

CITY PLANNING COMMISSION

September 7, 1999/Calendar No. 5

C 990099(A) ZSM

IN THE MATTER OF a modified application submitted by Tiago Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification on July 19, 1999 pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure, **for the grant of a special permit** pursuant to Section 74-743(a)(3) of the Zoning Resolution to permit the modification of :

Section 33-293 to allow the waiver of a required 8-foot open area at the side lot line in a C4-4 District;

Section 33-26 to allow the waiver of the required 20-foot rear yards; and

Section 33-432 to allow the waiver of the required height and setback requirements

to facilitate the construction of a **commercial development** within a general large scale development on a zoning lot, **located to the east of Pleasant Avenue and generally bounded by East 116th Street, Franklin D. Roosevelt Drive, and East 119th Street** (Block 1715, Lots 5, 7, 10, 22, 38, 42, 43, and 45; Block 1716, Lots 8, 9, 11, 13, 19 and 45; Block 1815, Lots 23, 31, 34 and 35), in a C4-4 District, Borough of Manhattan, Community District 11.

The application for a special permit was filed by Tiago Holdings, LLC on September 3, 1998, pursuant to Section 74-743(a)(3) of the Zoning Resolution, to modify height, setback and yard controls in a general large scale development, known as East River Plaza, a proposed multi-level retail center. On July 19, 1999, pursuant to Section 2-06(c)(1) of the ULURP rules, the applicant filed a major modification of the certified special permit application, requesting an additional setback waiver, for public hearing and consideration by the City Planning Commission. The modified application, C 990099 (A) ZSM, is the subject of this report. Revisions to this application were submitted on September 3, 1999.

RELATED ACTIONS

In addition to the special permit which is the subject of this report (C 990099(A) ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 980699 MMM: Amendment to the City Map involving the elimination, discontinuance and closing of portions of East 117th and East 118th streets between Pleasant Avenue and the FDR Drive and the widening of a portion of the FDR Drive on its westerly side between East 116th and 119th streets.

C 990098 ZMM: Amendment to the Zoning Map, Section No. 6b, to rezone an R7-2 District to a C4-4 District and an M2-2 District to a C4-4 District.

C 990100 ZSM: Special Permit pursuant to Section 74-53 of the Zoning Resolution, to allow a six-level plus cellar, unattended accessory parking garage.

C 990101 PPM: Disposition of one city-owned property at 515-517 East 117th Street (Block 1716, Lot 8) pursuant to zoning.

N 990526 ZRY: Amendment to the Zoning Resolution to modify special permit eligibility requirements for General Large Scale Developments (GLSD), Large Scale Residential

Developments (LSRD) and Large Scale Community Facility Developments (LSCFD), and eligibility requirements for LSRD authorizations granted by the City Planning Commission.

BACKGROUND

The applicant is seeking the grant of a special permit pursuant to Section 74-743(a)(3) of the Zoning Resolution for the modification of height, yard and setback controls in a general large scale development, to facilitate the proposed East River Plaza project.

East River Plaza is a proposed multi-level retail center to be built on the former Washburn Wire factory site, which is located along the west side of the Franklin Delano Roosevelt Drive between East 116th and East 119th streets. East River Plaza is proposed to include approximately 475,000 square feet of retail space for two “big box” retail and several smaller stores, a commercial office building to serve local community groups, and an accessory parking facility for 1,248 cars. The applicant expects that the proposed project would feature Home Depot and Costco as its major tenants (occupying approximately 167,000 and 132, 000 square feet, respectively). Additionally, a small outdoor seating area will be provided, offering views of the river. The project will also provide off-site elements to improve traffic flow and to enhance the streetscape at the project’s periphery.

On July 19, 1999, the applicant filed a modified application that requested an additional setback waiver for the project’s frontage along the south side of East 118th Street. The waiver is necessary to accommodate a new freight elevator that would carry freight from the truck court to

the third retail level. Above the second story, the elevator shaft would be setback only ten feet from the south side of East 118th Street, instead of the required initial setback distance of 20 feet.

On September 3, 1999, the applicant filed a substantially revised application. The revised application responds to issues raised during the public review process, and incorporates additional aesthetic and functional changes to the project. These changes include: a reduction in the size of the proposed commercial office building from approximately 33,000 square feet to 18,300 square feet; the provision of a second parking garage entrance with two dedicated right turn lanes on East 116th Street; the inclusion of new facade materials for the main retail building and garage; the elimination of two previously requested rear yard waivers for a portion of the retail building; the elimination of the previously requested side yard waiver; and the provision of additional landscaping on the west side of Pleasant Avenue between East 116th and East 119th streets, the south side of East 116th Street east of Pleasant Avenue, and along the improved FDR Drive acceleration lane. The revised project also provides additional taxi queuing areas for the ground and second retail levels for better taxi access, and incorporates a one-way traffic circulation system alternative, in lieu of the originally proposed two-way traffic system through the project site. A full discussion of these changes is contained in the consideration section of this report.

Existing Conditions

The East River Plaza site comprises portions of three blocks (Blocks 1715, 1716 and 1815) generally bounded by the FDR Drive, Pleasant Avenue, East 116th and East 119th streets.

Located within the Federal Empowerment and State Economic Development zones, the site includes the former Washburn Wire factory, adjoining privately-owned commercial and vacant property, and vacant city-owned property. The East River Plaza site totals approximately 6.3 acres, of which approximately 4.5 acres are owned by the applicant. The remaining acreage consists of city-owned property to be disposed and adjacent privately-owned property that will be assembled with the involvement of the Empire State Development Corporation (ESDC), either through condemnation or negotiated acquisition.

The project site is zoned M2-2 and R7-2. M2-2 zoning districts (5.0 FAR) allow manufacturing and related uses. Although M2-2 districts allow a range of commercial uses, they prohibit most Use Group 10 retail uses, which would include the preponderance of uses proposed in the project. R7-2 zoning districts permit residential and community facility uses.

The surrounding neighborhood is residentially-zoned (R7-2) and predominantly residential in character with limited retail activity and includes community facility uses and intermittent vacant lots. Pleasant Avenue, which extends from East 114th to East 119th streets, is typified by three- to five-story multi-family residential buildings with some ground floor commercial uses. Along East 116th Street, four- and five-story residential buildings predominate, with ground-floor commercial activity generally found west of Second Avenue. The Robert Wagner Houses, a 22-building, 2,162-unit NYCHA project, occupies a superblock bounded by East 120th and East 124th streets and the FDR Drive. Located two blocks north of the proposed East River Plaza site, the Wagner Houses range from 7-16 stories. Major institutional uses in the vicinity of the

project site include Public School 112, one block north, the Manhattan Center for Science and Math, one block south, and Holy Rosary Church and School, one block west. The East River Esplanade, used by joggers and bikers, extends along the river's edge opposite the project site. Access to the esplanade is provided by pedestrian bridges at East 111th and 120th streets.

Crosstown bus service is provided by the M116, along East 116th Street to Central Harlem and the Upper West Side. This bus also travels along First and Pleasant avenues to provide service to the Wagner Houses. Subway service is provided by the Lexington Avenue IRT No. 6 line, at Lexington Avenue and East 116th Street. Direct vehicular access to the East River Plaza site is provided by a southbound exit from the FDR Drive at East 116th Street.

Project Description

The proposed East River Plaza retail complex will consist of three adjoining buildings (a retail building, an accessory parking facility and a commercial office building) with a main pedestrian entrance on East 116th Street. The project would provide approximately 475,000 square feet of retail space, including four stories above grade and a cellar. At their highest points, the proposed four-level retail building would rise to an elevation of approximately 118 feet in height along portions proximate to East 117th Street and the FDR Drive and the parking facility would rise to an elevation of 92 feet along East 116th Street. The applicant expects that the cellar, first and second floors of the retail building would contain two "big box" stores (Home Depot is expected to occupy the cellar and first levels, Costco, the second level); the third and fourth levels would be occupied by several smaller stores.

The proposed parking facility will have 543,361 square feet of gross floor area. The parking garage will be open-air ventilated, with six levels above grade including roof parking, and one level below grade. The garage will have a capacity of 1,248 cars. The primary entrance for autos and deliveries will be through an internal service driveway connecting 116th and 117th streets. Pedestrian bridges will be located on each retail level providing access between the garage and the proposed retail building.

At the western edge of the project site along East 116th Street, a four-story commercial office building will be built to serve local community groups. Although the mechanism for choosing the building's tenants has not been finalized, the applicant anticipates that the building's tenants will be chosen in consultation with Community Board 11 and local elected officials.

The project will provide off-site traffic and streetscape improvements, such as the extension and widening of the FDR Drive's acceleration and deceleration lanes at East 116th Street. New traffic signals will be provided at East 116th Street and the internal service drive, at East 117th Street and the internal service drive, and at East 117th Street at Pleasant Avenue. Street tree plantings and sidewalk improvements are proposed along the east side of Pleasant Avenue and all of the project's street frontages.

CITY ACTIONS

General Large Scale Development Special Permit

In order to achieve the desired footprint and front building wall height, the applicant seeks

approval of a special permit, pursuant to Section 74-743 of the Zoning Resolution, to allow the location of the proposed retail center with modifications to height, setback and yard regulations. Under C4-4 zoning district regulations (the proposed zoning designation for the project site), the front wall of a building may rise to a height of 60 feet or four stories, whichever is less, before setback. C4-4 districts also require a 20-foot rear yard for interior lot portions containing commercial developments.

The requested height and setback waivers would enable portions of the building to penetrate the sky exposure plane above a height of 60 feet, principally along the project's FDR Drive and East 116th Street frontages. Along the FDR Drive frontage, the project's two-story retail base rises to a maximum front wall height of approximately 67 feet above curb level, before setback. Along East 116th Street, the accessory parking garage does not setback the required 15 feet for the fifth and sixth parking levels, but rises at the street line to a maximum height of approximately 86 feet above curb level.

The project also seeks a rear yard waiver on the southernmost block (Block 1715) for the proposed commercial office building. Without the requested waivers, the provision of required yards and setbacks would result in irregular and smaller floors, which the applicant asserts, would not satisfy the needs of the potential tenants. The requested height and setback waivers would enable the project to provide the total amount of parking (1,248 spaces) to be accommodated within the proposed six-level, plus cellar parking garage envelope, without adding another parking level and increasing the height of the parking structure.

Subsequent to certification, the applicant proposed a major modification that requested an additional setback waiver for an elevator shaft along the project's East 118th Street frontage. The waiver is necessary to accommodate a new freight elevator that would carry freight from the project's service court to the third retail level. Above the second story on East 118th Street, the project provides the required setback distance of 20 feet, but the freight elevator shaft will penetrate a portion of this setback reducing the setback depth to 10 feet.

In the revised application the main retail building footprint has been reduced, eliminating two previously requested rear yard waivers from the project site. The rear yard waivers were requested for portions of the project's western facade between East 118th and East 119th streets, and between East 117th and East 118th streets. Accordingly, the revised project will provide complying rear yards at the aforementioned locations.

In the revised application the applicant has reduced the footprint of the proposed commercial office building, to eliminate from the project site plan, the area occupied by a recently renovated, four-story residential building at 506-508 East 116th Street. A rear yard waiver is still requested for the reduced commercial office building, but the previously requested side yard waiver is not necessary.

Proposed Zoning Map Amendment

The applicant also seeks approval of a Zoning Map amendment (C 990098 ZMM) to rezone the project site from M2-2 and R7-2 to C4-4. The proposed C4-4 rezoning area includes an area

bounded by the FDR Drive, East 116th and East 119th streets, and a line 75 to 355 feet east of Pleasant Avenue.

The proposed rezoning would allow a maximum commercial FAR of 3.4, a residential FAR of 3.44, a community facility FAR of 6.5, and allow commercial development on a portion of the site currently zoned for residential and community facility uses. As stated previously, the streetwall could rise to 60 feet before setback. For most retail uses, including those proposed for this project, one parking space per 1,000 square feet of floor area must be provided. The proposed rezoning would proscribe manufacturing uses and enhance the commercial development potential of the site by allowing a wider range of commercial uses than that which is currently allowed. In addition, an area in the midblock east of Pleasant Avenue between East 118th and East 119th streets containing all or portions of six occupied multifamily residential buildings and two commercial buildings, adjacent to the project site, will be rezoned from M2-2 to R7-2, to match the predominantly residential existing land use.

Subsequent to certification, the rezoning application was revised to reduce the extent of the proposed rezoning by shifting the C4-4 boundary to a line 100 feet east of Pleasant Avenue between East 116th and East 117th streets and, thereby, retaining the R7-2 designation for a recently renovated, but unoccupied residential building at 503 East 116th Street.

Accessory Parking Garage

The project's proposed 1,248-space parking facility requires a special permit pursuant to Section

74-53 of the Zoning Resolution, to allow an unattended accessory group parking facility with a capacity in excess of that permitted by the applicable zoning regulations and to allow parking on the roof of a building. As stated previously, the required parking ratio under C4-4 district regulations is one space per 1,000 square feet of commercial floor area, which would allow 527 parking spaces for the proposed parking facility. However, it is anticipated that the required number of parking spaces would not adequately satisfy the projected parking demand. The requested special permit would enable the applicant to provide the necessary parking spaces for the proposed retail center, with roof parking. The proposed East River Plaza garage will provide 1,248 spaces, with 50 reservoir spaces.

The proposed parking facility will have 543,361 square feet of gross floor area. The facility will have six levels above grade and one below grade. The parking garage will be open-air ventilated. Pedestrian bridges will be located on each retail level providing direct access between the garage and proposed retail building. Vehicles will enter and exit the parking facility from a new interior service drive that will be built as part of the East River Plaza project. The interior service drive extends from East 116th to East 117th streets, and provides the main vehicular access point for cars and trucks seeking to enter the proposed retail center. The garage will have four exit gates. Three exit gates will empty onto the internal service drive; the remaining exit gate is aligned with East 117th Street.

The revised application modifies several elements of the parking garage operation. The garage design has been modified to provide an additional entrance on East 116th Street. This entrance

will be accessed from two dedicated right-turn lanes which will conduct traffic exiting from the south bound FDR Drive deceleration lane and destined for the project. On the garage's second level, a taxi drop-off area will be provided to drop-off and retrieve shoppers directly from the second level retail store. Additionally, the garage's revenue collection method has been changed to incorporate a prepay system, enabling shoppers to pay parking fees prior to entering their cars. The applicant will also be responsible for providing an off-site employee parking lot accommodating 100 vehicles.

Proposed City Map Amendment

The proposed East River Plaza project also requires several changes to the City Map (C 980699 MMM) including: the shortening and demapping of portions of East 117th and East 118th streets, the demapping of existing water and sewer easements on said streets, the creation of new water and sewer easements through the project area, the creation of two public access easements, and the widening and extension of the southbound deceleration lane (off-ramp) of the FDR Drive at East 116th Street.

Disposition of City-owned Property

The proposed project requires a ULURP action for the unrestricted disposition of one city-owned lot within the proposed development site (C 990101 PPM). The Department of Citywide Administrative Services is the applicant for the proposed disposition action. The property, Block 1716, Lot 8, is vacant and unimproved. Lot 8 was the subject of a prior disposition action (C 960600 PPM), which was disapproved by the City Council on January 29, 1997. Lot 8 will be

assembled and disposed with an adjacent city-owned lot (Lot 9), which is located within the project site. Lot 9 was approved for disposition by the Board of Estimate, pursuant to ULURP, on September 24, 1981 (C 810387 PPM). Upon assemblage, both lots will be disposed by the City to the Applicant to facilitate assemblage of the project site.

