

TECHNICAL MEMORANDUM

West Harlem Rezoning FEIS

CEQR No. 12DCP070M

A. INTRODUCTION

The New York City Department of City Planning (DCP) is seeking zoning map and zoning text amendments (the “Proposed Action”) affecting an approximately 90 block area within the West Harlem neighborhood of Manhattan Community District 9. The Draft Environmental Impact Statement (DEIS) for the Proposed Action was accepted as complete by the New York City Department of City Planning (DCP), and the City Planning Commission (CPC) issued a Notice of Completion for the DEIS on May 4, 2012. The Notice of Completion for the Final Environmental Impact Statement (FEIS) was issued on August 24, 2012 (CEQR No. 12DCP070M).

Following the publication of the FEIS, modifications have been identified as under consideration by the CPC. These modifications, detailed in Section B below, include a modification to the proposed zoning map amendment to reflect a minor adjustment of the proposed zoning district boundary along St. Nicholas Avenue between West 141st and West 145th Streets. In addition, an adjustment has been made to the proposed development program analyzed in the FEIS for Projected Development Site 40 (Manhattan Block 1967, tax lots 40, 45, 50, 60, and 89); as discussed below, this adjustment would result in changes to the (E) designations for this location.

Since the proposed (E) designations are assigned in connection with the Proposed Action, modifications to them resulting from changes to the analyzed development program are referred to herein collectively, with the modification to the proposed zoning map amendment, as the “Potential CPC Modifications.” This technical memorandum examines whether the Potential CPC Modifications would result in any new or different significant adverse environmental impacts not already identified in the FEIS. As set forth below, this technical memorandum concludes that the proposed project with the Potential CPC Modifications would not result in any new or different significant adverse impacts not already identified in the FEIS.

B. DESCRIPTION OF THE POTENTIAL CPC MODIFICATIONS

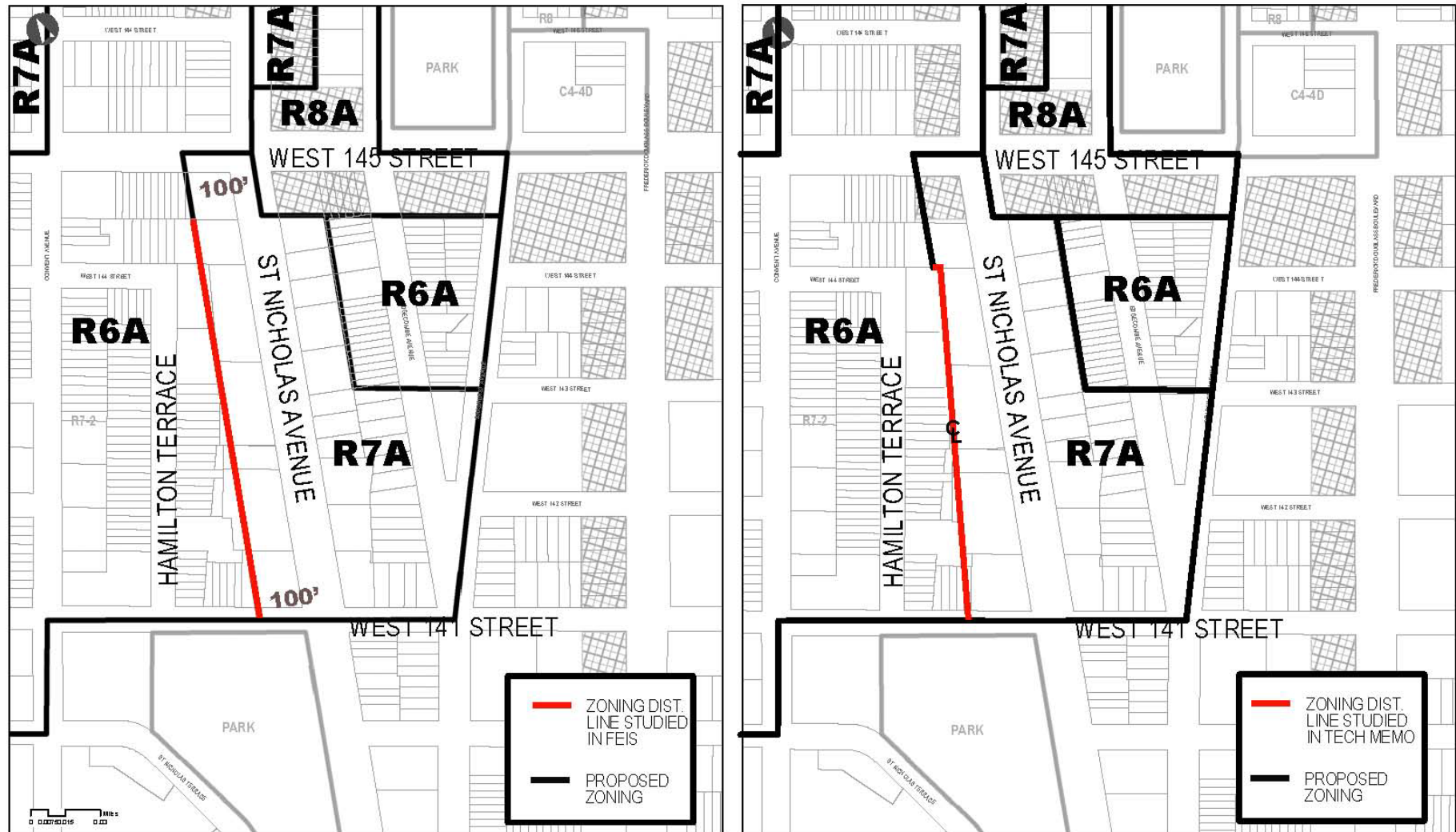
The Potential CPC Modifications would, if approved, make certain changes as follows:

