

3.1 LAND USE, ZONING, AND PUBLIC POLICY

INTRODUCTION

According to CEQR guidance, detailed assessment of land use, zoning, and public policy is appropriate if an action would result in a significant change in land use or would substantially affect regulations or policies governing land use. Under CEQR, a land use analysis characterizes the uses and development trends in the study area, and assesses whether a proposed action is compatible with or may affect those conditions. Under *CEQR Technical Manual* guidelines, an assessment of zoning is typically performed in conjunction with a land use analysis when the action would change the zoning on the site or result in the loss of a particular use. Similar to zoning, assessment of public policy typically accompanies an assessment of land use.

This chapter examines the potential for impacts to land use, zoning and public policy as a result of the East 125th Street Development. The proposed action and its associated zoning and urban renewal plan amendments and other related approvals are not expected to result in significant adverse land use impacts. The proposed action is expected to be consistent with public policies of the City and Community Board 11 for the project site and adjacent areas of East Harlem.

The proposed action includes zoning map amendments, the disposition of City-owned property, City Planning Commission Special TA District Certification, and amendment of the Harlem-East Harlem Urban Renewal Plan (HEHURP), including proposed urban design guidelines and modification of a Large Scale Residential Development Plan, among others revisions. These actions would allow the proposed mixed-use program of development in conformity with a program developed in concert with a Task Force convened by NYCEDC, Manhattan Community Board 11 (CB 11) and local elected officials.

The proposed East 125th Street Development would result in substantial land use changes on three parcels in East Harlem (the “project site”). The three parcels are referred to as Parcels A, B, and C. Parcel A extends from East 127th Street to East 126th Street between Second and Third Avenues. Parcel B extends from East 126th Street to East 125th Street between Second Avenue and Third Avenue, and Parcel C is the northwestern-most parcel of the block located to the south of Parcel B, fronting on East 125th Street and Third Avenue. While the anticipated changes to land use are substantial, they are not expected to result in significant adverse impacts. The changes in land use pattern are expected to be complimentary to area-wide land use patterns and development trends, and would increase the population of workers and residents in the surrounding area.

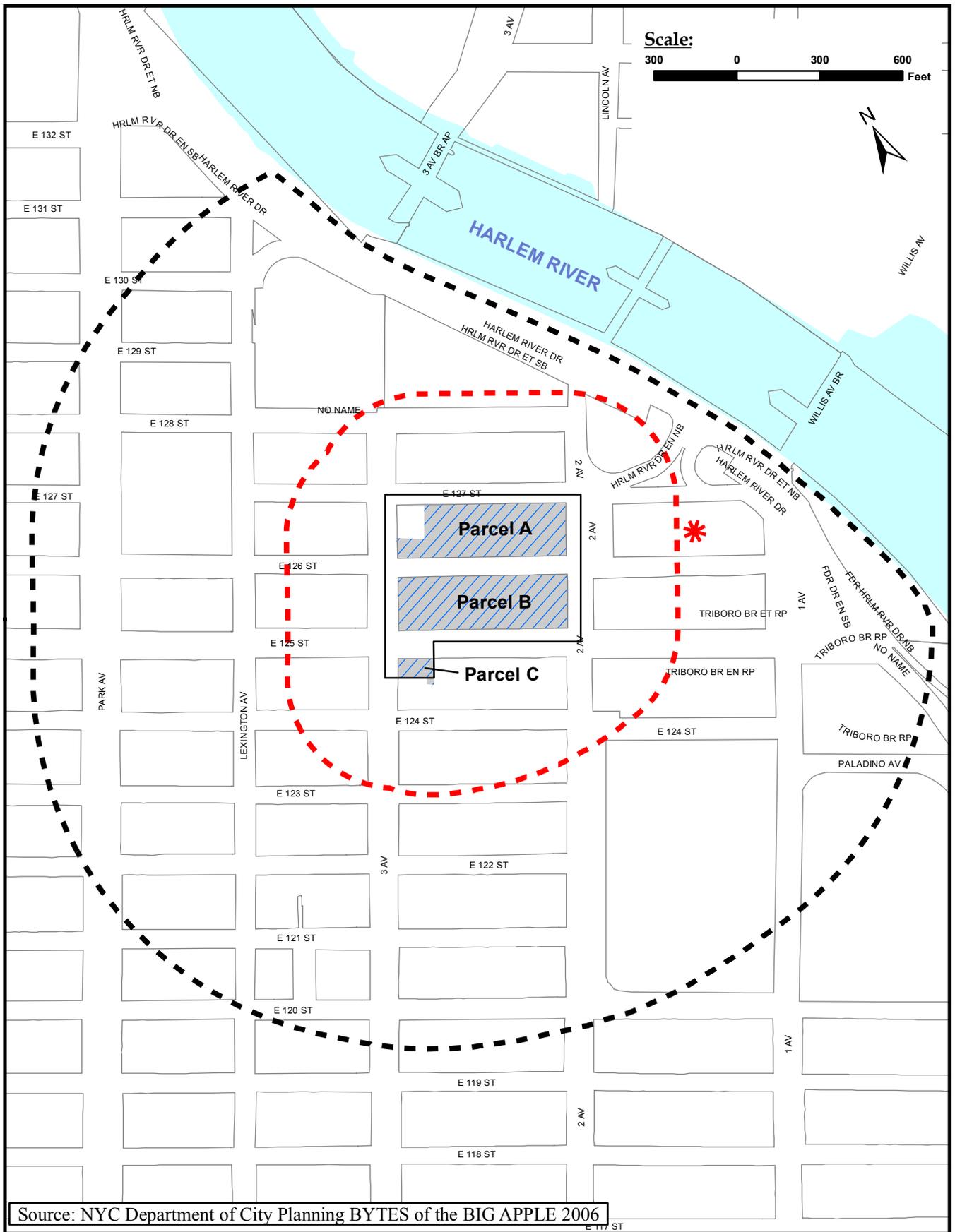
One of the major goals for the planned development is to restore the underutilized parcels on the project site and create an urban fabric that has connectivity to the recently developed neighborhoods just to the west of the project site. The project site is considered to be an appropriate location for the proposed mixed-use development with its in-place infrastructure and planned transportation improvements.

The proposed action would develop an area that is filled predominantly with low-intensity transportation uses and vacant parcels and replace these uses with residential, commercial and

retail uses, and open space. The proposed action would result in an increase in residential population and would also increase employment in the area, extending major retail and office development eastward on 125th Street. The new residential and commercial development will continue a pattern of reinvestment that has been ongoing in Harlem, with significant housing renovation and new construction taking place since the 1990's, and major new commercial development occurring in the last five-to-ten years. Non-residential uses would include cultural space and retail space for small and locally-owned businesses.

The project site was once a predominantly residential neighborhood lined with tenement-type buildings and rowhouses. Zoning changes and acquisitions by the Metropolitan Transportation Authority (MTA) for bus storage and other transit related uses redefined the area as a location for commercial, auto-related, and manufacturing uses, largely replacing the neighborhood's residential character of the past. For the most-part, residential buildings on the project site were torn down and replaced with parking facilities, though a few former residential buildings remain, now containing only commercial uses.

More recently, areas to the west of the project site along the 125th Street corridor have experienced commercial development including a Pathmark supermarket, Gotham Plaza, and Gateway Plaza, located at Lexington Avenue and 125th Street. Commercial uses flank existing rowhouses that have been redeveloped in recent years. The trend of building new commercial development and the redevelopment of rowhouses in West and Central Harlem has moved eastward towards the project site in East Harlem. New development that began during the early 1990's resulted in an increase in residential and commercial development in the more easterly portions of Harlem, and the area has begun to experience the economic renaissance that has been underway for the past decade in areas to the west.

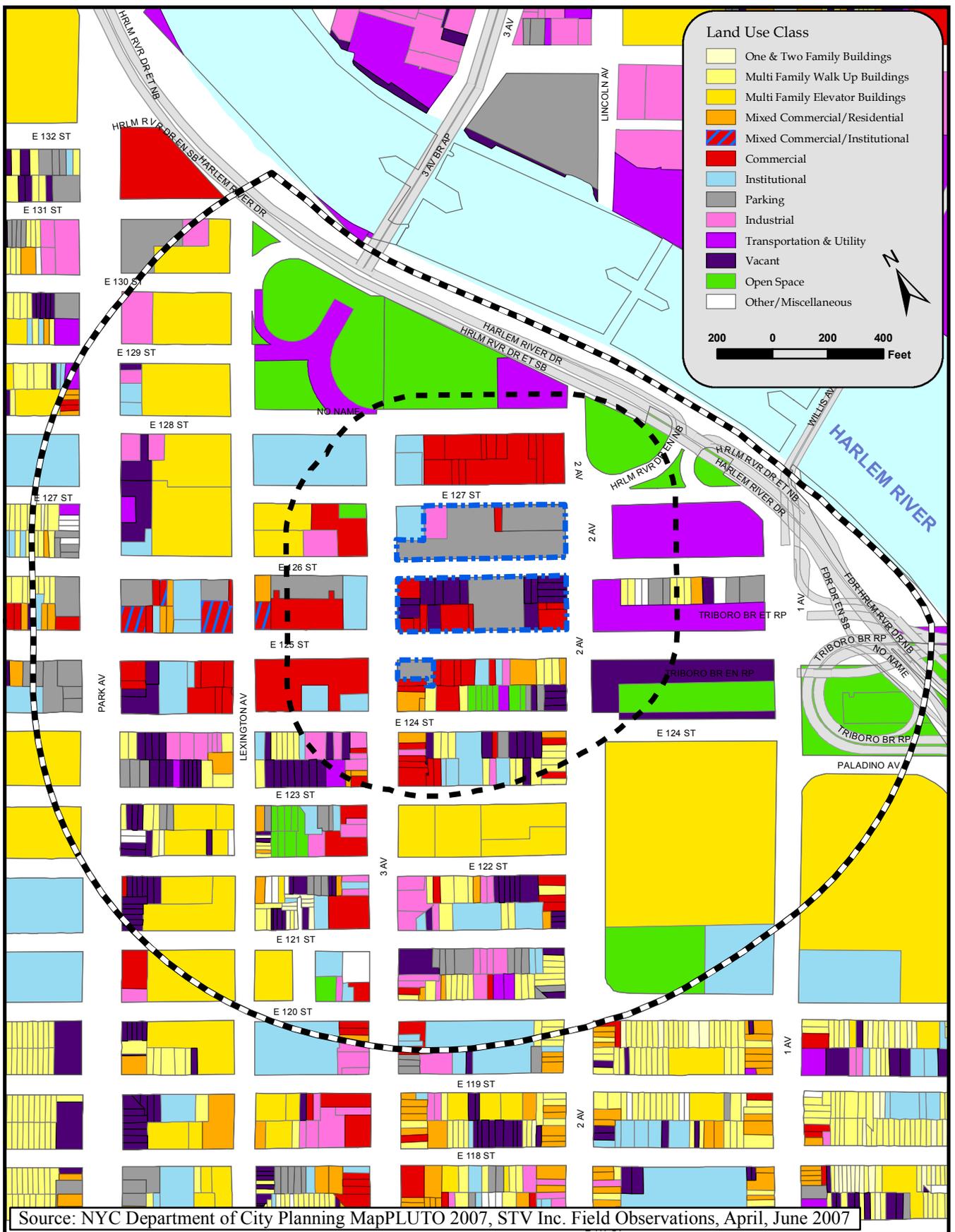


Source: NYC Department of City Planning BYTES of the BIG APPLE 2006

- Legend**
-  Project Site
 -  Rezoning Area
 -  Primary Study Area (Approximate 400-Foot Radius)
 -  Secondary Study Area (Approximate 1/4-mile Radius)
 -  MTA Bus Depot

Figure 3.1-1 - Land Use Study Areas

*East 125th Street Development EIS
 NYC Economic Development Corporation*



Legend

- Project Site
- Primary Study Area (Approximate 400-Foot Radius)
- Secondary Study Area (Approximate 1/4-mile Radius)

Figure 3.1-2 - Existing Land Use

*East 125th Street Development EIS
 NYC Economic Development Corporation*

As shown in Table 3.1-1 below, the majority of the land in the area is occupied by vacant land and transportation and utility uses such as bus storage or parking lots. The remaining lots are primarily occupied by commercial buildings.

Over half of the lots on the project site are vacant, although only 21 percent of the lot area consists of vacant land. Various parking lots occupy approximately 55 percent of the total land area on the project site. The remaining uses include industrial, mixed commercial/vacant residential, and commercial uses. Commercial uses comprise 11 percent of the total number of lots and approximately nine percent of the total lot area; these uses are most common on Parcel B, along the north side of East 125th Street.

Table 3.1-1: Existing Land Use of the Project Site

Land Use	Number of Lots	Percentage of Total Lots	Lot Area (sf)	Percentage of Lot Area
Vacant Land	15	56%	51,115	21%
Commercial	3	11%	21,328	9%
Parking Facilities	3	11%	132,054	55%
Industrial	2	7%	2,498	1%
Mixed Commercial / Residential	2	7%	2,813	1%
Transportation / Utility	1	4%	8,341	3%
Other	1	4%	22,982	10%
TOTAL	27	100%	241,131	100%

Source: New York City Department of City Planning, *COGIS 03C PLUTO database, 2006. STV Inc. Field Survey, April 2007.*

A land use field survey was conducted in June 2007 to ascertain current land uses within the boundaries of the project site and its surrounding area. Following is a block-by-block analysis of the existing land uses observed during field visits. As one lot may consist of several buildings, there may be more land uses than tax lots on a given block.