Zoning Text Amendment

In a concurrent action, the Department of City Planning proposes to amend Sections 12-10, 74-742, and 78-06 of the Zoning Resolution (N 990526 ZRY), allowing property not in single ownership, but proposed to be developed or enlarged through assemblage by a governmental agency having the power of condemnation, to be eligible for special permits for large scale developments. Currently, only properties proposed to be assembled by the City's urban renewal agency are eligible for large scale development special permits when not in single ownership.

State Actions

In addition to the previously mentioned ULURP actions, the project also requires the preparation of an Final Environmental Impact Statement (FEIS) and approval of a state-prepared General Project Plan by the Empire State Development Corporation (ESDC). Additionally, it is expected that ESDC will acquire several adjoining privately-owned properties through negotiated acquisition or condemnation in assembling the project site. The premises occupied by twelve businesses on the project site are slated for acquisition. These businesses include retail, automotive, construction, woodworking, manufacturing and transportation-related uses that employ approximately 118 people. ESDC will provide relocation assistance to businesses

displaced by condemnation. No occupied residential properties will be acquired.

ENVIRONMENTAL REVIEW

This application (C 990099(A) ZSM), in conjunction with the applications for the related actions (C 980699 MMM, C 990098 ZMM, C 990100 ZSM and C 990101 PPM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the New York State Empire State Development Corporation (ESDC).

It was determined that the proposed actions may have a significant effect on the environment.

A Positive Declaration was issued on June 22, 1998, and distributed, published and filed.

Along with its issuance of a Positive Declaration, ESDC issued a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) on June 22, 1998. A public scoping meeting was held on the DEIS on July 28, 1998. A Final Scope of Work, reflecting the comments made during the scoping, was issued on September 17, 1998.

The applicant prepared a DEIS and a Notice of Completion for the DEIS was issued on February 18, 1999. On June 23, 1999, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion for the FEIS was issued on August 19, 1999. The Notice of Completion

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

IMPACTS

Hazardous Materials

The proposed demolition of the on-site structures and new construction activities on the project site would disturb contaminated materials that were identified in sampling done in February 1996. These include asbestos-containing materials (ACM), lead-based paint, and potentially contaminated soils and groundwater. Additional site investigations were performed on the former Washburn Wire property in June 1999, in accordance with a protocol approved by the New York City Department of Environmental Protection (DEP). Soil samples were collected from new soil borings, groundwater samples were also collected.

ACM was removed from the existing buildings before demolition. U.S. Occupational Safety and Health Administration (OSHA) regulations specify measures that will be followed to protect workers from exposure to lead during demolition and construction activities. Some dewatering is expected to be required during construction, and current plans are for groundwater to be re-charged on-site. If this is not feasible, then the groundwater will be discharged to the sewer system in accordance with all applicable regulations. There is also evidence that a number of underground storage tanks (USTs) used to store petroleum remain buried on-site. All USTs present on the former Washburn Wire factory site are being removed in accordance with all applicable regulations. Other tanks on the project site will be removed when the properties are acquired. All actions will comply with local and State regulations.

Mitigation measures for potential hazardous materials impacts under future conditions with the project are presented below in the "Mitigations" section.

Traffic and Transportation

The proposed project would result in significant traffic impacts at three locations in the weekday midday peak hour, six locations in the weekday PM peak hour, and three locations in the Saturday midday peak hour on the grid system. The weekday PM peak hour is expected to have the most affected locations, as it generates a peak travel demand for the project and has the highest background traffic volumes on the study area roadways. The weekday midday peak hour would have the same affected locations as the Saturday peak hour. The majority of expected traffic impacts would occur on the east- and westbound approaches along major east-west corridors in the traffic study area (i.e., East 125th Street at Second Avenue; East 116th Street at Fifth, Second, and First Avenues). However, many of the affected locations would already have congested conditions in the future without the project.

The eastbound approach to the intersection of Second Avenue/East 125th Street is expected to have traffic impacts in all three analyzed peak hours. Although the approach to this intersection would operate at unacceptable levels of service (LOS) under future conditions without the project, the proposed project would add vehicles, and trigger traffic impacts to this sensitive location. The project increment to the eastbound right-turn movement is estimated at 48 vehicles per hour (vph) in the weekday midday, 44 vph in the weekday PM, and 55 vph in the Saturday midday peak hours.

The westbound left turn at the Second Avenue/East 116th Street intersection and the eastbound left turn at the First Avenue/East 116th Street intersection are also expected to experience significant traffic impacts under 2001 build conditions in all of the analyzed time periods. The project is expected to increase east-west traffic flows along the East 116th Street corridor, as well as increase the volume of westbound left turns at the Second Avenue/East 116th Street intersection. The analysis shows that the increase in east-west traffic volumes along East 116th Street would increase the difficulty of left-turn movements at these two intersections, thereby resulting in traffic impacts.

The southbound FDR Drive service road approach to East 96th Street is expected to have a traffic impact in the weekday PM peak hour. This approach is the only north- or southbound lane group in the traffic network expected to be significantly affected as a result of the project. Under future conditions without the project, this approach is expected to operate at an unacceptable LOS (E), with a delay of 54.9 seconds during the weekday PM peak hour. The increase of 66 vph to the southbound approach due to the project would result in a delay of 61.9 seconds (LOS F) to this approach, thus, causing a traffic impact.

A one-way, on-site traffic circulation alternative is discussed in the “Alternatives” section on page 29 of this report.

Mitigation measures for the expected traffic impacts to the roadway network under future conditions with the project are presented below in “Mitigations.”

FDR DRIVE RAMP ANALYSIS

Due to the current substandard sight distance conditions along the southbound FDR Drive, in addition to the substandard lengths of the exit and entry ramps at East 116th Street, the proposed project would incorporate several improvements to the operating conditions of the southbound FDR Drive in the vicinity of the site. The eastern boundary of the retail building and the garage structure of the development would be offset from the FDR Drive to provide adequate sight distance for driver visibility along the southbound FDR Drive. The exit ramp at East 116th Street would be improved to provide a 11-foot-wide lane, a tapered length of approximately 225 feet, and a lane length of approximately 425 feet. The entry ramp would also be improved to provide a lane width of 11 feet, a lane length of approximately 400 feet, and a tapered length of approximately 175 feet.

With these improvements, the exit ramp under 2001 Build conditions is expected to operate with lower densities and overall similar levels of service (LOS) compared with 2001 No Build conditions in all analyzed peak hours. The operation of the FDR Drive entry ramp at East 116th Street would also improve under 2001 Build conditions, with overall lower densities in all peak hours and an improvement from LOS D to LOS C in the weekday PM, and Saturday midday peak hours.

With the implementation of the physical improvements as described above, the FDR Drive ramps at East 116th Street are expected to adequately handle the increase of peak period traffic volumes as a result of the proposed project. In addition, the East 116th Street westbound approach to the signalized intersection with the service road is expected to operate at LOS A or B in all analyzed peak hours. Therefore, queuing is not expected along East 116th Street between the service road and the FDR Drive so as to result in vehicle spillbacks to the FDR Drive exit ramp at East 116th Street under future conditions with the proposed project.

PARKING

Off-Street Parking

The proposed project will provide off-street parking with sufficient capacity to satisfy demand on Saturday, the peak shopping day. The proposed accessory parking garage would consist of approximately 1,248 spaces accessed from an internal service road connecting to East 116th Street and to the end of East 117th Street. The garage's pricing system would be designed to discourage non-shoppers from parking. An off-site, 100-space parking lot will be provided for use by project employees to reduce demand in the proposed garage.

As the proposed project fully satisfies its demand in the proposed garage and the off-site, 100-space employee parking lot, no significant parking impacts are expected.

On-Street Parking

The proposed project is expected to remove approximately 25 on-street parking spaces along East 116th Street, between the site access driveway and the FDR Drive, and about 20 spaces along East 117th Street. It is expected that the parking demand for these removed on-street spaces would be redistributed within the surrounding area. As the proposed project would replace several of the current commercial uses between Pleasant Avenue and the FDR Drive, the demand for on-street parking in this area is expected to be substantially reduced under future conditions with the proposed project.

PUBLIC TRANSPORTATION

The proposed project is expected to increase public transportation demand in the study area. However, no significant adverse subway station impacts are anticipated as a result of the proposed project.

It is assumed that any No Build deficit would be addressed by New York City Transit (NYCT)

with service changes, and any new deficit created by the project would be a significant impact. As noted in Table 13-20, in the PM peak hour, the proposed project would impact the M116 route in both the east- and westbound directions. No impacts to the M15 bus route are anticipated. “Mitigation,” below, discusses these local bus impacts.

Noise

Existing noise levels were monitored at five receptor sites and the increases that would occur with the project were projected. At all five noise receptor sites, noise level increases would not be significant (less than 3.0 dBA).

However, noise levels on East 117th Street east of Pleasant Avenue would increase by more than 3.0 dBA during all three analysis periods—the weekday midday period, the weekday PM peak period, and the Saturday midday period—and during other hours when the project is operating. Significant noise impacts are predicted to occur at this location because traffic volumes without the proposed project are very low, existing buildings are shielded from noise from the FDR Drive, and in the future with the proposed project, this location would serve as a route for garage traffic as well as drop-offs.

Mitigation measures for potential noise impacts under future conditions with the project are presented below in “Mitigations.”

Construction

Construction of the proposed project may be disruptive to the surrounding area during the construction period. The following analysis describes the economic benefits associated with construction and the overall temporary effects on land use, historic resources, hazardous materials, traffic and transportation, air quality, and noise.

- Construction of the proposed project would create direct benefits resulting from expenditures on labor, materials, and services, and indirect benefits created by expenditures by material suppliers, construction workers, and others involved in the project. Construction of the project would also contribute to increased tax revenues for the City and State, including those from personal income taxes.
- The plan for Stage 1B testing and ongoing work, if necessary, would be developed in coordination with the State Historic Preservation Officer to avoid any significant adverse impact to historic and archaeological resources.
- The demolition of the on-site structures and new construction activities on the project site would disturb asbestos-containing materials, lead-based paint, and potentially contaminated soils, and groundwater. By following City, State, and Federal regulations specifying abatement procedures, Federal OSHA regulations, and New York State Department of Environmental Conservation (DEC) regulations concerning the recovery

of possible USTs on-site, and by implementing a worker health and safety plan, no significant adverse impacts would occur as a result of removing these hazardous materials.

- Construction worker travel would be primarily by public transportation, with a smaller percentage by private auto. It is anticipated that all parking of equipment and worker vehicles would be located on the southern end of the project site, between East 116th and East 117th Streets. Therefore, vehicle trips associated with construction would not likely have any significant adverse impacts on the surrounding streets. Truck movements would be spread throughout the day and would generally occur between the hours of 7:30 AM and 3:30 PM. Delivery of material would occur on East 117th Street. Truck holding and staging would also be accommodated on-site between East 116th and East 117th Streets, for most of the construction period. For the construction of the lengthened deceleration and acceleration lanes, temporary closures to the present ramps may be needed while lengthened ramps are being paved. No closures on the FDR Drive itself are expected during ramp construction, and all maintenance of traffic process would be coordinated with DOT.
- All appropriate fugitive dust control measures—including watering of exposed areas and dust covers for trucks—would be employed during construction. The measures set forth in the New York City Air Pollution Control Code regulating construction-related dust emissions would be implemented, if necessary. Localized increases in mobile source emissions would be minimized by incorporating traffic maintenance requirements into the construction contract documents.
- Impacts on community noise levels during construction of the proposed project include noise and vibration from construction equipment operation, and noise from construction vehicles and delivery vehicles traveling to and from the site. Local and Federal requirements mandating that certain classifications of construction equipment and motor vehicles meet specified noise emissions standards would be followed. In addition, appropriate low-noise emission level equipment and operational procedures would be used. Compliance with noise control measures would be ensured by requiring such measures in the contract documents as material specification and by directives to the construction contractor.

MITIGATIONS

Hazardous Materials

Underground petroleum storage tanks, ACM, lead-based paint, and possibly contaminated soil and groundwater are present on the project site and in the rezoning area. Most impacts will be avoided by performing construction activities in accordance with applicable regulations. Any additional potential adverse impacts will be mitigated by implementation of a construction health

and safety plan, which will be reviewed by DEP before its implementation.

Since the issuance of the Final Notice of Completion, further discussions with DEP have taken place regarding a remediation plan for surface and subsurface soil contamination. DEP has recommended as follows:

- 1) A site specific HASP should be prepared on the basis of worker exposure to the contaminants listed in the July 22, 1999 Phase II Environmental Assessment Report. The HASP should be submitted to DEC for review/approval prior to any site disturbance (grading/excavation) or construction activity;
- 2) If any soil is to be removed from the site, the soil must be properly tested in accordance with all applicable NYSDEC Regulations prior to determining any reuse/or disposal options;
- 3) During grading/excavation and construction activities at the site, dust suppression should be maintained by the contractor. In any areas not covered by structures or asphalt/concrete parking areas, two feet of clean fill should be imported;
- 4) A NYCDEP sewer discharge permit application should be completed/received and approved by DEP prior to the start of discharge of any groundwater into the sewer system. Pre-treatment measures for elevated concentrations of Metals (aluminum, cobalt, iron, lead, magnesium, manganese, and mercury) should be addressed;
- 5) Project land parcels which have yet to be acquired, should be properly tested (surface/sub-surface) prior to any grading/excavation or construction activities. Phase II protocols related to these sites should be submitted to DEP for approval. Upon the approval of the off-site testing, remedial measures, if necessary, should be submitted for approval.
- 6) A deed restriction or similar mechanism should be put into place by ESDC that would require development of a new testing program and remediation/health and safety plan, if necessary, should any new excavation be required at the site or should a change in use be contemplated.

Transportation

Traffic impacts are predicted to occur at six intersections and on one local bus route in one or more of the analyzed peak hours. No significant impacts were identified at the FDR Drive exit/entry ramps or at the East 116th Street/Lexington Avenue subway station, and there would be no significant parking impacts. The analysis of pedestrian conditions also showed there would be no significant impacts to the surrounding sidewalks, corners, or crosswalks in the vicinity of the site. The following provides a description of required mitigation to address any significant impacts to the surrounding transportation system as a result of the proposed project.

TRAFFIC

Six intersections would experience significant traffic impacts due to the proposed project in one or more of the analyzed peak hours. During both the weekday and Saturday midday periods, the following three intersections would have traffic impacts: Second Avenue/East 125th Street, Second Avenue/East 116th Street and First Avenue/East 116th Street. During the weekday PM peak hour, which experiences the highest volume of background traffic of the analyzed peak hours, traffic impacts are expected at the same three locations, in addition to the following intersections: Second Avenue/East 120th Street, Fifth Avenue/East 116th Street, and the FDR Drive southbound service road/East 96th Street. With the exception of the latter intersection, traffic impacts at each location would occur on the east-west approaches to the signalized intersections, with no traffic impacts expected on the north-south approaches.

Table S-2 summarizes the proposed traffic mitigation measures for each of the six affected intersections. These measures are all operational in nature and involve signalization and/or parking modifications. Table S-3 shows the results of the traffic conditions at each intersection with the implementation of mitigation, and gives a comparison with No Build and Build conditions. The following addresses each location.

