IN THE MATTER OF an application submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 6a and 6b:

1. Eliminating from within an existing R7-2 District a C1-4 District bounded by:

    a. East 124th Street, Park Avenue, East 123rd Street, and a line 100 feet westerly of Park Avenue;

    b. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;

    c. East 122nd Street, Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, Lexington Avenue, East 120th Street, a line 100 feet easterly of Lexington Avenue, East 115th Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Park Avenue, East 115th Street, and a line 100 feet westerly of Park Avenue; and

    d. East 112th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 110th Street and East 111th Street, and a line 100 feet westerly of Lexington Avenue;

2. eliminating from within an existing R8A District a C1-5 District bounded by:

    a. East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, and a line 100 feet westerly of Second Avenue;

    b. East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;

    c. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and

d. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, a line 100 feet westerly of Second Avenue;

3. eliminating from within an existing R7-2 District a C2-4 District bounded by:

a. East 132nd Street, Park Avenue, East 131st Street, and a line 100 feet westerly of Park Avenue;

b. East 124th Street, a line 100 feet easterly of Park Avenue, a line midway between East 123rd Street and East 124th Street, and Park Avenue;

c. East 123rd Street, Park Avenue, East 122nd Street, and a line 100 feet westerly of Park Avenue;

d. East 124th Street, a line 100 feet easterly of Lexington Avenue, East 120th Street, Lexington Avenue, East 122nd Street, and a line 100 feet westerly of Lexington Avenue; and

e. a line 125 feet northerly of East 119th Street, a line 100 feet easterly of Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, and Park Avenue;

4. eliminating a Special Transit Land Use District bounded by the southerly street line of East 126th Street, a line 100 feet easterly of Second Avenue, the northerly street line of East 120th Street and its easterly prolongation, a line 100 feet westerly of Second Avenue, a line midway between East 124th Street and East 125th Street/Dr. Martin Luther King, Jr. Boulevard, a line 150 feet westerly of Second Avenue, a line midway between East 125th Street/Dr. Martin Luther King, Jr. Boulevard and East 126th Street, and line 100 feet westerly of Second Avenue;

5. changing from an R7-2 District to an R7A District property bounded by East 132nd Street, a line 100 feet easterly of Madison Avenue, East 128th Street, Madison Avenue, East 127th Street, a line 100 feet easterly of Madison Avenue, East 126th Street, a line 100 feet westerly of Madison Avenue, East 130th Street, Madison Avenue, East 131st Street, and a line 100 feet westerly of Madison Avenue;

6. changing from an R7-2 District to an R7B District property bounded by

a. East 132nd Street, a line 100 feet westerly of Madison Avenue, East 131st Street, and a line 100 feet easterly of Fifth Avenue;

b. East 132nd Street, a line 100 feet westerly of Park Avenue, a line midway between East 129th Street and East 130th Street, a line 90 feet westerly of Park Avenue, East 129th Street, a line 70 feet westerly of Park Avenue, East 128th Street, and a line 100 feet easterly of Madison Avenue;

c. East 130th Street, a line 100 feet westerly of Madison Avenue, East 126th Street, and a line 100 feet easterly of Fifth Avenue;

d. East 127th Street, a line 100 feet westerly of Park Avenue, East 126th Street, and a line 100 feet easterly of Madison Avenue;

e. East 124th Street, a line 100 feet westerly of Second Avenue, East 123rd Street, a line 100 feet easterly of Third Avenue;

f. East 123rd Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 121st Street and East 122nd Street, and a line 100 feet easterly of Park Avenue;

g. a line midway between East 119th Street and East 120th Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, and a line 100 feet easterly of Park Avenue;

h. a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue, East 115th Street, and a line 100 feet easterly of Park Avenue;

i. East 111th Street, a line 100 feet westerly of Lexington Avenue, East 110th Street, a line 100 feet easterly of Park Avenue, a line midway between East 110th Street and East 111th Street, and a line 155 feet easterly of Park Avenue; and

j. East 107th Street, a line 100 feet westerly of Lexington Avenue, East 106th Street, a line 180 feet easterly of Park Avenue, a line midway between East 106th Street and East 107th Street, and a line 230 feet easterly of Park Avenue;

7. changing from a C8-3 District to an R7B District property bounded by line a line midway between East 129th Street and East 130th Street, a line 90 feet westerly of Park Avenue, East 129th Street, and a line 100 feet westerly of Park Avenue;

8. changing from an R7-2 District to an R7D District property bounded by:

a. East 124th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, Lexington Avenue, East 122nd Street, and a line 100 feet westerly of Lexington Avenue;

b. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Park Avenue;

c. a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Lexington Avenue, East 115th Street, and a line 100 feet westerly of Lexington Avenue; and

d. East 112th Street, a line 100 feet easterly of Lexington Avenue, East 104th Street, a line 100 feet westerly of Lexington Avenue, East 107th Street, Lexington Avenue, East 110th Street, and a line 100 feet westerly of Lexington Avenue;

9. changing from an R7A District to an R7D District property bounded by:

a. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Third Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Lexington Avenue; and

b. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Second Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Third Avenue;

10. changing from an R7-2 District to an R9 District property bounded by

a. East 132nd Street, the westerly boundary line of the New York Central Railroad right-of-way, East 131st Street, and a line 100 feet westerly of Park Avenue;

b. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;

c. East 118th Street, a line 100 feet easterly of Park Avenue, East 115th Street, a line 100 feet westerly of Park Avenue; and

d. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue;

11. changing from an R7A District to an R9 District property bounded by East 120th Street, a line 100 feet westerly of Second Avenue, East 119th Street, and a line 110 feet westerly of Second Avenue;

12. changing from an R8A District to an R9 District property bounded by:

a. East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, and a line 100 feet westerly of Second Avenue;

b. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, Est 109th Street, and a line 100 feet westerly of Second Avenue; and

c. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue;

13. changing from an R7-2 District to an R10 District property bounded by East 122nd Street, Park Avenue, a line midway between East 119th Street and East 120th Street, a line 100 feet easterly on Park Avenue, East 118th Street, a line 100 feet westerly of Park Avenue, East 120th Street and a line 100 feet westerly of Park Avenue;

14. changing from an R8A District to an R10 District property bounded by East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;

15. changing from a C4-4 District to a C4-6 District property bounded by East 124th Street, a line 100 feet easterly of Third Avenue, East 123rd Street, Third Avenue, East 122nd Street, and a line 100 feet westerly of Third Avenue;

16. changing from a C4-4D District to a C4-6 District property bounded by East 122nd Street, a line 100 feet easterly of Third Avenue, East 115th Street and a line 100 feet westerly of Third Avenue;

17. changing from an R7-2 District to a C6-4 District property bounded by East 124th Street, Park Avenue, East 122nd Street, and a line 100 feet easterly of Park Avenue;

18. changing from a C4-4D District to a C6-4 District property bounded by East 126th Street, a line 100 feet easterly of Park Avenue, East 125th Street/Dr. Martin Luther King Jr. Boulevard, a line 140 easterly of Park Avenue, East 124th Street, and a line 90 feet easterly of Park Avenue;

19. changing from a C6-3 District to a C6-4 District property bounded by East 126th Street, a line 90 feet easterly of Park Avenue, East 124th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 125th Street/Dr. Martin Luther King Jr. Boulevard, and a line 90 feet westerly of Park Avenue;

20. changing from a C8-3 District to a M1-6/R9 District property bounded by:

    a. East 131st Street, the westerly boundary line of the New York Central Railroad right-of-way, East 128th Street, a line 70 feet westerly of Park Avenue, East 129th Street, a line 90 feet westerly of Park Avenue, a line midway between East 129th Street and East 130th Street, and a line 100 feet westerly of Park Avenue; and

    b. East 127th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 126th Street, and a line 100 feet westerly of Park Avenue;

21. changing from R7-2 District to an M1-6/R10 District property bounded by:

    a. East 124th Street, a line 100 feet easterly of Park Avenue, a line midway between East 123rd Street and East 124th Street, and Park Avenue; and

    b. a line 125 feet northerly of East 119th Street, a line 100 feet easterly of Park Avenue, a line midway between East 119th Street and East 120th Street, and Park Avenue;

22. changing from an M1-2 District to an M1-6/R10 District property bounded by East 128th Street, a line 160 feet easterly of Park Avenue, a line 100 feet southerly of East 128th Street, a line 100 feet easterly of Park Avenue, East 126th Street, and the westerly boundary line of the New York Central Railroad right-of-way;

23. changing from an M1-4 District to an M1-6/R10 District property bounded by a line midway between East 123rd Street and East 124th Street, a line 100 feet easterly of Park Avenue, a line 125 feet northerly of East 119th Street, and Park Avenue;

24. establishing within an existing R7-2 District a C1-5 District bounded by:

    a. East 115th Street, a line 100 feet easterly of Park Avenue, East 112th Street, and a line 70 feet westerly of Park Avenue;

b. East 115th Street, Lexington Avenue, a line 240 feet southerly of East 115th Street, a line 100 feet easterly of Lexington Avenue, East 112th Street, and a line 100 feet westerly of Lexington Avenue;

c. East 115th Street, a line 100 feet easterly of Third Avenue, East 112th Street, a line 100 feet westerly of Third Avenue, a line 252 feet southerly of East 115th Street, and Third Avenue; and

d. East 115th Street, a line 100 feet easterly of Second Avenue, a line 100 feet northerly of East 113th Street, Second Avenue, East 113th Street, a line 100 feet easterly of Second Avenue, East 112th Street, and a line 100 feet westerly of Second Avenue;

25. establishing within a proposed R7D District a C1-5 District bounded by:

a. East 120th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, and Lexington Avenue;

b. a line midway between East 117th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Park Avenue; and

c. East 112th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 110th Street and East 111th Street, and a line 100 feet westerly of Lexington Avenue;

26. establishing within a proposed R7D District a C2-5 District bounded by East 124th Street, a line 100 feet easterly of Lexington Avenue, East 120th Street, Lexington Avenue, East 122nd Street, and a line 100 feet westerly of Lexington Avenue;

27. establishing within a proposed R9 District a C2-5 District bounded by:

a. East 132nd Street, the westerly boundary line of the New York Central Railroad right-of-way, East 131st Street, and a line 100 feet westerly of Park Avenue;

b. East 118th Street, a line 100 feet easterly of Park Avenue, East 115th Street, and a line 100 feet westerly of Park Avenue;

c. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet westerly of Lexington Avenue;

d. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;

e. East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, a line 100 feet westerly of Second Avenue, East 119th Street, a line 110 feet westerly of Second Avenue, East 120th Street, and a line 100 feet westerly of Second Avenue;

f. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and

g. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue;

28. establishing within a proposed R10 District a proposed C2-5 District property by:

a. East 122nd Street, Park Avenue, a line midway between East 119th Street and East 120th Street, a line 100 feet easterly of Park Avenue, East 118th Street, a line 100 feet westerly of Park Avenue, East 120th Street, and a line 100 feet westerly of Park Avenue; and

b. East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;

29. establishing a Special East Harlem Corridors District bounded by:

a. East 132nd Street, the westerly boundary line of the New York Central Railroad right-of-way, East 128th Street, a line 70 feet westerly of Park Avenue, East 129th Street, a line 90 feet westerly of Park Avenue, a line midway between East 129th Street and East 130th Street, and a line 100 feet westerly of Park Avenue;

b. East 128th Street, a line 160 feet easterly of Park Avenue, a line 100 feet southerly of East 128th Street, a line 100 feet easterly of Park Avenue, East 126th Street, a line 100 feet westerly of Park Avenue, East 127th Street, and the westerly boundary line of the New York Central Railroad right-of-way;

c. East 124th Street, a line 100 feet easterly of Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, Lexington Avenue, East 122nd Street, a line 100 feet westerly of Lexington Avenue, East 124th street, a line 100 feet easterly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Third Avenue, East 124th Street, a line 100 feet easterly of Third Avenue, East 123rd Street, Third Avenue, East 122nd Street, a line 100 feet easterly of Third Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Second Avenue, East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, a line 100 feet westerly of Second Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Third Avenue, East 115th Street, a line 100 feet westerly of Third Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Lexington Avenue, East 115th Street, a line 100 feet westerly of Park Avenue, East 120th Street, and a line 100 feet westerly of Park Avenue;

d. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;

e. East 112th Street, a line 100 feet easterly of Lexington Avenue, East 104th Street, a line 100 feet westerly of Lexington Avenue, East 107th Street, Lexington Avenue, East 110th Street, a line 100 feet westerly of Lexington Avenue;

f. East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;

g. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street; Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and

h. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue; and

30. establishing a Special Transit Land Use District bounded by:

a. East 126th Street, a line 85 feet easterly of Fifth Avenue, a line midway between East 125th Street/Dr. Martin Luther King Jr. Boulevard and East 126th Street, a line 100 feet westerly of Park Avenue, East 126th Street, a line 100 feet easterly of Third Avenue, East 124th Street, a line 200 feet westerly of Madison Avenue, a line midway between East 124th Street and East 125th Street/Dr. Martin Luther King Jr. Boulevard, and Fifth Avenue;

b. East 120th Street, a line 100 feet easterly of Second Avenue, a line 100 feet southerly of East 115th Street, and a line 100 feet westerly of Second Avenue;

c. a line midway between East 110th Street and East 111th Street, a line 100 feet easterly of Second Avenue, the southerly street line of East 110th Street, and a line 100 feet westerly of Second Avenue; and

d. the northerly street line of East 105th Street, a line 100 feet easterly of Second Avenue, a line midway between East 104th Street and East 105th Street, and a line 100 feet westerly of Second Avenue;

Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated April 24, 2017, and subject to the conditions of CEQR Declaration E-422.

An application for a zoning map amendment (C 170358 ZMM) was filed by the Department of City Planning (DCP) on April 24, 2017, in conjunction with several related actions, to facilitate the East Harlem Neighborhood Initiative, a comprehensive, community-focused effort aimed at identifying opportunities for the creation of new mixed-income housing and the preservation of existing affordable housing units that is consistent with the goals of the Mayor's Housing New York: A Five-Borough, Ten-year Plan. The City's East Harlem Initiative also responds to the recommendations included in the East Harlem Neighborhood Plan (EHNP), a document created by a Steering Committee convened by City Council Speaker Melissa Mark-Viverito and composed of East Harlem residents, business owners, stakeholders and elected officials.

RELATED ACTIONS

In addition to the application (C 170358 ZMM) for a zoning map amendment that is the subject of this report, implementation of the development plan also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application (together, the "proposed actions"):

N 170359 ZRM	Zoning text amendment to establish an East Harlem Corridor Special District and to designate a Mandatory Inclusionary Housing (MIH) area, as modified.
C 170360 HUM	Amendment to the bulk and use regulations, and the expiration date, of the Milbank Frawley Circle-East Urban Renewal Plan

BACKGROUND

DCP, in coordination with the NYC Department of Housing Preservation and Development (HPD), seeks several land use actions to: facilitate the creation of additional opportunities for mixed-income housing, including permanently affordable housing through the MIH program; implement zoning to encourage new buildings and uses in targeted areas to foster the development of housing as well as job-generating uses; ensure that areas with consistent built context are mapped with appropriate zoning districts; and modify the existing zoning to promote and preserve the vitality of the existing commercial corridors while creating additional economic and commercial opportunities. The proposed actions are intended to advance the goals of the Mayor's Housing Plan and respond to the land use and zoning recommendations included in the EHNP. Further, these actions are complemented by the City's East Harlem Initiative - a collaborative interagency effort to identify key capital infrastructure needs, programs, services and other neighborhood investments to accompany the proposed land use and zoning actions.

East Harlem is a medium-density Manhattan neighborhood north of the Upper East Side, between Central Harlem and the East and Harlem Rivers, within Community District 11. The major

commercial corridors in the area are 125th Street, 116th Street, Third Avenue, and Second Avenue. There are also some notable neighborhood institutions such as La Marqueta, El Museo del Barrio, and Museum of the City of New York, Mount Sinai Center and the New York Academy of Medicine. Additionally, the area has access to large open spaces such as Randall's Island Park, Central Park, and the esplanade along the East River waterfront. East Harlem is well-served by transit, including the 4, 5 and 6 subway lines at East 125th Street and local 6 train stops at East 103rd, East 110th and East 116th Streets, the Harlem-125th Street Metropolitan Transit Authority (MTA) Metro-North Railroad station at East 125th Street, as well as a number of bus lines that traverse the district.

Much of the existing zoning in East Harlem has remained unchanged since the 1961 Zoning Resolution was established, with the exception of three zoning map amendments adopted over the last 14 years. The 2003 East Harlem Rezoning (C 030234 ZMM) changed most of the mapped R7-2 and C4-4 districts to contextual districts in an effort to facilitate additional residential and commercial opportunities. The 2003 rezoning boundaries were from East 96th Street to East 124th Street and east of Lexington Avenue, with higher density contextual districts mapped along avenues and lower density contextual districts mapped on midblocks. Although the rezoning in 2003 sought to increase development opportunities along the Third and Second Avenue corridors, the larger building and development envelope did not result in meaningful housing production until recently. Today, though some market-rate residential development has been built utilizing the full R8A contextual envelope along portions of Third Avenue, the corridor still contains many underutilized sites and the supply of housing remains low relative to other transit-accessible corridors in Manhattan.

The 125th Street Rezoning (C 080099 ZMM), adopted in 2008, mapped the 125th Street corridor as a special district from Broadway to Second Avenue between 124th and 126th Streets. The East 125th Street Rezoning (C 080333 ZMM), an HPD and New York City Economic Development Corporation (EDC) project also adopted in 2008, rezoned the blocks bounded by East 125th and

East 126th Streets and Second and Third Avenues to facilitate the development of a mixed-use project with residential, commercial, entertainment, and community facility uses.

East Harlem has evolved into a neighborhood defined by its rich immigrant and cultural diversity, and has traditionally been affordable for residents. Of the 46,000 households in East Harlem, an overwhelming majority, more than 90 percent, are renters. The median household income is approximately $31,000 per year, which is approximately 50 percent less than the median household income for Manhattan and more than 40 percent less than the median household income citywide. In East Harlem, 75 percent of the existing housing stock is affordable through rent stabilization or government assisted programs. New York City Housing Authority (NYCHA) developments comprise 30 percent of this housing stock. Despite previous zoning actions in this neighborhood aimed at increasing affordable housing opportunities, in recent years neighborhood rental trends have shown that both median gross rents and asking rents in East Harlem are increasing at a rate higher than in the rest of the City. These trends are expected to continue given the number of new market rate developments currently under construction or in the pipeline. Further, under the existing zoning, these new developments are not required to provide any affordable housing units.

In 2014, the Mayor unveiled Housing New York, a comprehensive plan to create and preserve 200,000 affordable housing units over the next 10 years. In addition to increasing housing preservation efforts and instituting a new policy for the creation of permanently affordable housing through the MIH program, the Administration identified neighborhoods throughout the City where there were opportunities to develop a planning framework, which extends well beyond zoning, to improve neighborhood programs, services and amenities. In 2015, recognizing the area as a place where existing assets could be leveraged to create more affordable housing options and improve overall neighborhood conditions, the Administration announced that East Harlem would be one of these neighborhoods.

East Harlem was chosen as one of the City's Neighborhood studies because of recent neighborhood trends that have resulted in an increase in demand for housing, an increase in rents and limitations on the ability to provide additional affordable housing opportunities in the area. Further, there are areas in East Harlem where the zoning is outdated in a way that effectively limits the economic development potential of the neighborhood. Following the Administration's announcement that East Harlem would be one of the City's neighborhood studies, City Council Speaker Melissa Mark-Viverito convened a steering committee of local stakeholders to engage the broader community and identify specific needs related to open space, land use, and zoning, among other topics. Numerous meetings were convened by the Steering Committee to provide opportunities for residents to directly engage with community service providers and City agency representatives, allowing members of the public to share their concerns and describe how they envisioned the future of their community.

The Steering Committee's EHNP was released in February 2016. The EHNP contained over 200 recommendations related to a number of topics relevant to the neighborhood, ranging from housing to health, open space, zoning and land use. After the EHNP was issued, the Steering Committee's engagement process continued. The City, through the various agencies that had already been participating in the visioning sessions and working with the Steering Committee, began to review the recommendations and meet with Steering Committee subgroups to identify potential actions within the neighborhood that would address community priorities. The EHNP served as a valuable guidepost for the City's collective efforts and provided a clear lens for City agencies to view the work that they were already doing in East Harlem.

In response to the zoning and land use recommendations included in the community's EHNP, DCP analyzed the entire community district on a block-by-block basis to determine where there were sufficient opportunities to warrant zoning actions. As a result of this analysis, DCP established the zoning boundaries and identified major avenue corridors where modifying the zoning would appropriately increase the housing and economic opportunities in the neighborhood. The

geography where DCP focused its zoning and land use efforts is bounded by East 104th Street to the south, East 132nd Street to the north, Park Avenue to the west and Second Avenue to the east.

DCP has also been working collaboratively with the community and its interagency partners to consider how East Harlem amenities and services can be tailored and improved to address community needs through the City's larger East Harlem Neighborhood Initiative. As a part of this Initiative, the City is taking a comprehensive approach to respond to concerns outlined in the EHNP regarding neighborhood needs that extend well beyond zoning. This approach includes investments in a wide range of City programs, services, infrastructure and amenities that would help foster a thriving community.

Affordable Housing Development and Housing Preservation

HPD recently drafted a Housing Plan for East Harlem, which responds to many concerns raised during the Steering Committee's EHNP process related to affordable housing and housing preservation. The current draft of the Housing Plan includes proposals to identify distressed buildings, offer technical assistance to property owners and provide free legal services to tenants. The draft Housing Plan explores new ways to preserve the existing affordable housing stock, such as piloting a community land trust program and studying the feasibility of a Certificate of No Harassment program in the neighborhood. HPD has also committed to prioritizing the development of more than 2,000 affordable housing units in East Harlem and, where feasible, exploring whether these units could reach deeper levels of affordability when located on publicly-owned sites. To help achieve this goal, HPD has developed new term sheets and modified its RFP process.

Health and Senior Citizens

The Department of Health and Mental Hygiene (DOHMH) has opened a new East Harlem Neighborhood Health Action Center. This will serve as a multiservice facility with a host of health

and health-related social services. Additionally, the DOHMH has also provided over $200,000 in grants to 11 East Harlem organizations to address some of the major health-related concerns in the community.

The Department for the Aging (DFTA), as part of its Thrive NYC initiative, has launched a "Friendly Visiting Program" to combat social isolation among seniors. Lenox Hill Neighborhood House is the case management agency that covers East Harlem and implementing the program in the area. DFTA is also committed to creating neighborhood environments that allow seniors to age in place comfortably. There are currently seven DFTA senior centers scattered throughout East Harlem and one of the centers, the Carter Burden Leonard Covello, is an Innovative Senior Center (ISC). ISCs have extended hours, expanded programming, increased use of technology, enriched community partnerships and enhanced shared resources.

School and Education

The Department of Education (DOE) has committed to ensuring that every classroom in East Harlem has functioning air conditioning systems by Fiscal Year 22. The City has also committed to increasing the number of Community School facilities in the neighborhood, as DOE will be opening three new Community Schools in East Harlem in the 2017/2018 school year. Community Schools are facilities that act as neighborhood hubs where students receive high-quality academic instruction, families can access social services, and communities can congregate**.**

Open Space and Recreation

The Department of Parks and Recreation (DPR) continues to engage residents in the planning and design process for initiatives such as the extension of the Harlem River Park Greenway between East 125th Street and East 132nd Street. DPR is also engaging East Harlem residents in a resiliency study to develop measures to reduce the risk of coastal flooding, improve upland drainage, and increase open space in the neighborhood. Through their Community Parks Initiative, DPR also has four additional capital projects to improve smaller neighborhood parks throughout East Harlem.

Transportation and Safety

At East 125th Street and Park Avenue, an important neighborhood transit node, the Department of Transportation (DOT) has plans to improve pedestrian crossings and create a dedicated area for taxi pickup. DOT has also implemented pedestrian improvements along the Park Avenue viaduct (south of East 111th Street), installed LED lighting in tunnels, and built curb extensions to improve pedestrian visibility.

Small Businesses and Workforce Development

The Department of Small Business Services (SBS), under their Neighborhood 360 Grant program, has chosen an East Harlem nonprofit partner to organize the merchants along East 116th Street. They will work together to develop and implement a plan customized to address local merchants' needs over the next three years. SBS will also improve East Harlem residents' access to job opportunities by opening a Workforce1 Satellite Center in the neighborhood.

Description of the Project Area

In response to the land use and zoning recommendations included in the EHNP, DCP studied an approximately 92-block area generally bounded by East 104th Street to the south, East 132nd Street to the north, Park Avenue to the west and Second Avenue to the east (the "project area"). The project area has three distinct sections: North of East 125th Street, Mid-East Harlem and South of East 116th Street. Across the three distinct subareas, there is significant variation in neighborhood character and existing land use.

North of East 125th Street

The project area north of East 125th Street covers portions of both sides of Park Avenue, extending west to the midblocks between Madison and Fifth Avenues. Residential use is the predominant land use in this subarea, mostly in the form of multi-family walk-up buildings. There are smaller

numbers of one- to two-family homes and multi-family elevator buildings in this part of the project area. Public facilities and institutions account for the second-highest percentage of this subarea's land use, and vacant land is the third-most common land use. There are currently few mixed-use buildings.

The area around the intersection of East 125th Street and Park Avenue is defined by the meeting of two critical neighborhood corridors, connecting the northern portion of Park Avenue to the mid-section of East 125th Street. The northwestern corner is occupied by the prominent and historic Corn Exchange Building. This building, originally known as the Mount Morris Bank, had been a mixed-use building with retail, office, and residential use. After falling into disrepair during the 1970s, the building was recently restored and now offers new opportunities for retail and office space at this critical transit node. The northeast corner is occupied by a 12-story building used as office space with ground-floor retail, and the southeast corner is occupied by smaller buildings with ground-floor retail and residential use above.

In addition to the retail and office uses located at this commercial node, the elevated Harlem-125th Street Metropolitan Transit Authority (MTA) Metro-North Railroad station is located on the northern portion of the intersection. It was built in 1897, and still provides regional rail service connections to Grand Central Terminal to the south, and to the Bronx, Westchester County, and Connecticut to the north. The southern portion of the block is occupied by a non-functioning comfort station. In 2013, DOT reactivated the space in front of the comfort station as a public plaza.

The area west of Park Avenue between East 125th and East 132nd Streets is characterized by well-maintained three- to four-story brownstones on the midblocks and five- to seven-story mid-rise buildings on the Avenue. The surrounding area is predominantly residential, with a few ground-floor retail uses along portions of Madison Avenue.

The northern portion of Park Avenue has a different neighborhood character from that found along Madison Avenue. The elevated Metro-North Railroad viaduct is a dominant structure along Park Avenue, and the space beneath the steel structure provides both public parking and parking for vehicles owned by the Department of Sanitation (DSNY). The predominant uses in this area are automotive and manufacturing. Along the west side of Park Avenue, there are residential and commercial uses as well as surface parking, a gas station, and a large storage facility with office space and community facility uses on the ground floor.

The east side of Park Avenue is characterized by manufacturing uses and parking. DSNY leases a large parking facility on the east side of the Avenue, and Consolidated Edison has a substation, which is also on the east side of the Avenue. There are also community facility, institutional, and parking uses along the east side. Although residential uses are only zoned in the northernmost portion of Park Avenue, there are residential uses that predate the 1961 Zoning Resolution along the west side of Park Avenue that are in a non-residential zoning district.

Mid-East Harlem (Between East 125th Street and East 116th Street)

The project area between East 125th Street and East 116th Street includes portions of Park, Lexington, Third and Second Avenues. This area comprises a mix of land uses, with residential predominant, and includes a wide variety of building types. Much of the area contains multi-family walk-up buildings, although there are several very large tower developments that range between 32 and 35 stories in height. Portions of the area east of Second Avenue extending to the Harlem River also contain large New York City Housing Authority (NYCHA) developments with 14-19 story buildings. Many of the buildings along the avenues have ground-floor retail uses and residential above. Other uses in the subarea include commercial and office uses, vacant land, parking facilities, public facilities and institutions.

This segment of Park Avenue is characterized by the elevated Metro-North Railroad viaduct structure. In this portion of East Harlem, Park Avenue is flanked by residential, institutional, and

manufacturing uses with surface parking, including public and institutional parking, some of which is located beneath the viaduct. The west side of Park Avenue is characterized by parking lots and institutional uses; few residential uses are located in the southern portion of this area. The Milbank Frawley Circle-East and Harlem-East Harlem Urban Renewal Plans (URPs) prohibit residential development within 100 feet of the viaduct on the west side of Park Avenue in this subarea. The east side of Park Avenue, roughly from East 119th Street to East 123rd Street, is characterized by active manufacturing uses. The southern portion of Park Avenue is primarily residential on both sides of the Avenue, with few commercial uses. Because of the number of parking lots fronting Park Avenue and the limited number of active ground-floor uses, Park Avenue has minimal pedestrian activity. The Avenue is mainly crossed by those moving in easterly or westerly directions on the numbered streets beneath the Metro-North viaduct structure.

Lexington Avenue, while narrower than other East Harlem avenues, is a major north-south corridor. The local 6 subway line operates along Lexington Avenue, with stations at East 103rd, East 110th, East 116th, and East 125th Streets. Express service on the 4 and 5 lines is also provided at the 125th Street station. Lexington Avenue is characterized by mixed-use buildings with residential uses and ground-floor retail space. South of East 115th Street, the physical character of Lexington Avenue is comprised of predominantly tenement-style buildings ranging in height from four to six stories. This building form changes between East 118th and East 122nd Streets, where tower-in-the-park buildings with heights ranging from 11 to 32 stories are located on the west side of Lexington Avenue. Between East 115th and East 112th Streets, 14-story tower-in-the-park buildings are located on both sides of Lexington Avenue.

The midblocks between Lexington and Park Avenues are predominantly residential in character, with some community facility uses. These residential buildings range in height from five to seven stories, and the community facility buildings include churches and school uses. Some of the midblocks contain open spaces accessory to the residential towers along Lexington Avenue. There

are no commercial uses between Park and Lexington Avenues, except along East 116th Street and East 124th Street, where commercial overlays are currently mapped.

Third Avenue is extraordinarily wide at 100 feet, and, unlike Park Avenue, has considerable pedestrian activity and active ground-floor retail uses. Although the 2003 East Harlem Rezoning did not result in a meaningful amount of new residential development along Third Avenue, the corridor remains an active commercial destination. Regardless, many sites are still underutilized and numerous buildings with vacant upper stories still line Third Avenue. Some of the upper stories of these buildings are sealed off and/or used as storage. Although a few recent developments have taken advantage of the increased density permitted by the 2003 rezoning, most buildings along Third Avenue have very few residential units or are solely occupied by one-story commercial uses. Taino Towers, at East 122nd and East 123rd Streets between Third and Second Avenues, is one of largest residential developments in East Harlem. Built in 1979 with federal assistance, the development comprises four 35-story residential towers with 656 units on a four-story commercial base. Portions of the Robert Wagner Houses, a NYCHA development, are located on a superblock along Second Avenue between East 120th and East 124th Streets.

The portion of the project area along Second Avenue extends from East 116th Street to East 122nd Street and, like Third Avenue, is primarily characterized by tenement-type buildings with ground-floor retail space. Newly constructed developments along Second Avenue, such as the buildings at 2147 Second Avenue and 2167 Second Avenue, typically consist of seven-story or higher apartment buildings with elevators.

The north side of East 116th Street is included in this subarea. East 116th Street is a major east-west corridor connecting East Harlem to Central Harlem. This corridor is the center of the El Barrio/Spanish Harlem neighborhood and provides a variety of local retail uses that cater to its Latino residents. The built form is characterized by four- to seven-story tenement-style residential buildings with ground-floor retail. La Marqueta, a retail space originally created as the Park

Avenue Retail Market under Mayor LaGuardia, is located underneath the Metro-North viaduct at Park Avenue and East 115th Street. This underutilized space was once a thriving market where as many as 500 local vendors operated, selling ethnic food for the Caribbean and Latino diaspora. But the sparse pedestrian traffic and limited commercial uses along Park Avenue have affected its vitality. Two other important nodes along East 116th Street are at Lexington Avenue, where the local subway line is located, and Third Avenue, which connects 116th Street to the Third Avenue commercial corridor.

South of East 116th Street

The project area between East 104th Street and East 116th Street includes portions of Park, Lexington, and Second Avenues. Mixed commercial and residential buildings predominate, mostly in the form of multi-family walk-up buildings. The second-most common land use is residential. Commercial and office uses are common in the subarea, with some vacant land, public facilities, institutions, parking facilities, and industrial and manufacturing uses.

Much of Park Avenue within this area is typified by large, tower-in-the-park NYCHA developments. The Lehman and Carver Houses are located on the west side of Park Avenue between East 104th Street and East 110th Street. As you move southward, the Metro-North Railroad viaduct transitions at East 110th Street from an open steel structure to a solid stone structure. The stone viaduct allows pedestrians to cross at each intersection, but the stone viaduct conditions are not particularly safe or welcoming for pedestrians. The east side of Park Avenue is characterized by a mix of uses including public housing, commercial, and community gardens. The south side of the East 116th Street corridor includes commercial buildings and residential buildings with ground-floor retail.

The section of Lexington Avenue between East 104th Street and East 116th Street has a character similar to that of the northern part of Lexington Avenue, with mixed-use residential and commercial buildings. With the exception of the 18-story NYCHA Dewitt Clinton Houses

development on the west side of Lexington Avenue, building heights are typically between four and eight stories.

Third Avenue south of East 116th Street is characterized by four- to seven-story tenement-style buildings with ground-floor retail. Although the area is zoned for residential use, many properties contain vacant upper stories, with ground-floor retail serving as the only active use. Large residential buildings in the area include the Franklin Plaza Co-op Houses, the most significant residential development in this area. Created in 1960, Franklin Plaza is a multi-family development with 14 20-story buildings along segments of Third and Second Avenues.

Second Avenue, like Third Avenue, is characterized by four- to seven-story residential buildings and ground-floor retail. However, there has been some new residential development on small lots with buildings as tall as 10 stories.

Existing Zoning

The project area is currently zoned as follows:

M1-2 & M1-4

M1 districts within the project area are mapped primarily along Park Avenue between East 119th Street and East 131st Street. These districts generally allow one- or two-story warehouses for light-industrial uses, including repair shops; wholesale service facilities; self-storage facilities; and hotels. M1 districts are intended for light industry, but heavy industrial uses are permitted as long as they meet the strict performance standards set forth in the Zoning Resolution.

An M1-2 district is mapped on the east side of Park Avenue between East 128th Street and East 131st Street. It allows manufacturing and commercial uses at a maximum floor area ratio (FAR) of 2.0 and community facility uses at a maximum FAR of 4.80. M1 districts have a base height limit above which a structure must fit within a sloping sky exposure plane; this base height is 60

feet in M1-2 districts. M1-2 districts are subject to parking requirements based on the type of use and the size of the establishment.

M1-4 is a light manufacturing district mapped on the east side of Park Avenue, roughly between East 119th and East 124th Streets, which allows 6.5 FAR for community facility uses and 2.0 FAR for commercial and manufacturing uses. Residential uses and community facility uses with sleeping accommodations are not permitted in M1 districts, but commercial uses and a wide range of light manufacturing, warehousing, and auto service uses are permitted. Many commercial uses are restricted to 10,000 square feet in M1-4 districts.

C8-3

There are two C8-3 districts mapped in the northern portion of the project area: one along the west side of Park Avenue between East 126th Street and East 127th Street, and the other between East 128th Street and East 131st Street. C8-3 districts are designed for heavy commercial uses, such as automobile service, sales, and repair. C8 districts are found mainly along major traffic arteries and allow automotive and other heavy commercial uses that often require large amounts of land. They have a base height limit above which a structure must fit within a sloping sky exposure plane; this base height is 60 feet in C8-3 districts, and typically produces low-rise, one-story structures. C8-3 districts also permit community facility uses at a maximum FAR of 6.5. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes. Community facilities, self-storage facilities, hotels, and amusements such as theatres are also permitted. No new residential uses are permitted.

C6-3

A C6-3 district is mapped along a portion of Park Avenue within the Special 125th Street District. This C6-3 district, outside of the Core Subdistrict of the Special 125th Street District, allows a maximum residential and commercial FAR of 6.0 (8.0 with a Voluntary Inclusionary Housing or

Visual or Performing Arts bonus) and community facility FAR of 6.0. The Special 125th Street District prescribes special height and setback regulations in the C6-3 district. The minimum and maximum base heights of the street wall are 60 and 85 feet, respectively, and the maximum building height is 160 feet. All portions of buildings or other structures that exceed a height of 85 feet in the C6-3 district must be set back at least 15 feet from the street line under the Special District's street wall regulations. The maximum length of any story above a height of 85 feet shall not exceed 150 feet.

