



CITY COUNCIL  
 LAND USE DIVISION  
 2012 NOV -9 A 4:06

DEPARTMENT OF CITY PLANNING  
 CITY OF NEW YORK  
 OFFICE OF THE DIRECTOR

NYC COUNCIL  
 2012 NOV -9 A 11:32  
 SPEAKING OFFICE

November 9, 2012

City Council  
 City Hall  
 New York, NY 10007

Re: Application No. N 120142 ZRM  
 Related Application No.: C 120143 ZMM

CITY COUNCIL  
 LAND USE DIVISION  
 2012 NOV -9 P 12:09

Honorable Members of the Council:

In accordance with Section 197-d(d) of the New York City Charter, the City Planning Commission has reviewed the proposed modification to the Commission's decision in the above-referenced matter.

The Land Use Committee of the City Council recommended that the approval of the above-referenced application be expressly conditioned on the following:

Section (a)(1)(ii) of Appendix F( Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Within Subarea J ) , relating to the restrictive declaration required in connection with the environmental assessment for the purpose of addressing historic resources and containing other provisions regarding the preservation of certain features of existing buildings and structures and related matters be amended to reflect that the referenced declaration be in the form dated as of October 25, 2012, in lieu of the prior version dated September 5, 2012.

The modification would facilitate certain additional controls and restrictions related to the existing building, including with respect to existing exterior masonry walls, window replacements, and the introduction of ground floor retail frontages, as set forth in the form of restrictive declaration dated October 25, 2012.

The modification to Section (a)(1)(ii) of Appendix F and the changes to the associated restrictive declaration raise no land use or environmental issue requiring further review. This report and recommendation was adopted by a unanimous decision on November 5, 2012.

Sincerely,

Amanda M. Burden, FAICP

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CITY COUNCIL  
LAND USE DIVISION

2012 NOV -9 A 11:06



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

OFFICE OF THE DIRECTOR

CITY COUNCIL

2012 NOV -9 A 11:33

LAND USE DIVISION

November 9, 2012

City Council  
City Hall  
New York, NY 10007

Re: ULURP Nos. C 120309 ZMM and N 120310 ZRM  
West Harlem Rezoning  
Community District 9  
Borough of Manhattan

CITY COUNCIL  
LAND USE DIVISION  
2012 NOV -9 P 12:09

Honorable Members of the Council:

In accordance with Section 197-d(d) of the New York City Charter, the City Planning Commission has reviewed the proposed modification to the above-referenced application to rezone 90 blocks in the neighborhood of West Harlem in Manhattan Community District 9.

The Land Use Committee of the City Council recommended that the approval of the above-referenced application be expressly conditioned on the following:

**C 120309 ZMM**

Matter in ~~strikeout~~ is old, deleted by the City Council;  
Matter in double underline is new, added by the City Council.

1. eliminating from within an existing R8 District a C1-4 District bounded by a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, Broadway, a line 100 feet northerly of West 145<sup>th</sup> Street, a line 100 feet easterly of Broadway, a line 100 feet southerly of West 145<sup>th</sup> Street, Broadway, a line midway between West 145<sup>th</sup> Street and West 144<sup>th</sup> Street, and a line 100 feet westerly of Broadway;
2. changing from an R7-2 District to an R6A District property bounded by:
  - a. West 153<sup>rd</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 152<sup>nd</sup> Street, and a line 100 feet easterly of Broadway;
  - b. a line 100 feet southerly of West 155<sup>th</sup> Street, St. Nicholas Avenue, West 153<sup>rd</sup> Street, St. Nicholas Place, West 152<sup>nd</sup> Street, St. Nicholas Avenue, a line 75 feet northerly of West 152<sup>nd</sup> Street, a line 475 feet easterly of Amsterdam Avenue, West 152<sup>nd</sup> Street, Convent Avenue, West 151<sup>st</sup> Street, a line 125 feet easterly of Amsterdam Avenue, West 152<sup>nd</sup> Street, and a line 100 feet easterly of Amsterdam Avenue;