Second Avenue/East 125th Street

The impact expected at this location in the weekday midday, PM, and Saturday midday peak hours can be mitigated through a 3-second shift in green time from the Second Avenue southbound approach to the East 125th eastbound-westbound approaches in these periods. As shown in Table S-3, this mitigation would reduce delays to the eastbound approach from 116.1 seconds (LOS F) to 53.8 seconds (LOS E) in the weekday midday peak hour; from 119.2 seconds (LOS F) to 55.0 seconds (LOS E) in the weekday PM peak hour; and from 99.6 seconds (LOS F) to 47.3 seconds (LOS E) in the Saturday midday peak hour.

Second Avenue/East 120th Street

A shift in green time of 2 seconds from the Second Avenue southbound approach to the East 120th Street eastbound approach would mitigate the expected impact at this location in the weekday PM peak hour. Build delays to the East 120th Street approach would be reduced from 35.5 seconds (LOS D) to 28.5 seconds (LOS D), thereby resulting in expected delays lower than mid-LOS D (32.5 seconds) level.

Fifth Avenue/East 116th Street

Tables S-2 and S-3 show that the expected impact at this location in the weekday PM peak hour can be mitigated through a shift of 2 seconds of green time from the Fifth Avenue southbound approach to the East 116th Street eastbound-westbound approaches. This would result in reduced delays to the East 116th Street westbound approach from 34.1 seconds (LOS D) to 25.8 seconds (LOS D) in the weekday PM peak hour.

Second Avenue/East 116th Street

Mitigation to eliminate the impact expected on the westbound approach in all analyzed peak hours will require the installation of a new westbound left-turn signal phase. Implementing an exclusive westbound phase at this location would provide the westbound left turns 5 seconds of protective green time (plus 5 seconds yellow and all-red), thereby decreasing delays to the left-turn movements. Table S-3 shows that the excessive delays expected on the westbound approach (LOS F) in the weekday and Saturday midday peak hours would be reduced to 17.9 seconds (LOS C) and to a delay of 16.1 seconds (LOS C), respectively. In the weekday PM peak hour, the proposed mitigation would reduce delays to the westbound approach from 187.9 seconds (LOS F) to 19.1 seconds (LOS C), without resulting in significant impacts to other lane group approaches to the intersection.

First Avenue/East 116th Street

The proposed mitigation at the First Avenue/East 116th Street intersection would require a shift of 3 seconds during all peak hours from the First Avenue northbound approach to the East 116th Street eastbound-westbound movements. In addition, it is proposed to install “right turn only” lane markings approximately 150 feet in at the curb lane on the westbound approach of this intersection, to increase capacity and reduce delays. This mitigation would reduce delays to the eastbound approach of the intersection from 283.4 seconds (LOS F) to 25.4 seconds (LOS D) in the weekday midday peak hour; from 359.3 seconds (LOS F) to 27.3 seconds (LOS D) in the weekday PM peak hour; and from 210.6 seconds (LOS F) to 24.8 seconds (LOS C) in the Saturday midday peak hour, thereby eliminating project impacts.

It should be noted that the M116 bus route currently has a stop located on the westbound approach to this intersection; therefore, the proposed right-turn lane would occupy the same space as the M116 stop. The M116 currently has a frequency of only four buses per hour in the weekday PM peak hour, therefore, the proposed right-turn lane is not expected to have an adverse affect on this bus stop. In addition, the approximately 150-foot right-turn lane would likely eliminate two to three on-street parking spaces along the westbound East 116th Street, between First and Pleasant Avenues.

FDR Drive Southbound Service Road/East 96th Street

Mitigation required to eliminate the expected traffic impact to the congested southbound approach of this intersection would include a transfer of 3 seconds of green time from the East 96th Street eastbound approach to the Service Road southbound approach in the PM peak hour only. This would result in reduced delays to the southbound service road approach from 61.9 seconds (LOS F) to 54.9 seconds (LOS E) in the weekday PM peak hour, thereby mitigating the expected impact at this location.

BUS OPERATIONS

The proposed project would cause a significant impact on the M116 bus route in the PM peak hour. The normal NYCT policy is to regularly monitor bus transit ridership, modify service to reflect ridership changes, and maintain service standards. Therefore, no project-sponsored mitigation is required to address this bus impact on the M116 route.

PEDESTRIANS

The analysis of pedestrian conditions presented in “Traffic and Transportation,” above, showed that there would be no adverse impacts to existing pedestrian facilities, and no mitigation measures are required. However, the project sponsor would apply to DOT for the installation of a new traffic signal on Pleasant Avenue at East 117th Street to facilitate pedestrian crossings at this location. With DOT approval, the sponsor would install the new traffic signal.

Noise

The feasibility of mitigating the impacts of project-generated noise on East 117th Street east of Pleasant Avenue was examined. There are two mitigation possibilities: restricting project-generated traffic from this street, and/or providing window treatment and alternative ventilation for the affected residences. Both of these possibilities are discussed below.

- **Restricting Project-Generated Traffic From East 117th Street.** As currently proposed, project-generated traffic would use both East 116th and East 117th Streets. Eliminating the East 117th Street exit would force peak hour traffic onto one street—East 116th Street—which would result in traffic congestion on this feeder to and from the FDR Drive. Therefore, this mitigation is not feasible.
- **Providing Window Treatment and Alternative Ventilation.** Providing window treatment (e.g., storm windows or double-glazed windows) and alternative ventilation (e.g., fan systems or air conditioning) would mitigate the project-generated adverse impacts on residences on East 117th Street east of Pleasant Avenue. The block currently contains five buildings with residences. There are approximately 112 windows of residences facing the street. The project’s developer would make this mitigation available—through written notice—to those residences. The project approvals will include the requirement of this offering to the residents potentially affected by the project. Additional mitigation measures are discussed in the “Alternatives” section.

ALTERNATIVES

This section analyzes alternatives to the proposed action. Five alternatives are considered; the No Action Alternative, in which the site would remain in its existing condition; the As-of-Right Alternative, that would develop the site in conformance with the existing zoning and would not require discretionary approvals or environmental review; a Local Retail Mix Alternative that would develop the site with much smaller retail uses with a local orientation; a Residential Alternative that would develop the site for residential use; and an alternative for one-way, on-site traffic circulation.

NO ACTION ALTERNATIVE

Under the No Action Alternative, the project site and immediately surrounding areas would not be rezoned and it is assumed that the former Washburn Wire site would remain vacant and unoccupied. The site's land use would not significantly change, although it is expected that the former Washburn Wire factory buildings would be demolished. The bulk of the site would remain a former manufacturing parcel and the other lots in the project site would retain their existing uses. The M2-2 manufacturing zone on the project site and the other zoning districts within the proposed rezoning area would remain unchanged, and the nonconforming status of existing residential uses between East 117th and East 118th Streets would not be eliminated by the proposed residential zoning.

Under the No Action Alternative, there would be no economic benefits realized during both the construction and operation of the proposed project. There would be neither direct and generated construction employment and income, nor the expected local and State revenue resulting from the construction activity. Employment resulting from construction expenditures, including jobs from business establishments providing goods and services to contractors, would not occur. The approximately 1,200 to 2,000 full-time jobs expected as a result of the proposed project would not be created.

The No Action Alternative would make no new demands on police, fire or emergency services, nor would it affect neighborhood hospitals and schools. It would have no significant adverse impact on demand for community services.

Under this alternative, the open space ratio (OSR) for the daytime open space population would be greater than the DCP planning goal of 0.15 acres per 1,000 workers and no adverse impacts would result. The No Action Alternative would also cast no new shadows on the playgrounds at P.S. 206 and P.S. 112, the East River Esplanade or on the two community gardens located on the east side of Pleasant Avenue between 117th and 119th Streets.

As part of the proposed project, Stage 1B testing has occurred on the lots on East 118th Street, and is scheduled to occur on the lots on East 119th Street prior to construction to test for the presence of archaeological resources. This testing would also occur under the No Action Alternative. A plan for Stage 1B testing and ongoing work has been developed in coordination with SHPO to avoid any significant adverse impact. Therefore, no significant adverse archaeological impacts are expected to occur. This alternative would also not result in a significant adverse impact to the Jefferson Play Center, the only designated historic resource in the surrounding area.

With demolition of the Washburn Wire factory buildings, the urban design and visual character of the project site would change under this alternative. A large portion of the project site would be cleared and this portion of the project site block would retain its deteriorated appearance.

Under this alternative, no new buildings or uses would be added to the project site and the neighborhood character would remain unchanged.

Under this alternative, the former Washburn Wire factory buildings would be demolished and the land cleared. As with the project, asbestos-contaminated materials would be removed from the building.

The No Action Alternative would not result in any significant adverse impacts to coastal issues; nor would it affect local utility systems, including water supply, solid waste and recycling, and energy.

The increased traffic associated with the proposed project would not occur under this alternative, and the traffic and bus transit impacts with the proposed project would not occur. No violations of NAAQS or the State Implementation Plan (SIP) are predicted to occur under the No Action Alternative. The No Action Alternative would have no noise impacts.

The only construction activities on the site in the No Action condition is the anticipated demolition of the former Washburn Wire buildings. The construction activities associated with the proposed project including the economic benefits, would not occur under this alternative.

AS-OF-RIGHT ALTERNATIVE

The As-of-Right Alternative described here considers As-of-Right retail, or commercial, development of the site. The district would allow up to 983,653 square feet of floor area As-of-Right, which, if maximized, could mean the construction of an approximately 5- to 7-story retail building with up to approximately 550,000 square feet of space. In addition, a parking garage of 8 to 11 stories could be built. Retail uses would be limited to those retail uses permitted As-of-Right in an M2-2 district, such as hardware, stationery, and sporting goods stores, and movie theaters.

The As-of-Right Alternative would be similar to the proposed project in terms of potential impacts, but this alternative would be taller and would contain slightly more retail space. The environmental impacts of the commercial As-of-Right Alternative are discussed below. This alternative would represent a change in land use and development density on the project site. It would intensify the density of development in the area, and would contribute to a shift in land use character and activity level in the neighborhood. There would be no rezoning on the project site or the areas immediately adjacent to the project site, so the potential for off-site commercial development as predicted with the proposed project would not occur.

The As-of-Right Commercial Alternative would generate similar construction benefits to those of the proposed project in terms of jobs and tax revenues. On completion, it would generate a similar amount of sales tax and real estate revenue. The number of new jobs created would depend on the type of stores built. This alternative would not displace existing businesses.

The As-of-Right Commercial Alternative would increase demand on police, fire, and emergency services. However, it would not have a significant adverse impact on area community facilities. Although this alternative may generate a somewhat higher daytime population than the proposed

project, no impact to the area's OSR is expected under this alternative.

The taller building (possibly 5-7 stories) developed under this alternative would cast shadows slightly longer than those predicted from the proposed project, but the overall affect would be similar to that of the proposed project.

Should measures be required to ensure that no significant archaeological resources would be adversely affected by development of the project site, these would be established in coordination with SHPO. Therefore, this alternative similarly would not result in any significant adverse impacts to archaeological resources. This alternative would also not affect the historic resource identified in the project's study area—the Thomas Jefferson Play Center or the other three nearby buildings that are eligible for State and National Register listing.

The As-of-Right Commercial Alternative would be taller than the proposed project and thus more visible from a wider area. By adding a new retail development and parking garage to a now relatively quiet site, this alternative—like the proposed project—would change the character of the area. The alternative would bring new activity to the project site blocks, particularly on the weekends. It would also bring a greater sense of safety and be more compatible with the primarily residential character of the surrounding area, like the proposed project. Infrastructure serving the development area would be able to handle the estimated demand for services, even though this alternative would likely have a slightly higher energy demand than the anticipated development under the proposed action.

As with the proposed project, asbestos removal, soil and groundwater testing, protection from lead-based paint exposure, and the removal or closure of underground storage tanks would be conducted in accordance with all necessary regulations; with these procedures in place, no significant adverse impacts are expected.

This alternative would be consistent with New York City's Waterfront Revitalization Program and New York State's Coastal Zone Management Program.

The As-of-Right Commercial Alternative would decrease the number of vehicle trips in the analyzed peak hours by 162 to 334 trips, relative to the proposed project. The number of affected intersections for this alternative is predicted to be three in the weekday midday peak hour, six in the weekday PM peak hour, and two during the Saturday midday peak hour. All traffic impacts could be mitigated. The M116 bus route would also be affected in the PM peak hour. This alternative could provide roughly 400 to 700 more parking spaces than the proposed project. This alternative would not result in any significant adverse impacts to subway, pedestrians, or parking conditions.

The As-of-Right Alternative would not result in any air quality impacts or in any violations of the NAAQS. It would result in similar noise levels as the proposed project, but because this alternative does not require any public approvals, noise levels under this alternative would not require mitigation.

Construction of the As-of-Right Alternative would result in temporary disruptions. However, the hours of construction would be regulated by the Department of Buildings. Any potential effects related to hazardous materials, traffic, air quality, or noise caused by construction would be mitigated.

LOCAL RETAIL MIX ALTERNATIVE

Under the Local Retail Mix Alternative, the project site would be developed for a mixture of local retail stores, along with a supermarket. It is likely that this alternative would result in a 1-story, approximately 120,000-square-foot retail building with an open air parking lot for shoppers' use. For the purposes of this EIS, the alternative is conceived as containing six 10,000-square-foot retail or convenience stores such as a dry cleaners, pharmacy, book store, etc., and an approximately 60,000-square-foot supermarket and 120-space parking lot.

In terms of land use, the Local Retail Mix Alternative's effects would be similar to those of the proposed project. The Local Retail Mix Alternative would require less land than the proposed project. It would be compatible with the existing uses in the neighborhood and would enliven a relatively isolated area, bringing an active use to an underutilized and largely vacant area. It would also require a rezoning to C4-4, or another zoning designation that would permit development of local retail uses and a 60,000-square-foot supermarket.

The Local Retail Mix Alternative would create far fewer temporary jobs during construction and permanent jobs on completion than the proposed project. It would also generate smaller sales tax and real estate tax revenues. The financial viability of this alternative is questionable, given its smaller size, the existing land costs and the potential rents from these stores. Although the Local Retail Mix Alternative would contain less total retail space than the proposed project, this alternative is anticipated to have a similar, or possibly greater, effect on local convenience stores and small food stores in the surrounding area because the retail mix that includes a supermarket would be similar to other retail in the study area.

The Local Retail Mix Alternative would increase demand on police, fire, and emergency services. However, this alternative would not have a significant adverse impact on area community facilities. No impact to open space resources would occur. And, at one-story high, this alternative would not cast any shadows on nearby open space resources.

In terms of effects on archaeological and historic resources, the Local Retail Mix Alternative would be the same as the proposed project, and this alternative would not result in any significant adverse impacts on historic resources in the area.

Visually, this alternative would be one-story tall with a footprint smaller than that of the proposed project. In terms of neighborhood character, the new retail uses would alter this character, bringing a new worker population and other visitors to the project site, enlivening the area surrounding the project site and enhancing the safety of a relatively isolated area. It would not have significant adverse impacts.

Under this alternative, any potential contamination in the area would be removed and handled in accordance with all necessary regulations. With the appropriate procedures in place, no significant adverse impacts concerning hazardous materials would occur under the Local Retail Mix Alternative.

This alternative would be consistent with New York City's Waterfront Revitalization Program and New York State's Coastal Zone Management Program.

Because of its smaller development size and its fewer employees, this alternative would generate lower water, sewer and energy demands, and generate less solid waste than the proposed project. It would not have an adverse impact on the City's infrastructure.

This alternative would provide less retail space than the proposed project, so it would generate fewer total person-trips and vehicle trips than the proposed project. This alternative would provide fewer parking spaces than the proposed project, but no impacts to the area's parking is expected as a result of this alternative. This alternative would result in fewer affected intersections and would still affect the M116 bus route. Similar to the proposed project, this alternative would not result in any significant adverse impacts to pedestrian or subway facilities.