1. Minor Adjustment of the Proposed Zoning District Boundary

Properties fronting on St. Nicholas Avenue between West 141st and West 145th streets contain rear lot lines that vary beyond 100 feet west of St. Nicholas Avenue (due to the block’s geometry) and that the proposed zoning district boundary location has resulted in an inadvertent split lot condition (R7A and R6A). Therefore, the Potential CPC Modifications include the modification of the zoning map amendment in order to relocate the zoning district boundary to the centerline of the block, which is an adjustment ranging from 0 to approximately 40 feet, as illustrated in Figure 1. This technical correction to the proposed zoning map would not affect any of the analyses of the FEIS or alter any of its conclusions. Therefore, no further analysis of this modification is warranted.

FIGURE 1

Comparison of Zoning Lot Boundary to be Modified – FEIS vs. Technical Memorandum for Potential CPC Modifications



2. Adjustment to Proposed Development Program for Projected Development Site 40; Removal and Modification of (E) Designations

The FEIS considered two reasonable worst case development scenarios for Site 40: (1) A Conversion Scenario which takes into account that the site contains existing buildings of various height, density and character that lend themselves to a wide range of redevelopment options including alteration, conversion and partial demolition; and (2) A New Development Scenario which assumes full redevelopment of Site 40. As of the date of issuance of the FEIS, the lead agency was reviewing additional information recently provided by the property owners of Projected Development Site 40 regarding the leasing arrangements and recent and continuing major investments for the two buildings on tax lot 40 of Site 40 with existing FARs of 5.0 or above (see FEIS Chapter 23, Response to Comments, Comment B1.12). It was determined, based on this information, that the buildings, which are located on lot 40, are unlikely to be demolished, redeveloped, enlarged, or converted as a result of the Proposed Action.

With this adjustment in the Proposed Development Program, the total floor area proposed for Projected Development Site 40 with the Potential CPC Modifications would be as follows:

Conversion Scenario

Under the Conversion Scenario, tax lot 40 will drop out of Projected Development Site 40, because conversion/enlargement would no longer be projected on that lot. Therefore, compared with the Proposed Action as analyzed in the FEIS, the Potential CPC Modifications under the Conversion Scenario would result in a reduction in the incremental difference between the No-Action and With-Action conditions for Site 40 for all uses (refer to Table 1 below). The individual massings and heights on the remainder of Site 40 would be the same as in the FEIS. As shown in Table 1, under the Conversion scenario, Site 40 would therefore comprise 128 dwelling units, 33,182 gsf of retail, 166,647 gsf of other commercial uses, 140,893 gsf of community facility uses and a total 64 accessory parking spaces.

Lot 45, which currently contains three buildings (with heights of 42, 62 and 82 feet) would be substantially altered and enlarged with three- to eight-story additions rising to heights of 112 and 122 feet or (eleven stories), and would be comprised of a mix of residential, retail, office, and community facility space.

Lot 50, which currently contains two buildings (with heights of 55 and 80 feet), would be substantially altered and enlarged with eleven- and eight-story additions rising to heights of 116 and 126 feet (10 stories), and would be comprised of residential, retail, and community facility space.

Lot 60 contains two buildings, with heights of 48 feet and 82 feet. The 48-foot structure would be demolished and a new building of 162 feet in height (14 stories) would be developed. The 82-foot structure would be enlarged with an eight story addition that would connect with the new structure. The two buildings on lot 60 would be comprised of a mix of residential, retail, office, and community facility space.

The existing property on Lot 89 would be demolished and a new building of 162 feet in height would be developed. The new development would comprise of a mix of residential, retail, office, and community facility space.

New Development Scenario

Under the New Development Scenario, tax lot 40 will continue to be part of Projected Development Site 40; however, it will not be redeveloped with other lots but will, instead, transfer its available floor area to the other lots on Site 40 that will be redeveloped. Compared with the FEIS; however, the Potential CPC Modifications would result in the same incremental difference between the No Action and With Action conditions for the New Development scenario. Thus, as with the Proposed Action analyzed in the FEIS, under the New Development scenario, Projected Development Site 40 would be developed with a total of 228 dwelling units, 57,665 gsf of retail, 170,786 gsf of commercial uses, 140,485 gsf of community facility uses and a 114-space accessory parking garage (refer to Table 1).

The two existing buildings on tax lot 40 would remain, and the tax lot would transfer 18,526 gsf of development rights to lot 45. Lot 45 would be redeveloped with a 17-story building (height of 175 feet) along West 126th Street, with residential and ground floor retail uses, as well as 52 accessory spaces in a below grade garage along West 128th Street.

Lots 50 and 60 would be combined and redeveloped with a 14-story building (height of 175 feet) along West 127th Street, comprised of a mix of residential, retail, and office uses, as well as 62 accessory parking spaces in a below grade garage along West 128th Street.

Lot 89 would be redeveloped to contain a 15-story building (height of 175 feet) comprised of office and community facility space.