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- c. a line midway between West 151<sup>st</sup> Street and West 150<sup>th</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 147<sup>th</sup> Street, and a line 100 feet easterly of Broadway;
  - d. West 150<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, a line midway between West 149<sup>th</sup> Street and West 148<sup>th</sup> Street, Convent Avenue, West 149<sup>th</sup> Street, St. Nicholas Avenue, West 145<sup>th</sup> Street, a line 100 feet westerly of St. Nicholas Avenue, the easterly prolongation of the northerly street line of West 144<sup>th</sup> Street, a line midway between Hamilton Terrace and St. Nicholas Avenue, West 141<sup>st</sup> Street, Convent Avenue, West 140<sup>th</sup> Street, Amsterdam Avenue, West 145<sup>th</sup> Street, and a line 100 feet easterly of Amsterdam Avenue, and excluding the area bounded by a line midway between West 147<sup>th</sup> Street and West 148<sup>th</sup> Street, Convent Avenue, West 145<sup>th</sup> Street, and a line 100 feet westerly of Convent Avenue;
  - e. a line 100 feet southerly of West 145<sup>th</sup> Street, Bradhurst Avenue, the westerly center line prolongation of West 143<sup>rd</sup> Street, and a line midway between St. Nicholas Avenue and Edgecombe Avenue; and
  - f. West 143<sup>rd</sup> Street, a line 500 feet easterly of Broadway, a line midway between West 142<sup>nd</sup> Street and West 141<sup>st</sup> Street, a line 450 feet easterly of Broadway, West 141<sup>st</sup> Street, and a line 100 feet easterly of Broadway;
3. changing from an R8 District to an R6A District property bounded by:
- a. West 148<sup>th</sup> Street, a line 100 feet westerly of Broadway, West 145<sup>th</sup> Street, a line 315 feet westerly of Broadway, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 250 feet westerly of Broadway, West 146<sup>th</sup> Street, a line 225 feet westerly of Broadway, a line midway between West 147<sup>th</sup> Street and West 146<sup>th</sup> Street and its westerly prolongation, the easterly boundary line of Riverside Park, West 147<sup>th</sup> Street and its westerly center line prolongation, a line 80 feet easterly of Riverside Drive, a line midway between West 148<sup>th</sup> Street and West 147<sup>th</sup> Street, and a line 105 feet easterly of Riverside Drive;
  - b. a line midway between West 143<sup>rd</sup> Street and West 142<sup>nd</sup> Street and its westerly prolongation, a line 200 feet westerly of Broadway, West 142<sup>nd</sup> Street and its westerly center line prolongation, and the easterly boundary line of Riverside Park; and
  - c. a line midway between West 139<sup>th</sup> Street and West 138<sup>th</sup> Street, a line 100 feet westerly of Broadway, a line midway between West 138<sup>th</sup> Street and West 137<sup>th</sup> Street, a line 455 feet westerly of Broadway, West 138<sup>th</sup> Street, and a line 400 feet westerly of Broadway;
4. changing from an R7-2 District to an R7A District property bounded by:
- a. West 155<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 152<sup>nd</sup> Street, a line 125 feet easterly of Amsterdam Avenue, West 151<sup>st</sup> Street, Convent Avenue, West 152<sup>nd</sup> Street, a line 475 feet easterly of Amsterdam Avenue, a line 75 feet northerly of West 152<sup>nd</sup> Street, St. Nicholas Avenue, West 152<sup>nd</sup> Street and its easterly center line prolongation, a line midway between St. Nicholas Place and Edgecombe Avenue, a line midway between St. Nicholas Avenue and Edgecombe Avenue, a line 100 feet northerly of West 145<sup>th</sup> Street, St. Nicholas Avenue, West 149<sup>th</sup> Street, Convent Avenue, a line midway between West 149<sup>th</sup> Street and West

148<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 150<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, Amsterdam Avenue, a line 100 feet northerly of West 145<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 147<sup>th</sup> Street, a line 100 feet westerly of Amsterdam Avenue, a line midway between West 151<sup>st</sup> Street and West 150<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 152<sup>nd</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 153<sup>rd</sup> Street, and Amsterdam Avenue;