The Local Retail Mix Alternative would not result in any air quality impacts or in any violations of the NAAQS. Noise levels under this alternative would be less than those with the proposed project, and no significant adverse noise impact is expected to occur.

Construction of the Local Retail Mix Alternative would result in temporary disruptions to the surrounding area. Construction activities, including hours of construction, would be regulated by the Department of Buildings. Any potential effects related to hazardous materials, traffic, air quality, or noise caused by construction would be mitigated.

RESIDENTIAL ALTERNATIVE

A residential development has been proposed by the East Harlem Business and Residents' Alliance as an alternative to the proposed project. It is not believed that a residential development on the site is economically feasible under current market conditions, as evidenced by the fact that a substantial amount of the housing in the area has required government assistance in recent years. Nonetheless, the alternative is included for a comparative analysis. Under the Residential Alternative, the project site would be developed for residential use and contain a health club and parking. As proposed, this alternative would contain four separate residential buildings—two 8-story buildings, one 3-story building, and one 10- to 20-story building.

This alternative would have the same environmental effects as the proposed project for historic and archaeological resources, hazardous materials, coastal issues and construction. Areas where the impacts could differ are discussed below.

In terms of land use, the Residential Alternative would provide new residential housing on the

former Washburn Wire factory site. This alternative would require a rezoning from the existing manufacturing zoning to R7-2 or a similar zoning designation that would allow residential use. There would be no business displacement under this alternative. Jobs during construction would still be created under this alternative; however, given the overall smaller size of this development, it would create fewer construction jobs. In addition, this alternative would not have the same beneficial effect as the proposed project for the City and State in terms of its generation of sales tax and real estate tax revenues.

This alternative would not have a significant impact on the community's police, fire, and emergency services. However, it would add an estimated 114 new students to the area's public schools. To handle this increase, the Board of Education would likely continue to use administrative solutions to any overcrowding. No significant impacts would occur from either this alternative.

Under the Residential Alternative, the OSR for the residential open space study area would be lower than with the proposed project—1.0, compared with 1.1. This OSR falls below the City's median of 1.5 acres of parkland per 1,000 residents and DCP's optimal planning goal of 2.5 acres per 1,000 residents.

Because its buildings would be much taller than that proposed project's, the Residential Alternative would most likely cast greater new shadows on the school playgrounds, esplanade, and community gardens along Pleasant Avenue.

This alternative would be taller than the proposed project, and would be more visible from a wider surrounding area. This alternative would bring new activity to the blocks, particularly during the morning and evening hours. It would expand the area's residential character, unlike the proposed project, which would add a dynamic retail complex. With an added 24-hour population, and a lower overall user population, demands on the infrastructure system would be greater; however, it would not result in any significant impacts to water, sewer, solid waste generation, or energy usage.

In terms of traffic and transportation, there would be no impacted intersections under this alternative, and no impacts to transit, pedestrians, or parking conditions. This alternative would not result in air quality impacts or violations of the NAAQS. Noise levels would change slightly compared with existing noise levels, but the increase would not be significant.

ONE-WAY ON-SITE TRAFFIC CIRCULATION

This alternative addresses the traffic circulation plan of the proposed project, in response to suggestions and comments made during the public hearing process. In all other respects, it would be identical to the proposed project. It will require the same discretionary actions and approvals as the proposed project. The proposed project contemplates two-way traffic along both East 117th Street and the service drive. Cars and taxis enter and exit the project via both East 116th and East 117th Streets; trucks enter and exit on East 116th Street only.

This one-way alternative would differ from the proposed action in that all traffic would enter at the East 116th Street entrances and would exit at East 117th Street and Pleasant Avenue. The service drive would be one-way northbound. East 117th Street would be one-way westbound between Pleasant Avenue and the service drive, and two-way east of the service drive. Truck restrictions would be instituted on East 117th and East 119th Streets between Pleasant and First Avenues.

Compared with the proposed project, this alternative could have different impacts in terms of traffic, air quality, and noise, as discussed below. In other respects, this alternative would not differ from the proposed project.

Traffic

Based on the revised circulation plan, northbound traffic on Pleasant Avenue north of East 117th Street would increase, while southbound traffic would decrease. On East 117th and East 119th Streets west of Pleasant Avenue, traffic would increase, but would decline on eastbound East 118th and East 120th Streets on the same block. Traffic would substantially increase on Pleasant Avenue between East 117th Street and East 116th Streets and on eastbound East 116th Street between Second Avenue and the FDR Drive.

Because of the higher volume of eastbound traffic on East 116th Street between Pleasant Avenue and the service drive, the short length of this block, and the new entry directly to the garage for inbound FDR Drive traffic, no signal for the service drive/East 116th Street intersection would be necessary (although it could be added if future conditions warrant it). As previously proposed, this alternative would widen East 117th Street east of Pleasant Avenue to provide two travel lanes and parking lanes (a 36-foot travelway versus a 40-foot-wide one with the proposed project). In addition, the intersection of East 117th Street/Pleasant Avenue would be signalized. The surrounding traffic network would generally continue to operate well, including at the Pleasant Avenue/East 116th Street intersection. However, to avoid impacts, signal timing would have to be modified both at this intersection and at the intersection of First Avenue/East 117th Street. Unlike the project, the service drive would not require signalization with this alternative, and the new East 117th Street/Pleasant Avenue signal would function at acceptable LOS. The westbound cross streets would also function at acceptable LOS.

Overall, this alternative would eliminate the signal at East 116th Street and the service road, lower traffic on the service drive, and traffic exiting from the garage would be more organized. However, this alternative would result in more traffic on East 117th Street west of Pleasant Avenue and on Pleasant Avenue between East 116th and East 117th Streets.

As discussed above, the one-way circulation plan would increase traffic on Pleasant Avenue between East 117th and East 116th Streets and on eastbound East 116th Street between Second Avenue and the FDR Drive. The reassigned project-generated traffic for the one-way plan was examined to determine locations where potential air quality impacts may occur.

Air Quality

The maximum predicted future (2001) 8-hour average CO concentration at Pleasant Avenue and East 116th Street (Site 3) would be 4.9 parts per million (ppm) for both the one-way plan alternative and the one-way plan alternative with the traffic improvements that include the signalization of the East 117th Street and Pleasant Avenue intersection. The results indicate that this alternative would not result in any violations of the CO standard. In addition, no potential adverse impacts would be expected at Pleasant Avenue and East 117th Street, since traffic volumes are lower at this intersection than at site 3. Therefore, neither this alternative nor the proposed project would result in any significant predicted adverse air quality impacts in the area.

Noise

With the revised circulation plan, traffic from the proposed project would result in significant noise impacts at three locations: East 117th Street, east of Pleasant Avenue; East 117th Street between Pleasant and First Avenues; and East 116th Street between Pleasant Avenue and the service drive. At each of these locations, the proposed project would result in an increase in noise levels during one or more hours of greater than 3.0 dBA. Residences located at these three locations would be significantly impacted by this alternative.

The FEIS states that the additional noise impacts could be mitigated by provision of a new window treatment and alternative ventilation for affected properties, but that given the large number of buildings, this level of mitigation would be extremely expensive (on East 117th Street east of Pleasant Avenue there are approximately 112 windows facing the street that would need mitigation, while on the block of East 117th Street between Pleasant and First avenues, approximately 550 windows would need mitigation).

The FEIS alternatively states that for East 117th Street between Pleasant and First Avenues, mitigation could be achieved by traffic management measures. This could include signage and traffic control measures requiring westbound exiting traffic at East 117th Street to turn left onto Pleasant Avenue (all through movements and the right turn would be prohibited), thereby eliminating the increase in traffic on East 117th Street west of Pleasant Avenue; or, a change in street direction on East 117th Street between Pleasant and First Avenues from one-way westbound to one-way eastbound. This change would divert the relatively light existing volumes on Pleasant Avenue to East 116th and East 119th Streets, and, coupled with a restriction on right turns, would direct exiting traffic from the project toward East 116th Street.

Either of these traffic measures, by removing exiting project traffic from East 117th Street west of Pleasant Avenue, would be expected to eliminate the potential noise impact on that block. However, they would increase traffic on Pleasant Avenue and result in significant impacts on Pleasant Avenue between East 116th and 117th Streets. Fewer locations would be affected with this arrangement, but mitigation would still be required. The project's developer would make mitigation available to residents with windows facing Pleasant Avenue who live between East 116th and 117th streets. This would consist of window treatment (e.g., storm windows or double-glazed windows) and alternative ventilation (e.g., fan systems or air conditioning). Therefore, with the proposed project and the Circulation Plan Alternative with the proposed mitigation, no residents would be significantly impacted.

The portion of the Manhattan Center for Science and Math facing East 116th Street between Pleasant Avenue and the site driveway would be significantly impacted by this alternative during the two-hour period (10:00 AM to 12:00 PM). Since this impact is predicted to occur during a very limited time period and would result in an increase of 3.1dBA, which is only slightly above the 3.0 dBA threshold for significant impact, the developer would be responsible for the performance of detailed pre- and post-construction noise monitoring to determine whether the actual increase in noise levels is above the 3.0 dBA level of significance for the school and for residents with windows facing East 116th Street between Pleasant Avenue and the site driveway. The project developer would prepare a monitoring protocol for review and approval by the New York City Department of Environmental Protection (DEP). The project developer would arrange for the performance of the monitoring program as approved by DEP and submit the results for DEP's consideration. Unless DEP determines that no mitigation would be necessary, the developer would make available window treatment and alternative ventilation to mitigate project impacts.

Since the issuance of the Final Notice of Completion, DEP has recommended that if traffic management measures are not implemented to mitigate potential noise impacts on East 117th Street between Pleasant and First avenues, the developer would undertake the same pre- and post-construction noise monitoring (subject to DEP approval and consideration), and would be required to make available window treatment and alternative ventilation to residential buildings in this location unless DEP determines that no mitigation would be necessary.

UNIFORM LAND USE REVIEW

The original application (C 990099 ZSM), in conjunction with the applications for the related actions (C 980699 MMM, C 990098 ZMM, C 990100 ZSM and C 990101 PPM) was certified as complete by the Department of City Planning on March 29, 1999, and was duly referred to Community Board 11 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules. The modified application, (C 990099(A) ZSM) were referred to the community board on July 19, 1999, pursuant to Section 2-06(c)(1) of the ULURP rules.

Community Board Public Hearing

Community Board 11 held a public hearing on the original application (C 990099 ZSM), in

conjunction with the applications for the related actions (C 980699 MMM, C 990098 ZMM, C 990100 ZSM and C 990101 PPM) on May 26, 1999, and on that date, by a vote of 28 in favor, 5 opposed and 3 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The original application (C 990099 ZSM), in conjunction with the applications for the related actions (C 980699 MMM, C 990098 ZMM, C 990100 ZSM and C 990101 PPM), was considered by the Borough President, who issued a recommendation approving the application on July 6, 1999, with the following conditions:

The public viewing area at the end of 117th Street lacks detail and that a design for this area should be more developed before the end of the ULURP process.

Pedestrian circulation along the north side of 117th Street should be improved so that pedestrians have a direct east-west route without having to meander through traffic and parking obstacles.

The taxi queuing/standing area should be relocated to under the garage area parallel to 117th Street to minimize the amount of automobiles on 117th Street.

The City and State must improve the streetscape along 116th Street from the subway stop at Lenox Avenue to the FDR Drive.

The developer should be required to plant trees on the opposite side of the street surrounding the project at 116th Street, Pleasant Avenue and 119th Street. Planting trees on both sides of the street not only significantly increases the number of trees surrounding the project, but it enhances the public streetscape for the adjacent neighborhood.

The appropriate City and State agencies must monitor and enforce that proper procedure is followed and any impacts related to air quality, noise, traffic as well as others are mitigated as required by the Environmental Impact Statement.

City Planning Commission Public Hearing

On July 7, 1999 (Calendar No. 5), the City Planning Commission scheduled July 21, 1999 for a

public hearing on the original application (C 990099 ZSM). The hearing was duly held on July 21, 1999 (Calendar No. 15), in conjunction with the public hearings on the applications for the related actions (C 980699 MMM, C 990098 ZMM, C 990100 ZSM and (C 990101 PPM), and the hearing was continued to August 4, 1999.

On July 21, 1999 (Supplemental Calendar No. 1), the City Planning Commission scheduled August 4, 1999 for a public hearing on the modified application (C 990099(A) ZSM). The hearing was duly held on August 4, 1999 (Calendar No.16), in conjunction with the continued public hearings on the applications for the related actions (C 980699 MMM, C 990098 ZMM, C 990099 ZSM, C 990100 ZSM and C 990101 PPM).

Ninety-nine (99) speakers testified on specific aspects of this action and related applications.

Fifty-two (52) speakers testified in opposition to specific aspects within this action and the related applications. Speakers in opposition included area residents, community advocates and property owners affected by the possible condemnation action. Many of the speakers in opposition generally were in favor of developing the vacant Washburn Wire factory site to an active use. However, many speakers expressed concern regarding the size of the proposed project and the ability of the existing street network to handle additional vehicular and truck traffic if a large retail center were developed. Several speakers advocated for a residential development alternative, given the residential character of neighboring blocks. Some speakers questioned the feasibility of developing this site for a large-scale retail use, in lieu of smaller

stores; several speakers cited the Ghirardelli Square retail center in San Francisco as an example of a positive adaptive reuse of a formerly vacant industrial campus. One speaker requested removing a vacant, but renovated property from the project site. The property, a unoccupied, four-story residential building located at 503 East 116th Street (Block 1715, Lot 5) comprised a portion of the footprint for the proposed commercial office building. Other speakers, including those who own property to be acquired through the State's proposed condemnation action, expressed concern over the use of Eminent Domain to facilitate assemblage of the proposed project site.

Many speakers gave testimony that underscored East Harlem's high resident asthma rate and concerns that the proposed project may exacerbate this condition. Many speakers also expressed concern over employment and operational practices of the selected retail tenants, citing low wages and working conditions. Some speakers advocated for the project to provide access to the East River Esplanade, by means of a pedestrian bridge.

Forty-six (46) speakers spoke in favor of this application and the related applications. Those speaking in favor included the applicant's attorney, the project developer, a representative of the Manhattan Borough President and representatives from Home Depot and Costco (the proposed project's main retail tenants). Also speaking in favor were representatives from the Empire State Development Corporation (ESDC), Community Board 11, local community groups, construction trade organizations, redevelopment corporations and area residents. Many of the speakers in favor stated that the proposed project, through its provision of construction and retail

employment opportunities, would aid in the long-term growth and stability of the larger surrounding community. Several speakers emphasized that the proposed retail project would also benefit the city by generating new real estate and sales taxes.

The applicant's attorney stated that the amount of relocation required by the proposed project was necessary to assemble an economically feasible retail footprint. A representative of ESDC apprised the Commission of the required state actions and condemnation process.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), 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 98-079.

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

CONSIDERATION

The Commission believes that the grant of this special permit, as revised, is appropriate.

This application, as revised, for the grant of a special permit for a general large scale development will facilitate the development of East River Plaza, a proposed multi-level retail center to be built on the former Washburn Wire factory site with adjoining privately owned and city-owned property. The project site comprises 6.3 acres on portions of three blocks and is generally bounded by the west side of the FDR Drive, East 116th and East 119th streets.