Parcel A

This parcel is comprised of three tax lots on Block 1791 (Lots 1, 25, and 34). The parcel comprises the entire block from East 126th Street to East 127th Street excluding the northwestern-most lot, which is occupied by the United Moravian Church, which is a one-story church with a pitched roof. Lot 1 is a 83,416-square foot parcel that extends from Second Avenue to Third Avenue (2321 Third Avenue) on the southern portion of the block, and also extends over a portion of the northern half of the block. Lot 1 is City-owned and contains MTA bus storage and agency personnel parking, and Manhattan Coach Works, a one-story automobile repair and restoration shop located at 212 East 127th Street. Lot 25 is a 22,982-square foot parcel located at 2469 Second Avenue and owned by the MTA that is used for MTA bus storage. Lot 34 is a 2,498-square foot parcel located at 230 East 127th Street. An existing five-story, 11,825-square foot building housing the Cycle Therapy motorcycle dealership is located on this lot with an FAR of 4.73. This tenement-style building was likely occupied in the past by residential apartments. Rear windows of the building are sealed.

Following is a description of the uses organized by block frontage:

South Side of East 127th Street from Second to Third Avenues: The northern half of Parcel A contains four different uses within the project site, including a light industrial building, a vacant lot, a commercial building formerly containing apartments, and a parking lot. At the western side of the block, next to the United Moravian Church, is a two-story brick light industrial building housing the above-described Manhattan Coach Works, an auto body repair shop. Adjacent to this low-rise building to the east is a vacant lot. The lot has a chain link fence along East 127th Street, with parking directly to the south. To the east of the paved lot is the five-story brick commercial building housing Cycle Therapy, a motorcycle dealership with display areas and a repair shop on the ground floor and associated uses above. This tenement-style building likely contained apartments at some point in the past. Adjacent to the five-story Cycle Therapy building is the fenced surface parking lot on the corner of East 127th Street and Second Avenue that is used for MTA bus storage.

North Side of East 126th Street from Third to Second Avenue: The corner lot on East 126th Street and Third Avenue is a fenced and overgrown vacant lot. Directly adjacent to the east is a surface parking lot that is used by the MTA for bus storage, and MTA staff personal vehicle parking. The parking lot extends through to the north side of the block and to Second Avenue, and is enclosed by a chain link fence. There are two main curb cuts on East 126th Street, one closer to Third Avenue and one closer to Second Avenue.

Third Avenue from East 126th Street to East 127th Street: This block contains a vacant parcel on the northeast corner of East 126th Street and Third Avenue, which is within the project site, and the United Moravian Church on the southeast corner of East 127th Street and Third Avenue, which is outside of the project site. The church is a one-story concrete and tile building with a sloping roof on the western portion of the building.

Second Avenue from East 126th Street to East 127th Street: This block frontage contains surface parking for MTA buses and agency staff vehicles.

Parcel B

Parcel B is comprised of 23 tax lots on Block 1790 (Lots 1, 3, 5, 6, 8, 12, 13, 20, 24, 25, 26, 27, 28, 29, 30, 31, 40, 41, 44, 45, 46, 49, and 101), and is bounded by East 125th Street, East 126th Street, Second Avenue, and Third Avenue. The southern half of the block consists of three commercial buildings, one large parking lot, two formerly mixed-use buildings with apartments that do not appear to be occupied, two vacant parcels, and one gas station. The northern half of the block consists of seven vacant lots, a one-story commercial building, and a parking lot that connects through to 125th Street.

Following is a description of the uses present on Parcel B organized by block frontage:

South Side of East 126th Street from Third Avenue to Second Avenue: A one-story dry cleaning establishment is located on the southeast corner of East 126th Street and Third Avenue. Immediately adjacent are four vacant lots. All four lots are enclosed by unsecured chain link

fencing and are overgrown with weeds and volunteer trees. To the east is a privately-operated surface parking area with approximately forty spaces on a through-lot with access to East 125th Street but no curb cut to East 126th Street. The remaining two lots fronting on East 126th Street and the corner lot at Second Avenue are all vacant. The lots adjacent to Second Avenue are not paved, and a sidewalk fruit stand is located on the sidewalk at the corner of Second Avenue and East 126th Street.

North Side of East 125th Street from Third Avenue to Second Avenue: The uses on East 125th Street from Third to Second Avenues are mostly commercial, located in buildings of one-to-four stories in height. The corner lot at Second Avenue contains a one-story carpet and flooring store. Adjacent to this store to the east is a four-story building with an antiques store on the ground floor and loft spaces (former apartments) that appear to be used as storage on the upper floors. Adjacent to the east is a barber shop and salon in a three-story building with vacant upper floors. Directly adjacent to the beauty salon is a larger vacant parcel of land that is overgrown and enclosed by a chain link fence. To the east of the vacant lot is a two-story auto repair shop with two garage bays fronting on the street. Directly adjacent and to the east of the auto repair shop is a four-story building containing an appliance store on the ground floor and apartments on the upper floors that do not appear to be occupied. The New York City Department of City Planning's MapPluto database indicates the presence of four dwelling units within this building; however, residential occupancy could not be confirmed during numerous day-and nighttime field visits conducted between April and July of 2007. A privately-operated commercial surface parking facility with limited stacked parking extends from East 125th to East 126th Street. There is a one-story gas station located at the corner of East 125th Street and Second Avenue.

Third Avenue from East 125th Street to East 126th Street: This block frontage contains the one-story carpet and flooring store at the corner of East 125th Street and Third Avenue, two vacant parcels, and the one-story dry cleaning establishment at the corner of East 126th Street and Third Avenue.

Second Avenue from East 125th Street to East 126th Street: This block contains the one-story gas station at the corner of East 125th Street and Second Avenue, with a Dunkin Donuts store located to the north, and a tire repair stand also present to the north. The remaining parcels extending to East 126th Street are vacant.

Parcel C

Parcel C consists of a 10,337-square foot lot located at 2293 Third Avenue (Block 1789, Lot 46), at the corner of East 125th Street and Third Avenue. This City-owned lot is vacant and fenced, and used for agency staff personal vehicle parking including FDNY staff parking for the Fred Scheffold Fire House (Engine 35 Ladder 14) on the opposite side of Third Avenue. The lot is enclosed on its southern and eastern sides by four-story mixed-use buildings.

Primary Study Area

The primary study area includes the area outside, but within a 400-foot radius of, the project site. The primary study area is generally bounded by East 128th Street on the north, the midblock between Second Avenue and First Avenue on the east, 123rd Street on the south, and the midblock between Third Avenue and Lexington Avenue on the west. The primary study area contains a variety of uses, but the majority are commercial, residential, and mixed residential and commercial. Other land uses in the primary area include institutional uses such as schools and churches, and light industrial uses such as auto dealerships and other auto related uses. Many of the blocks are occupied by large, single uses, which create a different land use pattern than the project site.

The land use pattern within the primary study area is generally institutional and commercial to the north (school, church and car dealership). Transportation uses are located to the east, including the MTA bus depot, the Triborough Bridge and related uses, with residential and commercial development on East 126th Street. To the west are mainly commercial and institutional uses, and associated open space such as a tot lot and school playground at East 127th Street and Third Avenue. Taller residential buildings are more common at a greater distance from the core of the project site, especially to the south and west. There is also a concentration of commercial and institutional uses surrounding these buildings, such as grocery stores, a Post Office, and a fire station.

Following is a description of uses within the primary study area on blocks adjacent or directly across from the project site:

East 127th Street from Third to Second Avenue: The two-story Church of God is located on the corner of East 127th Street and Third Avenue. Directly adjacent and to the east of the church is an automobile dealership. This Saturn dealership is housed in a recently constructed, two-story building.

East 127th Street to East 126th Street from First Avenue to Second Avenue: This entire block is occupied by an MTA New York City Transit Authority Bus Depot. The Bus Depot consists of a two-story brick building with multiple garage bays. It is used for bus maintenance and includes associated office space. There is also a small surface lot on this block fronting on Second Avenue that is used for bus parking.

Second Avenue from East 126th to East 125th Street: This block contains two five-story, brick residential buildings, a one-story brick auto and towing facility in the center of the block, a one-story auto body shop on the corner of First Avenue and East 126th Street, several vacant lots, and an exit ramp of the Triborough Bridge.

Second Avenue from East 125th to East 124th Street: Wagner Houses Pool, associated with the adjacent public housing complex, occupies this block. The pool is fenced, with a playground occupying the block portion from Second Avenue to First Avenue fronting on East 124th Street.

East 125th Street to East 124th Street between Second Avenue and Third Avenue: This block contains eight commercial buildings, two institutional uses, four mixed-use buildings and five residential buildings. The southeast corner of the block is currently under construction for a new

residential building. Just to the west of the construction site are two open space uses: Dream Street Park and Harry's Playground. These two open spaces contain play space and landscaped areas with benches. The easterly of these two open spaces is to be incorporated into the development parcel that extends to Second Avenue.

East 124th Street to East 125th Street from Lexington Avenue to Third Avenue: A large Pathmark supermarket occupies the entire block frontage along East 125th Street from Lexington Avenue to Third Avenue, and the majority of the block frontage along East 124th Street from Lexington Avenue to Third Avenue. The store has a concrete panel façade and glass display windows. The main entrances to the Pathmark front on Lexington Avenue and East 125th Street. There is a fire station on the corner of East 124th Street and Third Avenue (Engine 35 Ladder 14) housed in a one-story brick building.

Third Avenue from East 125th Street to East 126th Street: The Salvation Army building fronts onto Third Avenue from East 125th to East 126th Street. It has an institutional appearance with a brick wall at the ground floor level occupying much of the blockface.

Third Avenue from East 126th Street to East 127th Street: The East End Job Center, a social services provider for low income residents, occupies the majority of this block frontage, housed in a five-story building. At the north end of the block, at East 127th Street and Third Avenue, is a small tot lot accessed from the East End Job Center. The tot lot contains a jungle gym, and is enclosed by a chain link fence.

Other Uses in the Primary Study Area

Following is a general description of the uses within the primary study area extending further out from the project site:

Within the primary study area to the north of the project site the predominant land uses are commercial and institutional, including the above-described Saturn Dealership just to the north of Parcel A, a public school, a food stamp center, a day care center, and other institutional uses to the northwest. Further to the northeast of Parcel A is Harlem River Park, with a portion of the park currently used for bus storage.

To the east of the project site are exit ramps of the Triborough Bridge and landscaped parkland fronting on East 125th Street. The remainder of this block contains a mix of multi-family dwellings, vacant lots and surface parking. Directly to the east of Parcel C, on the same block as the project site, uses include five commercial buildings, two institutional buildings, one industrial building, two mixed commercial and residential buildings, and three multi-family buildings. Directly to the east of the block containing Parcel C is a block that contains landscaped and paved open space, and parkland.

Blocks south of the project site contain a mix of residential development, open space, and commercial and mixed-use buildings. To the southeast of the project site is a U.S. Post Office, surface parking and the Engine 35 Ladder 14 Fire Station on the south side of East 124th Street between Lexington and Third Avenue. On Third Avenue between East 124th Street and East

123rd Street are mostly commercial uses, including a hardware store and an electrical supply store.

Directly to the west of Parcel C is the above-mentioned Pathmark store that occupies the majority of this block. Directly to the west of Parcel B, beyond the Salvation Army building, is the Department of Motor Vehicles, a parking lot, and retail and commercial uses. To the west of Parcel A beyond the East End Job Center and associated lot are mid-rise residential buildings. P.S. 30 and the Kings Academy are also located within the primary study area to the northwest, and occupy the block bounded by East 128th Street to the north, Third Avenue to the east, East 127th Street to the south, and Lexington Avenue to the west.

Secondary Study Area

The secondary study area includes the area outside the primary 400-foot study area, but within a one quarter-mile radius of the project site. The secondary study area is generally bounded by the Harlem River Drive to the north and east, East 132nd Street to the north, East 120th Street to the south, and the midblock between Park Avenue and Lenox Avenue to the west. The secondary study area generally has a more residential character than the project site and primary study area, and contains more recent residential development activity than the primary study area.

Directly to the north of the project site and primary study area is Harlem River Park. This park is landscaped area and has benches, and a multi-purpose field that is currently in construction. The park, located from East 129th to East 131st Street on Lexington Avenue, is located below the off-ramp to the Third Avenue Bridge. A portion of Harlem River Park at Second Avenue and 128th Street is utilized for MTA bus parking.

To the east of the 400-foot study area, but within the secondary study area, is the MTA Bus Depot building, mid-rise residential buildings along East 126th Street, the Triborough Bridge and related parkland, and Harlem River Park, adjacent to Harlem River Drive.

The Wagner Houses public housing complex and Taino Towers are prominent tower-type apartment buildings to the south and southeast of the project site. Taino Towers includes four residential towers with building heights of 325 feet. The Taino Towers are the largest residential buildings in the vicinity of the project site and are dominant presence amongst other smaller buildings to the north, south and west. The Wagner Houses towers are 138 feet tall, less than half the height of Taino Towers buildings. Areas of the secondary study area to the southwest and west of the project site are characterized by high-rise and mid-rise residential apartment buildings, though not as tall as the Taino Towers or Wagner Houses buildings.

To the south of the project site along Third Avenue and in the vicinity of Taino Towers are mixed-use buildings. Third Avenue from East 122nd Street to East 123rd Street contains the Bank of America, a carpet store, and a restaurant. From East 121st to East 122nd Street is a Value King, the American Clothing Outlet store, an auto parts store, a grocery store, and a dance academy. There are very few vacant storefronts along Third Avenue in this area, which has a lively pedestrian presence.

There are also large residential apartment buildings just to the west of the 400-foot study area.

The 1775 Houses, an 11-story apartment complex, fronts on East 126th Street from Lexington Avenue to Park Avenue, and three-story rowhouses are located just to the west of the 1775 Houses. The block bounded by East 123rd and East 124th Street, from Lexington Avenue to Park Avenue, contains a mix of parking, mid-rise residential buildings, commercial and institutional uses. Just to the southwest of the 400-foot primary study area are mid-rise residential apartment buildings ranging from four-to-12 stories in height.