- b. a line 150 feet southerly of West 155<sup>th</sup> Street, a line midway between St. Nicholas Avenue and St. Nicholas Place, West 153<sup>rd</sup> Street, and St. Nicholas Avenue;
  - c. a line midway between West 148<sup>th</sup> Street and West 147<sup>th</sup> Street, Convent Avenue, West 145<sup>th</sup> Street, and a line 100 feet westerly of Convent Avenue;
  - d. a line 100 feet southerly of West 145<sup>th</sup> Street, Amsterdam Avenue, the southerly boundary line of Annunciation Park and its easterly and westerly prolongations, Convent Avenue, West 130<sup>th</sup> Street, Amsterdam Avenue, West 133<sup>rd</sup> Street, a line 200 feet easterly of Broadway, West 135<sup>th</sup> Street, a line 100 feet easterly of Broadway, a line 100 feet easterly of Hamilton Place, a line midway between West 138<sup>th</sup> Street and West 136<sup>th</sup> Street, Hamilton Place, West 138<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 141<sup>st</sup> Street, a line 450 feet easterly of Broadway, a line midway between West 142<sup>nd</sup> Street and West 141<sup>st</sup> Street, a line 500 feet easterly of Broadway, West 143<sup>rd</sup> Street, and a line 100 feet easterly of Broadway;
  - e. West 145<sup>th</sup> Street, St. Nicholas Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, a line midway between St. Nicholas Avenue and Edgecombe Avenue, the westerly center line prolongation of West 143<sup>rd</sup> Street, Bradhurst Avenue and its southerly centerline prolongation, Edgecombe Avenue, West 141<sup>st</sup> Street, a line midway between Hamilton Terrace and St. Nicholas Avenue, the easterly prolongation of the northerly street line of West 144<sup>th</sup> Street, and a line 100 feet westerly of St. Nicholas Avenue; and
  - f. West 130<sup>th</sup> Street, St. Nicholas Terrace, West 127<sup>th</sup> Street, a line 100 feet westerly of St. Nicholas Avenue, West 126<sup>th</sup> Street, a line 100 feet westerly of Morningside Avenue, West 127<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 129<sup>th</sup> Street, and Convent Avenue;
5. changing from an R7-2 District to an R7D District property bounded by a line 100 feet northerly of West 145<sup>th</sup> Street, Amsterdam Avenue, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 145<sup>th</sup> Street, Amsterdam Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, and a line 100 feet easterly of Broadway;
- 5- 6. changing from an R7-2 District to an R8A District property bounded by:
- a. West 155<sup>th</sup> Street, St. Nicholas Avenue, a line 100 feet southerly of West 155<sup>th</sup> Street, and a line 100 feet easterly of Amsterdam Avenue; and
  - b. Edgecombe Avenue, West 145<sup>th</sup> Street, Bradhurst Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, St. Nicholas Avenue, a line 100 feet northerly of West 145<sup>th</sup> Street, a line midway between St. Nicholas Avenue and Edgecombe Avenue, a line midway between St. Nicholas Place and Edgecombe Avenue, the easterly center line prolongation of West 152<sup>nd</sup> Street, St. Nicholas Place, West 153<sup>rd</sup> Street, a line midway between St. Nicholas Avenue and St. Nicholas Place, a line 150 feet

southerly of West 155<sup>th</sup> Street, a line perpendicular to the southerly street line of West 155<sup>th</sup> Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155<sup>th</sup> Street, a line 100 feet southerly of West 155<sup>th</sup> Street, St. Nicholas Place, and West 155<sup>th</sup> Street; and

- c. ~~a line 100 feet northerly of West 145<sup>th</sup> Street, Amsterdam Avenue, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 145<sup>th</sup> Street, Amsterdam Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, and a line 100 feet easterly of Broadway;~~
- 6. 7. changing from a C8-3 District to an R8A District property bounded by West 155<sup>th</sup> Street, St. Nicholas Place, a line 100 feet southerly of West 155<sup>th</sup> Street, and a line perpendicular to the southerly street line of West 155<sup>th</sup> Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155<sup>th</sup> Street;
  - 7. 8. changing from an R8 District to a C6-3X District property bounded by a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, Broadway, a line 100 feet northerly of West 145<sup>th</sup> Street, a line 100 feet easterly of Broadway, a line 100 feet southerly of West 145<sup>th</sup> Street, Broadway, a line midway between West 145<sup>th</sup> Street and West 144<sup>th</sup> Street, and a line 100 feet westerly of Broadway;
  - 8. 9. changing from an M1-1 District to an M1-5/R7-2 District property bounded by West 129<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 127<sup>th</sup> Street, a line 100 feet westerly of Morningside Avenue, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/Dr. Martin Luther King Jr. Boulevard, and Amsterdam Avenue;
  - 9. 10. establishing within a proposed R6A District a C1-4 District bounded by:
    - a. a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet westerly of Broadway, West 145<sup>th</sup> Street, and a line 315 feet westerly of Broadway; and
    - b. a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 145<sup>th</sup> Street, Convent Avenue, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet westerly of St. Nicholas Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, and a line 100 feet easterly of Amsterdam Avenue;
  - 10. 11. establishing within a proposed R7A District a C1-4 District bounded by:
    - a. a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, Convent Avenue, West 145<sup>th</sup> Street, and a line 100 feet westerly of Convent Avenue;
    - b. a line 100 feet northerly of West 141<sup>st</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 141<sup>st</sup> Street, and Hamilton Place; and
    - c. a line midway between West 140<sup>th</sup> Street and West 139<sup>th</sup> Street, a line 100 feet easterly of Hamilton Place, West 138<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 139<sup>th</sup> Street, and Hamilton Place;

