community Board 11

Enclosure (1)

cc: Hon. Melissa Mark-Viverito, Speaker, New York City Council (via email)
Hon. Gale A. Brewer, Manhattan Borough President (via email)
Hon. Robert J. Rodriguez, New York State Assembly (via email)
Hon. Jose M. Serrano, New York State Senate (via email)
Robert Holbrook, New York City Economic Development Corporation
Candy Vives-Vasquez, Community Board 11 (via email)
Judith Febbraro, Community Board 11 (via email)

First Source Hiring Program

Purpose

The goal of this program is to recruit candidates from East Harlem FIRST!!

The developer shall fund a job placement program that recruits, screens and tracks opportunities for East Harlem residents to apply for work associated with each phase of the development project, including but not limited to pre- and post-construction jobs. The developer will establish a methodology and approach that will identify, train and refer qualified applicants over a six-year period.

The hiring goals of this program will be as follows:

- 35% of all hires for union or non-union jobs are East Harlem residents and are paid at the prevailing wage rate
- 50% of all post-construction jobs
- 35% of all contracts to MWBE and LBE organizations

Recruitment, intake and screening will require the developer to:

- Conduct the necessary outreach and host job fairs to identify possible candidates for employment at Avalon Bay for pre-construction and post construction job opportunities from Community Board 11
- Conduct resume writing and interview skills workshops
- Collect and review resumes and/or applications
- Coordinate with local workforce development organizations to identify potential candidates. These groups shall include, but not be limited to NYC Department of Small Business Services Business Solutions, Upper Manhattan Empowerment Zone, Workforce 1, El Barrios' Operation Fightback, Inc., Positive Workforce, Union Settlement and East Harlem Council for Community Improvement, Inc.
- Screen applicants to determine if applicant meets employment criteria as established by various skill sets
- Maintain list of screened applicants who meet criteria and will be referred for job placement

Training

- Provide the various training programs, including soft skills, job readiness training, career development, computer skills, customer service and civics
- Coordinate and provide supplemental hard skills training
- Assist potential applicants with identifying supplemental training and testing, as needed

Job Placement

- Utilize the East Harlem Talent Network Career Directory; Positive workforce and Strive to identify qualified candidates to be referred as direct placements,
- Refer qualified prospective employee resumes/applications to the prospective employer for their consideration
- Identify potential applicants from training programs for placements

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Applications: C 170275 ZMM, N 170276 ZRM, C 170093 MMM, and C 170278 PPM - East 126th Street Depot Harlem Burial Site

Docket Description:

C 170275 ZMM

IN THE MATTER OF an application submitted by the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b, changing from an M1-2 District to an C6-3 District property bounded by East 127th Street, First Avenue, East 126th Street, and Second Avenue*, as shown on a diagram (for illustrative purposes only) dated February 21, 2017.

*Note: Second Avenue between East 126th Street and East 127th Street is proposed to be narrowed under a concurrent related application (C 170093 MMM) for an amendment of the City Map.

Borough of Manhattan, Community District 11.

(See Continued)

COMMUNITY BOARD NO:

11

BOROUGH: Manhattan

RECOMMENDATION

APPROVE

APPROVE WITH MODIFICATIONS/CONDITIONS (List below)

DISAPPROVE

DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

John A. Brewer
BOROUGH PRESIDENT

June 2, 2017
DATE

N 170276 ZRM

IN THE MATTER OF an application submitted by the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F, for the purpose of establishing a Mandatory Inclusionary Housing area.

C 170093 MMM

IN THE MATTER OF an application, submitted by The New York City Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Second Avenue between East 126th Street and East 127th Street;
- the delineation of a sidewalk easement;
- the adjustment of grades and block dimensions necessitated thereby;

in accordance with Map No. 30251 dated February 17, 2017 and signed by the Borough President.

C 170278 PPM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 2460 Second Avenue (Block 1803, Lot 1), pursuant to zoning.



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

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www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

June 2, 2017

**Recommendation on ULURP Application Nos. 170275 ZMM, 170278 PPM, 170093 MMM -
126th Street Bus Depot Mixed-Use Development and Harlem African Burial Ground
Memorial Project**

PROPOSED ACTIONS

The City of New York is proposing a series of land use actions to facilitate the redevelopment of a City owned site in East Harlem. The New York City Economic Development Corporation (NYCEDC) seeks approval of multi-land use actions to facilitate a series of developments on a full block site bounded by Second Avenue, East 126th Street, (Block 1803, Lot 1) in the East Harlem Neighborhood, Community Board 11 (CB11) within the Borough of Manhattan.

The actions include: (1) a zoning map amendment from the existing M1-2 light manufacturing district to a C6-3 general central commercial district; (2) a zoning text amendment to map the project site as a Mandatory Inclusionary Housing Area; (3) a City Map change to narrow a portion of Second Avenue from 174 feet to a width of no less than 125 feet; and (4) the disposition of real property.

Amendment to the Zoning Map and to the Zoning Resolution

Any changes to the zoning map should be evaluated for consistency and accuracy, and given the land use implications, appropriateness for the growth, improvement and development of the neighborhood and borough. In evaluating the text amendment, this office must consider whether the amendment is appropriate and beneficial to the community and consistent with the goals of the MIH program.

Changes to the City Map

A change to the City Map is sought to narrow a portion of Second Avenue from 174 feet to a width of no less than 125 feet (plus an easement for sidewalk purposes, if needed) and the application seeks conveyance of that area to the adjoining City-owned property (Block 1803, Lot 1) pursuant to Administrative Code of the City of New York § 4-105 and the General City Law § 29.

The Disposition of Real Property

Section 197-c of the New York City Charter mandates that the disposition of all city-owned real property (other than the lease of office space) be subject to the Uniform Land Use Review

Procedure (“ULURP”). While no specific findings must be met to make a property eligible for disposition under Section 197-c, Section 1802(6)(j) of the Charter limits HPD to the disposition of residential real property.

PROJECT DESCRIPTION

The NYCEDC is proposing to redevelop a city-owned full block site in East Harlem at 2460 Second Avenue, (Block 1803, Lot 1) and a city owned portion of Second Avenue (comprising 9,792 sq ft). The proposed project will be a mixed-use development with permanently affordable housing, residential, commercial uses, and community facilities. The cornerstone of the project will be a living memorial and cultural center to honor and commemorate the significant social, economic and cultural history of the Harlem African burial ground and its descendant community. The project is expected to be completed by 2022.

Background

The Project Site is the location of consecrated land on one of the island of Manhattan’s earliest European settlements. The Village of Harlem was established on the Lenape tribal site in 1658. Two years later the Reformed Low Dutch Church of Harlem (RLDCH) was founded and within five years of its formation its first church was constructed on or near the southeastern portion of the Project Site. A newer stone church building at a location farther south replaced the original building in 1686 but the RLDCH established cemeteries on land adjoining the site of the original church’s separate burial grounds, one for settlers of European descent, and one for enslaved people of African descent were created on portions of current Block 1803. The latter at some point became known as the “Negro Burying Ground” and later also became a resting place for free people of African descent. According to church records, the Harlem African Burial Ground received burials from various African-American church congregations and remained active until at least 1856. While records indicate that the remains of the settlers of European descent were moved and reinterred at Woodlawn Cemetery in the Bronx, there is no record of the removal of the remains of those buried in the Harlem African Burial Ground; it is believed that the remains of persons of African descent were left on the site as it redeveloped.

After its sale in the 1850’s the site experienced a succession of uses and developments, that were incongruent to the cemetery and the graves that remained. Beginning in the 1870s, a “picnic park” variously known as Sulzer’s Harlem River Park and Harlem River Casino operated as a popular beer garden type of facility. It encompassed most of the block including the historic burial ground site. This facility remained on the Project Site until about 1919, having been rebuilt following a 1907 fire. The eastern portion of the block, along First Avenue, was under separate ownership and at one point was occupied by a lumber yard. In the 1920s, a movie studio replaced Sulzer’s Harlem River Park and also incorporated the portion of the block along First Avenue. The movie studio, originally occupied by Cosmopolitan Pictures and the International Film Service Company (both owned by William Randolph Hearst), and later by Metro-Goldwyn-Mayer (MGM), remained until the 1930s.

In 1945, the Project Site was bought by the Third Avenue Transit Corporation for redevelopment as a bus depot, which opened in 1947. Following a series of consolidations and public takeover

of bus services during the 1950s and '60s, the City took ownership of the bus depot and it was operated by MTA New York City Transit (NYCT) until the agency recently relocated its operations to the expanded Mother Clara Hale Bus Depot on Lenox Avenue and W. 146th Street.

Since the sale of the Harlem African Burial Ground site in the 1850's the land underwent a series of adjustments to the block dimensions. Originally a waterfront property, the northeastern portion of the Project Site was originally part of the Harlem River. By 1870, the shoreline was filled in, expanding the block to First Avenue as delineated in the 1811 Commissioners' Plan. During the 1940s, two City Map Changes related to the establishment of the Harlem River Drive on the City Map adjusted street lines adjoining the block, resulting in the present block boundaries. In 1941 the boundary of the northeast corner of the block was adjusted by rounding off the corner to accommodate the Drive's right-of-way. A second City Map Change in 1946 further adjusted the boundary at the northeast corner and also widened the right-of-way of Second Avenue adjoining the block for two purposes: to create northbound vehicular lanes providing access to the northbound Harlem River Drive for vehicles entering Manhattan via the RFK Triborough Bridge; and to create the bus parking area adjoining the bus depot building, i.e., what is now the Demapping Area. With the mapping of these areas, they were acquired by the City.

East Harlem African Burial Ground Task Force

The East Harlem African Burial Ground Task Force was formed in 2009 by a group of concerned citizens that have united to help the Elmendorf Reformed Church restore and memorialize the Harlem African Burial ground and protect the site from further redevelopment without public acknowledgement and honoring of the deceased.

The stated goals of the East Harlem African Burial ground are to "reclaim, preserve, and recognize this sacred cemetery," in light of the proposed redevelopment project.³ The main priorities of the task force are to honor the dead, reclaim history, promote and protect the site. They support the development of a public memorial so it can be explored and shared with the public, and offer acknowledgement to the historic contributions of enslaved and free African-Americans to the economy, infrastructure and society.

The board is co-chaired by Reverend Dr. Patricia A. Singletary, Pastor of Elmendorf Reformed Church and Melissa Mark-Viverito, the New York City Council Speaker.

East Harlem Neighborhood Plan

The East Harlem Neighborhood Plan ("EHNP" or "Plan") is a community-driven comprehensive roadmap for fostering smart growth in East Harlem. The process was led by City Council Speaker Mark-Vivierito, Manhattan Community Board 11, Community Voices Heard (CVH) and Manhattan Borough President Gale A. Brewer in partnership with a 21-member steering committee of local stakeholders. Developing the plan was a yearlong process with no less than eight large public meetings, approximately 40 policy discussion, numerous calls and meetings with city agencies and on the ground canvassing for person-to-person survey collection. The culmination of this work resulted in a final report with over 230 key objectives and recommendations to ensure a stable and inclusive future for the neighborhood.

Area Context

The East Harlem Neighborhood is north of the Upper East Side and generally bounded by East 96th Street to the south, Fifth Avenue to the west, East 142nd Street to the north and the Harlem River to the east. The major commercial corridors in the area are along 116th Street and 125th Street, and Second and Third avenues. It is a vibrant, culturally rich community, but like many New York City neighborhoods faces challenges, with many residents in need of affordable housing, economic opportunities, and community facilities and services.

Located on the northeastern section of CB11, the project site is surrounded by a rich and diverse mix of land uses, building types, natural resources, and cultural & historical sites. The land uses within a half-mile radius of the Proposed Project Site, include residential, industrial, religious, educational and recreational uses. Public and public-type private “facility” uses in the immediate area include parks, a public school, a charter school, a private school, a job center, a benefits center, a senior center, and a day-care facility.

The Project Site is situated in a triangular-shaped area bounded by man-made and natural boundaries including East 125th Street and the ramps of the RFK Triborough Bridge on the south, the elevated MTA Metro-North rail viaduct above Park Avenue on the west, and the Harlem River and the Harlem River Drive on the northeast. This area is sometimes referred to as “East Harlem Triangle” and that term is used here to describe the area surrounding the Project Site. The Willis Avenue and Third Avenue Bridges and related roadway ramps are also located within this area. These transportation facilities provide direct transportation connections to the other boroughs.

The block directly northwest of the project site hosts a diverse group of community stakeholders, institutions and commercial entities. That block is the site of the Potamkin auto mall. It contains at-grade parking for Potamkin Hyundai and Mitsubishi auto dealerships’ vehicles. Directly west of the auto mall there are two lots which serve as the home to the True Church of God on Third Avenue, and King’s Academy, a private school, which fronts Third Avenue from East 127th to East 128th Streets.

Directly west of the site, The New York Proton Center, a state of the art cancer treatment facility, is under construction and is expected to be completed within the year.

Parks and Open Space

East Harlem is home to parks, playgrounds, and community gardens that provide recreational opportunity to the neighborhood’s residents. The neighborhood is flanked by two city-wide parks, Central Park and Randall’s Island, as well as two neighborhood parks, Marcus Garvey Park on the western border of the community district spanning East 120th Street and East 124th Street and Thomas Jefferson Park on the district’s eastern border from East 111th Street to East 114th Street. Harlem River Park is directly north of the project site and the Crack is Wack Playground is directly east of Second Avenue between 127th Street and Harlem River Drive. Harlem River Park soccer field shares the eastern corner of that same block with the Chevrolet Cadillac of Harlem dealership. Harlem River Park is accessible from a pedestrian footbridge

along the Third Avenue Bridge, providing access from the north side of East 128th Street between Third Avenue and Lexington Avenue. Additionally, people can enter the park from East 128th Street closer to Second Avenue. East Harlem also has access to an active and publicly accessible waterfront at the Harlem River.

Other nearby parks and recreation facilities that serve the community include Wagner Houses Pool and Recreation Area and Othmar Ammann Playground, in the area bounded by the RFK Triborough Bridge Entry Ramp, First Avenue, East 124th Street, and Second Avenue on Block 1801; and Dream Street Park, located at 223 East 124th Street, midblock between Second and Third Avenues. Triboro Plaza, a park owned and operated by the New York City Department of Parks and Recreation (NYC Parks) is located adjacent to Triborough Bridge entry and exit roads, which extend parallel to and bracket East 125th Street between First and Second Avenues on Blocks 1801 and 1802.

Randall's Island, home of a major regional park, is located directly across the Harlem River from the 600-foot radius area. Access to the 256-acre Randall's Island Park is provided via the RFK Triborough Bridge pedestrian and bicycle path, accessible via East 125th Street, and the M35 bus route; the closest stops to the Project Site are located at Second Avenue, eastbound on East 124th Street and westbound on East 126th Street.

Zoning

The M1-2 light manufacturing (high performance) district mapped on the Project Site also extends southward to include the properties with frontage on the south side of East 126th Street (northern half of Block 1801). To the south of the Project Site within the one-half mile radius, the zoning is predominantly medium to high density residential (R7B, R7A, R8A, and R9). There is a C4-4D commercial zone along Third Avenue from East 125th Street down to East 117th Street and an M1-1 manufacturing zone along Park Avenue between East 124th to East 120th Streets. In 2008, the City approved the Special 125th Street District (125), within which C4-4D general commercial districts were mapped along portions of East 125th Street (Martin Luther King Jr. Boulevard). To the northwest of the Project Site, west of Lexington Avenue, the zoning is predominantly R7-2. Within a 600 foot radius, the primary existing building characteristics consist of commercial/office space, public institutions/facilities, and multi-family elevator buildings. Despite adjacent residential zoning, there is little residential use within the predetermined study radius. The area between East 112th Street and East 115th Street from Lenox Avenue to 1st Avenue, however, is home to four New York City Housing Authority (NYCHA) developments built between the 1940s through the 1960s.

In addition to the Special 125th Street District, the Special Transit Land Use District (TA), is mapped along the Second Avenue corridor, on both sides of the avenue extending south from the south side of East 126th Street to the north side of East 120th Street. As such, the Project Site is not located in the TA District, but other properties in the 600-foot radius area are within the TA Special District and subject to its requirements. The TA Special District relates development along Second Avenue to the future Second Avenue subway line. This is achieved via a certification process when sites in the district undergo development.