R7-2

R7-2 districts are currently mapped within the project area on approximately 39 full or partial blocks along the Park Avenue corridor, portions of the midblocks between Park and Lexington Avenues, and between Madison and Park Avenues from East 126th Street to East 132nd Street. R7-2 districts are medium-density residential districts that permit a maximum FAR of 4.0 for residential uses on wide streets (an FAR of 3.44 is allowed along narrow streets) and 6.5 for community facility uses. Commercial overlays mapped in this district permit a maximum allowable FAR of 2.0. The R7-2 district regulations encourage residential towers on large lots and allow new development that could be out of scale or that could conflict with the context of certain portions of the neighborhood. R7-2 districts do not have provisions for new buildings to line up with adjacent buildings, allowing new development to break the continuity of the street wall.

However, the optional Quality Housing Program is available in R7-2 districts, with height, setback, and bulk regulations designed to produce a building form that is consistent with the contextual characteristic of the neighborhood. The Quality Housing Program permits a slightly denser development in exchange for height limits and consistent street walls. In R7-2 districts on narrow streets (less than 75 feet wide), the Quality Housing Program allows 3.44 residential FAR with a maximum base height of 60 feet and maximum building height of 75 feet. On wide streets, the

Quality Housing Program allows buildings up to 4.0 residential FAR with a maximum base height of 65 feet and a maximum building height of 85 feet.

Parking is required for 50 percent of the residential units but may be waived or reduced.
The existing land uses in these areas include parking lots, multi-family residences, community facilities, and vacant land and community gardens.

R8A

R8A districts were mapped during the 2003 East Harlem rezoning along the southern portion of Third Avenue between East 104th Street and East 112th Street, as well as along the entire portion of Second Avenue within the project area. In R8A districts, the contextual Quality Housing Program bulk regulations are mandatory. These regulations typically result in high lot coverage 10- to 12-story apartment buildings set at or near the street line. Limitations on the base height and maximum building height of new buildings ensure compatibility with existing buildings on the street. R8A districts allow a maximum residential FAR of 6.02 and maximum community facility FAR of 6.5. Commercial overlays mapped in this district allow a maximum FAR of 2.0. The maximum allowable building height is 120 feet (125 feet with a qualifying ground-floor use) with minimum and maximum base heights of 60 and 85 feet, respectively.

R7A

An R7A district was mapped during the 2003 East Harlem rezoning along the midblocks of East 116th Street, between Lexington and Second Avenues. In R7A districts, the contextual Quality Housing Program bulk regulations are mandatory. These regulations typically result in high lot coverage buildings up to 80 feet in height. Limitations on the base height and maximum building height of new buildings ensure compatibility with existing buildings on the street. R7A districts allow a maximum FAR of 4.0 for both residential and community facility uses. Commercial

overlays mapped in this district allow a maximum FAR of 2.0. The maximum allowable building height is 80 feet (85 feet with a qualifying ground-floor use) with minimum and maximum base heights between 40 and 75 feet.

C4-4 & C4-4D

There is one C4-4 district mapped on the west side of Third Avenue between East 122nd and 123rd Streets, and on both sides of Third Avenue between East 123rd and East 124th Streets. C4-4 districts are intended for larger stores serving an area wider than the immediate neighborhood. Commercial uses in C4-4 districts have a maximum FAR of 3.4. Residential and community facility uses in C4-4 districts must comply with R7-2 bulk requirements; the maximum residential FAR is 3.44 under the standard R7-2 height factor regulations, or 4.0 on wide streets under the Quality Housing Program. The maximum FAR for community facility uses is 6.5. One off-street parking space per 1,000 feet of commercial floor area is required; however, parking is waived if the retail use requires fewer than 40 parking spaces.

A C4-4D district is mapped along the entire portion of Third Avenue from East 115th Street to East 122nd Street. The C4-4D district allows the same range and density of commercial uses as the C4-4 but has a greater density for residential uses. Developments in C4-4D districts must comply with the R8A bulk requirements; the maximum residential FAR is 6.02 and the community facility FAR is 6.5. Similar to the C4-4 district, the maximum commercial FAR is 3.4. Building and street wall heights must comply with the R8A bulk regulations.

C1-9

C1-9 districts are commercial districts that are predominantly residential in character. These commercial districts are mapped along major thoroughfares in medium and higher-density areas. C1-9 districts have a maximum commercial FAR of 2.0 and a maximum residential and community facility FAR of 10. The C1-9 district in East Harlem is mapped on the westernmost

portion of a block bounded by Third and Second Avenues, between East 122nd and East 123rd Streets. The district was designated to accommodate the Taino Towers development, a federally funded residential complex with four 35-story towers on a four-story commercial base.

COMMERCIAL OVERLAYS

Commercial overlays permitting local commercial retail uses are mapped along Park, Lexington, Third, and Second Avenues, as well as along much of East 116th Street.

C1-2, C1-4, AND C1-5

There are C1-2, C1-4, and C1-5 commercial overlays mapped throughout the project area and along the corridors within the Special District. Residential, community facility, and specific commercial uses are permitted within these commercial overlays. C1 districts facilitate local shopping that serves the immediate surrounding residences (Use Group 6). Commercial buildings in C1 overlays have a maximum permitted FAR of 2.0. Otherwise, residential, mixed residential/commercial, and community facility uses in C1 commercial overlays are regulated by the bulk regulations of the underlying residential districts. In addition, commercial uses cannot be located above the second floor in mixed commercial and residential buildings located in these districts. Often mapped only in high-density residential areas, C1-4 districts typically require one parking space per 1,000 square feet of commercial use, whereas C1-5 districts do not require parking accessory to commercial use. C1-2 districts are typically mapped in a low-density area and require one parking space per 300 square feet of commercial floor area.

C2-4 AND C2-5

C2-4 and C2-5 commercial overlays are mapped along select block frontages on Park and Lexington Avenues. The C2-4 districts are mapped along portions of Park Avenue north of East

116th Street and along portions of Park and Lexington Avenues below East 112th Street. The C2-5 districts are mapped in the southern portion of the project area along Third Avenue between East 104th and East 112th Streets. C2 commercial overlays are intended to provide local shopping needs, as well as to meet broader shopping and service needs than are typically required by daily activities (Use Groups 6 through 9). Commercial buildings in C2 commercial overlay districts have a maximum permitted FAR of 2.0. Otherwise, residential, mixed residential/commercial, and community facility uses in C2 commercial district overlays are regulated by the bulk regulations of the underlying residential districts. C2-5 districts do not require parking accessory to commercial use, but C2-4 districts typically require one parking space per 1,000 square feet of commercial use.

PROPOSED ACTIONS

Zoning Map Amendment (C 170358 ZMM)

The proposed rezoning would replace all or portions of existing R7-2, C8-3, M1-2, M1-4, C4-4, C4-4D, R8A, R7A, and C6-3 districts within the rezoning area with M1-6/R9, M1-6/R10, C4-6, C6-4, R10, R9, R7A, R7B, and R7D districts. Some of the density, use, and bulk regulations of the proposed zoning districts would be modified by the proposed zoning text amendment that is the subject of a related land use action (N 170359 ZRM). The proposed rezoning would replace or eliminate portions of existing C1-4, C2-4, and C1-5 overlays with C1-5 or C2-5 overlays and establish new C1-5 overlays. The proposed rezoning would also amend the Zoning Map to include boundaries of the new Special East Harlem Corridors District (EHC) as well as modified boundaries of the Special Transit Land Use District (TA). A portion of the C6-3 district at the intersection of East 125th Street and Park Avenue within the Special 125th Street District would be replaced with a C6-4 district.

PROPOSED M1-6/R10 WITHIN THE EHC

(Existing M1-2 and M1-4 District)

An M1-6/R10 mixed-use district is proposed in two sections of the EHC. One district is proposed in the northern section of the project area along the east side of Park Avenue between East 126th and East 128th Streets, and another is proposed in the mid-section, roughly along the east side of Park Avenue between East 119th and East 124th Streets. M1-6/R10 districts permit residential and community facility uses, houses of worship, libraries, museums, health care facilities and commercial and manufacturing uses (such as transient hotels and local retail stores) and industrial uses. The maximum FAR for mixed-use buildings in this district is 12.0. To support the economic development and commercial growth objectives of the plan, the EHC would impose a non-residential use requirement of 2.0 FAR before any permitted residential floor area could be utilized. The special street wall and minimum base height provisions on Park Avenue within the EHC, as described above, would apply. The maximum base height would be 155 feet and the maximum overall building height would be 350 feet with a penthouse allowance of up to 40 feet. The special ground-floor design and parking provisions of the EHC would apply.

PROPOSED M1-6/R9 WITHIN THE EHC

(Existing C8-3 District)

An M1-6/R9 mixed use district is proposed for the northern section of the project area, along the west side of Park Avenue between East 126th and East 128th Streets, and between East 128th and East 131st Streets. M1-6/R9 districts permit residential and community facility uses, houses of worship, libraries, museums, health care facilities, commercial and manufacturing uses (such as transient hotels and local retail stores) and industrial uses at a maximum FAR of 8.5 in a mixed-use building. To support the economic development and commercial growth objectives of the proposed actions, the EHC would impose a non-residential use requirement of 1.5 FAR before any permitted residential floor area could be utilized. The special street wall and minimum base height provisions on Park Avenue within the EHC, as described above, would apply. The maximum base

height would be 105 feet and the maximum overall building height would be 285 feet, with a penthouse allowance of up to 40 feet. The special ground-floor design and parking provisions of the EHC would apply.

PROPOSED C6-4 WITHIN THE EHC

(Existing R7-2)

A C6-4 district is proposed on the east side of Park Avenue between East 122nd and East 124th Streets within the EHC Special District. The C6-4 district would allow a maximum FAR of 10.0 (with MIH requirements) for residential, and 10.0 for both community facility and commercial uses. The EHC would impose a non-residential use requirement of 2.0 FAR before any permitted residential floor area could be utilized and the overall maximum floor area for a mixed-use development would be 12.0 FAR. Pursuant to the special bulk provisions of the EHC as described above, a development would have contextual Quality Housing and Quality Housing tower bulk options. For both options, the EHC streetwall location and minimum base height provisions along Park Avenue would apply. For the contextual Quality Housing option, the maximum base height would be 155 feet, and the maximum building height would be 235 feet after a required setback above the base height. For the Quality Housing tower option, the maximum base height would be 85 feet and the maximum residential tower lot coverage would be between 40 and 50 percent, depending on the size of the zoning lot. Maximum commercial or community facility tower lot coverage would be 50 percent. The special ground-floor design and parking provisions of the EHC would apply.

PROPOSED R9/C2-5 WITHIN THE EHC

(Existing R7-2 and R8A)

The proposed R9 district would be mapped within the EHC in the following areas:

- The west side of Park Avenue between East 131st and East 132nd Streets;

- Both sides of Park Avenue between East 115th and East 118th Streets;
- The intersection of East 116th Street and Lexington Avenue;
- The west side of Second Avenue between East 123rd and East 124th Streets;
- The west side of Second Avenue between East 120th and 122nd Streets;
- Both sides of Second Avenue between East 115th and East 120th Streets;
- Both sides of Second Avenue between East 112th and East 109th Streets;
- The east side of Second Avenue between East 108th and East 109th Streets; and
- Both sides of Second Avenue between East 104th and East 106th Streets.

R9 districts within the EHC would have a maximum FAR of 8.5 for community facility uses and residential uses under the MIH program. Commercial overlays mapped in this district would allow a maximum FAR of 2.0. Pursuant to the special bulk provisions of the EHC as described above, a development would have contextual Quality Housing and Quality Housing tower bulk options. For both options, the EHC street wall location and minimum base height provisions would apply, with special provisions for Park Avenue as discussed above. For the contextual Quality Housing option, the maximum base height would be 125 feet, and the maximum building height would be 175 feet after a required setback above the base height. For the Quality Housing tower option, the maximum base height would be 85 feet and the maximum residential tower lot coverage would be between 40 and 50 percent, depending on the size of the zoning lot. Maximum commercial or community facility tower lot coverage would be 50 percent. The special ground-floor design and parking provisions of the EHC would apply.

PROPOSED R10/C2-5 WITHIN THE EHC

(Existing R8A and R7-2)

The proposed R10 would be mapped within the EHC in the following areas:

- The west side of Park Avenue between East 122nd and East 118th Streets;

- The east side of Park Avenue on the southern portion of the block between East 120th and East 119th Streets;
- Both sides of Third Avenue between East 109th and East 112th Streets;
- The west side of Third Avenue between East 106th and East 109th Streets; and
- Both sides of Third Avenue between East 104th and East 106th Streets.

R10 districts permit residential uses at a maximum FAR of 12.0 in areas designated as part of the Inclusionary Housing program, and a maximum FAR of 10 for community facility uses. Commercial overlays mapped in this district allow a maximum commercial FAR of 2.0. Pursuant to the special bulk provisions of the EHC as described above, a development would have contextual Quality Housing and Quality Housing tower bulk options. For both options, the EHC street wall location and minimum base height provisions would apply, with special provisions for Park Avenue as discussed above. For the contextual Quality Housing option, the maximum base height would be 155 feet, and the maximum building height would be 235 feet after a required setback above the base height. For the Quality Housing tower option, the maximum base height would be 85 feet and the maximum residential tower lot coverage would be between 40 and 50 percent, depending on the size of the zoning lot. Maximum commercial or community facility tower lot coverage would be 50 percent. The special ground-floor design and parking provisions of the EHC would apply.

PROPOSED C4-6 WITHIN THE EHC

(Existing C4-4D district)

A C4-6 district is proposed along Third Avenue in the mid-section of the Project Area between East 115th and East 124th Streets, with the exception of the east side of Third Avenue between East 122nd and East 123rd Streets. The C4-6 district would allow a maximum FAR of 12.0 (with MIH requirements) for residential, 10.0 for community facility and 3.4 for commercial uses. Pursuant to the special bulk provisions of the EHC as described above, a development would have

contextual Quality Housing and Quality Housing tower bulk options. For both options, the EHC street wall location and minimum base height provisions along Avenues other than Park Avenue would apply. For the contextual Quality Housing option, the maximum base height would be 155 feet, and the maximum building height would be 235 feet after a required setback above the base height. For the Quality Housing tower option, the maximum base height would be 85 feet and the maximum residential tower lot coverage would be between 40 and 50 percent, depending on the size of the zoning lot. Maximum commercial or community facility tower lot coverage would be 50 percent. The special ground-floor design and parking provisions of the EHC would apply.

PROPOSED R7D WITHIN THE EHC

(Existing R7-2 and R7A)

The proposed R7D would be mapped in the following sections within the study area:

- Both sides of Lexington Avenue from East 104th Street to East 107th Street;
- The east side of Lexington Avenue from East 107th Street to East 110th Street;
- Both sides of Lexington Avenue from East 110th Street to East 112th Street;
- Both sides of the mid-blocks on East 116th Street between Park Avenue and 2nd Avenue;
- Both sides of Lexington Avenue from East 115th Street to midway between East 115th and East 116th Streets;
- Both sides of Lexington Avenue from midway between East 116th and East 117th Streets to East 117th Street;
- The east side of Lexington Avenue from East 117th Street to East 122nd Street; and
- Both sides of Lexington Avenue from East 122nd Street to East 124th Street.

R7D is a medium-density contextual district with a minimum base height of 60 feet, a maximum base height of 95 feet, and a maximum building height of 115 feet for an MIH development with a qualifying ground floor. The maximum residential FAR in an MIH area is 5.6. The maximum allowable community facility FAR is 4.2, and commercial overlays mapped in these districts

permit a maximum commercial FAR of 2.0. The special ground-floor design and parking provisions of the EHC would apply.

PROPOSED AMENDMENT TO THE SPECIAL 125TH STREET DISTRICT

The proposed actions would modify the Special 125th Street District at three of the corners adjacent to the intersection of East 125th Street and Park Avenue to establish the Park Avenue Hub Subdistrict. The existing C6-3 district currently mapped on both sides of Park Avenue between East 125th and East 126th Streets, and on the east side of Park Avenue between East 124th and 125th Streets, would be rezoned to a C6-4 district. This area would be subject to provisions consistent with the proposed use, bulk, ground-floor design and parking regulations included in the proposed EHC.

PROPOSED AMENDMENT TO THE SPECIAL TRANSIT LAND USE DISTRICT

The proposed actions would modify the TA District to map a new TA Special District location and modify existing TA Special District locations to reflect the MTA's current development plans for Phase II of the Second Avenue Subway. More information can be found in the Zoning Text Amendment section below.

PROPOSED C6-4

(Existing C6-3)

A C6-4 district is proposed along Park Avenue near the East 125th Street node, within the Special 125th Street District, at:

- The southeast corner Park Avenue between East 125th and East 124th Streets;
- The northeast corner of Park Avenue between East 125th and East 126th Streets; and
- The northwest corner of Park Avenue between East 125th and East 126th Streets.

The southwest corner of Park Avenue between East 125th and East 124th Streets is currently mapped with a C4-7 commercial district, which is modified through the Special 125th Street District to have a maximum FAR of 10.0 and a maximum height limitation of 330 feet. The existing zoning designation on this corner would remain in place under the proposed actions.

The proposed C6-4 district would allow a maximum residential FAR of 10.0 (with MIH requirements), with 10.0 also available for community facility and commercial uses. The proposed text modifications to the Special 125th Street District would impose a non-residential use requirement of 2.0 FAR before any permitted residential floor area could be utilized. The overall maximum floor area for a mixed-use development would be 12.0 FAR. The non-residential use requirement would not apply to a development utilizing the visual or performing arts theater bonus provisions of the Special District. Consistent with the existing special bulk provisions of the Special 125th Street District, developments would provide a contextual base between 60 feet and 85 feet in height along East 125th Street. The EHC street wall location and minimum base height provisions along Park Avenue would apply to the portion of a building fronting along the Avenue. The maximum lot coverage of the tower above the contextual base would be limited to 40 percent to 50 percent, depending on the type of uses occupying such portion of the building. In addition, for the eastern block frontage of Park Avenue between 124th Street and 125th Street, any new development would be required to provide a sidewalk widening of at least 10 feet. The existing special ground-floor design provisions of the Special 125th Street District would apply. The underlying parking provisions of the Special 125th Street District would be modified to be consistent with that of the EHC.

PROPOSED R7A AND R7B

(Existing R7-2)

The proposed R7A and R7B districts would be mapped in the northern section of the project area outside of the proposed special district, and on several mid-blocks between Lexington and Park Avenues from East 104th Street to East 124th Street.

The R7A district would be mapped along Madison Avenue between East 126th Street to East 132nd Street, with the exceptions of the east side of Madison Avenue between East 127th Street and East 128th Street and the west side of Madison Avenue between East 130th Street and East 131st Street. The R7B districts would be mapped on the mid-blocks between Fifth and Madison Avenues and Park and Madison Avenues from East 126th Street to East 132nd Street. R7B districts would not be mapped on the mid-blocks bounded by East 128th Street, East 127th Street, Madison Avenue and Park Avenue, nor would they be mapped on the mid-blocks bounded by East 130th Street, East 131st Street, Madison Avenue and Fifth Avenue.

The R7B district would also be mapped along the midblock between East 123rd and East 124th Streets and between Third and Second Avenues, and on the following midblocks between Lexington and Park Avenues:

- Roughly between East 121st and East 123rd Streets;
- Roughly between East 116th and East 120th Streets;
- Roughly between East 115th and East 116th Streets;
- Roughly between East 110th and East 111th Streets;
- Roughly between East 106th and East 107th Streets;
- A portion of the mid-block between East 123rd and East 124th Streets; and
- A portion of the mid-block between East 121st and East 122nd Streets.

The R7A and the R7B are contextual districts that have maximum base heights and maximum building heights. The R7A permits buildings of up to 85 feet in height, with minimum and maximum base heights between 40 and 65 feet. The maximum residential and community facility FAR is 4.0. The R7B permits buildings of up to 75 feet in height, with minimum and maximum base heights between 40 and 60 feet. The maximum residential and community facility FAR is 3.0. Commercial overlays mapped in these districts have a maximum FAR of 2.0.

PROPOSED COMMERCIAL OVERLAYS

Existing C1 and C2 commercial overlays are mapped intermittently throughout the project area. C1 districts permit commercial Use Groups 5 and 6, while C2 districts permit Use Groups 5 through 9 and Use Group 14. There are C1-5 overlays mapped throughout the Project Area and along the corridors within the Special District. DCP is working with NYCHA to introduce commercial overlays to increase the potential supply of retail and commercial services available to NYCHA residents. Mapping these commercial overlays on NYCHA campuses does not by itself effectuate any development on NYCHA properties, as resident engagement processes and additional approvals would be required at the federal level for any development on NYCHA land. This proposal would map commercial overlays to a depth of 100 feet to reflect the typical depth of existing lots along these corridors, and to define appropriate zones for potential future commercial uses on NYCHA campuses.

C1-5 commercial overlays are proposed to be mapped over portions of the proposed R7D districts and in existing R7-2 districts. The proposed rezoning would replace or eliminate portions of existing C1-4 and C2-4 overlays and establish new C1-5 overlays. The affected area is as follows:

- Proposed R7D: five full or partial block frontages on Lexington Avenue between East 116th and East 120th Streets;
- Proposed R7D: two partial block frontages on Lexington Avenue between East 115th and East 116th Streets;

- Proposed R7D: four full or partial block frontages along Lexington Avenue between East 110th and East 112th Streets; and
- Existing R7-2: on Park, Lexington, Third, and Second Avenues, roughly between East 112th and East 115th Streets.

C1-5 overlays permit residential, community facility, and specific commercial uses. C1 districts facilitate local shopping that serves immediately surrounding residences. Commercial buildings in C1 overlays have a maximum permitted FAR of 2.0. Otherwise, residential, mixed residential/commercial, and community facility uses are regulated by the bulk regulations of the underlying residential districts in C1 commercial overlays. Commercial uses in mixed commercial and residential buildings in these districts cannot be located above the first floor. The C1-5 district does not require parking accessory to the commercial uses.

C2-5 commercial overlays are proposed to be mapped over portions of the proposed R7D, R9 and R10 districts. The proposed rezoning would also replace or eliminate portions of existing C1-2, C1-4, C1-5, and C2-4 overlays and establish new C2-5 overlays. The affected area is as follows:

- Proposed R7D: six full block frontages along Lexington Avenue between East 120th and East 124th Streets;
- Proposed R9: one full block frontage along Park Avenue between East 131st and East 132nd Streets;
- Proposed R9: six full block frontages along Park Avenue between East 118th and East 115th Streets;
- Proposed R9: one full block frontage on the east side of Madison Avenue between East 111th and East 112th Streets and one full block frontage on the west side of Park Avenue between East 111th and East 112th Streets;
- Proposed R9: four half block frontages at the intersection of Lexington Avenue and East 116th Street;

- Proposed R9: one block frontage on the east side of Second Avenue between East 123rd and East 124th Streets;
- Proposed R9: 12 full block frontages along Second Avenue between East 115th and East 122nd Streets;
- Proposed R9: seven full block frontages along Second Avenue between East 108th and East 112th Streets;
- Proposed R9: four block frontages along Second Avenue between East 104th and East 106th Streets;
- Proposed R10: six full or partial blocks along Park Avenue between East 118th and East 122nd Streets;
- Proposed R10: 13 full/partial blocks on Third Avenue between East 112th and East 104th Streets; and
- Eight full/partial blocks on the New York Housing Authority superblocks along Park, Third and Second avenues between East 112th and East 115th Streets.

C2-5 commercial overlays allow for local retail uses and commercial development up to 2.0 FAR. In these areas, the C2-5 commercial overlays would support the development of mixed residential/commercial uses. This proposal would map commercial overlays to a depth of 100 feet to reflect the typical depth of existing lots along these corridors and to prevent commercial uses from encroaching on residential side streets.

Zoning Text Amendment (C 170358 ZMM)

The proposed actions include amendments to the New York City Zoning Resolution. A new special district known as the EHC Special District would be established. It would cover the key corridors in the project area. An MIH area would also be mapped along the corridors within the Special District.

SPECIAL EAST HARLEM CORRIDORS DISTRICT

The EHC would modify underlying zoning regulations, establish additional requirements, and allow for greater flexibility in the type and shape of future development, as described above.
The proposed Special EHC District would be created along major corridors within the project area, including Park Avenue, Lexington Avenue, Third Avenue, Second Avenue, and East 116th Street, to establish special use, bulk, ground-floor design, and parking regulations.

Use Regulations: Within proposed M1-6/R9 and M1-6/R10 districts, the EHC would apply the special use regulations of the Special Mixed Use District (Article XII, Chapter 3). The EHC would allow public parking garages to be constructed as-of-right within proposed commercial and manufacturing districts, just as they are currently permitted in existing C2-4, C4-4,C4-4D, C8-2, and M1-2 districts. The EHC would also introduce a new special permit for new floor area designated for hotel use.

Floor Area Regulations: Within certain high-density residential, commercial, and manufacturing districts, the EHC would apply special regulations, described in detail below, to ensure a desirable mix of uses that supports the objectives of the plan. The underlying public plaza and arcade floor area bonus provisions of non-contextual commercial and manufacturing districts would be eliminated.

Street Wall Location: The EHC would modify the underlying street wall location regulations to facilitate a desirable pedestrian environment and a consistent urban design approach. Along Park Avenue, the EHC would modify varying regulations of the underlying districts to apply one consistent street wall location rule: at least 70 percent of a street wall must be located within eight feet of a street line. Along Third Avenue, the underlying street wall location regulation of a tower

development option will be modified to require a consistent street wall at the street line except for permitted recesses and courts.

Contextual Quality Housing Option: The EHC would modify the underlying minimum base height requirements of optional contextual Quality Housing bulk regulations of R9, R10, and their equivalent commercial districts. Along Park Avenue, the minimum base height would be lowered to 40 feet to allow the residential portion of a mixed-use building to set back from the Metro-North viaduct. Along other corridors, the minimum base height would be lowered to 60 feet to avoid overly high street walls.

Quality Housing Tower Option: In non-contextual R9 and R10 districts, and their equivalent commercial districts, where a tower development option is available, the EHC would modify the underlying tower regulations to require a contextual base to create consistent and active pedestrian environment. The EHC would also require such towers to comply with the Quality Housing provisions of Article II, Chapter 8 of the Zoning Resolution, which require certain amenities.

Ground-Floor Design Requirements: The EHC would prescribe a set of ground-floor design requirements including mandatory non-residential uses on the ground floor, minimum levels of transparency on building frontages and limitations on curb cuts, where appropriate. The controls would foster a safe, varied, and walkable environment along these corridors.

Parking Regulations: The EHC would eliminate the underlying accessory residential parking requirements. Limited public parking garages would be as-of-right within proposed commercial and manufacturing districts, just as they are in existing districts including C2-4, C4-4D, M1-2, and C8-3.

MANDATORY INCLUSIONARY HOUSING PROGRAM

An MIH area is proposed to be designated in portions of the proposed rezoning area, including where zoning changes have been designed to promote new housing. The MIH program would apply within the following districts: M1-6/R9, M1-6/R10, R9, R10, C4-6, C6-4, and R7-D districts within the rezoning area.

The MIH program includes two primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility trade-off inherent between income levels and size of the affordable set-aside. Option 1 would require 25 percent of residential floor area to be for affordable housing units for residents with incomes averaging 60 percent of the area median income (AMI). Option 1 also includes a requirement that 10 percent of residential floor area be affordable at 40 percent of the AMI. Option 2 would require 30 percent of residential floor area to be for affordable housing units for residents with incomes averaging 80 percent of the AMI. The City Council and CPC could decide to apply an additional, limited workforce option for markets where moderate- or middle-income development is marginally financially feasible without subsidy. For all options, no units could be targeted to residents with incomes above 130 percent of the AMI. Additionally, a Deep Affordability Option could also be applied in conjunction with Options 1 and 2. The Deep Affordability Option would require that 20 percent of the residential floor area be affordable to residents at 40 percent of the AMI.

PROPOSED AMENDMENT TO THE SPECIAL 125TH STREET DISTRICT

The proposed actions would modify the existing 125th Street Special District at three of the corners at 125th Street and Park Avenue to be consistent with the proposed use, bulk, ground-floor design, and parking regulations included in the proposed Special East Harlem Corridors District, as described above.

PROPOSED AMENDMENT TO THE SPECIAL TRANSIT LAND USE DISTRICT

The proposed actions include modifications to the TA to facilitate the inclusion of necessary transportation-related facilities in new developments. The district was originally mapped in the 1970s and does not reflect the MTA's current infrastructure and development needs as the second phase of the Second Avenue Subway is being constructed. The proposed changes would allow the MTA to include subway infrastructure in new development surrounding proposed subway stations. The proposed changes would also modify the prescribed space requirements to allow for modern subway stations that are ADA compliant, allow for enough space for subway exits and entrances, and provide better ventilation to the new stations.

The proposed modifications include:

Proposed Map Modifications

- Introduce a new TA Special District location along Second Avenue, roughly between East 115th and East 120th Streets.
- Modify existing TA Special District locations as follows:
  - Expand the TA Special District on Second Avenue at 106th Street by 100 feet to the north and south, with a slight 100-foot extension to the east along the south side of East 106th Street.
  - Relocate the TA Special District on Second Avenue near East 125th Street, to be located roughly along East 125th Street between Park and Third Avenues.

Proposed Text Modifications

- Modify the existing text and add new text to exclude floor area for any subway transit-related uses such as subway entrances and ancillary facilities (e.g., vent facilities, emergency egress) from the definition of zoning floor area.

- Modify text and tables to allow for greater flexibility in transit easement volumes to accommodate entrances and/or ancillary facilities that meet ADA requirements, ventilation requirements, and other technical requirements in Community Board 11.
- Modify the text to specifically include ADA-compliant amenities and non-pedestrian transit functions such as ancillary (ventilation) facilities in Community Board 11.

Proposed Amendment to the Milbank Frawley Circle-East Urban Renewal Plan (C 170360 HUM)

The City has designated the Milbank Frawley Circle-East Urban Renewal Area ("MFECURA") as an urban renewal area and established the Milbank Frawley Circle-East Urban Renewal Plan ("MFECURP") in 1994. The MFECURP was last amended in 2003 (First Amendment) and expires in June 2034.

The MFECURA is located in Manhattan Community District 11 and is generally bounded by East 125th Street on the north, Park Avenue on the east, East 107th Street on the south, and Fifth Avenue on the west. To facilitate the goals of the East Harlem Rezoning, the City would amend the MFEURP to

(a) remove the supplementary setback control on sites along Park Avenue between East 110th Street and East 123rd Street that requires a 100' setback from Park Avenue for residential buildings;

(b) change the use of Sites 9 and 25A from "Residential, Residential/Commercial and Commercial/Public & Semi-public" to "Residential"; and

(c) extend the plan expiration date to 40 years from the Second Amended Milbank Frawley Circle-East Urban Renewal Plan.

These amendments would assist the mission of the East Harlem Rezoning to facilitate changes in land use that would support the revitalization of East Harlem with substantial amounts of affordable housing and new commercial space.

ENVIRONMENTAL REVIEW

This application (C 170358 ZMM), in conjunction with the applications for the related actions (N 170359 ZRM, and C 170360 HUM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 17DCP048M. The lead is the Office of the Department of City Planning.

It was determined that this application, in conjunction with the applications for the related actions (the "Proposed Actions") may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration was issued on November 10, 2016, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on November 10, 2016. A public scoping meeting was held on December 15, 2016, and the Final Scope of Work was issued on April 21, 2017.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on April 21, 2017. On August 23, 2017, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing on the DEIS was completed and a Notice of Completion for the FEIS was issued on September 19, 2017.

The Proposed Actions as analyzed in the FEIS concluded that significant adverse impacts related to air quality and noise would be avoided through the placement of an (E) designation (E-422) on selected projected and potential development sites as specified in Appendix F and G of the FEIS. In addition, significant adverse impacts related to hazardous materials would be precluded through the placement of an (E) designation for projected and potential development sites. The (E)

designation for hazardous materials requires, prior to change of use or redevelopment requiring ground disturbance, that the fee-owner of the property conduct a Phase I Environmental Site Assessment (ESA), subsurface testing and remediation, where appropriate, to the satisfaction of the New York City Mayor's Office of Environmental Remediation (OER). The DOB permits associated with such actions cannot be issued without OER approval. For public sites identified in the City's affordable housing pipeline, Land Disposition Agreements (LDA) or comparable binding documents between the City of New York and prospective developers would require measures similar to that of the above (E) designation.

The FEIS also identified significant adverse impacts with respect to shadows, historic and cultural resources (architectural and archeological), transportation (traffic, transit and pedestrians), and construction activities related to noise. The identified significant adverse impacts and proposed mitigation measures are summarized in Exhibit A attached hereto.

A Technical Memorandum reflecting the Commission's modifications discussed herein was issued on September 29, 2017. The Technical Memorandum concludes that these modifications would not have any new or different significant adverse impacts than those identified in the FEIS.

UNIFORM LAND USE REVIEW

This application (C 170358 ZMM), in conjunction with the related applications (C170360 HUM), was certified as complete by DCP on April 24, 2017, and was duly referred to Community Board 11 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 170359 ZRM), which was referred for information and review in accordance with the procedures for non-ULURP actions.

Community Board Public Hearing

Community Board 11 held a public hearing on this application (C 170358 ZMM) on June 20, 2017 and on that date, by a vote of 32 to nine, and with one abstention, adopted a resolution recommending disapproval with the following conditions:

"1. Maximum R9 and R9-equivalent up-zoning, exception being R10 equivalent district along modified 125th Street Special District
2. Require special permit application process for commercial parking garages
3. Enhanced commercial district on 116th Street, limiting size of storefronts
4. Carve out Eugene McCabe playground and Henry J. Carter Specialty Hospital
5. Include 127th Street between Park Avenue and Lexington Avenue
6. Include current carved out portions of north Park Ave
7. If 116th Street is rezoned, public transportation must be folded into building envelope
8. Utilize local community-based organizations for workforce development, training, and placement on East Harlem projects
9. Establishment of adequately funded workforce development program, which offers certifications and apprenticeships necessary to
10. 35% of workforce must be from East Harlem
11. Funding for community partnerships with existing local reentry programs to facilitate productive transitions for those returning to society after criminal convictions
12. Preference for MWBE/DBE
13. Creation of tax incentive program to incentivize contracts with local MWBE/DBE in development
14. Creation of tax incentive program for commercial property owners to ensure growth of small businesses
15. Community engaged before, during, and after construction, with regular reports to CB11 to track progress on goals
16. Renewal of anti-displacement legal services contracts, i.e., Tenant Rights Coalition, with realistic benchmarks determined by current housing law practitioners that enable thoughtful and effective group representation in order to harmonize rhetoric with reality in combating and/or mitigating the effects of gentrification
17. Increase the number of HPD inspectors as well as convenience of inspection times, and ensure adequate follow-up on whether violations were cured, efficiently issuing fines where the violations go uncorrected beyond the time allowed by law; importantly, HPD must increase its response to complaints

regarding emergency conditions (e.g., no heat or hot water), as well as promptly fine and correct failures to correct emergency violations, with the agency billing the emergency repairs to the landlord

18. Greatly increase HPD outreach on HPD's role in addressing housing maintenance issues and create and publicize HPD website with consolidated user-friendly information regarding housing maintenance issues
19. Increased, proactive outreach by City to identify landlords who could benefit from subsidies to being unregulated buildings into rent-regulation schemes
20. Establishment of citywide Certification of No Harassment, or at least expansion of current program to all of CD11
21. 50/30/20 MIH made possible through subsidies
22. Prohibition against offsetting affordable housing offsite
23. Public land reserved for 100% affordable residential housing, which includes any NYCHA in-fill (affected NYCHA residents must be included in decision-making)
24. Priority given to local non-profit developers in all RFPs for development on public land
25. Ensure that City and State subsidies directed toward housing preservation, deeper affordability in new development, and open spaces continue in perpetuity, regardless of federal budget allocations
26. Increase programs and subsidies for homeownership opportunities for low-income and moderate-income families
27. M11 sanitation garage must be in fully enclosed facility with updated technology
28. City must relocate M10 sanitation garage to central Harlem to comport with Fair Share Mandate
29. Funding for asthma and mental health treatment centers, as well as facilities offering preventative medical care
30. Health impact assessment must be done not only by City, but also by community-based organization and/or local community board"

Borough President Recommendation

This application (C 170358 ZMM) was considered by the Borough President, who held a public hearing on July 13, 2017 and issued a recommendation on August 2, 2017 disapproving the application. The Borough President issued a letter explaining the rationale for the disapproval, and outlined concerns regarding ongoing affordable housing preservation efforts, proposed densities along Third and Park Avenues, the boundaries of the rezoning, the depth of affordability in developments on public sites, and the lack of a cultural and historic building landmark plan to accompany the proposed actions.