- ~~11.~~ 12. establishing within an existing R8 District a C1-4 District bounded by West 145<sup>th</sup> Street, a line 100 feet westerly of Broadway, a line midway between West 145<sup>th</sup> street and West 144<sup>th</sup> Street, and a line 270 feet westerly of Broadway;
- ~~12.~~ 13. establishing within a proposed R8A District a C2-4 District bounded by West 155<sup>th</sup> Street, Edgecombe Avenue, a line 150 feet southerly of West 155<sup>th</sup> Street, St. Nicholas Place, a line 100 feet southerly of West 155<sup>th</sup> Street, and a line perpendicular to the southerly street line of West 155<sup>th</sup> Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155<sup>th</sup> Street; and
- ~~13.~~ 14. establishing a Special Mixed Use District (MX-15) bounded by West 129<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 127<sup>th</sup> Street, a line 100 feet westerly of Morningside Avenue, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/Dr. Martin Luther King Jr. Boulevard, and Amsterdam Avenue;

Borough of Manhattan, Community District 9, as shown in a diagram (for illustrative purposes only) dated May 7, 2012, modified by the City Planning Commission on September 5, 2012, modified by the City Council on October 30, 2012, and subject to the conditions of CEQR Designation E-284.

**N 120310 ZRM**

- Matter in underline is new, to be added;
- Matter in ~~strikeout~~ is to be deleted;
- Matter in [ ] is deleted by City Council;
- Matter in **bold double underline** is new, added by City Council;
- Matter with # # is defined in Section 12-10;
- \* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article II  
Residence District Regulations**

\* \* \*

**Chapter 3  
Bulk Regulations for Residential Buildings in Residence Districts**

\* \* \*

**23-142  
In R6, R7, R8 or R9 Districts**

R6 R7 R8 R9

Except as otherwise provided in the following Sections:

- Section 23-144 (In designated areas where the Inclusionary Housing Program is applicable)
- Section 23-145 (For Quality Housing buildings)
- Section 23-146 (Optional provisions for certain R5 and R6 Districts in Brooklyn)
- Section 23-147 (For non-profit residences for the elderly); and

Section 23-148 (For tower-on-a-base buildings in R9 Districts); and

Section 23-149 (Special floor area regulations for certain sites in Community District 9, Borough of Manhattan)

In the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be as set forth in the following table for #zoning lots# with the #height factor# indicated in the table.

\* \* \*

**23-144**

**In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

Community District	Zoning District
Community District 1, Bronx	R6A R7-2 R7A R7X R8A
Community District 4, Bronx	R8A R9D
Community District 7, Bronx	R7D
Community District 1, Brooklyn	R6 R6A R6B R7A R7-3
Community District 2, Brooklyn	R7A R8A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R7A R8A
Community District 14, Brooklyn	R7A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A R10
<u>Community District 9, Manhattan</u>	<u>[R8A] R7D R9X</u>
Community District 1, Queens	R7A
Community District 2, Queens	R7X

\* \* \*

**23-149**

**Special floor area regulations for certain sites in Community District 9, Borough of Manhattan**

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125<sup>th</sup> Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section 23-145 (For Quality Housing buildings).

\* \* \*

**23-636**

**Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan**



Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125<sup>th</sup> Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program.