Transit

The area is well served by local transit with the 4, 5, and 6 subway lines. Local stops include East 103rd Street, East 110th Street, East 116th Street, and East 125th Street along Lexington Avenue with an express stop at East 125th Street. The Second Avenue Subway will also be able to service the neighborhood once completed. The line will stretch 8.5 miles along the length of Manhattan's East Side, from 125th Street in Harlem to Hanover Square in Lower Manhattan. In addition, a track connection to the existing 63rd Street F train and the N, Q, R Broadway Lines will allow a second subway line to provide direct service from East Harlem and the Upper East Side to West Midtown via the Broadway express tracks. Local Manhattan buses include the M15, M35, M60, M98, M100, M101, M103, for the East Harlem neighborhood. There is also a Metro North Railroad station at 125th Street and Park Avenue. Nearby major vehicular thoroughfares include, in order of proximity to the site, Second Avenue, the Harlem River Drive, East 125th Street (aka Dr. Martin Luther King Jr. Boulevard), the Willis Avenue Bridge, the Robert F. Kennedy Bridge (aka the Triborough Bridge), the Third Avenue Bridge, Park Avenue, and the Major Deegan Expressway (aka I-87).

Cultural Institutions

There are also a number of cultural institutions located within East Harlem, such as La Marqueta, El Museo del Barrio, the Museum of the City of New York, Mount Sinai Center, and the New York Academy of Medicine. The East River Plaza, along the FDR between East 116th and East 119th Streets, is a major commercial center in the area, consisting of national chain stores such as Target and Costco.

Development Site and Project Site

The approximately 115,502-square feet proposed project area, referred to as the Project Site to maintain consistency with other project documents, is located in East Harlem, Manhattan CD 11. The full-block Project Site is bounded by narrow east-west streets and wide north-south avenues. However, given the Project Site's proximity to the Harlem River Drive, RFK Triborough Bridge, Willis Avenue, and entry and exit ramps connecting those facilities with the street grid, the layout of streets adjoining the Project Site is highly unusual and does not reflect the standard Manhattan grid plan or standard vehicle circulation patterns.

The Project Site consists of two properties, the full-block bounded by East 127th Street to the north, First Avenue to the east, East 126th Street to the south, and Second Avenue to the west, which is occupied by the MTA's 126th Street Bus Depot, and an adjoining paved area used for bus parking that was mapped as part of a Second Avenue widening in 1946. This property would be demapped as part of the Proposed Project and reincorporated into the block.

The 126th Street Bus Depot Lot, existing Block 1803, Lot 1, is an approximately 105,710-square foot City-owned property. It is irregularly shaped, resembling a rectangle with one corner—the northeast corner—rounded off. This is due to its location at the edge of the Manhattan rectilinear street grid adjacent to the right-of-way of the Harlem River Drive, which follows the shape of the Harlem River's curving shoreline. The property has 199.83 feet of frontage on Second Avenue and 541 feet of frontage on East 126th Street. The First Avenue frontage extends 129.26 feet north from, and perpendicular to, East 126th Street. At that point, the boundary curves at a radius arc of 300 feet for a distance of 105 feet. The East 127th Street frontage extends 463.98 feet east

from, and perpendicular to, Second Avenue. At that point, the frontage meets the curved boundary described above.

The Demapping Area was mapped as part of the Second Avenue widening in 1946 and acquired by the City. It is physically separated from the street bed by curbs and a sidewalk with street trees, and has been used by the 126th Street Bus Depot primarily as a parking lot for buses. It provides access to building vehicular entrances on the western side of the 126th Street Bus Depot. As such, the Demapping Area functioned as a western extension to the 126th Street Bus Depot Lot. It has a total north-south length of 199.83 feet and will measure 49 feet (east-west) in width, for a total area of 9,792 square feet. Prior to 1946, when the Second Avenue right-of-way was widened, this area was part of Block 1803, Lot 1. As part of the Proposed Project, this area would be reincorporated into Block 1803.

There are no above-ground visual indications of the historic Harlem African Burial Ground that had once occupied portions of the eastern part of the Project Site, but a recent archaeological investigation across four test trenches placed within the 126th Street Bus Depot footprint uncovered disarticulated human remains (defined as remains that are not oriented as they would have been in their original burial configuration) in one of the trenches, confirming the likely presence of the historic Harlem African Burial Ground.

Proposed Project

There is no specific development proposal under consideration at this time for the Project Site that would be implemented pursuant to this application and the related land use applications. However, the current application was submitted with the intention of creating an outdoor and indoor memorial and cultural center dedicated to the African Burial Ground. It will be the centerpiece of a project that will also include a large mixed use development consisting of affordable housing and commercial uses.

A Request for Proposals (RFP) soliciting proposals for development of the Project Site would be issued only after this application and the related land use actions are approved. While the discretionary approvals that comprise the Proposed Project have been defined, the specific development program and site plan under the Proposed Project would depend on the RFP responses. It is anticipated that the site disposition would stipulate location and programming elements of the Harlem African Burial Ground memorial, including an outdoor area and an indoor historical and cultural facility, as well as any required mitigation measures. Additionally, because the Project Site is City-owned, the applicant intends to provide more affordable housing than required by the MIH program.

Based on site conditions and the uses and densities permitted under the proposed C6-3 (MIH) zoning, the applicant and the lead agency for environmental review identified a reasonable worst-case development scenario (RWCDs). The RWCDs assumes the Proposed Project would result in approximately 655,215 gross square feet (gsf) (624,014 zoning square feet (zsf) (5.40 FAR)) of residential development (comprising approximately 730 dwelling units of which 50 percent would be affordable to households earning at or below 80 percent AMI); approximately 315,000 gsf (300,000 zsf (2.60 FAR)) of commercial uses (including retail and office uses); approximately 30,000 gsf (28,571 zsf (0.25 FAR)) of community facility uses, including an

approximately 15,000 gsf (14,286 zsf (0.12 FAR)) historical and cultural facility as part of the memorial; 300 accessory parking spaces occupying approximately 90,000 gsf; and approximately 18,000 sf of outdoor, unbuilt memorial space.

The RWCDs would include a total of approximately 952,585 zsf, representing a built FAR of 8.25 on the 115,502-sf Project Site. Overall, including accessory parking areas that would not be higher than 23 feet above the base plane elevation, the Project Site would have a total of 1,090,215 gsf of building area (or 1,000,215 gsf of building area excluding accessory parking).

In order to capture the upper range of development possible on the Project Site, a preliminary massing scenario for the RWCDs was developed by the applicant for environmental review purposes. The massing reflects a scenario that maximizes the permitted FAR, is consistent with the RWCDs land use breakdown, and anticipates that site disposition would stipulate location and programming elements of the Harlem African Burial Ground memorial, including an outdoor area within the likely footprint of the historic cemetery and an indoor historical and cultural facility, as well as any required mitigation measures. The RWCDs massing assumes two separate buildings. The larger of the two RWCDs buildings would occupy the western portion of the Project Site (west of the outdoor, unbuilt memorial space), would have frontage on Second Avenue, East 126th Street, and East 127th Street, and would rise to a maximum building height of 340 feet (34 stories). The smaller of the two RWCDs buildings would occupy the eastern portion of the Project Site (east of the outdoor, unbuilt memorial space), would have frontage on First Avenue, East 126th Street, and East 127th Street, and would have a maximum building height of 211 feet (19 stories). The larger of the two buildings would include 300 accessory parking spaces, which is expected to be accessed via vehicle entry/exit(s) on East 126th Street. All parking and loading, and associated curb cuts would be in accordance with the applicable C6-3 (MIH) zoning requirements.

Based on a feasible development timeline, design and construction are assumed to be undertaken in a continuous manner, and it is assumed that full build-out would occur by 2022.

Proposed Actions

The proposed project would create an outdoor memorial and indoor cultural center commemorating the Harlem African Burial Ground in addition to a mixed use development containing affordable housing and commercial use. To facilitate this development, the following actions are required:

Zoning Map Change

A Zoning Map Amendment to Zoning Sectional Map 6b requires approval by the CPC. This would change the zoning on the Project Site (Block 1803, Lot 1 and the adjacent Demapping Area) from the existing M1-2 light manufacturing district (high performance) to a C6-3 general central commercial district.

As a result of the proposed C6-3 district, residential use (Use Groups 1 and 2), which is not permitted by the existing M1-2 zoning, would be permitted on the Project Site. Additionally, most commercial uses (Use Groups 5 to 12) would continue to be allowed. However, low coverage/open uses (Use Group 13) and boating and related uses (Use Group 14) permitted

under M1-2 would no longer be allowed. A broader range of community facility uses (Use Groups 3 and 4) would be allowed under C6-3 as compared to M1-2 (Use Group 4 only). Semi-industrial general commercial (Use Group 16) and light manufacturing uses (Use Group 17), which are currently allowed under M1-2, would not be permitted.

The overall permitted density on the Project Site would also change. The maximum permitted FARs for the Project Site under C6-3 (MIH) would be 8.0, 6.0, and 10.0 for residential, commercial, and community facility uses, respectively. In contrast, M1-2 allows maximum permitted FARs of 2.0 and 4.8 for commercial/manufacturing and community facility, respectively.

Proposed Actions

City Map Change

The city seeks a change to the City Map to narrow a portion of Second Avenue from 174 feet to a width of 125 feet for a total of 9,791.67 sq. ft. and the conveyance of that area to the adjoining City-owned property (Block 1803, Lot 1) pursuant to §4-105 of the Administrative Code of the City of New York. The mapping action will also allow for the adjustment of legal grades necessitated by this change.

A city map change is subject to the city's Uniform Land Use Review Procedure (ULURP) and as such shall be reviewed by the Borough President and a recommendation issued based on the interests of the people in the Borough. In addition, the Office of the Borough President has the responsibility to ensure the technical accuracy of such map prior to certification into public review.

Disposition of City-Owned Property

In accordance with Section 197-c(10) of the New York City Charter, the City seeks disposition approval of Manhattan Block 1803, Lot 1 (approximately 105,710 sf) and a portion of Second Avenue between East 126th Street and East 127th Street to be demapped (approximately 9,792 sf). The total Project Site that the City seeks to dispose of is approximately 115,502 sf. The NYCEDC intends to issue an RFP for the Project Site. The City will dispose of this site to the New York City Land Development Corporation, which will then dispose of the site to the developer selected through the RFP process.

Zoning Text Amendment

Complementary to the zoning map amendment allowing for a change in use and an increase to the permitted residential floor area ratio, a zoning text amendment to modify Appendix F of the Zoning Resolution to apply Mandatory Inclusionary Housing requirements to the site is required.

As discussed above, although a specific development project would not be formulated until after the completion of the approval process, it is projected that the Project Site would be developed with a new mixed-use development pursuant to the design envelope allowed by these actions and by conditions specified in the conveyance of the property including requirements for the provision of the Harlem African Burial Ground outdoor memorial and indoor historical and cultural facility.

COMMUNITY BOARD'S RECOMMENDATION

The first official comment made by Manhattan Community Board 11 (CB11) was on the Draft Scope of Work (DSOW) on October 21, 2016. At that time, CB11 recommended 50% of total units should be permanently affordable. The Board included as part of their comments on the DSOW that:

- The permanency of the units be included as a restriction to the deed;
- That community preference within the CB11 catchment zone be enforced;
- An affordability tier should be established that reaches the lowest income tiers possible and
- That the eventual developer of the site establish a fund to keep apartments in the surrounding area affordable.

Additionally, CB11 echoes the needs represented by the Harlem African Burial Ground Task Force who also submitted testimony which was made available with supporting documentation on their website.¹

At its Full Board meeting on April 18, 2017, CB 11 passed a favorable resolution with conditions in support of the application. In their comments submitted to the Department of City Planning, CB11's approval was contingent on the conditions that the applicant:

1. Ensure the project honors and commemorates the sacred and significant social, economic and cultural history of the Harlem African Burial Ground;
2. Follows closely the recommendations and design guidelines outlined by the Harlem African Burial Ground Task Force;
3. Provides an official role for CB11 to continue to
 - a. inform the development of an RFP for the project site,
 - b. have a meaningful role in the selection of the developer; and inform the final design and resulting uses of the project;
4. Continues to explore scenarios that would allow all housing onsite to be 100 percent affordable, as reflected in recommendations put out by both CB11 and East Harlem Neighborhood Plan (EHNP);
5. Ensures that a portion of the project's residential units be designated for, and affordable, to seniors;
6. Gives preference to not-for-profit affordable housing developers, in the event that the land is disposed of for \$1.00;
7. Requires the selected developer to fund a "First-Source Hiring" plan and meet CB11's percentage benchmarks for MWBE and local hiring to maximize local workforce participation, job training, and placement associated with the project, both preconstruction and post construction;

¹ <https://www.habgtaskforce.org/>

8. Requires the selected developer to commit to working with the Building Service Union for a developer-funded training program that would select East Harlem residents and train them for permanent union jobs;
9. Explore potential partnerships with both national and local cultural and educational institutions for funding for the cultural space and ensuring its sustainability;
10. Ensures that the selected developer has a contingency plan if additional human remains are found on the project site;
11. In addition to the aforementioned commitments, ensures that CB11 will have an equal role to the Councilperson in crafting any Points of Agreement related to the project site.

At the full board meeting 26 voted in favor, 1 opposed, and 2 abstentions.

BOROUGH PRESIDENT COMMENTS

It is not the regular practice of this office to recommend the approval of a land use project with so much unknown about the final product, the built structure, the programmatic elements, and the financial components. As noted above, the project site is situated in a remarkably isolated location. A remedy to this issue is a significant challenge and at the time this recommendation is being written there are no concrete remedies for how the many challenges surrounding the project site will be cured. This community's unwavering dedication to the mission of protecting and preserving their culture should be honored with an appropriate site plan for this project and every effort should be made by the city and its surrogates to assist in developing partnerships and obtaining permanent revenue streams to ensure the sustainability of the memorial and cultural center proposed. My office has met with several of the stakeholders involved in this project and we have been assured that the appropriate actions will be taken. Despite the concerns I have surrounding much of the unknown in actual site plan and programming in this project, I recognize that this project is the result of a lengthy collaborative effort on behalf of the community, local elected officials and city agencies. For that reason I am supportive of this project.

As previously noted, there is no specific proposal under consideration at this time for the Project Site. A Request for Proposals soliciting proposals for development of the Project Site would be issued only after this application and the related land use applications are approved. That places the residents of East Harlem in a vulnerable and precarious position. It also places this office in the peculiar position of approving this application without knowing what the final product will be. Generally, this would be unacceptable, and as a matter of policy under other circumstances this office might have no choice but to disapprove this application. However, the circumstances surrounding this project are distinct and unusual. This project is the result of a thoughtful and inclusive planning process driven by City Council Speaker Melissa Mark-Viverito and the NYCEDC. The Harlem African Burial Task Force was created in conjunction with the East 126th Street Bus Depot Task Force to develop goals for the site's redevelopment and advocate for recognition of the site's cultural significance in the history of the city. Additionally, this will not be the last time this office will opine on this project. Pursuant to Section 384(b)(4) of the City Charter, the disposition of land to the EDC to facilitate this project requires approval by the majority of the members of the Manhattan Borough Board. Therefore, this office will have

another opportunity to evaluate and offer our opinion on this project after details of the proposal will have been presented. Because of these circumstances, in this case, we believe approval of this project is warranted despite the level of uncertainty at the present moment.

The success of this project will require the concerted effort of the city and the community until it is complete. The city must continue to engage with East Harlem residents, the Harlem African Burial Ground Task Force (“HABGTF”), and Community Board 11. The administration must continue to listen and incorporate community input. And we must all remain watchful to ensure the project’s goals and objectives are realized.

It would be remiss of me if I did not take a moment to highlight one important fact about this project. One of the city’s greatest assets is the land that it owns. We have seen in recent proposals what can happen if this asset is squandered. This project has the potential to serve as a prime example of what can be achieved with city land and some creativity. We have before us a rare opportunity to preserve, protect, and honor Harlem’s past while simultaneously develop for current and future needs. There are far fewer limitations to our ability to achieve essential goals for this community, and the city in general, as a result of the fact that the project site is city owned.

While the memorial and cultural center will be a crowning achievement, the affordable housing component of this project has the potential to be a precious byproduct of the great historical discovery made on this site. My office continues to stand in support of the Mayor’s goal of providing 200,000 dwelling units of affordable housing. My office has met with representatives from the NYCEDC and we have spoken with Lord Cultural Resources, a consultant that was hired to assist in developing financial and programmatic elements of the plan in conjunction with the HABGTF. What we have learned is that there is somewhat of a balancing act that takes place between maximizing the number of affordable units with the lowest income bands and ensuring that the building itself, and in this case the memorial and cultural center, is sustainable. For the building and the memorial and cultural center to remain self-sustaining and operational there must be enough revenue generated by the residential units. Therefore, we have been told that there may be a scenario where there are less total number of affordable housing units so that the lowest income bands can be created in significant numbers and another scenario where the total number of affordable housing units generated is 100% or close to 100% but the lowest income bands are much less represented. We currently understand that there is a commitment on behalf of the city to create at least 20% of the residential units at 30% AMI. My office asks that all resources be expended and alternatives exhausted to ensure 100% of the units in this development are made affordable with the lowest income bands created in significant numbers in perpetuity.