Northwest of the primary study area, from East 128th to East 130th Street between Park Avenue and Lexington Avenue, are the Robinson Houses public housing complex. These mid-rise apartment buildings take up the majority of the block from East 128th to East 129th Street. Just north of the Robinson Houses is an abandoned lot, Con Edison substation construction, and eight-to-nine-story residential buildings on the corner of Lexington Avenue and East 129th Street.

ZONING

Zoning guides the form and use of new buildings, where they can be located, and the intensity of their use. In New York City there are three broad categories of zoning districts including Residential (R), Commercial (C), and Manufacturing (M) districts. Residential districts are meant for residential and related uses, C districts are designed for commercial uses, and M districts are design for industrial uses.

The study area for zoning is the same as the land use study area. The existing zoning designations in the study area are indicated in Figure 3.1-3.

Project Site

The project site currently contains three separate zoning districts, the C4-4, M1-2 and R7-2 districts, and also contains part of a Special Transit Land Use District overlay zoning district.

C4-4 (Parcel C, Portion of Parcel B)

C4 districts are typically mapped in regional commercial centers located outside of central business districts. Uses include specialty and department stores, theaters, and other commercial and office uses that serve more than just the surrounding neighborhood. They are designed to facilitate vibrant commercial streets. Uses that would interrupt desired continuous retail frontage (e.g., repair shops) are not allowed. Much of 125th Street currently has this zoning designation.

The residential equivalent of a C4-4 district is the R7 district, which is a height factor zoning district. Under height factor zoning, the allowable bulk is determined by a range of height factors, FARs, and open space ratios, and is set within a sky exposure plane. In order to maximize the allowable residential floor area, much of a particular development site would need to be left open; height factor regulations promote development of “Tower-in-the-Park” buildings, or tall buildings surrounded by open space.

Under the New York City *Zoning Resolution*, maximum built area is determined by FAR. Floor Area Ratio is a ratio of zoning floor area to the size of the zoning lot (e.g., a multiple of the lot area). Consequently, a one-story building that covers an entire lot has a FAR of 1.0. If it is a two-story building covering the entire lot, it has an FAR of 2.0.

The maximum allowable floor area ratios for a C4-4 district are as follows:

- Commercial uses: 3.4 FAR
- Residential uses: 3.44 FAR (4.0 FAR under optional Quality Housing provisions)
- Community facilities: 6.5 FAR

There are three options which provide some flexibility as to the form of buildings allowed in this and other height factor districts. The standard setback height factor building allows for a generally lower building built to the street line. The alternate setback height factor building allows for a building setback from the street that is higher. The third option is to develop under the City's Quality Housing regulations. Quality Housing encourages development consistent with the character of many established neighborhoods. Its bulk regulations set height limits and allow high lot coverage buildings that are set at, or near, the street line. Because this area is outside the Manhattan Core and within 100 feet a wide street, the maximum allowable FAR is 4.0 under Quality Housing. A Quality Housing building in this district has the following height and setback requirements:

- Minimum base height: 40 feet
- Maximum base height: 65 feet
- Maximum building height: 80 feet

M1-2 (Most of Parcel B and Portion of Parcel A)

The M1-2 district is a light manufacturing district. Nearly all industrial uses can be located within this zoning district as long as they meet stringent performance standards. Offices, hotels, community facilities, and most retail uses are also permitted.

The M1-2 district often serves as a buffer between a heavier use manufacturing district (e.g., M2 or M3 districts) and adjacent commercial and residential neighborhoods. An M3 district that currently houses an automotive dealership is located to the north of the project site.

The maximum allowable FARs for a M1-2 district, by use, are as follows:

- Commercial uses: 2.0
- Manufacturing uses: 2.0
- Community facilities: 4.8

As with other height factor zoning districts, building height and setbacks are controlled by the sky exposure plane in the M1-2 district. Sky exposure plane is expressed as a ratio of vertical distance to horizontal distance. The larger the ratio the more acute the angle of the sky exposure

plane. Consequently, a sky exposure plane of 7.6 is much steeper than 2.7, and requires less setback. The sky exposure plane varies if the development is on a wide street or narrow street, or if the standard or the alternative setbacks are used. Tower regulations do not apply to M1-2 districts. The following Table 3.1-2 describes these sky exposure plane requirements:

Table 3.1-2: M1-2 District Sky Exposure Plane Requirements

	Initial setback (in feet)	Max Height of Front Wall (in feet)	Sky Exposure Plane Ratio (Vertical to Horizontal Distance)
Wide Street, Standard	15	60	5.6 to 1
Narrow Street, Standard	20	60	2.7 to 1
Wide Street, Alternate	10	60	7.6 to 1
Narrow Street, Alternate	15	60	3.7 to 1

Source: New York City Department of City Planning, *New York City Zoning Resolution*.

R7-2 (Portion of Parcel A)

The R7-2 district is a medium-density apartment house district. Height factor regulations promote development of “Tower-in-the-Park” buildings in this district, or tall buildings surrounded by open space. Alternately, developers can choose to develop buildings under the Quality Housing regulations which promote lower, higher coverage buildings. This district requires one parking space for every two units, though this requirement may be waived under certain conditions.

The R7-2 district is the predominant existing zoning district in Harlem and includes much of the study area to the northwest and southeast of the project site. The nearby Wagner Houses public housing complex is an example of the type of apartment house the R7-2 height factor zoning promotes.

Under height factor zoning, allowable FAR’s in the R7-2 district range from 0.87 to 3.44, with open space ratios ranging from 15.5 to 25.5. The two are directly related; increasing the open space that is provided increases the amount of available floor area. There is no height limit in an R7-2 height factor building. Instead, building height is governed by the sky exposure plane.

As discussed previously under C4-4 regulations, development may also occur pursuant to the City’s Quality Housing regulations in the R7-2 district. Under Quality Housing provisions, FAR’s range from 3.44 on a narrow street to 4.0 on a wide street. The maximum lot coverage is 80 percent for a corner lot and 65 percent for an interior or through lot.

Special Transit Land Use District (TA) Overlay District

The Special Transit Land Use District (TA) special district was adopted in 1974 to “provide easements to facilitate pedestrian access and/or improve access of light and air to subway mezzanines or stations.” It is located on Second Avenue on the eastern portion of Parcel B.

Many of the rules that govern this special district are intended to allow for, and support access and egress to, the Second Avenue Subway. Subsequent to the adoption of this Special District, the entrance to the planned Second Avenue Subway was moved to Lexington Avenue and Park Avenue on 125th Street. Nevertheless, the rules that govern this Special District still apply.

Before any permit is filed with the Department of Buildings for activity on a site within the TA overlay district, this Special District requires the owner of the zoning lot to file an application with the New York City Transit Authority and the New York City Planning Commission (CPC) requesting certification as to whether a transit easement is required. If it is not certified within 60 days, the owner is released from any obligation to provide a transit easement.

If the easement is required, portions of the ground floor of the subject zoning lot can be required to be reserved for transit uses. Any floor area given to subway uses is “non-zoning floor area,” which means that it does not count against the total floor area allowed on the site, and can be counted as an urban plaza for a floor area bonus in districts that allow such bonuses. There are limits as to uses allowed in the mezzanine of such an easement, to ensure that they are transit appropriate.

Other Districts in the Study Area

Within the study area, in addition to the districts described above, there exist higher density districts (R8, R9, and C1-9 districts), contextual districts (R7A, R7B, C4-4A, and C4-4D districts), heavy manufacturing districts (M3-1 district), and commercial overlays.

R8, R9 and C1-9: The tall existing residential towers to the south of the project site were built under these higher density districts. R8 and R9 are similar to the R7-2 district discussed above, although they allow higher densities (6.02 and 7.52 FAR for residential uses, respectively). The C1-9 district residential equivalent is R10, which allows a 10.0 FAR.

R7A, R7B, C4-4D, C4-4A: South of 122nd Street at the very southern end of the study area, contextual zoning districts were recently created from pre-existing height factor districts as a part of the East Harlem rezoning discussed above. In the R7A district, Quality Housing provisions that are optional in a R7 district are required. Similarly, the R7B district requires the Quality Housing approach, but at a lower FAR (3.0 FAR) and with a 75-foot maximum building height. The C4-4D is a commercial contextual district with a R8A residential equivalent. It allows a maximum FAR of 6.02 for residential uses and a maximum FAR of 3.4 for commercial uses, with a total for both uses not to exceed 6.02 FAR in a mixed-use building.

Generally, mid-blocks are mapped with lower density districts while avenues are mapped with higher density districts, which can be seen in the area south of 122nd Street where these districts are found.

A small area of the C4-4A district can be found on the east side of Lexington Avenue between 125th and 126th Streets. Like the C4-4D, it is a commercial contextual district, but with an FAR of 4.0 for residential, commercial and community facility uses.

M3-1: M3 districts have comparatively less stringent performance standards for allowable uses of the M districts and, as a result, allow the most noxious uses on an as-of-right basis. Part of block 1792, directly to the north of the project site, is zoned M3-1. It is currently occupied by an automotive dealership.

C4-7: On the southwest corner of Park Avenue and 125th Street at the edge of the study area is a very high density (10 FAR) commercial district.

C8-3: Also along Park Avenue at the edge of the study area is a C8-3 district. This is a commercial district that does not allow residential uses and is designed for heavy commercial uses, such as auto sales and repair, and auto body shops. The C8-3 district has an allowable FAR of 2.0 and a high parking requirement.

M1-4: A small portion on the edge of the study area facing Park Avenue is mapped with the M1-4 district. The M1-4 district has the same characteristics as an M1-2 district, except that it does not require parking.

Commercial Overlay Districts: Commercial overlay districts can be found in portions of residential districts throughout the study area. Commercial overlays are mapped over residential districts to allow for neighborhood commercial uses in residential zones. These are typically found on the avenues and do not impact the total allowable floor area for a site, but rather allow a portion of the allowable floor area to be used for commercial purposes.

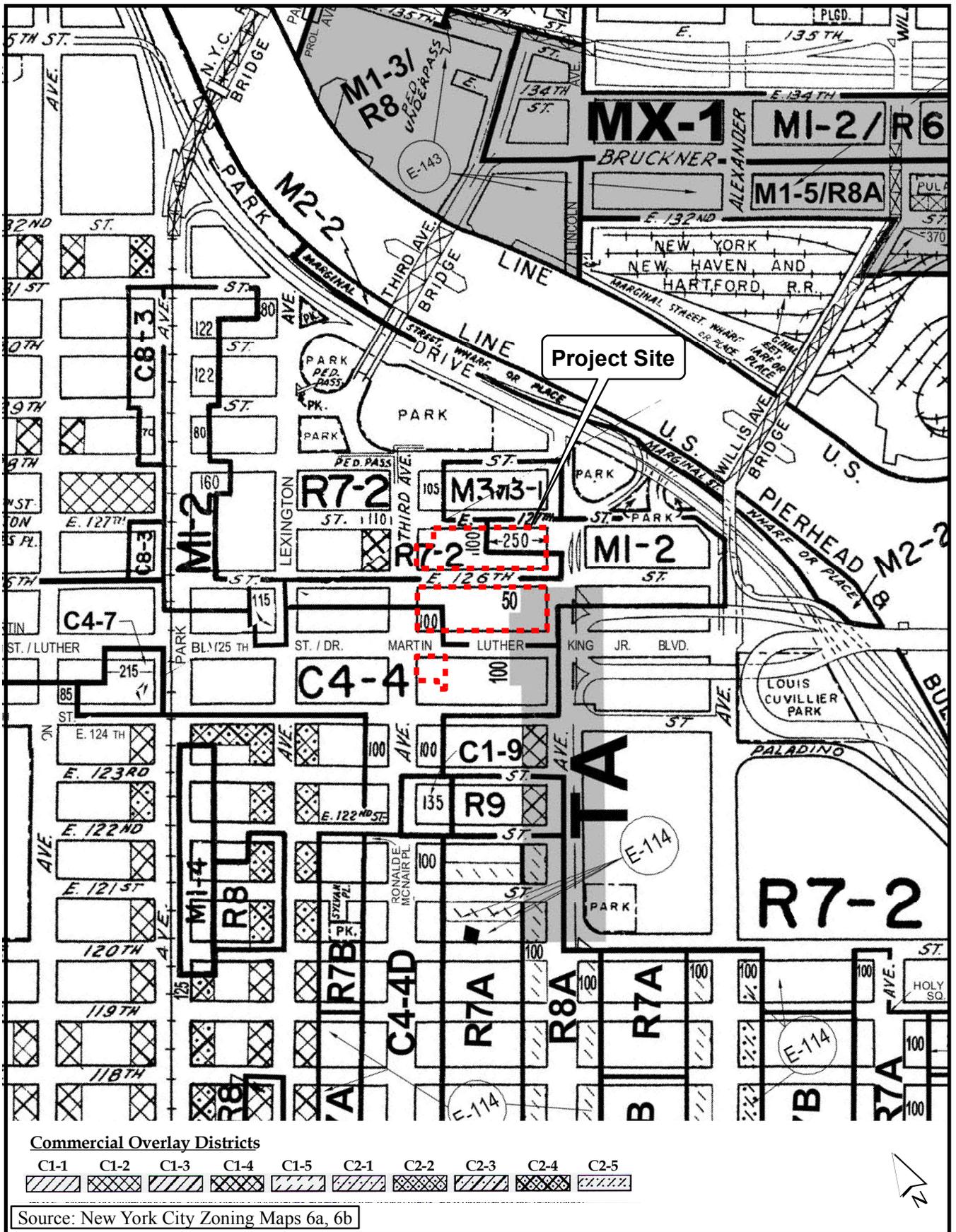
Parking Requirements

The *New York City Zoning Resolution* provides parking requirements by district, use and size of development. For instance, parking is required at a rate of one space for 50 percent of dwelling units for standard housing in the R7-2 and C4-4 Districts. For subsidized housing, parking is required at a rate of one space for between 12.5 percent and 30 percent of dwelling units. The following table summarizes parking requirements by district for the study area zoning districts.