\* \* \*

**23-952**

**Floor area compensation in Inclusionary Housing designated areas**

\* \* \*

Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6*	2.20	2.42
R6** R6A R7-2*	2.70	3.60
R7A R7-2**	3.45	4.60
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
<u>R9X</u>	<u>7.3</u>	<u>9.7</u>
R10	9.00	12.00

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\* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

\*\* for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

\* \* \*

**24-523**

**Special height and setback regulations**

R5D R8 R10

(a) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, except R10A or R10X Districts, shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).

(b) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts located north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.

(c) R5D Districts

In R5D Districts, all #buildings or other structures# shall comply with the height and setback requirements set forth in Section 23-60 (HEIGHT AND SETBACK REGULATIONS).

\* \* \*

**33-433**

**Special height and setback regulations**

(a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in an R10 equivalent #Commercial Districts# without a letter suffix shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).

(b) Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts located north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.

(c) In C1 or C2 Districts mapped within R5D Districts, all #buildings or other structures# shall comply with the height and setback requirements of Section 23-60.

\* \* \*

**Article XII**

**Special Purpose Districts**

**Chapter 3**

**Special Mixed Use District**

\* \* \*

**123-662**

**All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations**

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

- (1) In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, except an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height of a #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

Table A  
 HEIGHT AND SETBACK FOR ALL BUILDINGS  
 IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS  
 (in feet)

Maximum District	Maximum Base Height	#Building# Height
R6	60	110
R7-1 R7-2	60	135
R7-3	85	185
R8	85	210
R9	85	225
R9-1	90	280
R10	110	350

- (2) In #Special Mixed Use District# 15 in the Borough of Manhattan, where the designated #Residence District# is an R7-2 District, the height and setback regulations of paragraph (1) of this Section shall not apply. In lieu thereof, the following height and setback regulations shall apply. A #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet, except for dormers permitted in accordance with paragraph (c) of this Section. At least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#. Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph, (a)(2). Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, no #building or other structure# shall exceed the maximum #building# height specified in Table B of this Section.

Setbacks are required for all portions of #buildings# that exceed the maximum base height specified in Table B. Such setbacks shall be provided in accordance with the following provisions:

- (1) #Building# walls facing a #wide street# shall provide a setback at least ten feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B. #Building# walls facing a #narrow street# shall provide a setback at least 15 feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B.
- (2) These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to such #building# wall would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.
- (3) Required setback areas may be penetrated by dormers in accordance with paragraph (c) of this Section.
- (4) Where the #Residence District# designation is an R10X District, no maximum #building# height shall apply. However, the minimum coverage of any portion of a #building# that exceeds the permitted maximum base height shall be 33 percent of the #lot area# of the #zoning lot#. Such minimum #lot# coverage requirement shall not apply to the highest four #stories# of the #building#.

TABLE B  
HEIGHT AND SETBACK FOR ALL BUILDINGS  
IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS  
(in feet)

District	Height	Minimum	Maximum	Maximum
		Base	Base	#Building#
		Height	Height	Height
R6B		30	40	50
R6A		40	60	70
R7B		40	60	75
R7A		40	65	80
R7D		60	85	100
R7X		60	85	125
R8A		60	85	120
R8B		55	60	75
R8X		60	85	150
R9A**		60	95	135
R9A*		60	102	145
R9X**		60	120	160
R9X*		105	120	170

R10A**	60	125	185
R10A*	125	150	210
R10X	60	85	***

-----

\* That portion of a district which is within 100 feet of a #wide street#

\*\* That portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#

\*\*\* #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (b)(4) of this Section

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections 23-62, 24-51 or 43-42. In addition, within a required setback area, a dormer may exceed a maximum base height specified in Tables A or B of this Section and thus penetrate a required setback area, provided that, on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the length of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See illustration of Dormer in Section 62-341).

However, all #buildings or other structures# on #waterfront blocks#, as defined in Section 62-11, shall comply with the height and setback regulations set forth for the designated #Residential District# as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive.