City Planning Commission Public Hearing

On August 9, 2017 (Calendar No. 16), the City Planning Commission scheduled August 23, 2017, for a public hearing on this application (C 170358 ZMM) and the related applications (N 170359 ZRM, C 170360 HUM). The hearing was duly held on August 23, 2017 (Calendar No. 34). There were 29 speakers in opposition and 15 speakers in favor.

The speakers that spoke in favor generally discussed how the proposal would facilitate additional affordable housing and economic development opportunities within the neighborhood. Also, representatives of several City agencies spoke in favor of the rezoning and highlighted their work in the neighborhood in response to some of the recommendations in the EHNP.

The Commissioner of HPD provided testimony outlining the agency's strategy for affordable housing development and preservation. Staff from various divisions within HPD also testified about housing-related concerns in the EHNP and raised throughout the public review process. The HPD representatives said that the rezoning was crucial to addressing current demands for housing in the neighborhood, and that enabling growth on appropriate corridors would increase the number of permanently affordable housing units in the community. They also described HPD's Draft Housing Plan for East Harlem. As a part of the housing plan, HPD enhanced and developed new and robust strategies to address concerns raised by East Harlem residents and stakeholders. These approaches include better coordination with both landlords and tenants; identifying distressed buildings in need of financial assistance; and increasing funding for free legal services for tenants. According to HPD, the agency is also exploring new ways to preserve existing affordable housing stock, such as piloting a community land trust program and conducting a feasibility study for a Certification of No Harassment program in East Harlem. During the public hearing, HPD also stated it is committed to prioritizing the development of more than 2,000 affordable units in East Harlem and, where feasible, reaching deeper levels of affordability on publicly-owned sites. HPD

stated that the agency has created new term sheets and has modified its Request for Proposal process to help achieve these goals.

The SBS Commissioner also spoke in favor of the rezoning. Acknowledging concerns raised by the community, he said that SBS had developed a strategy to promote quality jobs and economic development in East Harlem. As an example, he described how the agency was already using the Neighborhood 360 grant, a new program created by SBS to identify and develop commercial revitalization projects in partnership with local stakeholders, to identify challenges and possible solutions with merchants along East 116th Street. He said that a plan would be developed and implemented over the next three years. He also said that SBS would identify an East Harlem site for a Workforce 1 Satellite Center to enhance residents' access to quality job opportunities.

Representatives from City agencies including DOT, DPR, DOHMH, DOE, NYCHA, the Administration for Children's Services (ACS), and the Human Resources Administration (HRA) also testified in support of the rezoning. Each agency representative discussed the programs and services under its jurisdiction that would be tailored and improved to address concerns raised throughout the EHNP process and the steps its agency had already taken within the neighborhood.

Twenty-nine speakers in opposition generally stated concerns related to affordability, the differences between the EHNP recommendations and the City's rezoning proposal, and neighborhood investments.

Affordability

Many speakers expressed concerns about housing affordability. They said they believed that the housing that would be built as a result of the rezoning would not be affordable for existing residents. They also expressed concerns about preserving the existing affordable housing stock and questioned whether the City would be able to keep housing units affordable over time.

Deeper Levels of Affordability

Many speakers in opposition expressed a desire for deeper affordability levels. Much of East Harlem's existing population is comprised of households with incomes at 30 percent or less of the AMI. These households, according to the speakers, would be excluded from the housing market and unable to find affordable housing if the rezoning were approved. Many of them noted that the EHNP recommended that at least 20 percent of affordable units in new developments on public sites be affordable for households earning 30 percent of the AMI or less, and that the City ensure that there enough units at this level of affordability are built.

Housing Preservation

Many who spoke in opposition also expressed concern about the preservation of the existing affordable housing stock, particularly rent-stabilized units. Many speakers said they believed that tenants would be subject to more harassment and evictions if the rezoning were approved. They said that landlords could take measures, such as neglecting necessary repairs, to pressure tenants in existing affordable units to move. Some of these speakers were also concerned that the rezoning would increase displacement and, in turn, increase East Harlem's homeless population.

Difference between DCP's Proposal and the EHNP

Several speakers noted the differences between the EHNP's zoning and land use recommendations and DCP's rezoning proposal. Speakers stated that the rezoning boundaries recommended in the EHNP extended south of East 104th Street and east of Second Avenue, and that DCP's decision to maintain the existing zoning in these areas would result in missed opportunities. Numerous speakers also noted differences between the height and density recommendations put forth by the Steering Committee and those included in DCP's rezoning proposal. Speakers also expressed concerns about changes in neighborhood character that could result from the rezoning, especially in proposed zoning districts without height limits.

Neighborhood Investments

Some of the speakers expressed concern that many commitments to act upon the recommendations in the EHNP had not yet been locked in. Others said they were skeptical that the commitments would be sufficient. According to these speakers, the City did not provide enough information about either the timing of investments or the level of funding that would be dedicated to the investments recommended in the EHNP.

The Borough President testified in opposition to the rezoning, stating concerns about neighborhood character, the impacts of additional density, as-of-right parking garages, DCP's project area boundaries, NYCHA maintenance and a larger concern that the proposed actions did not adequately address the recommendations in the EHNP. The Borough President also testified in support of working with non-profit housing partners to produce affordable housing without private sector involvement, and suggested that the benefits of additional affordable units did not outweigh the impacts that high-density developments could have on neighborhood character.

There was no other testimony, and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 170358 ZMM), in conjunction with the related actions, was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 16-087.

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

CONSIDERATION

The Commission believes that this application for an amendment to the Zoning Map (C 170358 ZMM), in conjunction with the related applications for amendments to the Zoning Resolution (N 170359 ZRM), as modified herein, and modifications to the Millbank Frawley East Urban Renewal Plan (C 170360 HUM), is appropriate.

The Commission commends the Council Member for Council District 8 for her strong leadership in assembling a diverse and comprehensive group of local community members and stakeholders to participate in the planning process for East Harlem. The Commission also recognizes the significant contribution of the Manhattan Borough President and members of Community Board 11 in their roles as project partners overseeing this effort. The Steering Committee's EHNP is a testament to the dedication and thoughtfulness of all those who took part in the planning process, and the many recommendations contained within the EHNP serve as a valuable template for the City and this Commission in considering how best to act in implementing programs, services, and policy initiatives within East Harlem. The Commission notes that in February 2016, the Council Member for Council District 8 and the East Harlem Steering Committee delivered their recommendations to the City. The EHNP contains over 300 recommendations covering a wide range of subject areas, including 29 recommendations related to land use and zoning matters that have informed DCP's efforts in developing its proposal for the land use actions under consideration by the Commission.

The Commission supports the City's comprehensive planning and zoning initiative that accomplishes several significant objectives within and for the East Harlem community. First, the City's plan would create, along major avenue corridors, opportunities for new mixed-income housing including the creation of over 1,500 units of affordable housing through the MIH program. Second, the City's plan would facilitate the preservation of existing affordable housing units through several mechanisms, including the application of contextual zoning in certain sensitive areas with a cohesive and consistent existing built context. Third, the City's plan would leverage

the rich local and regional transit access at the Park Avenue and East 125th Street node by putting zoning in place that requires significant quantities of non-residential space to create economic development opportunities and generate space for new jobs for East Harlem residents. Finally, the City's plan utilizes unique special zoning tools, further modified by the Commission, to ensure that new development in East Harlem creates attractive and vibrant pedestrian conditions and buildings that respond to local built form, while being limited to heights appropriate for the neighborhood context. Taken together, the components of the City's East Harlem initiative will ensure that significant quantities of East Harlem's housing stock remain permanently affordable and that the neighborhood is well-positioned for a future with expanded transit access, opportunities for high-quality jobs, and vibrant and active streets and commercial corridors.

The Commission acknowledges that the City's East Harlem Neighborhood Initiative extends well beyond the realm of zoning. The Initiative involves multiple City agencies acting in coordination to identify expanded services and capital investments across a wide range of subject areas to complement the proposed land use actions and respond to the recommendations included in the EHNP. These supplemental efforts were developed using the work done as part of the community's EHNP process as a foundation. The Commission recognizes that, while many comments issued during the public review process were critical of the information provided by the City regarding these investments, there was a concerted effort on behalf of several City agencies to provide updated information about their work in East Harlem in their testimony at the Public Hearing and in presentations to the Commission at the Pre-Hearing Review Session. Though many of these investments are not directly related to zoning and land use, and are therefore beyond the scope of the proposed actions, the Commission acknowledges the breadth of these efforts and their responsiveness to the Steering Committee's recommendations in the EHNP.

In particular, the Commission notes the testimony received from the Commissioner of HPD and other HPD representatives regarding current City efforts related to affordable housing development and preservation. Many of these remarks were directly oriented toward the concerns

stated by the community during ULURP – that the proposed actions would not provide housing affordable to lower-income East Harlem residents, and that there needed to be stronger efforts to preserve existing affordable housing units in the neighborhood. Regarding concerns about housing preservation efforts, the Commission recognizes that HPD has developed a draft Housing Plan that outlines a multi-faceted effort to address housing affordability in East Harlem. The Commission acknowledges that many of the strategies outlined in the draft Housing Plan respond directly to many of the concerns expressed by the EHNP Steering Committee and other members of the community, including multiple programs that explore new ways of preserving existing affordable housing units. These strategies include a pilot community land trust program and a feasibility study for a neighborhood-wide Certificate of No Harassment program in East Harlem, each of which were included as recommendations in the EHNP. Regarding concerns about the depth of affordability, the Commission acknowledges that HPD has modified many of its typical practices in order to promote new term sheets that reach deeper levels of affordability on publicly-owned sites. The Commission notes that the proposed actions would provide a baseline of affordability by establishing an MIH area throughout much of the neighborhood, which would be supplemented by additional affordable units on publicly-owned sites that could reach deeper levels of affordability than possible through the MIH program alone. The Commission notes that HPD is prioritizing the development of as many as 2,000 units of affordable housing in East Harlem, which does not include affordable units created through MIH. The Commission believes that the rezoning would result in an increase in the number of both market-rate and permanently affordable housing units in the area, each of which is important to meet the current demand for housing in the neighborhood. The Commission considers the wide range of strategies being employed in East Harlem to be appropriate supplements to the MIH program.

The Commission understands that DCP's rezoning proposal does not exactly mirror the recommendations of the EHNP but believes that the spirit of the community's plan is very much alive in DCP's rezoning proposal. DCP's rezoning proposal is grounded in the Zoning and Land Use objectives of the EHNP, which included: the preservation of existing neighborhood character

through the application of contextual zoning and urban design controls; the generation of new affordable housing through implementation of increased density, thereby permitting the requirement of MIH; the creation of increased density for new commercial and light industrial uses that would allow for expansion of existing businesses and uses that would bring new jobs to East Harlem; and the use of special zoning controls to enhance existing commercial and retail corridors to create vibrant, active streetscapes. The Commission shares the desire to see these objectives implemented for East Harlem and believes that the proposed land use actions would achieve these objectives. The Commission notes that certain recommendations were evaluated and found to be untenable or more appropriately addressed through non-land use interventions outside of the remit of the Commission. The Commission also acknowledges that, while the land use actions under consideration propose densities for much of the rezoning area that are generally the same as, or in some cases lower than, those identified in the EHNP, there are portions of the Park Avenue and Third Avenue corridors where DCP has recommended higher density than the EHNP. The Commission believes that this is appropriate, given the width of both corridors and their ready access to transit.

Zoning Map Amendment

The Commission recognizes that zoning in some portions of the neighborhood is outdated and does not adequately support current housing and economic needs in East Harlem. The Commission notes that the existing zoning in some areas of the neighborhood does not allow any residential use, and - in other areas where residential use is permitted - the existing zoning districts are limited in their ability to provide mixed-use, mixed-income buildings. The Commission believes that the current mix of manufacturing, general service, and lower-density residential zoning diminishes the potential of the area's major corridors to be lively, pedestrian-friendly destinations with permanently-affordable housing and a range of retail uses and services.

The Commission acknowledges the differences between the densities proposed by the community's EHNP and the densities in DCP's rezoning proposal. However, the Commission recognizes that DCP's recommendations are based on a rational planning process that examined existing conditions block by block to determine the most appropriate locations for increased density in the neighborhood. In areas where density increases were found to be appropriate, DCP generally proposed higher densities closer to transit resources and along major avenue corridors, with a gradual stepping down of density further away from existing and future transit nodes. The Commission believes that these are the areas of the neighborhood where increased density would both be the most appropriate and have the most potential to unlock opportunities for affordable housing development.

The Commission believes that the proposed zoning districts would promote new development that is balanced and targeted in appropriate areas, with height and density that would enhance and reinforce the neighborhood character of East Harlem. The Commission notes that the mapping of mixed-use districts in existing light manufacturing and auto-oriented commercial districts along Park Avenue is appropriate, as these areas contain existing light manufacturing uses that would be given the opportunity to expand in their current locations. The Commission recognizes that the proposed mixed-use districts would be consistent with the existing land uses and neighborhood character in these areas, and that the proposed increase in density would allow larger buildings that could accommodate more workers and employment opportunities within East Harlem.

The Commission acknowledges that the proposed high-density mixed-use districts would be oriented around the transit node at Park Avenue and East 125th Street, which directly supports the goals of the proposed actions to provide additional spaces for jobs in transit-accessible locations of the neighborhood. This intersection contains several connections vital to the neighborhood and to the region as a whole, with the existing Metro-North and Lexington Avenue 4, 5 and 6 subway line stations likely to be strengthened by the planned terminus of the Second Avenue Subway line at this location. The Commission notes that the previous 125th Street rezoning effort established a

strong commercial framework for this corridor, though the segment of the corridor located in East Harlem has yet to experience meaningful development since the rezoning was adopted. The Commission recognizes that the maximum height limitations and other regulations included in the 125th Street rezoning effort have not allowed for the utilization of the maximum amount of floor area available in many of the existing zoning districts. The proposed C6-4 district would eliminate the maximum height limitation at this node, and would establish a higher density appropriate for this major regional transit hub. This proposed zoning map change would establish a zoning envelope capable of accommodating the maximum FAR of 12.0 offered in this district, facilitating the economic development, affordable housing and urban design goals of the proposed actions.

The Commission notes that the proposed zoning map changes along Third Avenue respect the planning framework of the existing zoning along this wide, prominent neighborhood-serving commercial corridor. The northern portion of Third Avenue is currently mapped with C4 districts that allow the same Use Groups and maximum commercial FAR (3.4) as the proposed C4-6 District. The proposed zoning map changes along the southern portion of Third Avenue similarly relate to the existing zoning in this area, with the proposed C2-5 commercial overlay allowing the same Use Groups and maximum commercial FAR (2.0) as the existing commercial overlays. The Commission acknowledges that maintaining the existing commercial use designations and density along Third Avenue, with an accompanying increase in residential FAR, would support the goal of the proposed actions to promote and preserve the vitality of the existing commercial corridors while creating additional economic and commercial opportunities. Further, the Commission believes that the proposed mapping of districts with greater densities along the Third Avenue corridor is appropriate, considering its ample width and that the corridor will be just one block away from two major subway lines – the Lexington Avenue 4/5/6 line and the Second Avenue Q/T line - once Phase II of the Second Avenue Subway is complete.

The Commission considers the proposed zoning map changes along Lexington Avenue to be appropriate for the existing scale and context of this major north-south corridor. The proposed

R7D district contains a maximum height limitation of 115 feet, or 11 stories, which is proportional to the 75 foot width of the Avenue. The Commission acknowledges that the proposed R7D district was also specifically recommended by the Steering Committee in the EHNP. The Commission notes that the proposed zoning map changes will ensure that future development maintains the existing scale and character of the corridor, while still requiring the provision of permanently-affordable units through MIH. Further, the proposed lower-density district along Lexington Avenue establishes a balance within the overall framework of the rezoning effort, complementing the additional density proposed along wider, transit-accessible corridors in other portions of the project area.

The Commission believes that the proposed zoning map changes along the mid-blocks of East 116th Street are similarly appropriate. The proposed R7D district will ensure that future development along the corridor includes permanently-affordable MIH units, while the proposed C1-5 commercial overlay continues to support the strong ground-floor retail presence in the area. The Commission notes that the higher-density zoning districts mapped at the intersections of East 116th Street and major avenues -- Park, Lexington, Third, and Second -- reflect the distinct conditions at these transit-rich, wide street intersections and are appropriately distinguished from the more modest context along midblock portions of East 116th Street.

The Commission agrees with the proposed zoning map changes at the intersection of Lexington Avenue and East 116th Street, which correspond to the existing 116th Street station of the Lexington Avenue local 6 subway line. The addition of a higher-density R9 district at this location will provide both economic development and affordable housing development opportunities at this important neighborhood transit node.

The Commission agrees that the proposed R9 district along Second Avenue is appropriate for the varied context of the Avenue, providing a balance to the R10 and R10-equivalent densities mapped along other major neighborhood corridors. The Commission notes that the proposed R9 district

was recommended by the Steering Committee in the EHNP, as was the mapping of an MIH area along the Avenue. The Commission agrees that the proposed zoning districts along Second Avenue will leave the corridor well-positioned to accommodate the future construction of Phase II of the Second Avenue Subway.

The Commission believes the lower densities recommended in the EHNP would result in reduced development opportunities throughout portions of the rezoning area. The Commission notes that existing zoning along the major avenue corridors has produced little housing development since its implementation in 2003, and that the small amounts of new market-rate housing without affordability requirements being built has not addressed the community needs identified in the EHNP. The Commission also notes that, with a lower density than what was proposed by the Department, the MIH program and the proposed non-residential ground floor requirement may affect the ability to incentivize new development along these corridors.

The Commission acknowledges the concerns raised by the community throughout the public review process regarding building heights and the potential impact the proposed zoning could have on neighborhood character. However, the Commission believes that the proposed densities are appropriate, and that mapping these districts in the proposed locations would increase the incentive to develop along major avenue corridors. The Commission also believes that the inclusion of maximum height limitations in proposed non-contextual districts, described further below, would address community concerns about the height and scale of new buildings in the project area without impacting the ability for the rezoning to produce meaningful affordable housing development. This approach would provide predictability that future developments would not be out of scale with existing neighborhood context. The Commission also believes that DCP's proposal, as modified herein, offers a sound overall strategy for building scale and height by allowing flexible building envelopes that respond to existing conditions.

At the same time, the proposed non-contextual districts would ensure that developers have the ability to use more than one zoning envelope in East Harlem, which the Commission believes is critical in ensuring that the built environment is varied with opportunity for architectural expression that creates agreeable urban design and streetscapes. The availability of both contextual and tower envelopes provides the flexibility necessary to ensure a desirable level of variation in the streetscape, as developers would not be limited to just one building type. Further, providing more flexible zoning would allow new buildings in East Harlem to better respond to the highly varied built context along corridors such as Third Avenue.

Zoning Text Amendment

Special East Harlem Corridors District

The Commission believes that the creation of the proposed Special East Harlem Corridors District, as modified herein by the Commission, will complement the proposed zoning map changes by establishing appropriate bulk, use and urban design controls to ensure that future development better relates to its surrounding context, further enhances the pedestrian environment, and improves the quality of life for those who visit, live and work in East Harlem.

The Commission notes that the maximum permitted base and building heights would be adjusted by the proposed Special District to help blend new development into the existing neighborhood's fabric and facilitate development that responds to the conditions along the Park Avenue viaduct. The Special District would modify the underlying minimum base height requirements of the optional contextual Quality Housing bulk regulations of R9 districts, R10 districts and their equivalent commercial districts. Along Park Avenue, the minimum base height would be lowered to 40 feet to allow the residential portion of a mixed-use building to setback from the Park Avenue viaduct. Along other corridors, the minimum base height would be lowered to 60 feet to avoid requiring overly-high streetwalls. In non-contextual R9 districts, R10 districts and their commercial equivalents, where a tower development option is available, the Special District would modify the underlying tower regulations to require a contextual base to create a more consistent

and active pedestrian environment. As mentioned below, the proposed Special District would establish maximum building heights along various portions of the corridors. The Commission believes that these minimum base heights and maximum building heights will encourage new development that has a harmonious relationship with the surrounding neighborhood context in East Harlem.

The Commission notes that the proposed Special District would establish street wall location and ground floor design requirements that would better activate the streetscape along the corridors within the rezoning area. The Special District would modify the underlying street wall location regulations to facilitate the creation of a desirable pedestrian environment and a consistent urban design approach. Along Park Avenue, the Special District would modify the varying street wall location regulations of the proposed districts to apply one consistent street wall rule; at least 70 percent of a street wall must be located within eight feet of the street line. Along Third Avenue, the underlying street wall location regulation of the tower development option would be modified to require a consistent street wall at the street line, with exceptions for permitted recesses and courts. The Commission also notes that the Special District would require a set of requirements that includes mandatory active non-residential uses on the ground floor, minimum levels of transparency, provisions to mitigate blank wall conditions in the Flood Zone (found mainly along Second Avenue) for buildings with elevated ground floors, and limitations on curb cuts, where appropriate. The Commission recognizes that these controls would foster a safe, varied, and walkable pedestrian experience along these corridors. Further, the Commission recognizes that urban design controls to activate the streetscape are wholly appropriate in these transit-accessible locations with high levels of pedestrian activity.

The Commission believes that the Special District's elimination of the underlying accessory residential parking requirements, coupled with allowances for limited as-of-right public parking garages within proposed commercial and manufacturing districts, is appropriate. The Commission notes these changes reflect the planning rationale underlying recent revisions to the Manhattan

Core parking regulations (N 130105 ZRM), approved in 2013 and applicable just south of East 96th Street, whereby the removal of parking requirements is balanced with overall flexibility for voluntary provision of public parking that can serve the widest variety of users, including residents of the surrounding neighborhood. This enables parking to be provided when it is economically viable as part of a larger development and promotes a more rational and efficient allocation of off-street parking. While the Commission heard testimony requesting that public parking facilities only be permitted by special permit, the Commission notes this would run counter to this parking framework and, further, that such facilities are already permitted in many existing zoning districts in East Harlem including C2-4, C4-4D, M1-2 and C8-3 districts.

The Commission acknowledges that the proposal, as certified and referred into the public review process, contained height limits in contextual districts that reflected the preservation goals of the community's EHNP but did not propose height limits for other, non-contextual districts where higher densities were appropriate and would facilitate greater amounts of housing production and the accommodation of required non-residential uses. However, during the public hearing and comment period, the Commission heard concerns about the heights in the non-contextual districts proposed for Park, Third and Second Avenues. The community voiced concerns about potential building heights reaching 40, 50, or more stories and fears that these heights would negatively impact the existing neighborhood character. Further, the community also stated a concern that these types of building forms would not be affordable to the existing East Harlem population. Some of the comments voiced during the public review process recommended height limits of 175 to 215 feet. The Commission believes that establishing height limits in this low range would fundamentally compromise the ability of the zoning actions to achieve the objectives shared by the community and City. Overly restrictive height limits would prevent the utilization of the permissible floor area and would therefore unduly inhibit the generation of affordable housing and non-residential, job-generating development, both key components of the EHNP and DCP's proposal. The Commission also believes that the imposition of uniform street walls along long stretches of East Harlem's avenues also has the potential to reduce the variety of built form that is

present today and that is key to creating a pleasant streetscape with a rhythm of lower, contextual and taller, tower-on-base buildings. The flexibility afforded by the proposal's tower option, as modified herein to establish appropriate height limits, would allow lower, existing buildings to contribute unused floor area to taller, tower-on-base buildings, thereby effectively preserving certain existing buildings that would otherwise be more likely to be demolished and redeveloped if inappropriately low height limits were established. Further, the Commission believes that additional height is essential along Second Avenue where future subway stations are planned. The Commission understands that requirements for construction of modern subway infrastructure necessitates the location of ancillary facilities, such as ventilation and mechanical structures, in close proximity to the planned stations. It is essential that these large structures be knitted into the urban fabric of East Harlem through zoning that encourages their incorporation into mixed-use buildings. The Commission believes that lower height limits put forth during public review would result in standalone ancillary subway facilities that would affect the vibrancy of the streetscape and further inhibit the goals of housing production.

While the Commission believes that height limits of 175 or 215 feet are not appropriate, it understands the concerns that, without explicit height limits, the proposal does not provide necessary certainty and predictability of built form. The Commission believes that it is possible to determine building heights that allow appropriate control of building heights without compromising the fundamental objectives of the land use actions. The Commission is therefore modifying the proposed zoning text amendment to introduce new height limits on Park, Third and Second Avenues where they were not previously contemplated. The result of the Commission's modification would be that every area to be rezoned would have defined and appropriate height limits, excepting the C6-4 zoning district proposed around the intersection of Park Avenue and East 125th Street and extending to the south. The modifications would introduce height limits within Special East Harlem Corridors District as follows:

- On Park Avenue, within R9 zoning districts: 285 feet;
- On Park Avenue, within R10 zoning districts: 325 feet;

- On Third Avenue, within C4-6 and R10 districts: 325 feet;
- On Second Avenue, within R9 districts within the Special Transit Land Use district: 325 feet;
- On Second Avenue, within R9 districts outside the Special Transit Land Use district: 285 feet.

These height limits do the following:

- Allow for the full utilization of floor area to ensure that the fundamental goals of affordable housing production and the creation of spaces for jobs and economic development are fulfilled;
- Respond to the unique conditions of the Metro-North viaduct structure along Park Avenue by providing the flexibility necessary to permit residential towers set back from the rail line above a contextual base;
- Provide options for a varied built form along avenue corridors with a balanced rhythm of lower, contextual buildings and taller, tower on base buildings;
- Ensure that no buildings would be taller than 325 feet in height in proposed C4-6 and R10 districts, to establish maximum building height limits lower than existing towers in the neighborhood;
- Ensure that no buildings would be taller than 325 feet in height in proposed R9 districts within the proposed Special Transit Land Use districts, to encourage the incorporation of critical and necessary subway infrastructure within mixed-use buildings; and
- Ensure that no buildings would be taller 285 feet in height in proposed R9 districts outside of the proposed Special Transit Land Use districts, to maintain consistency with other similar zoning districts and allow buildings to respond to the varied existing built form of the neighborhood.

The Commission recognizes that additional height is warranted close to the intersection of Park Avenue and East 125th Street, which is envisioned as a significant regional transportation hub with

direct connections to Midtown Manhattan and north into the Bronx, Westchester County, and Connecticut. The C6-4 zoning districts would remain as in the certified proposal with no height limits to better accommodate and facilitate meaningful commercial development that would provide economic opportunity for East Harlem residents as well as residential development that would provide significant quantities of affordable housing.

The Commission notes that the proposed text amendment for the Special District would establish that, within the MIH area, the maximum residential FAR would be 8.5 within the proposed R9 district. This density is distinct from the density in the underlying R9 districts, which is typically 8.0 FAR with MIH, but mirrors the maximum density for R9A districts (8.5 with MIH). This approach broadly aligns with DCP policy to make densities consistent within R9 and equivalent contextual districts. The Commission believes that this amendment, in conjunction with the proposed maximum building height limitations, is appropriate and will facilitate development along portions of Park and Second Avenues.

The Commission recognizes that the proposed text amendment for the Special District would establish lower residential density in proposed M1-6/R9, M1-6/R10 and C6-4 districts. In proposed M1-6/R9 districts, the maximum residential density would be lowered to 7.0 due to the proposed minimum non-residential floor area requirement of 1.5 FAR in this district. In proposed M1-6/R10 and C6-4 districts, the maximum residential FAR would be lowered to 10.0, due to the proposed minimum non-residential floor area requirement of 2.0 FAR in these districts. The Commission has determined that these densities are appropriate to support the economic development goals within this portion of the project area, while still ensuring that a substantial amount of affordable housing can be accommodated in these districts.

Special Transit Land Use District

The Commission believes the proposed modifications to the Transit Land Use District are appropriate as they reflect the MTAs current plans and contemporary requirements for

stations that would be developed in the Second Avenue Subway line's second phase. These modifications will better ensure that new buildings along the subway's future route will support the development of the second phase through the reservation of space for entrances and ventilation facilities, in exchange for floor area exemptions for these uses. While there was testimony at the public hearing requesting lower height limits for areas along Second Avenue, the Commission notes that such controls would cause conflict between the desire to maximize housing and the construction of these necessary transit facilities.

Special 125th Street District

The Commission believes the modifications of the Special 125th Street District are appropriate. The changes affect three of the block fronts surrounding the Metro-North station at Park Avenue, one of the most transit accessible locations in the area. While the 2008 rezoning for 125th Street (N 080100(A) ZRM) included a C6-3 designation on these block fronts intended to spur high-density mixed-use development, the Commission notes that no construction has yet occurred at these locations. As part of the City's East Harlem plan, these block fronts would be permitted greater density (C6-4) and more flexible parking and height and setback regulations that are consistent with areas to the north and south of 125th Street included in the City's plan. In addition, the modifications extend the special district's streetscape and arts bonus provisions to the three block fronts, while also incorporating the non-residential requirement found in portions of the East Harlem district. The Commission believes that these changes will facilitate development consistent with the goals of both the existing 125th Street District and the new East Harlem Corridors District.

Mandatory Inclusionary Housing

The Commission notes that the proposed zoning text amendment will establish an MIH area, for the first time in a comprehensive and area-wide manner, in East Harlem, creating permanently affordable housing for households at various income levels.

The zoning text amendment will establish an MIH area along Park, Lexington, Third and Second Avenues, as well as along East 116th Street. Options 1 and 2 are proposed in the East Harlem MIH area, which will require either that a minimum of 25 percent of the residential floor area be designated as affordable to households at an average of 60 percent of AMI or 30 percent of the residential floor area be designated as affordable to households at an average of 80 percent of AMI. The Commission believes that having both options available within East Harlem will appropriately balance the area's need for deep affordability levels and its need to also provide housing for moderate and middle income households in order to support the area's economic diversity.

Hotel Special Permit

While hotels are compatible and desirable in mixed-use areas, given that a key goal of the proposed actions is to encourage residential growth, the Commission believes that the special review of hotels is warranted. The Commission notes that once 4,470 residential units (or three quarters of the projected residential units) are developed, the special permit would "sunset" and development of new hotels in certain areas would then be allowed as-of-right. The proposed special permit for hotels would make it more likely that the underutilized sites would be developed with residential uses and provide an effective way to ensure that the goals of the housing development are met.

The Milbank Frawley Circle-East Urban Renewal Plan

The Commission recognizes that in order to facilitate the goals of the East Harlem Rezoning related to the production of significant quantities of new housing, including permanently-affordable housing pursuant to MIH, the City would need to amend the Milbank Frawley Circle-East Urban Renewal Plan to remove the supplementary setback control on sites along Park Avenue between East 110th Street and East 123rd Street that requires a 100-foot setback from Park Avenue for residential buildings. The Commission believes that these amendments to the Milbank Frawley Circle-East Urban Renewal Plan will assist in the

revitalization of East Harlem by removing the outdated setback controls that prohibit residential development. The Commission notes that developments in building technology, paired with the thorough environmental assessment and review process, provide additional flexibility in developing modern, high-quality, and safe buildings adjacent to active rail lines. Removing these existing limits on development would allow the rezoning to realize its goals to produce new development with MIH and job-generating non-residential uses on Park Avenue.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 19, 2017, with respect to this application (CEQR No. 17DCP048M), and the Technical Memorandum 002, dated September 29, 2017, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Actions, as modified with the modifications adopted herein and in the Technical Memorandum 002, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, which form part of the Proposed Actions, or the specification of required mitigation measures, as appropriate.