Table 3.1-3 Parking Requirements

District	Parking Requirement	Notes
R7-2	50%	Waived if 15 or fewer spaces are required Waived if zoning lot is less than 10,000 SF 30% if zoning lot is between 10,001 SF and 15,000 SF in size
R7A	50%	Waived if 15 or fewer spaces are required 30% if zoning lot is less than 10,000 SF in size
R7B	50%	Waived if five or fewer spaces are required
R8	40%	Waived if 15 or fewer spaces are required Waived if zoning lot is 10,000 SF or less 20% if zoning lot is between 10,001 SF and 15,000 SF in size
R9	40%	Waived if 15 or fewer spaces are required Waived if zoning lot is 10,000 SF or less 20% if zoning lot is between 10,001 SF and 15,000 SF in size
C4-4	*	*Parking requirements vary in commercial districts according to district, use & size of the establishment. Generally, the lower the suffix, the more parking that is required. For residential uses within Commercial districts, required parking generally follows the district's residential equivalent.
C4-4A	*	See C4-4 notes above
C4-4D	*	See C4-4 notes above
C4-7	*	See C4-4 notes above
C6-3	Not required for most uses	
C8-3	*	See C4-4 notes above
C1-9	Not required for most uses	

Source: New York City Department of City Planning, *New York City Zoning Resolution*.



Legend

Project Site

Major Zoning Classifications

- R - Residential District
- C - Commercial District
- M - Manufacturing District

Figure 3.1-3 - Existing Zoning

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PUBLIC POLICY

Besides zoning, many other public policies can affect the allowable land uses within the project site. The public policies applicable to the project site are the Community District 11 197-a Plan, the HEHURP, the Upper Manhattan Empowerment Zone (UMEZ), and the East Harlem Empire Zone. Public policies affecting land use in the secondary study area include the Comprehensive Manhattan Waterfront Plan, Waterfront Revitalization Program (WRP), and the East Harlem Rezoning. The 125th Street Business Improvement District is also analyzed as, in an unrelated action, the district may be expanded east of Fifth Avenue.

CB 11 East 125th Street Development Taskforce

A task force established to address the proposed action, the East 125th Street Development Taskforce, conducted a series of meetings starting in January 2006 with the goal of developing recommendations to be used in drafting the Request for Proposals for developers for the East 125th Street Development project. A position statement released by CB 11 and the Taskforce conveyed the values and expectations of the Taskforce and summarized project goals that were presented at two Town Hall meetings in September 2006. The five core project goals developed by the Taskforce are presented and described below:

1. Encourage Local Participation and Ownership

The Taskforce recommended promoting local ownership through selection of local developers in order to build the organizational capacity of local East Harlem developers. The Taskforce recommended that local developers have a significant equity share in the development and that the 125th Street Development create opportunities and provide support and resources for local businesses and entrepreneurs looking to locate in the new development. A community investment fund is recommended to stimulate and nurture local Minority and Women-Owned Business Enterprises (W/MBE) in East Harlem and create economic investment opportunities beyond traditional revolving loans.

The project must also include a significant local retail component, providing subsidized commercial rents and opportunities for local businesses. Preference for local retail should be given to East Harlem small businesses and W/MBEs.

2. Create Affordable Housing

The Taskforce recommended that the proposed housing have affordability requirements to match the household incomes of community residents. It provided affordability guidelines to match the community's income limitations as follows:

- 35 percent of all housing units should be middle income, targeting households making 101 percent – 150 percent of Area Median Income (AMI)
- 35 percent of all housing units should be moderate income, targeting households making 61 percent – 100 percent of AMI

- 30 percent of all housing units should be low income, targeting households making 30 percent – 60 percent of AMI

To increase homeownership rates in East Harlem, 50 percent of the housing is recommended to be affordable homeownership, with 50 percent recommended to be affordable rentals. A minimum 50 percent community preference requirement was recommended for all housing units (both homeownership and rental) for residents of East Harlem. Housing units must be sized to accommodate families through the inclusion of two and three bedroom apartments.

3. Stimulate Local Economic Development

The Taskforce recommended specific percentage goals for local hiring, recommending that the development team work with local construction unions early during pre-development to ensure they hire locally. It recommended that the development team work with the community to identify occupations and industries to target for training based on expected commercial tenants. Whenever possible the development team should utilize local businesses and contractors for goods and services needed during construction and management of project. Preference should be provided for local and W/MBE contractors, developers, engineers, suppliers, etc.

4. Embrace Culture and Engage Community

The Taskforce recommended that the developers of the project embrace the community's cultural identity in its development vision, attracting retail tenants that provide goods and services which are currently underrepresented in the community, and recapturing dollars spent outside the community by attracting retail tenants that serve the community's unmet needs. It recommended that development proposals aim to create a vibrant street-life along East 125th Street and include ample public open space that can accommodate cafes, restaurants and live performances in the summer months as well as passive unprogrammed open space. A significant cultural component was recommended that would embrace and reflect the local culture of East Harlem. The Taskforce recommended a live performance venue with a main entrance on East 125th Street, cinemas (both commercial and independent), an art gallery, and creative media spaces (production, editing, etc.).

5. Minimize Impact on Community Health

Recognizing that East Harlem has the highest rate of child asthma hospitalizations in New York City, the Taskforce recommended that the project minimize any impact on air quality by reducing potential vehicular traffic that may result. Limits on site vehicular parking and parking garages were recommended to keep traffic congestion to a minimum. Commercial tenants with minimal parking needs are preferred and mass transit use should be encouraged, according to the Taskforce. The Taskforce recommended that the construction of the underground bus depot include an air filtration system for exhaust from buses and that the project include ample "green" open space and be developed conforming to the LEED Silver Standard.

Harlem-East Harlem Urban Renewal Plan

The Harlem-East Harlem Urban Renewal Area (HEHURA) covers portions of Manhattan Community Districts 10 and 11 from approximately 106th to 133rd Streets, generally east of Fifth Avenue. The Harlem-East Harlem Urban Renewal Plan that governs the redevelopment of this area was established in the late 1960s. The Plan seeks to accomplish the following: redevelop the area in a comprehensive manner, removing blight and maximizing appropriate land use; remove or rehabilitate substandard and unsanitary structures; remove impediments to land assemblage and orderly development; strengthen the tax base of the City by encouraging development and employment opportunities in the area; provide new housing of high quality and/or rehabilitated housing of upgraded quality; provide appropriate community facilities, parks and recreational uses, retail shopping, public parking, and private parking; and, provide a stable environment within the area that will not be a blighting influence on surrounding neighborhoods. Design objectives of the plan are to develop the area in a manner compatible with the surrounding community in terms of scale and materials, and to reinforce the existing urban pattern in areas with uniform street character.

Acquisition parcels are designated according to five land use categories, and supplementary controls are recommended including site-specific controls such as screening and landscaping, open space requirements, recommended pedestrian facilities, and industrial performance standards, among others. Building bulk and parking requirements are also specified.

With the exception of four lots, the project site and its three parcels are designated sites within the East Harlem Triangle Sub-Area of the 14th Amended HEHURP, as shown on Map 2A of the HUHURP (see Figure 2-9 in Chapter 2.0). Parcel C is part of Urban Renewal Plan Site 13, which covers most of the block bounded by Second Avenue and Third Avenue between East 124th Street and East 125th Street. All but the northwestern corner of Parcel B and some of the East 125th Street frontage on the western side of Parcel B is designated as Urban Renewal Plan Site 12. Most of Parcel A is designated either as Urban Renewal Plan Site 8A (small corner lot at Third Avenue and East 126th Street) or Site 9 (the remainder of Parcel A other than its northeastern portion). The Urban Renewal Plan calls for a mix of residential, institutional, and commercial development on the designated sites within Parcels A, B and C. Site 8A has a land use designation of residential/commercial. Site 8 is designated for institutional use.¹ A Large Scale Development Plan boundary is designated as part of the Urban Renewal Plan for Sites 8A and 9 (and areas to the west), which both fall within Parcel A of the project site (see Figure 2-9). Just outside of the Projects Site, the Third Avenue frontage of blocks within the HEHURA are designated for Institutional Use, including adjacent to Parcel A and across Third Avenue from Parcel B.

Upper Manhattan Empowerment Zone (UMEZ)

The Upper Manhattan Empowerment Zone (UMEZ) is an economic development initiative that uses public funds and tax incentives to encourage private investments in Upper Manhattan and the South Bronx. Portions of the Bronx and Manhattan were designated as a Federal urban

¹ New York City Department of Housing Preservation and Development, August 7, 2007.

empowerment zone in December 1994. Within Manhattan, the UMEZ boundary extends north to Inwood, south to East 96th Street, east to First Avenue, and west to Twelfth Avenue/Riverside Drive. The project site is located within the UMEZ.

The mission of the Upper Manhattan Empowerment Zone Development Corporation (UMEZDC), the nonprofit organization that administers the initiatives in this area, is to expand the range and scope of economic activity, enhance capital opportunity of local businesses and institutions, and improve the quality of life for residents, workers, and visitors. UMEZDC funds businesses that directly benefit the local community and have an effective business plan that can ensure accountability and deliver measurable results. Businesses may receive capital funding in the forms of grants (for nonprofits), loans, loan guarantees, and equity investments.

The Harlem Business Alliance and East Harlem Business Capital Corporation are two community based organizations that have secured funding from the UMEZ to help foster the creation of new business development within the study area. The UMEZ is also working to build upon and strengthen the arts and cultural community through its Cultural Industry Investment Fund. The work of the fund is two-fold: community building through a cultural and economic lens and a marketing strategy that seeks to reposition Upper Manhattan as one of New York City's primary cultural districts.²

East Harlem Empire Zone

The East Harlem Empire Zone, established in 1988, is located entirely within the federally-designated UMEZ and businesses within the zone can receive benefits from both programs. Empire Zones are designated areas of New York State that offer tax benefits and incentives to encourage economic development, business investment, and job creation. The Commissioner of New York City's Department of Small Business Services serves as the Chairman of the Zone Administrative Board for each of the City's empire zones and the Department of Small Business Services oversees the activities of the empire zones. The goal of the program is to create jobs and stimulate private investment in new or existing businesses in order to alleviate problems in impoverished areas of the State. To receive certain benefits, a business needs only to reside within the boundaries of a zone.

Community District 11 197-a Plan

Under Section 197-a of the New York City Charter, community boards may propose plans for the development, growth, and improvement of land within their districts. Pursuant to the Charter, the City Planning Commission developed and adopted standards and rules of procedure for 197-a plans. Once approved by the Commission and adopted by the City Council, 197-a plans are intended to serve as policy guides for subsequent actions by City agencies.

Community Board 11 prepared a draft 197-a Plan, last revised in 1999 but not yet adopted, that addresses land issues, service delivery issues, and capital needs, and provides a comprehensive vision for the future of the district. The target area of the draft 197-a Plan includes the portion of

² Upper Manhattan Empowerment Zone website May 15, 2007.

East Harlem bounded by 142nd Street to the north, 96th Street to the south, the Harlem River to the east, and Fifth Avenue to the west.

The draft Plan includes the following objectives: to provide quality economic and community development; to provide decent and affordable housing, accessible health, quality education, recreational and cultural services, and safe streets; to maintain current public services; and to enforce delivery and maintenance of public services by the City of New York.

Although it has not been adopted and does not yet represent official policy of the City, the 197-a Plan provides recommendations organized by “Crossroads,” offering recommendations for a number of specific areas. East 125th Street between Second and Fifth Avenues, the “Tourist and Transportation Crossroad,” is identified as both a crucial transportation and retail nexus for the metropolitan region. The draft 197-a Plan recommends that East 125th Street serve as a link between existing parks, arts and cultural facilities, restaurants, and entertainment venues in the neighborhoods of El Barrio/Spanish Harlem and Central Harlem. Better retail connections along East 125th Street between Second and Fifth Avenues are recommended to promote the expansion of commercial and retail establishments to the east. Parcel C of the project site is recommended as an appropriate site for professional services development. Recommendations for this Crossroad are intended to convert East 125th Street into a major commercial and entertainment area that would connect the neighborhoods of El Barrio/Spanish Harlem with Central Harlem.

Comprehensive Manhattan Waterfront Plan

Section 197-a of the New York City Charter also authorizes any borough president to sponsor plans for the development, growth, and improvement of the City, its boroughs, and communities. They are guided and subject to the same approvals as community board 197-a plans and once approved may guide subsequent actions by City agencies. Pursuant to this authority, the Comprehensive Manhattan Waterfront Plan was submitted by the Borough President of Manhattan in 1995. It was adopted by the City Council on April 16, 1997. The principal objective of this plan was to enhance public access to, and use of, the 32-mile Manhattan shoreline. The plan contains overall planning principles and approximately 160 site-specific recommendations to guide the future use and improvement of the borough’s entire waterfront. These recommendations propose a strategy for improving the Manhattan waterfront, including opportunities for development of a continuous waterfront esplanade and new public open spaces, improved access to existing public waterfront areas, and for water-related commercial, educational, and transportation uses.