\* \* \*

**123-90  
SPECIAL MIXED USE DISTRICTS SPECIFIED**

The #Special Mixed Use District# is mapped in the following areas:

\* \* \*

#Special Mixed Use District# - 14:  
Third Avenue/Tremont Avenue, the Bronx

The #Special Mixed Use District# - 14 is established along Third Avenue in the Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 15:  
West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West Harlem in Manhattan as indicated on the #zoning maps#

\* \* \*

**APPENDIX F: Inclusionary Housing Designated Areas**

**Manhattan**

\* \* \*

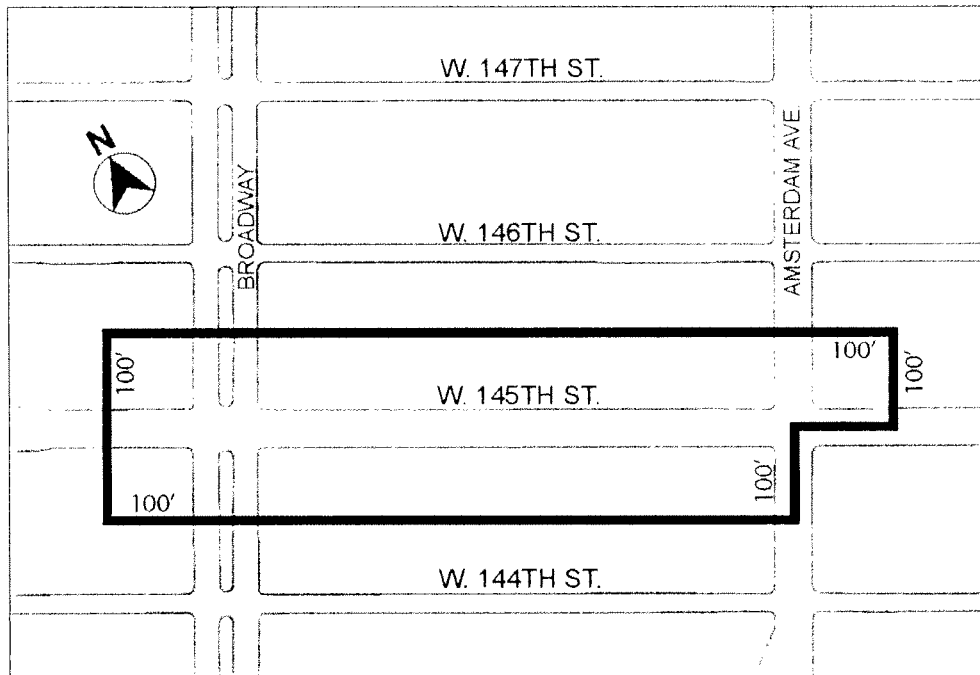
\* \* \*

**Manhattan Community District 9, 10 and 11**

\* \* \*

In the [R8A] **R7D** and R9X Districts within the areas shown on the following Map 2:

Map 2



Portions of Community District 9, Manhattan

This modification raises no land use issues requiring further review. As set forth in the attached CEQR Technical Memorandum, dated October 26, 2012, the modifications also do not raise any environmental issues requiring further review.

This report and recommendation was adopted by a unanimous decision.

Very sincerely,

Amanda M. Burden, FAICP

c: E. Hsu-Chen  
A. McCabe  
D. Karnovsky  
J. Harris  
C. Grossman  
L. Edwards

**TECHNICAL MEMORANDUM**  
**West Harlem Rezoning FEIS**  
**CEQR No. 12DCP070M**

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**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). A Technical Memorandum pursuant to potential CPC modifications, described in Section "B." of this document was issued on September 5, 2012 (the "9/5/12 Technical Memorandum"), which concluded that the CPC modifications would not result in any new or different significant adverse impacts not already identified in the FEIS.

Following the publication of the FEIS and subsequent 9/5/12 Technical Memorandum, further modifications have been identified as under consideration by the City Council (the "Potential City Council Modifications"). The Potential City Council Modifications, described in Section "C." below and included as part of "Appendix A" of this document, include a change to the proposed zoning district along West 145<sup>th</sup> Street between Broadway and Amsterdam Avenue from R8A to R7D, within an Inclusionary Housing (IH) designated area. As a related matter, the Potential City Council Modifications would modify the proposed zoning text amendment to apply the IH designation along West 145<sup>th</sup> Street between Broadway and Amsterdam Avenue to this R7D zoning district, instead of R8A. In addition, a modification has been made to the proposed zoning district on the northwest corner of West 152<sup>nd</sup> Street and St. Nicholas Avenue from R6A to R7A. As discussed below in Section "F." of this document, these proposed modifications would result in changes to a proposed (E) designation (E-284) identified in the FEIS.