TABLE 1

Modified Program for Site 40 Under Conversion and New Development Scenarios – Compared to FEIS Program

| USE | FEIS RWCDs for Site 40 | | Modified RWCDs for Site 40 Analyzed in Technical Memorandum | |
|---|---|---|---|--|
| | Conversion Scenario (includes tax lot 40) | New Development Scenario (includes tax lot 40) | Conversion Scenario (excludes tax lot 40) | New Development Scenario (includes tax lot 40, which transfers development rights to tax lots 45, 50, 60, 89) |
| Residential | 146,534 GSF (158 units) | 211,504 GSF (228 units) | 118,802 GSF (128 units) | 211,504 GSF (228 units) |
| Retail | 33,182 GSF | 57,665 GSF | 33,182 GSF | 57,665 GSF |
| Other Commercial (Office) | 235,754 GSF | 170,786 GSF | 166,647 GSF | 170,786 GSF |
| Community Facility (CF) | 170,510 GSF | 140,485 GSF | 140,893 GSF | 140,485 GSF |
| Parking | 15,800 SF (79 spaces) | 22,800 SF (114 spaces) | 12,800 SF (64 spaces) | 22,800 SF (114 spaces) |
| No-Action to With-Action Increment | 158 Units 33,182 gsf Retail -35,484 gsf Office 170,510 gsf CF 79 parking spc. | 228 Units 57,665 gsf Retail -100,452 gsf Office 140,485 gsf CF 114 parking spc. | 128 Units 33,182 gsf Retail 4,309 gsf Office 140,893 gsf CF 64 parking spc. | 228 Units 57,665 gsf Retail -100,452 gsf Office 140,485 gsf CF 114 parking spc. |

Therefore, as shown in Table 2 below, with the Proposed CPC Modifications, the total development under the New Development Scenario would remain unchanged as compared to the FEIS (RWCDs 2 and 4).

Under the Conversion Scenario, with the Proposed CPC Modifications, the reasonable worst case development scenario analyzed in the FEIS (RWCDs 1 and 3) would be slightly reduced. Removal of tax lot 40 would decrease the No-Action and With-Action numbers (and resultant increment).

TABLE 2

Comparison of RWCDS No-Action to With-Action Increments – FEIS Program vs. Potential CPC Modifications for Technical Memorandum

| No-Action to With-Action Increment | RWCDS 1 (Deed Restriction + Conversion) | | RWCDS 2 (Deed Restriction + New Development) | | RWCDS 3 (No Deed Restriction + Conversion) | | RWCDS 4 (No Deed Restriction + New Development) | |
|------------------------------------|--|---------------------------------|---|---------------------------------|---|---------------------------------|--|---------------------------------|
| | FEIS | CPC Modifications | FEIS | CPC Modifications | FEIS | CPC Modifications | FEIS | CPC Modifications |
| Residential | 344 Units (incl. 61 affordable) | 314 Units (incl. 61 affordable) | 414 Units (incl. 61 affordable) | 414 Units (incl. 61 affordable) | 499 Units (incl. 82 affordable) | 469 Units (incl. 82 affordable) | 569 Units (incl. 82 affordable) | 569 Units (incl. 82 affordable) |
| Retail | 106,036 GSF | 106,036 GSF | 130,520 GSF | 130,520 GSF | 106,036 GSF | 106,036 GSF | 130,520 GSF | 130,520 GSF |
| Commercial (Office) | 80,854 GSF | 120,647 GSF | 15,885 GSF | 15,885 GSF | 80,854 GSF | 120,647 GSF | 15,885 GSF | 15,885 GSF |
| Community Facility | 295,160 GSF | 265,543 GSF | 265,135 GSF | 265,135 GSF | 175,697 GSF | 146,080 GSF | 145,672 GSF | 145,672 GSF |
| Parking | 129 spaces | 114 spaces | 164 spaces | 164 spaces | 175 spaces | 160 spaces | 210 spaces | 210 spaces |

In effect, since the buildings on tax lot 40 would, under the Potential CPC Modifications, no longer be projected for conversion and enlargement under the Conversion Scenario, the square footage calculations would be reduced when compared to the calculations analyzed in the FEIS. Therefore, the potential density-related impacts of the Conversion Scenario under the Potential CPC Modifications would be generally less than what was disclosed in the FEIS, and there would be no new or additional impacts. While the massings and heights of the proposed development on Site 40 under this Scenario would otherwise remain unchanged, this Technical Memorandum considers any site specific analyses and modifications of (E) designations on portions of Site 40 (other than tax lot 40) related to the removal of tax lot 40 from the projected development.

The total floor area analyzed under the reasonable worst case development scenario for the New Development Scenario would remain unchanged, and under this scenario, there would be no changes to the density-related analyses in the FEIS. However, since there would be adjustments to the massing and therefore the bulk and height of the projected development on Site 40 under this Scenario to account for the floor area transfer from, instead of the redevelopment of, tax lot 40 under the Potential CPC Modifications, this Technical Memorandum considers any related site-specific analyses and any modifications of (E) designations. Since tax lot 40 itself would no longer be projected for development as a result of the Proposed Action under either Scenarios, (E) designations would be removed from that location.

Building Massing and Design

Figure 2 provides a comparison of the two massing diagrams analyzed for Projected Development Site 40 as part of the Proposed Action analyzed in the FEIS, and the massing diagrams associated with the Potential CPC Modifications and analyzed in this Technical Memorandum.

As shown in the figure as well as Table 1 above, The Proposed Action with the Potential CPC Modifications, if approved, would generally remain as described in the FEIS.