The Comprehensive Manhattan Waterfront Plan addresses the waterfront along the Harlem River waterfront between East 125th and East 162nd Streets, which does not currently have publicly accessible open space besides a small waterfront greenway from East 135th to East 139th Streets. In the existing condition, the land between East 125th and East 145th Streets is home to the NYC Department of Sanitation (NYCDOS) Salt Yard, a New York City Department of Transportation (NYCDOT) construction staging area, and a small waterfront park. Both the salt yard and staging area are not accessible to the public, while the waterfront park is a publicly accessible space. The parcel of land from East 125th to East 128th Streets along the Harlem River is being used as a NYCDOS salt yard. Directly to the north of the salt yard, from East 128th to East 135th

Streets, is a NYCDOT staging area, which is being used for the reconstruction of the Willis Avenue, Third Avenue, and Madison Avenue bridges in northeast Harlem. All three bridges are expected to be completed by 2016. When NYCDOT finishes bridge construction, both NYCDOT and NYCDOS have agreed to cede their land to New York City Department of Parks and Recreation (NYCDPR), which will then turn the space into a waterfront park and greenway. NYCDPR expects the Harlem River Park system to be complete by 2018. The first phase of the extension will span from East 125th to East 131st Streets, the second phase will complete the section between East 131st and East 135th Streets, and the third phase will extend up to East 143rd Street.

The current use north of the NYCDOT staging area, which ends at East 135th Street, is a new park with a short waterfront greenway from East 135th to East 139th Streets. Even though this open space is in good condition and is relatively new, it is neither easily accessible to pedestrians in the area, nor connected to another larger greenway system, such as Bobby Wagner Walk below 125th Street. The New York City Department of Parks and Recreation has received funding to implement a greenway and park between 139th and 142nd Streets, with completion expected by 2008. Plans and funding to renovate the path from East 142nd to East 145th Streets still must be developed and secured, in order to complete and connect the planned Harlem River Park Bikeway and Esplanade from where it currently ends at East 125th Street up to 145th Street, where a bridge connects Harlem to the Bronx. Plans for the extension of the East River Esplanade include passive and active uses such as biking, jogging, and sitting as well as other recreational activities.

Waterfront Revitalization Program (WRP) / Coastal Zone Management

The federal Coastal Zone Management Act of 1972, established to support and protect the nation's coastal areas, set forth standard policies for the review of proposed projects along the coastlines. As part of the Federal Coastline Management Program, New York State has adopted a state Coastal Management Program, designed to achieve a balance between economic development and preservation that will promote waterfront revitalization and waterfront dependent uses; protect fish, wildlife, open space, scenic areas, public access to the shoreline, and farmland. The program is also designed to minimize adverse changes to ecological systems, erosion, and floor hazards.

The state program contains provisions for local governments to develop their own local waterfront revitalization programs. New York City has adopted such a program (*New York City Waterfront Revitalization Program*, New York City Department of City Planning, revised 1999). The Local WRP establishes the City's Coastal Zone, and includes policies that address the waterfront's economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives.

As the project site does not fall within the City's designated coastal zone, the proposed action is not assessed for its consistency with the policies of the City's Local Waterfront Revitalization Program (LWRP).

East Harlem Rezoning

A DCP-proposed zoning map amendment affecting 57 blocks in East Harlem, the first comprehensive revisions of East Harlem zoning since the last major revision of the Zoning Resolution in 1961, was adopted by the City Council in June 2003. The rezoned area is generally located between East 99th and East 122nd Streets, east of Lexington Avenue in Manhattan Community District 11, and is located south of the project site and partially within the secondary study area.

This rezoning was undertaken to balance growth with preservation in East Harlem. The zoning amendments would foster new opportunities for residential development, ensure that future development is consistent with neighborhood character, preserve the scale of residential midblocks, and encourage ground floor retail and services uses.

125th Street Business Improvement District

The 125th Street Business Improvement District (BID), a not-for-profit corporation, was established in September 1993 to stimulate economic activity in the 125th Street corridor by developing commercial and service establishments, to spur private investment, and to improve the corridor's physical appearance. The 125th Street BID includes a five-block commercial area in Central, West, and East Harlem between Morningside and Fifth Avenues. Services are provided from funds of 100 property owners and numerous businesses along 125th Street. Services provided include sanitation and street maintenance, promotion and marketing, security, technical assistance, and special events, which include holiday lighting and the 125th Street Oasis summertime jazz series. The BID is presently conducting research to examine the feasibility of expanding the BID from river to river between 124th and 126th Streets.

421-a Property Tax Exemption Program

The reforms to the 421-a Property Tax Exemption Program, expected to go into effect in July 2008, provide an incentive tool for creating new affordable housing. The reforms would expand the exclusion zone so that the potential impact of the 421-a program would include all of Manhattan and certain areas of the outer boroughs. The 421-a program mandates that developers in the exclusion zone are obligated to provide affordable housing in order to receive property tax exemptions. The affordable units would be required to be provided on-site within the development receiving the tax exemption. Under the proposed changes to the 421-a program, significant tax incentives would be only available when complying with a minimum of 20 percent affordable units located within the development receiving the tax exemption.

3.1.2 FUTURE CONDITIONS WITHOUT THE ACTION

LAND USE

In the future without the proposed action in the year 2012, no other projects have been announced or contemplated on the project site, and existing land uses on the project site would be expected to remain. Within the study areas surrounding the project site, a considerable amount of new development is expected through projected development facilitated by DCP's 125th Street Corridor Rezoning and Related Actions project, HPD new construction, and other known residential developments including the Kalahari, Fifth on the Park, and a major commercial development known as East River Plaza.

Project Site

In the future without the proposed action, it is expected that the current land use of the project site would remain in place. The MTA bus storage facility would continue in its current location, and the project site's East 125th Street frontage would continue to be characterized by low density commercial uses and underutilized sites.

Primary Study Area

In the future without the proposed project, one known institutional conversion development is expected to occur within the primary study area. This development is expected to be in place by 2012 and would occur independently of the proposed action. At 220 East 125th Street (Block 1789, Lot 39), a known development is expected to convert a currently vacant fire house, which is a National Register-eligible building, to a 27,776-square foot, education-related community facility. This known development is shown on Figure 3.1-4.

For its 125th Street Corridor Rezoning and Related Actions project, DCP has developed a scenario of assumed development along the 125th Street corridor. This Reasonable Worst Case Scenario (RWCDS) is comprised of known, projected, and potential development sites. To assure a conservative analysis in identifying future area-wide land use for this DEIS, RWCDS projected development sites are expected to be built out by 2012.

In the RWCDS for the 125th Street Rezoning and Related Actions project, DCP has identified three projected development sites within the primary study area. By 2012, as-of-right development pursuant to proposed zoning totaling 386 dwelling units (DUs) and 33,162 square feet of retail use would be expected to occur on these sites. These three sites are listed in Table 3.1-4; their locations are shown on Figure 3.1-4. The RWCDS projected residential development would be expected to include some affordable housing.

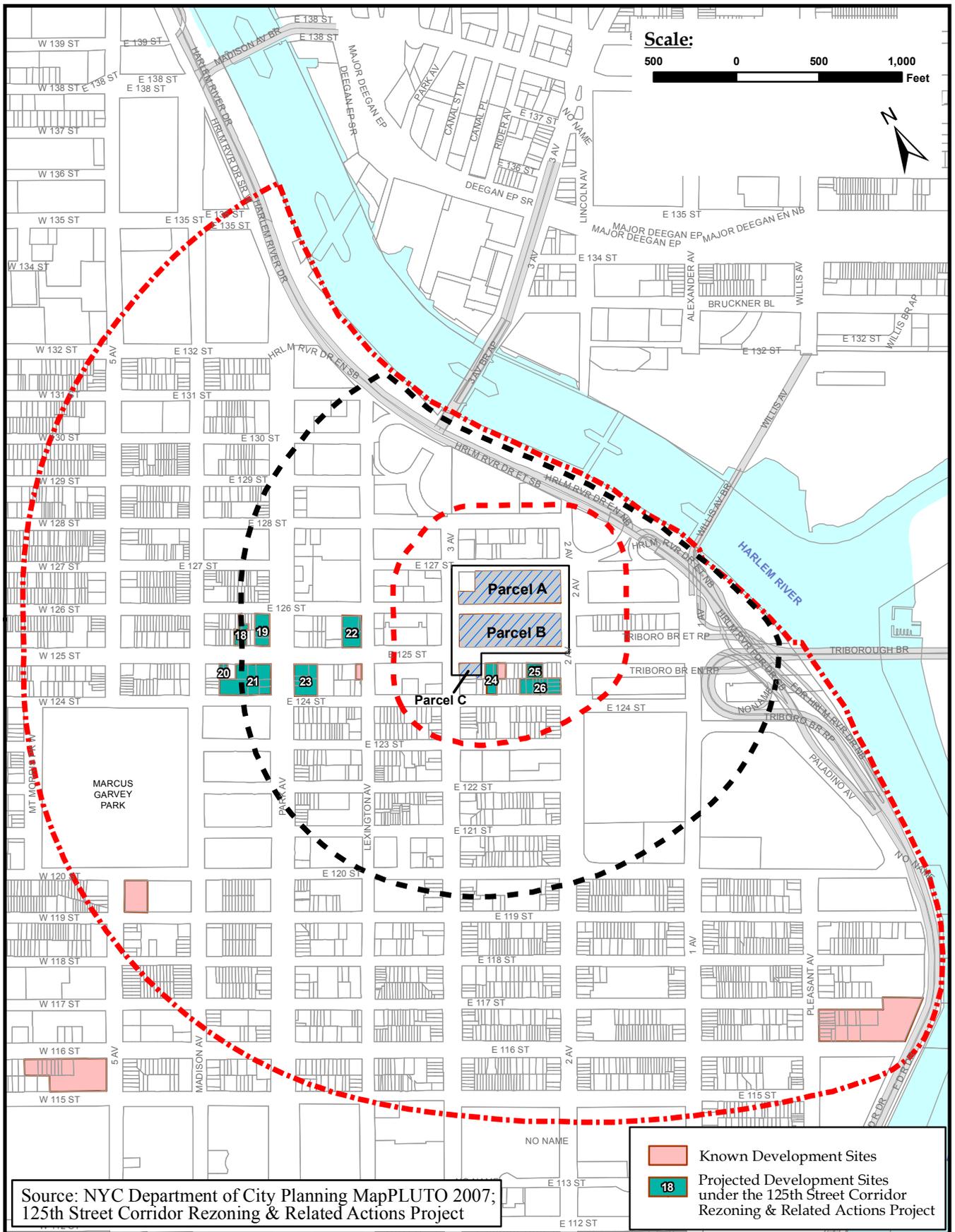


Figure 3.1-4 - Development Sites in the Future Without the Proposed Action

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**Table 3.1-4: Primary Study Area RWCDS Projected Developments
in the Future Without the Proposed Action**

Projected Site	Block / Lot	Dwelling Units	Retail Floor Area (sf)	Office Floor Area (sf)	Comm. Fac. Floor Area (sf)	Inst. Conv. Floor Area (sf)
24	1789 / 9, 42, 43, 45	131	15,698	0	0	0
25	1789 / 30	68	8,150	0	0	0
26	1789 / 16, 18-25, 121	187	9,314	0	0	0
Total		386	33,162	0	0	0

Source: New York City Department of City Planning, 125th Street Corridor Rezoning and Related Actions Project, 2007.

The following conditions are expected on RWCDS projected development sites within the primary study area in the future without the proposed action:

- RWCDS Site 24: This site is comprised of four lots on Block 1789. In the future without the proposed action, the site would have 131 new dwelling units (including 26 affordable units) and 15,698 square feet of retail.
- RWCDS Site 25: This site is comprised of one lot on Block 1789. In the future without the proposed action, the site would have 68 new dwelling units (including 14 affordable units) and 8,150 square feet of retail.
- RWCDS Site 26: This site is comprised of ten lots on Block 1789. In the future without the proposed action, the site would have 187 new dwelling units (including 37 affordable units) and 9,314 square feet of retail.

Secondary Study Area

In addition to anticipated actions within the primary study area, absent the proposed action, there are other development projects expected to be in place within the secondary study area by 2012. In the future without the proposed project, one known institutional conversion development is expected to be in place by 2012 and would occur independently of the proposed action. At 120 East 125th Street (Block 1773, Lot 62), this known development is expected to convert a currently vacant building to an 8,550-square foot community facility. This known development is shown on Figure 3.1-3.

In the RWCDS for the 125th Street Corridor Rezoning and Related Actions, DCP has identified six projected development sites within the secondary study area. These sites would result in development totaling 470 dwelling units, 222,677 square feet of retail space, 372,287 square feet of office space, 3,848 square feet of community facility space, and 20,586 square feet of converted institutional space. These six sites are listed in Table 3.1-5; their locations are shown on Figure 3.1-4.

**Table 3.1-5: Secondary Study Area RWCDs Projected Developments
in the Future Without the Proposed Action**

Projected Site	Block / Lot	Dwelling Units	Retail Floor Area (sf)	Office Floor Area (sf)	Comm. Fac. Floor Area (sf)	Inst. Conv. Floor Area (sf)
18	1750 / 28, 29, 30, 44	34	7,473	0	3,848	0
19	1750 / 34, 40	99	22,938	0	0	20,586
20	1749 / 48, 49	18	4,289	0	0	0
21	1749 / 24, 31, 33, 35, 40, 43	0	108,843	372,287	0	0
22	1774 / 17, 56	140	39,068	0	0	0
23	1773 / 1, 4, 67, 69, 72	179	40,066	0	0	0
Total		470	222,677	372,287	3,848	20,586

Source: New York City Department of City Planning, 125th Street Corridor Rezoning and Related Actions Project, 2007.