East River Plaza would return a large, defunct site to a productive use and offer East Harlem residents employment opportunities. In addition, the site is unique because it consolidates portions of three blocks, thereby facilitating the development of floorplates significantly larger than would be possible in most locations elsewhere in Manhattan. The development would not require demolition of any residential buildings, and traffic access would be facilitated by proximity to the FDR Drive.

East River Plaza includes approximately 475,000 square feet of retail space for two “big box” retail establishments and several smaller stores, a commercial office building and an accessory parking facility for 1,248 cars. The applicant expects that the proposed project would feature Home Depot and Costco as its major tenants. Additionally, the project will provide a small outdoor seating area and off-site elements to improve traffic flow and to enhance the streetscape at the project’s periphery.

The requested general large scale development special permit would enable the proposed project to achieve the desired footprint and height, to accommodate sufficiently-sized floorplates for the

retail uses and to accommodate sufficient parking spaces within a multi-level garage. The requested height and setback waivers would enable the building to penetrate the sky exposure plane above a height of 60 feet, principally along its FDR Drive and East 116th Street frontages. In addition, the modified request for a setback waiver for the project's East 118th Street frontage will accommodate a new freight elevator to serve a tenant on the third retail level. Above the second story on the south side of East 118th Street, the elevator shaft would penetrate, by 10 feet, the required initial setback distance of 20 feet. These height and setback waivers will allow the accessory parking garage and the two-story retail base to be constructed at the property line without setback.

During the course of its review, the Commission and those who testified at the July 21, 1999 and August 4, 1999 public hearings, expressed concerns regarding the environmental, operational framework, urban design and condemnation aspects of this proposal.

Commercial Displacement and Condemnation

At the public hearings, concerns were raised regarding commercial displacement and possible condemnation. Concerns were also raised regarding the potential displacement of area businesses by East River Plaza, especially along portions of Third Avenue and East 116th Street, which serve as the area's main commercial corridors. According to the FEIS, the proposed project's capture rate (i.e., the portion of household expenditure potential that is spent in stores within a particular area) indicates that there would be no significant adverse effect on competitive retail strips from the proposed project. However, the proposed project will displace twelve businesses located on

the project site. These businesses include automotive, custom woodworking, construction, wholesale and transportation-related businesses that employ approximately 118 people. The Commission is concerned about the direct displacement of active businesses but believes the project will result in substantially more employment opportunities and economic development for East Harlem. The Commission notes that relocation assistance, pursuant to State law, will be provided to all businesses displaced by condemnation. The Empire State Development Corporation (ESDC) testified that it will make every effort to find suitable space within the City for businesses displaced by the proposed project. The Commission urges ESDC and the applicant to make every effort to relocate and assist displaced businesses. Moreover, the Commission concurs with the Borough President that the applicant should take a proactive role beyond what is required by Eminent Domain to relocate these businesses into nearby manufacturing or commercial areas with space and rent comparable to their existing situations.

In response to Commission concerns regarding the proposed acquisition of a recently renovated, but unoccupied five-story residential building at 503 East 116th Street, the revised application has reduced the footprint of the proposed commercial office building to eliminate the rehabilitated building from the project site plan. Accordingly, the proposed Zoning Map amendment has been revised to retain R7-2 zoning for this renovated residential building.

Vehicular Access and Movement

The Commission raised several issues regarding vehicular movement to and within the retail center. While the FEIS discloses that all project-related traffic impacts could be mitigated and

that the project would not result in significant adverse parking impacts, the Commission was concerned that the project, as certified, could nonetheless result in traffic and pedestrian conflicts, potential traffic back-ups on the FDR Drive's 116th Street exit lane, and potential traffic problems on neighboring streets, particularly if the internal circulation pattern in the garage did not work as planned. In response, the applicant has made substantial modifications to the project to improve vehicular access and movement to and within the project. The major change is the incorporation of a one-way traffic circulation system which will reduce pedestrian and vehicle conflicts, reduce turning movements, and free-up roadway space allowing for more rational placement of the taxi pick-up and drop-off areas, and safer pedestrian movement.

The Commission notes that the applicant would lengthen the deceleration lane of the FDR Drive at East 116th Street to 425 feet, in accordance with the city's Department of Transportation (DOT) standards. An additional striped and tapered lane of approximately 250 feet will lead into the deceleration lane. The applicant has agreed to deed over a portion of its property to the City for this new lane, to ensure safe sight lines for cars exiting the Drive at East 116th Street. In a complementary action, the acceleration lane of the FDR Drive at East 116th Street would also be lengthened to approximately 400 feet, with appropriate taper and striping in accordance with city DOT standards. Under the revised proposal, the project incorporates a secondary garage entrance, with two dedicated right-turn lanes, providing direct access to the garage. The two dedicated right-turn lanes will result from the narrowing of the existing 116th Street sidewalk, from the FDR Drive exit to the secondary garage entrance. Pedestrian barriers will be constructed along the sidewalk to prevent the discharge of passengers and to ensure the free flow

of traffic off the FDR Drive. The Commission believes that these improvements are integral to the project, and in conjunction with other changes to the project, believes that the FDR Drive's 116th Street exit and entrance ramps will accommodate projected traffic volumes.

One-Way Traffic System Alternative

The Commission had concerns regarding the two-way traffic circulation system for vehicles traveling along the internal service drive and along East 117th Street, east of Pleasant Avenue. The analysis in the FEIS projected that the development's driveways would receive a total of 1,688 vehicle trips in the weekday peak hour and 1,852 vehicle trips in the Saturday peak hour, which includes cars and trucks. As originally proposed, cars and light commercial vehicles could enter the internal service drive, from East 116th Street or East 117th Street, which would result in vehicle turning conflicts for vehicles seeking to enter the parking garage. The two-way circulation system also resulted in unsafe pedestrian crossings, and inadequate taxi drop-off and loading areas.

In response to these concerns, the revised application incorporates a one-way traffic circulation system for the proposed project. Under the proposed one-way system, traffic would enter the project from East 116th Street via the internal service drive and exit via East 117th Street. The Commission believes this one-way circulation system, with appropriate support measures (i.e., traffic control agents, signals and directional signage at key points) would facilitate safe and efficient traffic flow and reduce the likelihood of pedestrian/vehicular conflicts. It notes that the one-way traffic flow would require the widening of the East 117th Street bed from 30 to 36 feet,

between the project and Pleasant Avenue, as opposed to the widening to 40 feet in the certified application. Moreover, conversion to the one-way system allows the taxi stand, previously located on East 117th Street adjacent to residences, to be reconfigured with separate taxi drop-off and pick-up areas within the project area.

Taxi and Passenger Pick-up and Drop-off

The shift to a one-way circulation system allows a dedicated taxi drop-off lane to be provided along the west side of the internal service drive. A pedestrian separator will be placed along the drop-off area to ensure that pedestrians do not jaywalk into the roadbed of the internal service drive. After dropping off passengers, taxis would proceed north along the internal service drive and either turn left onto East 117th Street and exit the project or turn right and proceed to the ground level passenger pick-up area. The Commission believes this system to be substantially improved over that provided in the certified application.

The proposed ground-level taxi pick-up area, which can accommodate seven taxis, is provided to the east of the internal service drive and East 117th Street. Two elevators, which service the entire project, are located adjacent to the taxi pick-up lane. Only taxis and other vehicles licensed by the city's Taxi and Limousine Commission (TLC) will be allowed into this area. Traffic control personnel, provided by the development, will be stationed in this area to coordinate taxi pick-up, guard against non-authorized vehicles entering the area, and to ensure the generally safe operation of trucks, vehicles and pedestrian movements.

The Commission also notes that the revised application provides a taxi-pick-up area at the second retail level. Taxis will enter the garage and proceed to the taxi pick-up area, by means of directional signage. The second level pick-up area will have space for five taxis. A dispatcher will assist in customer loading, prohibit use of the pick-up area by non-authorized vehicles, and give taxi drivers a free ticket allowing free exit from the garage.

Truck Service Court

The Commission raised questions about the capacity and operational framework for the truck service court. The Commission notes that the truck service court will be fully enclosed, and have 14 loading berths, each capable of accommodating a 18-wheel tractor-trailer vehicle. The service court has reservoir capacity for three additional full-sized trucks. A full-time coordinator will schedule deliveries and direct trucks into and out of the service court.

Although the service court can accommodate up to 17 full-sized, 18-wheel tractor-trailer vehicles, the applicant expects that the majority of trucks entering the service court will be smaller. According to the applicant, only three of the 20 daily truck deliveries that typically occur at a Home Depot are expected to be of tractor-trailer size. Moreover, it is expected that the upper floor retail tenants will be served by trucks with sizes typical to that of an UPS-sized local delivery truck. Home Depot, Costco, and an intended third-floor tenant will each have dedicated truck bays, loading areas and service elevators to their respective floors. This will ensure the efficient and timely use of the service court and minimize conflict between retail tenants. The Commission believes that the one-way traffic system will also better accommodate

truck movement and eliminate potential conflicts with pedestrians and vehicles entering and exiting the project.

During the public review process, concerns were raised regarding the hours of delivery. In her resolution to the Commission, the Borough President requested that no truck deliveries be scheduled between 12:00 AM and 5:00 AM. The Commission has made the prohibition of scheduled deliveries during these hours a condition of the requested general large scale special permit. In the event of an unscheduled delivery (unforeseen delay due to weather or traffic conditions), provisions will be made to accept trucks into the truck service court.

Accessory Parking Garage

The Commission expressed significant concerns about the operation of the proposed parking facility, especially during the retail center's peak shopping periods. The proposed parking facility will have a capacity of 1,248 vehicles. The FEIS projects a maximum parking demand of 1,190 spaces including employees, a utilization rate of approximately 95 percent, which is above the industry standard. A utilization rate of 95 percent would make it difficult for customers to find spaces, resulting in potential back-ups at exit and entry points to the garage. In response, the applicant has revised its application to provide 100 off-site parking spaces with a shuttle service for employees. After accounting for the provision of the 100 off-site employee parking spaces, the expected peak demand for parking in the garage would be 1,090 vehicles, representing a garage utilization of 87.3 percent, which is consistent with industry standards.

The Commission notes that the provision of off-site employee parking, with a description of the off-site parking facility's operational framework, will be a condition of this special permit for a general large scale development plan, as well as for the related accessory parking garage special permit (C 990100 ZSM). The applicant has informed Department staff that the project's retailers will be required to enforce the "customer-only" parking rule for employees who are to use the off-site parking lot. In addition, the garage's payment structure will provide a strong disincentive for employee use. The Commission believes that this change, coupled with other changes to the operation and physical layout of the garage, would ensure the efficient operation of the garage under peak conditions. Electronic signage throughout the garage will be used to direct drivers away from full parking levels and toward levels with empty spaces.

Ticket Spitter and Revenue Collection

During the course of its review, the Commission expressed concerns over the placement of ticket dispensing machines and cashier-controlled exit gates within the proposed accessory parking facility and questioned their ability to process the projected volume of cars during the peak exiting periods. As proposed, the garage will have four exit gates, each of which is projected to process approximately 150 exiting vehicles per hour. According to data provided by the applicant, the weekday exit peaks are expected to occur between 12:00 PM and 1:00 PM and 5:00 PM and 6:00 PM.. The Saturday demand peaks are expected to occur between 4:00 PM and 5:00 PM. It is anticipated that the peak demand volumes will vary from 643 to 811 vehicles per hour. Exiting in excess of 600 cars per hour under the system as originally proposed would result in significant internal queuing within the parking structure. The Commission notes, however, that

there is more than sufficient capacity to process entering vehicles during peak periods.

In response to these concerns, the applicant has agreed to provide a “pay on foot” system that uses prepaid, machine-read ticketing, as well as cashiers. Drivers will receive a time-stamped ticket from ticket spitters upon entering the garage. After shopping, and before entering their vehicles, drivers will be able to pre-pay their parking fee at machines located at each parking level. The pre-paid voucher would be dispensed to the customer and will be used to open the automatic gates at the garage exits.

Signage will be used to direct customers to pay before entering their vehicles, and a cash discount will be offered as an incentive for shoppers to “pay on foot” rather than at the exit gates. Based on data provided by the applicant, these “pay on foot” systems (which are in use at Battery Park City Garage, One Penn Plaza and Lincoln Center) are conservatively projected to achieve an outbound processing rate of over 200 vehicles per hour per gate, based on an assumption that 25 percent of shoppers will elect to pre-pay before returning to their cars. Based on this processing rate, the system would adequately handle all outbound vehicles and prevent internal queuing within the garage during the peak periods.

The Commission has made the incorporation of a “pay on foot” system, with discounts to those who pre-pay their parking fee prior to entering their cars, a condition of the special permits for the general large scale development and parking garage. In order to ensure adequate operation of the garage and timely movement of vehicles into and through the project, the Commission is also

requiring the following:

- mechanical exit gates must be lifted to provide free parking if excessive internal queues develop during any period, according to a standard to be developed by the Department of City Planning's Transportation Division; and
- at a point in time to be determined by the Department in conjunction with noise monitoring protocols, the applicant will provide a garage operation and traffic flow study to the Department, to report on the percentage of customers using the pre-pay ("pay on foot") system, the processing rate per exit gate, and whether and with what frequency, periods of internal queuing occur, including the traffic effects on the internal service drive and the surrounding streets. If the Department determines that the garage is operating with excessive internal queuing, the applicant will be required to adopt appropriate remedies, such as the mandatory lifting of exit gates during all peak periods, or provision of free parking for the first one to two hours.

Pedestrian Access and Movement

The Commission raised a number of concerns regarding pedestrian access to and within the project. The Commission believes that safe and convenient access is essential in order to accommodate the needs of local residents. The Commission notes that the project has two ground-level entry points for walk-in customers, from East 116th Street at the internal service

drive and along East 117th Street, but the Commission believes the primary pedestrian entrance to be at East 116th Street and the internal service drive.

Under the revised proposal, the applicant has modified the East 116th Street pedestrian entrance, to provide an entrance plaza in front of the commercial office building, improved pathways on the ground level and an enclosed or covered escalator directly to the second retail level. A pedestrian walkway will lead from the top of the escalator at the edge of the garage to the retail entrance on the second level. Pedestrians on the walkway will be protected by knee walls, including glass panels, and guardrails. The pedestrian walkway will be appropriately ventilated and will have decorative wall and lighting treatments. It is the Commission's understanding that the ground floor of the office building will be occupied by retail uses. The Commission believes that such use will complement the plaza area and this pedestrian entrance to the project. The Commission also notes that for pedestrians entering from East 117th Street, crosswalks and signage along East 117th Street will direct shoppers to the vertical circulation core and retail stores.

To prevent pedestrian-vehicle conflicts that may arise from jaywalking across the internal service drive, the applicant has agreed to place pedestrian separators/barriers along substantial portions of the west side of the internal service drive. Shoppers may follow this route to access the upper retail levels, by means of passenger elevators, escalators or stairways located along the private prolongation of East 117th Street within the project. The applicant has agreed to provide a traffic control agent to be stationed at the intersection of East 117th Street and the internal service drive,

to coordinate traffic movement and reduce potential conflicts between pedestrians and vehicles.

The Commission notes that the closest subway stop, at Lexington Avenue and East 116th Street, is four blocks away. The Commission concurs with the Borough President that potential customers should be encouraged to access the development by subway. But given the types of goods that may be sold at the East River Plaza, the Commission encourages that the applicant provide a shuttle system from the retail center to the subway..