To ensure the longevity of this project and honor the site and the community residents who have worked tirelessly to bring attention to its history several efforts should be made. There should be commitments made by city and state agencies, collaborative partnerships with state and national parks and historic preservation offices, as well as efforts to secure private contributions from the country’s charitable funds and organizations to offset capital and operational costs. The city and state should commit to financing the capital costs for the memorial and cultural center. Empire State Development (ESD) grants should be sought for construction while NYCEDC will also

have to shoulder a significant percentage of these costs as well. Operational costs are often the most difficult to offset because most grant opportunities focus on programming rather than operating cost. Therefore, efforts must be made to attain support that is both diverse and comprehensive. One example of this came to light during a conversation with representatives of the National Parks Service (NPS) earlier this month. During that conversation it was suggested that the city pursue “Affiliated Area” status. Affiliated Areas are not parks, nor are they owned or administered by the federal government, but through a cooperative agreement the affiliated site receives technical assistance and some financial aid from NPS. It is also important that the city and the HABGTF broaden the network to assure a larger base of support for grant applications in the future. Outreach to nonprofit and educational organizations with related focus to the Harlem African Burial Ground can lead to commitments of additional support. Private fundraising will be essential and there are several private entities with a record of providing funds for projects similar to this one. Lastly, the HABGTF should continue to pursue having the site placed on the state and national Registers of Historic Places. Placement on the state and national registers would create opportunities for tax credits and preservation grants.

I remain concerned but also encouraged that with a concerted effort that is relentless and creative this project will be a success. I ask that the city continue to work with the HABGTF and CB11 to develop strategies that preserve the integrity of this project and make it self-sustaining.

BOROUGH PRESIDENT RECOMMENDATIONS

Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. 170275 ZMM, N 170276 ZRM, 170278 PPM, and 170093 MMM with the following conditions:

- 1. Honor the commitment to ensuring the project honors and commemorates the Harlem African Burial Ground;**
- 2. Follow through on its commitment to exhaust all possibilities in providing 100% affordability with at least 20% of the residential units affordable at 30% AMI;**
- 3. Provide an official role for CB11 to continue to inform the development of an RFP for the project site, have a meaningful role in the selection of the developer, and inform the final design and resulting uses of the project;**
- 4. Provide preference to Not-for-profit affordable housing developers;**
- 5. Continue to work with the HABGTF in developing design guidelines and other recommendations for the site;**
- 6. Explore diverse funding sources on a local, state, and national level to ensure the project’s sustainability;**
- 7. Conduct outreach to nonprofit and educational organizations with related focus to the Harlem African Burial Ground.**



Gale A. Brewer
Manhattan Borough President

Exhibit A



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

NOTICE OF COMPLETION
of the
FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
for the
EAST 126th STREET BUS DEPOT MEMORIAL & MIXED-USE PROJECT

Lead Agency: Office of the Deputy Mayor for Housing & Economic Development
253 Broadway, 14th Floor
New York, NY 10007

CEQR Number: 16DME011M

ULURP Numbers: C 170093 MMM, C 170275 ZMM, N 170276 ZRM, and C 170278 PPM

SEQRA Classification: Type I

Date Issued: July 13, 2017

Location: Block 1803, Lot 1
Community District 11
Borough of Manhattan

Pursuant to City Environmental Quality Review, Mayoral Executive Order 91 of 1977, as amended, and the City Environmental Quality Review Rules of Procedure found at Title 62, Chapter 5 of the Rules of the City of New York (CEQR), and the State Environmental Quality Review Act (SEQRA), Article 8 of the New York State Environmental Conservation Law and its implementing regulations found at Part 617 of 6NYCRR (SEQRA), a Final Generic Environmental Impact Statement (FGEIS) has been prepared for the actions described below and is available for public inspection at the offices listed at the end of this notice. A public hearing on the Draft Generic Environmental Impact Statement (DGEIS) was held on June 7, 2017 by the New York City Department of City Planning at Spector Hall, 22 Reade Street, New York, NY 10007. Written comments on the DGEIS were requested and were received considered by the Lead Agency, the New York City (NYC) Office of the Deputy Mayor for Housing and Economic Development (ODMHED), until June 19, 2017. The FGEIS incorporates responses to the public comments received on the DGEIS and additional analysis conducted subsequent to the completion of the DGEIS.

1. INTRODUCTION

The City of New York is proposing a series of land use actions (collectively the “Proposed Project”) to facilitate the redevelopment of a City-owned site in East Harlem (the “project site”). The project site consists of the block bounded by E. 127th Street to the north, First Avenue to the east, E. 126th Street to the south, and Second Avenue to the west. It includes all of the approximately 105,710-square-foot (sf) existing Block 1803, Lot 1, a City-owned property that, since the 1940s, has been occupied by the 126th Street Bus Depot, as well as an adjoining bus parking area (comprising 9,792 sf) located immediately west of Lot 1. The Metropolitan Transportation Authority (MTA) is in the process of vacating the bus depot, which has been operated pursuant to a lease, and returning it to the City.

The Proposed Project could result in up to approximately 655,215 gross square feet (gsf) of residential development (comprising approximately 730 dwelling units [DUs]). For CEQR analysis purposes it has been assumed that 50 percent of the DUs would be affordable to households earning at or below 80 percent Area Median Income [AMI]). The affordability program assumed for analysis purposes does not preclude more than 50 percent of units being designated affordable, nor does it preclude units targeted to households at low- and very low-income levels. Between the Draft and Final GEIS, the City committed to achieving a deeper level of affordability by ensuring that 20 percent of all the DUs would be reserved for households earning at or below 30 percent AMI. The Proposed Project would also include approximately 315,000 gsf of commercial uses (including retail and office uses); approximately 30,000 gsf of community facility uses (including an approximately 15,000 sf historical and cultural facility as part of the memorial); 300 accessory parking spaces (to be provided in an above-ground enclosed garage); and approximately 18,000 sf of outdoor, unbuilt memorial space. The Proposed Project would include a total of approximately 952,585 zoning square feet (zsf), representing a built floor area ratio (FAR) of 8.25. Overall, including required accessory parking areas the project site would have a total of 1,090,215 gsf of building area. The Proposed Project is expected to be completed by 2022.

The site is historically significant having once contained, among other things, the historic Reformed Low Dutch Church of Harlem (RLDCH) and its associated cemeteries. Recent archaeological investigations conducted in consultation with the New York City Landmarks Preservation Commission (LPC), the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), and members of the Harlem African Burial Ground Task Force, across four test trenches uncovered disarticulated human remains (defined as remains that are not oriented as they would have been in their original burial configuration) in one of the trenches, confirming the likely presence of the historic Harlem African Burial Ground.¹ As such, the site has been determined eligible for listing on the State and National Register of Historic Places (S/NR). These disarticulated remains were discovered outside the cemetery area and indicate that the formerly intact burials were significantly disturbed and/or removed over the course of the site’s history. To commemorate the Harlem African Burial Ground, any future development proposal would be required to include a memorial within the likely footprint of the historic cemetery as a central component of the proposed site plan. Any development on the project site would also require continued consultation with LPC and others, including OPRHP and the Harlem African Burial Ground Task Force.²

There is no specific development proposal under consideration at this time. Instead, a reasonable worst-case development scenario (RWCDS) has been formulated based on the proposed zoning changes and was the subject of this environmental review. After the approvals comprising the Proposed Project complete the

¹ It should be noted that only portions of the project site were tested (four trenches). Phase 2 Archaeological Evaluation and monitoring on the project site is necessary in order to determine the full nature and extent of human remains present. The four trench locations were chosen based on historic maps and in areas clear of below-grade obstructions.

² The memorial component of the Proposed Project, as well as any new development built on portions of the site that remain City-owned would require approval from the New York City Public Design Commission.

City's Uniform Land Use Review Procedure (ULURP), a Request for Proposals (RFP), soliciting proposals for development of the project site would be issued. It is anticipated that the site disposition would stipulate through the Contract of Sale, the location and programming elements of the Harlem African Burial Ground memorial, including the outdoor memorial area within the likely footprint of the historic cemetery and an indoor historical and cultural facility, as well as improvements to Second Avenue between E. 126th and E. 127th streets and any required mitigation measures. In order to address the potential range of responses to an RFP, the environmental review analyzes a RWCDs that conservatively considers the reasonable worst-case potential for environmental effects for each impact category. While the discretionary approvals that comprise the Proposed Project have been defined, the specific development program and site plan under the Proposed Project would be dependent on the RFP responses. Thus, pursuant to City Environmental Quality Review (CEQR), a generic environmental impact statement (GEIS) has been prepared that considers the environmental impacts based on the RWCDs.

A GEIS is a more general EIS that analyzes the impacts of the maximum allowable build-out of a concept that aligns with the zoning district, rather than those of a specific project plan. A GEIS is useful when no specific project has been proposed and the details of a future development program cannot be accurately identified. The GEIS is able to capture a broad range of development options that fit within the parameters of the Proposed Project resulting from a set of actions. It should be noted that the program analyzed in the RWCDs is being used for illustrative and analysis purposes only; a site-specific breakdown is required for the environmental review. This is not meant to indicate an actual development program.

2. BACKGROUND

Project Site

The project site consists of the block bounded by E. 127th Street to the north, First Avenue to the east, E. 126th Street to the south, and Second Avenue to the west. The project site is located within the northern part of the neighborhood, sometimes referred to as the East Harlem Triangle, as the course of the Harlem River in this area runs at a diagonal alignment relative to the Manhattan grid, within Manhattan Community District (CD) 11.

The project site consists of two properties:

- 1) *126th Street Bus Depot Lot*: the full-block bounded by E. 127th Street to the north, First Avenue to the east, E. 126th Street to the south, and Second Avenue to the west, which is occupied by the MTA's 126th Street Bus Depot; and
- 2) *Demapping Area*: an adjoining paved area used for bus parking that was mapped as part of a Second Avenue widening in 1946, which would be demapped as part of the Proposed Project and reincorporated into the block.

126th Street Bus Depot Lot

The 126th Street Bus Depot Lot (existing Block 1803, Lot 1) is an approximately 105,710-sf City-owned property. It is irregular-shaped, resembling a rectangle with one corner—the northeast corner—that has been rounded off. This is due to its location at the edge of the Manhattan rectilinear street grid adjacent to the right-of-way of the Harlem River Drive, which follows the shape of the Harlem River's curving shoreline. The property has 199.83 feet of frontage on Second Avenue and 541 feet of frontage on E. 126th Street. The First Avenue frontage extends 129.26 feet north from and perpendicular to E. 126th Street. At that point, the boundary curves at a radius arc of 300 feet for a distance of 105 feet. The E. 127th Street frontage extends 463.98 feet east from and perpendicular to Second Avenue. At that point, the frontage meets the curved boundary described above. Addresses associated with the 126th Street Bus Depot Lot

include 2460 to 2478 Second Avenue (even numbers), 301 to 359 E. 126th Street (odd numbers), and 300 to 350 E. 127th Street (even numbers).

Demapping Area

The Demapping Area comprises 9,792 sf, measuring 199.83 long (north-south) and 49 feet wide (east-west). Prior to 1946, when the Second Avenue right-of-way was widened, this area was part of Block 1803, Lot 1. As noted above, the proposed Demapping Area was mapped as part of the Second Avenue widening in 1946 and acquired by the City. It is physically separated from the street bed by curbs and sidewalk with street trees and has been used by the 126th Street Bus Depot primarily as a parking lot for buses. It provides access to building vehicular entrances on the western side of the bus depot building. As such, the Demapping Area functioned as a western extension to the 126th Street Bus Depot Lot. As part of the Proposed Project, this area would be reincorporated into Block 1803, thereby establishing a lot line that would be more consistent with the blocks to the north and south of the site.

Existing Use

The developed portion of the project site (the 126th Street Bus Depot Lot) is fully occupied by the approximately 103,000-gsf bus depot building, a one-story, with mezzanine, 28-foot tall brick structure that was built in 1947. It also contains a venting stack extending above the roof line, located midblock along the E. 126th Street frontage. The site has a built FAR of approximately 0.98. As the MTA has relocated its operations from this site to the expanded and renovated Mother Clara Hale Bus Depot at Lenox Avenue and W. 146th Street, the MTA intends to return the site to the City prior to disposition for development. The property includes a midblock curb cut on E. 127th Street and several curb cuts along the E. 126th Street frontage.

Zoning

The project site is currently zoned M1-2. M1 districts are often buffers between M2 or M3 districts and adjacent residential or commercial districts. M1 districts typically include light industrial uses, repair shops, and wholesale service and storage facilities, with a maximum permitted manufacturing FAR of 2.0. Nearly all industrial uses are allowed in M1 districts if they meet the stringent M1 performance standards. Offices, hotels, and most retail uses are also permitted up to a maximum commercial FAR of 2.0. Certain community facilities, such as hospitals, are allowed in M1 districts only by Special Permit, but houses of worship are allowed as-of-right; the maximum community facility FAR in M1-2 districts is 4.8. Residential uses are not permitted as-of-right. As the project site has a built FAR of 0.98, it is underbuilt pursuant to existing zoning regulations.

Topography

The topography of the project site is generally flat with a slope downward toward the east, near the Harlem River. Existing elevations in the vicinity of the property generally range from approximately +7.2 feet (North American Vertical Datum (NAVD) near the northeast corner at E. 127th Street and First Avenue to +13.6 NAVD near the southwest corner at E. 126th Street and Second Avenue.³

Floodplain and Coastal Zone

Per the Preliminary Flood Insurance Rate Maps (FIRM) for New York City dated 1/30/2015, which are issued by the Federal Emergency Management Agency (FEMA) and considered the best available flood hazard data, the project site is partly located in the 100-year floodplain “Zone AE.” As indicated on the map, the base flood elevation (BFE) for the eastern edge of the property is +12 NAVD, which is

³ Per street elevations relative to the Manhattan Topographical Bureau Datum provided in the Topographic Bureau’s Sectional Map 108 and converted to NAVD (North American Vertical Datum of 1988).

approximately equivalent to +10.4 Manhattan Vertical Datum, and the BFE for the central portion of the property is +11 NAVD. This indicates a special flood hazard area. The western portion of the property is in a “shaded X” zone, indicating an area of moderate to low-risk flood hazard with an annual probability of flooding of 0.2 percent to one percent, usually defined as the area between the limits of the 100-year and 500-year floods. FEMA does not specify BFEs for the shaded X zones. The project site is located outside the Limit of Moderate Wave Action (LiMWA) boundary, indicating it is not considered to be at risk of moderate wave action.

In “AE” 100-year floodplain zones, special requirements of the New York City Building Code and FEMA apply to new developments. For structures such as residential buildings, the required design flood elevation (DFE) is one foot above the BFE indicated on the FIRM. Furthermore, per the New York City Building Code, as the project site’s building footprint lies within areas of differing BFEs, the highest one, i.e., +12 NAVD (+10.4 Manhattan vertical datum), applies to the entire building. Accordingly, the entire building must provide all habitable space at a DFE of at least at +13 NAVD (+11.4 Manhattan vertical datum).

The project site is located within the City’s designated coastal zone and therefore the Proposed Project is subject to a Waterfront Revitalization Program (WRP) consistency assessment, which is provided as part of Land Use, Zoning, and Public Policy assessment.

Table 1 provides a summary of conditions for the project site.

TABLE 1
Summary of Project Site Existing Conditions

Addresses	2460-2478 Second Ave. (even numbers); 301-359 E. 126 St. (odd numbers); 300-350 E. 127 St. (even numbers)
Block and Lot	Manhattan Block 1803, Lot 1
Lot Area	<u>Project Site</u> : 115,502 sf (126 th Street <u>Bus Depot Lot</u> : 105,710 sf; <u>Demapping Area</u> : 9,792 sf)
Zoning	M1-2
Uses	Inactive 126 th Street Bus Depot and adjoining bus parking area mapped as part of Second Avenue
Ownership	City of New York (Bus Depot Site leased to MTA)
Public Transit Access	<u>Subway</u> : 125 th Street (at Lexington Avenue): 4, 5, 6 <u>Bus</u> : M15, M35, M60 (SBS), M101, M103, Bx15 <u>Rail</u> : 125 th Street (at Park Avenue): Metro-North Harlem, Hudson, & New Haven Lines

3. PURPOSE AND NEED FOR THE PROPOSED PROJECT

The Proposed Project is intended to facilitate a mixed-use, mixed-income development on a large City-owned site, currently not in active use, with dedicated outdoor and indoor space that honors and commemorates the significant social, economic, and cultural history of the Harlem African Burial Ground and its descendant community. The Proposed Project reflects ongoing consultation with the Harlem African Burial Ground Task Force, the 126th Street Bus Depot Task Force, Manhattan Community Board (CB) 11 and local elected officials, who identified the need for affordable housing, economic development, enhanced neighborhood connectivity, and a space to honor the history of the site and of the broader East Harlem community.