The following development is expected on RWCDs projected development sites within the secondary study area in the future without the proposed action:

- **RWCDs Site 18:** This site is comprised of four lots on Block 1750. In the future without the proposed action, the site would have new construction comprised of approximately 34 dwelling units, 7,473 square feet of retail, and 3,848 square feet of community facility space.
- **RWCDs Site 19:** This site is comprised of two lots on Block 1750. In the future without the proposed action, the site would have new construction comprised of 99 dwelling units (including 20 affordable units), 22,938 square feet of retail, and 20,586 square feet of institutional (converted) space.
- **RWCDs Site 20:** This site is comprised of two lots on Block 1749. In the future without the proposed action, the site would have new construction comprised of 18 dwelling units and 4,289 square feet of retail.
- **RWCDs Site 21:** This site is comprised of six lots on Block 1749. In the future without the proposed action, the site would have new construction comprised of 108,843 square feet of retail, 372,287 square feet of office space, and 55,770 square feet of community facility space.
- **RWCDs Site 22:** This site is comprised of two lots on Block 1774. In the future without the proposed action, the site would have new construction comprised of 140 dwelling units (including 28 affordable units) and 39,068 square feet of retail.
- **RWCDs Site 23:** This site is comprised of five lots on Block 1773. In the future without the proposed action, the site would have new construction comprised of 179 dwelling units (including 36 affordable units) and 40,066 square feet of retail.

Other major developments expected to occur in the vicinity of the land use study area by 2012 are shown below in Table 3.1-6, and are illustrated in Figure 3.1-4. Table 3.1-6 shows the

anticipated development in the future without the proposed action, which will add approximately 525,000 square feet of retail space, 38,000 square feet of community facility space, 1,365 parking spaces, and 444 new dwelling units by 2012. It is important to note that all three development projects, while part of the population and housing study area described in Chapter 3.2, Socioeconomics, are located outside of the land use secondary study area, but have been included in the future without the proposed action discussion because of the close proximity to the project site and possible effects that all three development projects could have on land use in this portion of East Harlem.

Table 3.1-6: Known Developments in the Study Area in the Future Without the Proposed Action

Map No.	Name	DUs	Retail FA	Office FA	Hotel FA	Comm. Fac. FA	Cult. Facility FA	Parking Spaces
1	East River Plaza	0	485,000	0	0	0	0	1,248
2	Fifth on the Park	194	0	0	0	38,000	0	117
3	The Kalahari	250	40,000	0	0	0	0	0
Total		444	525,000	0	0	38,000	0	1,365

Source: NY City Department of City Planning, 125th Street Corridor Rezoning and Related Actions Project, 2007.

East River Plaza

This development will provide approximately 485,000 square feet of new commercial development and 1,248 parking spaces on the site of the former Washburn Wire plant on East 116th Street at the Harlem River Drive. According to the development's website³, the anchor tenants are expected to be a Home Depot store and a Target store. East River Plaza will span six acres adjacent to Harlem River Drive and will contain a five-level retail center with an attached parking facility. The site will be directly accessible via the 116th Street exit off Harlem River Drive and is expected to open in the summer of 2008.

Fifth on the Park

This 194-unit residential development is located on Fifth Avenue between East 119th and East 120th Streets. The building is currently under construction with an anticipated date of completion of 2008. The 26 stories of residential use will sit atop a 4-level, 1,800-seat church, the Bethel Gospel Assembly (the previous owner of the land)⁴. The building includes approximately 50,600 gross square feet of affordable rental apartments, 247,000 gross square feet of market rate condominiums, and a 117-space underground parking garage.

The Kalahari

The Kalahari is a new residential tower under construction at 40 West 116th Street, between Fifth and Lenox Avenues. The project includes approximately 250 residential co-op units and 40,000 gross square feet of retail. The building will incorporate many of the principles of sustainable living, such as a green roofs, low flow fixtures, and low- and zero-VOC materials⁵.

³ Forest City Ratner Companies, East River Plaza website (www.eastriverplaza.com).

⁴ City Realty.com website (www.cityrealty.com/new_developments/news.cr?noteid=16841).

⁵ Full Spectrum of New York and L&M Equity Participants, Kalahari website (www.kalahari-nyc.com).

In addition to the adjacent 125th Street rezoning and the other major development projects, there are numerous housing developments planned with the assistance of HPD in the primary and secondary study areas and also in the vicinity of the land use study area. Three large housing projects are planned for the land use study area, one within the primary 400-foot study area and two within the secondary ¼-mile study area. The housing development in the primary study area, located at 2417 Second Avenue and 237-241 East 124th Street, is expected to contain 250 units. The two housing developments planned within the secondary study area, to be located at 133-127 East 123rd Street, and on Park and Madison Avenues, at East 119th Street and 54 East 122nd Street, are expected to contain 50 and 69 units, respectively. A total of 369 housing units are proposed in HPD-assisted projects, which are indicated in Table 3.1-7 below.

**Table 3.1-7: NYC Department of Housing Preservation Development Projects
in the Future Without the Proposed Action**

Project/Sponsor	Program	Units	CB	Block/Lot	Address
Kingsgate House Alexander NY LLC*	Negotiated Sale	250	11	1789/18-20,22,121	2417 2 Ave. 237-241 E. 124 St.
Odyssey House / Odyssey House**	OMH	50	11	1772/9-12,110,112	113-127 E. 123 St.
Madison/E. Harlem North Hope - Bluestone JV**	Cornerstone 4	69	11	1622/34,50 1645/20,51,52,120, 121,151,152 1745/15,16, 1768/111 1770/42,47,48,141	Park Ave., Madison Ave., E. 119 St., 54 E. 122 St.
Source: New York City Department of Housing Preservation and Development, 2007. * Located within the primary study area ** Located within the secondary study area					

ZONING & PUBLIC POLICY

Under Future Conditions without the Action, in the year 2012 when the East 125th Street Development would otherwise be expected to be completed, the study area is expected to experience continued growth through new construction and housing renovations, resulting in increased built density and upgraded physical conditions. Much of this activity is expected to result from proposed zoning changes and public policies that are intended to revitalize the area and promote economic development consistent with the existing fabric of the community. New York City Department of City Planning and other public policies such as polices of UMEZ related to the study area, as described above in “Existing Conditions,” are expected to remain unchanged in the future without the proposed action.

125th Street Rezoning and Related Actions

The previously described DCP-proposed rezoning would directly affect 24 blocks in the East, Central, and West Harlem neighborhoods of Manhattan, referred to as the 125th Street Rezoning and Related Actions project, is assumed to be approved and in place by 2012. The buildout of projected RWCDs sites anticipated by 2017 as part of the evaluation of the 125th Street Rezoning and Related Actions project is considered to be part of the 2012 Future Without the Action condition for this EIS, and to provide a conservative analysis (see projected buildout descriptions above). The 125th Street Rezoning and Related Actions project rezoning area is generally bounded by 126th Street to the north, 124th Street to the south, portions extending to Second Avenue to the east (but excluding the subject project area), and Broadway to the west, spanning Manhattan Community Districts 9, 10, and 11. The rezoning area is located adjacent to and directly west of the project site within the primary study area.

The zoning map and zoning text amendments associated with the 125th Street Rezoning and Related Actions project would involve the establishment of the Special 125th Street District. In addition to the zoning map and text amendments, the proposed action would include the disposition of City-owned property, an Urban Renewal Plan amendment, a CPC certification pursuant to the Special TA (transit land use) District, and UDAAP designation and project approval (a non-ULURP action) to facilitate the development of a residential project with ground floor retail on a site within the proposed rezoning area. The rezoning proposal involves changes to the existing C4-7 and R7-2 districts within the rezoning area and mapping C6-3, C4-4D, C4-4A and R6A districts in the remaining areas.

The proposed zoning regulations would include bulk controls that would require all new development to provide street walls and setbacks for the upper portion of the buildings above the street wall that would relate to existing building heights and bulk in an appropriate and consistent manner. The proposed zoning changes would also increase densities in appropriate locations to encourage new mixed-use development that would include housing on 125th Street. The rezoning would result in new development along 125th Street between Broadway and Second Avenue that would respond to the specific scale and character of 125th Street and the adjacent residential neighborhoods. The goal of the rezoning is to support the ongoing revitalization of 125th Street, Harlem’s Main Street, through creation of a balanced rezoning proposal that

encourages future development and growth while promoting preservation within select areas of the 125th Street corridor.

The 125th Street Rezoning and Related Actions project is described in detail on DCP's website (see <http://www.nyc.gov/html/dcp/html/125th/index.shtml>). At the corner of Park and 125th Street, the current C4-4 district and a portion of the M1-2 district is proposed for a change to the C6-3 district. East of this area to Second Avenue, excluding the project site, the current M1-2, C4-4 and C4-4A districts are proposed to change to a single C4-4D district. Both of these changes represent an increase in the allowable densities in the area. The C6-3 district allows for a wide range of commercial uses including corporate headquarters, large hotels, entertainment facilities, and high rise residential in mixed use buildings. These districts are not designed for simply neighborhood uses but are designed to be destinations for people from outside the neighborhood. They are typically well-served by public transportation, as is the case with this planned district, which will contain the terminus of the Second Avenue Subway and a station stop for Metro North Railroad. The residential equivalent of a C6-3 is the R9 district. The maximum FAR allowed in the district varies according to use as follows:

- Commercial: 6.0 FAR
- Residential: 7.52 FAR
- Community Facility: 10 FAR

This proposed change would essentially double the amount of floor area that is currently allowed in this area.

C6-3 is a height factor district, which means that the form of development on the site can be determined by either height factor regulations or the Quality Housing regulations at the developer's discretion. As with other height factor sites, there is no maximum height limit if developed under these regulations. In both configurations, a Tower is allowed once building coverage is at 40 percent of the lot or less.

Most of the area along 125th Street east of the Park Avenue intersection and outside of the project site is being rezoned from C4-4 to C4-4D as part of the 125th Street Rezoning and Related Actions project. The "D" suffix indicates that this is a contextual district and Quality Housing regulations must be followed. This district also changes allowable densities as indicated in Table 3.1-8 below:

Table 3.1-8: C4 and M1-2 Maximum Permissible FAR

Use	Existing C4-4	Existing C4-4A	Existing M1-2	Proposed C4-4D
Residential	3.44 (4.0 under Quality Housing)	4.0	NA	6.02
Commercial	3.4	4.0	2.0	3.4
Community Facility	6.5	4.0	4.8	6.5

Source: New York City Department of City Planning, *New York City Zoning Resolution*.

While commercial and community facility densities are unchanged from the existing C4-4, which covers most of the project site, the increase in residential density from 3.44 FAR to 6.02 FAR will allow for a much larger residential or mixed-use building in this district, as compared to what is currently allowed.

In 2005 New York City developed a new inclusionary housing bonus program. The original 1987 inclusionary housing program was limited to 10 FAR districts in the Manhattan core. The 2005 modification extended inclusionary housing FAR bonuses to medium to high density zoning districts in certain defined areas of the City. One of the strategic goals of the 125th Street River to River Rezoning and Related Actions project is to increase the availability of affordable housing, and it is planned that this district will be added to those that allow inclusionary housing bonuses in medium to higher density districts. This impacts the C6-3 and the C4-4D districts described above by providing them a 2.0 and 1.8 inclusionary housing density bonus, should they be developed with at least 20 percent of their units built as permanent affordable housing.

Therefore, under future conditions in 2012 without construction of the East 125th Street Development project, zoning changes proposed as part of DCP’s 125th Street River to River Rezoning and Related Actions project are expected to foster the development of 125th Street, including portions within the study area, as a major mixed-use corridor that would be more of a local and regional destination for arts, entertainment, and retail.

3.1.3 FUTURE WITH THE PROPOSED ACTION

The changes resulting in the future with the proposed action are not anticipated to create significant adverse impacts to land use, zoning or public policy. The following sections discuss each of these areas.

LAND USE

The proposed action is not expected to result in significant adverse land use impacts in the rezoning area or project site, or in the surrounding primary or secondary study areas. The proposed East 125th Street Development would upgrade building conditions and revitalize an area that has experienced disinvestment in the past. It would extend development along the 125th Street mixed-use corridor to the east with new affordable housing, entertainment, office, retail

and cultural uses, and would introduce much needed additional public open space to East Harlem.

As described in Chapter 2.0, “Project Description,” the proposed action includes Zoning Map amendments that would map a C6-3 zoning district, Disposition of City-owned property, an Urban Renewal Plan amendment, CPC certification pursuant to the Special TA (transit land use) District, and UDAAP designation and project approval (a non-ULURP action) to facilitate the development up to 1,000 dwelling units, 470,000 square feet of retail/entertainment space, and 300,000 square feet of commercial office space, among other uses, on a project site within a currently relatively low density section of East Harlem that has excellent transit and transportation access.

Urban design guidelines for the East 125th Street Development would include a maximum building height of 210 feet; minimum streetwall heights of 60 feet on the north and south sides of East 125th Street and East 126th Street and the south side of East 127th Street; maximum streetwall heights of 85 feet on the north and south sides of East 125th Street and East 126th Street and the south side of East 127th Street; setbacks for building faces above the streetwall of 15 feet on narrow streets and 10 feet on wide streets; and, transparency requirements for retail and entertainment frontage. Active uses would be required along East 125th Street and Third Avenue. Public outdoor open space would include a minimum of 10,000 square feet of open space on Parcel B, and a minimum of 2,500 square feet of open space on Parcel A. LEED Silver Certification is anticipated for all portions of the development. These and other urban design guidelines will be included in a land disposition agreement between the City and the developer.

The anticipated building design and configuration of future land uses on the project site include a 210-foot office tower above a retail base occupying the Third Avenue frontage of the project site between East 125th Street and East 126th Street, with a 150-foot hotel tower and two 150-foot residential towers above a retail base occupying the eastern portion of Parcel B. In between the office tower and the residential/hotel tower buildings on Parcel B is a 10,000-square foot public open space plaza that will connect East 125th Street and East 126th Street, with retail uses on either side. Open space continues north of East 126th Street with a 2,500-square foot public open space on Parcel A. Parcel A contains four 150-foot residential towers and one 210-foot residential tower on a base that includes peripheral retail and interior ground floor public parking, with production studio facilities also located within the tower base. Parcel C contains a 112-foot residential tower with several floors of retail. The ground floor of all proposed buildings will include retail and transparency to provide a pedestrian-oriented and active streetscape.