Also following the publication of the FEIS, the NYC Department of Housing Preservation and Development moved forward with an environmental assessment statement (the "PS 186 Rehabilitation EAS") (13HPD014M) for a revised proposal for the former Public School 186 (Projected Development Site 6 in FEIS) as detailed in Section "D." below. As discussed below in Section "F." of this document, the revised development program for this site would not result new or different significant adverse impacts.

This technical memorandum examines whether the Potential City Council Modifications and the changed development program for the site of the former Public School 186 (collectively, the "Potential 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 Modifications would not result in any new or different significant adverse impacts not already identified in the FEIS.



## **B. OVERVIEW OF SEPTEMBER 5, 2012 TECHNICAL MEMORANDUM PURSUANT TO POTENTIAL CITY PLANNING COMMISSION MODIFICATIONS**

Following the publication of the FEIS, modifications were identified as under consideration by the City Planning Commission (CPC). These modifications included a modification to the proposed zoning map amendment to reflect a minor modification of the proposed zoning district boundary along St. Nicholas Avenue between West 141<sup>st</sup> and West 145<sup>th</sup> Streets.

In addition, a modification was 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); this modification resulted in changes to the (E) designations. The September 5, 2012 technical memorandum concluded 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.

## **C. DESCRIPTION OF THE POTENTIAL CITY COUNCIL MODIFICATIONS**

The Potential City Council Modifications would make certain changes as follows:

### **1. Modification to the Proposed Zoning Map Amendment along West 145<sup>th</sup> Street between Broadway and Amsterdam Avenue and related Modification to Proposed Zoning Text Amendment.**

Properties fronting on West 145<sup>th</sup> street between Broadway and Amsterdam Avenue were proposed to be rezoned R8A with Inclusionary Housing (per the related zoning text amendment) in the FEIS. Pursuant to the Potential City Council Modifications (See "Appendix A"), the R8A with Inclusionary Housing zoning district would be potentially changed to an R7D with Inclusionary Housing zoning district in order to allow residential and community facility development to a lesser extent than the R8A. In conjunction with this modification, the Potential City Council Modifications include a modification to the proposed zoning text amendment to apply the Inclusionary Housing designation along West 145<sup>th</sup> Street between Broadway and Amsterdam Avenue to an R7D zoning district, instead of to an R8A zoning district.

It should be noted that the R8A zoning district with Inclusionary Housing designation would allow development of 5.4 FAR, bonusable to 7.2 FAR with the provision of permanently affordable housing pursuant to the Inclusionary Housing program, to a maximum height of 120 feet on a wide street. In contrast, the R7D with Inclusionary Housing designation would allow development of 4.2 FAR, bonusable to 5.6 FAR with the provision of permanently affordable housing pursuant to the Inclusionary Housing program, to a maximum height of 100 feet on a wide street.

Five development sites identified in the FEIS are within the area affected by this potential modification: a portion of Projected Development Site 6 (Block 2077, Lot 14), Projected Development Site 8 (Block 2076, Lot 45), Projected Development Site 9 (Block 2076, Lots 40 and 41), Potential Development Site 23 (Block 2077, Lot 6), and Potential Development Site 24 (Block 2077, Lot 24) (See Figure 1).

Since the FEIS identified future development on Projected Development Site 8 and Potential Development Site 24 that is consistent with the R7D IH zoning district, the proposed modification to