The report of the City Planning Commission, together with the FEIS and the Technical

Memorandum 002, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby further amended by changing the Zoning Map, Section Nos. 6a and 6b:

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1. eliminating from within an existing R7-2 District a C1-4 District bounded by:

    a. East 124th Street, Park Avenue, East 123rd Street, and a line 100 feet westerly of Park Avenue;

    b. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;

    c. East 122nd Street, Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, Lexington Avenue, East 120th Street, a line 100 feet easterly of Lexington Avenue, East 115th Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Park Avenue, East 115th Street, and a line 100 feet westerly of Park Avenue; and

d. East 112th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 110th Street and East 111th Street, and a line 100 feet westerly of Lexington Avenue;

2. eliminating from within an existing R8A District a C1-5 District bounded by:

a. East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, and a line 100 feet westerly of Second Avenue;

b. East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;

c. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and

d. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, a line 100 feet westerly of Second Avenue;

3. eliminating from within an existing R7-2 District a C2-4 District bounded by:

a. East 132nd Street, Park Avenue, East 131st Street, and a line 100 feet westerly of Park Avenue;

b. East 124th Street, a line 100 feet easterly of Park Avenue, a line midway between East 123rd Street and East 124th Street, and Park Avenue;

c. East 123rd Street, Park Avenue, East 122nd Street, and a line 100 feet westerly of Park Avenue;

d. East 124th Street, a line 100 feet easterly of Lexington Avenue, East 120th Street, Lexington Avenue, East 122nd Street, and a line 100 feet westerly of Lexington Avenue; and

e. a line 125 feet northerly of East 119th Street, a line 100 feet easterly of Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, and Park Avenue;

4. eliminating a Special Transit Land Use District bounded by the southerly street line of East 126th Street, a line 100 feet easterly of Second Avenue, the northerly street line of East 120th Street and its easterly prolongation, a line 100 feet westerly of Second Avenue, a line

midway between East 124th Street and East 125th Street/Dr. Martin Luther King, Jr. Boulevard, a line 150 feet westerly of Second Avenue, a line midway between East 125th Street/Dr. Martin Luther King, Jr. Boulevard and East 126th Street, and line 100 feet westerly of Second Avenue;

5. changing from an R7-2 District to an R7A District property bounded by East 132nd Street, a line 100 feet easterly of Madison Avenue, East 128th Street, Madison Avenue, East 127th Street, a line 100 feet easterly of Madison Avenue, East 126th Street, a line 100 feet westerly of Madison Avenue, East 130th Street, Madison Avenue, East 131st Street, and a line 100 feet westerly of Madison Avenue;

6. changing from an R7-2 District to an R7B District property bounded by

   a. East 132nd Street, a line 100 feet westerly of Madison Avenue, East 131st Street, and a line 100 feet easterly of Fifth Avenue;

   b. East 132nd Street, a line 100 feet westerly of Park Avenue, a line midway between East 129th Street and East 130th Street, a line 90 feet westerly of Park Avenue, East 129th Street, a line 70 feet westerly of Park Avenue, East 128th Street, and a line 100 feet easterly of Madison Avenue;

   c. East 130th Street, a line 100 feet westerly of Madison Avenue, East 126th Street, and a line 100 feet easterly of Fifth Avenue;

   d. East 127th Street, a line 100 feet westerly of Park Avenue, East 126th Street, and a line 100 feet easterly of Madison Avenue;

   e. East 124th Street, a line 100 feet westerly of Second Avenue, East 123rd Street, a line 100 feet easterly of Third Avenue;

   f. East 123rd Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 121st Street and East 122nd Street, and a line 100 feet easterly of Park Avenue;

   g. a line midway between East 119th Street and East 120th Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, and a line 100 feet easterly of Park Avenue;

   h. a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue, East 115th Street, and a line 100 feet easterly of Park Avenue;

i. East 111th Street, a line 100 feet westerly of Lexington Avenue, East 110th Street, a line 100 feet easterly of Park Avenue, a line midway between East 110th Street and East 111th Street, and a line 155 feet easterly of Park Avenue; and

j. East 107th Street, a line 100 feet westerly of Lexington Avenue, East 106th Street, a line 180 feet easterly of Park Avenue, a line midway between East 106th Street and East 107th Street, and a line 230 feet easterly of Park Avenue;

7. changing from a C8-3 District to an R7B District property bounded by line a line midway between East 129th Street and East 130th Street, a line 90 feet westerly of Park Avenue, East 129th Street, and a line 100 feet westerly of Park Avenue;

8. changing from an R7-2 District to an R7D District property bounded by:

a. East 124th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, Lexington Avenue, East 122nd Street, and a line 100 feet westerly of Lexington Avenue;

b. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Park Avenue;

c. a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Lexington Avenue, East 115th Street, and a line 100 feet westerly of Lexington Avenue; and

d. East 112th Street, a line 100 feet easterly of Lexington Avenue, East 104th Street, a line 100 feet westerly of Lexington Avenue, East 107th Street, Lexington Avenue, East 110th Street, and a line 100 feet westerly of Lexington Avenue;

9. changing from an R7A District to an R7D District property bounded by:

a. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Third Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Lexington Avenue; and

b. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Second Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Third Avenue;

10. changing from an R7-2 District to an R9 District property bounded by

a. East 132nd Street, the westerly boundary line of the New York Central Railroad right-of-way, East 131st Street, and a line 100 feet westerly of Park Avenue;

b. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;

c. East 118th Street, a line 100 feet easterly of Park Avenue, East 115th Street, a line 100 feet westerly of Park Avenue; and

d. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue;

11. changing from an R7A District to an R9 District property bounded by East 120th Street, a line 100 feet westerly of Second Avenue, East 119th Street, and a line 110 feet westerly of Second Avenue;

12. changing from an R8A District to an R9 District property bounded by:

a. East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, and a line 100 feet westerly of Second Avenue;

b. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, Est 109th Street, and a line 100 feet westerly of Second Avenue; and

c. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue;

13. changing from an R7-2 District to an R10 District property bounded by East 122nd Street, Park Avenue, a line midway between East 119th Street and East 120th Street, a line 100 feet easterly on Park Avenue, East 118th Street, a line 100 feet westerly of Park Avenue, East 120th Street and a line 100 feet westerly of Park Avenue;

14. changing from an R8A District to an R10 District property bounded by East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;

15. changing from a C4-4 District to a C4-6 District property bounded by East 124th Street, a line 100 feet easterly of Third Avenue, East 123rd Street, Third Avenue, East 122nd Street, and a line 100 feet westerly of Third Avenue;

16. changing from a C4-4D District to a C4-6 District property bounded by East 122nd Street, a line 100 feet easterly of Third Avenue, East 115th Street and a line 100 feet westerly of Third Avenue;

17. changing from an R7-2 District to a C6-4 District property bounded by East 124th Street, Park Avenue, East 122nd Street, and a line 100 feet easterly of Park Avenue;

18. changing from a C4-4D District to a C6-4 District property bounded by East 126th Street, a line 100 feet easterly of Park Avenue, East 125th Street/Dr. Martin Luther King Jr. Boulevard, a line 140 easterly of Park Avenue, East 124th Street, and a line 90 feet easterly of Park Avenue;

19. changing from a C6-3 District to a C6-4 District property bounded by East 126th Street, a line 90 feet easterly of Park Avenue, East 124th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 125th Street/Dr. Martin Luther King Jr. Boulevard, and a line 90 feet westerly of Park Avenue;

20. changing from a C8-3 District to a M1-6/R9 District property bounded by:

    a. East 131st Street, the westerly boundary line of the New York Central Railroad right-of-way, East 128th Street, a line 70 feet westerly of Park Avenue, East 129th Street, a line 90 feet westerly of Park Avenue, a line midway between East 129th Street and East 130th Street, and a line 100 feet westerly of Park Avenue; and

    b. East 127th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 126th Street, and a line 100 feet westerly of Park Avenue;

21. changing from R7-2 District to an M1-6/R10 District property bounded by:

    a. East 124th Street, a line 100 feet easterly of Park Avenue, a line midway between East 123rd Street and East 124th Street, and Park Avenue; and

b. a line 125 feet northerly of East 119th Street, a line 100 feet easterly of Park Avenue, a line midway between East 119th Street and East 120th Street, and Park Avenue;

22. changing from an M1-2 District to an M1-6/R10 District property bounded by East 128th Street, a line 160 feet easterly of Park Avenue, a line 100 feet southerly of East 128th Street, a line 100 feet easterly of Park Avenue, East 126th Street, and the westerly boundary line of the New York Central Railroad right-of-way;

23. changing from an M1-4 District to an M1-6/R10 District property bounded by a line midway between East 123rd Street and East 124th Street, a line 100 feet easterly of Park Avenue, a line 125 feet northerly of East 119th Street, and Park Avenue;

24. establishing within an existing R7-2 District a C1-5 District bounded by:

a. East 115th Street, a line 100 feet easterly of Park Avenue, East 112th Street, and a line 70 feet westerly of Park Avenue;

b. East 115th Street, Lexington Avenue, a line 240 feet southerly of East 115th Street, a line 100 feet easterly of Lexington Avenue, East 112th Street, and a line 100 feet westerly of Lexington Avenue;

c. East 115th Street, a line 100 feet easterly of Third Avenue, East 112th Street, a line 100 feet westerly of Third Avenue, a line 252 feet southerly of East 115th Street, and Third Avenue; and

d. East 115th Street, a line 100 feet easterly of Second Avenue, a line 100 feet northerly of East 113th Street, Second Avenue, East 113th Street, a line 100 feet easterly of Second Avenue, East 112th Street, and a line 100 feet westerly of Second Avenue;

25. establishing within a proposed R7D District a C1-5 District bounded by:

a. East 120th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, and Lexington Avenue;

b. a line midway between East 117th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Park Avenue; and

c. East 112th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 110th Street and East 111th Street, and a line 100 feet westerly of Lexington Avenue;

26. establishing within a proposed R7D District a C2-5 District bounded by East 124th Street, a line 100 feet easterly of Lexington Avenue, East 120th Street, Lexington Avenue, East 122nd Street, and a line 100 feet westerly of Lexington Avenue;

27. establishing within a proposed R9 District a C2-5 District bounded by:

a. East 132nd Street, the westerly boundary line of the New York Central Railroad right-of-way, East 131st Street, and a line 100 feet westerly of Park Avenue;

b. East 118th Street, a line 100 feet easterly of Park Avenue, East 115th Street, and a line 100 feet westerly of Park Avenue;

c. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet westerly of Lexington Avenue;

d. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;

e. East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, a line 100 feet westerly of Second Avenue, East 119th Street, a line 110 feet westerly of Second Avenue, East 120th Street, and a line 100 feet westerly of Second Avenue;

f. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and

g. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue;

28. establishing within a proposed R10 District a proposed C2-5 District property by:

a. East 122nd Street, Park Avenue, a line midway between East 119th Street and East 120th Street, a line 100 feet easterly of Park Avenue, East 118th Street, a line 100 feet westerly of Park Avenue, East 120th Street, and a line 100 feet westerly of Park Avenue; and

b. East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;

29. establishing a Special East Harlem Corridors District bounded by:

a. East 132nd Street, the westerly boundary line of the New York Central Railroad right-of-way, East 128th Street, a line 70 feet westerly of Park Avenue, East 129th Street, a line 90 feet westerly of Park Avenue, a line midway between East 129th Street and East 130th Street, and a line 100 feet westerly of Park Avenue;

b. East 128th Street, a line 160 feet easterly of Park Avenue, a line 100 feet southerly of East 128th Street, a line 100 feet easterly of Park Avenue, East 126th Street, a line 100 feet westerly of Park Avenue, East 127th Street, and the westerly boundary line of the New York Central Railroad right-of-way;

c. East 124th Street, a line 100 feet easterly of Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, Lexington Avenue, East 122nd Street, a line 100 feet westerly of Lexington Avenue, East 124th street, a line 100 feet easterly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Third Avenue, East 124th Street, a line 100 feet easterly of Third Avenue, East 123rd Street, Third Avenue, East 122nd Street, a line 100 feet easterly of Third Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Second Avenue, East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, a line 100 feet westerly of Second Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Third Avenue, East 115th Street, a line 100 feet westerly of Third Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Lexington Avenue, East 115th Street, a line 100 feet westerly of Park Avenue, East 120th Street, and a line 100 feet westerly of Park Avenue;

d. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;

e. East 112th Street, a line 100 feet easterly of Lexington Avenue, East 104th Street, a line 100 feet westerly of Lexington Avenue, East 107th Street, Lexington Avenue, East 110th Street, a line 100 feet westerly of Lexington Avenue;

f. East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;

g. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street; Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and

h. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue; and

30. establishing a Special Transit Land Use District bounded by:

a. East 126th Street, a line 85 feet easterly of Fifth Avenue, a line midway between East 125th Street/Dr. Martin Luther King Jr. Boulevard and East 126th Street, a line 100 feet westerly of Park Avenue, East 126th Street, a line 100 feet easterly of Third Avenue, East 124th Street, a line 200 feet westerly of Madison Avenue, a line midway between East 124th Street and East 125th Street/Dr. Martin Luther King Jr. Boulevard, and Fifth Avenue;

b. East 120th Street, a line 100 feet easterly of Second Avenue, a line 100 feet southerly of East 115th Street, and a line 100 feet westerly of Second Avenue;

c. a line midway between East 110th Street and East 111th Street, a line 100 feet easterly of Second Avenue, the southerly street line of East 110th Street, and a line 100 feet westerly of Second Avenue; and

d. the northerly street line of East 105th Street, a line 100 feet easterly of Second Avenue, a line midway between East 104th Street and East 105th Street, and a line 100 feet westerly of Second Avenue;

Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated April 24, 2017, and subject to the conditions of CEQR Declaration E-422.

The above resolution (C 170358 ZMM), duly adopted by the City Planning Commission on October 2, 2017 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and the

Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*
KENNETH J. KNUCKLES, *Esq., Vice-Chairman*
RAYANN BESSER, ALFRED C. CERULLO, III, JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT, ORLANDO MARIN, LARISA ORTIZ *Commissioners*

ANNA HAYES LEVIN, *Commissioner,* abstained

MICHELLE DE LA UZ, *Commissioner,* voting "No"

Exhibit A
Environmental Impacts and Mitigation

In accordance with East Harlem Rezoning FEIS

A. SHADOWS

As described in the FEIS, the Proposed Actions would result in significant adverse shadow impacts to three open space resources. The detailed analysis found that El Catano Garden (171 East 110th Street/Block 1638, Lot 32), Eugene McCabe Field (Park Avenue and East 120th Street/Block 1747, Lot 1), and Jackie Robinson Garden (103 East 122nd Street/Block 1771, Lot 5) would be significantly impacted by new shadow originating from projected and potential development sites. Potential Development Site AH and Projected Development Site 17 would cast shadows on El Catano Garden. Projected Development Sites 2, 6, and 24 would cast shadows on Eugene McCabe Field. Projected Development Site 69 would cast shadows on Jackie Robinson Garden. The duration or extent of incremental shadow cast on these open spaces would be great enough to significantly impact the use of the open space or its ability to support vegetation. As discussed below, there are no reasonable means to partially or fully mitigate significant adverse shadow impacts on these three open space resources; therefore, the shadow impacts would be an unavoidable significant adverse impact of the Proposed Actions. The impacted resources are discussed in more detail below.

EL CATANO GARDEN

Projected and potential development resulting from the Proposed Actions would cast El Catano Garden in new shadow on all analysis days. El Catano Garden is located on East 110th Street directly west of Potential Development Site AH and across Third Avenue from Projected Development Site 17. Compared with the No Action Condition, the incremental shadow would not significantly alter the public's use of the open space resource but may significantly change the variety of plant life supported in the garden. The duration of new shadow would last between approximately five and six hours, depending on the analysis day. However, most of the new shadow would occur before the garden's 10 AM opening hour. Garden users wishing to enjoy sun would, in most cases, find direct sunlight in a nearby area of the small garden. The time of day on May 6 and June 21 when the Proposed Actions would prevent any direct sunlight from reaching the garden would occur when the garden is closed. During December, the garden would be expected to be closed to the public for most of the day.

Within the growing season, development resulting from the Proposed Actions would reduce the hours of direct sunlight received by the garden by up to approximately 2 hours and 30 minutes on March 21, 4 hours on May 6, and 5 hours on June 21. On March 21, most of the garden would receive less than 2 hours of direct sunlight. On May 6 and June 21, the central portion of the garden receiving at least 4 hours of direct sunlight would be mostly eliminated and instead receive less than 2 hours of direct sunlight. With the limited hours of direct sunlight, it is possible that the garden would no longer be able to support the variety of plant life that it would in the No Action Condition. Therefore, El Catano Garden would experience a significant adverse shadow impact due to the Proposed Actions. The *CEQR Technical Manual* identifies several different measures that could mitigate significant adverse shadow impacts on open spaces. These measures include relocating sunlight-sensitive features within an open space to avoid sunlight loss; relocating or replacing vegetation; undertaking additional maintenance to reduce the likelihood of species loss; or providing replacement facilities on another nearby site. Other potential mitigation strategies include the redesign or reorientation of the open space site plan to provide for replacement facilities, vegetation, or other features. The *CEQR Technical Manual* also identifies strategies to

reduce or eliminate shadow impacts, including modifications to the height, shape, size, or orientation of the proposed development that creates the significant adverse shadow impact.

Possible mitigation measures were explored in coordination with the New York City Department of Parks and Recreation (NYC Parks) between the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) and it was found that there are no reasonable means to partially or fully mitigate the significant adverse shadows impact. In the absence of feasible mitigation, the significant adverse impact to El Catano Community Garden would be unavoidable.

EUGENE MCCABE FIELD

Projected development resulting from the Proposed Actions would cast Eugene McCabe Field in new shadow on all analysis days. Eugene McCabe Field is located on the west side of Park Avenue between East 120th and East 121st Streets. The field is directly adjacent to Projected Development Sites 2, 6, and 24. Compared with the No Action Condition, the incremental shadow could significantly alter the public's use of the open space by reducing the direct sunlight received by the resource throughout the year and lowering its utilization rate. Development resulting from the Proposed Actions would not significantly impact the limited vegetation growing within the park. The duration of new shadow on the analysis days would last between approximately 6 hours and 8 hours, depending on the analysis day. On March 21 and December 21, all areas of the field would experience a 2-hour reduction in the duration of direct sunlight. On the May 6 and June 21 analysis days, incremental shadow could reduce the total hours of direct sunlight on the resource by up to approximately 4 hours and 35 minutes, and 5 hours, respectively. The addition of shadow on all analysis days may change a user's experience within a resource that, in the No Action Condition, receives long, interrupted durations of direct sunlight.

Shadow cast by the Proposed Actions would not significantly alter the resource's ability to support vegetation. The field is synthetic turf and does not require sunlight. The limited landscaping around the edges of the field would receive enough direct sunlight within the growing season to support its viability. But because the duration of incremental shadow may significantly impact use of the resource, McCabe Field would experience a significant adverse shadow impact due to the Proposed Actions.

The With Action Condition shadows assessment found that due to the duration and breadth of the new shadows the open space would experience a significant impact to its utilization. Possible mitigation measures may include artificial lighting and the reduction of building heights. Mitigation measures were explored in coordination with NYC Parks between the DEIS and FEIS and it was found that there are no reasonable means to partially or fully mitigate the significant adverse shadows impact. In the absence of feasible mitigation, the significant adverse impact to Eugene McCabe Field would be unavoidable.

JACKIE ROBINSON GARDEN

Projected development resulting from the Proposed Actions would cast Jackie Robinson Garden in new shadow on all analysis days. Jackie Robinson Garden is located at East 122nd Street and Park Avenue. Compared with the No Action Condition, the incremental shadow would not significantly alter the public's use of the open space resource but may significantly change the variety of plant life supported in the park. The duration of new shadow on the analysis days would be relatively long. Even though most of new shadow would occur in the afternoon when the garden

would presumably be open to the public, at no time would the new shadow prevent all direct sunlight from reaching the garden. Garden users wishing to enjoy direct sunlight in the newly shaded areas could find direct sunlight in a different location of the garden.

The Proposed Actions would significantly alter the hours of direct sunlight received by the park on the analysis days within the growing season. On March 21, few areas of the garden would receive more than 4 hours of direct sunlight. On May 6 and June 21, when compared with the No Action Condition, most areas of the garden would no longer receive 4 hours of direct sunlight throughout the day. Because at least 4 hours of direct sunlight are needed to support a variety of plant life, it is possible that the garden would no longer be able to support the same plant life that it would in the No Action Condition. Therefore, the Jackie Robinson Community Garden would experience a significant adverse shadow impact due to the Proposed Actions. The *CEQR Technical Manual* identifies several different measures that could mitigate significant adverse shadow impacts on open spaces. These measures include relocating sunlight-sensitive features within an open space to avoid sunlight loss; relocating or replacing vegetation; undertaking additional maintenance to reduce the likelihood of species loss; or providing replacement facilities on another nearby site. Other potential mitigation strategies include the redesign or reorientation of the open space site plan to provide for replacement facilities, vegetation, or other features. The *CEQR Technical Manual* also identifies strategies to reduce or eliminate shadow impacts, including modifications to the height, shape, size, or orientation of the proposed development that creates the significant adverse shadow impact.

Mitigation measures were explored in coordination with NYC Parks between the DEIS and FEIS and it was found that there are no reasonable means to partially or fully mitigate the significant adverse shadows impact. In the absence of feasible mitigation, the significant adverse shadow impact on Jackie Robinson Garden would be unavoidable.

B. HISTORIC AND CULTURAL RESOURCES

As discussed in the FEIS, the Proposed Actions would result in significant adverse construction-related impacts to four historic structures located within the Historic and Cultural Resources study area, as described below. In addition, construction activity at two development sites located on the south side of East 128th Street (east of Park Avenue) have the potential to result in significant adverse archaeology impacts associated with human remains. Partial mitigation is proposed for the significant adverse impacts to the Park Avenue Viaduct and the archaeology impact associated with human remains. The remaining significant adverse impacts would be unavoidable impacts of the Proposed Actions.

ARCHITECTURAL RESOURCES

The Proposed Actions would result in significant adverse construction-related impacts to four eligible architectural resources located within 90 feet of projected or potential development sites. The impacted resources include:

- St. Paul's Rectory and School (Resource #17, S/NR-Eligible) is located within 90 feet of Potential Development Site C;
- Chambers Memorial Baptist Church (Resource #28, S/NR-Eligible) is located within 90 feet of Potential Development Site AI;

- 166 East 124th Street (Resource #27, S/NR-Eligible) is located within 90 feet of Projected Development Site 11; and,
- The Park Avenue Viaduct (Resource #39, S/NR-Eligible) is located within 90 feet of several projected and potential development sites.

Designated New York City Landmarks (NYCL) or S/NR-Listed architectural resources located within 90 feet of a projected or potential new construction site are subject to the protections of DOB's Technical Policy and Procedure Notice (TPPN) #10/88. The four resources listed above are not NYCLs or S/NR-Listed, therefore they would not be afforded any of the protections under TPPN #10/88. If the eligible resources are designated in the future prior to the initiation of construction, the protective measures of TPPN #10/88 would apply and significant adverse impacts from construction would be avoided. Should the resources remain undesignated, the additional protective measures of TPPN #10/88 would not apply and the potential for significant adverse construction-related impacts would be unavoidable.

In order to make TPPN #10/88 or comparable measures applicable to the eligible historic resources in the absence of site-specific discretionary approval, a mechanism would have to be developed to ensure implementation and compliance, since it is not known and cannot be assumed that owners of these properties would voluntarily implement the mitigation. The viability of these or other mitigation measures were explored between the DEIS and FEIS. and, besides the exception discussed below, no feasible mitigation was identified; therefore these significant adverse impacts would be unavoidable.

The Park Avenue Viaduct is owned and maintained by the Metropolitan Transportation Authority (MTA). It was determined in consultation with HPD that those development sites within 90 feet of the Park Avenue Viaduct and currently owned in part by the City (i.e., Sites 4, 10, and 69) would be required to implement a Construction Protection Plan to protect from inadvertent construction-related damage. The Department of City Planning did explore possible mitigation measures specific to the Park Avenue Viaduct for the non-City development sites with the Landmarks Preservation Commission (LPC) between DEIS and FEIS. As no feasible mitigation was identified with respect to non-City owned sites, the significant adverse construction impacts to the four S/NR-Eligible architectural resources would be unavoidable.

ARCHAEOLOGICAL RESOURCES

The Proposed Actions have the potential to result in unavoidable significant adverse archaeology impacts. Construction activity at two development sites located on the south side of East 128th Street and east of Park Avenue have the potential to result in significant adverse archaeology impacts associated with human remains associated with 19th century burials. Potential Development Site V and Projected Development Site 4 possess potential archaeological significance. A Phase 1A study of Potential Development Site V and Projected Development Site 4 was completed in March 2017. The Phase 1A study identified the potential and projected development sites as potentially sensitive for human remains associated with the churchyard and burial vaults of Saint Andrew's Church, which was formerly located within both development sites. The Proposed Actions therefore have the potential to result in a significant adverse impact on archaeological resources if archaeological resources are present.

The Phase 1A Study concluded that Phase 1B archaeological testing is necessary to confirm the presence or absence of human remains on the sites in question as outlined in the *CEQR Technical*

Manual and LPC's 2002 *Guidelines for Archaeological Work in New York City*. Phase 1B testing is designed to confirm the presence or absence of archaeological resources in any areas of archaeological sensitivity that are identified in the Phase 1A study. Based on the results of the Phase 1B investigation and in consultation with the New York City Landmarks Preservation Commission (LPC), if the Phase 1B investigation reveals the presence of human remains, recovery of human remains would be required. In the event that the Phase 1B archaeological investigation determines that Projected Development Site 4 possesses no archaeological sensitivity and that human remains are not present, then further archaeological analysis would not be warranted.

Projected Development Site 4 contains a City-owned lot under HPD jurisdiction. Development of Projected Development Site 4 would be in accordance with HPD requirements, which would include measures to require prospective sponsors to conduct archaeological testing and if warranted, recovery of human remains. Measures to require a Phase 1B and mitigation, if warranted, would be required through provisions in the Land Disposition Agreement (LDA) between HPD and the project sponsor. Additional archaeological investigations, including a Phase 1B, would be required on Projected Development Site 4. As noted above, Phase 1B testing is designed to confirm the presence or absence of archaeological resources in any areas of archaeological sensitivity that are identified in the Phase 1A study. Prior to the completion of the Phase 1B archaeological investigation, a Testing Protocol and Human Remains Discovery Plan would be prepared and submitted to LPC for review and concurrence.

Potential Development Site V is owned by a private entity. There is no mechanism in place to require archaeological testing prior to construction or require the preservation or documentation of archaeological resources, should they exist. In the event that human remains are encountered during the construction of an as-of-right project, the developer is legally obligated to contact the New York City Police Department (NYPD) and the New York City Office of the Chief Medical Examiner (OCME). However, because there is no mechanism to ensure that the potential impacts would be avoided or mitigated in full at Potential Development Site V, the significant adverse impact would be an unavoidable impact.

C. TRANSPORTATION

The Proposed Actions would result, as detailed below, in significant adverse impacts to: a) vehicular traffic at 29 intersections, b) six stairs at three subway stations, c) public bus service on one route, and d) pedestrians at one sidewalk. The significant adverse traffic impacts would be partially mitigated or would remain unavoidable impacts of the Proposed Actions. The significant adverse pedestrian and transit (bus) impacts would be fully mitigated. In the absence of Phase II of the Second Avenue Subway or practicable mitigation measures, the subway stair impacts would be unavoidable impacts of the Proposed Actions.

TRAFFIC

As discussed in the FEIS, under *CEQR Technical Manual* impact criteria (which are based on lane group delay and levels of service), the Proposed Actions would result in significant adverse traffic impacts at 29 intersections (all signalized) during one or more analyzed peak hours. Significant adverse impacts were identified to 34 lane groups at 21 intersections during the weekday 7:30-8:30 AM peak hour, 17 lane groups at 14 intersections in the 1:30-2:30 PM (midday) peak hour, 34 lane groups at 25 intersections in the 4:30-5:30 PM peak hour and 22 lane groups at 19

intersections during the Saturday 4-5 PM peak hour. Most of these impacts could be mitigated through the implementation of traffic engineering improvements, including:

- Modification of traffic signal phasing and/or timing;
- Elimination of on- street parking within 100 feet of intersections to add a limited travel lane; and
- Modifications to lane striping.

The types of traffic mitigation measures proposed herein are standard measures that are routinely identified by the City and considered feasible for implementation. Implementation of the recommended traffic engineering improvements is subject to review and approval by the New York City Department of Transportation (DOT).

According to *CEQR Technical Manual* criteria, an impact is considered fully mitigated when the resulting level of service (LOS) degradation under the Action- with- Mitigation Condition compared with the No Action Condition is no longer deemed significant following the impact criteria described in the FEIS. With implementation of the recommended traffic engineering improvements, significant adverse traffic impacts would be fully mitigated at all but five lane groups at two intersections during the weekday AM peak hour, six lane groups at four intersections in the weekday PM peak hour, and one lane group at one intersection during the Saturday peak hour. No significant impacts would remain unmitigated in the weekday midday. In total, impacts to one or more lane groups would remain unmitigated in one or more peak hours at five intersections. These unmitigated impacts would generally occur along East 125th Street at First Avenue (Willis Avenue Bridge), Second Avenue (RFK Bridge), and Lexington Avenue, at East 126th Street at Second Avenue (RFK Bridge exit), and at East 111th Street and northbound Park Avenue. If no additional practicable mitigation is identified, these impacts would constitute unavoidable significant adverse traffic impacts as a result of the Proposed Actions.

TRANSIT

SUBWAY

Regarding significant adverse transit/subway impacts, six stairs at three stations served by the Nos. 4, 5, and/or 6 trains on the Lexington Avenue Line would be significantly adversely impacted by project demand in the weekday 7:30-8:30 AM and/or 5-6 PM. These would include one street stair at the 103rd Street station, one street stair at the 116th Street station, and two street stairs and two platform stairs at the 125th Street station. Completion of three new subway stations at East 106th Street, East 116th Street, and East 125th Street under Phase II of the Second Avenue Subway would substantially reduce demand at existing Lexington Avenue Line stations as well as provide new and/or expanded entrances and pedestrian circulation spaces at the 125th Street Lexington Avenue Line station. The Proposed Actions would also generate fewer peak hour trips at analyzed Lexington Avenue Line stations, as it is anticipated that a substantial number would instead utilize the three new Second Avenue Line stations. Therefore, it is anticipated that some, if not all of the Proposed Actions' significant peak hour stair impacts at Lexington Avenue Line subway stations would not occur with implementation of Phase II of the Second Avenue Subway. DCP, as lead agency, coordinated with NYCT between the DEIS and FEIS, to explore if other possible mitigation measures should be implemented to address these specific impacts. It was determined that it would not be practicable given the present circumstances to institute mitigation on an individual stairs basis. In the absence of Phase II of the Second Avenue Subway or practicable

mitigation measures, the subway stair impacts would be unavoidable impacts of the Proposed Actions.

BUS

The Proposed Actions would result in a passenger capacity shortfall of 22 on southbound M15 SBS buses in the weekday 8-9 AM commuter peak hour. This significant adverse impact to the M15 SBS could be fully mitigated by the addition of one bus in the southbound direction in this peak hour. If these changes are not made, these impacts would be considered unavoidable.

PEDESTRIANS

Future pedestrian conditions were assessed both without and with the three new subway stations that would be built under Phase II of the Second Avenue Subway. The analyses focus on the weekday 7:30–8:30 AM, 2–3 PM (midday), and 5:15–6:15 PM peak hours, along with the Saturday 3–4 PM peak hour. Based on *CEQR Technical Manual* criteria, under the Proposed Actions without Second Avenue Subway Phase II, the south sidewalk along East 126th Street between Park and Lexington Avenues would be significantly adversely impacted by the Proposed Actions in all four analyzed peak hours, and there would be no significant impacts to any corner areas or crosswalks. The removal of a tree pit at a constrained point on the impacted sidewalk would fully mitigate the Proposed Actions' significant adverse impact. Under a scenario with completion of Second Avenue Subway Phase II in 2027, it is anticipated that the north and south crosswalks on Park Avenue at East 125th Street would also be significantly adversely impacted in the AM peak hour. Widening the segment of the north crosswalk west of the Park Avenue median by 1.5 feet (to a total of 19.5 feet) and the segment of the south crosswalk east of the median by 0.5 feet (to a total of 18.5 feet) would fully mitigate these impacts. Implementation of this mitigation measure would be subject to review and approval by the NYC Department of Parks and Recreation at the time of its implementation. In the absence of these measures, the significant adverse impacts would be unavoidable.

D. CONSTRUCTION

HISTORIC AND CULTURAL RESOURCES

ARCHITECTURAL RESOURCES

As mentioned above, the Proposed Actions would result in significant adverse construction-related impacts to four eligible architectural resources located within 90 feet of projected or potential development sites. The impacted resources include:

- St. Paul's Rectory and School (Resource #17, S/NR-Eligible) is located within 90 feet of Potential Development Site C;
- Chambers Memorial Baptist Church (Resource #28, S/NR-Eligible) is located within 90 feet of Potential Development Site AI;
- 166 East 124th Street (Resource #27, S/NR-Eligible) is located within 90 feet of Projected Development Site 11; and
- The Park Avenue Viaduct (Resource #39, S/NR-Eligible) is located within 90 feet of several projected and potential development sites.

Designated New York City Landmarks (NYCL) or S/NR-Listed architectural resources located within 90 feet of a projected or potential new construction site are subject to the protections of DOB's TPPN #10/88. The resources listed above are not NYCLs or S/NR-Listed, therefore they would not be afforded any of the protections under TPPN #10/88. If the eligible resources are designated in the future prior to the initiation of construction, the protective measures of TPPN #10/88 would apply and significant adverse impacts from construction would be avoided. Should the resources remain undesignated, the additional protective measures of TPPN #10/88 would not apply and the potential for significant adverse construction-related impacts would be unavoidable.

In order to make TPPN #10/88 or comparable measures applicable to the eligible historic resources in the absence of site-specific discretionary approval, a mechanism would have to be developed to ensure implementation and compliance, since it is not known and cannot be assumed that owners of these properties would voluntarily implement the mitigation. The viability of these or other mitigation measures were explored between the DEIS and FEIS and, besides the exception discussed below no feasible mitigation was identified.

The Park Avenue Viaduct is owned and maintained by the Metropolitan Transportation Authority (MTA). It was determined in consultation with HPD that those development sites within 90 feet of the Park Avenue Viaduct and currently owned in part by the City (i.e., Sites 4, 10, and 69) would be required to implement a Construction Protection Plan to protect from inadvertent construction-related damage. The Department of City Planning did explore possible mitigation measures specific to the Park Avenue Viaduct with the Landmarks Preservation Commission (LPC), between DEIS and FEIS. As no feasible mitigation was identified, the significant adverse construction impacts to the four S/NR-Eligible architectural resources would be unavoidable.

ARCHAEOLOGICAL RESOURCES

Construction activity at two development sites located on the south side of East 128th Street and east of Park Avenue have the potential to result in significant adverse archaeology impacts associated with human remains associated with 19th century burials. Potential Development Site V and Projected Development Site 4 possess potential archaeological significance. A Phase 1A study of these two sites was completed that identified them as potentially sensitive for human remains associated with the churchyard and burial vaults of Saint Andrew's Church, which was formerly located within both development sites. The Proposed Actions therefore have the potential to result in a significant adverse impact on archaeological resources if archaeological resources are present.

The Phase 1A Study concluded that Phase 1B archaeological testing is necessary to confirm the presence or absence of human remains on the sites in question as outlined in the *CEQR Technical Manual* and LPC's 2002 *Guidelines for Archaeological Work in New York City*. Phase 1B testing is designed to confirm the presence or absence of archaeological resources in any areas of archaeological sensitivity that are identified in the Phase 1A study. Based on the results of the Phase 1B investigation and in consultation with LPC, if the Phase 1B investigation reveals the presence of human remains, recovery of human remains would be required. In the event that the Phase 1B archaeological investigation determines that Projected Development Site 4 possesses no archaeological sensitivity and that human remains are not present, further archaeological analysis would not be warranted.

Projected Development Site 4 contains a City-owned lot under HPD jurisdiction. Development of Projected Development Site 4 would be in accordance with HPD requirements, including measures to require prospective sponsors to conduct archaeological testing and if warranted, recovery of human remains. Measures to require a Phase 1B and mitigation, if warranted, would be required through provisions in the LDA between HPD and the project sponsor. Additional archaeological investigations, including a Phase 1B, would be required on Projected Development Site 4. As noted above, Phase 1B testing is designed to confirm the presence or absence of archaeological resources in any areas of archaeological sensitivity that are identified in the Phase 1A study. Prior to the completion of the Phase 1B archaeological investigation, a Phase 1B Testing Protocol and Human Remains Discovery Plan would be prepared and submitted to LPC for review and concurrence.

Potential Development Site V is owned by a private entity. There is no mechanism in place to require a developer to conduct archaeological testing or require the preservation or documentation of archaeological resources, should they exist. Because there is no mechanism to avoid or mitigate potential impacts at Potential Development Site V, the significant adverse impact would be unavoidable. In the event that human remains are encountered during the construction of an as-of-right project, the developer would be legally obligated to contact the NYPD and the New York City Office of the Chief Medical Examiner (OCME).

NOISE

Three representative construction sites were selected for analysis. The largest projected development site (Projected Development Site 4a), a typical projected development site on Park Avenue (Projected Development Site 9), and a projected development site on Third Avenue (Projected Development Site 16) were selected to be analyzed for each phase of construction: excavation and foundation; superstructure; and interior fit-out. Projected Development Site 9 was selected to represent all projected development sites along Park Avenue (except for Projected Development Site 4a) and Projected Development Site 16 was selected to represent all projected development sites along Lexington Avenue, Third Avenue, Second Avenue, and other streets. This analysis was based on a conceptual site plan and construction schedule. The conceptual construction schedule conservatively accounts for overlapping construction activities at development sites in proximity to one another to capture the cumulative nature of construction impacts with respect to number of worker vehicles, trucks, and construction equipment at any given time, within reasonable construction scheduling constraints for each of the development sites in the rezoning area. Because the analysis is based on construction phases, it does not capture the natural daily and hourly variability of construction noise at each receptor. The level of noise produced by construction fluctuates throughout the days and months of the construction phases, while the construction noise analysis is based on the worst-case time periods only, which is conservative.

Based on the schedule and location of the three projected development sites selected for quantitative analysis, they would not have the potential to simultaneously affect noise levels at any surrounding receptor sites (i.e., these projected development sites would not be constructed simultaneously. Consequently, they were analyzed independently. Based on the construction stage predicted to occur at each development site according to the conceptual construction schedule during each of the selected analysis periods, each receptor expected to experience an exceedance of the *CEQR Technical Manual* noise impact threshold was determined for each period. One peak construction period per year was analyzed, from 2018 to 2027. Based on these determinations,

receptors where noise level increases are predicted to exceed the noise impact threshold criteria for two or more consecutive years were identified.

The noise analysis results show that the predicted noise levels could exceed the *CEQR Technical Manual* impact criteria throughout the Project Area. The analysis is based on a conceptual site plan and construction schedule. It is possible that the actual construction may be of less magnitude, or that construction on multiple projected development sites may not overlap, in which case construction noise would be less intense than the analysis predicts.