The project site has excellent connections to transit, open space, and the 125th Street commercial corridor. The Proposed Project would rezone the project site from M1-2 to C6-3 to allow for the future development of a broader range of uses than allowed currently in the M1-2 district. This enables development plans for the site to respond to neighborhood needs identified by local community organizations and elected officials.

In addition, the Proposed Project includes designating the project site as an MIH area subject to the

affordable housing requirements of the recently approved MIH zoning text. The proposed C6-3 (MIH) zoning district would increase the maximum permitted residential FAR from the C6-3 base of 7.52 to 8.0 and would require the provision of affordable housing. In addition, as the project site is City-owned, the applicant intends to provide more affordable housing than required by the MIH program. For CEQR analysis purposes, the affordable housing program for the Proposed Project assumes that 50 percent of the residential units would be affordable to households earning at or below 80 percent AMI. Between the Draft and Final GEIS, the City committed to achieving a deeper level of affordability by ensuring that 20 percent of the DUs would be reserved for households earning at or below 30 percent AMI, which will (refer to Section 5, “Reasonable Worst-Case Development Scenario (RWCDS)”), advance the goals of Housing New York, the City’s ten-year strategy to build or preserve 200,000 units of high quality affordable housing to meet the needs of more than 500,000 people.

The Proposed Project would also advance economic development goals of the City of New York. The proposed C6-3 district would align with the adjacent existing C6-3 districts mapped to the west of the project site, thereby permitting a mix of uses similar to those anticipated as part of the E125 project and providing greater continuity between the well-developed portions of East Harlem to the west and the project site. The C6-3 district would permit the development of a wide range of commercial uses at greater densities than allowed under the existing M1-2 zoning, facilitating a program to support future project site uses and maximizing job creation opportunities.

The recently issued *East Harlem Neighborhood Plan* noted that the project site is a “Pipeline Site⁴,” a site located outside of the proposed area-wide East Harlem Rezoning Proposal that the City is working toward developing, with potential for creation of new housing and other development. Although further discussion of the project site was not provided, its redevelopment is consistent with a recommendation to “allow for increased density in select places to create more affordable housing and spaces for jobs.” Another Plan recommendation relevant to the project site is to “protect buildings and sites with significant local and cultural heritage” and among the sites it identified was the Harlem African Burial Ground. Separately, though consistently with the *East Harlem Neighborhood Plan*, the 126th Street Bus Depot Task Force was formed by local stakeholders to work with the City, including NYCEDC and the Department of Housing Preservation and Development (HPD), to identify goals and strategies for the project site’s redevelopment.

As noted above, local residents, elected officials, and other interested stakeholders created the Harlem African Burial Ground Task Force to ensure that the project site would be recognized as the site of the Harlem African Burial Ground. The goals of these efforts are to oversee the creation of a consecrated Harlem African Burial Ground memorial that would provide a space in which the desecration of the burial ground can be acknowledged and the stories of enslaved Africans and their descendants as colony and nation builders can take their rightful place in the rich American narrative.

The RFP to be issued by NYCEDC would require the future site developer to include a memorial area comprised of an outdoor space (approximately 18,000 sf), in addition to an approximately 15,000-sf of interior historical and cultural facility, to honor and commemorate the history of the Harlem African Burial Ground and its descendant community.

4. DESCRIPTION OF PROPOSED ACTIONS

The Proposed Project would encompass several discretionary approvals. These include a zoning map amendment, City Map change, and disposition of City property, actions that are subject to review under ULURP, under Section 200 of the City Charter. The Proposed Project also includes a zoning text

⁴ The East Harlem Neighborhood Plan defined “Pipeline Sites” as areas that the City is working toward developing, with agreed plans for the sites.

amendment, which is subject to public review with requirements similar to ULURP under Sections 200 and 201 of the City Charter. The Proposed Project is also subject to the CEQR process. The anticipated discretionary approvals include:

- A zoning map amendment (Zoning Sectional Map 6b) approval by the CPC to change the zoning on the project site (Block 1803, Lot 1 and the adjacent demapping area) from the existing M1-2 light manufacturing district (high performance) to a C6-3 general central commercial district;
- A zoning text amendment to map the project site as an MIH area in Zoning Resolution (ZR) Appendix F, pursuant to ZR § 23-154;
- A change to the City Map to narrow a portion of Second Avenue from 174 feet to a width of 125 feet (in addition, the City would reserve an easement in the deed/lease to the future site developer to extend the sidewalk as indicated in the project alteration map included in Appendix VIII of the FGEIS) and the conveyance of that area to the adjoining City-owned property (Block 1803, Lot 1) pursuant to § 4-105 of the Administrative Code of the City of New York; and
- In accordance with Sections 197-c(10) and 384(b)(4) of the New York City Charter, the City seeks disposition approval of Manhattan Block 1803, Lot 1 (approximately 105,710 sf) and a portion of Second Avenue between E. 126th Street and E. 127th Street to be demapped (9,792 sf). The total project site that the City seeks to dispose of is approximately 115,502 sf. The NYCEDC intends to issue an RFP for the project site. The City will dispose of this site to the New York City Land Development Corporation, which will then be disposed of to the selected developer.

The NYCEDC, on behalf of the Office of the Deputy Mayor for Housing and Economic Development (ODMHED), is the applicant for the zoning map amendment, zoning text amendment, and City map amendment actions. The Department of Citywide Administrative Services (DCAS) is the applicant only for the disposition action.

In addition, the future site developer may seek public financing by HPD or the New York City Housing Development Corporation (HDC) to facilitate the development of affordable housing and/or public financing by the New York City Industrial Development Agency for economic development purposes. Depending on the public funding source for the affordable housing and economic development and the timing of the decision, additional review under the State Environmental Quality Review Act (SEQRA) may be required, including review by the OPRHP. It should also be noted that, though not subject to CEQR, the memorial component of the Proposed Project, as well as any new development built on portions of the site that remain City-owned, would require approval from the New York City Public Design Commission.

5. (E) DESIGNATION

The proposed project would assign (E) Designation (E-409) to the project site to avoid the potential for significant adverse impacts in the areas of hazardous materials, air quality, and noise in conjunction with the proposed discretionary actions. An (E) designation is a mechanism that ensures no significant adverse impacts would result from the proposed project because of the procedures that would be undertaken as part of the development of the project site.

6. ANALYSIS FRAMEWORK

Reasonable Worst Case Development Scenario (RWCDS)

In order to assess the possible effects of the Proposed Project, a RWCDS was developed for both Future No-Action and Future With-Action conditions. The incremental difference between the Future No-Action and Future With-Action conditions served as the basis for the impact analyses of the FEIS. The FGEIS was prepared in accordance with the Final Scope of Work, and followed the methodologies and criteria for

determining significant adverse impacts in the *CEQR Technical Manual, 2014 edition*.

Analysis Year

Based on a feasible development timeline, design and construction are assumed to be undertaken in a continuous manner, and it is assumed that full build-out would occur by 2022. Accordingly, a 2022 build year is assumed for analysis purposes. As development facilitated by the Proposed Project is expected to be operational in 2022, its environmental setting is not the current environment, but the future environment.

The Future without the Proposed Project (No-Action Condition)

The future without the Proposed Project condition—also known as the “No-Action condition”—assumes the future without the Proposed Project. Absent the Proposed Project, it is anticipated that the project site would remain a bus depot building, but would be unoccupied. For each technical analysis in the GEIS, the No-Action condition incorporates approved or planned development projects within the appropriate study area that are likely to be completed by the 2022 analysis year.

The Future with the Proposed Project (With-Action Condition)

The future with the Proposed Project condition—also known as the “With-Action condition”—assumes the project site would be redeveloped with approximately 655,215 gsf of residential development (comprising approximately 730 DUs, of which 50 percent would be affordable to households earning at or below 80 percent AMI, with 20 percent of all DUs reserved for extremely low-income households earning at or below 30 percent AMI); approximately 315,000 gsf of commercial uses (including retail and office uses); approximately 30,000 gsf of community facility uses (including an approximately 15,000-sf historical and cultural facility as part of the memorial); 300 accessory parking spaces (to be located in an above-grade garage); and approximately 18,000 sf of outdoor, unbuilt memorial space (see Table 2). The RWCDs would include a total of approximately 952,585 zsf, representing a Built FAR of 8.25 (including 8.0 FAR of combined residential and commercial uses—maximizing the permitted 8.0 FAR—and 0.25 FAR of community facility uses). Overall, including accessory parking areas that would not be higher than 23 feet above the BFE, the project site would have a total of 1,090,215 gsf of building area. In addition, the future site developer would be required to complete the project-related changes to Second Avenue between E. 126th and E. 127th streets. The NYCT M15 SBS bus stop and layover area on E. 126th Street between First and Second avenues would also be relocated to E. 125th Street between First and Second avenues in the future with the Proposed Project.

TABLE 2
RWCDS

Use	RWCDS
Residential Units (total)	730 DUs
Residential Area (excluding required accessory parking)	655,215 gsf
Affordable Units (80% AMI or below)	365 DUs
Other Units (>80% AMI)	365 DUs
Memorial: Historic and Cultural Facility	15,000 gsf
Memorial: Outdoor Open Space	18,000 gsf
Commercial (total)	315,000 gsf
Local Retail	35,000 gsf
Destination Retail	80,000 gsf
Office	200,000 gsf
Community Facility (non-memorial)	15,000 gsf
Accessory Parking	300 spaces
Total Development (Gross Building Area)	1,090,215 gsf total 1,000,215 gsf (excluding parking) 90,000 gsf (parking)

The RWCDs would include a total of approximately 952,585 zsf, representing a Built FAR of 8.25. Overall, including required accessory parking areas that would not be higher than 23 feet above the base plane elevation, the project site would have a total of 1,090,215 gsf of building area (or 1,000,215 gsf of building area excluding accessory parking).

Note that the site-specific RWCDs program shown in Table 2 is illustrative only and for analysis purposes only, and does not indicate a proposed development program.

In order to capture the upper range of development possible on the project site, a preliminary massing scenario for the RWCDs has been developed for environmental review purposes and reflects a scenario that maximizes the permitted FAR, is consistent with the RWCDs land use breakdown presented in Table 2, and anticipates that site disposition would stipulate location and programming elements of the Harlem African Burial Ground memorial, including an outdoor area within the likely footprint of the historic cemetery and an indoor historical and cultural facility, as well as any required mitigation measures. For analysis purposes, the RWCDs massing assumes two separate buildings. The larger of the two RWCDs buildings would occupy the western portion of the project site (west of the outdoor, unbuilt memorial space), would have frontage on Second Avenue, E. 126th Street, and E. 127th Street, and would rise to a maximum building height of 340 feet (34 stories). The smaller of the two RWCDs buildings would occupy the eastern portion of the project site (east of the outdoor, unbuilt memorial space), would have frontage on First Avenue, E. 126th Street, and E. 127th Street, and would have a maximum building height of 211 feet (19 stories).

The Proposed Project would change the development potential of the project site, which would allow for residential, commercial and community facility uses. Under the proposed C6-3 (MIH) zoning, which is equivalent to R9, residential uses would be permitted up to a maximum FAR of 8.0, commercial uses would be permitted up to a maximum FAR of 6.0, and community facility uses would be permitted up to a maximum FAR of 10.0. Manufacturing uses would not be allowed. With C6-3 (MIH) zoning, the maximum permitted floor area on the project site would be 924,015 zsf of residential space, 693,011 zsf of commercial space, and 1,155,018 zsf of community facility space. This information is summarized in Table 3.

**TABLE 3
Comparison of the No-Action and With-Action Conditions**

Condition	Lot Area	Zoning	Use	FAR	Floor Area (sf)
No-Action	(105,710 sf)	M1-2	Residential (not permitted)	-	0
			Commercial (Use Groups 5-14, 16)	2.0	211,420
			Community Facility (Use Group 4)	4.8	507,408
			Manufacturing (Use Group 17)	2.0	211,420
With-Action	(115,502 sf) ¹	C6-3 (MIH)	Residential (Use Groups 1-2)	8.0	924,015
			Commercial (Use Groups 5-12)	6.0	693,011
			Community Facility (Use Groups 3-4)	10.0	1,155,018
			Manufacturing (not permitted)	-	0

Notes:

¹ The project site would incorporate the 9,792-sf demapping area under With-Action conditions

Under MIH, a share of new housing is required to be permanently affordable when land use actions create significant new housing potential, either as part of a City neighborhood plan or private land use application. MIH consists of two alternatives: (1) 25 percent of residential floor area must be affordable housing units affordable to households with income at a weighted average of 60 percent of AMI; or (2) 30 percent of residential floor area must be affordable housing units affordable to households with income at a weighted

average of 80 percent of AMI. In combination with these options, two other options may be utilized. A “Deep Affordability Option” may be utilized under which 20 percent of residential floor area contains housing units affordable to households with income at a weighted average of 40 percent of AMI. Also, a “Workforce Option” also may be utilized under which 30 percent of residential floor area contains housing units affordable to households with income at a weighted average of 115 percent, five percent of residential floor area contains housing units affordable to households with income at an income band of 70 percent of AMI and another five percent of residential floor area contains housing units affordable to households with income at an income band of 90 percent of AMI.⁵ The CPC and ultimately the City Council determine requirements applicable to each MIH designated area during ULURP. As the project site is City-owned, the applicant intends to provide more affordable housing than required by the MIH program.

In terms of bulk, the proposed C6-3 (MIH) would permit buildings regulated by sky exposure plane height and setback regulations. The regulations applicable to the project site would include a maximum streetwall height of 85 feet or six stories, whichever is less; an initial setback distance of 20 feet on narrow streets and 15 feet on wide streets; and building volumes within the sky exposure plane rising above the site beginning at a height of 85 feet at ratios of 2.7 to 1 on narrow streets and 5.6 to 1 on wide streets. This information is summarized in Table 4).

**TABLE 4
Bulk Regulations under With-Action Conditions**

Zoning	Streetwall Base Height	Setback Distance ¹	Sky Exposure Plane Ratio Above Base
C6-3 (MIH)	85’ or six stories, whichever is less	20’ (narrow street) 15’ (wide street)	2.7 to one (narrow street) 5.6 to one (wide street)

Notes:

¹ Per ZR 12-10, narrow streets are those with a mapped width of less than 75 feet. For zoning purposes, E. 126th and E. 127th Streets are narrow streets; First and Second Avenues are wide streets.

The project site’s actual program would be determined pursuant to an RFP process. For the purposes of the GEIS, a maximum development envelope/RWCDS has been developed consistent with the uses and densities permitted under the proposed C6-3 (MIH) zoning. To the extent that actual development proposals exceed the RWCDS analysis development envelope, it would be subject to additional environmental review, as appropriate. For RWCDS purposes, based on similar projects in this area of Manhattan, an average DU size of 900 gsf will be analyzed.⁶

7. PROBABLE IMPACTS OF THE PROPOSED PROJECT

Land Use, Zoning, and Public Policy

No significant adverse impacts on land use, zoning, or public policy, as defined by the guidelines for determining impact significance set forth in the *CEQR Technical Manual*, are anticipated in the future with the Proposed Project on the project site (the primary study area) or in the secondary study area. The Proposed Project would not directly displace any land uses so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with land uses, zoning, or public policies in the secondary study area. The Proposed Project would not result in land uses that conflict with surrounding land uses or public policies applicable to the project site or the secondary study area.

The Proposed Project would result in new residential, commercial, and community facility uses, including a new outdoor memorial and indoor historical and cultural facility commemorating the historic Harlem

⁵ The Workforce Option is only allowed outside of the Manhattan Core.

⁶ The use of the 900 gsf average DU size is consistent with the RWCDS assumptions utilized in recent environmental review documents for nearby projects, including the 2008 *125th Street Corridor Rezoning and Related Actions FEIS*.

African Burial Ground on the project site, which would otherwise be unoccupied in the future without the Proposed Project. This new mixed-use development would complement other known and anticipated development projects in the area including, most notably, the E125 development project on the blocks to the west and the City's proposed area-wide East Harlem Rezoning to the south and west of the study areas. The proposed zoning map amendment would allow new development at a scale and density that is compatible with the existing zoning designations in the surrounding area. The existing manufacturing zoning is no longer appropriate for the project site, as the bus depot operations are vacating the site and the area is experiencing a trend toward residential and commercial development facilitated by City initiatives to encourage development in areas well-served by transit. The proposed zoning text amendment would expand affordable housing opportunities by ensuring that new residential development would include a share of inclusionary housing units. Thus, the Proposed Project would create a zoning designation that is appropriate for the project site's future use. The Proposed Project would generate a substantial amount of new affordable housing, which is consistent with City policies. The Proposed Project would also create approximately 315,000 gsf of commercial space, including office space, local retail, and destination retail, thereby providing space for new economic activity generating new businesses and jobs in the community.