The Commission was also concerned about the width of the East 117th Street sidewalk. Under the certified plan, East 117th Street would have been widened from 30 feet to 40 feet, resulting in sidewalk widths of 10 feet on the north and south sides of the street. The Commission believed that the proposed sidewalk widths would not be adequate to accommodate pedestrian traffic, due to obstructions caused by existing stoops and other sidewalk encroachments. In response, the applicant has modified its proposal for East 117th Street, to widen the streetbed from 30 feet to 36 feet, rather than 40 feet. This would provide sidewalk widths of 10 feet on the north side and 14 feet on the south side, providing better stoop-to-curb clearances for pedestrians.

The Commission raised questions as to how shoppers get their purchases from the stores to cars parked in the garage. According to the applicant, shoppers will be able to take standard sized shopping carts directly to the parking garage. The carts will be regularly retrieved by attendants from designated cart corrals within the garage. Shoppers can take their carts up or down to any level of the parking garage by means of four (4) passenger elevators (each elevator cab measures 6 feet-8 inches by 10 feet-11 inches); each elevator can accommodate up to six carts and their

passengers. Larger, trolley-like carts, designed to haul large goods and materials such as lumber and sheet rock, will be left with “cart valets.” The cart valets will issue a receipt, enabling shoppers to retrieve their car and drive to the storefront sidewalk where the valet will assist with loading. The Commission notes that it is in the interest of the retail stores to provide a safe and convenient way for its customers to load and unload.

Urban Design and Landscaping

Building Design

While the FEIS discloses that the project would not result in significant adverse urban design impacts, the Commission expressed strong concerns regarding the proposed massing, footprint, design and facade materials for the proposed retail building and accessory parking garage. The existing Washburn Wire factory buildings have a maximum height of 80 feet, with the surrounding residential buildings buffered from the complex by open areas on the factory campus or by adjoining one- and two-story commercial structures. The proposed project would be more prominent than the former Washburn Wire complex, rising to a maximum elevation of approximately 118 feet at the top of the four-level retail building, and the project will abut residential buildings on East 116th, East 117th, East 118th and East 119th streets. Initially proposed, all facades, with the exception of the East 118th Street facade, were to be treated with neutral-colored, pre-finished metal panels. For the East 118th Street facade, the building would be treated in brick veneer with a masonry cornice.

At the public hearing, the applicant testified to the Commission that the proposed footprint and

massing are necessary to generate the floorplates and ceiling heights required to operate contemporary, large style retail establishments in an efficient and economical manner. The Commission believes the floor area, massing and waivers are appropriate in conjunction with significant changes incorporated into the revised project proposal.

In response to Commission concerns, the applicant has modified several major elements of the project's visual design. The Commission notes that the facade design of the proposed retail building and garage have evolved substantially from the original proposal. The Commission believes these design changes are essential in light of the project's size, its proximity to residential uses, and its prominent FDR Drive and river side location, and the Commission is binding the applicant, through special permit conditions, to essential aspects of the project's design and site plan.

For the main retail building, the revised project makes extensive use of brick with a precast cornice along the top of the second retail level, complemented by a precast limestone base with accents and brick inserts on the FDR Drive, East 118th Street and East 119th Street facades. The facades for the lower half of the retail building (i.e., the first and second retail levels) will consist of articulations and reveal elements that will break up the scale of the FDR Drive curtain wall. The facade for the upper retail levels will consist of a neutral-colored pre-finished metal panels. The two northern stair towers facing the FDR Drive (for emergency egress), formerly to be enclosed in metal panels, will be enclosed in translucent acrylic panels and internally lighted at night. For the southeastern stair tower, which will provide internal pedestrian vertical circulation

access to each retail level, the revised design includes glass panels, allowing natural light to penetrate the stair tower and providing views of the Harlem River. In addition, a four-story tall marquee, originally located to the south of the stairs for tenant signage, has been eliminated. Instead, the extensions of the gallery walkway at every level will be visible out to their connection with the glass stair tower and waterfront views.

The modified design of the garage facade also makes extensive use of brick with precast cornice, base and precast accents. The garage design will largely correspond to a loft building, which is more consistent with the neighborhood and the historic use of the site. The base of the garage will have large, painted wire mesh in steel frame inserts separated by brick and metal piers. The facade of the garage, above the base, will consist of vertical brick piers between openings, lined with painted steel railings. The upper level of the garage will be enclosed with a painted wire mesh and capped with a cornice-like pre-cast concrete spandrel. These elements will break up the scale of the garage facade and effectively enhance the visual appearance of the parking structure.

Building Footprint

The Commission also expressed concerns about two requested rear yard waivers which would have reduced the light and air to adjacent residential buildings. The Commission is pleased that the revised application no longer requests these waivers. Complying rear yards will be provided for the project's rear lot lines between East 117th and East 118th streets, and between East 118th and 119th streets.

Outdoor Seating Area

The project will provide an outdoor seating area, located at the end of the private prolongation of East 117th Street at ground level. As certified, the seating area comprised approximately 450 square feet. The Commission is pleased that the revised project incorporates a significantly larger seating area with landscaping. The seating area now totals 1,100 square feet in a space having a 10-foot depth running for a distance of 120 feet. The seating area is approximately 19 feet above the FDR Drive and has a continuous painted open steel guardrail. The area is open to the sky, unobstructed by any overhang from the main retail building or parking structure.

The seating area will have seven decorative benches (each approximately 6 feet long with backs and 20 inch seats). The benches will be interspersed with six hardwood trees of 3 inch caliper with decorative tree grates measuring 4 feet by 4 feet.

Landscaping

As certified, the project would provide new trees of 3 inch caliper along the north side of East 116th Street, and both sides of East 117th and East 118th streets and the south side of East 119th Street between the FDR Drive and the east side of Pleasant Avenue. In response to Commission concerns regarding portions of East 116th Street and Pleasant Avenue not included in the project's original landscape plan, the applicant has revised the project to include in the landscape plan, the west side of Pleasant Avenue between East 116th and 119th streets, the south side of East 116th Street and the acceleration lane at East 116th Street for the FDR Drive. In addition, the new trees proposed for East 117th Street would not be planted close to existing building stoops that encroach upon the sidewalks. To the extent possible, existing trees along these blocks will be

preserved in their current locations or relocated.

Signage

As certified, the project would provide signage on its East 116th and 119th streets, and FDR Drive facades. No signage was proposed for the western facade. A four-story, marquee, with tenant signage, was proposed for the southeast corner of the main retail building. The marquee would be visible to cars heading north on the FDR Drive.

As revised, the applicant has removed the marquee. Given the residential character of neighboring blocks, the Commission was concerned about the placement and type of signage. The signage will be subject to the underlying zoning regulations. The Commission notes that the prohibition of flashing signage, or any signage on the facades of the project facing Pleasant Avenue and the FDR Drive will be a condition of this special permit.

Environmental Issues

The Final Environmental Impact Statement (FEIS) has determined that the proposed project would result in significant traffic and noise impacts at certain locations. Potential traffic impacts have been identified for three intersections in the weekday-midday peak hour, six intersections in the weekday-PM peak hour and three intersections in the Saturday-midday peak hour. As proposed in the FEIS, all of these impacts can be mitigated by changes in traffic signal timing and parking regulations. Additionally, the FEIS concludes that there would be a significant impact on the M116 bus route during the PM peak hour. In discussions between MTA New

York City Transit (NYCT) and the Department, it was agreed that consistent with New York City Transit's policy, the NYCT would regularly monitor ridership and modify service to accommodate demand. New York City Transit would also use the period prior to the opening of the development, to determine the optimum placement of a new bus stop for extended service to Pleasant Avenue and East 116th Street.

The Commission notes that the FEIS determined that the proposed one-way traffic circulation system would potentially result in noise impacts on East 117th Street between First and Pleasant avenues and at East 116th Street, east of Pleasant Avenue, which includes the Manhattan Center for Science and Math High School, in addition to the noise impacts previously identified for East 117th Street east of Pleasant Avenue. As mitigation, the FEIS proposes new window treatment and alternative means of ventilation (e.g., fan systems or air conditioning) for the affected block frontages. Alternatively, the FEIS suggested traffic management measures for East 117th Street between First and Pleasant avenues. The Commission believes, however, that the impacts of these alternative traffic control measures have not been sufficiently studied and analyzed, and cannot recommend their implementation. In lieu thereof, the Commission believes that for East 117th Street between First and Pleasant avenues, as well as the portion of East 116th Street east of Pleasant Avenue, field monitoring for noise impacts is necessary. This detailed pre-construction and post construction monitoring, subject to DEP approval, would determine if the actual increase in noise levels exceeds established levels of significance (3.0 dBA). Unless DEP determines that no mitigation would be necessary, the applicant would be required to arrange for the provision new window treatment and alternative means of ventilation as the requisite

mitigation in these locations.

During the public review process, concerns were raised about resident asthma in East Harlem and the potential for this project's generated truck and vehicular traffic to increase the prevalence of asthma in this community. In response, the applicant provided a letter to the Commission, dated August 25, 1999, providing an overview and summary of the FEIS asthma analysis. The proposed project would have the potential effect to affect changes in air quality due to respirable particulate emissions from mobile sources. The letter states that ambient particulate matter has been associated with respiratory health effects, however no causal link has been established, particularly for asthma. Upon examination of potential mobile source effects (e.g., trucks and vehicles) on particulate levels, no adverse impacts would occur. No increase in respiratory public health effects, including asthma, in the study area would be expected to result from the proposed action.

Project Construction

The Commission notes that the proposed project will create construction benefits resulting from expenditures on labor, materials and contracting/construction services and supplies. The construction phase of this project will also generate additional sales revenue for local retail businesses (i.e., restaurants, convenience stores, etc) in the area. However, the demolition of the Washburn Wire factory complex, with other on-site structures, and the subsequent construction of the proposed East River Plaza retail center, will generate air quality and noise impacts, significant issues given the proximity of residential and institutional uses to the project site.

Accordingly, as stated in the FEIS, the applicant will undertake all appropriate dust control measures, such as watering of exposed areas and dust covers for trucks during the construction phase of this project. Noise and vibration impacts, resulting from construction equipment and material delivery operations, would be mitigated through utilization of appropriate low-noise emission equipment and operational procedures. Moreover, the FEIS further states that compliance with noise control measures would be ensured by requiring such measures in the construction contract documents.

The Commission believes that the proposed project's functional and aesthetic design has been substantially improved, making the project more sympathetic to the neighborhood and its location adjacent to the FDR Drive opposite the waterfront. Moreover, a number of substantive changes have been incorporated into the project to ensure better traffic movement, pedestrian access and safety, and efficient garage operation. The Commission believes the revised application addresses the issues raised during the public review process , and this project will revitalize a long-vacant site and provide a significant economic boost for East Harlem.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-743(a)(3):

- (1) that the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances, show windows and signs will result in a better site plan and a better relationship among buildings and open areas to adjacent

streets, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the general large-scale development, the neighborhood, and the City as a whole;

- (2) that the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air, to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets;
- (3) Not applicable
- (4) that considering the size of the proposed general large-scale development the streets providing access to such general large-scale development will be adequate to handle traffic resulting therefrom;
- (5) Not applicable
- (6) a declaration with regard to ownership requirement in paragraph (b) of the general large scale development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 19, 1999, with respect to this application, as modified on July 19, 1999, the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that consistent with social, economic and other considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the extent practicable; and
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable, including those mitigations selected by the Commission associated with the one-way, on-site traffic circulation alternative.

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

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the 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 the consideration and findings described in this report, the application of Tiago Holdings, LC, for the grant of a special permit pursuant to Section 74-743(a)(3) of the Zoning Resolution to allow modification of :

Section 33-26 to allow the waiver of the required 20-foot rear yards; and

Section 33-432 to allow the waiver of the required height and setback requirements

to facilitate the construction of a **commercial development** within a general large scale development on a zoning lot, **located to the east of Pleasant Avenue and generally bounded by East 116th Street, Franklin D. Roosevelt Drive, and East 119th Street** (Block 1715, Lots 7, 10, 22, 38, 42, 43, and 45; Block 1716, Lots 8, 9, 11, 13, 19 and 45; Block 1815, Lots 23, 31, 34 and 35), in a C4-4 District, Borough of Manhattan, Community District 11, is approved, pursuant to Section 74-743(a)(3) of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 990099(A) ZSM.) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Greenberg, Farrow Architecture, filed with this application and incorporated in this

resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z.3	Zoning Calculations	9/3/99
Z.4	Roof and Yard Diagram	9/3/99
Z.5	Cellar Level Plan	9/3/99
Z.6	Commercial Level 1/ Parking Level 1 Plan	9/3/99
Z.7	Parking Level 2 Plan	9/3/99
Z.8	Commercial Level 2/ Parking Level 3 Plan	9/3/99
Z.9	Parking Level 4 Plan	9/3/99
Z.10	Commercial Level 3/ Parking Level 5 Plan	9/3/99
Z.11	Commercial Level 4/ Parking Level 6 Plan	9/3/99
Z.12	Waterfront Overlook Plan	9/3/99
Z.13	Proposed Improvements at East 117 th Street	9/3/99
Z.14	Proposed FDR Drive Acceleration Lane Improvements	9/3/99
Z.15	Building Elevations	9/3/99
Z.16	Building Elevations	9/3/99
Z.17	Building Elevations	9/3/99
Z.18	Height and Setback	9/3/99

Diagrams

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this

application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.
7. The development shall include the mitigation measures identified as practicable in the Final Environmental Impact Statement, issued on August 19, 1999, including those mitigations selected by Commission associated with the one-way, on-site traffic circulation alternative, unless (a) ESDC, DEP, DOT, or other agency of relevant jurisdiction has allowed further study to determine whether such mitigation is necessary or determines at a later date, based upon further study or investigation, that a mitigation is not warranted either in whole or in part; and (b) the Commission is advised in writing of such determination. Without limiting the foregoing, and subject to the conditions set forth therein, the Commission finds that in order to ensure adoption of the following mitigation measures, such measures shall be implemented in accordance with the following procedures and timetables:

HAZARDOUS MATERIALS

To avoid the potential for significant adverse hazardous materials impacts, as disclosed in the FEIS, the applicant shall perform construction activities in accordance with applicable regulations. Any additional potential adverse impacts shall be mitigated by

implementation of a construction health and safety plan (HASP), which shall be reviewed by DEP before its implementation. In addition, the following remediation measures shall be undertaken:

- A site specific HASP shall be prepared on the basis of worker exposure to the contaminants listed in the July 22, 1999 Phase II Environmental Assessment Report. The HASP shall be submitted to DEC for review/approval prior to any site disturbance (grading/excavation) or construction activity;
- If any soil is to be removed from the site, the soil shall be properly tested in accordance with all applicable NYSDEC Regulations prior to determining any reuse/or disposal options;
- During grading/excavation and construction activities at the site, dust suppression shall be maintained by the contractor. In any areas not covered by structures or asphalt/concrete parking areas, two feet of clean fill shall be imported;
- A NYCDEP sewer discharge permit application shall be completed/received and approved by DEP prior to the start of discharge of any groundwater into the sewer system. Pre-treatment measures for elevated concentrations of Metals (aluminum, cobalt, iron, lead, magnesium, manganese, and mercury) shall be addressed;
- Project land parcels which have yet to be acquired, shall be properly tested (surface/sub-surface) prior to any grading/excavation or construction activities. Phase II protocols related to these sites shall be submitted to DEP for approval. Upon the approval of the off-site testing, remedial measures, if necessary, shall be submitted for approval.
- A deed restriction or similar mechanism shall be put into place by ESDC that would require, should any new excavation be required at the site or should a change in use be contemplated, the development of a corresponding new testing program and/or a remediation/health and safety plan, if necessary..