C. ANALYSES

With the Proposed CPC Modifications, the overall reasonable worst case development scenario for the Proposed Action would remain unchanged with the New Development Scenario for Site 40, or be

slightly reduced under the Conversion Scenario for Site 40. Therefore, the results and conclusions of all density-based analyses (e.g., socioeconomic conditions, community facilities, open space, water and sewer infrastructure, transportation, and greenhouse gas emissions) would either remain the same compared to what was analyzed in the FEIS, or be reduced, and there would be no new significant adverse impacts not already identified in the FEIS. In addition, since the massing, and therefore the bulk, of the projected development on Site 40 would change under the New Development Scenario, and since Lot 40 would no longer be projected for conversion/enlargement under the Conversion Scenario, this Technical Memorandum considers any related site-specific analyses and any modifications of (E) designations that result from the Potential CPC Modifications.

Land Use, Zoning and Public Policy

As noted above, the Potential CPC Modifications include modification of the proposed zoning map amendment in order to relocate the zoning district boundary west of St. Nicholas Avenue between West 141st and West 145th to the centerline of the block. This boundary modification would not affect the overall land use patterns assessed in the FEIS and established in the future with the Proposed Action, nor would it change the anticipated RWCDs analyzed in the FEIS. Similarly, the proposed modification of the development program analyzed for Projected Development Site 40 would not introduce any new land uses that were not previously included, nor would it affect the overall land use patterns assessed in the FEIS and established in the future with the Proposed Action. The Potential CPC Modifications would, therefore, not result in any significant adverse impact to land use, zoning, or public policy not already identified in the FEIS for the Proposed Action.

Shadows

As the Potential CPC Modifications would only affect Projected Development Site 40, the results of the FEIS shadows analysis would remain the same for all identified sunlight-sensitive resources north of approximately West 130th Street. Therefore, this discussion focuses exclusively on those resources within the maximum shadow radius of Projected Development Site 40, which include Sheltering Arms Park, St. Mary's Protestant Episcopal Church, General Grant Houses I open space, St. Nicholas Park, and the George Bruce Branch of the New York Public Library.

The shadows analysis in the FEIS was based on RWCDs 4 (no deed restriction on site 6 and new development on Site 40), which was determined to be the most conservative for analysis purposes, as it assumed the taller building height for Projected Development Site 40. With the Potential CPC Modifications, there would be no development on tax lot 40 of Projected Development Site 40 under either the Conversion Scenario or the New Development scenario, and the massing of the buildings on Projected Development Site 40 under the New Development Scenario would be different from what was analyzed in the FEIS (see Figure 2). As illustrated in Figure 2 above, building heights on Projected Development Site 40 would range from 112 feet to 172 feet under the Conversion scenario, whereas building heights under the New Development Scenario would be approximately 175 feet, and would be concentrated at the eastern portion of the site.

FIGURE 2a
Comparison of Site 40 Massing – FEIS vs. Technical Memorandum
Conversion Scenario



FEIS Massing

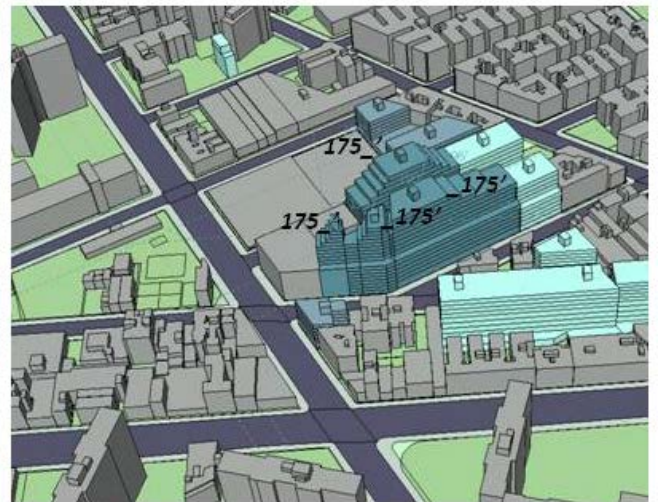


Modified Massing for Technical Memorandum
(no development on lot 40 – same building heights as FEIS)

FIGURE 2b
Comparison of Site 40 Massing – FEIS vs. Technical Memorandum
New Development Scenario



FEIS Massing



Modified Massing for Technical Memorandum
(floor area from lot 40 transferred to lot 45)

For this Technical Memorandum, the modified Site 40 massing for both the New Development Scenario and the Conversion Scenario under the Potential CPC Modifications was evaluated for shadows analysis purposes, and compared to the FEIS results, as shown in Table 3 and discussed below.

As shown in Table 3, compared to the FEIS shadows analysis, the Proposed Action with the Potential CPC Modifications would result in shadow increments that are mostly of similar or shorter durations under both Scenarios, except for the General Grant Houses I open space, which would experience minimal increases in incremental shadow durations under the modified New Development Scenario. As shown in Table 3, compared to the FEIS analysis, the incremental shadows cast on this open space resource under the Potential CPC Modification's New Development Scenario would be approximately 5 minutes longer in duration on the May 6/August 6 analysis day, and approximately 13 minutes longer on the June 21 analysis day. However, as with the Proposed Action, only very small portions of this open space resource would be cast in incremental shadows in the early morning, and those small areas contain mostly parking areas, as well as some walking paths, grassy areas and trees along the street edges, and do not contain any playgrounds or other recreational activities that may be adversely affected by a reduction in sunlight during these periods. Moreover, with a maximum incremental shadow duration of 52 minutes over a relatively small area (compared to 39 minutes with the Proposed Action), which would occur in the early morning hours generally before 8 AM, it is expected that this open space would obtain more than adequate sunlight for its vegetation, and there would not be any significant adverse shadows impact on the General Grant Houses I not already identified in the FEIS for the Proposed Action.