The Proposed Project, with these beneficial elements, would not result in any significant adverse impacts to land use, zoning, or public policy.

Socioeconomic Conditions

This analysis finds that the Proposed Project would not result in significant adverse socioeconomic impacts with respect to the five areas of socioeconomic analysis described in the *CEQR Technical Manual*.

Direct Displacement

The Proposed Project would not result in any direct displacement. The Metropolitan Transportation Authority (MTA) is in the process of relocating its operations from the project site to the newly remodeled Mother Clara Halle Bus Depot (at W. 146th Street and Lenox Avenue) and vacating the site. The adjacent 9,792-sf portion of the project site was mapped as part of Second Avenue in 1946, but is physically separated from the street and has been used by the MTA primarily as a parking lot for employees and buses. Therefore, the Proposed Project would not result in significant adverse socioeconomic impacts due to direct residential or business/institutional displacement.

Indirect Residential Displacement

A preliminary assessment finds that the Proposed Project would not result in significant adverse impacts due to indirect residential displacement of low- or middle-income residents. The Proposed Project would introduce a residential population whose average income would be higher than the overall average income in the ½-mile study area, but similar to the average income of the new population expected to reside in the study area in the future without the Proposed Project. The affordable housing units added by the Proposed Project would maintain a diverse demographic composition within the study area.

There is already an existing trend toward higher-end and middle-income housing in the ½-mile study area, and rents and sales prices for market-rate housing are already above what is affordable to low- to middle-income households. This trend is expected to continue in the future without the Proposed Project, with the addition of more than 500 market-rate residential units. The Proposed Project would add a substantial number of affordable housing units for low-, moderate-, and middle-income households to the study area, further expanding the supply of affordable housing for current and future residents. The affordable housing units would help to ensure that a considerable portion of the new households would have incomes that would more closely reflect the incomes of existing households in the study area and help ensure that the neighborhood continues to serve diverse housing needs. Therefore, the Proposed Project would not introduce a new trend or accelerate an existing trend of changing conditions in a manner that would have the potential to substantially change the socioeconomic character of the neighborhood.

Indirect Business Displacement

The preliminary assessment finds that the Proposed Project would not result in significant adverse impacts due to indirect business and institutional displacement. The ½-mile study area already has well-established residential and commercial markets, and, therefore, the Proposed Project would not be introducing new economic activities in the study area that would alter existing economic patterns. The Proposed Project would introduce compatible land uses that are expected to strengthen existing residential and commercial uses and would not introduce new economic activity that would alter existing economic patterns in the study area. The types of uses to be introduced include a mix of housing, local and destination retail, office, and community facility uses on a single project site.

The proposed zoning changes are intended to promote affordable housing development, encourage economic development, and introduce community resources. The proposed retail and community facility uses would serve existing neighborhood residents and accommodate future consumer demand introduced by residents of planned developments and the Proposed Project.

Adverse Effects on Specific Industries

The Proposed Project would not significantly affect business conditions in any specific industry or any category of businesses, nor would it indirectly reduce employment or impair the economic viability of any specific industry or category of business. Therefore, there would be no significant adverse impacts from the Proposed Project due to adverse effects on specific industries.

Community Facilities and Services

Pursuant to *CEQR Technical Manual* guidelines, detailed analyses of potential indirect impacts on public elementary and intermediate schools and publicly funded child care centers were conducted for the Proposed Project. Based on the *CEQR Technical Manual* screening methodology, detailed analyses of high schools, libraries, and outpatient health care facilities and police and fire protection services are not warranted. As described in the following analysis and summarized below, the Proposed Project would not result in significant adverse impacts on community facilities and services.

Public Schools

The project site falls within the boundaries of New York City Community School District (CSD) 5, Sub-district 1. The Proposed Project would introduce a net increment of 161 total students, including approximately 88 elementary school students, 29 intermediate school students, and 44 high school students. As the Proposed Project would introduce less than 150 high school students (the *CEQR Technical Manual* analysis threshold), no indirect high school impacts are anticipated, and the detailed public schools analysis focused on the potential for indirect impacts on elementary and intermediate schools.

According to the *CEQR Technical Manual*, a significant adverse impact may occur if a proposed action would result in: (1) a utilization rate of the elementary and/or intermediate schools that is equal to or greater than 100 percent in the future With-Action condition; and (2) an increase of five percent or more in the collective utilization rate between the No-Action and With-Action conditions.

In the 2022 future with the Proposed Project, CSD 5, Sub-district 1 elementary and intermediate schools would operate with available capacity: CSD 5, Sub-district 1 elementary schools would operate with a projected utilization rate of 79.9 percent and 825 available seats, and CSD 5, Sub-district 1 intermediate schools would operate with a projected utilization rate of 65.7 percent and 709 available seats. As CSD 5, Sub-district 1 elementary and intermediate schools would operate below capacity, no significant adverse impacts would result.

Child Care Services

The Proposed Project would not result in significant adverse impacts on publicly funded child care facilities. The Proposed Project would introduce 365 low- to moderate-income units by 2022. Based on the most recent child care multipliers in the *CEQR Technical Manual*, this development would generate approximately 42 children under the age of six who could be eligible for publicly funded child care programs. With the addition of these children, study area child care facilities would continue to operate with available capacity (93.5 percent utilization with 179 available slots).

According to the *CEQR Technical Manual*, a significant adverse child care impact may result, warranting consideration of mitigation, if a proposed project would increase the study area's utilization rate by at least five percentage points, and the resulting utilization rate would be 100 percent or more. As study area child care facilities would continue to operate below capacity in the future With-Action condition, the Proposed Project would not result in a significant adverse impact to publicly funded group child care.

Open Space

According to the *CEQR Technical Manual*, a proposed project may result in a significant impact on open space resources if (a) there would be direct displacement/alteration of existing open space within the study area that would have a significant adverse effect on existing users; or (b) it would reduce the open space ratio and, consequently, result in the overburdening of existing facilities or further exacerbating a deficiency in open space.

Direct Effects

The Proposed Project would not remove or alter any existing publicly accessible open spaces. While the Proposed Project would result in new shadows falling on portions of nearby open space resources, these shadows would not result in a significant adverse open space impact, as project-generated shadows would not affect the utilization or enjoyment of any sunlight-sensitive resources and all open spaces would continue to receive a minimum of four to six hours of direct sunlight throughout the growing season. In addition, the Proposed Project would not result in any significant adverse operational air quality or noise impacts affecting open space resources. Construction activities associated with the Proposed Project would result in temporary significant adverse noise impacts at Crack is Wack Playground. While this is not desirable, there is no effective practical mitigation that could be implemented to avoid these levels during construction. Noise levels in many parks and open space areas throughout the City, which are located near heavily trafficked roadways and/or near construction sites, experience comparable and sometimes higher noise levels. It should also be noted that construction noise impacts at these locations would not be expected to occur during the afternoon/evening or the weekends (i.e., outside of the typical construction period), and that the City will require a noise mitigation plan for the Proposed Project prior to the start of work that would outline the ways the contractor intends to lessen the noise from each type of construction equipment—for example, contractors could state that jackhammers would be outfitted with noise-reducing mufflers and/or portable street barriers would be installed to reduce the sound impact on the area. Every construction site must have a noise mitigation plan on location at the time of construction. Therefore, the Proposed Project would not result in any significant adverse direct impacts to open space.

Indirect Effects

The Proposed Project would not result in a significant adverse impact on open space. In the future with the Proposed Project, the non-residential study area's passive open space ratio would decrease by more than five percent from the No-Action condition (11.6 percent); however, it would remain above the City's guideline ratio of 0.15 acres per 1,000 workers, at 0.164 acres per 1,000 workers. Therefore, workers in the ¼-mile study area would continue to be well-served by passive open space resources, and there would be no significant adverse impact in the non-residential study area as a result of the Proposed Project.

With respect to the reduction in open space in the residential study area, the residential total, passive, and active open space ratios would decrease by 5.1 percent from the No-Action condition. As (1) the residential passive open space ratio would remain above the City's guideline ratio of 0.5 acres of passive open space per 1,000 residents; (2) the Proposed Project would include approximately 18,000 sf of outdoor, unbuilt memorial space and would improve access to nearby open space resources; (3) the project site's close proximity to several significant open space resources, just outside the study area, that provide additional active open space recreation opportunities; and (4) existing study area open spaces with additional capacity, the Proposed Project would not result in a significant adverse impact on open space in the residential study area, in accordance with *CEQR Technical Manual* impact criteria.

Shadows

The Proposed Project could result in incremental shadow coverage on seven open space resources, including Harlem River Park, Alice Kornegay Triangle, Jackie Robinson Houses Playground, Harlem River Park Greenstreets, Crack is Wack Playground, the planned E125 open space, and Triboro Plaza. However, detailed analysis demonstrates that project-generated shadows would not affect the utilization or enjoyment of any sunlight-sensitive resources, and all open spaces would continue to receive a minimum of four to six hours of direct sunlight throughout the growing season. Therefore, the Proposed Project is not expected to result in significant adverse shadows impacts at any sunlight-sensitive resources.

Historic and Cultural Resources

The historic resources analysis considers the effects of a project on both historic architectural and archaeological resources. The architectural resources assessment identifies both the potential for direct effects on the project site and indirect effects on historic resources in the vicinity of the project site, which generally includes properties within a 400-foot radius. There are no historic architectural resources on or within a 400-foot radius of the project site and therefore the proposed project does not have the potential to result in any significant adverse impacts on architectural resources. In addition, the Proposed Project would not result in any significant adverse shadows impacts on any historic resources.

Historic records indicate that a portion of the project site contained a cemetery associated with the RLDCH that included the "Negro Burying Ground" now referred to as the Harlem African Burial Ground. Based on documentary evidence, burials occurred there from the late 17th century to the mid-19th century. A Phase 1B Archaeological Investigation of the project site was conducted in 2015 in coordination with the LPC and OPRHP, which serves as the State Historic Preservation Office (SHPO). The archaeological investigation work involved the excavation of four trenches. Disarticulated human remains were identified in Trench 2 located in the portion of the project site that is referred to as the water lots as it was part of the Harlem River at the time of the Burial Ground was in use. The Phase 1B concluded that at least some of the soils that were originally located within the cemetery on the higher elevation bluff were likely used to fill in the formerly lower lying and marshy northeast portion of the block. As those soils contained human burials, disarticulated human remains became incorporated into the fill materials. The archaeologists identified a buried soil layer beneath the layer of human remains that represented what would have been the then exposed, marshy, natural ground surface at the time that the human remains were deposited. In conclusion, the Phase 1B testing demonstrates that the site still contains human remains and that the limits of this sensitive area has yet to be confirmed through in-ground testing. Accordingly, the Phase 1B recommended further investigation through a Phase 2 Archaeological Evaluation.

LPC and OPRHP have reviewed and concurred with the findings of the Phase 1B and advised on additional archaeological investigation required under SEQRA/CEQR. In addition, consultation is ongoing with the Harlem African Burial Ground Task Force, which includes representatives of the descendent community.

As archaeological resources are present on the project site, the full extent and nature of which cannot be

characterized at this time, construction of the Proposed Project has the potential to disturb these archaeological resources, thereby resulting in a significant adverse impact. However, while the Proposed Project has the potential to result in significant adverse archaeological impacts, it would also allow for the potential discovery of further archaeological resources and clarify the archaeological integrity of the Harlem African Burial Ground, which would inform a better understanding of the history of the site and Harlem's history.

As such, a Phase 2 Archaeological Evaluation and monitoring on the project site is necessary in order to determine the full nature and extent of human remains present as the development process advances under With-Action conditions. Once the full nature and extent of human remains are known, then an assessment of potential impacts and options for avoidance and/or complete data recovery, also known as a Phase 3, and/or archaeological monitoring during ground-surface-disturbing activities would occur. As detailed in the Phase 1B, any future demolition, removal of subsurface infrastructure, or construction would require preparation of an appropriate protocol completed in coordination with LPC, OPRHP, and the Harlem African Burial Ground Task Force. The applicant would, if required, execute a legal binding agreement with OPRHP.

As the measures outlined above would occur after the completion of the environmental review, the NYCEDC would require, through the terms incorporated into the Contract of Sale or other legally binding document, that the future site developer comply with and implement all measures outlined above into the Proposed Project with review and oversight by the appropriate City agency(s). With these measures in place, the Proposed Project would seek to avoid, minimize, or mitigate significant adverse archaeological impacts to the maximum extent practicable. Any future archeological investigations or analyses would be conducted under the agreed-upon protocols in consultation with the agencies identified above, and no further analysis is required at this time.

Urban Design and Visual Resources

Urban Design

The Proposed Project would entail zoning map changes that would replace the existing M1-2 zoning district with a C6-3 (MIH) zoning district to allow for new high-rise, high density mixed-use buildings with residential, commercial, and community facility uses. The proposed zoning map amendment would allow for new development at a scale and density that is compatible with the existing zoning designations in the surrounding areas.

While the bulk and height of the Proposed Project would be a departure from the existing surrounding conditions, the proposed design would be consistent with anticipated future development in the surrounding area. Facilitated by City initiatives to encourage mixed-use development in areas well-served by transit, the surrounding area is experiencing a trend toward more residential and commercial development. With bus depot operations vacating the project site, the existing manufacturing zoning is no longer relevant or appropriate for the project site.

Thus, the Proposed Project would create a zoning designation that is more appropriate for the project site's future use. Furthermore, since the existing designation on the lot just west of the project site (the E125 development) is zoned C6-3, the Proposed Project would extend that zoning designation and continue that trend. By doing so, the Proposed Project would generate a substantial amount of new housing, of which 50 percent would be affordable to households earning at or below 80 percent of AMI, consistent with City policies to create affordable housing.

The Proposed Project would also create approximately 315,000 gsf of commercial space, thereby providing new economic activity, including locations for businesses and jobs in the community. The proposed mixed-use development would create more pedestrian interactions with the site, facilitate connections to adjacent existing and proposed open space resources, and improve streetscape conditions. In addition, the Proposed

Project would provide more public access to the project site with the addition of commercial and community facility areas. This would include the incorporation of a memorial with an adjacent indoor historical and cultural facility to commemorate those laid to rest at the Harlem Burial Grounds (at its original site footprint), and educate East Harlem's residents of the community's African heritage. Overall, the Proposed Project would have a positive effect on the urban design conditions of the project site, which are presently bleak, and would enhance the character of the study area.

With these beneficial elements, the Proposed Project would not result in significant adverse impacts on urban design, as defined by the guidelines for determining impact significance set forth in the *CEQR Technical Manual*.

Visual Resources

The Proposed Project would not result in significant adverse impacts to visual resources. The Proposed Project would remove the utilitarian building that currently occupies the project site, which is empty and inaccessible to the public, and replace it with new tapered mixed-use high rise buildings with commercial and community facility uses providing visually open and appealing facades. The new buildings on the project site would not encroach on any existing notable view corridors along public streets. Furthermore, similar to the African Burial Ground National Monument in Lower Manhattan, the inclusion of a memorial with an outdoor memorial space, visible from E. 126th Street, and indoor historical and cultural facility, would provide a unique space for the community to congregate and commemorate Harlem's African heritage.

Natural Resources

Based on the preliminary assessment, the Proposed Project would not result in significant adverse impacts to natural resources. The Proposed Project would occur on a site that has been improved with a full lot coverage building. Given its existing condition, the project site does not contain any natural resources. The Proposed Project would result in incremental shadows cast on the Harlem River, which is a degraded natural resource and has not been identified as a sunlight-sensitive resource. Any shadows cast by the Proposed Project on the Harlem River would be short-lived and diffuse. Diffuse shadows are not considered a significant change to habitat conditions, as they are temporary and unlikely to change the habitat condition. Because the angle of the sun continuously changes throughout the day, no area of the Harlem River would be permanently in shade or shaded to a degree that would impact aquatic biota as a result of the Proposed Project. Thus, it is expected that project-generated shadows on the Harlem River would not create adverse impacts to fish and wildlife species within the river and would not constitute a significant adverse impact on natural resources.