The replacement of underutilized land (surface parking) and predominantly low density commercial uses would result in a significant alteration of land use patterns on the project site. Where R7-2 zoning is being replaced with the C6-3 District, commercial development would be a newly permitted use. Within the M1-2-zoned portions of the project site, residential use would be newly permitted. Increased density and height would also be allowed compared to current zoning. However, the proposed land use is considered to be appropriate for the site’s location near the eastern gateway to 125th Street, Harlem’s Main Street, and would be compatible with

surrounding uses that include automotive sales, an MTA Bus Depot, and residential, commercial and institutional uses.

Project Site

As a result of the proposed action, existing vacant land, commercial and parking uses on the project site will be replaced with high density residential and commercial use. The uses that will be replaced are typical of the 125th Street corridor and other similarly zoned areas. New tower-type construction will be located above a retail base that will reflect the street level activity and pedestrian orientation of other portions of 125th Street and the land use study area. Proposed towers would be compatible with area building heights that include 325-foot towers several blocks to the south (Taino Towers).

The project will re-establish residential use on the project site that was replaced in the past through demolition of apartment buildings and row houses, and commercial conversions, restoring the sense of a 24-hour neighborhood in this vicinity. The northeastern portion of Block 1791 would contain residential development in an area where it is not currently a permitted use. The project will provide much needed affordable housing, including both homeownership and rental units. Local residents will be given preference in applying for the proposed housing.

Major office development would be introduced that would strengthen the role of 125th Street as an employment center and bring workers and visitors to an area that is well served by mass transit. The proposed hotel will provide a needed facility consistent with local policies of Community Board 11, and would bring additional shopping and tourist dollars, and street activity, to this area. The resulting revitalization of East Harlem is expected to bolster local economic development initiatives that have been underway for numerous years.

The project also includes open space plazas that will complement the proposed residential and commercial uses, as well as providing additional open space for existing East Harlem residents and visitors. In addition to introducing public access on the project site and passive recreation, opportunities for outdoor performances and events using the proposed open space will improve the quality of life for existing and future area residents.

For the off-site parcel located on the corner of Third Avenue and East 127th Street that is to be rezoned that is not part of the proposed development, the proposed action would allow development with increased residential and community facility density compared to future conditions without the project. The proposed C6-3 District would also permit commercial development that is not currently permitted under the existing R7-2 District. It is estimated that under a reasonable worst case development scenario for that separate parcel, an additional increment of 47 dwelling units could potentially be developed at some point in the future, with the lower floors most likely continuing to be occupied by the existing church and daycare center. The potential buildout of this lot under such a reasonable worst case development scenario is expected to be compatible with the adjacent proposed development and the institutional uses that are present now across Third Avenue and East 127th Street (church, lot and community facility, and PS 30 and its associated school playground). It would also have a beneficial effect

on the built character, context and range of uses in the 125th Street corridor. No significant adverse land use impacts are anticipated in the rezoning study area.

Primary Study Area

While the proposed action would alter land use patterns of the primary study area compared to conditions in the future without the proposed action, the land use changes that would be expected as a result of the proposed action would be compatible with existing and future development in this surrounding primary study area in terms of use and scale, and with land use trends for the study area as a whole that include increasing amounts of residential and non-residential development. These actions would reinforce the role of 125th Street as Harlem's Main Street and would create an appropriate gateway to 125th Street from the east. The development would be located in close proximity to Metro-North Railroad commuter rail lines and subway lines available at Park Avenue and Lexington Avenue, respectively. The development would enliven the area and produce economic growth while taking advantage of area's excellent transportation infrastructure. The new tower construction would abut wide streets, with mid-rise development and open space at midblock locations.

The auto dealership to the north would be located adjacent to residential development above a building base that would include retail and parking. MTA bus garage egress would be located on East 127th Street, where there is currently an at-grade bus storage facility. To the east, Second Avenue would become a higher density corridor with residential towers above retail facing the MTA Bus Depot and mid-rise residential development on East 126th Street. Tower type buildings containing office, retail and residential uses proposed along Third Avenue are expected to be compatible with the mix of retail, community facility and office uses that are currently present in this area. Residential uses that had once been present on the subject blocks would be extended north along Third Avenue from where they currently exist south of East 125th Street. The proposed new development would enliven the surrounding streetscape and upgrade visual conditions of the site with new mixed-use construction replacing vacant land, low-to-mid-rise commercial development, and surface bus storage.

Overall, the proposed action would introduce land uses that would support the revitalization of East Harlem, and would strengthen the area as a 24-hour neighborhood with new residential and non-residential development that would bring increased pedestrian traffic to area sidewalks. The project would also enhance the sense of security on area sidewalks in an area that is currently relatively isolated from surrounding neighborhoods, and would improve east-west pedestrian linkages to the Harlem River waterfront. The proposed public open space will provide the surrounding area with a focal point for gatherings and passive recreation.

The proposed action would not generate land uses that would be incompatible with surrounding uses. As described in Chapter 3.2, the uses that would be displaced to create the development assemblages are relatively few in number and their goods and services are generally available elsewhere in the vicinity of East 125th Street. The increase in density would be supported by existing and planned infrastructure consistent with public policy, as described below. For these reasons, the proposed action is considered to be compatible and consistent with existing land

uses and the proposed actions would have no significant adverse impact on land use in the primary study area.

SECONDARY STUDY AREA

The proposed actions are not expected to negatively affect land use patterns in the secondary study area, which contains a mix of commercial, institutional, residential, and parking uses for the most part. These include a mix of commercial, industrial, residential and community facility uses to the south and west, including the residential Taino Towers complex two blocks to the south that has building heights of 325 feet as opposed to the proposed maximum building heights of 210 feet. Eastern portions of the secondary study area contain public housing and associated open space, and a mix of commercial, residential, and transportation uses. Land uses that would be introduced as a result of the proposed action would be compatible with those in the larger surrounding neighborhood that extends into the secondary study area. Residents and workers in the secondary study area would have increased access to open space, cultural attractions, and employment opportunities as a result of the East 125th Street Development. To the north, parkland within Harlem River Park would likely receive greater utilization from anticipated residential and worker population, enhancing sense of security for that parkland.

The project would provide a stimulus for continued new investment in the secondary study area and East Harlem as a whole. Sales at stores at East River Plaza would be supported by residents and workers from the project site, with other area No-Build condition projects such as The Kalahari and Fifth on the Park providing additional potential patrons and workers for the proposed retail and office uses. These synergies between the proposed new mixed-use development and existing land use patterns would be expected to have a beneficial land use effect on the secondary study area. Therefore, it is not expected that the proposed actions would result in any significant adverse land use impacts in the secondary study area.

CONCLUSION

The proposed action would not result in significant adverse land use impacts on the project site, rezoning area, or primary or secondary study areas. The proposed rezoning is expected to encourage growth and development in this area of Manhattan, and increase built density of the area consistent with existing land use patterns. The proposed rezoning would foster mixed-use development that would add to the vitality of street life in the rezoning area by increasing residential population (including affordable housing) and encouraging ground floor retail uses that promote street level activity and an enhanced pedestrian experience. The proposed East 125th Street Development would promote mixed-use development and arts and entertainment-related uses that would activate and reinforce the 125th Street corridor as a major local and regional destination for arts, entertainment and retail.

ZONING

The proposed action would amend the zoning map and replace the existing M1-2, R7-2 and C4-4 districts that are currently mapped in the rezoning area with a single C6-3 district (see Figure 3.1-5, Proposed Zoning). The C6-3 district allows for higher densities and would also permit the mix of residential, commercial and community facility uses proposed for the East 125th Street Development project site. The MTA bus storage facilities that are proposed are considered to be a continuation of a pre-existing nonconforming use. An additional increment of development potential, and as-of-right commercial development, would be permitted on the off-site parcel located at the intersection of Third Avenue and East 127th Street that is to be rezoned only, with no development currently proposed on that lot (Block 1791, Lot 44).

The C6-3 district allows for a wide range of commercial uses including large office buildings, corporate headquarters, large hotels, entertainment facilities, department stores, and high-rise residential uses in mixed-use buildings. The C6-3 district is designed to accommodate destination uses that draw people from outside the immediate neighborhood. Consequently, C6-3 districts are usually only mapped in areas that are well served by public transportation, such as the rezoning area.

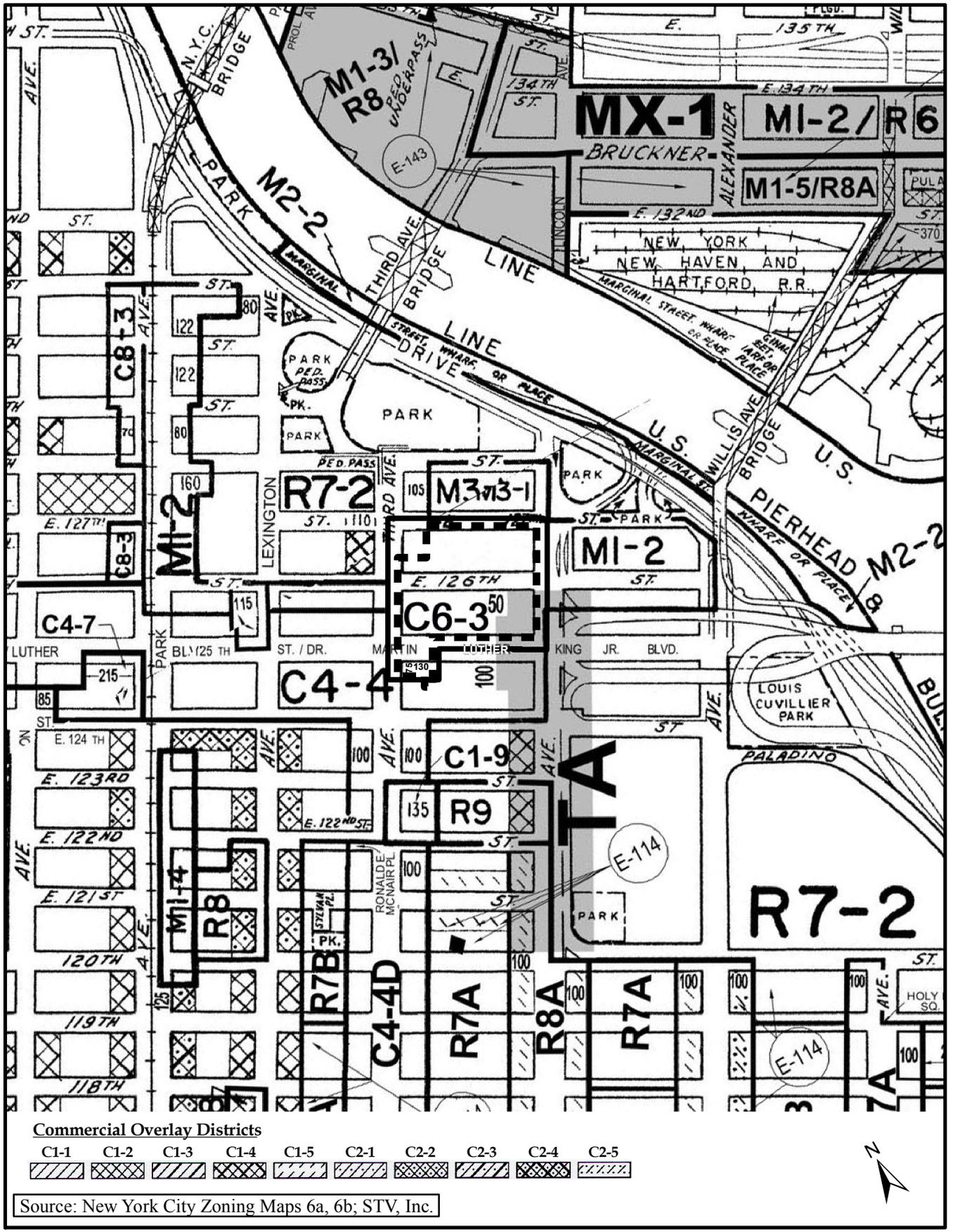
The residential equivalent of the C6-3 district is the R9 district. The maximum FAR allowed in the district varies according to use as follows.

- Commercial = 6.0 FAR
- Residential = 7.52 FAR
- Community Facility = 10.0 FAR

As with other mixed use zoning districts, the allowable FAR's are maximums by use, with the total maximum of all uses being 10.0 FAR. The proposed zoning mapping amendment that would rezone the project site to C6-3 would more than double the maximum permitted floor area currently allowed in the rezoning area, including on the East 125th Street Development project site and the off-site parcel that is to be rezoned with no development currently proposed. The existing zoning districts within the rezoning area permit maximum FAR's of between 2.0 and 4.0.

The C6-3 district is a height factor district, which means that the form of development on a site within this district can be determined by either height factor regulations or the Quality Housing regulations, at the developer's option. The design guidelines for the proposed East 125th Street development generally describe a contextual building developed under the Quality Housing regulations.

Table 3.1-9 summarizes the regulations of the existing and proposed zoning, and the proposed urban design guidelines.