With the Conversion Scenario under the Potential CPC Modifications, the incremental shadows cast on the eastern façade of St. Mary's Protestant Episcopal Church would exit the resource entirely by 9:16 AM on the December 21 analysis day, for a duration of 25 minutes (compared to 1 hour and 33 minutes for the Proposed Action analyzed in the FEIS). As such, for the Conversion Scenario under the Potential CPC Modifications, the Proposed Action's significant adverse shadows impact on St. Mary's Protestant Episcopal Church would be significantly less than disclosed in the FEIS (a reduction of 1 hour and 7 minutes in the duration of shadows cast on the eastern façade), and may be eliminated entirely. However, under the New Development scenario, the reduction of 13 minutes in the duration of shadows cast on the eastern façade of St. Mary's Protestant Episcopal Church would not be great enough to eliminate the significant adverse impact identified in the FEIS. As with the Proposed Action, there would be no feasible or practicable mitigation measures that could be implemented to mitigate this impact, and therefore the significant adverse shadows impact on St. Mary's Protestant Episcopal Church under the Potential CPC Modifications New Development Scenario would remain unmitigated.

TABLE 3

Comparison of Shadow Duration on Resources of Concern in Proximity to Projected Development Site 40 - FEIS Vs. Potential CPC Modifications for Technical Memorandum

| RESOURCE | | March 21/Sept. 21 Timeframe Window – 7:36 AM – 4:29 PM | May 6/August 6 Timeframe Window – 6:27 AM – 5:18 PM | June 21 Timeframe Window – 5:57 AM – 6:01 PM | December 21 Timeframe Window – 8:51 AM – 2:53 PM |
|---|-----------------------------|--|---|--|--|
| St. Mary's Protestant Episcopal Church | | | | | |
| FEIS Analysis | Shadow enter-exit time | No New Shadow | No New Shadow | No New Shadow | 8:51 – 10:24 AM |
| | Incremental shadow duration | | | | 1 hrs. 33 mins |
| Modified Conversion Scenario | Shadow enter-exit time | No New Shadow | No New Shadow | No New Shadow | 8:51 – 9:16 AM |
| | Incremental shadow duration | | | | 0 hrs. 25 mins |
| Modified New Development Scenario | Shadow enter-exit time | No New Shadow | No New Shadow | No New Shadow | 8:51 – 10:11 AM |
| | Incremental shadow duration | | | | 1 hrs. 20 mins |
| Sheltering Arms Park | | | | | |
| FEIS Analysis | Shadow enter-exit time | No New Shadow | No New Shadow | No New Shadow | 8:51 AM – 12:14 PM |
| | Incremental shadow duration | | | | 3 hrs. 23 mins. |
| Modified Conversion Scenario | Shadow enter-exit time | No New Shadow | No New Shadow | No New Shadow | 8:51 – 9:53 AM |
| | Incremental shadow duration | | | | 1 hrs. 2 mins |
| Modified New Development Scenario | Shadow enter-exit time | No New Shadow | No New Shadow | No New Shadow | 8:51 – 11:45 AM |
| | Incremental shadow duration | | | | 2 hrs. 54 mins |
| General Grant Houses I | | | | | |
| FEIS Analysis | Shadow enter-exit time | 7:36 – 7:51 AM | 6:27 – 6:50 AM | 5:57 – 6:36 AM | No New Shadow |
| | Incremental shadow duration | 0 hrs. 15 mins. | 0 hrs. 23 mins. | 0 hrs. 39 mins. | |
| Modified Conversion Scenario | Shadow enter-exit time | No New Shadow | 6:27 – 6:41 AM | 5:57 – 6:16 AM | No New Shadow |
| | Incremental shadow duration | | 0 hrs. 14 mins. | 0 hrs. 19 mins. | |
| Modified New Development Scenario | Shadow enter-exit time | 7:36 – 7:51 AM | 6:27 – 6:55 AM | 5:57 – 6:49 AM | No New Shadow |
| | Incremental shadow duration | 0 hrs. 15 mins. | 0 hrs. 28 mins. | 0 hrs. 52 mins. | |
| St. Nicholas Park | | | | | |
| FEIS Analysis | Shadow enter-exit time | No New Shadow | No New Shadow | No New Shadow | No New Shadow |
| | Incremental shadow duration | | | | |
| Modified Conversion Scenario | Shadow enter-exit time | No New Shadow | No New Shadow | No New Shadow | No New Shadow |
| | Incremental shadow duration | | | | |
| Modified New Development Scenario | Shadow enter-exit time | No New Shadow | No New Shadow | No New Shadow | No New Shadow |
| | Incremental shadow duration | | | | |
| George Bruce Branch NYPL | | | | | |
| FEIS Analysis | Shadow enter-exit time | No New Shadow | 6:27 – 6:37 AM | 5:57 – 6:40 AM | No New Shadow |
| | Incremental shadow duration | | 0 hrs. 10 mins | 0 hrs. 43 mins | |
| Modified Conversion Scenario | Shadow enter-exit time | No New Shadow | No New Shadow | No New Shadow | No New Shadow |
| | Incremental shadow duration | | | | |
| Modified New Development Scenario | Shadow enter-exit time | No New Shadow | No New Shadow | 6:27 – 6:57 AM | No New Shadow |
| | Incremental shadow duration | | | 0 hrs. 30 mins | |

For all of the other resources listed in Table 3, the Potential CPC Modifications would result in reductions in incremental shadows, which would range from 10 minutes to 2 hours and 19 minutes for the modified Conversion Scenario, and from 13 to 29 minutes for the New Development Scenario. However, these reductions in shadow duration would not be great enough with the Potential CPC Modifications to substantively affect the FEIS conclusions, and the slight reduction in project shadowing would be only marginally perceptible when compared to shadow figures presented in the FEIS.