Hazardous Materials

An assessment of potential hazardous materials impacts, including a Phase I Environmental Site Assessment (ESA), was performed for the project site. The hazardous materials assessment identified multiple recognized environmental conditions regarding hazardous material at the project site that could present exposure risks. As a result, as part of the Proposed Project an (E) designation (E-409) will be mapped on the project site, which would require review and implementation of a Phase II Environmental Site Investigation (ESI) and Remedial Action Plan (RAP), if warranted, prior to any future development, with oversight provided through the New York City Mayor's Office of Environmental Remediation (OER). With the requirements of the (E) designation on the project site, no significant adverse impacts from the potential presence of contaminated materials are anticipated. The implementation of the preventative and remedial measures would reduce or avoid the potential for significant adverse hazardous materials impacts from potential construction at the project site resulting from the Proposed Project. If applicable, mitigation and/or remedial engineering controls may be incorporated into the development plans to reduce adverse impacts to future occupants.

Water and Sewer Infrastructure

Based on the methodology set forth in the *City Environmental Quality Review Technical Manual*, the analysis finds that the Proposed Project would not result in a significant adverse impact on the City's water supply or wastewater and stormwater conveyance and treatment infrastructure.

Water Supply

The anticipated water usage of the Proposed Project is expected to total 285,150 gallons per day (gpd), which would represent less than 0.03 percent of the City's overall water demand. Given the relatively minor incremental increase in water consumption as compared to citywide demand and the project site's location in an area well-served by water infrastructure, the Proposed Project is not expected to adversely affect the City's water supply or system water pressure.

Sanitary (Dry Weather) Flows

The estimated amount of sanitary sewage generated by the Proposed Project would be 226,500 gpd. This amount would represent approximately 0.1 percent of the average daily flow of 202.5 million gallons per day (mgd) at the Wards Island Water Pollution Control Plant (WPCP) and would not result in an exceedance of the plant's permitted capacity of 275 mgd. Because the City's sewers are sized and designed based on the designated zoning of an area and related population density and surface coverage characteristics, the proposed rezoning may result in development that is inconsistent with the design of the existing built sewer system. In order to obtain a permit to connect to the City sewer, a site-specific hydraulic analysis to determine whether the existing sewer system is capable of supporting higher density development and related increases in sanitary flows would be prepared prior to development of the Proposed Project. Sewer improvements and/or a new drainage plan, may also be required to support the house or site connection proposal. Therefore, the Proposed Project would not create a significant adverse impact on the City's sanitary sewage treatment system. In addition, per the New York City Plumbing Code (Local Law 33 of 2007), low-flow fixtures would be required to be implemented and would help to reduce sanitary flows from the Proposed Project.

Stormwater (Wet Weather) Flows

Compared to existing conditions, in the future with the Proposed Project, the combined wet weather flows from the project site would increase slightly (by 0.04 million gallons (mg) to 0.15 mg, depending on rainfall duration and intensity) over existing conditions.

The project site is located in an area that is well served by combined sewer infrastructure. In addition, as a New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) is required for any development that would involve soil disturbance of one or more acres, a Stormwater Pollution Prevention Plan (SWPPP), consisting of both temporary erosion and sediment controls and post-construction stormwater best management practices (BMPs), would be required of the future site developer. Sewer improvements and/or a new drainage plan, may also be required to support the house or site connection proposal. As the wastewater treatment capacity at the Wards Island WPCP and the sewer conveyance infrastructure near the project site would be sufficient to handle wastewater flows that would result from the Proposed Project, there would not be any significant adverse impacts on wastewater treatment or stormwater conveyance infrastructure.

Energy

The Proposed Project would not result in a significant adverse impact on energy systems. Development facilitated by the Proposed Project is expected to create an increased demand on energy systems, including

electricity and gas. It is estimated that With-Action development on the project site would result in an increase of approximately 158.7 billion British thermal units (BTUs) over No-Action conditions. This increase in annual demand would represent less than 0.1 percent of the City’s forecasted future annual energy requirement of 172 trillion BTU and, therefore, is not expected to result in a significant adverse impact on energy systems. Moreover, any new developments resulting from the Proposed Project would be required to comply with the NYCECC, which governs performance requirements of heating, ventilation, and air conditioning (HVAC) systems, as well as the exterior building envelope of new buildings. In compliance with this code, new developments must meet standards for energy conservation, which include requirements relating to energy efficiency and combined thermal transmittance.

Transportation

Traffic

Traffic conditions were evaluated for the weekday 7:45-8:45 AM, 12:30-1:30 PM, and 4:30-5:30 PM and Saturday 2:15-3:15 PM peak hours at eight intersections in the traffic study area where additional traffic resulting from the Proposed Project would exceed the 50 trips per hour *City Environmental Quality Review Technical Manual* analysis threshold in one or more period. These eight analyzed intersections were analyzed for a RWCDS that assumes a full completion of the RK-23C connector ramp by 2021 (before the Proposed Project’s 2022 analysis year), which would create a direct connection for Manhattan-bound traffic from the RFK Bridge to the northbound Harlem River Drive. As summarized in Table ES-5, the traffic impact analysis indicates the potential for significant adverse impacts at all eight analyzed intersections during one or more analyzed peak hour. Specifically, significant adverse impacts were identified at four lane groups at two intersections during the weekday AM peak hour, ten lane groups at seven intersections in the weekday midday peak hour, eight lane groups at six intersections in the weekday PM peak hour, and seven lane groups at five intersections during the Saturday midday peak hour. Measures to mitigate these significant adverse traffic impacts are discussed in Section 8, “Mitigation,” below.

TABLE 5
Summary of Intersections with Significant Adverse Impacts

Intersection	Weekday AM Peak Hour	Weekday Midday Peak Hour	Weekday PM Peak Hour	Saturday Midday Peak Hour
1. E.125 th St. and First Ave.			X	
2. E.126 th St. and First Ave.		X		
3. E.125 th St. and Second Ave.		X		
4. E.126 th St. and Second Ave.	X	X	X	X
5. E.127 th St. and Second Ave.		X	X	X
6. E.125 th St. and Third Ave.	X	X	X	X
7. E.126 th St. and Third Ave.		X	X	X
8. E.126 th St. and Lexington Ave.		X	X	X

Note: ‘X’ denotes intersection significantly impacted in peak hour.

As impacts shown in Table 5 would result from a future condition that includes traffic volumes diverted out of the study area by the RK-23C connector ramp, an additional impact analysis was prepared as per guidance by the New York City Department of Transportation (DOT) to determine whether impacts would occur absent the RK-23C connector ramp (the “alternative traffic impact analysis”). In the alternate traffic impact analysis, the street improvements proposed along Second Avenue would have an alternate design to account for the traffic volumes that would remain within the local street network (the “pre-connector plan”). The alternate traffic impact analysis shows that the intersections of E. 126th and E. 127th streets along Second Avenue would still experience significant adverse impacts in one or more peak hour as a result of

the Proposed Project absent the RK-23C Connector ramp; however, impacts at these two intersections would be less severe compared to future conditions accounting for the RK-23C connector ramp.

Transit

Subway

The Proposed Project is expected to generate a total of approximately 689 and 883 new subway person trips in the weekday AM and PM peak hours, respectively. These trips would use the NYCT 125th Street subway station on the Lexington Avenue Line, which is served by Nos. 4, 5, and 6 trains. Based on *CEQR Technical Manual* criteria, a detailed analysis of subway station elements is warranted as more than 200 subway trips would be generated at this station in the weekday AM and PM peak hours. In addition, a subway line haul analysis was conducted for the three subway lines serving the station.

The results of the subway analysis indicate that the Proposed Project would result in significant adverse impacts to three stairs at the 125th Street subway station (street stair S4/M4 and platform stairs P2 and P3) in one or both analyzed peak hours (see Table 6). Potential mitigation measures for these significant adverse stair impacts are discussed in Section 8 “Mitigation.” While downtown-bound 4, 5, and 6 trains on the Lexington Avenue line would operate over capacity in the AM peak hour in the future with the Proposed Project, as would uptown-bound 4 trains on the Lexington Avenue line in the PM peak hour, these over-capacity conditions would not be considered significant adverse subway line haul impacts under *CEQR Technical Manual* criteria as the Proposed Project would add an average of less than five passengers per subway car.

TABLE 6
Summary of Significant Subway Stair Impacts

Subway Stair at 125 th Street (4,5,6) Station	Description	Weekday AM Peak Hour	Weekday PM Peak Hour
1. Street Stair S4/M4	Street stair at northeast corner of E.125 th St and Lexington Ave		X
3. Platform Stair P2	Stair connecting mezzanine/fare control level to uptown platform	X	X
4. Platform Stair P3	Stair connecting mezzanine/fare control level to uptown platform	X	X

Note: ‘X’ denotes stair significantly impacted in peak hour.

Bus

A total of nine NYCT bus routes operate in the vicinity of the project site (M15, M35, M60, M98, M100, M101, M103, M116, and Bx15). The Proposed Project would generate a total of approximately 175 and 284 new bus person trips on these routes during the weekday AM and PM peak hours, respectively. Based on a preliminary screening analysis, project-generated bus demand is not expected to exceed the 50 trips per hour per direction *CEQR Technical Manual* analysis threshold on any route in either the AM or PM peak hour. Therefore, significant adverse impacts to local bus service are not expected to result from the Proposed Project, and a detailed analysis of local bus conditions is not warranted.

Pedestrians

The Proposed Project would generate a net increment of approximately 316 walk-only trips in the weekday AM peak hour, 1,569 in the weekday midday peak hour, 789 in the weekday PM peak hour, and 1,018 in the Saturday midday peak hour. Persons en route to and from area transit facilities (subway station entrances and bus stops) would add approximately 884, 674, 1,196, and 813 additional pedestrian trips to area sidewalks and crosswalks during these same periods, respectively. Detailed pedestrian analyses were

conducted at a total of nine sidewalks, 11 crosswalks, and 24 corner areas where project-generated pedestrian demand is expected to exceed the 200 trips per hour *CEQR Technical Manual* analysis threshold during one or more peak hour. The results of the pedestrian analysis indicate that it would result in significant adverse impacts at one sidewalk and three crosswalks in one or more peak hour, as shown in Table 7. Potential mitigation measures for these significant adverse pedestrian impacts are discussed in Section 8, “Mitigation.” Although the street design of Second Avenue would be different with and without the RK-23C connector ramp (pre-connector vs. post-connector plans), the pedestrian facilities included in the pedestrian analysis would not be affected and, therefore, an alternate pedestrian analysis is not warranted.

TABLE 7
Summary of Significant Pedestrian Impacts

Corridor/Intersection	Impacted Element	Peak Hour			
		Weekday AM	Weekday Midday	Weekday PM	Saturday Midday
Lexington Ave., E.125 th St. to E.126 th St.	West Sidewalk	X	X	X	X
E.126 th St. and Second Ave.	North Crosswalk	X	X	X	X
E.126 th St. and Third Ave.	North Crosswalk		X	X	X
	South Crosswalk		X	X	X

Vehicular and Pedestrian Safety

Crash data for the traffic and pedestrian study area intersections were obtained from DOT for the three-year period between January 1, 2012 and December 31, 2014 (the most recent years for which data are available). During this period, a total of 175 reportable and non-reportable crashes, zero fatalities, and 24 pedestrian/bicyclist-related injury crashes occurred at study area intersections. A review of the crash data identified two intersections as high crash locations (defined as those with 48 or more total reportable and non-reportable crashes or five or more pedestrian/bicyclist injury crashes occurring in any consecutive 12 months of the most recent three-year period for which data are available). These intersections include E. 125th Street and Second Avenue (one, six, and zero pedestrian/bicyclist injury crashes during the years 2012, 2013, and 2014, respectively) and E. 125th Street and Lexington Avenue (one, eight, and zero pedestrian/bicyclist injury crashes during the years 2012, 2013, and 2014, respectively).

Parking

The parking analyses document changes in the parking supply and utilization in the vicinity of the project site in the future without and with the Proposed Project. As parking supply in the ¼-mile radius of the project site was found to be limited, the parking analysis includes parking study areas of ¼-mile radius, as well as a ½-mile radius. There are a total of ten off-street public parking lots within a ½-mile of the project site, one of which would be displaced in both the No-Action and With-Action condition. While the RWCDs for the Proposed Project includes 300 accessory parking spaces, as only a minimum of 146 spaces are required pursuant to the proposed zoning, for conservative parking analysis purposes, it is assumed that the Proposed Project would only provide the minimum of 146 accessory parking spaces on the project site. Based on this conservative analysis approach, incremental project-generated parking demand not otherwise accommodated in the on-site accessory parking garage would total approximately 157 spaces at on- and off-street public parking facilities in the weekday midday period, 72 spaces during the overnight period, and five spaces during the Saturday peak period.

In the future with the Proposed Project there would be sufficient off-street parking capacity within a ½-mile radius of the project site in the weekday overnight and Saturday peak periods to accommodate all new project-generated parking demand not accommodated on-site. During the weekday midday period there

would be a deficit of off-street public parking capacity, and, therefore, the approximately 69 spaces of weekday midday parking demand not accommodated on-site would need to be accommodated on-street. Based on the detailed parking analysis, the excess demand would be fully accommodated by available public parking capacity within a ½-mile radius of the project site, with no parking shortfall anticipated within the overall parking study area. Therefore, the Proposed Project is not expected to result in significant adverse parking impacts.

Air Quality

Based on the HVAC screening analysis, no significant adverse impacts are anticipated from the Proposed Project on existing or proposed developments in the surrounding area. However, as the HVAC analysis is based on a hypothetical RWCDs massing, an (E) designation (E-409) will be mapped on the project site to ensure the future site developer evaluates the potential stationary source air quality impacts of design variations that could generate project-on-project impacts. The analysis also finds that the Proposed Project would not result in significant adverse stationary or mobile source air quality impacts. The Proposed Project's parking facility was found to result in no significant adverse air quality impacts. Additionally, an industrial source analysis was performed, which determined that there would be no impacts on the Proposed Project from existing industrial facilities within the study area. Therefore, no further analysis is needed.

Greenhouse Gas Emissions and Climate Change

It is estimated that the Proposed Project would generate approximately 13,170 total metric tons of carbon dioxide equivalent (CO_{2e}) emissions annually, including approximately 7,631 metric tons of CO_{2e} emissions from building operations and 5,539 metric tons of CO_{2e} emissions from mobile sources. This represents less than 0.03 percent of the City's overall 2014 GHG emissions of approximately 49.09 million metric tons. It should also be noted that the estimated GHG emissions for the Proposed Project conservatively do not account for any energy efficiency measures that may be implemented by the future site developer(s), the NYCEDC supports the City's agenda for environmentally sustainable and energy efficient development and building design. Accordingly, it is anticipated that RFP respondents would be required to include a narrative describing how the Proposed Project would fulfill these goals and how the respondent intends to obtain at least minimal "LEED Silver" certification(s) for the Proposed Project from the U.S. Green Building Council. It is further anticipated that the RFP would encourage respondents to incorporate renewable energy systems or to pilot emerging energy technologies in the Proposed Project as a means to provide case studies to increase market adoption of promising technologies.

As a portion of the project site falls within the 100-year flood zone, an assessment of the Proposed Project's resilience in the face of future climate conditions and consistency with Policy 6.2 of the Waterfront Revitalization Program (WRP) was prepared. The eastern portion of the project site is vulnerable to a one percent annual chance of flooding. Therefore, the Proposed Project would incorporate measures specified in Appendix G of the New York City Building Code, which requires special flood hazard compliance for all new construction in a flood zone. These measures are meant to minimize damage from 100-year floods and include actions such as placing all habitable spaces above a DFE and either placing non-habitable space above the DFE or implementing dry waterproofing techniques for non-habitable space below the DFE.

Projected ground floor uses vulnerable to flooding on the project site would include the residential lobbies, parking, accessory spaces, and the Harlem African Burial Ground historical and cultural facility. Once selected, the future site developer would be required to design the Proposed Project using dry floodproofing measures or to elevate the ground floor uses to a the appropriate DFE in order to address vulnerabilities. For these reasons, the Proposed Project would promote WRP Policy 6.2, integrating consideration of the latest New York City projections of climate change and sea level rise into the planning and design of projects in the City's Coastal Zone, and the Proposed Project would not result in significant adverse climate change impacts.

Noise

Given that existing and No-Action traffic conditions in the vicinity of the project site reflect heavy traffic, it is not expected that project-generated traffic would result in a significant increase in the number of noise passenger car equivalents (PCEs) along any given route or at any sensitive receptor (i.e., existing noise PCEs are not expected to increase by 100 percent or more due to the Proposed Project). As such, the mobile source noise screening analysis concludes that the Proposed Project would not generate sufficient vehicular traffic to have the potential to cause a significant noise impact (i.e., it would not result in a doubling of noise PCEs which would be necessary to cause a 3 dBA increase in noise levels). In addition, noise levels adjacent to the proposed outdoor Harlem African Burial Ground memorial would exceed the recommended *City Environmental Quality Review Technical Manual* noise exposure guidelines for outdoor areas requiring serenity and quiet. However, they would be comparable to noise levels typical of other open space areas in the city including a number of existing open space memorials that are also located adjacent to roadways. Due to the level of activity present at and around most New York City open space areas and parks (from vehicular activity and typical urban activities) the relatively low noise level guideline is generally not achievable in most locations within the City. There are no feasible and practicable measures that would be able to decrease noise levels as these open space receptors.