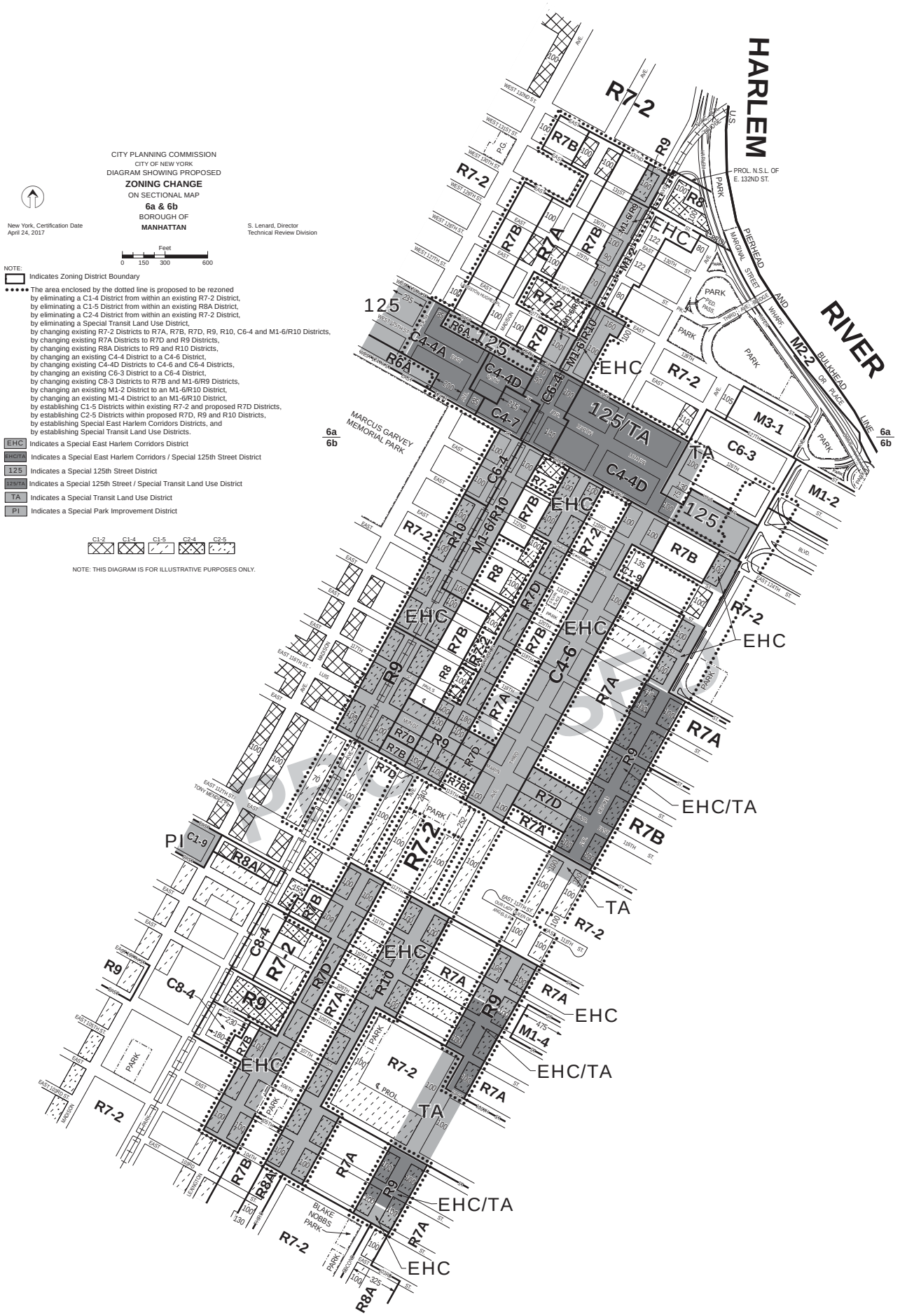
NOISE REDUCTION MEASURES

Construction of the Proposed Project would be required to follow the requirements of the NYC Noise Control Code for construction noise control measures. Specific noise control measures would be incorporated in noise mitigation plan(s) required under the NYC Noise Code. These measures could include a variety of source and path controls.

The following proposed mitigation measures go beyond the noise control measures already identified in the FEIS, and may partially mitigate significant adverse impacts (and substantially reduce construction-related noise levels) at some locations:

- Noise barriers constructed from plywood or other materials at a height of 12 to 16 feet utilized to provide shielding;
- Utilization of isolation pads between the pile driver hammer and piles;
- Acoustical shrouds surrounding the pile driver hammer and piles;
- Electric cranes or cranes with exhaust silencers that have lower noise emission levels; and
- Excavators with exhaust silencers that have lower noise emission levels.

Between the DEIS and FEIS, the above mitigation measures were explored, which are intended to address the pieces of construction equipment that would produce the highest noise levels. However, even if all of the above mitigation measures are determined to be feasible and practicable, some significant adverse construction noise impacts could potentially continue to be experienced at sensitive receptors and, as the result, be unavoidable. It was found that there are no reasonable means to ensure measures be employed that would mitigate, partially or fully, the significant adverse construction noise impacts; therefore, the significant adverse construction noise impacts identified in the FEIS would be unavoidable.


CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
6a & 6b
BOROUGH OF
MANHATTAN
New York, Certification Date
April 24, 2017
S. Lenard, Director
Technical Review Division
Feet
0 150 300 600
NOTE:
Indicates Zoning District Boundary
The area enclosed by the dotted line is proposed to be rezoned by eliminating a C1-4 District from within an existing R7-2 District, by eliminating a C1-5 District from within an existing R8A District, by eliminating a C2-4 District from within an existing R7-2 District, by eliminating a Special Transit Land Use District, by changing existing R7-2 Districts to R7A, R7B, R7D, R9, R10, C6-4 and M1-6/R10 Districts, by changing existing R7A Districts to R7D and R9 Districts, by changing existing R8A Districts to R9 and R10 Districts, by changing an existing C4-4 District to a C4-6 District, by changing existing C4-4D Districts to C4-6 and C6-4 Districts, by changing an existing C6-3 District to a C6-4 District, by changing existing C8-3 Districts to R7B and M1-6/R9 Districts, by changing an existing M1-2 District to an M1-6/R10 District, by changing an existing M1-4 District to an M1-6/R10 District, by establishing C1-5 Districts within existing R7-2 and proposed R7D Districts, by establishing C2-5 Districts within proposed R7D, R9 and R10 Districts, by establishing Special East Harlem Corridors Districts, and by establishing Special Transit Land Use Districts.
EHC Indicates a Special East Harlem Corridors District
EHC/TA Indicates a Special East Harlem Corridors / Special 125th Street District
125 Indicates a Special 125th Street District
125/TA Indicates a Special 125th Street / Special Transit Land Use District
TA Indicates a Special Transit Land Use District
PI Indicates a Special Park Improvement District
C1-2 C1-4 C1-5 C2-4 C2-5
NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.
HARLEM RIVER
PIERHEAD AND MARGINAL STREET
BULKHEAD OR PIER LINE
PROL. N.S.L. OF E. 132ND ST.
MARCUS GARVEY MEMORIAL PARK
TONY DAPOLITO RECREATION CENTER
BLAKE NOBBS PARK
6a
6b
R7-2
R7A
R7B
R7D
R8
R8A
R9
R10
C4-4A
C4-4D
C6-4
C6-3
C4-7
C8-4
M1-6/R10
M1-4
M2-2
M3-1
M1-2
C1-9
R6A
125
125/TA
TA
EHC
EHC/TA
PI
PARK

Diane Collier
Chair

Angel D. Mescain
District Manager

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June 26, 2017

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

Re: Recommendation on ULURP Application Nos. C 170358 ZMM and C 170360 HUM East Harlem Neighborhood Rezoning

Dear Director Lago,

Community Board 11 (CB11) held two, separate public hearings on the East Harlem Neighborhood Rezoning, one on May 16th, 2017 and another on June 20th, 2017. On June 20th, 2017 Community Board 11 voted on the rezoning proposal for East Harlem. Over the past few years, Community Board 11 has invested a considerable amount of time and resources into engaging the community and planning for the future. Through our initial engagement and planning along Park Avenue in 2013, to the East Harlem Neighborhood Plan Steering Committee, and more recently through our Rezoning Task Force, we've helped create a vision for our community that acknowledges existing growth and change, but emphasizes the protection of existing community residents and neighborhood character.

Through the East Harlem Neighborhood Plan, we developed a simple rezoning framework and that embraced the City's new Mandatory Inclusionary Housing (MIH) program, supporting the minimum up-zoning needed to trigger MIH. This would require affordable housing in every new development in the rezoned areas, but minimize the added density and help to preserve community character and stimulate local small business and economic growth.

We suggested up-zoning all avenues and 116th Street, intentionally deciding to spread a minimum increase in density throughout a large area, rather than a higher density rezoning in a limited area. We determined this would allow for development of affordable housing throughout the district, but not permit new development inconsistent with the existing community context.

The Community Board and the EHNP Steering Committee were disappointed to learn that after two years of developing a community-based rezoning proposal, the Department of City Planning did not embrace all of the goals. While their proposal does rezone the community with the goal of developing affordable housing and economic stimulation, it does not preserve the existing character of the neighborhood. DCP has instead decided to allow the highest density residential districts allowed under state and city law in a limited geography - on Park Avenue and Third

Avenue. Rather than spreading out a minimum up-zoning across the neighborhood, DCP left out the area south of 104th Street, all of First Avenue, as well as the lower stretches of Madison Avenue, all of which was included in the EHNP.

The need to develop affordable housing and job creation is not just an East Harlem goal, it is clearly a citywide goal, but the Department of City Planning must approach this goal without impacting the community excessively and respecting its existing character. DCP instead chose to extend the same density found on the Upper East Side into East Harlem. Community Board 11 feels strongly that the proposal as it is does not conform to our core values, the EHNP and the CB11 Park Avenue Recommendations.

The following is a comprehensive analysis of the proposed rezoning that includes our proposed recommendations, as well as the voting results.

PREAMBLE

East Harlem stakeholders have spent many years engaging in extensive community planning. Community residents, community organizers, Community Board 11, Speaker Mark-Viverito, Manhattan Borough President Gale Brewer, and non-profit organizations dedicated to quality of life issues are some of the entities that have been involved in thinking through the myriad issues facing East Harlem and mapping a course that thoughtfully balances the diverse array of interests represented in our community. This process consisted of, to name a few of the steps along the way, the Park Avenue Corridor recommendations, the 2013 study conducted by Community Board 11 and Civitas, and the recent multiyear process resulting in the East Harlem Neighborhood Plan. Unfortunately, the City's current proposal to rezone a substantial portion of East Harlem utterly misses the mark. The City's professed goals are to create permanent affordable housing by rezoning our community to allow for a significant increase in density and thereby trigger Mandatory Affordable Housing and to create economic opportunities for residents to meet their earning potential and thus meet affordability challenges. However, while the City's plan contains some virtues, as discussed below, overall it thoroughly disregards the recommendations made by East Harlem stakeholders after years of multilateral planning in favor of a top-down approach that ignores East Harlem's concerns. For this reason, the City's plan to rezone East Harlem must not pass without considerable revisions.

INTRODUCTION

PROPOSED ACTIONS

The New York City Department of City Planning ("**DCP**") has proposed a series of land use actions including zoning map amendments, zoning text amendments, and city map changes (collectively, the "**Proposed Actions**") affecting a 95-block area in the East Harlem neighborhood of Manhattan Community District 11 ("**CD11**"). The Proposed Actions are intended to facilitate the development of affordable housing, create new commercial and manufacturing space to support job creation, and preserve existing neighborhood character. According to the Draft Scope of Work for the project Environmental Impact Statement ("**DSOW**"), issued November 10, 2016, the Proposed Actions are expected to result in a net

increase of approximately 3,500 dwelling units, 151,100 square feet of commercial space, 98,000 square feet of community facility space, and 132,400 square feet of manufacturing space. The Proposed Actions are also expected to result in a net decrease of 10,600 square feet of auto-related space, 33,000 square feet of hotel space, and 53,800 square feet of warehouse/storage space.

The Proposed Actions reflect DCP's ongoing engagement with Community Board 11 of Manhattan ("**CB11**") and other community partners. This proposal reflects input generated from the East Harlem Neighborhood Plan ("**EHNP**"), a comprehensive, community-focused study aimed at identifying opportunities for the creation of new mixed-income housing and the preservation of existing affordable units consistent with Mayor de Blasio's housing plan, Housing New York: A Five-Borough, Ten-Year Plan. Any changes to the zoning map should be evaluated for consistency, accuracy, and—given the land use implications—appropriateness for the growth, improvement, and development of the neighborhood and borough. Our goal in evaluating the text amendment, is to consider whether the Proposed Actions are consistent with the goals of the EHNP (as well as the information gleaned from community engagement sessions) and if they are appropriate and beneficial to the community.

BACKGROUND

East Harlem
In 2003 the City of New York ("**NYC**") rezoned 57 blocks of East Harlem including most of the area between Lexington Avenue, 122nd Street, Pleasant/First Avenue and 99th Street. The rezoning replaced height factor zoning districts with height limited contextual zoning districts that allowed greater density on the avenues. The 2003 rezoning omitted public housing estates from the rezoning, which resulted in a irregular rezoning area. A 2015 study found that development within the 2003 rezoning are tended toward smaller buildings when compared to development that occurred outside the rezoning area, and new development inside the rezoning area had much less rent regulated housing. In 2008, the 125th Street Special District was mapped in an area that spanned 124th Street to 126th Street across most of Manhattan. Together with the 2008 East 125th Street rezoning, this corridor was rezoned to higher density, height limited buildings that provided incentives for affordable housing and visual arts uses.

As of 2016, East Harlem is comprised of approximately 126,307 residents with a median income of $31,422. CD11 is predominately comprised of multi-family residential and mixed residential/commercial properties (low to midrise multi-family walk-up and elevator). CD11 is generally bordered by 96th Street to the south, Fifth Avenue to the west and the FDR / Harlem River Drive to the north and east. Additionally, CD11 also includes Thomas Jefferson Park, Marcus Garvey Park, Harlem River Park, and Randall's and Ward's Islands.

East Harlem Neighborhood Plan
The EHNP is a community-driven comprehensive roadmap for fostering smart growth in East Harlem. The process was led by City Council Speaker Mark-Viverito, CB11, and Community Voices Heard ("**CVH**") in partnership with a 21-member steering committee of local stakeholders. Developing the plan was a year-long process with no less than eight large public meetings, approximately 40 policy discussions, numerous calls and meetings with city agencies,

and on-the-ground canvassing for person-to-person survey collection. The culmination of this work resulted in a detailed neighborhood plan with over 230 key objectives and recommendations to ensure a stable and inclusive future for the neighborhood with ideas of how we can achieve it.

According to the EHNP's recommendations, all future rezoning plans should be done in conjunction with each other to ensure that 50 percent of the new housing on private rezoned and public sites is affordable to a variety of low- and moderate-income levels. More specifically, the EHNP recommends that 100 percent of units on public sites be permanently affordable, and that 20 percent of affordable units be set aside for those earning no higher than 30 percent of area median income ("**AMI**").

Area Context

The neighborhood surrounding the project area is comprised of strong residential and commercial elements, as well as a variety of building typologies.

Boundaries
The Proposed Actions put forth by DCP affect approximately 95 blocks in an area primarily bordered by East 104th Street to the south, East 132nd Street to the north, Park Avenue to the west and Second Avenue to the east; between East 126th Street and East 132nd Street, the western border approaches Fifth Avenue, as more fully described in the ULURP application for the Proposed Actions (the "**Rezoning Area.**") While much of the area proposed for rezoning has not been rezoned since 1961, the Rezoning Area also includes portions of the 125th Street Special District that was mapped in 2008, and large portions of the 2003 contextual rezoning.

CONSIDERATIONS FOR COMMUNITY BOARD 11

It is the mission of CB11 to reflect the needs and desires of the community in any position CB11 takes with respect to DCP's rezoning proposal. To evaluate and more fully consider the Proposed Actions, CB11 has created the East Harlem Rezoning Task Force, which has interacted extensively with the community (through public meetings, community outreach, electronic and paper surveys and other efforts) to develop a comprehensive response reflecting the community's interests in, and concerns with, the Proposed Actions.

Although the City's proposal to rezone a large portion of East Harlem is the largest such proposal in East Harlem since the 1961 zoning was implemented, it is not the first time that CB11 has engaged community residents and community partners with the objective of developing democratic and bottom-up—rather than top-down—priorities for the development of East Harlem. CB11 has long advocated for increased affordable housing in East Harlem and for the continued preservation of affordable housing. Recently, CB11 was one of several project partners that developed the EHNP, and in that process, worked to make sure that many of the community's priorities became a part of the Plan's recommendations. Prior to the EHNP, CB11 and Civitas developed rezoning recommendations for the Park Avenue corridor in 2013 where the community pioneered a version of Mandatory Inclusionary Housing by asking that such a concept be developed for the Park Avenue corridor. For years CB11 has consistently advocated

for policies that would maximize the number of units available for affordable housing, and specifically housing that is affordable to the East Harlem community. In addition, CB11 has worked to address a number of community priorities, including local workforce development, protection of small businesses, and the adequacy of schools and afterschool programs for our youth.

We are keenly aware that rhetoric and practice often fail to square with each other in any proposed rezoning of a neighborhood. First, we note that DCP's proposal occurs against a backdrop of historical rezonings of low-income communities of color, which have resulted in tremendous displacement. To address this reality, CB11 supports measures that both preserve affordable housing and develop new, permanent affordable housing. To that end, it is imperative that we strengthen and enforce rent-regulation laws. Furthermore, we support the construction of permanent mixed-income housing with a baseline 50/30/20 model, also discussed below. We support the requirement for mandatory inclusionary housing ("**MIH**") in any sweeping rezoning proposal; however, given that the majority of our neighbors live below 30% of the AMI, CB11 firmly advocates for deeper affordability than that currently offered under MIH.

CB11 recognizes that while the City's rezoning proposal is in the spirit of the EHNP rezoning recommendations, there are important and significant differences that remain of concern, especially as they relate the impacts of increased density. While the EHNP recommended that even a larger area rezoned, it generally recommended the minimum increase in density necessary to trigger MIH on wide streets and avenues. The purpose of this recommendation was to ensure that when new development occurred, affordable housing would be required. In large portions of the rezoning area, the Proposed Zoning brings the highest density residential districts allowed by law to both Third Avenue and Park Avenue, much more than necessary to trigger MIH. In these areas, the proposed zoning introduces densities considerably higher than the density recommended by the EHNP, and much higher than the Park Avenue Rezoning recommendations. If Third Avenue is rezoned to R9 (8.5 FAR), the large majority of the additional building bulk allowed will be for affordable housing. This is not true under the Proposed Rezoning, which will double the allowable FAR on Third Avenue, but only about half of that additional bulk will be for affordable housing.

The goal of creating as much affordable housing as possible is laudable, but the increase to 12 FAR from 6 FAR on Third Avenue is just too much for a building that will only have approximately 25% of its units permanently affordable: CB11 recognizes that this amount of density will forever change the character of the community, and unless it was for 100% affordable housing, this is simply too much density for the District. But more than just character, CB11 remains concerned that the Proposed Actions will cause a range of externalities that must be addressed by NYC in order to both minimize the impact of rezoning as well as improve the lives of residents of East Harlem. For example, the Proposed Actions have raised questions concerning the expected increase in pedestrian traffic, the ability of current public transportation options to accommodate the increased population, the sufficiency of the existing education facilities, the availability of social services to meet an increased population, the risk to displacement of local businesses, and the suitability of existing infrastructure.

We note that the gap between the City's plan and the community's plan is due at least in part to findings in the EIS that CB11, along with numerous community stakeholders, consider to be extremely dubious. Thus, to the extent that any neighborhood-wide rezoning (or any rezoning of any NYC neighborhood whereby five (5) or more city blocks are proposed for rezoning, NYC Department of City Planning or any other city agency, office or elected official shall ensure that the community board for the affected community shall be provided with funding reasonably sufficient to conduct an environmental impact statement, in addition to any required environmental impact statement any city agency may itself conduct, through a vendor or contractor of its own choosing.

This document is will discuss these concerns in detail. CB11 believes that some of these concerns may be mitigatable through direct and indirect actions that support the rezoning, some of which are detailed in the EHNP and others of which are detailed in the Statement of District Needs, but mitigation will only go so far. There is no mitigation for the change in the district character that 12 FAR districts will bring to East Harlem, and this and other elements of the Proposed Rezoning will need to change. Nevertheless, CB11 appreciates the City's close attention to the EHNP and earlier community driven efforts in East Harlem. We look forward to working with the Manhattan Borough President and the City Council Speaker to identify capital projects and dedicated funds toward which private developers will contribute should the Proposed Actions be approved in some form, and we will continue to work with the City on changes to the Proposed Actions that will support an affordable, sustainable, East Harlem for all its residents.

LAND USE AND ZONING

CB11 has long advocated for the development of increased affordable housing. Insofar as the Proposed Actions seek to create additional housing opportunities that are affordable to the East Harlem community, CB11 is supportive of such efforts. However, the Proposed Actions raise a number of concerns that require mitigation or further consideration in order to best produce an increase in the number of units available that are affordable to the East Harlem community while also minimizing the harmful effects that increased development may cause.
This section will evaluate the Proposed Actions and how they meet the needs and concerns of the East Harlem community. First, this section will address one of the core elements of the plan: rezoning to spur development that is affordable to the East Harlem community. Second, this section will evaluate the Proposed Actions as a whole and evaluate comprehensive concerns. Third, this section will focus on individual components of the Proposed Actions, including specific boundary issues, the Park Avenue corridor, the Third Avenue corridor and other elements.

Practical Effects of the Proposed Actions

The Proposed Actions intend to create a substantial increase in affordable housing for the East Harlem community--a priority for the East Harlem community and a matter long advocated for by CB11. To achieve this goal, however, the Proposed Actions seek to "upzone" portions of the Rezoning Area fronting avenues. As a result, the likely impact of the Proposed Actions will be: (a) An increase in new construction as developers seek to avail themselves of the higher density allowed; (b) an increase in the height, density and overall size of buildings in the avenue portion

of the Rezoning Area; and, relatedly, (c) an increase in the number of new residential units and commercial space. Additionally, as the Proposed Actions are overlaid with MIH, the residential units created will be "affordable" units at a minimum of the prescribed MIH requirements.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

General Analysis

CB11 has long advocated for increased affordable housing. In this context, CB11 has expressed a number of priorities: (1) more affordable housing needs to be built; (2) existing affordable housing needs to be preserved; and (3) affordable housing--both newly developed and preserved units--needs to be "affordable" to the East Harlem community, and must meet the needs of residents at the AMI bands that are reflective of the East Harlem population.

The Proposed Actions undoubtedly seek to increase the number of affordable units in East Harlem with its main mechanism an upzoning that increases density so that more units can be built. However, the goal of creating more affordable housing is not the only priority for East Harlem. It is also important to seek to preserve the character and culture of East Harlem and to minimize the disruption and difficulty associated with the increased density (both with regards to the increased number and size of buildings, and with the increased population that such development entails). Thus, CB11 strongly believes that greater consideration needs to be made as to whether the Proposed Actions appropriately balance the need for increased affordable housing with the need to preserve a sustainable, livable environment. In this regard, CB11 believes that less significant up-zoning would provide a better balance of the goal for increased affordable housing with the needs and interests of the East Harlem community. The Proposed Actions permit taller, denser buildings and, by doing so, provide for an increase in the number of affordable units. But the greater density does not equate to a 1-for-1 increase in the number of affordable units; rather, it provides an opportunity for luxury-style, high-priced rental housing at the cost of taller, denser buildings that dramatically increase the population of the neighborhood, placing a strain on the services provided to residents.

In addition to the development of increased affordable housing, it is imperative that NYC improve and expand efforts to preserve affordable housing. There are limited vacant development sites in East Harlem and the rezoning is mapped onto many occupied buildings, some of which are small and affordable. These smaller buildings will experience development pressures because of the rezoning, which will put these existing affordable units at risk. Further, new market rate development may cause affordable rents to increase, putting existing affordable, but unregulated units at risk. In short, it is not sufficient to simply build new affordable housing and lose existing affordable housing; instead, NYC must commit to increasing efforts to preserve the existing affordable housing. Specifically, concurrent with the potential approval of the Proposed Actions, NYC must (1) commit additional resources to renovate existing affordable units; and (2) improve and expand tenant protection efforts (including, but not limited to, even further expanding the guarantee of universal access to legal representation for Housing Court to support East Harlem renters that are at or above the $50,000 threshold, enforcement by HPD and

other city agencies to protect against landlord harassment, funding to promote tenant organizing efforts as well as increased tenant rights awareness efforts.

Even the units that are called "affordable" fail to provide housing that is actually affordable to the current residents of East Harlem. As CB11 has previously indicated through its disapproval of MIH during the ULURP process, MIH's requirements for affordable housing are important first steps but fail to address the actual affordability needs of the East Harlem community. As indicated above, the median income of East Harlem is $31,422. Deeper levels of affordability are needed for housing that does not create rent burdens for existing residents.

In particular, MIH's requirements are insufficient for East Harlem. MIH offers one or more of several options for developments applying MIH zoning: a set-aside of 25% of units at 60% of AMI (approximately $47,000 on average for a family of three), including 10% of units at 40% of AMI (approximately $31,000 on average for a family of three); a set-aside of 30% of units at 80% of AMI (approximately $62,000 on average for a family of three); a set-aside of 20% of units at 40% of AMI; or a set-aside of 30% of units at 115% of AMI (approximately $89,000 on average for a family of three), including 5% of units at 70% of AMI (approximately $54,000 on average for a family of three) and 5% of units at 90% of AMI (approximately $70,000 on average for a family of three). Thus, with the exception of the limited number of units potentially set-aside at the 40% of AMI level, the MIH affordability set-asides fail to create affordable housing for those residents of East Harlem at the district's median income, let alone for those residents below the median income. MIH does not provide affordable housing for any residents earning 10% and 20% of AMI. In addition, MIH does not provide any benefit to those residents of East Harlem whose incomes exceed the highest income threshold for affordable unit set-asides (families earning in excess of 115% of AMI) though these families are nonetheless often rent burdened. These concerns are more fully discussed below in the Housing section. Yet it remains important to understand that the land use and zoning changes being proposed through the Proposed Actions permit increased development through upzoning on the basis that affordable units are being developed for East Harlem residents. Despite this upzoning benefit, there remain vast swaths of the East Harlem community that will remain unable to obtain affordable housing, and this need must be addressed concurrently with any Proposed Actions.

Broad Analysis of Proposed Actions

CB11 has a number of overarching concerns with how the Proposed Actions impact land use and zoning:

First, the boundaries of the Proposed Actions differ from those advised by the EHNP. CB11 has supported the principle of a rezoning that would spur affordable housing development in every new development. However, the Proposed Actions omitted the areas east of Second Avenue and south of 104th Street. The exclusion of these two areas shows a disregard for the recommendations of the EHNP, and the exclusion of the area south of 104th Street is particularly disconcerting as CB11 believes there are extensive market pressures here driving up rents, and this area needs affordable housing in every new development. The failure to use the larger rezoning area recommended by the EHNP is a missed opportunity to create more affordable housing in East Harlem. A rezoning that would map MIH areas to the east of Second Avenue, to

the south of 104th Street, and perhaps areas along Madison Avenue as described in the EHNP should be discussed with the Community Board so that affordable housing can be a part of developments in these areas as well.

Second, CB11 and East Harlem residents have expressed extensive concern that the Proposed Actions will create tall and massive buildings. The Proposed Actions call for large portions of East Harlem to be up-zoned to R10 and R10 equivalent districts, which allow buildings up to 12 FAR, Third Avenue and Park Avenue. CB11 believes that R9 or R9 equivalent districts provide a more appropriate balance between supply of units, preservation of community character, and the mitigation of community impacts. R9 is the minimum density increase necessary to trigger MIH on Third Avenue. If Third and Park Avenue were rezoned to allow 12 FAR buildings, many sites would be developed with buildings of approximately 30-35 stories or possibly more. Such building heights far exceed East Harlem's existing buildings and do not provide a sufficient number of increased affordable units to justify the loss of space, the imposition of tall buildings and the change in community character. To the extent new developments fail to provide 100% affordable housing--and affordable housing that is actually affordable to the residents of East Harlem--CB11 believes the maximum floor area ratio should not exceed 8.5 FAR on Third and Park Avenues, outside the 125th Street Special District. The only exception to CB11's position on the 12 FAR districts are the changes proposed to the 125th Street Special District, which considering this area's current and future proximity to transit, the high densities proposed by the City in the rezoning are appropriate.

Third, in addition the massive increase in density proposed by the City, CB11 is also concerned about the new tower form the Proposed Actions introduces. The proposed East Harlem Corridors Special District allows a great deal of flexibility in building form. Flexibility is not, in and of itself, a bad thing, but as currently written, the proposed zoning text would allow thin, very tall towers on a small base, and not require the tower-on-base regulations that are currently described in the Zoning Resolution. Tower-on-base is the required tower form on avenues for most of the Upper East and Upper West sides. Because it has a track record, we understand how this building form performs and the types of buildings it produces. It is a mistake to abandon it in East Harlem to allow a new form that lowers the base height, removes provisions for minimum tower coverage and floor area located less than 150 feet. These changes will effectively allow for much taller buildings, but produce no additional floor area or units. The current tower-on-base regulations provide effective height limits without being prescriptive. Further, very tall, thin towers permitted by the proposed zoning are both completely out of character, and because they are extremely expensive to build, are not appropriate for affordable housing. Consequently, the Proposed Actions should adopt the existing tower-on-base building form, in addition to the quality housing envelope and not include the new tower form described in the East Harlem Corridors Special District; the East Harlem rezoning needs to promote building forms that make sense for affordable housing, not luxury housing.

Fourth, there are elements of the proposed rezoning that were not a part of either the EHNP or the Park Avenue rezoning that are welcome new additions and these improvements should be acknowledged: The Park Avenue rezoning recommendations incented the development of non-residential spaces along Park Avenue, but the proposed zoning text requires it, which is a better solution. Further, the limitation on the development of transient hotels appears to be a well-

considered solution to the concern that higher density districts that allow non-residential uses would not produce affordable housing, job intensive commercial spaces, or services for the local community, but hotels designed to serve tourists. This limitation on transient hotels helps to ensure that the needs of East Harlem are met first.

Fifth, there are also elements that were not a part of either the EHNP or the Park Avenue rezoning recommendations that CB11 categorically rejects. The Special East Harlem Corridors District as proposed will allow public parking garages in the district as-of-right, which in most districts require a CPC special permit. While there has been some support in the community for keeping some amount of accessory residential parking, there has never been any indication from CB11 that the community district needed more commercial parking garages. Large commercial parking garages would be terrible uses in this area: As a job producing non-residential use, they are large but produce very few jobs, taking away non-residential spaces from uses that might produce more jobs, or provide necessary local services. They deaden the streetscape and attract traffic to areas that are already congested. There is also a concern that if congestion pricing ever became law, the demand for parking garages in East Harlem could soar due to its easy proximity to Midtown, and push out higher and better uses that serve the needs of East Harlem residents.

Finally, the proposed Special East Harlem Corridors District includes important provisions designed to keep commercial streets active and functioning as attractive, walkable retail areas, including transparency requirements, parking wrapping, limited residential lobbies and limited curb cuts. It does not, however, add full Enhanced Commercial Corridor protections to any part of the district. The contemplated rezoning is likely to spur increased development and dramatically increase the number of residents. The Proposed Actions do not provide assurances that new commercial establishments will provide the services necessary for these new residents as well as the existing residents. East Harlem has historically lacked access to grocery stores, amongst other challenges, and an Enhanced Commercial District could be designed to encourage these historically underrepresented uses that are critical to the well-being of neighborhood residents, but new and existing. At minimum an Enhanced Commercial District should be designed to help preserve the very fine grained commercial uses along 116th Street. Within the rezoning area, 116th Street is lined with small to tiny storefronts that provide a variety of goods and services that are important to the community and contribute to the street's excellent urban design; large footprint retail uses would disrupt the continuity of the street and diminish the quality of the place. An Enhanced Commercial district should be designed to limit the size of retail frontages in at least this area. With respect to La Marqueta and the Park Avenue Commercial Corridor, the City should advance the East Harlem community's recommendations by supporting (a) the construction of capital improvements to the City-owned lots underneath the Metro North viaduct, (b) the creation of a contiguous corridor that has integrated design and use standards for those lots, and (c) the creation of a local governance structure for overseeing the implementation of the community's recommendations for the development and operations of this local community asset.

Specific Analysis

In addition to the foregoing, the effects of the Proposed Actions must be considered as they impact specific geographic areas.

Third Avenue. The Proposed R10 district along the Third Avenue corridor is too dense housing. Instead, R9 in the southern portion and an R9 equivalent commercial district in the northern portion would more appropriately serve the needs of the community to simultaneously increase the number of affordable units while also minimizing the negative externalities of taller, larger and denser buildings. The density proposed for Third Avenue must be lowered to equal that proposed for Second Avenue.

Park Avenue. As with the Third Avenue corridor, CB11 believes that a R10 district along the Park Avenue corridor is too dense without providing sufficient benefit to the community in the form of increased affordable housing. As with Third Avenue, CB11 believes that this corridor should not exceed R9 densities of 8.5 FAR. Increased height and density along the Park Avenue corridor poses considerable challenges and potential direct impacts on neighboring residents. For example, the highest density district proposed is located directly abutting small (2.0 FAR and less) three family rowhouses built in 2002 on the midblocks between 118th Street, Park Avenue, 120th Street and Madison Avenue. These units were built on property taken during Urban Renewal and their development was facilitated by HPD. While CB11 acknowledges that the existing parking lots on Park Avenue are not a desired use, the urban renewal plan (URP) currently does not allow *any* new residential buildings in a portion of this area to be rezoned R10. To both amend the plan to allow residential uses, and then to allow those uses at the highest possible density, is too large of a change for the residents of this area: R9 zoning will activate the street, provide substantial new housing, and affordable housing, while lowering the impact on neighbors when compared with the City's R10 proposal.

But even at the R9 densities, the City will have to make public safety and infrastructure investments, as further described herein, to mitigate negative impacts and to allow the Park Avenue corridor to realize its potential. Further, the City must engage in efforts to find better uses and designs for the area underneath the Park Avenue railroad tracks as a necessary complement to the Proposed Actions. Any up-zoning of the Park Avenue corridor adjacent to the tracks must convert current parking lots, vacant space and other city uses into opportunities for local business to better serve the needs and interests of the residents of the potential developments as well as the East Harlem community as a whole. It must further make additional investments in La Marqueta so that this important market can better serve the needs of the existing and new community that will be created along Park Avenue.

To be clear, CB11 does agree that R10 equivalent densities are appropriate with the modified 125th Street Special District. Here, the deleterious effect of taller and denser developments will be reduced due to existing and planned transportation infrastructure (Metro North station, the future Second Avenue Subway terminus and the nearby Lexington Avenue station) as well as the existing zoning and nature of the thoroughfare.

116th Street. One of the most significant intersections along the 116th Street corridor is the intersection of 116th Street and Lexington Avenue. This intersection, in the heart of East Harlem, is a central hub: The 116th Street subway stop meets with both crosstown buses and downtown buses bring significant foot traffic to a vibrant commercial street. As a result, the intersection is already significantly populated. The Proposed Actions call for ½ of each block

frontage at this this intersection to be up-zoned to R9. Outside this intersection on 116th Street and Lexington Avenue, the Proposed Actions call for changes to the existing zoning that are the minimum required to trigger MIH, but do not increase density any more than required.

CB11 is supportive of the increased affordable housing this will bring to this intersection and agrees that there is an opportunity to spur new development. However, changes to the zoning must be accompanied by significant investment in development to better address the bustling nature of this corner. First and foremost, the subway stations need to be improved and stairs and elevators should be integrated into new development that occurs on this intersection so that sidewalk widths can be expanded and ease access to the subway station and neighboring bus stops. Additionally, consideration should be given to the former presence of a grocery store at this intersection and efforts should be made to encourage the development of a grocery store in the ground floor of any new development.

The proposed Special East Harlem Corridors District, of which 116th Street is a part, includes important provisions designed to keep commercial streets active and functioning as attractive, walkable retail areas. Because of the fine grained existing nature of 116th Street, an Enhanced Commercial District should be developed to protect this existing character. Within the rezoning area, 116th Street is lined with small storefronts that provide a variety of goods and services that are important to the community and contribute to the street's excellent urban design; large footprint retail uses would disrupt the continuity of the street and diminish the quality of the place. An Enhanced Commercial district should be designed to limit the size of storefronts along 116th Street.

Zoning boundary differences and City Map changes. As indicated above, the Proposed Actions do not mirror the East Harlem Neighborhood Plan and/or the Park Avenue Rezoning recommendations. CB11 believes that these differences are important and the City should reconsider the Proposed Actions to better match those specific recommendations. The following is a list of changes the CB believes should be made to the Proposed Actions:

1. **127th Street between Lexington and Park Avenue should be remapped**. This street was vacated during urban renewal, but with the density that is now being proposed, this one block--one block north of the Metro North station--should be remapped. Remapping 127th Street was a part of the 2013 Park Avenue Rezoning recommendations as a related ULURP action, and at that time it was found that a 60 foot street could be remapped without impacting existing buildings. The Proposed Actions is likely the City's last chance to correct this error and to provide a relief for the congestion this increased density proposed will bring. Further, by breaking up this superblock any future development on this site will be more in-scale with the surrounding neighborhood.

2. **A commercial overlay (C1-4) should be mapped on the west side of Madison Avenue between 127th and 128th Street**. This change was identified in the Park Avenue rezoning recommendations in 2013 and was a comment included on the Draft Scope of Work.