Therefore, the Potential CPC Modifications would not alter the conclusions of the shadows analysis presented in the FEIS.

Historic and Cultural Resources

As detailed in the FEIS, the remnants of the Yuengling Brewery building complex, which comprises projected development sites 14 and 40 (Block 1967, lots 40, 45, 50, 60, 85 and 89) are calendared for consideration for landmark status, and eligible for listing in the S/NR. Although the modified RWCDs for Site 40 analyzed in this Technical Memorandum no longer assumes that lot 40 of Block 1967 would be redeveloped¹, existing structures on all of the remaining lots comprising this eligible resource (lots 45, 50, 60, 85, and 89) could still be demolished, either partially or entirely, as a consequence of the Proposed Action with the Potential CPC Modifications.

Properties that have been calendared for consideration for designation as NYCLs are also afforded a measure of protection insofar as, due to their calendared status, permits may not be issued by DOB for any structural alteration to the buildings for any work requiring a building permit, without at least 40 days prior notice being given to LPC. During such 40 day period, LPC has the opportunity to consider the case and, if it so chooses, schedule a hearing and move forward with designation. Additionally, the owners of the property may work with LPC to modify their plans to make them appropriate. The procedures and protections of TPPN 19/88 would apply to any alteration, enlargement, or demolition taking place on Projected Development Site 40.

As with the Proposed Action, the Potential CPC Modifications could result in a significant adverse historic resources impact to the former Bernheimer & Schwartz Pilsener Brewing Company complex. It should be noted that, (a) alterations, partial demolition and improvements could continue to be made to the complex in the Future Without the Proposed Action, and (b) the historic resources impact would not exist in the event of landmark designation of the complex by the Landmarks Preservation Commission. However, as the potential for use and results of any designation process cannot be assumed or predicted with any certainty, the availability of designation is considered as a partial mitigation only.

In addition, as detailed in the FEIS, with implementation of measures such as photographically documenting the eligible structures in accordance with the standards of the Historic American Buildings Survey (HABS), or creating an interpretive exhibit, the identified significant adverse impact to historic architectural resources would be partially mitigated; however, in the absence of a site-

¹ As discussed under the description of the Potential CPC Modifications, under the Conversion scenario, tax lot 40 drops out of development Site 40 altogether; whereas under the New Development scenario, tax lot 40 continues to be part of development Site 40, although it is not projected to be redeveloped, but is analyzed as transferring its available floor area to the other lots of Site 40 that are projected for redevelopment.

specific approval, such as a Special Permit with accompanying restrictive declaration, a mechanism to ensure implementation and compliance is not available.

Accordingly, as with the Proposed Action analyzed in the FEIS, the significant adverse historic resources impact to the former Bernheimer & Schwartz Pilsener Brewing Company complex would not be completely eliminated and would constitute an unavoidable significant adverse impact on this historic resource. The Potential CPC Modifications would therefore not result in any significant adverse impact to historic and cultural resources not already identified in the FEIS for the Proposed Action.

Urban Design and Visual Resources

The Potential CPC Modifications would not change the zoning districts being proposed within the West Harlem rezoning area. The projected and potential development sites within the proposed rezoning area would be the same, except for Projected Development Site 40, which would no longer include tax lot 40 as a projected development/conversion/enlargement site.

As with the Proposed Action analyzed in the FEIS, the modified Projected Development Site 40 under the Potential CPC Modifications would be governed by the height and bulk regulations of the proposed MX (M1-5/R7-2) zoning district. Therefore, the maximum street wall and building heights with the Potential CPC Modifications would be the same as those analyzed for the Proposed Action in the FEIS. As described in the FEIS, the proposed MX district would establish minimum and maximum street wall base heights of 60 and 85 feet, respectively, with a maximum building height of 135 feet (up to 175 feet with 'penthouse' rule). As shown in Figure 2 above, the maximum building heights for Site 40 under either the Conversion Scenario or New Development Scenario with the Potential CPC Modifications, if approved, would generally remain as described in the FEIS.

As with the Proposed Action, under the Potential CPC Modifications with either the Conversion Scenario or the New Development Scenario, it is expected that street activity and pedestrian traffic would increase along this area's streetscapes. New residential, community facility, and/or commercial buildings constructed as part of the RWCDS would replace under-utilized sites, enlivening the streetscape. The new buildings would be constructed to the bulk and scale common to the neighborhood pursuant to the mandatory street wall and total building heights.

Although the massing of Site 40 under the New Development Scenario would be different compared to what was analyzed in the FEIS (as illustrated in Figure 2), these differences would not be noticeable from street level, and would not be expected to alter the pedestrian experience in the vicinity of Projected Development Site 40. While the differences in massing may be noticeable from farther away there would be little difference in appearance to the pedestrian between the modified Site 40 buildings and those analyzed in the FEIS.

Therefore, the Potential CPC Modifications would not alter the conclusions of the urban design and visual resources analysis in the FEIS, and would not result in any significant adverse impact to urban design or visual resources not already identified in the FEIS for the Proposed Action.

Hazardous Materials

The Potential CPC Modifications would not change the zoning districts being proposed within the West Harlem rezoning area. The projected and potential development sites within the proposed

rezoning area would be the same, except for Projected Development Site 40, which would no longer include lot 40 as a projected development/conversion/enlargement site in the future with the Proposed Action. As such, Block 1967, lot 40 would not receive an (E) designation under the Potential CPC Modifications. Other than the lots comprising projected development site 40, the same projected and potential development sites would receive (E) designations as under the Proposed Action.