The building attenuation analysis concludes that in order to meet *CEQR Technical Manual* interior noise levels, an (E) designation (E-409) will be assigned to the project site in order to ensure the future developer complies with the required indoor noise attenuation requirements. Based on the building attenuation analysis, the required noise attenuation for the Proposed Project's building façades would range up to 35 dBA, with the highest attenuation required on the base 60 feet of the Proposed Project's southern façade. With implementation of the attenuation levels outlined above, the Proposed Project would not result in any significant adverse noise impacts related to building attenuation requirements.

Public Health

The Proposed Project is not expected to result in unmitigated significant adverse impacts in the following technical areas that contribute to public health: air quality, operational noise, water quality, or hazardous materials. The Proposed Project would result in temporary unmitigated significant adverse construction-related noise impacts. However, while during some periods of construction the Proposed Project would result in significant adverse impacts related to noise, as defined by *CEQR Technical Manual* thresholds, the predicted overall change in noise levels would not be large enough to substantially affect public health. Therefore, the Proposed Project would not result in significant adverse public health impacts during construction.

Neighborhood Character

The neighborhood character study area is defined by a few key components, including its mix of land uses and ongoing trend towards residential uses, its location in a busy urban area with major roadways and transportation infrastructure, and its proximity to the Harlem River. As described elsewhere in this GEIS, the Proposed Project would not result in significant adverse impacts in the areas of land use, zoning, and public policy; socioeconomic conditions; open space; shadows; urban design and visual resources; or noise. The significant adverse historic and cultural resources and transportation impacts would not affect any defining feature of neighborhood character, nor would a combination of moderately adverse effects affect such a defining feature.

The Proposed Project would facilitate the development of a mix of residential, commercial, and community facility uses that would be consistent with the mixed-use character of the existing and planned developments of the East Harlem Triangle neighborhood to the west. Based on the anticipated asking rents of the Proposed Project's residential units, the average income of new residents introduced as part of the Proposed Project

would be in line with to the average income of the new population expected to reside in the area in the future without the Proposed Project. In addition, the affordable housing units added by the Proposed Project would maintain a diverse demographic composition within the study area. Compared to the future without the Proposed Project, the visual appearance, and thus the pedestrian experience of the area, would change considerably, with an underutilized lot replaced with residential and ground floor retail uses that would activate the streetscape. The Proposed Project would better link the existing mixed-use neighborhood located to the west of the project site to the waterfront, improving neighborhood connectivity and enhancing connections to the Harlem River, a key component of the area's neighborhood character. The Proposed Project would also provide links to the existing open space to the north of the project site and to the planned Harlem River Greenway open space (once completed), improving the open space accessibility of the neighborhood.

While historic architectural resources are not defining features of the study area's neighborhood character, it is important to note that recently there has been an increased awareness of and interest in the historic Harlem African Burial Ground, which was located within a portion of the project site. A Phase 1B Archaeological Investigation of the project site (prepared in 2015) demonstrated that the site still contains human remains; the full extent and nature of human resources and archaeological resources on the project site cannot be characterized at this time. While the Proposed Project would seek to avoid, minimize, or mitigate adverse archaeological impacts to the maximum extent possible, the Proposed Project would result in a significant adverse impact on archaeological resources. However, the Proposed Project would also allow for the potential discovery of further archaeological resources and clarify the archaeological integrity of the Harlem African Burial Ground, which would inform a better understanding of the history of the site and Harlem's history. As such, the potential disturbances would not represent a significant adverse impact on any defining features of neighborhood character.

While the Proposed Project would result in increased transportation activities and significant adverse transportation impacts, the resulting conditions would be similar to those seen in the study area and would not result in levels of activity or service conditions that would be out of character with the surrounding neighborhood, which is already characterized by heavy vehicle volumes along many of its roadways. Thus, the changes in transportation due to the Proposed Project would not result in significant adverse impacts on neighborhood character. In addition, while incremental vehicle volumes introduced as a result of the Proposed Project would increase noise levels adjacent to the project site, the increases would not be perceptible to individuals (i.e., would be less than three dBA) and would, therefore, not alter the character of the surrounding neighborhood.

Construction

The construction analysis finds that the Proposed Project would not result in significant adverse construction impacts to transportation, air quality, land use and neighborhood character, socioeconomic conditions, community facilities, or hazardous materials. However, as described below, construction of the Proposed Project has the potential to result in impacts on archaeological resources and noise.

The construction analysis was developed for the Proposed Project to account for the potential for both cumulative impacts resulting from concurrent construction activities and project-on-project impacts, should one component of the Proposed Project be completed and occupied while construction on the project site is still ongoing. The conceptual construction schedule of the Proposed Project's two RWCDs buildings is anticipated to begin in 2019, with a 30-month construction schedule for the smaller of the two RWCDs buildings and a 40-month construction schedule for the larger of the two RWCDs buildings, for a total construction period of 40 months.

Transportation

Construction travel demand associated with the Proposed Project is expected to peak in the second through

fourth quarters of 2020. While the Proposed Project would generate incremental traffic, pedestrian, transit, and parking demand, peaking in 2020, the Proposed Project would generate significantly less traffic, transit, and pedestrian demands in the weekday AM and PM peak hours than the conditions analyzed as part of the transportation task for the Proposed Project's 2022 analysis year. Peak traffic, pedestrian, and transit demand would also occur in the 6-7 AM and 3-4 PM construction peak hours, when overall volumes are less than those projected in the peak hours analyzed for the 2022 analysis year. In addition, while the Proposed Project would likely result in some traffic lane and/or sidewalk closures during limited periods of the Proposed Project's construction, as is typical for construction in New York City, the future site developer would be required to demonstrate how they intend to reduce disruptions due to vehicle deliveries and staging and the closures of adjacent sidewalks and public streets, which would be reviewed and approved by DOT. In addition, detailed Maintenance and Protection of Traffic (MPT) plans for any temporary sidewalk and lane closures would be submitted for approval to the DOT Office of Construction Mitigation and Coordination (OCMC), the entity that insures critical arteries are not interrupted, especially in peak travel periods. In terms of parking demand, based on the anticipated peak number of workers on-site and the associated modal split and vehicle occupancy rates, the peak construction worker parking demand of 79 spaces could be fully accommodated by available spaces in the surrounding area.

Air Quality

Emissions from on-site construction equipment and on-road construction-related vehicles, as well as dust-generating construction activities, have the potential to affect air quality. The analysis of potential impacts on air quality from the construction of the Proposed Project includes a quantitative analysis of both on-site and on-road sources of air emissions. The detailed construction air quality analysis included estimating the overall construction emissions profile for both buildings in order to select the worst-case analysis time periods for short-term air quality standards and annual air quality standards. The short-term analysis time period is October 2019, during which time both RWCDs buildings would be in the demolition/excavation/foundation phase and truck trip generation would be highest. The annual analysis time period includes the initial heavy construction and ground disturbance activities for both RWCDs buildings beginning in September 2019 and lasting through August 2020. Receptors were placed surrounding the project site and dispersion models were used to predict and compare the concentration of pollutants to the National Ambient Air Quality Standards (NAAQS) and/or CEQR *de minimis* impact criteria, as appropriate.

Measures would be taken to reduce pollutant emission during construction. These include the use of clean fuel, implementing dust control measures and idling restrictions, incorporating best available tailpipe reduction methodologies, and using newer equipment; these measures would be required of the future site developer as part of the Contract of Sale, or other legally binding document. With the incorporation of these measures, the detailed construction air quality analysis determined that no significant adverse impacts would result. Regarding project-on-project impacts during construction, while the smaller, eastern building could potentially be occupied in 2022 during the interior fit-out of the larger, western building, no large diesel equipment or activities requiring substantial ground disturbance/fugitive dust would occur during the final phase of construction of the western building's construction. Therefore, no project-on-project construction air quality impacts would result.

Noise

Potential impacts on community noise levels during construction of a proposed project can result from noise from construction equipment operation and from construction vehicles and delivery vehicles traveling to and from the construction site. Noise levels at a given location are dependent on the type and quantity of construction equipment being operated, the acoustical utilization factor of the equipment (i.e., the percentage of time a piece of equipment is operating), the distance from the construction site, and any shielding effects (from structures such as buildings, walls, or barriers). Construction noise is regulated by the local, state, and federal laws. These requirements mandate that specific construction equipment and

motor vehicles meet specified noise emission standards; that construction activities be limited to weekdays between the hours of 7 AM and 6 PM; and that construction materials be handled and transported in such a manner as not to create unnecessary noise.

However, even with adherence to these federal and local regulations, and based on the conceptual worst-case construction schedule, the construction noise analysis indicates that construction noise levels would exceed the CEQR impact criteria for 24 or more months at 42 out of 118 of the analyzed receptor sites (at eight different properties). The impacted locations include the existing residential properties to the south of the project site and the Crack is Wack Playground to the north. However, it should also be noted that construction noise impacts at these locations would not be expected to occur during the afternoon/evening or the weekends (i.e., outside of the typical construction period), and that the City will require a noise mitigation plan for the Proposed Project prior to the start of work that would outline the ways the contractor intends to lessen the noise from each type of construction equipment—for example, contractors could state that jackhammers would be outfitted with noise-reducing mufflers and/or portable street barriers would be installed to reduce the sound impact on the area. Every construction site must have a noise mitigation plan on location at the time of construction. A discussion of potential measures to mitigate these identified significant adverse construction noise impacts is provided in Section 8, “Mitigation,” below.

Other Technical Areas

Based on the analyses conducted, construction of the Proposed Project would not result in significant adverse construction impacts in the areas of land use and neighborhood character, socioeconomic conditions, community facilities, open space, or hazardous materials.

As archaeological resources are present on the project site, the full extent and nature of which cannot be characterized at this time, construction of the Proposed Project has the potential to disturb these archaeological resources, thereby resulting in a significant adverse impact. The NYCEDC would require, through the terms incorporated into the Contract of Sale or other legally binding document, that the future site developer comply with and implement all measures outlined above into the Proposed Project, with review and oversight by the appropriate City agency(s). With these measures in place, the Proposed Project would seek to avoid, minimize, or mitigate adverse archaeological impacts to the maximum extent practicable.

8. MITIGATION

Historic and Cultural Resources

Archaeological Resources

Construction of the Proposed Project has the potential to disturb the archaeological resources present on the project site.

The full potential for the Proposed Project to result in significant adverse impacts on archaeological resources present on the project site is not yet known, as the limits of the sensitive area has yet to be confirmed. At this time, there are no specific development proposals for the Proposed Project, and future developers will be selected pursuant to a RFP process. Further archaeological investigation will be required to be undertaken by the future site developer prior to construction. Any future demolition, removal of subsurface infrastructure, or construction would require preparation of an appropriate protocol completed in coordination with the LPC, OPRHP, and the Harlem African Burial Task Force. These remedial measures will be required to be undertaken by the future site developer through the provisions of the Contract of Sale or other legally binding agreement between the NYCEDC and the future site developer. With these measures in place, the Proposed Project would seek to avoid, minimize, or mitigate adverse archaeological impacts to the maximum extent practicable.

Transportation

Traffic

The Proposed Project would result in significant adverse impacts at eight study area intersections during one or more analyzed peak hour; specifically, four lane groups at two intersections during the weekday AM peak hour, ten lane groups at seven intersections during the weekday midday peak hour, eight lane groups at six intersections during the weekday PM peak hour, and seven lane groups at five intersections during the Saturday midday peak hour. Implementation of traffic engineering improvements, such as signal timing changes or modifications to curbside parking regulations, would provide mitigation for many of the anticipated traffic impacts. Implementation of the recommended traffic engineering improvements is subject to review and approval by DOT prior to implementation. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure will be identified, if possible.

Table 8 shows that significant adverse impacts would be fully mitigated at all but one lane group at one intersection during the weekday midday and PM peak hours. Specifically, impacts to the westbound left-turn-through lane group at the intersection of E. 126th Street at First Avenue would be unmitigated during the weekday midday peak hour, and impacts to the westbound left-through-right turn lane group at the intersection of E. 126th Street and Second Avenue would both be unmitigated during the weekday PM peak hour.

TABLE 8
Summary of Lane Groups/Intersections with Significant Adverse Traffic Impacts

Peak Hour	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections With No Significant Impacts	Lane Groups/ Intersections With Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
Weekday AM	31/8	27/6	4/2	4/2	0/0
Weekday Midday	29/8	19/1	10/7	9/6	1/1
Weekday PM	30/8	22/2	8/6	7/5	1/1
Saturday Midday	29/8	22/3	7/5	7/5	0/0

The NYCEDC would require, through the terms incorporated into the Contract of Sale or other legally binding document, that the future site developer inform DOT six months prior to the completion and occupancy of the Proposed Project and to coordinate the implementation of the identified mitigation measures with the appropriate City agencies (i.e., DOT, NYCT, etc.). Funding for mitigation will be facilitated by the developer through provisions in the Contract of Sale between NYCEDC and the developer. Any required drawings/designs will be prepared as per American Association of State Highway and Transportation Officials (AASHTO) and DOT specifications for review and approval.

Alternative Traffic Impact analysis

An additional impact analysis was prepared as per guidance by DOT to determine whether the Proposed Project would result in new or different impacts should the Triborough Bridge and Tunnel Authority's (TBTA) connector ramp (RK-23C connector ramp), which is currently under construction and would connect the RFK Bridge to the northbound Harlem River Drive, not be completed prior to occupancy of the Proposed Project. The connector is expected to open in 2021 (one year prior to the Proposed Project's 2022 analysis year). In this alternate traffic impact analysis, the street improvements proposed along Second Avenue would have an alternate design to account for the traffic volumes that would remain within the local street network (the "pre-connector plan"). The alternate traffic impact analysis focused on the two intersections that would be affected by the completion of the RK-23C connector ramp: E. 126th Street at Second Avenue/RFK Bridge Exit and E. 127th Street at Second Avenue. The alternate traffic impact analysis determined that significant adverse impacts would occur at these intersections in one or more peak hour, as under future With-Action conditions with the completed RK-23C connector ramp. However, the mitigation

proposed for the intersections of E. 127th Street at Second Avenue and E. 126th Street at Second Avenue/RFK Bridge Exit would vary between the two scenarios. In addition, while the eastbound through-right lane group at E. 127th Street and Second Avenue could be fully mitigated during the weekday PM peak hour in the future with the Proposed Project (with completion of the RK-23 connector ramp), unmitigated significant adverse impacts would occur at this lane group in the weekday PM peak hour under the alternate traffic impact analysis scenario. As such, and as summarized in Table 9, below, under the Alternate Traffic Impact Analysis, one additional lane group at one additional intersection would remain unmitigated in the weekday PM peak hour, for a total of three unmitigated lane groups at three intersections.

TABLE 9
Summary of Lane Groups/Intersections with Significant Adverse Traffic Impacts – Alternate Traffic Impact Analysis

Peak Hour	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections With No Significant Impacts	Lane Groups/ Intersections With Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
Weekday AM	31/8	27/6	4/2	4/2	0/0
Weekday Midday	29/8	19/1	10/7	9/6	1/1
Weekday PM	30/8	22/2	8/6	6/4	2/2
Saturday Midday	29/8	22/3	7/5	7/5	0/0

Transit

Subway

Incremental demand from the Proposed Project would result in significant adverse impacts at a total of three of the nine analyzed stairways at the NYCT 125th Street Station on the Lexington Avenue Line. Specifically, street stair S4/M4, located at the northeast corner of E. 125th Street and Lexington Avenue, would experience significant adverse impacts in the weekday PM peak hour and platform stairs P2 and P3, both of which are located beyond the south fare array and connect to the uptown platform, would experience significant adverse impacts in the weekday AM and PM peak hours. Street stair S4/M4 could be fully mitigated by widening the stair by 11 inches to an effective width of 101 inches (nine feet, five inches, with an effective width of eight feet, five inches)⁷. However, NYCT typically widens stairs such that their total width is in multiples of 30 inches (or two feet, six inches). Therefore, to fully mitigate the significant adverse impact, street stair S4/M4 would be widened by 18 inches to a total width of 120 inches (or ten feet). The stairway would include one central bannister, for an effective width of 105 inches (or eight feet, nine inches). The significant adverse impacts on platform stairs P2 and P3 could be fully mitigated by widening the platform stairs by nine inches and ten inches, respectively, to effective widths of 87 inches (eight feet, six inches, with an effective width of seven feet, three inches) and 95 inches (eight feet, seven inches, with an effective width of seven feet, eleven inches), respectively. As discussed above, NYCT typically widens stairs such that their total width are in multiples of 30 inches (or two feet, six inches), therefore both platform stairs P2 and P3 would be widened by 27 inches to a total width of 120 inches (or ten feet) to fully mitigate the significant adverse impacts. Both platform stairs P2 and P3 would include one central bannister, for an effective width of 105 inches (or eight feet, nine inches). If, prior to implementation, NYCT determines that the identified potential street stair S4/M4 and platform stair P2 and P3 mitigation measures are infeasible, an alternative and equivalent mitigation measure will be identified, if possible; otherwise, the significant adverse impact to street stair S4/M4 would remain unmitigated in the weekday PM peak hour.