3. **The south side of 124th Street between Park and Lexington should be rezoned as either R7D or C4-4D**. The Proposed Actions omits northern midblock portion of western portion of block 1772 and leaves it as R7-2 with a C2-4 commercial overlay. All adjacent areas were either

rezoned in 2008 or are now proposed to be rezoned. This small section of 124th Street is largely non-residential and the existing R7-2 is a poor fit for current uses and form. The Park Avenue rezoning recommendations called for the MX district on Park Avenue to "turn the corner" to cover this part of 124th Street, but considering Proposed Actions' density for Park Avenue, this would be too dense for this narrow street. Instead, this block should be rezoned to either the R7D proposed on Lexington Avenue, or the C4-4D that is mapped on the north side of 124th Street.

4. **Do not rezone Eugene McCabe playground or the Henry J Carter Specialty Hospital to high densities that produce unwanted development pressures on these sites.** These sites on the west side of Park Avenue between 120th and 122nd Street and should not be rezoned. They were not recommended for rezoning in the EHNP and they should not be rezoned in the Proposed Actions. The Park Avenue rezoning noted the playground as a "Park," reflecting 11-13 of the zoning resolution. The site of the Carter Hospital was recommended for rezoning in the Park Avenue recommendations, but the initial recommendation was made before the hospital was built. The playground should be left as open space and a rezoning to R10 or equivalent will put pressures on the Carter Hospital, which is a new facility and an asset to the community. There is concern that because the Eugene McCabe playground is a Jointly Operated Playground that the City will use it for development rights just as it has attempted to do at the ECF site on East 96th Street. Consequently, it should not be rezoned.

5. **Rezone the Urban Assembly school**, which is the block bounded by Park Avenue, 127th Street, Madison Avenue and 128th Street. The Proposed Actions carves out this site, rezoning all land around it, but leaving this school as R7-2. This site was identified as a potential public development site in the EHNP and contains an outdated school facility that was built without windows. This is a prime location for increased density to support both substantial amounts of affordable housing, as well as for a new, updated school facility that would serve the northern part of the District and beyond.

6. **Rezone the mid-block portion of the blocks bounded by 122nd Street, 124th Street, Lexington Avenue and Third Avenue**. Like the Urban Assembly School, these portions of blocks were inexplicably carved out of the rezoning while everything around them is proposed for rezoning. The R7-2 district here has been in place since 1961 and allows for community facility towers in the mid-block, and height factor buildings that are not considered the future of East Harlem. The midblock portion of the block bounded by 122nd Street, Lexington Avenue, 123rd Street and Third Avenue should be zoned R7B, just as was proposed directly to the south. The mid-block portion of the block bounded by 124th Street, Lexington Avenue, 123rd Street, and Third Avenue was identified as a public site in the EHNP and should be rezoned as described in the EHNP (R8 or R8A) in anticipation for development with 100% affordable housing.

7. **Rezone the east side of Park Avenue from 128th Street to 131st Street.** Like Park Avenue directly to the west and south, CB11 recognizes that this area that can accommodate growth: it is within easy walking distance to the Metro North Station and the future terminus of the Second Avenue subway, as well as just a block from an exit of the Harlem River Drive. This area was identified for rezoning in the 2013 Park Avenue rezoning recommendations and in the EHNP, yet is inexplicably carved out of the Proposed Actions. The current zoning is M1-2, a low density manufacturing district that does not describe the desired future of this area. The current uses on these blocks that front Park Avenue are: the Addicts Rehabilitation Center (ARC), A

Consolidated Edison substation, and the DSNY garage for Community District 10. ARC and the DSNY garage for Community District 10 are not appropriate uses to support the redevelopment of Park Avenue into an active destination street. A rezoning to a higher density district would bring development pressures to this area, which would be a positive development and it would help in the relocation of these uses. The DSNY garage should be in CD10 or in a consolidated garage placed elsewhere. The ARC facility, while providing an important public service, should provide this service on a site that is better suited for its needs, and the needs of the community. Finally, the ConEd substation is part of critical infrastructure, but 1) it is not the kind of use that is appropriate for the vision of Park Avenue of the future; and 2) it was built before Superstorm Sandy on a piece of land that is 14 feet above sea level very close to the Harlem River. This use should be moved to a more appropriate location and a rezoning to a higher density mixed use district will support the redevelopment of this area into more desirable uses.

8. **Commercial overlays should not be mapped onto NYCHA housing estates.** The Proposed Rezoning maps commercial overlays on most of the avenue portions of the NYCHA housing estates in the rezoning area. Mapping commercial overlays on NYCHA property was a draft recommendation of the EHNP that was overwhelmingly rejected by the Steering Committee. Any plan for future development on NYCHA estates needs to be developed directly with residents. To be clear, future development on NYCHA estates is not rejected, but only that any future development on NYCHA be planned in conjunction with NYCHA residents, CB11, and the larger community. Mapping a commercial overlay in these areas without any plan is a distraction that does nothing to further a development plan for these areas and should be abandoned.

9. **Modify the Park Avenue Hub Subdistrict of the 125th Street Special District and the proposed zoning changes to that subdistrict to exclude the New York City landmark at the northwest corner of 125th Street and Park Avenue.** CB11 has concerns that the excess floor area from this Landmarked building will be shifted to the vacant site abutting the landmark to the north, allowing a new building in the proposed 12 FAR district to be too tall for the area.

HOUSING

Practical effects of Proposed Actions on housing

East Harlem is home to a large amount of regulated and subsidized housing. At least 75% of East Harlem residential units are subject to regulation of some sort: specifically, approximately 15% of units are subject to rent stabilization; 30% of units are public housing units administered by the New York City Housing Authority ("NYCHA"); and an additional 30% of units receive some sort of government assistance, such as Section 8 subsidies. As a result, only one-fourth of East Harlem residential units are unregulated.

Furthermore, 38% of CD11 make 30% or below of the area Average Median Income ("AMI"), and a further 17% of CD11 have household incomes between 31% and 50% of AMI. Thus, a majority—55%—of CD11 make 50% of AMI or less. However, there is a wide array of income levels in CD11. Almost one-third of East Harlem makes over 80% of AMI, and nearly one-fifth

of the community's households make over 120% of AMI. While it is imperative that we advocate for households on the lower end of the income spectrum—a position consistently adopted by CB11 throughout its existence—it is important to ensure housing protections for middle-class, or moderate-income, households. All too often, housing safeguards fail to contemplate the large segments of our community that have too much income to qualify for government-assisted housing but not enough income to afford market-rate apartments. Protection of low-income tenants and moderate-income tenants are not mutually exclusive. It is clear that both low-income and moderate-income East Harlem residents would benefit from housing preservation strategies. Even without a planned rezoning, landlords have a financial incentive to deregulate apartments so as to maximize profits, often doing so by harassing existing rent-regulated tenants. This reality is worsened when the City proposes an upzoning of the community—as is the case here with the Proposed Actions—as property owners sell to developers at sharply increased prices. Indeed, CD11 already has many buildings that are being warehoused, i.e., sitting vacant, rather than using their potential and renting out the units, as owners wait for shifts in development trends in order to maximize sale prices.

As the law currently stands, all rent-stabilized apartments—ones that give tenants an array of protections, including a right to a renewal lease and limits on how much the landlord can raise the rent—can be removed from rent-stabilization if the apartment becomes vacant and the monthly rent crosses the threshold of $2,700. Additionally, in buildings with limits on rents that can be charged because of subsidies from the New York City Department of Housing Preservation and Development ("HPD"), limited rents are only offered as long as the regulatory agreement between the landlord and HPD is in place, and some of those agreements last for only 30 years. After the regulatory agreement expires, landlords are no longer bound to offer the affordable rent, which means that the only permanently affordable residential units are the public housing complexes operated by NYCHA. As a result, even if a landlord of a rent-regulated or government-assisted residential unit does not engage in unlawful conduct to charge market rental rates, the fact remains that the unit will eventually become lawfully deregulated and convert to a market apartment, if the landlord chooses not to renew their regulatory agreement with HPD.

While these realities potentially paint a dire picture, make it all the more important that the City engage in serious preservation efforts.

The requirement of the Proposed Actions that any new development taking advantage of the upzoning comply with MIH obligations with respect to affordable housing is an important idea and a step in the right direction. That being said, there are ways that the City can improve upon the affordable housing requirement included in MIH. First, CB11 firmly advocates for deeper affordability, which is possible through, for example, financial incentives. CB11 has consistently maintained that MIH in new residential development should be set at 50/30/20, with 50% market units, 30% moderate-income units, and 20% low-income units. Second, CB11 maintains that the City is capable of incentivizing and encouraging the development of affordable housing by local non-profit developers; specifically, the City must give preference to local non-profit developers for any request for proposals ("RFP") for development on public land, as well as provide other financial incentives and relief for non-profit developers and their investors, in light of the fact that non-profit developers are more likely to maintain permanent affordability than their for-profit counterparts.

In sum, it is imperative that, in order to ensure East Harlem's long-term housing vitality and accessibility to our low- and moderate-income, the Proposed Actions include both robust strategies to enforce and expand existing legal protections for tenants aimed at preserving existing affordable housing and provisions for the construction of additional permanent affordable housing in any new development.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

Preservation/Protection

CB11's priority is the preservation and protection of affordable housing. As noted above, at least 75% of East Harlem housing is regulated in some fashion. Even after adjusting for the approximately 30% consisting of NYCHA public housing, nearly half of East Harlem residences are rent-regulated (subject to rent control or rent stabilization) and/or government-assisted housing. For these privately-owned, government-subsidized residential units, HPD can play a role in extending financial incentives to maintain these units as affordable units with regulated rent limits. To that end, HPD should expand the financial resources available to East Harlem building owners and developers to preserve affordable units by creating a neighborhood-wide HPD funding set-aside. HPD should work to identify privately-owned buildings that could most benefit from an injection of city funds, such as those in need of major repairs, and also those that have rent limits due to regulatory agreements in place between the landlord and the City, which are buildings whose owners may be amenable to the refinancing of their mortgages in exchange for an extension of the regulatory agreement.

Moreover, the City should identify those unregulated buildings containing between one and five residential units that may be suitable for entry into an affordable housing preservation program.

Additionally, the City must continue to fund the current expansion of free legal representation for those families making under 200% of the federal poverty line. In February 2017, Mayor Bill de Blasio and City Council Speaker Melissa Mark-Viverito announced an increase in funding of $93 million toward legal services for low-income tenants. This unprecedented allocation in funding for civil legal services in New York City Housing Court is a very positive step in the right direction. However, this recent increase in funding should be implemented in a way that serves to build upon the City's strides toward equal justice. The City should ensure that it robustly funds not only individual eviction defense, but also group representation of legal services providers. Group representation enables tenants, among other things, to adequately and efficiently address building-wide conditions, rectify power imbalances, and embolden renters to vindicate their rights. While there is overlap between the group and individual contexts, there exist important differences between those contexts with respect to leverage, strategy, and legal issues, to name a few. Tenants, tenant organizers, and tenant attorneys know this reality well, and the City must take heed if it wishes to ensure that this historic allocation of funds is deployed in a manner that actually effectively addresses the displacement forces the City declares it seeks to combat. To this end, the City must continue to vigorously fund the Tenant Rights Coalition ("TRC")--a project established by Legal Services NYC and The Legal Aid Society through City

funds--which has a mission specifically targeted to combating displacement forces of gentrification in the largely low- and moderate-income communities of color that are slated for up-zoning. The City must extend the TRC contract on terms that enable legal services providers to meet realistic benchmarks. CB11 is particularly interested in the renegotiation and extension of the TRC contract given the City's designation of zip codes that encompass East Harlem neighborhoods.

Furthermore, in light of the realities presented by rezoning, access to information, and disparate access to the courts depending on economic status, the City should provide funding to allow legal services providers to maintain East Harlem storefront offices and/or satellite offices in area community-based organizations for a period of no less than five years from the date of approval of the Proposed Actions, if ultimately approved. Such funding would allow legal services providers to have a visible presence in East Harlem, further increasing access to civil legal services for many individuals who may not receive judicial referrals or who do not otherwise have access to information regarding their legal rights and/or how to attain counsel in Housing Court proceedings.

In addition to the City's injection of needed funds to increase the level of tenant representation in Housing Court, the City itself must aggressively identify and penalize incidents of tenant harassment. The need for a proactive stance by the City in this realm is reflected in the EHNP as well as in the positions adopted by community organizations.

Additionally, the City must create a citywide Certification of No Harassment ("CoNH"). Under this program, landlords would have to attain a CoNH prior to alteration or demolition of a building that contained any rent-regulated unit within the last ten years. In order to attain a CoNH, landlords seeking to demolish a building containing formerly rent-regulated units would have the burden of proving that they have no history of tenant harassment. At a minimum, in the interim the City must expand the applicability of the current CoNH program to include CD11. The City must include the entirety of CD11 to account for the potential effects of the Proposed Actions on the areas outside of the study area.

Furthermore, the City must exercise its power to institute an anti-warehousing tax and/or additional tax on the transfer of warehoused residential properties. Such a tax would disincentivize the practice of allowing residential spaces to remain vacant for long periods of time. Implementation of an anti-warehousing tax will lead to productive use of property and increase the housing stock for the community. CB11

New Development

Although CB11's primary focus has been and continues to be the preservation and protection of affordable housing in our community, the Proposed Actions present an opportunity to ensure the development of permanently affordable housing stock. Under current zoning regulations in East Harlem, there is no requirement that affordable housing be built in new residential construction. As gentrification and its attendant displacement forces continues in East Harlem, residents risk replacement of the current housing stock with almost exclusively unregulated market units by way of new construction and deregulation of currently regulated apartments.

The City justifies the Proposed Actions as a tool to ensure that East Harlem preserves affordable housing and that any new residential development offsets displacement of low- and moderate-income residents through MIH, part of Mayor de Blasio's Housing New York plan. However, while MIH is a serious step in the right direction, it falls well short of addressing the housing affordability needs of the East Harlem community. The majority of East Harlem residents earn less than 30% of AMI, yet the deepest level of affordability under MIH is a set-aside of 25% of any new residential development averaging to 60% of AMI. Of this 25%, 10% will be required at 40% of AMI.

Though MIH is a step in the right direction in that it makes affordable housing mandatory in any new residential development, its current options are wholly insufficient to meet the needs of East Harlem. Not only is the affordable set-aside under MIH actually unaffordable for most East Harlem residents, but it also neglects the substantial percentage of East Harlemites who make over 80% of AMI. These East Harlem families would not qualify for the new affordable units, yet they have insufficient income to afford the unregulated market units or to afford them without being severely rent-burdened. Therefore, CB11 supports a 50/30/20 model wherein 50% of new units are market units and the remaining 50% are affordable units (30% of the units are available to moderate-income families and 20% of the units are accessible to low- and very low-income families, based on a percentage of AMI reflective of East Harlem). CB11 calls on the City to incentivize and subsidize the 50/30/20 model, so that 20% of new residential units will be available to residents earning less than 30% of AMI and 30% of new residential units will be set aside for residents earning between 30% and 120% of AMI. CB11 further calls on City and State subsidies that are directed toward deeper MIH affordability to be insulated against federal budget cuts. Particular in today's federal political climate, it is imperative that the City build a financial bulwark against the whims of the federal government.

Furthermore, it is important that developers meet MIH requirements within each building. That is, developers cannot be permitted to offset failure to meet the affordable housing targets by making up for the shortfall offsite. Permitting developers to transfer the shortfall to offsite projects serves to reinforce socioeconomic segregation, which reinforces notions of second-class status and defeats the purpose of mixed-income housing.

For any development on public land, including NYCHA in-fill proposals, CB11 demands that such development offer 100% affordable housing, with bands targeting a spectrum from 10% of AMI to 120% of AMI. Moreover, in the current climate of budget cuts of programs focused on assisting the most vulnerable families, CB11 requests that the City and State ensure that the incentives and subsidies toward housing preservation and deeper affordability in new development are insulated against federal budget cuts, so that the programs can run in perpetuity regardless of federal allocation decisions.

Finally, CB11 notes that although NYCHA public housing will not be directly affected by the rezoning, there will be myriad indirect effects created by the Proposed Actions. First, as stated above, any process that could yield development of NYCHA land must include the affected NYCHA residents and development should not occur without those NYCHA residents' approval. Second, the effects on economic opportunities, open spaces, and affordability of local goods and

services springing from the Proposed Actions, to name but a few areas, will have a direct impact on the day-to-day lives of East Harlem's NYCHA residents. CB11 steadfastly maintains that East Harlem, home to the second highest concentration of public housing projects in the nation, should not be up-zoned and developed in a manner that isolates NYCHA residents. NYCHA residents must be continuously respected as an important part of the fabric of our community. The City must improve the conditions and quality of life of CD11 NYHCA residents through sufficient funding, and it must actively consider the effect of any development on local NYCHA residents.

LOCAL ECONOMY

Practical effects of Proposed Actions on the local economy

East Harlem contains a significant number of businesses and non-profit organizations that collectively employ over 40,000 individuals. The City's Proposed Actions will have a tremendous impact on the businesses and organizations located in East Harlem. As the City's proposal stands, small businesses and non-profit agencies will likely face substantial challenges, such as steep increases in rent and non-renewal of lease agreements. Those small businesses and organizations that remain may experience further collateral consequences, such as the inability to retain employees due to the sharp increases in rent. Moreover, the failure of the Proposed Actions to limit the width of certain commercial spaces leaves small businesses vulnerable to displacement by chain stores, banks, or other large businesses.

Furthermore, East Harlem has a higher rate of unemployment than that of New York City and the country as a whole. The increase in development due to the City's Proposed Actions presents employment opportunities. Without requirements (and enforcement of those requirements) that developers hire local residents for their projects, East Harlem residents may experience a massive transformation of their community that largely leaves them on the economic sidelines, confirming a feeling of marginalization and exploitation.

Historically, East Harlem contained many local and family owned businesses, which provided vital products and services catering to the core residents. Often serving as a vital lifeline for integrating the community, local family based locales such as La Marqueta continue to this day. However, during the many years of accumulation of investment properties by non-East Harlem investors in the hopes of profiteering during heightened speculation has directly led to the aforementioned warehousing and devolution of the community, thus stifling economic opportunity.

Along First, Second and Third Avenues, many of these buildings do not achieve their commercial potential due to neglected, if not blighted conditions. The remaining businesses, which survive this process, are surrounded by storefronts that continually change due to increased unaffordable rent assessments. With current tax laws in effect, the owners of these properties possess no incentive to engage in fair negotiations with the existing tenants/businesses and in many cases the owners gain more by continuing the practice of rotating the commercial space for additional tax write-offs. Such practices result in abandoned storefronts. Coupled with the vacant apartments above the commercial spaces carry a stigma for investment and

revitalization, thus negatively impacting the surrounding environment and the community at large.

The incoming extension of the Second Avenue Subway will offer new advantages for many of these shareholders and the community. With this planned public works project, the potential for many of these investors to maximize their investment without community input may be realized. The Community Board has initiated outreach to advocate for the community with the aforementioned investors in the past and in most instances, the owners neither care to engage or at best are ambivalent to the community's overall needs. Beyond the general workforce development for this project and other future construction developments, responsibility for creating favorable terms for CD11 should be of the highest priority.

The City can dictate the terms to offset the negative impact of rezoning such as the potential displacement vacuum. The City possesses the singular opportunity to direct mandates through the combined efforts of the rezoning process and the City's legislative powers that would foster local economic growth through issuing incentives to property holders. Working in tandem with the City and State through issuance of financial mechanisms incorporating financial floors, ceilings, sunset clauses, etc. for CD11 specific rezoning would engender community-based engagement. Such implementation would foster retention of many of these treasured businesses that have survived and create an environment for more businesses to invest in our community. Adopting a community-based preference mechanism in conjunction with the above methodology would allow for a more engaged and comprehensive approach.

Beyond standard economic practices, engagement with neighborhood based MWBEs would engender a more widespread approach to the memorialized positions of CB11. Those small businesses and organizations catering to the needs of the community would create opportunities for both local hiring and commodities acquisition. Locally-owned businesses become the economic web for the community. As well as the cultural elements, many of these businesses cater to various economic bands within the community. By incorporating more locally-owned MWBEs from the community, the City will maintain a necessary component to maintaining the community fabric during the rezoning process. All the while, these businesses attract those outside of the community with a more robust disposable income. Additionally, these businesses trend towards hiring locally, which only engenders more economic opportunity for the community.

Further to the provisions above, the City should fully incorporate those enshrined positions and requests that align with the District Needs Statements, EHNP, and any and all positions memorialized by CB11. An approach of this nature would foster a renaissance of the community while mitigating the potential impacts associated from a rezoning process.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

Developers wishing to build in East Harlem should the Proposed Actions be approved must adhere to the following guidelines, which are specifically geared toward the inclusion of the East Harlem community, (located in zip codes 10029, 10035, 10037, 10128) and to serve as the basis

of economic development goals when executing land use actions for the building of local infrastructure, commercial, and residential projects:

1) Requirement for the utilization of community-based organizations ("CBOs"), located in East Harlem as a first source for workforce training, development, and placement on projects in East Harlem.

2) Implement funding to establish pipeline capacity for required training qualifications acquisition, trainee opportunities, or any prerequisite requirement assistance through local CBOs to ensure East Harlem residents have the ability to qualify for such placements. Include in funding initiatives, support for business development for women- and/or minority-owned business enterprises (" M/WBEs").

3) Ensure local community participation in all phases of development, not only during construction, but also in the pre- and post-construction phases. At a minimum, developers must hire East Harlem residents to be a minimum representation of 35% of their workforce.

4) Utilize local businesses and M/WBEs or disadvantaged business enterprises ("DBE"). Minimum participation level should account for 33% of projects stemming from the Proposed Actions.

5) Provide reports to CB11 throughout the project in order to track progress on the above items.

Of particular importance to CB11 is the way that lower income communities of color, which includes East Harlem, are subjected to a level of policing and prosecution that is not found in other communities. Once individuals have a criminal record, they experience a multitude of collateral consequences, including housing discrimination, inability to qualify for student loans, and employment discrimination, to name but a few. These consequences make it nearly impossible for those who have paid their debt to society to return to society as productive members. Consequently, it is critical that the City provide additional funds for non-profit organizations engaged in reentry work so that they can train East Harlem residents reentering the community after their sentence to attain the requisite skills for employment opportunities stemming from the Proposed Actions.

INFRASTRUCTURE

Practical effects of Proposed Actions on East Harlem's existing infrastructure

East Harlem has a population of nearly 125,000. While there are good transportation links between East Harlem and the rest of New York City, as well as the greater metropolitan area, the existing transportation is insufficient to optimally support the existing population, and the City's Proposed Actions will serve to exacerbate the existing infrastructure challenges facing East Harlem. Specifically, the 4, 5, and 6 trains are often overcrowded and are the MTA subway lines with the lowest rates of on-time departures and arrivals. The Q train recently opened three new stations, with the most northern station of 96th Street serving the southernmost point of CD11.

Further relief will occur when the MTA eventually opens the Q train Phase 2 stations of 106th Street, 116th Street, and 125th Street; however, by that point, East Harlem will have experienced considerable growth due to not only the Proposed Actions, but also due to large projects on Second Avenue that contain significant residential construction and are currently in the pipeline, such as the Avalon Bay project at Second Avenue and East 96th Street and the African Burial Ground at Second Avenue and East 125th Street. Additionally, crosstown travel is difficult and congested. Unless the crosstown links are improved and expanded, East Harlem will continue to face crosstown backlogs on a consistent basis. Finally, the increased density permitted under the Proposed Actions will see important but narrow corridors, i.e., Lexington Avenue and Park Avenue, facing increasing challenges with respect to pedestrian congestion and safety.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

Transportation

According to the Draft Environmental Impact Statement for the Proposed Actions (including the proposed Sendero Verde site), East Harlem can expect an influx of 15,962 residents and 3,803 workers by 2027. However, the Proposed Actions provide no means for addressing this substantial increase in population for the community. A massive influx of new residents, as well as workers, requires a significant investment in transportation to appropriately mitigate the impact that this new development will cause. In conjunction with the Proposed Actions, NYC must dedicate additional resources to improve methods of transportation in East Harlem. All of these considerations must consider not only the effect of the Proposed Actions but all other developments that are outside the scope of the Proposed Actions but nonetheless contributing to an increase in residents and a substantial change to the overall transportation needs of East Harlem.

In particular, NYC must improve existing transportation infrastructure and expand transportation opportunities in the following ways. First, NYC must ensure that funding is secured for the long-proposed Phase 2 expansion of the Second Avenue Subway. This expansion will provide additional means of transportation for East Harlem residents and will mitigate the overcrowded conditions of the only other subway in the East Harlem neighborhood. Until such time as Phase 2 of the Second Avenue Subway is actually constructed, it is important to require that the MTA and the NYC Department of Transportation actually mitigate the effect of increased ridership in the East Harlem community through alternative means. As of now, the Draft Environmental Impact Statement disregards the expected ridership in anticipation of the finalization of the Phase 2 project. Unfortunately, after years of being disregarded, CB11 remains skeptical that East Harlem will have an opportunity to benefit from the development of the Second Avenue Subway. Second, NYC must improve bus service in East Harlem. Both the north-south bus lines as well as the crosstown bus lines are regularly overcrowded and increased bus service will provide an invaluable service to East Harlem residents, particularly as a significant increase in neighborhood population is anticipated. Third, alternative public transportation must be encouraged. For instance, the proposed expansion of Citi Bike to East Harlem must be expedited and further expansion to ensure that Citi Bike is a viable method of transportation for East

Harlem residents. More importantly, Citi Bike membership costs must be reevaluated and potentially subsidized to make it a viable alternative for East Harlem residents.

Finally, vehicular traffic and congestion requires further consideration. In connection with the development spurred by the Proposed Actions, an increase in construction vehicles and other traffic is likely to increase. In addition, street closures and related detours seem likely as construction vehicles consume East Harlem's roadways. For instance, along the Park Avenue corridor where a R10 upzoning is proposed, the effect of construction vehicles along one lane streets in each direction seems likely to cause significant challenges to vehicular traffic in East Harlem. Mitigation must be considered and approval of street closures must take a comprehensive view of all developments in East Harlem and not just site-specific approvals or rejections.

Public Safety

As the population of East Harlem is expected to increase in connection with the Proposed Actions, CB11 believes additional resources are necessary to preserve the safety of the East Harlem community.

Police resources need to be expanded to reflect the anticipated increase in the population. Yet such increased resources need to also reflect a need for effective community policing. Overpolicing and overcriminalization must be avoided at all costs. As the population increases, CB11 expects that the police will continue to be a presence in the community but policing must avoid targeting specific populations. In addition, policing must be conducted in a manner that avoids creating the appearance of an actively policed neighborhood. Police must improve efforts at community engagement and community relations. Financial resources should be dedicated to promoting these efforts.

In addition to police, other public safety issues must be addressed. The Fire Department and EMS must also be sufficiently staffed and provided with the necessary resources to address an increased population. Other than emergency services, the anticipated increase in the population is likely to increase vehicular traffic and pedestrian traffic. The NYC Department of Transportation and other relevant agencies must consider how best to address this, how to promote pedestrian safety, how to avoid overcrowding on local streets and, otherwise, how to preserve a safe neighborhood.

Sanitation

The asthma hospitalization rate in East Harlem is among the highest of all neighborhoods in New York City. Among the top contributors to poor air quality in the community are its proximity to the FDR and the presence of two sanitation garages. As such, CB 11 believes that additional resources are necessary to address inadequate sanitation infrastructure and to mitigate poor air quality.

The expected population growth connected to the Proposed Actions will undoubtedly increase strain on outdated sanitation infrastructure, which, in its current state, exacerbates asthma related

illness and vermin. According to the EIS, development resulting from the Proposed Actions would generate approximately 133.3 additional tons per week of solid waste, of which approximately 55 percent (73.1 tons) would be handled by the New York City Department of Sanitation ("DSNY"). The increase in solid waste generated by the Proposed Actions translates to over 17 additional truckloads per week of solid waste. Air pollution from sanitation garages and trucks in the community should be mitigated by permanently relocating the M- 10 Sanitation Garage located on 131st Street and Park Avenue, which is in direct violation of the City's Fair Share Mandate. CB 11 believes the M-10 garage should be relocated to Central Harlem, the neighborhood it serves, in order to avoid further environmental and health damage to the East Harlem community.

Furthermore, the M-11 Sanitation Garage, which is currently adjacent to Metro East 99th Street, an affordable housing complex for seniors, continues to cause high rates of airborne particulate matter. While DSNY has proposed moving the M-11 Sanitation Garage to the Potamkin site on 127th Street and Second Avenue, their current proposal would do nothing to mitigate air pollution or vermin infestation by either upgrading the existing fleets with zero emissions buses and sanitation trucks or developing a fully enclosed, green facility with advanced indoor air filtration systems. It is CB11's position that the City should dedicate resources necessary to fund the construction of a consolidated sanitation garage for the CB11 catchment area, using best practices in environmental controls including a fully enclosed sanitation garage in addition to upgrading the entire sanitation fleet.

Finally, more trash receptacles are needed, and existing receptacles should be collected more frequently to prevent overflowing or littering, which can also have adverse impacts on stormwater drainage during heavy rainfall.

HEALTH

Practical effects of Proposed Actions on the health of East Harlem's residents

East Harlem has some of the poorest air quality in New York City, which has led to an asthma hospitalization rate among children ages 5 to 14 that is more than double the rate for New York City overall. The roads traversing CD11 as well as FDR Drive are frequently and regularly congested, which contributes significantly to the area's poor air quality. Additionally, and alarmingly, East Harlem has an infant mortality rate and a premature mortality rate that is nearly double the average for Manhattan in each category. East Harlem also has an elevated level of individuals living with hypertension, which is exacerbated by stressors like living in apartments with consistently substandard conditions or in households that are rent-burdened. The real estate realities in our community also heighten the risk of creation and/or aggravation of mental health conditions.

Regrettably, the primary and secondary health impacts of government action on the affected communities are often overlooked or given short shrift. The increase in population resulting from the Proposed Actions will further burden the transportation networks in the area. As noted above, the existing subway lines and bus options are overcrowded and already insufficient to

fully meet the existing public transportation needs of East Harlem. The increased demand will have both direct health impacts, e.g., worsening asthma rates, and indirect health impacts, e.g., increased stress. Additionally, the increase in property values and corresponding increase in rent levels due to an up-zoning of the area will contribute to further worry surrounding housing stability. As noted in the New York Academy of Medicine's East Harlem Neighborhood Plan Health Impact Assessment ("HIA"), there is a direct correlation between higher rent burdens and increased health problems and likelihood of postponing medical treatment for financial reasons. Its HIA also highlights direct correlations between housing unaffordability and poor mental health in low- and moderate-income groups, as well as acceptance of substandard housing conditions.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

CB11 firmly believes that the City's DEIS severely underestimates the number of people whose health will be adversely affected by the Proposed Actions, a position supported by the New York Academy of Medicine ("NYAM"), one of the community partners engaged in the EHNP process. NYAM's HIA highlights the East Harlem health realities, which entail a community already combating hypertension, obesity, child and adult asthma, diabetes, and mental health issues--and avoidable hospitalizations due to these conditions--at a rate well above Manhattan and New York City averages.

Without implementation of the recommendations herein regarding housing preservation and deeper affordability in new development, the City's Proposed Actions will certainly lead to deterioration in the health of current East Harlem residents, particularly those who are low- and moderate-income, which encapsulates the vast majority of CD11 residents. In order to mitigate the health impacts that any up-zoning of the area would undoubtedly bring about--in addition to the implementation of the recommendations with respect to density, transportation, infrastructure, as well as housing recommendations concerning housing preservation, housing maintenance, and deeper affordability--the City must encourage development design and construction specifications that mitigate noise pollution, particularly near the Park Avenue viaduct, and incorporate green design. Moreover, all new development must incorporate dust mitigation techniques to reduce the impact on the health of existing residents. Furthermore, the City must allocate a substantial increase in funding for community treatment programs specializing in asthma or mental health, as well as facilities offering basic, low-cost preventative care.

Finally, CB11 notes that the City's process for assessing the health impact on the residents of any community slated to be rezoned is fundamentally flawed and leads to counterfactual determinations that there will be little to no impact on the health of current residents if new development occurs. Consequently, CB11 calls for future health impact assessments performed not only by the City, but, as detailed above in the Introduction, to the extent that any neighborhood-wide rezoning (or any rezoning of any NYC neighborhood whereby five (5) or more city blocks are proposed for rezoning, NYC Department of City Planning or any other city agency, office or elected official shall ensure that the community board for the affected community shall be provided with funding reasonably sufficient to conduct an environmental

impact statement, in addition to any required environmental impact statement any city agency may itself conduct, through a vendor or contractor of its own choosing.

SCHOOLS/EDUCATION

East Harlem faces unique challenges with respect to the educational needs of our children, as youths (up to 24 years old) consist of one-third of the area's population. CB11 has long advocated for increased investment in our school's capital needs, as well as an expansion of programming for pre-K, daycare and afterschool programs in our community. The Proposed Actions seek to create both affordable and market-rate housing opportunities in the East Harlem community, which CB11 is supportive of such efforts. However, the analysis regarding the direct and indirect effects of the Proposed Actions on Community Facilities raise several concerns that require mitigation or further consideration. The Proposed Actions are estimated to increase the community's residents and workers by approximately 9.5%, from the original estimate of 4.5%, which will undoubtedly increase the number of youths and cause further strain on the current limited spaces in the schools.

This section will evaluate the Proposed Actions and how they meet the needs and concerns of the East Harlem community about Schools and Education. First, this section will address a known calculation error with using CEQR Technical manual to determine generation rates for youths. This error significantly skews the reality and may cause the Proposed Actions to have a significantly adverse impact to East Harlem. Second, this section will discuss the concerns regarding the methodology used to demonstrate the Proposed Actions will not have a significantly adverse impact to the neighborhood. Third, this section will provide data from the NYC Department of Education that contradicts the analysis provided by the Proposed Actions.

Practical effects of Proposed Actions on East Harlem schools and educational needs of East Harlem's students

There are concerns regarding the rezoning-neighborhood plan and how youth and school seats are counted under the current DOE use, which does not accurately account for the numbers in our community. Over the years, CB11 has drawn attention to the fact that the composition of youths in this district has consistently been different than the rest of the borough. East Harlem School District 4 has approximately 24.2% students with disabilities, as compared to 18.7% for New York City overall, and only 18% of East Harlem students graduated from high school ready for college, as compared with 70% of students graduating on the Upper East Side. The Proposed Actions uses the school children Generation Rates in the CEQR Technical Manual in its analysis, which is a known error as it regards data gathered from the entire borough of Manhattan. The Final Scope of Work needs to explicitly address this error, otherwise it is intentionally undercounting the number of school children generated by the action.

According to the 2014 CEQR Technical Manual, a significant adverse impact may result, warranting consideration of mitigation, if the proposed project would result in both of the following:

- A collective utilization rate of the schools in the study area that is greater than 100 percent in the With-Action Scenario; and

• An increase of five percent or more in the collective utilization rate of the schools in the study area between the No-Action and With-Action Scenarios.

This methodology indicates that even if the collective utilization rate is greater than 100%, so long as the difference is not greater than five percent, the Proposed Actions is not considered a significantly adverse impact. However, a utilization rate greater than 100% suggests that there is overcrowding in schools, thus adding even one percent is exacerbating the existing condition. Using this methodology does not adequately justify that there isn't significant adverse impact to the study area.