Air Quality

An air quality analysis was conducted to determine whether the Potential CPC Modifications would result in significant adverse air quality impacts not already identified in the FEIS. Both the Conversion and New Development scenarios were considered.

Under the Conversion scenario, none of the buildings on tax lot 40 of Projected Development Site 40 would be converted or enlarged, and the heights and floor area of the individual buildings on the remaining lots would be the same as those analyzed in the FEIS. Therefore, no additional analysis is required for this Conversion Scenario, except to determine the potential effect of the existing buildings on lot 40 on adjacent developments (same as for New Development Scenario, discussed below).

Under the New Development scenario, tax lot 40 will continue to be part of development Site 40; however, it will not be redeveloped with other lots but will, instead, transfer its available floor area to the other lots that will be redeveloped. As the heights and sizes of these buildings (on tax lots 45, 50, 60 and 89) would be different from those evaluated in the FEIS, dispersion modeling analyses were conducted to estimate the potential impacts of the heating, ventilation, and air conditioning (HVAC) system emissions of the existing buildings (tax lot 40), as well as potential project-on-project impacts of the enlarged buildings (tax lots 45, 50, 60 and 89). These analyses were conducted using the EPA AERMOD dispersion model and the same methodology that was used in the FEIS.

As all of these buildings would burn natural gas as required by the (E) designations noted below, nitrogen dioxide (NO₂) is the critical pollutant for these analyses. A 75% nitrogen oxide (NO_x) to NO₂ conversion rate was conservatively assumed, as per NYCDEP guidance.

Tax Lot 40

Tax Lot 40 is currently occupied by two existing buildings that will remain on the site under the Proposed Action with the Potential CPC Modifications. These existing buildings, contain an estimated total gross floor area of 108,900 square feet. Because these buildings are projected to remain unchanged under the Potential CPC Modifications, (E) designations with respect to air quality would be removed from this lot.

Since the lots on Projected Development Site 40 adjacent to tax lot 40 (tax lots 45 and 89) are projected to be developed taller than the existing buildings under both the Conversion and New Development Scenarios (i.e., they would be up to 175 feet tall), the HVAC stack emissions of the existing buildings on tax lot 40 could affect these adjacent developments on tax lots 45 and 89.

To preclude the potential for significant adverse air quality impacts from the heating and hot water systems boilers at tax lot 40, tax lots 45 and 89 would need to ensure compliance with New York City Department of Buildings (DOB) Code restrictions governing alteration of chimneys or gas vents on an existing building in the event of construction of a taller building adjacent to such existing building. Although compliance with DOB Codes would be a prerequisite for any new construction or

enlargement, the agency has the authority under certain circumstances to waive some or all of these restrictions. Accordingly, an (E) designation that incorporates the standards of the DOB Code would be placed on these lots to ensure that equivalent restrictive measures on the new or enlarged buildings with respect to adjacent fossil fuel-fired stack exhaust stacks would be implemented to avoid the potential for significant air quality impacts. As a result, the HVAC system emissions of the existing building(s) would not significantly impact the projected development on tax lots 45 and 89 of Projected Development Site 40 with the Potential CPC Modifications under either the Conversion or New Development scenarios.

Tax Lots 45, 89, and 50-60

Under the New Development scenario, tax lots 50 and 60 will be combined and the buildings on tax lots 45, 89, and 50-60 will be taller (175 feet in height) and larger than those analyzed in the FEIS (refer to Figure 2 above). As these building will be approximately the same height and adjacent to each other, the emissions from the HVAC systems of these building have the potential to impact each other (project-on-project impacts), and were therefore analyzed using detailed dispersion analysis.

The following analyses were conducted for estimating potential project-on-project HVAC system emission impacts :

- Building on Lot 45 on Lot 50-60;
- Building on Lot 45 on Lot 89;
- Building on Lot 50-60 on Lot 45;
- Building on Lot 50-60 on Lot 89;
- Building on Lot 89 on Lot 45; and
- Building on Lot 89 on Lot 50-60.

[Note: Under the Potential CPC Modifications, the buildings on tax lots 45, 89, and 50-60 would be taller than nearby buildings (i.e., on Projected Development Sites 15, 31, and 50). Therefore, the analysis that was conducted in the FEIS for estimating the potential impacts on these sites is no longer necessary.]

The analyses concluded that none of the buildings located on lots 45, 50-60, and 89 passed the detailed analysis with a 10-foot distance (the minimum required by the Building Code) between the HVAC exhaust stack and the nearest taller building. Therefore, additional set-backs beyond the Building Code minimum would be required. Analyses were conducted that estimated potential impacts at varying set-back distances -- starting at 10 feet from nearby taller buildings. If potentially significant impacts were estimated at a 10-foot set-back, an analysis was conducted for an 11-foot distance, and this process was conducted (with one-foot increments) until a set-back distance was estimated that did not cause a significant impact. The minimum set-back distances that did not cause significant impacts are shown in Table 4.