Legend

- Project Site
- Zoning District Boundary

Major Zoning Classifications

- R - Residential District
- C - Commercial District
- M - Manufacturing District

Figure 3.1-5 - Proposed Zoning

*East 125th Street Development EIS
NYC Economic Development Corporation*

Table 3.1-9: Zoning Comparison

	Existing Zoning			Proposed	Urban Renewal Plan W/ Supplementary Design Guidelines
	R7-2	C4-4	M1-2	C6-3	C6-3 w/ Design Guidelines
<u>Permitted Zoning Use Groups</u>	Use groups 1 and 2 (residential) 3 and 4 (community facility) (ZR 22-10)	Use groups 1 and 2 (residential), 3 and 4 (community facility), 5, 6, 8, 9, 10, 12 (commercial) (ZR 22-10, 32-10)	Use Groups 3 and 4 (community facility), 5, 6, 7, 8, 9, 10, 11, 12 (commercial) 13, 14, 16, 17 (manufacturing) (ZR 42-10)	Use Groups 1 and 2 (residential) 3 and 4 (community facility), 5, 6, 7, 8, 9, 10, 11, 12 (commercial) (ZR 22-10, 32-10)	Use Groups 1 and 2 (residential) 3 and 4 (community facility), 5, 6, 7, 8, 9, 10, 11, 12 (commercial)
<u>Floor Area Ratio</u>	Res. (3.44), Com Fac. (6.50) (ZR 23-142, 24-11)	Res. (3.44), Com Fac. (4.80), Com (3.40) (ZR 23-142, 24-11, 33-121)	Manu. (2.0), Com. Fac. (4.8), Commercial (2.0) (ZR 43.10)	Res. (7.52), Com Fac. (10.0), Commercial (6.0) (ZR 23-145, 24-11, 33-121)	Implied minimum FAR of 2.04 for Residential, and 0.12 for Com Fac. Commercial has an implied maximum FAR of 3.03
<u>Initial Setback</u>	Narrow St. – 20 ft. (15 ft Alternate) Wide St. – 15 ft. (10 ft. Alternate) (ZR 23-632, 23-64, 24-522)	Narrow St. – 20 ft. (15 ft Alternate) Wide St. – 15 ft. (10 ft. Alternate) (ZR 23-632, 23-64, 24-522, 33-431)	Narrow St. – 20 ft. (15 ft Alternate) Wide St. – 15 ft. (10 ft. Alternate) (ZR 43-43)	Narrow St. – 20 ft. (15 ft Alternate) Wide St. – 15 ft. (10 ft. Alternate) (ZR 23-632, 23-64, 24-522, 33-431)	Narrow St. – 15 ft. Wide St. – 10 ft.
<u>Max perimeter wall height</u>	60 ft. or 6 stories (ZR 23-632, 24-522)	Res, Com Fac.: 60 ft. or 6 stories, Commercial: 60 ft. or 4 stories (ZR 23-632, 24-522, 33-431)	Commercial: 60 ft. or 4 stories (ZR 43-43)	Res, Com Fac.: 85 ft. or 9 stories, Commercial: 85 ft. or 6 stories (ZR 23-632, 24-522, 33-431)	60 foot minimum and maximum of 85 feet at front wall,
<u>Sky exposure plane</u>	2.7 to 1 (narrow street), 5.6 to 1 (wide street) (ZR 23-632, 24-522)	5.6 to 1 (wide street) (ZR 23-632, 24-522, 33-432)	2.7 to 1 (narrow street), 5.6 to 1 (wide street) (ZR 43-43)	2.7 to 1 (narrow street), 5.6 to 1 (wide street) (ZR 23-632, 24-522, 33-432)	2.7 to 1 (narrow street), 5.6 to 1 (wide street)
<u>Maximum height</u>	None, governed by sky exposure plane (ZR 23-632, 24-522)	None, governed by sky exposure plane (ZR 23-632, 24-522, 33-431)	None, governed by sky exposure plane (ZR 43-43)	None, governed by sky exposure plane (ZR 23-632, 24-522, 33-431)	Parcel A: one building within 100 feet of Second Ave at 210 feet, others 150 feet. Parcel B: one building within 200 feet of Third Ave at 210 feet, others 150 feet. Parcel C 120 feet.

Table 3.1-9: Zoning Comparison (continued)

	Existing Zoning	Proposed	Existing Zoning	Proposed	Urban Renewal Plan W/ Supplementary Design Guidelines
	R7-2	C4-4	R7-2	C6-3	C6-3 w/ Design Guidelines
Open space ratio	15.5 to 25.5 (ZR 23-142)	15.5 to 25.5 (ZR 23-142)	N/A	1.0 to 9.0 (ZR 23-142)	1.0 to 9.0. At least 10,000 SF of open space will be provided on Parcel B and 2,500 SF of open space will be provided on Parcel A
Minimum amount of residential floor area per dwelling unit	At least 680 SF per DU (ZR 23-22)	At least 680 SF per DU (ZR 23-22)	N/A	At least 740 SF per DU (ZR 23-22)	At least 740 SF per DU
Tower Regulations	N/A	N/A	N/A	Less than 40% of lot area covered by towers. (ZR 23-65, 35-63)	Less than 40% of lot area covered by towers. Parcel C 50% because of small size
Rear Yard	Corner lots: None Others: 30 feet (ZR 23-47, 24-391, 24-36)	Corner lots: None Others: 30 feet - Res, Com Fac. 20 feet - Commercial (ZR 23-47, 24-391, 24-36, 33.26)	Corner lots: None Others: 20 feet (ZR 43.26)	Corner lots: None Others: 30 feet - Res, Com Fac. 20 feet - Commercial Parcel B, No rear yard required (full block development (ZR 23-28)) (ZR 23-47, 24-391, 24-36, 33.26)	Corner lots: None Others: 30 feet - Res, Com Fac. 20 feet - Commercial Parcel B, No rear yard required (full block development)
Parking	50% of dwelling units for standard housing. Subsidized housing ranges from 12.5% to 30% (ZR 25-, 25-31, 25-25)	50% of dwelling units for standard housing. Subsidized housing ranges from 12.5% to 30%. Other uses vary according to use (ZR 25-23, 25-31, 25-25, 36-21)	Varies according to use (ZR 46-21)	40% of dwelling units for standard housing, subsidized housing ranges from 10% to 30%, other uses vary, but are waived for most non-residential uses (ZR 25-23, 25-31, 25-25, 36-21)	40% of dwelling units for standard housing, subsidized housing ranges from 10% to 30%, other uses vary, but are waived for most non-residential uses

While not currently found in the land use study area, another C6-3 district is a part of the proposed 125th Street Corridor Rezoning & Related Actions project, located at the western edge of the study area. The density proposed for the East 125th Street Development project site can also be found to the south of the project site. The existing Taino Towers site has two zoning districts, an R9 district and a C1-9 district, which is an R10 equivalent district that allows up to 12 FAR.

The proposed rezoning would not adversely affect the availability of land in M1-2, C4-4, or R7-2 districts in the study area, as all of these districts can be found outside of the rezoning area in the study area. The proposed zoning change would be complementary to the 125th Street Corridor Rezoning and Related Actions project, as it recognizes the increasing importance of 125th Street as a commercial corridor in upper Manhattan. The proposed zoning change would support the redevelopment of a long underutilized site into a regional, mixed-use destination site, which has easy access to existing open space and transportation resources. It would be further complemented by increased transit access to be offered by the Second Avenue Subway once it is completed. The proposed zoning is consistent with the redevelopment vision for this area, which would not be achieved without this or similar zoning changes.

The proposed rezoning significantly increases the amount of floor area and the number of uses permitted in the rezoning area. The proposed East 125th Street Development does not maximize the permitted floor area allowed by the rezoning. It consists of contextual buildings that, while generally larger, would not be out of character with the surrounding neighborhood. Maximum building height of the proposed zoning district can vary depending on the development approach taken, but the proposed project reflects building heights that are not out of scale with some of the taller buildings in the study area, with the tallest remaining over 100 feet shorter than Taino Towers.

Residential units require 40 percent parking in C6-3 districts (e.g., 40 parking spaces must be provided for every 100 units of housing), which is slightly less than the 50 percent required for the districts that currently allow residential uses. Most commercial uses allowed in a C6-3 district would not require any parking, though a parking garage is proposed for commercial users under Parcel B.

PUBLIC POLICY

The proposed action would be consistent with public policies that guide the development of the primary and secondary study areas, as described below.

125th Street Business Improvement District

The proposed East 125th Street Development would support 125th Street's commercial character through increases in density for commercial development, including active uses with ground level and second story retail and commercial uses. The proposed new development would also support the creation of jobs and career opportunities. As described in Chapter 3.2, limited effects from business competition that are anticipated are not expected to result in adverse impacts on neighborhood character. Therefore, the proposed action would be compatible with the general goals of the 125th Street BID.

Community District 11 197-a Plan

East 125th Street between Second and Fifth Avenues was identified in the Draft Community District 11 197-a Plan as both a crucial transportation and retail nexus for the metropolitan region. Better retail connections to promote the expansion of commercial and retail established along this stretch of 125th are recommended to convert East 125th Street into a major commercial and entertainment area. The proposed action includes affordable housing and active uses at ground level fronting on 125th Street, including retail, open space, and entertainment uses. Locating these types of uses on the ground floor of the proposed development would be compatible with the goals of the 197-a Plan. Other project elements including new affordable housing and employment opportunities would advance the goals of the Draft 197-a Plan.

421-a Property Tax Exemption Program

The reforms to the 421-a Property Tax Exemption Program would expand the exclusion zone so that the potential impact of the 421-a program would include all of Manhattan and certain areas of the outer boroughs. These changes are expected to further increase the incentives for the creation of affordable units in the East 125th Street Development. Therefore, the proposed action would be consistent with the expected reforms to the 421-a program.

125th Street Corridor Rezoning and Related Actions Project

The East 125th Street Development would be complementary to adjacent areas that are to be rezoned C4-4D as part of the 125th Street Corridor Rezoning and Related Actions project. Proposed height limits and other design guidelines would similarly protect the scale of the surrounding neighborhood. 125th Street Corridor Rezoning and Related Actions project goals related to affordable housing would be advanced through the East 125th Street Development. Three RWCDs projected developments within the primary study area that are expected to be developed as a result of the zoning changes of the 125th Street Corridor and Related Actions Project would be compatible with the proposed project, with several of these facing East 125th Street across from Parcel B and adjacent to Parcel C. Residents of these and the Kingsgate residential development on East 124th Street and Second Avenue would have additional shopping, employment opportunities, open space and entertainment amenities available to them as a result of the East 125th Street Development.

Harlem-East Harlem Urban Renewal Plan

The Harlem-East Harlem Urban Renewal Plan seeks to accomplish the following: redevelop the area in a comprehensive manner, remove blight and maximize appropriate land use; remove or rehabilitate substandard and unsanitary structures; remove impediments to land assemblage and orderly development; strengthen the tax base of the City by encouraging development and employment opportunities in the area; provide new housing of high quality and/or rehabilitated housing of upgraded quality; provide appropriate community facilities, parks and recreational uses, retail shopping, public parking, and private parking; and, provide a stable environment within the area that will not be a blighting influence on surrounding neighborhoods. Design objectives of the plan are to develop the area in a manner compatible with the surrounding community in terms of scale and materials, and to reinforce the existing urban pattern in areas with uniform street character.

As shown and described in Chapter 2.0 and in Appendices C and L, the proposed 15th amendment to the HEHURP involves land use changes, new acquisition parcels, a new expiration date, and supplementary controls. Sites 8, 8A, 9, 12 and 13A are no longer proposed for density restrictions as outlined in Section C.3.b of the Plan. Development on Sites 8, 8A, 12, and 13A will be pursuant to zoning regulations and restrictions in Section C.3.5 and C.3.6 of the Plan. Block 1790, Lots 8 and 46, and Block 1791, Lots 25 and 34, are to be added as new parcels. The designated land uses of Sites 8, 8A, 9, 12 and 13A are proposed to be changed. The effectuation of the Plan is proposed to be extended to December 19, 2020. In addition, a modification to the large scale residential plan located within the HEHURA is proposed. This modification will remove the large scale boundary from Site 8, Site 8A and Site 9. Collectively, these changes will facilitate the development of the East 125th Street Development project.

Comprehensive Manhattan Waterfront Plan

The principal objective of this plan is to enhance public access to and use of the 32-mile Manhattan shoreline. The study area overlaps with the comprehensive waterfront planning Reach 5 for Northern Manhattan, described in DCP's *NYC Comprehensive Waterfront Plan* (see page 200). Reach 5 recommendations include developing street-end access, compatible with industrial uses, in the area of the Harlem River waterfront.⁶ Urban design guidelines incorporated into the East 125th Street Development will ensure an active and pedestrian oriented streetscape. By enhancing east-west pedestrian linkages and sidewalk conditions, the proposed action would be consistent with the Comprehensive Manhattan Waterfront Plan.

Upper Manhattan Empowerment Zone

As described above, the UMEZ is an economic development initiative that uses public funds and tax incentives to encourage private investments in Upper Manhattan and the South Bronx. The mission of the Upper Manhattan Empowerment Zone Development Corporation (UMEZDC), the nonprofit organization that administers the initiatives in this area, is to expand the range and scope of economic activity of the area, enhance capital opportunity of local businesses and institutions, and improve the quality of life for residents, workers, and visitors. The proposed action would create new opportunities for new mixed-use development and would improve the pedestrian experience along 125th Street. Therefore, the proposed action would be compatible with the goals of the UMEZ.

East Harlem Empire Zone

The East Harlem Empire Zone is a designated area of New York State that offers tax benefits and incentives to encourage economic development, business investment, and job creation. The goal of the program is to create jobs and stimulate private investment in new or existing businesses in order to alleviate problems in impoverished areas of the State. To receive certain benefits, a business needs only to reside within the boundaries of a zone. Through the creation of business and employment opportunities, the East 125th Street Development would also be compatible with the goals of the East Harlem Empire Zone.

⁶ New York City Department of City Planning, *NYC Comprehensive Waterfront Plan*, Summer, 1992, p.121.

East Harlem Rezoning

The East Harlem Rezoning is intended to balance growth and preservation in East Harlem. The proposed action includes new mixed-use development consistent with neighborhood character, preserving the scale of residential midblocks, and introducing new ground floor retail and services uses. The proposed C6-3 zoning with various height, setback and other development guidelines would complement the C4-4D and R8-A zoning districts mapped south of the proposed rezoning area along Third and Second Avenues as a result of the East Harlem Rezoning and would be compatible with that separate Rezoning.