The analysis also does not provide percentages for the current utilization rates of Community District 4 schools. Furthermore, there is no data provided that addresses the current infrastructure of the district's schools. Without these necessary data points, it is impossible to verify or adequately evaluate the Proposed Actions' impact. Based on 2015-2016 School Year Enrollment Capacity and Utilization Report produced by the NYC Department of Education, Elementary and High School target utilization rates in Community School District 4 have both exceeded 100%. Thus, any additional load of students will aggravate the current condition. This is precisely why the current methodology fails to justify the Proposed Actions will not have a significantly adverse impact to the neighborhood.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

School Children Generation Rates in the CEQR Technical Manual

There is a known error with the student generation rates found in the CEQR Technical Manual. The rates found in the Manual are as follows:

Student generation rates for all unit types from the CEQR Technical Manual

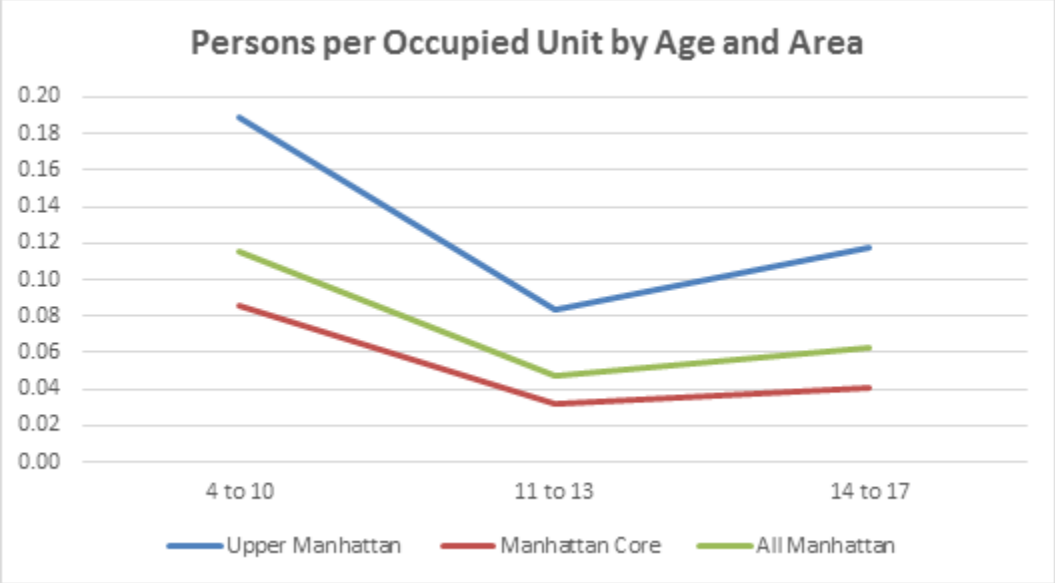
Borough	Elementary	Middle school	High school
	(Age 4-10)	(Age 11-13)	(Age 14-17)
BRONX	0.39	0.16	0.19
BROOKLYN	0.29	0.12	0.14
MANHATTAN	**0.12**	**0.04**	**0.06**
QUEENS	0.28	0.12	0.14
STATEN ISLAND	0.21	0.09	0.14

The New York City Zoning Resolution makes a distinction between the Manhattan Core and upper Manhattan in a host of land use policies. Zoning has shaped these two areas of Manhattan and created places with important physical, cultural and socio-economical differences. Therefore, it is reasonable to assume that the children are not produced at the same rate.

Student generation rates for all unit types from 2010-2014 ACS PUMS

	Elementary	Middle school	High school
	(Age 4-10)	(Age 11-13)	(Age 14-17)
CEQR Data	0.116	0.047	0.063
Upper	**0.189**	**0.083**	**0.117**
Core	0.085	0.032	0.041

Furthermore, data queried from the American Community Survey (ACS) Public Use Microdata (PUMS) file confirms this, as Upper Manhattan produces more than twice as many school-aged children per unit as the Manhattan Core. By averaging upper Manhattan and the Manhattan Core together, CEQR uses a generation rate that is wrong for both regions: under-estimating the number of school-aged children in upper Manhattan and over-estimating the number of school-aged children in the Manhattan Core. The above table is shown graphically below:



The ACS PUMS is a US Census Bureau product that is widely considered to be the timeliest and reliable source of data for such detailed queries. Since the best data available for this kind of analysis tells us that the Manhattan Core and upper Manhattan function differently when it comes to child production, the environmental review for the East Harlem rezoning cannot use the student generation rates found in the Technical Manual because they are demonstrably incorrect. The DGEIS should evaluate the Proposed Action impacts using student generation rates represent the different area rates of Manhattan Core and Upper Manhattan.

All this being said, no sophisticated jurisdiction outside New York City generates estimates of school-aged children absent of assumptions of the type of units being built by number of bedrooms. Simply, 100 studio apartments will produce far fewer school children than 100 two bedroom apartments and student projections should be taking this into account. But with few exceptions, CEQR requires that all units are treated the same, which is illogical if the goal is to produce reliable estimates.

Therefore, CB11 requests that the East Harlem Rezoning EIS perform its analysis again using the ACS generation rates for Upper Manhattan only, and the Draft Scope of Work should be

amended to instruct the use of these rates, and accompanied by a discussion of why the rates in the CEQR Technical Manual are not being used. Alternatively, the East Harlem Rezoning EIS could develop estimates based on Reasonable Worst Case unit mixes for the project. In the future, New York City should develop generation rates with at least as much sophistication as other jurisdictions in the United States, and recognize that unit mixes, unit types, tenure, affordability, and even the age of the building matters in school children generation.

PARKS/OPEN SPACES

Practical effects of Proposed Actions on parks and open spaces

East Harlem currently faces a shortage of communal open spaces. Thomas Jefferson Park and Marcus Garvey Park are the largest parks bordering the areas affected by the Proposed Actions. A large section of the East River Esplanade represents the eastern border of our neighborhood. Additionally, the southwestern portion of CD11 borders the northeast corner of Central Park. Although these parks and open spaces provide a good foundation for East Harlem, there is much that can be done to improve the availability and quality of open areas for the residents of Community District 11 (CD11). Furthermore, these spaces including community gardens, playgrounds, and parks, will undoubtedly be further strained as the population grows. The City sets a benchmark of 1.5 acres of open space per 1,000 residents, while New Yorkers for Parks sets a goal of 2.5 acres per 1,000 residents; regardless of which measure one uses, East Harlem falls below that threshold. The City's Proposed Actions permit a drastic increase in residential density, which will greatly increase the use of what open spaces currently exist and will also incentivize the use of land for maximum profit, which in turn will require the vigilant safeguarding of East Harlem's parks and open spaces. Indeed, this is a time for the City to engage in active planning to improve and expand CD11's open spaces.

According to the CEQR Technical Manual, a proposed action may result in a significant adverse direct impact on any specific open space resources if there would be direct displacement/alteration of existing open space. Eugene McCabe Field is a jointly operated playground adjacent to P.S. 79 within the areas that is subject to rezoning by the Proposed Actions. Although there are no specific development plans for Eugene McCabe Field, the proposed high density rezoning will bring development pressures that may change the playground's use in the future.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

The development of Sendero Verde and the Proposed Actions are expected to increase the population of East Harlem by over 12,000 residents and workers in the next 10 years. Although, the study indicates that the increased demand would not result in significant adverse impacts to open spaces, it will increase the original population growth by over 50%. In addition, the Final Scope of Work analysis details the necessary negative externalities of shadows that the Proposed Actions will cause to existing open spaces. It is then reasonable to recommend that additional funds are allocated towards existing open spaces like the East River Esplanade, and other parks and playgrounds to offset these externalities. In 2016, the New York City Department of Parks

and Recreation (NYCDPR), its Community Parks Initiative (CPI), and the Randall's Island Park Alliance (RIPA), inaugurated the East Harlem Esplanade Project, which aims to completely rebuild the 107th Street Pier while expanding its programming in the process. This all includes a strategy pertaining to reconstruction advocacy, stewardship, and programming best practices for an improved Esplanade along East Harlem, covering East 96th to East 125th streets. In order to maintain and/or improve the quality of life for residents of East Harlem, it is crucial to expand and improve on these efforts.

Currently, Eugene McCabe playground is within the R7-2 zoning, but is within the area planned to be rezoned to R10. In order to preserve and protect Eugene McCabe playground from being developed/redeveloped, CB11 recommends that this space is carved out of the rezoning Proposed Actions.

CONCLUSION

For all of the reasons detailed above, the Proposed Actions must be considerably modified before CB11 can support the City's plan. In its current form, the City's proposal to rezone East Harlem utterly fails to account for the community's needs. The City must match its rhetoric with action. The impact of the Proposed Actions in their current form would be far-reaching and destructive for the overwhelming majority of East Harlem's current residents and would upend our community's vibrant culture and character. The City's plan to rezone our neighborhood is part of its plan to ensure housing stability and affordability throughout New York City; however, the years-long process that has yielded CB11's recommendations makes clear that a more nuanced and local approach is required. It is not enough for the City to say that it cares about low- and moderate-income New Yorkers; it must demonstrate that dedication through proposals that address the needs of the community as laid out by the community itself.

Community Board 11 (CB11) does not recommend approval of ULURP Application Nos. C 170358 ZMM and C 170360 HUM unless such proposed actions are considerably modified to reflect the interest and desires of the residents of East Harlem. Modifications are as follows:

1. Maximum R9 and R9-equivalent up-zoning, exception being R10 equivalent district along modified 125th Street Special District
2. Require special permit application process for commercial parking garages
3. Enhanced commercial district on 116th Street, limiting size of storefronts
4. Carve out Eugene McCabe playground and Henry J. Carter Specialty Hospital
5. Include 127th Street between Park Avenue and Lexington Avenue
6. Include current carved out portions of north Park Ave
7. If 116th Street is rezoned, public transportation must be folded into building envelope
8. Utilize local community-based organizations for workforce development, training, and placement on East Harlem projects
9. Establishment of adequately funded workforce development program, which offers certifications and apprenticeships necessary to
10. 35% of workforce must be from East Harlem

11. Funding for community partnerships with existing local reentry programs to facilitate productive transitions for those returning to society after criminal convictions
12. Preference for MWBE/DBE
13. Creation of tax incentive program to incentivize contracts with local MWBE/DBE in development
14. Creation of tax incentive program for commercial property owners to ensure growth of small businesses
15. Community engaged before, during, and after construction, with regular reports to CB11 to track progress on goals
16. Renewal of anti-displacement legal services contracts, i.e., Tenant Rights Coalition, with realistic benchmarks determined by current housing law practitioners that enable thoughtful and effective group representation in order to harmonize rhetoric with reality in combating and/or mitigating the effects of gentrification
17. Increase the number of HPD inspectors as well as convenience of inspection times, and ensure adequate follow-up on whether violations were cured, efficiently issuing fines where the violations go uncorrected beyond the time allowed by law; importantly, HPD must increase its response to complaints regarding emergency conditions (e.g., no heat or hot water), as well as promptly fine and correct failures to correct emergency violations, with the agency billing the emergency repairs to the landlord
18. Greatly increase HPD outreach on HPD's role in addressing housing maintenance issues and create and publicize HPD website with consolidated user-friendly information regarding housing maintenance issues
19. Increased, proactive outreach by City to identify landlords who could benefit from subsidies to being unregulated buildings into rent-regulation schemes
20. Establishment of citywide Certification of No Harassment, or at least expansion of current program to all of CD11
21. 50/30/20 MIH made possible through subsidies
22. Prohibition against offsetting affordable housing offsite
23. Public land reserved for 100% affordable residential housing, which includes any NYCHA in-fill (affected NYCHA residents must be included in decision-making)
24. Priority given to local non-profit developers in all RFPs for development on public land
25. Ensure that City and State subsidies directed toward housing preservation, deeper affordability in new development, and open spaces continue in perpetuity, regardless of federal budget allocations
26. Increase programs and subsidies for homeownership opportunities for low-income and moderate-income families
27. M11 sanitation garage must be in fully enclosed facility with updated technology
28. City must relocate M10 sanitation garage to central Harlem to comport with Fair Share Mandate
29. Funding for asthma and mental health treatment centers, as well as facilities offering preventative medical care
30. Health impact assessment must be done not only by City, but also by community-based organization and/or local community board

Full Board Vote: 32 in favor, 9 opposed, 1 abstained and 1 no vote

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

Sincerely,

Diane Collier
Chair
Community Board 11

Enclosure

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

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Gale A. Brewer, Borough President

August 2, 2017

Recommendation on ULURP Application Nos. C 170358 ZMM, N 170359 ZRM, and C 170360 HAM - East Harlem Rezoning by The New York City Department of City Planning

Summary of Recommendation

The East Harlem Neighborhood Plan (EHNP) is a community driven plan for the redevelopment of East Harlem produced after an almost two-year process with input from hundreds of community stakeholders. It calls for:

(1) An extensive and upfront effort to preserve affordable housing;
(2) A maximum residential density of R9 or R9A on certain avenues to preserve neighborhood character;
(3) A broad rezoning area stretching all the way down to East 96th Street to ensure that the development needed to create adequate affordable housing is not so concentrated that it puts existing neighborhood context at risk;
(4) A plan for setting aside no less than 20 percent of the new affordable housing to be for residents earning at or below 30 percent of Area Mean Income (AMI);
(5) Addressing a number of community needs including preservation of cultural and historic resources, NYCHA funding, and resources for youth and seniors.

The Administration's ULURP application addressed here, while intended to create and preserve affordable housing falls short of the community plan in a number of significant ways. Additionally, Manhattan Community Board 11 in a show of faith with the extraordinary process that was the EHNP, issued a recommendation with conditions to improve the rezoning framework but significant progress has not been made in satisfying those conditions.

This application:

(1) Fails to provide a significant enough upfront preservation effort to stem the loss of existing affordable housing in East Harlem;
(2) Rezones significant swaths of Park Avenue and Third Avenue to the maximum residential density of R10;
(3) Shrinks the boundaries of the rezoning to exclude East 96th Street to East 104th Street necessitating the higher densities on Park and Third avenues;
(4) Fails to demonstrate that the target of 20 percent of newly developed affordable housing will be affordable to East Harlem residents earning below 30 percent of AMI; and

(5) Does not address many of the needs identified by the community, including a viable cultural and historic building landmark plan.

I support an East Harlem rezoning, but I cannot support the administration's ULURP application. I support most of what is contained in the EHNP, although it is not perfect. When I supported the administration's mandatory inclusionary housing program two years ago, I recognized that somewhat higher density would be required in order to build large amounts of new affordable housing. But the degree of density would have to be consistent with neighborhood context and community input. Here, the community gave extensive, thoughtful and informed input, but the administration could not see its way to support significant elements of the community's recommendations, which forces me to recommend a disapproval of the application.

Introduction

Residents of East Harlem are frightened by and angry about the prospect of tenant displacement caused by widespread and rapid gentrification. By all measures, it appears that East Harlem has been and continues to be one of the most quickly gentrifying neighborhoods in New York City. It is one of the neighborhoods in the City where rents are increasing most rapidly[1] and affordable housing is being lost at a fast pace[2]. According to the East Harlem Neighborhood Plan (EHNP), there are 46,000 households in East Harlem and over a quarter of them have severe housing needs that include those who spend more than half their income on rent, those entering homeless shelters, and those living in extreme overcrowding. The neighborhood is losing close to 300 units of affordable housing from rent protections and regulations every year with the rate of loss increasing substantially each year. If nothing is done (or if what is done does not adequately address the problem) we leave 12,000 households who currently remain in need of affordable housing or housing that they can afford.[3]

In the meantime, new as-of-right development continues in East Harlem under the current zoning framework and with no requirements for affordable housing. Through the purchase of existing buildings, new owners are pricing their apartments to take advantage of a hot market. The average costs per square foot of multifamily buildings in the neighborhood rose to $416 in 2016, an 8 percent increase from 2015. This year development sites are going for over $200 per-buildable-square-foot, a 25 percent increase from 2015.[4]

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[1] Kolomatsky, Michael, "South Bronx Rent Increases Greatest in the City". NY Times. March 3, 2017. Retrieved from https://www.nytimes.com/2017/03/03/realestate/south-bronx-rent-increases-greatest-in-the-city.html

[2] Clark, Dartunorro, "East Harlem's Affordable Housing 'Under Threat,' Report Warns". DNA Info. August 16, 2016. Retrieved fromhttps://www.dnainfo.com/new-york/20160812/east-harlem/east-harlems-affordable-housing-under-threat-report-warns

[3] This number represents the "total serve housing need" for East Harlem which includes those entering homeless shelters, households severely rent-burdens and those units that are severely overcrowded. More information, including the data sets used, can be found in the EHNP, pg 85 http://www.eastharlemplan.nyc/EHNP_FINAL_FINAL_LORES.pdf

[4] *East Harlem: A.K.A. "The Neighborhood Hood" - Market Report, Quarter 1 2017* GFI Realty Services, LLC pg. 7 Retrieved from http://gficap.com/wp-content/uploads/2017/03/Marketing-Report_Q1_2017_Final.pdf

In these circumstances, doing nothing is not an option - unless we want to see accelerating large-scale displacement of East Harlem residents. To prevent this, our first priority is to preserve as much existing affordable housing as possible. Second, we need to ensure that new development creates housing that is affordable to neighborhood residents and to limit market rate development that speeds up displacement. Finally, we must, as I have always maintained, require that development respect the neighborhood character.

In March 2015, I joined Council Speaker Melissa Mark-Viverito, Manhattan Community Board 11 and Community Voices Heard as a project partner for the EHNP steering committee. The process involved 21 stakeholders, 8 public visioning workshops and over 40 meetings. Approximately 1,500 East Harlem residents helped inform over 260 recommendations that covered 12 key topics areas. It was not an easy process, and all the Steering Committee partners worked hard to overcome the significant fears over adverse impacts on the part of stakeholder organizations and community members. The City knows this because the Department of City Planning (DCP) was present at most meetings and public forums.

That process culminated in the East Harlem Neighborhood Plan (EHNP) (www.eastharlemplan.nyc), a comprehensive roadmap for the redevelopment and future growth of the community. The plan is designed to carefully balance the goals of preserving and developing affordable housing, protecting neighborhood character and affording sufficient opportunity for development. That plan includes:

- An array of preservation actions including substantial funding for tenant legal services and organizing, and an East Harlem anti-harassment/anti-eviction district similar to the Special Clinton District to deter and remedy abusive practices by landlords; and a land trust and other mechanisms to preserve distressed and warehoused properties for affordable housing;
- Boundaries that stretch further south on the Avenues – in some cases to the upper East 90s -- than the boundaries in the DCP proposal, so that greater density as well as affordable housing opportunities could be spread over a larger area and significant luxury housing pressure above East 96th Street might be tempered with mandatory inclusionary housing;
- No greater density than a R9 or R9A District on Avenues and wide streets to preserve neighborhood character and ensure that additional density is not being utilized predominantly for taller luxury housing that puts additional pressures on rents and strains preservation efforts; and
- A minimum requirement that 20 percent of the affordable housing added be for income brackets at or below 30 percent of AMI, with specific commitments to go even lower, so that they would be available to East Harlem residents and so that the affordable housing component of the rezoning would not further exacerbate displacement.

Even with these well-considered and carefully balanced recommendations, crafted to maximize benefit to the East Harlem community, there was concern among community stakeholders that significant new development would increase housing pressure on residents without providing sufficient housing opportunities that would be available to them.

When the DCP certified this application, it was obvious that there were some major differences that we hoped could be resolved. But at this point, despite the community planning process they participated in, the administration has not made sufficient progress in resolving these differences.

Separate from the zoning - but almost equally important - are the policy, capital and programmatic recommendations in the EHNP that were made to offset impacts from any proposed rezoning. While the administration committed to some significant items, key priorities that were outlined by the EHNP steering committee still remain unaddressed and even more are awaiting further discussion.

Perhaps the most significant of all the issues continues to be density. Not only has the administration insisted on keeping large swaths of Third Avenue and Park Avenue with an R10 zoning designation, they have included a loosening of the tower-on-a-base rules so that even taller building heights can be achieved. These building forms -- much more appropriate for luxury high-rise buildings than for building affordable housing -- only further feed the community's fears that the proposal is tipping the balance too far in favor of market-rate development. It is the opposite of how we should be adjusting this proposal.

In addition, the administration has failed to commit to an up front and rigorous housing preservation program for the neighborhood. The City's plan for housing preservation in East Harlem remains in draft form and has been criticized for needing to be more tailored to East Harlem. To feel confident about the preservation program it would need to:

- Permanently increase enforcement and building sweeps by HPD in East Harlem;
- Integrate more mission-driven developers and community land trusts into city sponsored new development on city-owned land;
- Rely on those same partners to rehabilitate distressed and abandoned properties for use as affordable housing; and
- Create an anti-eviction/anti-harassment district modeled on the Clinton Special District.

Another place where the Administration and the EHNP diverge from one another is on the appropriate boundaries of the rezoning. As part of the EHNP process, the facilitators and steering committee members had difficult conversations with the public about the tradeoffs between density and affordable housing. The final position in the EHNP represented a compromise that would trigger the minimum amount of additional density required to create new affordable housing but spread out that new bulk throughout the neighborhood so that no specific corridor would be overly burdened with a drastic change in scale or pressure from new users. The City's application narrows the boundaries - leaving out the area west of Second Avenue and below East 104th Street - and calls for the maximum residential density allowed on swaths of Park Avenue and Third Avenue. Rezoning proposals at the start maximize their scope for the purpose of environmental review; but the City's unwillingness to compromise from that maximum is not reasonable or in the best interest of the community. East Harlem needs new affordable housing is needed for the neighborhood, but the distribution and concentration of new development should reflect to recommendations that came out of the EHNP process in which so many local participants sough to balance growth and preservation.

Finally, and admittedly difficult to address, is the need for commitments on how we can achieve deeper affordability in the planned affordable housing. The EHNP called for a minimum of 20 percent of affordable units to be affordable to those earning 30 percent of AMI or less. We have barely been able to meet that target in most projects on City-owned land. If we cannot do it there, success is less likely on private development. Thus, from the community's perspective, their fears of too much luxury development are compounded by fears that even the affordable development will remain out of reach.

Each one of these failings alone, while significant, might not be fatal. But in the aggregate, given the enormous study and work of the EHNP, a failure to address and incorporate the community's concerns and recommendations puts the proposed proposal at odds with the community planning process.

What follows below is my recommendation on the City's proposed application for the rezoning of East Harlem. Because the factors I have outlined are so essential to an acceptable rezoning, this recommendation is a recommendation to disapprove.

BOROUGH PRESIDENT'S COMMENTS

After careful review, the application in its current form still does not represent a plan that I believe ensures a better future for East Harlem and for that reason I cannot support it. While the application shares broader themes with the EHNP about the need for required affordable housing, active street walls, and concentrating new commercial use along the viaduct to better utilize that area, there remain significant points of disagreement.

As Borough President, I came into office determined to challenge the top-down planning framework that drove many neighborhood-rezoning efforts. Instead, I have worked for decision-making models that approach planning from the bottom-up.

For Manhattan Community Board 11, which encompasses the East Harlem neighborhood, the loss of affordable housing and corollary need for new affordable housing development, the increased market-rate development, the increasing occurrences of tenant harassment, and the displacement of existing residents, motivated discussions and repeated efforts to plan comprehensively. The Board, with the help of Civitas and the Regional Planning Association, launched several studies to understand the various housing problems of their community and come up with solutions. Other advocacy organizations such as Picture the Homeless undertook their own analysis and focused on underutilized and warehoused properties, which they believed could contribute to replenishing a diminishing affordable housing stock if activated and put into the hands of nonprofit developers and/or community land trusts.

With the announcement of Mayor de Blasio's housing plan in 2015 and its focus on East Harlem, the East Harlem Neighborhood Plan Steering Committee, convened by City Council Speaker Melissa Mark-Viverito, came together to respond with a bottom-up plan for the future of the community. Two years of in-depth analysis, engagement, research, organizing, and consensus building produced a plan and a process that has been recognized nationally as the gold standard

for other neighborhoods to replicate. In the end, we believed that the Plan was a fair and comprehensive strategy for achieving critical neighborhood investments.

The EHNP was submitted to the administration in February 2016. The City made its proposal in the fall of 2016, and while there were some significant differences, members of the EHNP believed these differences could be resolved. My office and the rest of the members of the EHNP spoke to the Administration early about our disagreement with this application's proposed densities along portions of Park and Third Avenues. We also voiced our concern that there were no specifics on how the potential gap between the affordability of the lower-income housing proposed to be developed and the incomes of the current residents would be addressed.

Unfortunately, months of meetings did little to resolve differences on the environmental analysis, the geographic boundaries and additional density proposed by the City. Given the difficulty involved in coming to the consensus in the EHNP, the failure to make headway on significant differences with the administration lead us to conclude that the City's proposal is inappropriate.

Land use applications for the redevelopment of East Harlem constitute only one piece of the neighborhood plan necessary to achieve the complement of preservation and growth the neighborhood desperately needs and has been promised. The Mayor's 10-year housing plan commits to aggressive preservation strategies including legal services, other anti-harassment programs and funding for rehabilitation of existing housing. The allocations of dedicated pools of capital for rezoning areas through the Neighborhood Fund (administered by EDC), the Rezoning fund (administered by DEP) and the Housing and Acquisition Funds (separate entities, both administered by HPD)[5] and the mayor's statements and housing plan created an expectation that neighborhoods subject to these rezonings could expect an upfront, targeted and aggressive preservation program in conjunction with any rezoning proposal[6].

While there are some City-wide programs and strategies available for housing preservation, the programs are not comprehensive, sufficiently funded or tailored to meet the preservation challenges of the East Harlem community. East Harlem is a community in which three-quarters of all housing is regulated in some form, units are rapidly being deregulated and landlords are warehousing properties subject to regulations. What is more, some 28 percent of residents live in distressed NYCHA properties. So there is a clear need for more aggressive and tailored strategies.

In addition, the EHNP sets forth numerous other capital and programmatic investments needed to ensure the success of the neighborhood rezoning as contemplated in the Administration's housing plan. While some of these have been addressed, others, discussed below, have not. All of these programmatic and capital needs-related recommendations have been available to the administration for over a year and a half and could have been incorporated into commitments accompanying this rezoning proposal.

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[5] *Capital Spending & Neighborhood Rezoning: More Than $1.6 Billion Planned for New Infrastructure Funds.* New York City Independent Budget Office. May 2015. Retrieved from http://www.ibo.nyc.ny.us/iboreports/capital-spending-neighborhood-rezoning-more-than-1.6billion-planned-new-infrastructure-funds-may2015.pdf

[6] Housing New York: A Five-Borough, Ten-Year Plan. Office of the Mayor. May 2015. Retrieved from https://shnny.org/images/uploads/NYC-2014-housing-plan.pdf

To separate the land use elements from the programmatic and capital-needs elements of the plan would yield an inadequate analysis of the merits of the proposal and so for our review we consider the work done on both the zoning and community commitments together.

We begin with what, in my opinion, should come before, and continue throughout and beyond the period of any rezoning – the preservation effort. Then, a discussion of the proposals for the development of new affordable housing is laid out, followed by a discussion of the need for additional support for NYCHA developments. Next, this recommendation covers the land use issues of rezoning boundaries, density, and other zoning issues. And, finally we address other programmatic and infrastructure efforts to strengthen the East Harlem Community. We are left with an incomplete picture of what the impact of this application will be and how we can ensure the better future for the community promised by the applicant. Ultimately, the current proposal falls short in both the land use and the programmatic categories.

Affordable Housing

Housing Preservation Plan

If we are concerned about affordable housing for the residents of East Harlem then protecting the existing housing stock is essential. Approximately 75 percent of East Harlem residents live in regulated housing.[7] Given that East Harlem has lost approximately 3,444 units of affordable housing since 2007 and is estimated to lose 3,666 units over the next 13 years,[8] this proposal needs to lead with a robust preservation strategy because new construction alone is insufficient.

A central idea behind all of the administration's neighborhood rezonings is to create opportunities for new development that include significant amounts of required affordable housing in areas that are experiencing major development pressures. A plan to preserve affordable units is essential to ensure that these plans actually result in a net gain of affordable housing and not merely an attempt to tread water against strong currents of incoming market rate housing and outgoing regulated units.

The City has put forward a draft of their preservation plan for East Harlem with goals to preserve and develop affordable housing, reduce barriers to applying for affordable housing and increase economic opportunities along-side their planned housing investments. The draft report provides important details about the housing crisis in East Harlem, the impact of as-of-right development in a strong real estate market on stability in the neighborhood and why government intervention is necessary to stave off further harm. The analysis goes on to outline several existing and some new programs that correspond to the aforementioned goals. But this housing preservation plan falls short from what the EHNP and other stakeholders requested to have in place prior to the push for more density.

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[7] *Draft East Harlem Housing Plan.* Office of Neighborhood Strategies, NYC HPD. pg. 5. May 1, 2017. Retrieved from http://www1.nyc.gov/assets/hpd/downloads/pdf/community/east-harlem-housing-plan-draft.pdf

[8] The data is based on CB11 analysis, using RPA affordable housing database, John Krauss rent stabilization data, and NYC PLUTO database. pg 83 http://www.eastharlemplan.nyc/EHNP_FINAL_FINAL_LORES.pdf

A draft housing plan that has been crafted and circulated to the public is a laudable step forward but its status as a "draft" highlights its failure as an upfront and aggressive strategy. Strategies to forcefully root out existing harassment and poor building conditions, which will only be exacerbated with the incentive to develop even with new affordable housing requirements, need to be underway now.

As part of their analysis of conditions on the ground, the HPD's Office of Enforcement and Neighborhood Services (OENS), the Neighborhood Planning and Preservation Unit, the Division of Neighborhood Preservation (DNP) coordinated to do "block sweeps" and additional enforcement visits as part of the development of the proposed rezoning. The results included a more robust list of distressed properties that can be stabilized through subsidized repairs or proactive identification of places that need tenant services, violations correction or litigation. While the temporary increase in services were welcome it still is unclear if this heightened level of involvement is permanent for an area that has needed it for some time and will need it even more moving forward.

Also missing is a commitment that strengthens the anti-harassment protections afforded to tenants in situations where bad landlords are creating unsafe conditions and trying to remove tenants to achieve higher rents. For tenants, the burden of providing proof of harassment is extraordinary, with most judges requiring an extensive history laid out in excruciating detail for a case to be seriously considered. A *Real Deal* article from July 2017 explained that in NYC Housing Court from 2014 to 2016 tenants only won 2 percent (or less) of cases brought when suing for harassment. In 2016, only 15 of the 977 cases that tenants lodged were decided in a tenant's favor.[9] Recommendation 1.7 of the EHNP called for an East Harlem anti-harassment / anti-eviction district, modeled after the Special Clinton District on Manhattan's West Side with the funds to support tenant organizers that will monitor for abuse. At our first meeting with HPD after the release of the report, my office made clear that this would be essential to any support for this proposal. In response, we were told that a citywide answer to the request for anti-harassment districts was being crafted. However, several deadlines have passed and we have nothing yet to assure us that it will be in place. [10]

One particular stock of existing housing within the rezoning boundaries that has remained inaccessible to East Harlem residents is the warehoused units kept unoccupied by various property owners throughout the neighborhood. One *Crain's* article estimates at least 50 properties throughout East Harlem fit this description.[11] These units – many of which are located between East 106th and East 116th Streets and between Lexington and Third Avenues - have been off line for decades and residents and business owners view them as blighted. Based on the age and size of these buildings and their similarity to occupied buildings in the area, there is reason to believe these units, if they were in circulation, would constitute a much-needed pool of rent-

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[9] Bockman, Rich and Parker, Will. *Life after Croman* .The Real Deal. July 01,2017. Retrieved from https://therealdeal.com/issues_articles/life-after-croman/

[10] *East Harlem Neighborhood Plan.* East Harlem Neighborhood Plan Steering Committee. pg 68. February 2016. Retrieved from http://www.eastharlemplan.nyc/EHNP_FINAL_FINAL_LORES.pdf

[11] Anuta, Joe, *Rezoning could be boon for East Harlem landlords.* Crain's. June 12, 2017. Retrieved from http://www.crainsnewyork.com/article/20170612/REAL_ESTATE/170619989

regulated apartments. Despite that, a lack of concern for the surrounding area has resulted in owners of these warehoused buildings keeping those units vacant and limiting activity to the commercial ground floor simply to keep up with tax bills. Now the rezoning we are considering would award those same owners for their speculative actions.

DCP has explained that applying the proposed zoning districts would ensure any value realized by these particular owners will at least result in the minimum affordable housing requirements of MIH, and maybe more if HPD term sheets are considered by the developers of those sites. While this is encouraging, the minimum 25 percent of required affordable housing that would be created at these locations is not sufficient. If new development occurs here, mechanisms should be explored to require additional affordable housing to reflect the disinvestment these buildings represented for the community. While the City has pushed back against applying modified versions of their inclusionary housing program, exploring this concept in East Harlem for these sites could send a strong message against speculation and warehousing.

The City needs to confront this issue because it is not only an East Harlem problem; it is a citywide problem. A 2012 report, *Banking on Vacancy*, initiated by Picture the Homeless (PTH), found that 3,551 vacant buildings that were surveyed could potentially house 71,707 people.[12] There are several recommendations in the report, including some legislative solutions that should be piloted as part of the East Harlem Preservation Plan. The *Housing Not Warehousing Act*[13] is a package of three City Council bills that create a mandatory registry for all landlords holding their property vacant, mandate the City to do an annual count of all vacant property, and require a report of all city, state, federal, and authority-owned vacant property suitable for the development of affordable housing. The report would also include recommendations on how to turn these city-owned properties into affordable housing as soon as possible. These underutilized properties should be targeted for extremely low to middle-income families and kept permanently affordable under the direction of mission-driven developers and/or community land trusts.

Development of New Affordable Housing

The EHNP recognizes that the City's current affordable housing development tools leverage the private market and balance affordable unit production with market-rate unit production. Our plan called for at least 50 percent of all units produced in East Harlem to be affordable to extremely low-income up to middle income residents and a minimum of 20 percent of those units to be affordable to those at or below 30 percent of AMI.

There is significant doubt that MIH alone will deliver on the units we need for East Harlem families searching for affordable housing. Option 1 and Option 3, the most likely designations for this area, are set at 60 percent of AMI with a required tranche of 20 percent of MIH units at 40 percent AMI. These levels of affordability do not go deep enough to provide housing for our most vulnerable communities. In East Harlem, 37 percent of residents make under $23,350 or lower than 30 percent of AMI. That is not a specified AMI bracket addressed by MIH, but

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[12] *Banking on Vacancy: Homelessness and Real Estate Speculation.* Picture The Homeless. January 2012. Retrieved from http://www.issuelab.org/resources/14899/14899.pdf

[13] Picture The Homeless. "Announcing the Housing Not Warehousing Act." Picturethehomeless.org. Retrieved from http://picturethehomeless.org/announcing-the-housing-not-warehousing-act/

instead is a probable result of the averaging that will happen as projects move forward. But this creates uncertainty that causes people in the community not to trust that these residents are being considered in this plan.

Where we have found some common ground is that the EHNP and the administration both look to maximize our opportunity for lower levels of affordability on public sites where we have more control. My office has regularly stood by the policy that projects on public sites should be 100 percent affordable and that the affordability should be made lasting through "practical permanence." Recent HPD affordable housing pipeline projects like La Promesa/Acacia Gardens (C-150212 HAM), Lexington Gardens II (C-160338 ZSM), and the proposed Sendero Verde (C-170361 ZMM) give us a sense of what to expect. Those projects have set aside 10 to 20 percent of their units for residents that are at or below 30 percent AMI. On some of the public sites, such as the Harlem Burial Ground Project on the former 126th Street Depot site (C-170275 ZMM), the City is only agreeing to making 50 percent of the total development affordable, citing the funding constraints for the community facility and memorial elements that will be part of the future ground plan. While on this project it will include 20 percent of the affordable units at 30 percent of AMI, we are still forced to access market-rate housing on city-land. If we are barely (or in some cases not) reaching the 20 percent target of affordability necessary for a significant segment of the East Harlem community on public sites , it is impossible to assure the community that we can satisfy this goal overall when developments on private land are added.

We must call for more affordability on our city-owned sites since we are limited in our ability to push for changes in how the Mandatory Inclusionary Housing program is implemented. In these projects, we would work with mission-driven developers and/or the East Harlem/El Barrio Community Land Trust to get to those tiers that are below 30 percent and require entire projects to be 100 percent affordable. Together with projected private development under MIH we could target for 50% of the new housing on private rezoned and public sites to be affordable at a variety of low- and moderate-income levels. This model still encourages the building of desperately needed moderate and middle-income units and targets our housing policy and scare city-owned land where it is needed most.

The EHNP identified at least five public sites for the City to review. We should receive a commitment to target these sites, and any other remaining city-parcels for mission-driven developers and community land trust partners who share our goal of creating housing inclusive of all families, regardless of total income.

A Commitment to NYCHA residents in East Harlem

Manhattan's largest concentration of public housing is in East Harlem and represents almost 28 percent of all the residents that call this area home and 9 percent of the City's entire NYCHA

population[14]. Data using NYCHA's 2011 Physical Needs Assessment Summary compiled by the Community Service Society places the total cost for capital needs of the NYCHA developments in East Harlem at approximately $1.88 billion.[15] Any final proposal that moves forward with a growth plan for this community should identify a significant down payment toward bringing these developments back to a state of good repair. Without a commitment at this stage, the plan lacks a central piece advocated for by residents.

Regarding the zoning proposal specifically, there were several areas where the City's proposal deviated from the EHNP and made my support for the application improbable.