Currently, there are multiple large-scale capital projects in the immediate area of the Proposed Project that are in various stages of the planning and development process, such as the City sponsored East Harlem

⁷ Street stair S4/M4 was widened from a total of 5.67 feet to 8.5 feet as part of mitigation of the E125 project, which was incorporated into the No-Action and With-Action subway analyses.

Rezoning Proposal and the Second Avenue subway extension. These projects may alter the levels of use at the 125th Street Station because they may result in priority station and system wide improvements that could change transit access options in the area of the Proposed Project. Therefore, NYCEDC would require, through the terms incorporated into the contract of sale or long-term lease or other legally binding agreement(s) that the future site developer(s), working with NYCT, conduct further studies to determine if the widening of stairs would be practicable and would commit the developer to implementing measures deemed practicable before allowing substantial occupancy of the project site. The study of these potential mitigation measures may include analysis of their necessity and/or compatibility with other potential priority station or system-wide improvements (such as the Second Avenue subway extension or East Harlem Rezoning Proposal). If it is determined that these mitigation measures are impracticable to implement at the 125th Street subway station, the impacts identified would remain unmitigated. Should further study reveal that the mitigation measures are practicable, then NYCEDC will incorporate provisions into the development agreement between NYCEDC and the selected developer to ensure the implementation of these mitigation measures are completed prior to substantial occupancy of the Proposed Project.

Pedestrians

Incremental demand from the Proposed Project would result in significant adverse impacts at a total of one sidewalk and three crosswalks in one or more peak hour. Recommended mitigation measures to address these impacts are discussed below. Implementation of these measures would be subject to review and approval by DOT. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure will be identified, if possible.

The NYCEDC would require, through the terms incorporated into the Contract of Sale or other legally binding document, that the future site developer inform DOT six months prior to the completion and occupancy of the Proposed Project and to coordinate the implementation of the identified mitigation measures with the appropriate City agencies (i.e., DOT, NYCT, etc.). Funding for mitigation will be facilitated by the developer(s) through provisions in the Contract of Sale between NYCEDC and the developer. Any required drawings/designs will be prepared as per AASHTO and DOT specifications for review and approval.

Sidewalks

Of the nine analyzed sidewalks, only the east sidewalk on Lexington Avenue between E. 125th and E. 126th streets is expected to experience significant adverse impacts as a result of the Proposed Project; impacts would occur at this location in all four peak hours. It should be noted that the narrowest portion of the east sidewalk on Lexington Avenue between E. 125th and E. 126th streets is located adjacent to the existing street stair S4/M4 serving the NYCT 125th Street station on the Lexington Avenue line, which is proposed to be widened as part of mitigation for the E125 Project (as noted in the “Transit-Subway” section, above), resulting in a reduction of effective sidewalk width along this sidewalk and partially contributing to the identified significant adverse pedestrian impact at this location. Accounting for the additional street stair S4/M4 widening required to mitigate the Proposed Project’s identified significant adverse subway stair impact, this sidewalk would need to be widened by at least five feet in front of the subway stair bulb-out, in addition to removing all constraint points in front of the subway stair, to fully mitigate the impact to this sidewalk in all peak hours. No unmitigated significant adverse sidewalk impacts would remain upon incorporation of this recommended mitigation measure.

Crosswalks

Three of the 11 analyzed crosswalks would experience significant adverse impacts as a result of the Proposed Project: the north crosswalk at the intersection of E. 126th Street at Second Avenue/RFK Bridge Off-Ramp (in all four peak hours) and the north and south crosswalks at the intersection of E. 126th Street at Third Avenue (in the weekday midday and PM and Saturday midday peak hours). The identified

significant adverse impact at the north crosswalk of E. 126th Street at Second Avenue/RFK Bridge Off-Ramp could be fully mitigated with the implementation of signal timing changes in all four peak hours. Similarly, the identified significant adverse impacts at the south crosswalk at the intersection of E. 126th Street and Third Avenue could be fully mitigated with the implementation of signal timing changes in the weekday midday and PM and Saturday midday peak hours. In addition, the widening of the north crosswalk by one foot would fully mitigate the significant adverse impacts to the north crosswalk in the weekday midday and PM and Saturday midday peak hours. No unmitigated significant adverse crosswalk impacts would remain upon incorporation of the recommended mitigation measures.

All traffic, transit, and pedestrian mitigation measures will be required to be undertaken by the future site developer after selection. Mitigation measures, including new signal equipment, signal timing adjustments, roadway restriping, sidewalk widening, signage replacement and relocation, and further studies pertaining to the subway staircase widenings would be required to be undertaken by the future site developer through the provisions of the Contract of sale or other legally binding agreement between NYCEDC and the future site developer.

Construction

Noise

Based on the conceptual worst-case construction schedule utilized for analysis purposes, the Proposed Project would result in significant adverse construction noise impacts at 42 out of 118 of the analyzed receptor sites at eight different properties. The impacted locations include seven existing residential properties to the south of the project site (along E. 126th Street) and the Crack is Wack Playground. It should also be noted that construction noise impacts at these locations would not be expected to occur during the afternoon/evening or the weekends (i.e., outside of the typical construction period), and that the City will require a noise mitigation plan for the Proposed Project prior to the start of work that would outline the ways the contractor intends to lessen the noise from each type of construction equipment—for example, contractors could state that jackhammers would be outfitted with noise-reducing mufflers and/or portable street barriers would be installed to reduce the sound impact on the area. Every construction site must have a noise mitigation plan on location at the time of construction. Potential measures to mitigate the significant adverse construction noise impacts were explored in consideration of their effectiveness, cost, and feasibility. No feasible cost-effective measures were identified that would fully mitigate the identified significant adverse construction noise impacts. As such, these impacts would remain unmitigated and would constitute an unavoidable significant adverse impact as a result of the Proposed Project.

9. ALTERNATIVES

No-Action Alternative

The No-Action Alternative examines future project site conditions, but assumes the absence of the Proposed Project (i.e., none of the discretionary approvals proposed as part of the Proposed Project would be adopted). Under the No-Action Alternative, the project site's existing M1-2 zoning would remain and it is anticipated that the project site would remain a bus depot building, but would be unoccupied.

The significant adverse impacts anticipated for the Proposed Project would not occur under the No-Action Alternative. However, the No-Action Alternative would not meet the goals of the Proposed Project. The benefits expected to result from the Proposed Project—including facilitating a mixed-use, mixed-income development on a large City-owned site, currently not in active use, that honors and commemorates the significant social, economic, and cultural history of the Harlem African Burial Ground and its descendent community—would not be realized under this alternative, and the No-Action Alternative would fall short of the objectives of the Proposed Project.

No Unmitigated Significant Adverse Impacts Alternative

The No Unmitigated Significant Adverse Impacts Alternative examines a scenario in which the density and other components of the Proposed Project are changed specifically to avoid the unmitigated significant adverse impacts associated with the Proposed Project. There is the potential for the Proposed Project to result in unmitigated significant adverse impacts related to archaeological resources, transportation (traffic), and construction noise. Overall, in order to eliminate all unmitigated significant adverse impacts, the Proposed Project would have to be modified to a point where the principal goals and objectives would not be realized.

Lower Density Alternative

A Lower Density Alternative to the Proposed Project was developed to determine whether development of the project site with a lesser density would eliminate or reduce any of the significant adverse impacts identified under the Proposed Project. Specifically, based on comments received on the Draft Scope of Work, the Lower Density Alternative considers an alternate zoning map amendment to that which is proposed under the Proposed Project. Under the Lower Density Alternative, the project site would be rezoned C4-3, an R6-equivalent district, instead of the proposed C6-3 (R9-equivalent) district. R6 represents the lowest density residential district that triggers the need for a zoning map amendment to designate the project site as an MIH area. The proposed City map amendment and zoning text amendment would be included under the Lower Density Alternative, as under the Proposed Project. Under the Lower Density Alternative, the project site would be redeveloped with 514,542 gsf, comprising a similar mix of residential, commercial, and community facility floor area as under the Proposed Project. Compared to the Proposed Project, the Lower Density Alternative would include 420 fewer residential units (including 210 fewer units affordable to households earning at or below 80 percent AMI), 15,000 gsf less community facility floor area, 181,125 gsf less commercial floor area, and 136 more accessory parking spaces.

Conditions with the Lesser Density Alternative, as compared to the probable impacts of the Proposed Project, are summarized below. As under the Proposed Project, the Lower Density Alternative would not result in significant adverse impacts in the areas of land use, zoning, and public policy, socioeconomic conditions, community facilities and services, open space, shadows, urban design and visual resources, natural resources, hazardous materials, water and sewer infrastructure, energy, air quality, greenhouse gas emissions and climate change, operational noise, public health, and neighborhood character. Also as under the Proposed Project, the Lower Density Alternative would result in significant adverse archaeological, transportation (traffic, pedestrian, and transit), and construction noise impacts, although two fewer traffic intersections, two fewer subway stairs, and no crosswalks would experience significant impacts under the Lower Density Alternative. As under the Proposed Project, all of the pedestrian impacts could be fully mitigated. In addition, the unmitigated significant adverse traffic impacts that would occur under the Proposed Project would not occur under the Lower Density Alternative, as the identified significant adverse traffic impacts could be fully mitigated under the Lower Density Alternative. As both the Lower Density Alternative and the Proposed Project would result in new in-ground disturbance on a site identified as archaeologically sensitive, both would result in the potential for unmitigated significant adverse impacts on archaeological resources present on the project site. The unmitigated significant adverse construction-related noise impacts that are expected to occur during construction of the Proposed Project are similarly anticipated to occur under the Lower Density Alternative, given the location of the project site in relation to existing residential and open space sensitive receptors (to the south and north, respectively); however, the duration of construction, and consequently the duration of construction-related noise impacts on these receptors, would be reduced under the Lower Density Alternative. In addition, the Lower Density Alternative would be less successful at accomplishing the Proposed Project's housing and economic development goals. Notably, the Lower Density Alternative would include 420 fewer residential units than the Proposed Project, including 210 fewer units affordable to households earning at or below 80 percent AMI. With significantly less commercial and community facility floor area than the Proposed Project, the

Lower Density Alternative would also generate 714 fewer jobs than the Proposed Project.

10. UNAVOIDABLE ADVERSE IMPACTS

According to the *CEQR Technical Manual*, unavoidable significant adverse impacts are those that would occur if a proposed project or action is implemented regardless of the mitigation employed, or if mitigation is infeasible. The Proposed Project would result in significant adverse impacts with respect to archaeological resources, transportation (traffic, transit, and pedestrians) and construction noise. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation was identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Project that would meet their purpose and need, eliminate their impacts, and not cause other or similar significant adverse impacts.

Archaeological Resources

Construction of the Proposed Project has the potential to disturb the archaeological resources present on the project site. The full potential for the Proposed Project to result in significant adverse impacts on archaeological resources present on the project site is not yet known, as the limits of the sensitive area has yet to be confirmed, and, at this time, there are no specific development proposals for the Proposed Project. As outlined above, further archaeological investigation will be required to be undertaken by the future site developer prior to construction. These measures would seek to avoid, minimize, or mitigate adverse archaeological impacts to the maximum extent practicable.

Traffic

As outlined above, the Proposed Project's significant adverse traffic impacts would be fully mitigated at all locations in all peak hours with the exception of: (1) the westbound left-turn-through lane group at the intersection of E. 126th Street and First Avenue in the weekday midday peak hour; and (2) the westbound left-through-right turn lane group at the intersection of E. 126th Street and Second Avenue in the weekday PM peak hour. No measures could be implemented to fully mitigate these lane groups without resulting in new impacts at one or more other lane group and/or resulting in extensive vehicle queuing at the respective intersections; in addition, while the installation of an all-way-stop was explored to mitigate the identified significant adverse impact at E. 126th Street and First Avenue, the intersection does not meet

Construction Noise

Based on the worst-case conceptual construction schedule utilized for analysis purposes, the Proposed Project would result in significant adverse construction noise impacts at the existing residential properties to the south of the project site and the Crack is Wack Playground. No feasible cost-effective measures were identified that would fully mitigate the identified significant adverse construction noise impacts. As such, these impacts would remain unmitigated and would constitute an unavoidable significant adverse impact as a result of the Proposed Project.

11. GROWTH-INDUCING ASPECTS OF THE PROPOSED PROJECT

The term "growth-inducing aspects" generally refers to "secondary" impacts of a proposed project that trigger further development outside the directly affected area. The *City Environmental Quality Review Technical Manual* indicates that an analysis of the growth-inducing aspects of a proposed project is appropriate when the project: (1) adds substantial new land use, residents, or employment that could induce additional development of a similar kind or of supported uses, such as retail establishments to serve new residential uses; and/or (2) introduces or greatly expands infrastructure capacity (e.g., sewers, central water

supply).

The Proposed Project would result in more intensive land uses on the project site. However, it is not anticipated that the Proposed Project would generate significant secondary impacts that would result in substantial new development in nearby areas. The projected increase in residential population is likely to increase the demand for neighborhood services. It is anticipated that the consumer needs of the new residential and worker populations would largely be satisfied by a combination of the new retail and community facility uses provided by the Proposed Project and the existing and planned retail and community facility uses in the surrounding area. The Proposed Project 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 and operation of the Proposed Project after its completion. However, this secondary growth is not expected to result in any significant impacts in any particular area or at any particular site. Lastly, the configuration of any on-site infrastructure improvements would be determined based on the demands created by the Proposed Project and would not be designed to accommodate development elsewhere in the surrounding area. Therefore, these improvements would not be expected to induce growth outside of the project site. Overall, the Proposed Project would not induce significant additional growth beyond that identified and analyzed in this GEIS.

11. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Resources, both natural and man-made, would be expended in the construction and operation of the Proposed Project. These resources include the building materials used in construction; energy in the form of gas and electricity consumed during construction and operation of the Proposed Project by various mechanical and processing systems; and the human effort (time and labor) required to develop, construct, and operate various components of the Proposed Project. These are considered irretrievably committed because their reuse for some other purpose would be highly unlikely.

The Proposed Project also constitutes a long-term commitment of land resources, thereby rendering land use for other purposes highly unlikely in the foreseeable future. However, the land use change that would occur as a result of the Proposed Project would be compatible with existing conditions and trends in the area as a whole and would be appropriate for the project site's location, which is served by existing infrastructure, public facilities, and residential amenities. The project site does not possess any natural resource values and has been previously developed. In addition, the public services provided in connection with the Proposed Project (e.g., police and fire protection, public education, open space, and other City resources) constitute resource commitments that might otherwise be used for other programs or projects. However, the Proposed Project would reintegrate the project site into the neighborhood fabric, enliven the area, and produce economic growth.

The commitments of resources and materials are weighed against the benefits of the Proposed Project. The Proposed Project would result in a mixed-use development project on a large City-owned site that is currently not in active use. Additionally, the Proposed Project would facilitate the development of a publicly-accessible memorial commemorating the Harlem African Burial Ground and its important role in the history of Harlem and New York City integrated into a mixed-use development with a significant amount of affordable and middle-income residential units, as well as commercial and community facility uses.

12. NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

This Notice of Completion for the Final Generic Environmental Impact Statement for the East 126th Street Bus Depot Memorial and Mixed Use Project has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law.

13. CONTACT OFFICE

Requests for copies of the FGEIS should be forwarded to the contact office, Mayor's Office of Environmental Coordination, 253 Broadway, 14th Floor, New York, NY 10007, or by email to dpisani@cityhall.nyc.gov or telephone at (212) 676-3290.

The GEIS is also available on the New York City Office of Environmental Coordination website:
<http://www.nyc.gov/oec>.



Hilary Semel
Assistant to the Mayor
On behalf of the Deputy Mayor for Housing & Economic Development

Date: July 13, 2017