TRAFFIC

The applicant shall apply to DOT for implementation of mitigations as necessary to address the potential for significant adverse traffic impacts, as disclosed in the FEIS and selected by the Commission for the one-way traffic alternative, no later than six months following completion of the development and shall provide the Department with periodic written updates, upon request, concerning the timetable for and implementation of such measures.

PEDESTRIANS

The applicant shall apply to DOT for the installation of a new traffic signal on Pleasant Avenue at East 117th Street to facilitate pedestrian crossings at this location. With DOT approval, the applicant shall provide for the installation the new traffic signal. The installation shall be completed prior to the issuance of the development's Temporary or Permanent Certificate of Occupancy.

NOISE

The applicant shall offer to provide at its expense window treatment (e.g., storm windows or double-glazed windows) and alternative ventilation (e.g., fan systems or air conditioning) to mitigate project-generated adverse impacts for all residences on East 117th Street east of Pleasant Avenue. This mitigation shall be made available pursuant to a written protocol approved in advance by the Department.

The applicant shall not apply for and the Department of Buildings shall not issue Temporary or Permanent Certificates of Occupancy for any portion of the development until the requisite time periods for offer and acceptance of window treatment and alternative ventilation in accordance with the Department-approved protocol have elapsed.

The same mitigation as described above shall be made available in the aforementioned manner for project-related noise impacts for East 117th Street between Pleasant and First avenues, as well as East 116th Street between Pleasant Avenue and the internal service drive, including the Manhattan Center for Science and Math on East 116th Street, unless, pursuant to a monitoring program for noise impacts in these locations, DEP determines that the actual impacts are less than predicted in the FEIS, are no longer significant and are, therefore, no longer necessary. The applicant shall prepare a monitoring protocol for review and approval by the New York City Department of Environmental Protection (DEP). The applicant shall perform post-construction aspects of the monitoring program as approved by DEP, no later than six months following the completion or occupancy of 95 percent of the retail space in the development, whichever occurs later, and submit the results for DEP consideration. The results of the monitoring program and DEP's determination in connection therewith shall be forwarded to the Department. The monitoring at the Manhattan Center for Science and Math shall be coordinated with the New York City Board of Education.

8. For the accessory parking garage, the development shall have "pay on foot" system with discounts to those who pre-pay their parking fee prior to entering their cars. In order to

ensure adequate operation of the garage, the Commission is also requiring the following:

- a) mechanical exit gates shall be lifted to provide free parking if excessive internal queues develop during any period, according to a standard to be developed by the Department's Transportation Division; and
- b) at a point in time to be determined by the Department in conjunction with the previously described noise monitoring protocol, the applicant shall provide a garage operation and traffic flow study to the Department, to report on the percentage of customers using the pre-pay ("pay on foot") system, the processing rate per exit gate, whether and with what frequency, periods of internal queuing occur, including the traffic effects on the internal service drive and surrounding streets. If the Department determines that the garage is operating with excessive internal queuing, the applicant will be required to adopt appropriate remedies.

9. The development shall have the following urban design controls:

- a) Maintain visibility and unobstructed views from gallery walkways to southernmost stair enclosure;
- b) Southernmost stair enclosure to be of transparent glass; other stair enclosures to be of translucent material;
- c) Middle bays of the 119th Street and FDR Drive façades of the retail building as shown on drawing Z.15 to be designed as distinct from the flanking bays through use of different materials, colors and masonry details;
- d) Façade, materials and fenestration on the 118th Street façade and the façade facing Pleasant Avenue shall be substantially as shown in drawing Z.17;
- e) Preserve predominantly masonry character of design of retail building below 75 feet as follows:
 - no metal panels
 - provide continuous masonry base below a height of 27 feet; treatment of base should include reveals and material accents to break up the horizontal massing; building segments shall be no longer than 40 feet between reveals

-between 27 feet and 75 feet, provide a mixture of brick and masonry elements including reveals and material accents to break up the horizontal massing; building segments shall be no longer than 40 feet between reveals

-a distinctive cornice shall be provided at the top of the streetwall

f) Façade, materials and fenestration (openings and framed wire mesh) on the garage should be substantially as shown in drawing Z.16.

10. For the development, there shall be no scheduled freight deliveries between 12:00 A.M. and 5:00 A.M. A truck dispatcher shall be present during all periods of scheduled delivery.
11. As a condition of this special permit and prior to the granting of the Temporary and Permanent Certificates of Occupancy, the applicant shall provide, at minimum, 100 off-site employee parking spaces, with a shuttle transportation system to the development.
12. No flashing signs are permitted. The development shall not have any signage on the eastern facade facing the FDR Drive or on the western facade facing Pleasant Avenue.
13. The applicant shall provide all landscaping as shown on plans, including the east and west sides of Pleasant Avenue between East 116th and 119th streets and along the East 116th Street acceleration lane for the FDR Drive.
14. The development shall provide improved acceleration and deceleration lanes for the FDR Drive East 116th Street entrance and exit, as shown on plans. The improvements shall be

completed prior to the issuance of the development's Temporary or Permanent Certificate of Occupancy

The above resolution (C 990099(A) ZSM.), duly adopted by the City Planning Commission on September 7, 1999 (Calendar No. 5), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

JOSEPH B. ROSE, Chairman
VICTOR G. ALICEA, Vice-Chairman
ALBERT ABNEY, ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
KATHY HIRATA CHIN, ESQ., ANTHONY I. GIACOBBE, ESQ.,
WILLIAM J. GRINKER, BRENDA LEVIN, Commissioners

AMANDA M. BURDEN, A.I.C.P., EDWARD T. ROGOWSKY , JACOB B. WARD, ESQ,
Commissioners voting no

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX 1 (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 25 at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 980699 MM

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Inago Holdings, LLC pursuant to Sections 197-b and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving the:

1. elimination, discontinuance and closing of portions of East 118th Street and East 117th Street between Pleasant Avenue and the FDR Drive;
2. widening of a portion of the FDR Drive on its westerly side between East 119th Street and a point 138.35 feet north of East 116th Street;
3. extinguishment of two permanent sewer easements in the former bed of East 117th Street and East 118th Street, west of the FDR Drive;
4. delineation, for informational purposes only, of a:
 - a. sewer easement extending from East 118th Street to East 117th Street and from East 117th Street to East 116th Street;
 - b. street easement at the easterly terminus of East 118th Street;
 - c. public access easement extending from East 117th Street to East 116th Street

and the acquisition and disposition of any property related thereto, all in accordance with Map 30266 dated March 9, 1999 and signed by the Borough President.

COMMUNITY BOARD NO. 11
BOROUGH Manhattan

BOROUGH BOARD _____

DATE OF PUBLIC HEARING MAY 26, 1999
WAS QUORUM PRESENT? X YES NO

LOCATION 413 E. 120th St. N.Y.C.

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE MAY 26, 1999

LOCATION 413 E. 120TH STREET, N.Y.C.

RECOMMENDATION

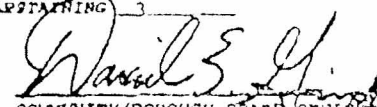
X APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

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

VOTING :

IN FAVOR 28 AGAINST 5
TOTAL MEMBERS APPOINTED TO BOARD 43

ABSTAINING 3



COMMUNITY/BOROUGH BOARD OFFICIAL

BOARD CHAIR

DATE

TITLE

JUNE 1, 1999

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Rensselaer Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 25 at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 990098 ZMX

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Tiago Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning map, Section No. 6b:

- changing from an R7-2 District to a C4-4 District property bounded by a line 75 feet east of Pleasant Avenue, a line 80 feet north of East 116th Street, line 100 feet east of Pleasant Avenue, East 118th Street, a line 250 feet east of Pleasant Avenue, and East 116th Street;
- changing from an M2-2 District to a C4-4 District property bounded by a line 250 feet east of Pleasant Avenue, East 116th Street, a line 155 feet east of Pleasant Avenue, East 118th Street, Franklin D. Roosevelt Drive, and East 116th Street; and
- changing from an M2-2 District to an R7-2 District property bounded by a line 250 feet east of Pleasant Avenue, East 118th Street, a line 155 feet east of Pleasant Avenue, and East 116th Street;

Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated March 25, 1999.

COMMUNITY BOARD NO. 11

BOROUGH Manhattan

BOROUGH BOARD

DATE OF PUBLIC HEARING MAY 26, 1999

LOCATION 413 E. 120TH ST. N.Y.C.

WAS QUORUM PRESENT? ☒ YES ☐ NO

(A public hearing shall require a quorum of 2/3 of the appointed members of the board, but in no event fewer than seven members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE MAY 26, 1999

LOCATION 413 E. 120TH ST. N.Y.C.

RECOMMENDATION

☒ APPROVE ☐ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE ☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (attach additional sheets if necessary)

VOTING

IN FAVOR 28 AGAINST 5

TOTAL MEMBERS APPOINTED TO BOARD 48

ABSTAINING 3

COMMUNITY/BOROUGH BOARD OFFICER

Board Chair

DATE

TITLE

JUNE 1, 1999

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Rensselaer Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 25 at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 990099 ZSM

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Tiago Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-743(a)(3) of the Zoning Resolution to permit the modification of:

0 Section 11-231 to allow the waiver of a required 8-foot open area at the side lot line in a C4-4 District;

0 Section 11-26 to allow the waiver of the required 20-foot rear yard; and

0 Section 11-412 to allow the waiver of the required height and setback requirements to facilitate the construction of a commercial development within a general large scale development on a zoning lot, located to the east of Pleasant Avenue and generally bounded by East 116th Street, Franklin D. Roosevelt Drive, and East 118th Street (Block 1715, Lots 6, 7, 10, 22, 38, 42, 43, and 45; Block 1716, Lots 8, 9, 11, 13, 19, and 45; Block 1815, Lots 23, 31, 34 and 35), in a C4-4* District, Community District 11, Borough of Manhattan.

*Note C4-4 and R1-2 districts are proposed to be mapped under a related application for an amendment of the Zoning Map (C 990098 ZMM).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 25, 22 Rensselaer Street, New York, N.Y. 10007.

COMMUNITY BOARD NO. 11

BOROUGH Manhattan

BOROUGH BOARD

DATE OF PUBLIC HEARING MAY 26, 1999

LOCATION 413 E. 120TH ST., N.Y.C.

WAS QUORUM PRESENT? X YES NO

(A public hearing shall require a quorum of 50% of the appointed members of the board, but in no event fewer than seven members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE MAY 26, 1999

LOCATION 413 E. 120TH ST., N.Y.C.

RECOMMENDATION

X APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS

DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

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

VOTING:

IN FAVOR 28 AGAINST 5

TOTAL MEMBERS APPOINTED TO BOARD 48

JUNE 1, 1999

DATE

SIGNATURE 3

COMMUNITY/BOROUGH BOARD OFFICER

BOARD CHAIR

TITLE

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission Room 2F at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 990100 ZEM

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Tiago Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-53 of the Zoning Resolution to permit a six-level unattended accessory parking garage with a maximum capacity of 1,248 spaces, and to modify the provisions of Section 16-11 to permit accessory parking spaces to be located on the roof (6th level) of the garage within a general large scale development on a zoning lot located to the east of Pleasant Avenue, generally bounded by East 116th Street, Franklin D. Roosevelt Drive, and East 120th Street (Block 1715, Lots 5, 7, 10, 22, 38, 42, 43, and 45; Block 1716, Lots 8, 9, 11, 23, 25 and 45; Block 1815, Lots 23, 31, 34 and 35), in a C4-4* District, Community District 11 Borough of Manhattan.

*Note: C4-4 and R7-2 districts are proposed to be mapped under a related application for an amendment of the Zoning Map (C 990098 ZMM).

Plans for this proposal are on file with the City Planning Commission and may be seen at Room 2K 22 Reade Street, New York, N.Y. 10007.

COMMUNITY BOARD NO. 11

BOROUGH Manhattan

BOROUGH BOARD

DATE OF PUBLIC HEARING MAY 26, 1999

LOCATION 413 E 120th ST, N.Y.C.

WAS QUORUM PRESENT? X YES NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than three members.)

NOTE ADOPTING RECOMMENDATION TAKEN

DATE MAY 26, 1999

LOCATION 413 E. 120TH ST, N.Y.C.

RECOMMENDATION

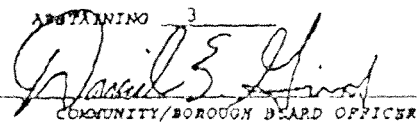
X APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

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

VOTING :

IN FAVOR 23 AGAINST 5
TOTAL MEMBERS APPOINTED TO BOARD 48

ABSTAINING 3


COMMUNITY/BOROUGH BOARD OFFICER

JUNE 1, 1999

BOARD CHAIR

DATE

TITLE

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 990101 PPM

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 515/517 E. 117th Street (Block 1216, Lot 6), pursuant to zoning.

COMMUNITY BOARD NO. 11

BOROUGH Manhattan

BOROUGH BOARD

DATE OF PUBLIC HEARING MAY 26, 1999

LOCATION 413 E. 120TH ST, N.Y.C.

WAS QUORUM PRESENT? X YES NO

(A public hearing shall require a quorum of 2/3 of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE MAY 26, 1999

LOCATION 413 E. 120TH ST, N.Y.C.

RECOMMENDATION

X APPROVE

 APPROVE WITH MODIFICATIONS/CONDITIONS

 DISAPPROVE

 DISAPPROVE WITH MODIFICATIONS/CONDITIONS

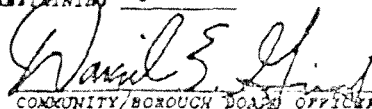
EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

VOTING :

IN FAVOR 28 AGAINST 5

ABSTAINING 3

TOTAL MEMBERS APPOINTED TO BOARD 48


COMMUNITY/BOROUGH BOARD OFFICER

DATE JUNE 1, 1999

BOARD CHAIR
TITLE



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

C. VIRGINIA FIELDS
BOROUGH PRESIDENT

CITY PLANNING COMMISSION
99 JUL -6 AM 11:53
DEPT. OF CITY PLANNING

July 6, 1999

ULURP NO:

C 980699 MMM
C 990098 ZMM
C 990099 ZSM
C 990100 ZSM
C 990101 PPM

APPLICANT

Tiago Holdings, LLC/
Jesse Masyr, Esq.

REQUEST

C 980699 MMM

This is a request for changes to the City Map, including the shortening of East 117th and East 118th Streets and the associated disposition to the applicant of underlying City-owned land; the widening of the FDR Drive and associated acquisition of underlying land by the City; relocation/creation of water and sewer easements; and the creation of public access easements at the termination of East 117th and East 118th Streets.

C 990098 ZMM

This is a request for a zoning map change. Three changes are requested: from R7-2 to C4-4, M2-2 to C4-4, and M2-2 to R7-2.

C 990099 ZSM

C 990100 ZSM

These are requests for a special permit pursuant to Sections 74-743 of the Zoning Resolution to allow provisions for bulk modification and for a special permit pursuant to Sections 74-53 of the Zoning Resolution to allow accessory group parking facilities for Uses in Large-Scale Residential Developments, Large-Scale Community Facility Developments, or General Large-Scale Developments.

C 990191 PPM

This is a request for the disposition of one (1) city-owned property located at 515/517 E. 117th Street (Block 1716, Lot 8) pursuant to zoning.