Zoning Changes

Rezoning Boundaries

The EHNP- recommended rezoning boundaries included all of Manhattan Community Board 11. The proposed study area was supported with a list of potential soft sites we felt represented the kind of as-of-right development that may be possible and should be subject to MIH. The current application shrinks those boundaries to an area generally bounded by East 104th Street to the south, East 132nd Street to the north, Park Avenue to the west and Second Avenue to the east. Part of the rationale to support a larger study area was that the EHNP sought structured growth on a scale more appropriate for the neighborhood. Instead of concentrating higher densities into narrower corridors as this application does, the EHNP looks to spread the additional density needed to achieve affordable housing goals over a greater area and reduce the burden that comes with new development on any one location.

Moreover, there is significant concern about the area south of East 104th Street. The southern area has been rising in value due to several factors such as its proximity to the Upper East Side, access to existing and new mass transit with the opening of the 96th Street Q train station and distance from the Manhattan Core. Institutions are even recognizing value here; Marymount had recently filed a BSA application to build a new campus. This strong market has also seen a decline in existing rent–regulated housing. Property tax data collected by programmer and cartographer John Krauss shows numerous buildings losing between 10 to 50 percent of their rent-regulated stock below East 104th Street and above East 96th Street.[16] We believe current and potential market attraction to this area warrants preservation districts or mandatory housing requirements for new development in this area.

Height, Density and Neighborhood Character

It is important to recognize there are several areas where this application overlaps with the spirit of the EHNP. Along Madison Avenue above East 126th Street, DCP included our

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[14] *Community Visioning Workshop #3: NYCHA / Housing Preservation*.pg.54.East Harlem Neighborhood Plan. Retrieved from http://www.eastharlemplan.nyc/EHNP_FINAL_FINAL_LORES.pdf

[15] *2011 Physical Needs Assessment (PNA) Summary*. New York City Housing Authority. Retrieved from https://www1.nyc.gov/assets/nycha/downloads/pdf/transparency-pna-2011.pdf

[16] To view the property tax data and review the change over time of rent-stabilized units in the area you can visit http://blog.johnkrauss.com/where-is-decontrol/

recommendations about contextual and preservation districts. DCP proposes to map large sections of Lexington Avenue and several midblock sections with contextual districts that reflect the existing built character. This application also embraced recommendations for active street requirements along East 116th Street and additional density along Second Avenue. However, those areas of agreement still left some significant disagreement over key corridors.

The difference between the East Harlem Neighborhood Plan and the applicant's proposal in suggested density for Park and Third Avenues was one of the most difficult components to overcome. DCP put forward a proposal that would apply the highest floor area districts available along parts of Park Avenue between East 115th Street and East 132nd Street and Third Avenue between East 104th Street and East 122nd Street where our own community-driven process suggested a more contextual alternative that triggers MIH but is more closely aligned with the existing neighborhood character.[17]

- For Park Avenue between East 115th Street and East 132nd Street, the EHNP recommended MX/R7 or R8 districts, with some additional density above that around transit nodes. This works out to densities ranging from 7.2 to 10 FAR. The Administration proposed a R9, R10 and MX/R9 and R10 districts or densities ranging from 8.5 to 12 FAR.
- For Third Avenue between East 104th Street and East 122nd Street, the EHNP recommended R9 or R9A with densities of 8 and 8.5 FAR respectively. The Administration proposed a R10 and C4-6 (R10 equivalent) district with a maximum 12 FAR for residential use.

Since the release of DCP's proposal in the fall of 2016, there has been no support for the City's proposed R10 districts. One important reason why some preferred R9 or R9A was that the bulk of the extra density would go to create affordable housing, whereas R10 would have allowed for a greater ratio of market-rate units. Though asked by EHNP, our office and others to consider revisiting other, more modest alternatives, the administration has refused to amend their application. The opposition to change includes refusing to study height limits more generally as one of the alternatives so that we can identify other possibilities that could create affordable housing but also preserve neighborhood character.

I am concerned that the new tower form proposed in the East Harlem Corridors Special District exacerbates the height and density issue even further. As currently written in the application's "Proposed Actions," the new text would allow thin, tall towers on a small base, a floor plate more appropriate for luxury and not affordable development. This further plays into the fears that the balance struck by the proposal has swung too far to the side of market-rate development. Instead, the text should require the tower-on-base regulation typically found in high-density districts or set high enough minimums where you have a building form that responds to the proximity of the viaduct, but also addresses the concern for excessive height in residential areas.

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[17] A comprehensive comparison of the EHNP and this application is available on the CB 11's website under "Presentations" at http://www.cb11m.org/east-harlem-rezoning/

Finally, during negotiations with the Administration over potential height limitations my office was told that Federal Aviation Administration (FAA) regulations for this area prohibited buildings from going above specific heights identified in the La Guardia field Flight Obstruction Area Map. This would place an effective height-limit on buildings in the proposed R10 districts from achieving heights that might otherwise be allowed.

After reviewing the FAA obstruction area map, it was clear that the airport conical surface[18] that extends west from the airport over Manhattan only covered the northern proposed R10 districts (Above East 118th Street along Park Avenue and above East 116th Street up to East 124th Street along Third Avenue) while leaving the southern proposed R10 district untouched. According to the Administration's own Market and Financial Study that was done as part of the MIH Program application, the southern portion of the district is considered a "strong market" identified by strong sales prices, robust land prices and the ability to command attractive market-rate rents.[19] This is exactly the kind of area where we would fear out-of-context development. For the northern proposed R10 Districts that are covered by the FAA obstruction map, the effective height limit is approximately 400 feet and much higher than what the community was comfortable with during height discussions in the EHNP process.

As of Right Parking Garages

The application would allow public parking garages of up to 150 spaces as-of-right in districts where they are not currently allowed. This provision is in conflict with the policy of this office to disincentivize car use in areas with access to mass transit. Even in areas where the special permit is required, we have raised concerns with some of the study parameters and underlying assumptions of the residential parking study that accompanies those types of applications. My concern would only deepen if the public review component is removed.

Commercial Overlays on New York City Public Housing Authority (NYCHA) Campuses

The proposal includes several commercial overlays to be mapped along the wide street frontages of several NYCHA campuses. As part of the EHNP process, there was discussion among the subgroups about targeting these spaces for economic development driven by NYCHA residents. I believe that DCP's inclusion of the overlays was intended to be responsive but it did not reflect the recommendation in the Plan. The EHNP concluded that such a drastic change to NYCHA's built environment required separate and direct engagement with the residents who live there. The proposal uses too broad a brush and applies the overlays without considering fears related to displacing residents, playgrounds and open space.

Special transit land use (TA) district at East 116th Street and Lexington

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[18] An Airport Conical Surface is an imaginary surface, which extends upward and outward from the outer limits of the Horizontal Surface and exists primarily to prevent existing or proposed manmade objects, objects of natural growth or terrain from extending upward into navigable airspace. Retrieved from http://www.wacaz.com/services/obstruction-evaluation/airport-conical-surface/

[19] *Market and Financial Study: NYC Mandatory Inclusionary Housing.* BAE Urban Economics, Inc. September 2015. Retrieved from https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/mih/bae_report_092015.pdf

As part of the administration's proposal, special transit land use (TA) districts, first mapped in 1974, were updated to reflect recent planning decisions regarding Phase 2 of the Second Avenue Subway. TA districts have rules that efficiently lessen the conflict between substantial pedestrian movement and access to underground transit by removing stairway entrances from the middle of sidewalks and reserving space in new developments adjacent to subway stations for subway-related uses. For the developer, the reserved space is exempt from their floor area calculations. Given the support for this as a smart planning tool, I was surprised not to see it included elsewhere, particular along the existing Lexington line where additional density is being considered. The application proposes changing the area surrounding the East 116th Street Station on the Lexington Line from a R7-2 to a R9 District. While the plan and my office encourages the theory that extra density is most appropriate near mass transit, this location is not properly prepared to accept that density. This location was one of three transit nodes identified as being adversely impacted under the Draft Environmental Impact Statement (DEIS). Mapping a TA District, roughly similar to the subway improvement language of the Special Lincoln District, would mitigate this impact.

Other Areas of Concern

Preservation of Historic and Cultural Resources

The administration's proposal also lacks concrete ways to preserve architecture, arts and culture in East Harlem. Preserving these assets from the impact that new development might have on visual aspects of neighborhood history has always been a priority for the community. In our plan and subsequent public hearings residents noted it as a top concern. We had hoped to engage in a thorough review of the sites proposed by the EHNP and by Landmark East Harlem or discuss ways the City can continue to explore more culturally and historically relevant designations such as was accomplished with Stonewall Inn. Review and work by the LPC should have been occurring as this application progressed. It is incredibly disappointing that this work was not seen as a priority despite my continued calls since the beginning of my tenure as Borough President for parity for Northern Manhattan in the consideration of landmark designations.

Environmental Review Issues

Our office, the steering committee and the administration remain unable to agree on the appropriate criteria to determine projected and potential project sites in the DEIS. Key differences include the likelihood that houses of worship will build on these sites and the status of rent-stabilized buildings, which are often ruled out as developable sites by DCP. However our own research suggests these buildings might be susceptible to redevelopment. The City has recently launched the New York Land Opportunities Program (NYLOP), an initiative co-led by the Local Initiatives Support Corporation, a non-profit community development financial institution. , "to help mission-driven organizations with limited real estate experience form joint

venture partnerships to develop affordable housing on their underused land.[20]" Faith-based organizations constitute a significant category of these mission-driven organizations, a fact that underscores the potential for redevelopment of these properties. Underestimating the potential development universe will cause us to miss impacts we could have avoided. Moreover, failure to account for all development sites affects the calculations of the number of units of housing that can and will be created thereby impacting how much and where density is acceptable in East Harlem.

Other issues caused my office to question the environmental review. The DEIS found no impact on water and sewer infrastructure, solid waste and sanitation services, a finding that is implausible given that such problems occur in the neighborhood under existing conditions. Our concern about how generation rates for Upper Manhattan school children are calculated was brought to DCP's attention early on. It was also identified as part of the Lexington Gardens II application and the Draft Scope of Work for the Harlem African Burial Ground application. An analysis using American Community Survey (ACS) Public Use Microdata (PUMS) completed by a land use consultant for CB11 shows the rate of child birth in Upper Manhattan as higher than in other areas of Manhattan. However CEQR has one generation rate for the whole borough. While the Zoning Resolution does draw a distinction between the Manhattan Core and Upper Manhattan for a host of other land use policies, this topic is exempt. The result is an underestimating of the need for future school seats.

Community Need for Public Investment in Services and Infrastructure

From the moment East Harlem was announced as a potential area for rezoning, stakeholders in East Harlem were aware that the needs that would have to be addressed so that any rezoning could benefit the community would have to come from a rigourous community process Zoning alone would be an insufficient tool for getting at many of the underlying problems identified in community district need statements submitted by the Community Boards or the lack of investments highlighted by local CBOs. There was general agreement that East Harlem's future has to come from a comprehensive assessment of the state of the neighborhood and has to cover a range of socioeconomic and cultural areas of study. The EHNP brought together residents and topic experts so that we could respond with hard data needed for that assessment.

In terms of our process, the administration has had a year and a half to consider, act on and incorporate our recommendations. During that time there has been some movement toward agreement. To support the desire for more holistic, service-rich education environments, the City has committed to funding three new community schools next year. Local art and cultural capacity-building initiatives will be funded through the awarding of a Building Cultural Capacity Grant. To address questions about healthy teaching environments for children, the DOE is installing air conditioners, with corresponding electrical system upgrades, throughout the school system by Fiscal Year 2022. The City opened a Neighborhood Health Action Center in April 2017 and partnered with the New York Academy of Medicine (NYAM) to provided small grants and support to local organizations to address community health issues. To respond to some of

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[20] *Mission-Based Partnerships*. NYC HPD. August 2017 Retrieved from http://www1.nyc.gov/site/hpd/developers/mission-based-partnerships.page

our open space and green infrastructure concerns, NYC Department of Parks and Recreation (DPR) is simultaneously proceeding with an East Harlem Resiliency Study and a design process for the Harlem River Park Greenway Link along the esplanade between East 125th and East 132nd Streets. Planning for a new East 125th Street Plaza to be located adjacent to the Metro North station has begun, and two Select Bus Service bus stations at Lexington Avenue and East 125th Street are in the works. To help small businesses, the City has committed to $1.49 million in Neighborhood 360 grants to local nonprofit partners and a new Workforce 1 center to supplement existing nonprofit-driven employment and training programs in East Harlem.

These measures are noteworthy, but essential needs remain unaddressed. There is no plan to boost opportunities for East Harlem students and young adults to access the Career and Technical Education opportunities in their own community board area. For those schools that are not community schools, ways to increase resources for social/emotional services and academic remediation have not been identified. There are no firm commitments on naturally occurring retirement community (NORC) project funding for the neighborhood, or integration of the findings into the EIS from the Health Impact Assessment conducted by NYAM. Few substantive conversations have occurred with the Department of Transportation (DOT) about strategies for decreasing vehicular congestion around East 125th Street and placing more City Benches around the community district. The community has received no commitment for a consolidated state of the art sanitation garage, though the DSNY Commissioner expressed interest in doing so at the City Council hearing on the District 11 garage on July 27, 2017. There is disappointment among many EHNP members on the slowness to embrace local purchasing requirements, requiring local hire provisions for projects receiving subsidies under $2 million, as well as other labor demands, including good wages, apprenticeships, and safe working conditions. At the public forum related to education and relevant subcommittee discussions, participants called for increased afterschool program capacity and the desire to see prioritized repair or relocation capital for pre-K, daycare and afterschool facilities, particularly those located in publicly owned buildings such as NYCHA developments and the Heckscher Building. However, there has been little discussion to further these goals. Finally, even though the waterfront was left out of the City's proposal, it must be addressed to prepare for East Harlem's growth. We had hoped to see a funding strategy for esplanade repair and maintenance below East 116th Street and a long-term rebuild plan for the East 107th Street Pier by this time.

We understood that these types of actions, while perharps not appropriately a part of the land use applications, would support and accompany a neighborhood rezoning. We are disappointed that more progress on these critical initiatives has not been made.

I believe that the City put forward this application with the intention of helping and supporting East Harlem. The application's primary goals are to create new affordable housing, preserve neighborhood character, create opportunities for economic development, improve the pedestrian experience, and commit to the kind of capital needs East Harlem deserves. That said, while we agree on the principles, we are far apart on the specifics as to how these goals should be achieved. At this point in the process not enough of the critical community concerns have been addressed to allow me to support this proposal.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends **disapproval** of Application Nos. C 170358 ZMM, N 170359 ZRM, and C 170360 HAM.

Gale A. Brewer

Gale A. Brewer
Manhattan Borough President

APPENDIX – East Harlem Rezoning

PROPOSED ACTION

The City of New York Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), is proposing a series of land use actions—including zoning map amendments, zoning text amendments, and amendments to the Milbank Frawley Circle-East Urban Renewal Plan (collectively, the "Rezoning Plan") in order to facilitate the creation of permanent affordable housing, amongst other goals. The Rezoning Plan is one implementation measure of the East Harlem Neighborhood Plan which was the result of a two year community planning process. The Proposed Actions would affect an approximately 96-block area of the East Harlem neighborhood in Community District 11, Borough of Manhattan.

Generally, any changes to the zoning map should be evaluated for consistency and accuracy, and given the land use implications, appropriateness for the growth, improvement and development of the neighborhood and borough. In evaluating the text amendment, this office must consider whether the amendment is appropriate and beneficial to the community and consistent with the goals of the MIH program. In evaluating the amendments to the Milbank Frawley Circle-East Urban Renewal Plan, this office must consider whether the changes are in line with the original goals of the renewal plan and if the changes improve on the existing agreement.

The Zoning Plan must also be evaluated using the lens of the East Harlem Neighborhood Plan (EHNP). The EHNP called for the development of permanent affordable housing, the preservation of existing affordable units, respect for the existing neighborhood character including its cultural landmarks, improvements to the pedestrian experience, and the creation of new commercial and manufacturing space to support job creation adjacent to existing and future transit nodes.

Goals of the Rezoning Plan

Collectively, the actions that make up the Rezoning Plan reflect DCP's goal to achieve the following land use objectives:

- Create opportunities for requiring permanently affordable housing to ensure that the neighborhood continues to serve diverse housing needs;
- Modify the existing zoning, where appropriate, to preserve the built neighborhood character;
- Create opportunities for economic development while preserving the vitality of existing commercial and manufacturing uses;
- Establish a Special District with urban design controls that balance new development with existing neighborhood context and scale and improve the pedestrian experience; and
- Establish a planning framework that addresses capital infrastructure needs and services required to support current demand and future growth.

PROJECT DESCRIPTION

Background

East Harlem

The boundaries of East Harlem coincide with the boundaries of Manhattan Community Board 11. The Community District is generally bordered by East 96th Street to the south, East 132nd Street to the north, Fifth Avenue to the west and the FDR Drive and Randall's Island Park/Wards Island Park to the east. Additionally, CB 11 includes Thomas Jefferson Park, Marcus Garvey Park and Harlem River Park. As of 2016, East Harlem residents totaled approximately 122,434 residents with a median income of $30,380, down 9 percent from 2010.[21] The area is characterized by multi-family residential and mixed residential/commercial properties (low to midrise multi-family walk-up and elevator buildings).

East Harlem Neighborhood Plan

The East Harlem Neighborhood Plan ("EHNP" or "Plan") is a community-driven comprehensive roadmap for fostering smart growth in East Harlem. The process was led by City Council Speaker Melissa Mark-Viverito, Manhattan Community Board 11, Community Voices Heard (CVH) and our office in partnership with a 21-member steering committee of local stakeholders. Developing the plan was a two year long process with no less than eight large public meetings, approximately 40 policy discussions, numerous calls and meetings with city agencies and on-the-ground person-to-person survey collection. Representatives from mayoral agencies necessary for implementation of the plan, including DCP and HPD, were present at most meetings. This work resulted in a final report with over 260 key objectives and recommendations to ensure a stable and inclusive future for the neighborhood. The Steering Committee continues to meet on implementation of its recommendations.

Previous East Harlem Rezoning Plans

DCP 2003 Rezoning

In 2002, DCP proposed a rezoning for 57 blocks in East Harlem, east of Lexington Avenue and south of East 124th Street to East 99th Street, much of which was originally zoned R7-2, a moderate density residential district. This plan was approved by the City Planning Commission and adopted by the City Council in 2003. The rezoning replaced height factor zoning districts with contextual zoning districts. While contextual, there were greater heights on the avenues and lower heights on mid-blocks. The purpose of the rezoning was to create new opportunities for residential development, encourage ground floor retail and local services, and protect the scale of mid-blocks and broad neighborhood character through targeted contextual districts. The proposal replaced much of the R7-2 with R7A, R7B, R8A, and C4-4D districts. The C4-4D district was

[21] Furman Center. *Manhattan Community Board 11 Profile*. State of New York City's Housing and Neighborhoods 2016. Retrieved from http://furmancenter.org/files/sotc/SOC_2016_PART2_MN11.pdf

specifically written for East Harlem and was a new zoning district at that time. Several existing manufacturing districts were rezoned to residential districts or lighter industry. Parking regulations were also modified to meet the needs of new commercial overlays.

125th Street Rezoning

DCP collaborated with several other mayoral agencies in December of 2003 to generate a development framework for the entire 125th Street corridor between the Harlem and Hudson Rivers. The application affected 24 blocks along 125th Street spanning sections of Manhattan Community Boards 9, 10 and 11. The proposal focused on zoning and urban design controls, encouraging a balanced retail mix, addressing traffic challenges, and supporting growth for arts and entertainment in the area. The final zoning application approved by the City Council in April 2008 modified height and bulk regulations but retained many of the elements that sought to increase opportunities for new, mixed-use housing and cultural and retail development for Harlem.

2013 CB11 Rezoning Study

In January of 2013, Community Board 11 approved the East Harlem Land Use and Rezoning Initiative Final Recommendations, a joint project with CIVITAS and Community Board 11, informed by over a year of community input. The planning and zoning study area included East 115th Street and East 132nd Street, bounded by Madison Avenue on the west and Lexington Avenue on the east. The report made recommendations to update zoning districts and increase density in certain areas, promote affordable housing and economic development, and preserve neighborhood character. Many of the recommendations from this report were integrated into the East Harlem Neighborhood Plan initiated two years later.

Milbank Frawley Circle Urban Renewal Area and Milbank Frawley Circle East Urban Renewal Plan

The Milbank Frawley Urban Renewal Area (URA) is located in Community Board 11 and was created by the Board of Estimate in September 1967. In August 1992, a portion of the URA was established as the Milbank-Frawley Circle East Urban Renewal Area, an action which modified the boundaries to facilitate the development of a130-unit affordable housing project (C-920139HUM). The URA is bounded by East 125th Street to the north, Park Avenue to the east, 107th Street to the south and Fifth Avenue to the west. Since then it has gone through four minor changes and one amendment.

The objectives of the URA are to:

- Redevelop the area in a comprehensive manner, by removing blight and maximizing appropriate land uses;
- Remove or rehabilitate substandard and unsanitary structures;
- Remove impediments to land assemblage and orderly development;
- Strengthen the tax base by encouraging development and employment opportunities in the area;

- Provide new housing of high quality;
- Provide appropriate community facilities, parks and recreational uses, retail shopping, public and private parking; and
- Provide a stable environment within the area which will not be a blighting influence on surrounding neighborhoods.

Harlem-East Harlem Urban Renewal Plan

Established in 1968, The Harlem-East Harlem URP covers portions of Manhattan Community Districts 10 and 11 from approximately East 106th to East 133rd Streets, east of Fifth Avenue. As part of the URP, design, building bulk and parking requirements were included to reinforce the existing urban character. Lots were separated into five land use categories, and supplementary controls were made on specific sites.

The objectives of the URA are to:

- 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 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 and private parking; and
- Provide a stable environment within the area that will not be a blighting influence on surrounding neighborhoods.

Project Area

The Project Area encompasses a portion of the East Harlem neighborhood in Manhattan Community Board 11. The rezoning area encompasses 96 blocks bounded by East 132nd Street to the north, Second Avenue to the east, East 104th Street to the South and Park Avenue to the west.

The predominant land use in the Project Area is residential with several New York City Housing Authority (NYCHA) developments and multi-family walk-up and elevator buildings. There are also a number of mixed commercial and residential developments, commercial and office spaces, public facilities and institutions including: La Marqueta, El Museo del Barrio, Museum of the City of New York, Mount Sinai Center and the New York Academy of Music. The area is well served by mass transit with the No. 4 and 6 subway line train stops at East 125th Street, East 103rd Street, and East 110th Street. Several bus lines also run along the major commercial corridors of 125th Street, 116th Street, Third Avenue and Second Avenue including the: M1, M2, M7, M35, M98, M100, M101, M102, M16, M60 Select Bus, and Bronx bound bus lines. Outside of the Project Area there is access to the No. 2, 3 and 5 subway lines and access to Citibike bike stations.

The Project Area is divided into three geographic areas which reflect distinct neighborhood character and land uses: North of East 125th Street, Mid-East Harlem and South of East 116th Street.

North of East 125th Street
The "North of East 125th Street" area extends along the east and west sides of Park Avenue to the west, midblock between Madison and Fifth Avenues. On the west side of Park Avenue between East 125th and East 132nd Streets is a predominantly residential neighborhood with few ground-floor retail uses and three- to four-story brownstones on the mid-blocks and five- to seven-story mid-rise buildings along the avenue. The northern portion of Park Avenue is predominantly automotive and manufacturing uses with surface parking, gas stations, the Metropolitan Transit Authority (MTA) Metro-North Railroad elevated viaduct and parking for Department of Sanitation vehicles. The intersection of East 125th Street and Park Avenue is a commercial node which was rezoned in 2008 with height limits. Here there is a 12-story building that functions as an office space with ground-floor retail, and a few smaller buildings that have ground floor retail use and residential use on the upper floors.

Mid-East Harlem (between East 125th Street and East 116th Street)
The Mid-East Harlem area is bounded by East 125th Street, East 116th Street, Park Avenue, Lexington Avenue, Third and Second Avenues. This area is predominately residential with the highest concentration of NYCHA developments in the Project Area and mixed residential buildings with ground floor commercial uses along the avenues. The MTA Metro-North Railroad viaduct structure is along Park Avenue along with many surface parking lots facing the avenue and beneath the viaduct. Lexington Avenue is characterized by mixed-use buildings with ground floor retail space. The residential buildings vary from four to six story tenement buildings to tower-in-the-park buildings ranging from 11 to 32 stories. The mid-blocks in this area have shorter residential buildings not exceeding seven stories; there are a number of community facilities and at grade open spaces. Third Avenue is a commercial corridor with many vacant upper floors and heavily underutilized sites.

South of East 116th Street
The South of East 116th Street area includes East 104th Street to East 116th Street and Park Avenue, Lexington Avenue and Second Avenue. This area is largely characterized by mixed use buildings and multifamily walk-up buildings. The building heights range between four and eight stories along Lexington Avenue and along Third Avenue there are four to seven story tenement-style buildings with ground floor retail. Similar to the Mid-East Harlem area, there are many vacant upper floors with active ground-floor retail usage. The NYCHA developments that are in this area include the Lehman and Carver Houses along Park Avenue between East 104th Street and East 110th Street.

PROPOSED ACTIONS

The New York City Department of City Planning ("DCP") and the New York City Housing Preservation and Development ("HPD") seek several land use actions to facilitate a rezoning

plan in response to land use and planning recommendations from the East Harlem Neighborhood Plan (EHNP) and to advance the goals of Mayor De Blasio's *Housing New York: Five Borough, Ten-year Plan.*

The DCP seeks to amend the Zoning Map, Section Nos. 6a and 6b, to change existing light manufacturing districts to mixed residential, commercial and manufacturing uses and establish the Special East Harlem Corridor District ("EHC"). This action would also amend the Zoning Map to include the boundaries of the EHC along major thoroughfares and the modified boundaries of the existing Special Transit Land Use District ("TA"). In addition, DCP also seeks Zoning Text Amendments to the Zoning Resolution to establish the EHC and establish a Mandatory Inclusionary Housing Area ("MIHA") in the proposed rezoning area. As the co-applicant, HPD only seeks amendments to the Milbank Frawley Circle-East Urban Renewal Plan ("URP").

The proposed actions summarized above are discussed in greater detail below.

Proposed Zoning Map Amendment

Changes to zoning map(s) nos.6a and 6b would establish the boundaries of the Special East Harlem Corridors District (EHC) and modify boundaries of the Special Transit Land Use District. The EHC boundaries would be mapped along major corridors within the rezoning area including Park Avenue, Lexington Avenue, Third Avenue, Second Avenue, and the East 116th Street corridor, In addition, the amendments would replace all or portions of existing R7-2, C8-3, M1-2, M1-4, C4-4, C4-4D, R8A, R7A, and C6-3 districts within the rezoning area with M1-6/R9, M1-6/R10, C4-6, C6-4, R10, R9, R7A, R7B, and R7D districts. In addition, the proposed rezoning would replace or eliminate portions of existing C1-4, C2-4, and C1-5 overlays with C1-5 or C2-5 overlays and establish new C1-5 overlays.

Proposed Zoning Text Amendment

The Proposed Actions include amendments to the text of the City of New York's Zoning Resolution (ZR) to:

- Establish special use, bulk, ground-floor design and parking regulations within a Special East Harlem Corridors District (EHC);
- Create a new special permit related to the development, conversion, or enlargement of hotels within the proposed EHC;
- Modify existing provisions of the Special 125th Street Special District applicable to the portion of the special district located at the intersection of East 125th Street and Park Avenue to implement new special use, bulk, ground-floor design, and parking regulations;
- Modify the boundaries of the TA District to reflect the current plans of the Metropolitan Transportation Authority (MTA) for prospective Second Avenue Subway locations, accommodate ancillary support facilities for the future phase of the Second Avenue Subway, and introduce bulk modifications to facilitate the inclusion of necessary

transportation-related facilities in new developments within Special District boundaries; and

- Amend Appendix F of the Zoning Resolution to apply the Mandatory Inclusionary Housing (MIH) program to portions of the proposed rezoning area, including areas where zoning changes would promote new housing.

Urban Renewal Plan (URP) Amendments

The Proposed Actions include amendments to the Milbank Frawley Circle-East URP, to make the URP compatible as warranted with the above zoning actions:

- Remove the supplementary setback control on sites along Park Avenue between East 110th Street and East 123rd Street;
- Change the designated land use of Site 9 from 'residential/public and semi-public' to 'residential';
- Change the designated land use of Site 25A from 'residential, residential/commercial, and commercial/semi-public' to 'residential'.

Waterfront Revitalization Program (WRP)

Portions of the rezoning area are within the Coastal Zone and will require review by the CPC, in its capacity as the City Coastal Commission (CCC), to determine if they are consistent with the relevant WRP policies.

COMMUNITY BOARD RECOMMENDATIONS

At its Full Board meeting on June 20, 2017, Manhattan Community Board 11 (CB 11) passed a negative resolution with conditions related to this application. The final vote for the resolution was 32 in favor, 9 opposed, and 1 abstention. Due to difficulty experienced by the Board with recording individual votes from board members, a vote was held on Tuesday June 27, 2017 where the Board voted to ratify and affirm the previous week's vote. The ratification and affirmation was adopted by a vote of 27 in favor, 7 opposed, and 0 abstentions. Before the full board vote, the representatives of DCP and HPD appeared before several committees between December 2016 and June 2017 and the Board held two public hearings, on May 16, 2017 and June 20, 2017, where they heard testimony from the public.

To more fully evaluate the Proposed Actions, CB 11 created the East Harlem Rezoning Task Force, which met from March to June 2017, and which interacted extensively with the community through public meetings, community outreach, electronic and paper surveys, and other efforts to develop a comprehensive response reflecting the community's interests and concerns.

In their written comments submitted to the Department of City Planning, CB 11 supported the EHNP, and the zoning framework that would require affordable housing in every new development in the rezoned areas while minimizing density, preserving community character,

and stimulating local economic growth. However, while CB 11 recognized that the Proposed Actions are in the spirit of the EHNP rezoning recommendations, it found significant differences, especially as it relates to the impacts of increased density.

According to CB 11, the EHNP generally recommended the minimum increase in density necessary to trigger MIH on wide streets and avenues. However, in large portions of the rezoning area, the Proposed Actions would impose the highest density residential districts allowed by law on both Third Avenue and Park Avenue, which are considerably higher than those recommended by the EHNP.

CB 11 stated that it considers this increase in density excessive. Although it creates needed affordable housing, the Proposed Actions will irrevocably change the character of the community while only making approximately 25 percent of new units permanently affordable. Furthermore, CB 11 expressed concerns that the Proposed Actions will result in negative impacts including but not limited to increased pedestrian traffic, strain on public transportation capacity, sufficiency of existing education facilities, demand of social services, displacement of local businesses, and impacts on existing infrastructure.

While noting that there is no mitigation possible for the proposed increase in allowable FAR to 12, CB 11 presents alternatives and mitigation strategies to address these impacts. In particular, CB 11 supports a larger rezoning area as recommended in the EHNP that includes areas east of Second Avenue and south of 104th Street. Furthermore, CB 11 believes that for large portions of East Harlem that are proposed to be upzoned to R10 and R10 equivalent districts, R9 or R9 equivalent districts would provide a more appropriate balance between affordable housing, community character, and mitigation of impacts. CB 11 also raises the longstanding concern about the true affordability of housing for East Harlem residents, and recommends that MIH in new residential developments should be set at a 50/30/20 model, with 50% market units, 30% moderate-income units, and 20% low-income units, while any development on public land should be 100% affordable housing, with income bands targeting a spectrum from 10% of AMI to 120% of AMI.

In conclusion, CB 11 recommended disapproval of the Proposed Actions unless it undergoes a set of extensive and detailed modifications as follows:

1. Limit upzoning to a maximum R9 and R9-equivalent up-zoning, except for an R10 equivalent district along the modified 125th Street Special District;
2. Require a special permit application process for commercial parking garages;
3. Apply an Enhanced Commercial Corridor special district on 116th Street to limiting the width of storefronts;
4. Carve out Eugene McCabe playground and Henry J. Carter Specialty Hospital;
5. Include 127th Street between Park Avenue and Lexington Avenue in the rezoning proposal;
6. Include currently carved out portions of north Park Avenue;
7. Include entrances for MTA subway-related uses into building envelopes if East 116th Street and Lexington Avenue is rezoned;

8. Utilize local community-based organizations for workforce development, training, and placement on East Harlem projects;
9. Establish an adequately funded workforce development program, which offers certifications and apprenticeships;
10. Require 35 percent of the workforce to be from East Harlem;
11. Fund community partnerships with existing community local reentry programs to facilitate productive transitions for those returning to society after being incarcerated;
12. Provide preference for MWBE/DBE;
13. Create a tax incentive program to promote contracts with local MWBE/DBE in development;
14. Create a tax incentive program for commercial property owners to ensure growth of small businesses;
15. Maintain engagement with the community before, during, and after construction, with regular reports to CB11 to track progress on goals;
16. Renew anti-displacement legal services contracts, and improve benchmarks to ensure more effective representation to combat and/or mitigate the effects of gentrification;
17. Increase the number of HPD inspectors; make inspection times convenient to residents, and require follow-up on whether violations were cured, promptly impose fines where the violations go uncorrected beyond the time allowed by law; importantly, HPD must increase its response to complaints regarding emergency conditions (e.g., no heat or hot water), as well as promptly fine and correct failures to correct emergency violations, with the agency billing the emergency repairs to the landlord;
18. Greatly increase HPD outreach in addressing housing maintenance issues and create and publicize HPD website with consolidated user-friendly information regarding housing maintenance issues;
19. Increase proactive outreach by the City to identify landlords who could benefit from subsidies to bring unregulated buildings into rent-regulation schemes;
20. Establish a citywide Certification of No Harassment program, or at least expansion the current program to all of CD11;
21. Develop a 50/30/20 MIH model through subsidies (50 percent market units, 30 percent moderate-income units, and 20 percent low-income units);
22. Prohibit offsetting affordable housing offsite;
23. Require developments on public land to be 100 percent affordable residential housing, including all housing in any NYCHA in-fill project (affected NYCHA residents must be included in decision-making);
24. Give priority to local non-profit developers in all RFPs for development on public land;
25. Ensure that City and State subsidies directed toward housing preservation, deeper affordability in new development, and open spaces continue in perpetuity, regardless of federal budget allocations;
26. Increase programs and subsidies for homeownership opportunities for low-income and moderate-income families;
27. Ensure that M11 sanitation garage is located in a fully enclosed facility with updated technology and relocate M10 sanitation garage to central Harlem to comport with Fair Share Mandate;

BOROUGH PRESIDENT PUBLIC HEARING

On Thursday, July 13, 2017, the Manhattan Borough President conducted a public hearing on both the rezoning plan by the Department of City Planning (DCP) to rezone 96-blocks of East Harlem and a concurrent private application known as Sendero Verde at East 111th Street (Nos. C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C170364 PQM, C 170365 ZSM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM, and N 170368 ZCM) located in the area of the proposed East Harlem rezoning. Approximately 135 people attended and 25 people presented testimony. Additional testimony from 13 people and organizations were submitted prior to and after the public hearing.

Those who testified all spoke out in opposition to the rezoning plan. Many who testified asked the Borough President to issues a no vote without conditions while some who spoke asked for the City to go back and consider amending aspects of the proposal, particularly around zoning and density, to conform to the recommendations in the East Harlem Neighborhood Plan. Several speakers mentioned the need for targeted investment in public housing developments throughout East Harlem. There were also several speakers who testified to discrepancies and differences of opinion in how the Draft Environmental Impact Statement (DEIS) was conducted and where the analysis might have underestimated the impact on the community as result of the proposed rezoning plan.

A representative from the New York Academy of Medicine testified about the results of a health impact assessment (HIA) done specifically to gauge the impact of the affordable housing component of the application to public health in East Harlem. The HIA was requested as part of the EHNP. HIAs are "structured process[es] to assess the potential health impacts of a policy, plan, or project and make recommendations on how to lessen negative health impacts and increase health benefits"[22]. The New York Academy of Medicine HIA found that the potential for residential displacement posed a threat to the health of the East Harlem community and recommended prioritizing the protection of existing affordable housing and building new units, as well as preventing displacement of long-term residents and local businesses.

[22] Realmuto, Lindsey, Owusu, Shauneequa, and Libman, Kimberly. *Health Impact Assessment Connecting Housing Affordability and Health.* New York Academy of Medicine. pg. 6. September 2016. Retrieved from https://nyam.org/media/filer_public/de/46/de46ec8b-ae8f-4dca-a6b2-c7ce3bfb9ffe/healthimpassessfinal2016.pdf