TABLE 4**Required Stack Setback Distances Beyond the Building Code Minimum**

| Building ID | Total Floor Area | Building Height | Lot of Receptor Building | Stack Setback Distances from Nearest Taller Building | Annual NO ₂ Emission Rate | 24-hr NO ₂ Impacts | Total Estimated Annual NO ₂ Conc. ^(*) | Annual NO ₂ NAAQS |
|-----------------------|------------------|-----------------|--------------------------|--|--------------------------------------|-------------------------------|---|------------------------------|
| | sq. feet | feet | | feet | g/sec | µg/m ³ | µg/m ³ | µg/m ³ |
| Building on Lot 45 | 111,144 | 175 | 50-60 | 15 | 0.008 | 31 | 99 | 100 |
| | | | 89 | 17 | | 27 | 95 | |
| Building on Lot 50-60 | 161,190 | 175 | 45 | 17 | 0.012 | 28 | 96 | |
| | | | 89 | 19 | | 29 | 97 | |
| Building on Lot 89 | 199,207 | 175 | 45 | 22 | 0.015 | 30 | 98 | |
| | | | 50-60 | 20 | | 31 | 99 | |

Note: Total estimated annual NO₂ concentrations includes a NO₂ background value of 68 µg/m³

Based on the results of the analyses, as concluded in the FEIS, (E) designations would be required for Projected Development Site 40 under the New Development Scenario for the Potential CPC Modifications to ensure that there would be no significant air quality impacts on adjacent development sites. As described below, (E) designations are required that (1) specify natural gas would be used exclusively and (2) identify specific stack locations. These (E) designations are similar to those that were noted in the FEIS for the individual lots comprising Projected Development Site 40, except that there would no longer be an (E) designation required for tax Lot 40, and tax Lot 45 would require an (E) designation under the New Development Scenario (as opposed to only for the Conversion Scenario in the FEIS). In addition, whereas the (E) designations specified for Site 40 in the FEIS provided setback distances for fuel oil No. 2 and/or required the use of natural gas, the (E) designations provided below require the use of natural gas, along with the applicable setback distances for that fuel type. Also, Lots 45 and 89 would have an additional requirement to address potential air quality impacts from the existing buildings on Lot 40.

TABLE 5**Minimum Stack Setback Requirements for Site 40 Developments**

| Site ID | Block | Lot | Setback Requirements |
|-----------------------------|-------|-------|---|
| Projected Developed Site 40 | 1967 | 45 | 15 feet from Lot 50-60; 17 feet from Lot 89 |
| | | 50-60 | 17 feet from Lot 45; 19 feet from 89 |
| | | 89 | 22 feet from Lot 45; 20 feet from Lot 50-60 |

The proposed (E) designations for the Projected Development Site 40 developments under the New Development Scenario with respect to HVAC systems are presented below.

Site 40 Block 1967, Lot 45:

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) would use exclusively natural gas as the type of fuel for space heating and hot water (HVAC) systems and are located at least 15 feet from the lot line facing Morningside Avenue and at least 17 feet from the lot line facing W 128th Street, to avoid any potential significant adverse air quality impacts.

Any new residential and/or commercial development on Block 1967, Lot 45 must ensure that existing fossil fuel-fired equipment on adjacent building(s) on Block 1967, Lot 40 meet(s) applicable Department of Building Code provisions regarding the alteration of exhaust stacks to ensure they are equal to or taller than operable windows or air intakes on the development proposed on Block 1967, Lot 45, including, as necessary, altering the stack to run up the facade of the new development. This would preclude the potential for significant adverse air quality impacts from the heating and hot water systems boilers at Block 1967, Lot 40 onto the proposed Block 1967, Lot 45.

Site 40 Block 1967, Lot 50-60:

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) would use exclusively natural gas as the type of fuel for space heating and hot water (HVAC) systems and are located at least 17 feet from the lot line facing W 127th Street and Amsterdam Avenue and at least 19 feet from the lot line facing W 128th Street, to avoid any potential significant adverse air quality impacts.

Site 40 Block 1967, Lot 89:

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) would use exclusively natural gas as the type of fuel for space heating and hot water (HVAC) systems and are located at least 22 feet from the lot line facing W 127th Street, to avoid any potential significant adverse air quality impacts.

Any new residential and/or commercial development on Block 1967, Lot 89 must ensure that existing fossil fuel-fired equipment on adjacent building(s) on Block 1967, Lot 40 meet(s) applicable Department of Building Code provisions regarding the alteration of exhaust stacks to ensure they are equal to or taller than operable windows or air intakes on the development proposed on Block 1967, Lot 89, including, as necessary, altering the stack to run up the facade of the new development. This would preclude the potential for significant adverse air quality impacts from the heating and hot water systems boilers at Block 1967, Lot 40 onto the proposed Block 1967, Lot 89.

With these (E) designations, the potential impacts from the Site 40 development's HVAC systems under the New Development Scenario with the Potential CPC Modifications would not exceed the applicable NAAQS and would therefore not have potential significant adverse environmental impacts on air quality. As such, with these (E) designations, the Potential CPC Modifications would not result in any new or different significant adverse air quality impacts not already identified in the FEIS.

Neighborhood Character

With the Potential CPC Modifications, the FEIS finding that the Proposed Action would not result in significant adverse impacts with respect to neighborhood character would remain unchanged. The Potential CPC Modifications would not result in new significant adverse impacts to any of the

contributing elements that define neighborhood character (land use, zoning, and public policy; socioeconomic conditions; open space; urban design and visual resources, and noise). Moreover, as with the Proposed Action, the scale of significant adverse impacts to shadows, historic and cultural resources, and transportation with the Potential CPC Modifications would not affect any defining feature of neighborhood character, nor would a combination of moderately adverse effects affect a neighborhood's defining features. The Potential CPC Modifications would, therefore, not result in any significant adverse impact to neighborhood character not already identified in the FEIS for the Proposed Action.