PROJECT BACKGROUND/DESCRIPTION

The East River Plaza project, is the development of a retail center providing approximately 480,000 gross square feet on portions of blocks bounded by East 116th and 119th Street, between Pleasant Avenue and the FDR Drive. As proposed, it will include an approximately 165,000 square-foot Home Depot; a 135,000 square-foot Price Costco; and approximately 156,000 square feet of other retail space. In addition, a small (approximately 33,000square-foot), four-story building to be operated for the benefit of a not-for-profit community group(s) for office use with ground-floor retail and a 1,200-space parking garage, will be included.

The project site is in the Upper Manhattan Empowerment Zone and a State Economic Development Zone.

SUMMARY OF COMMUNITY BOARD ACTION:

Community Board 11 passed a resolution approving the applications above by a vote of 28 in favor, 5 opposed, and 3 abstentions.

BOROUGH PRESIDENT ACTION:

The Manhattan Borough President recommends approval.

The Manhattan Borough President recommends disapproval.

X The Manhattan Borough President recommends approval, subject to the conditions detailed below.

The Manhattan Borough President recommends disapproval, unless the condition detailed below is addressed as described.

COMMENTS:

The development of this commercial project represents a unique opportunity for both the developer and the East Harlem community. It should be a symbiotic relationship where both parties benefit. The Borough President supports the development of such a major project such as this. The fact that the developer and the retail tenants will be investing 150 million dollars in this area shows the strength of their commitment. She also expects that the developer and the major retail tenants, who are national chains, have a true commitment to this East Harlem community by hiring local residents and being involved in the community. This will create a ripple effect that will benefit all sectors of the community and truly promote economic development for this area as intended.

Developing this site will also assist in the elimination of blight from the East Harlem community. This site, the former Washburn Wire Factory location, was abandoned many years ago. In the interim, it has attracted offensive conditions including prostitution, drug dealing, and homelessness. It has become an eye sore as well as a health and safety hazard.

Over the years, this site has had various redevelopment proposals from the community and other interested parties, but none have come to fruition. During the City's economic prosperity, the time is now to develop this site. The Empire State Development Corporation (ESDC) is assisting in the development of this site because the proposed retail uses are financially viable and will promote job creation.

The project is expected to create over 1,200 to 2,000 permanent retail jobs and roughly 800 construction jobs over a two-year period. The Borough President is pleased that the developer has signed a Memorandum of Understanding with Community Board 11 dated May, 1999, to secure employment for local residents of the East Harlem Community throughout construction and operation of the project. The MOU states the following:

- Developer is committed to the creation of an outreach program that will seek to reach its employment goals for local residents consistent with the stated goal of CB No. 11. (Historically CB No. 11 seeks to insure that no less than 25% of the jobs generated by new development are provided to local community board residents.)
- Developer is committed to working with local community groups and elected officials to create an outreach effort that will include the hiring of local residents.
- Developer will work with local union representatives, leaders, and journeymen to identify qualified union workers residing in the local community to facilitate achieving the CB No. 11 goal of hiring a construction workforce comprising of no less than 25% of local residents. (the project will be constructed with a union labor force)
- Developer will make employment opportunities available to local residents by maintaining an on-site trailer operation that will allow local residents to obtain information about and make application for available employment opportunities.
- Developer will be responsible for staffing the on-site trailer operation for job opportunities and community concerns with a person (or persons) knowledgeable

about the project and available job opportunities.

- CB No. 11 will provide assistance to the Developer to facilitate its efforts to make employment opportunities available to qualified local residents.

The Borough President is also committed to provide assistance to the developer to facilitate their efforts to make employment opportunities available to qualified, local residents to meet the community's goals.

The Borough President is also pleased that in the Memorandum of Understanding between ESDC and the developer dated July, 1998 that the ESDC's Non-discrimination and Affirmative Action policy will apply which states:

- That the developer shall use its best efforts to achieve: 1) not less than 30% Minority/Women-owned Business Enterprise contractor and/or subcontractor participation during the development of the project, which includes the pre-construction and construction phase; and (2) and overall goal of 35% Minority and Female workforce participation during construction.

The Borough President believes that in addition to the Affirmative Action policy that:

- The developer should use its best efforts to achieve not less than 30% Minority/Women-owned Business Enterprise professional service participation such as architects, lawyers, and insurance brokers during all phases of the project.

The Borough President also notes that Federal tax benefits create an incentive that encourages retail tenants to hire locally from within the Empowerment Zone.

The Borough President is strongly committed to monitoring the developer's progress towards achieving the above goals related to hiring. The Borough President recommends that:

- The developer establishes an advisory taskforce, which includes the Borough President, the local council member, representatives of the community board and other community representatives, to monitor the developer's hiring commitment and other commitments made related to this project. The developer should hire a project coordinator which aids in planning and facilitating the meetings and who also acts as a community liaison during construction to address the community's concerns immediately as they arise.

The Borough President believes that the economic benefits of this project are indisputable. This project, however, as with many new developments that occur throughout the Borough, must be carefully scrutinized due to the very nature of Manhattan, where commercial projects are built in such close proximity to established residential communities.

After listening to the communities' concerns and reviewing the proposed plans for the project, the Borough President has raised concerns that must be addressed in order to make this a better project. The Borough President expressed deep concerns about the condemnation of vital

businesses, traffic, and the design of the project as it relates to the adjacent community.

The Borough President has voiced her concerns to the developer. The developer has committed to address many of those concerns. The Borough President has conditioned her approval on the developer's commitment to Community Board 11 and ESDC as outlined above and the developer's commitments to the Borough President and on her own conditions as listed.

The Borough President has concerns related to the condemnation of the 10 vital businesses currently located on the site, three of which are owners of their sites and seven that are renters. She would prefer that these sites were not a part of the project site. The developer has stated, however, that the project is only viable because the size of the proposed site is promulgated by specific requirements of the proposed Big-Box tenants.

If condemnation must occur for this project to be feasible, the Borough President believes that

- It is imperative that the ESDC and the developer take a proactive roll beyond what is required by the power of eminent domain to relocate these businesses into nearby manufacturing or commercial areas with space and rent comparable to their existing situations.

The Borough President has expressed concerns regarding the increased traffic and truck deliveries and the added air and noise pollution to this area compared to current conditions in the immediate vicinity. The Borough President believes that every effort should be made to encourage the retail customers to come by mass transit to avoid congestion.

- The Metropolitan Transit Authority must commit to improve the crosstown bus service at 116th Street.

The developer has stated that there are essentially no deliveries on weekends and that during the week most deliveries occur during the morning and some at night. The developer has also agreed that:

- The retail tenants will not schedule any deliveries between the hours of 12 a.m. and 5 a.m.
- No delivery trucks will park or idle on 117th street and that all trucks will park in the loading dock.

The Borough President had raised concerns to the developer about the relationship of the design of the project to the surrounding community including height, materials, pedestrian circulation along 117th street to and from the entrance to the project, the 117th street viewing area at the river, and the screening of parking at ground level. To improve upon the design, the developer after consultation with his architect has agreed to:

- Improve pedestrian circulation along 117th street by hiring a pedestrian and vehicular traffic coordinator to be stationed in front of the loading dock at all times to address

any conflicts that may arise for pedestrians related to the entry and exit of trucks at the loading dock and taxi cueing.

- Provide low-level lighting on the roof of the parking structure to reduce ambient light.
- Screen the cars located on the ground level of the parking structure at 116th Street and the FDR Drive.
- Not to employ materials or colors that are not inherent in the neighborhood, for example, the white stucco-like material known as "dryvit" will not be used on the facades of the building.

In addition to the issues addressed by the developer above, the Borough President recommends that:

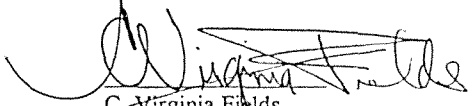
- The public viewing area at the east end of 117th street lacks detail and that a design for this area should be more developed before the end of the ULURP process.
- Pedestrian circulation along the north side of 117th Street should be improved so that pedestrians have a direct east-west route without having to meander through traffic and parking garage obstacles.
- The taxi cueing/standing area should be relocated to under the garage area parallel to 117th street to minimize the amount of automobiles on 117th Street.
- The City and State must improve the streetscape along 116th Street from the subway stop at Lenox Avenue to the FDR Drive.
- The developer should be required to plant trees on the opposite side of the street surrounding the project at 116th Street, Pleasant Avenue, and 119th Street. Planting trees on both sides of the street not only significantly increases the number of trees surrounding the project, but it enhances the public streetscape for the adjacent neighborhood.
- The appropriate City and State agencies must monitor and enforce that proper procedure is followed and any impacts related to air quality, noise, traffic as well as others are mitigated as required by the Environmental Impact Statement.

The Borough President would like to commend the developer for creating a building that allows for space for one or more not-for-profit organizations in the community and local service retail at its base. Community space in this neighborhood as in other areas of the Borough is scarce.

Lastly, the Borough President is concerned about the particular membership requirements of the retail tenant, Price Costco, for example, membership is available to licensed businesses, non-profit organizations, government agencies, etc. Her concern is that many of the residents in the surrounding community that will want to shop there will not fit these categories. The Borough President strongly recommends that new criteria is established that allows for any adult who is a resident of the three adjacent zip codes, 10029, 10035, and 10037 fulfill the membership requirements.

Therefore, the Borough President recommends that the proposed applications regarding the East River Plaza be approved subject to the conditions being met as described above.

Report and Recommendation Approved:


C. Virginia Fields
Manhattan Borough President

CITY PLANNING COMMISSION
99 JUL -6 AM 11:53
DEPT. OF CITY PLANNING

Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX# (212) 720-3356

INSTRUCTIONS

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

APPLICATION # C 980699 MMM

DOCKET DESCRIPTION

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

1. elimination, discontinuance and closing of portions of East 118th Street and East 117th Street between Pleasant Avenue and the FDR Drive;
2. widening of a portion of the FDR Drive on its westerly side between East 119th Street and a point 138.35 feet north of East 116th Street;
3. extinguishment of two permanent sewer easements in the former bed of East 117th Street and East 118th Street, west of the FDR Drive;
4. delineation, for informational purposes only, of a:
 - a. sewer easement extending from East 118th Street to East 117th Street and from East 117th Street to East 116th Street;
 - b. street easement at the easterly terminus of East 118th Street;
 - c. public access easement extending from East 117th Street to East 116th Streetand the acquisition and disposition of any property related thereto, all in accordance with Map 30206 dated March 9, 1999 and signed by the Borough President.

COMMUNITY BOARD NO.

11

BOROUGH

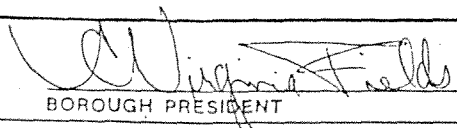
Manhattan

RECOMMENDATION

- ☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
☐ DISAPPROVE

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

CITY PLANNING COMMISSION
99 JUL -6 AM 11:54
DEPT. OF CITY PLANNING


BOROUGH PRESIDENT

DATE

7/2/99

Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX# (212) 720-3356

INSTRUCTIONS

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APPLICATION # C 990098 ZMM

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Tiago Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning map, Section No. 6b:

- a) changing from an R7-2 District to a C4-4 District property bounded by a line 75 feet east of Pleasant Avenue, a line 80 feet north of East 116th Street, line 100 feet east of Pleasant Avenue, East 118th Street, a line 250 feet east of Pleasant Avenue, and East 116th Street;
- b) changing from an M2-2 District to a C4-4 District property bounded by a line 250 feet east of Pleasant Avenue, East 118th Street, a line 355 feet east of Pleasant Avenue, East 119th Street, Franklin D. Roosevelt Drive, and East 116th Street; and
- c) changing from an M2-2 District to an R7-2 District property bounded by a line 250 feet east of Pleasant Avenue, East 119th Street, a line 355 feet east of Pleasant Avenue, and East 118th Street;

Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated March 29, 1999.

COMMUNITY BOARD NO. 11

BOROUGH

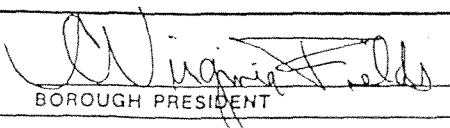
Manhattan

RECOMMENDATION

- ☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
☐ DISAPPROVE

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

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22 Reade Street, New York, NY 10007
FAX# (212) 720-3356

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APPLICATION # C 990099 ZSM

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Tiago Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(3) of the Zoning Resolution to permit the modification of :

- o Section 33-291 to allow the waiver of a required 8-foot open area at the side lot line in a C4-4 District; and
- o Section 33-26 to allow the waiver of the required 20-foot rear yards
- o Section 33-422 to allow the waiver of the required height and setback requirements

to facilitate the construction of a commercial development within a general large scale development on a zoning lot, located to the east of Pleasant Avenue and generally bounded by East 116th Street, Franklin D. Roosevelt Drive, and East 119th Street (Block 1715, Lots 5, 7, 10, 22, 38, 42, 43, and 45; Block 1716, Lots 8, 9, 11, 13, 19 and 45; Block 1815, Lots 23, 31, 34 and 35), in a C4-4* District, Community District 11, Borough of Manhattan.

*Note: C4-4 and R7-2 districts are proposed to be mapped under a related application for an amendment of the Zoning Map (C 990098 ZMM).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

COMMUNITY BOARD NO.

11

BOROUGH

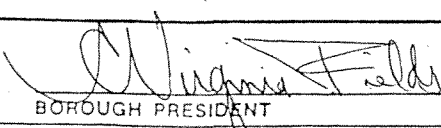
Manhattan

RECOMMENDATION

- ☐ APPROVE
- ☒ APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- ☐ DISAPPROVE

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

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BOROUGH PRESIDENT

DATE

7/2/99

Borough President Recommendation

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22 Reade Street, New York, NY 10007
FAX# (212) 720-3356

INSTRUCTIONS

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APPLICATION # C 990100 ZSM

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Tiago Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-53 of the Zoning Resolution to permit a six-level unattended accessory parking garage with a maximum capacity of 1,248 spaces, and to modify the provisions of Section 36-11 to permit accessory parking spaces to be located on the roof (6th level) of the garage, within a general large scale development on a zoning lot located to the east of Pleasant Avenue, generally bounded by East 116th Street, Franklin D. Roosevelt Drive, and East 119th Street (Block 1715, Lots 5, 7, 10, 22, 38, 42, 43, and 45; Block 1716, Lots 8, 9, 11, 13, 19 and 45; Block 1815, Lots 23, 31, 34 and 35), in a C4-4* District, Community District 11, Borough of Manhattan.

*Note: C4-4 and R7-2 districts are proposed to be mapped under a related application for an amendment of the Zoning Map (C 990098 ZMM).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

COMMUNITY BOARD NO.

11

BOROUGH

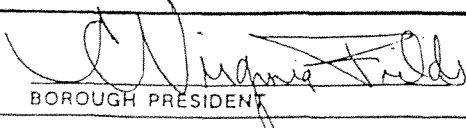
Manhattan

RECOMMENDATION

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BOROUGH PRESIDENT

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22 Reade Street, New York, NY 10007
FAX# (212) 720-3356

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APPLICATION # C 990101 PPM

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 515/517 E. 117th Street (Block 1716, Lot 8), pursuant to zoning.

COMMUNITY BOARD NO.

21

BOROUGH

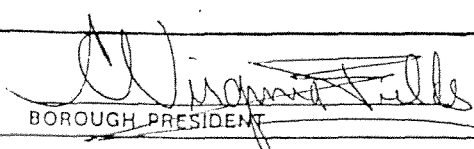
Manhattan

RECOMMENDATION

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☒ APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
☐ DISAPPROVE

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

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DEPT. OF CITY PLANNING


BOROUGH PRESIDENT

DATE

7/2/99