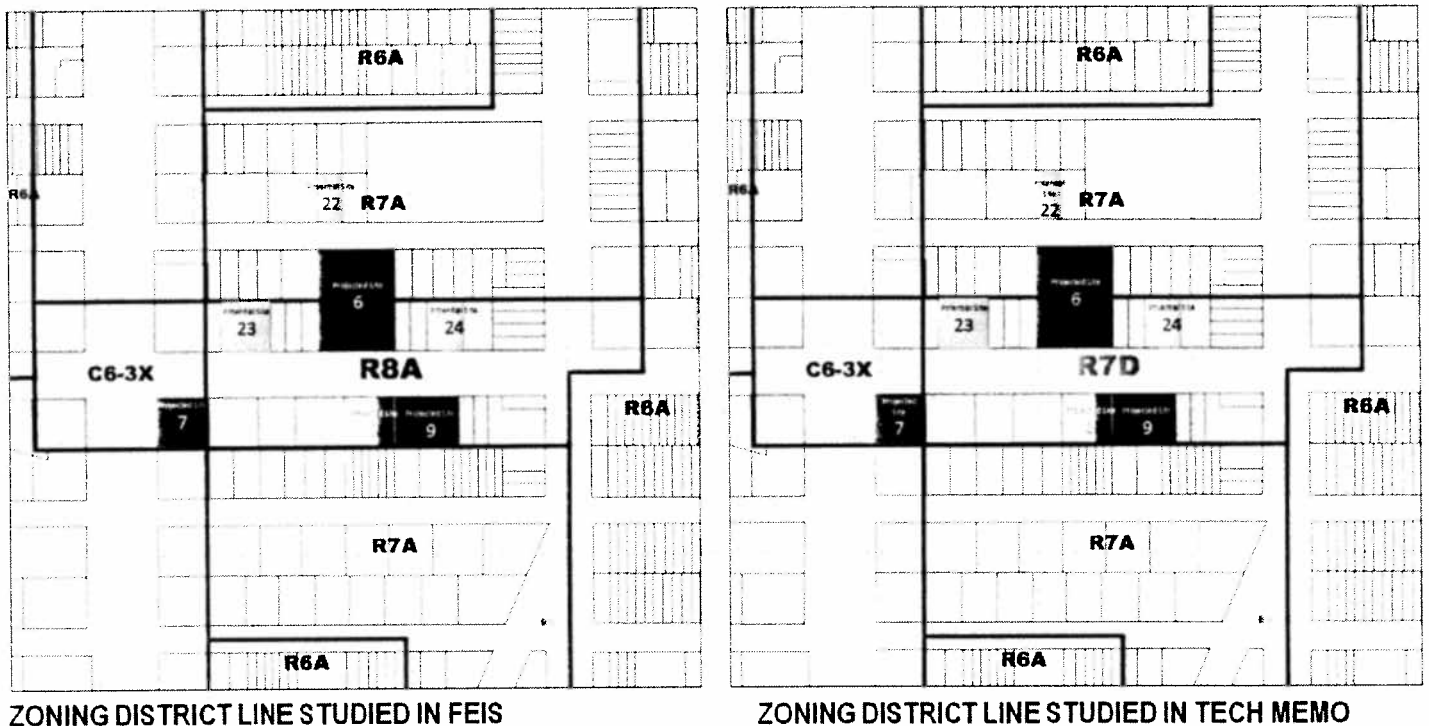
R7D IH along West 145<sup>th</sup> Street would not change the projected development on these sites. This potential change would not affect any of the Projected Development Site 8 and Potential Development Site 24 analyses and conclusions in the FEIS. Therefore, no further analysis is required for these two sites. Projected Development Site 6, which is subject to changes in a development program pursuant to the PS 186 Rehabilitation EAS, is discussed further in Section “D.”

Since the proposed R7D IH zoning would decrease the height, FAR and development allowable on Projected Development Site 9 and Potential Development Site 23 (See Table 1), this technical memorandum examines whether any new or different significant adverse environmental impacts not already identified in the FEIS will result from the Potential City Council Modifications.

**Table 1:**  
**Comparison of With-Action Projected Development on Sites 9 and 23 –**  
**FEIS Program vs. Potential City Council Modifications**

	West Harlem Rezoning FEIS RWCDs for Sites 9 and 23					Potential City Council Modifications RWCDs for Sites 9 and 23				
	Total Units	Afford. Units	Resid. GSF	Retail GSF	Height in ft	Total Units	Afford. Units	Resid. GSF	Retail GSF	Height in ft
<b>Projected Site 9 (Block 2076, Lots 40, 41)</b>	82	16	76,042	10,217	120	70	14	64,739	10,217	100
<b>Potential Site 23 (Block 2077, Lot 6)</b>	64	13	58,947	7,920	120	54	11	49,955	7,920	100

**FIGURE 1**  
**Comparison of Proposed Zoning Areas to be Modified – FEIS vs. Technical**  
**Memorandum for Potential City Council Modifications**



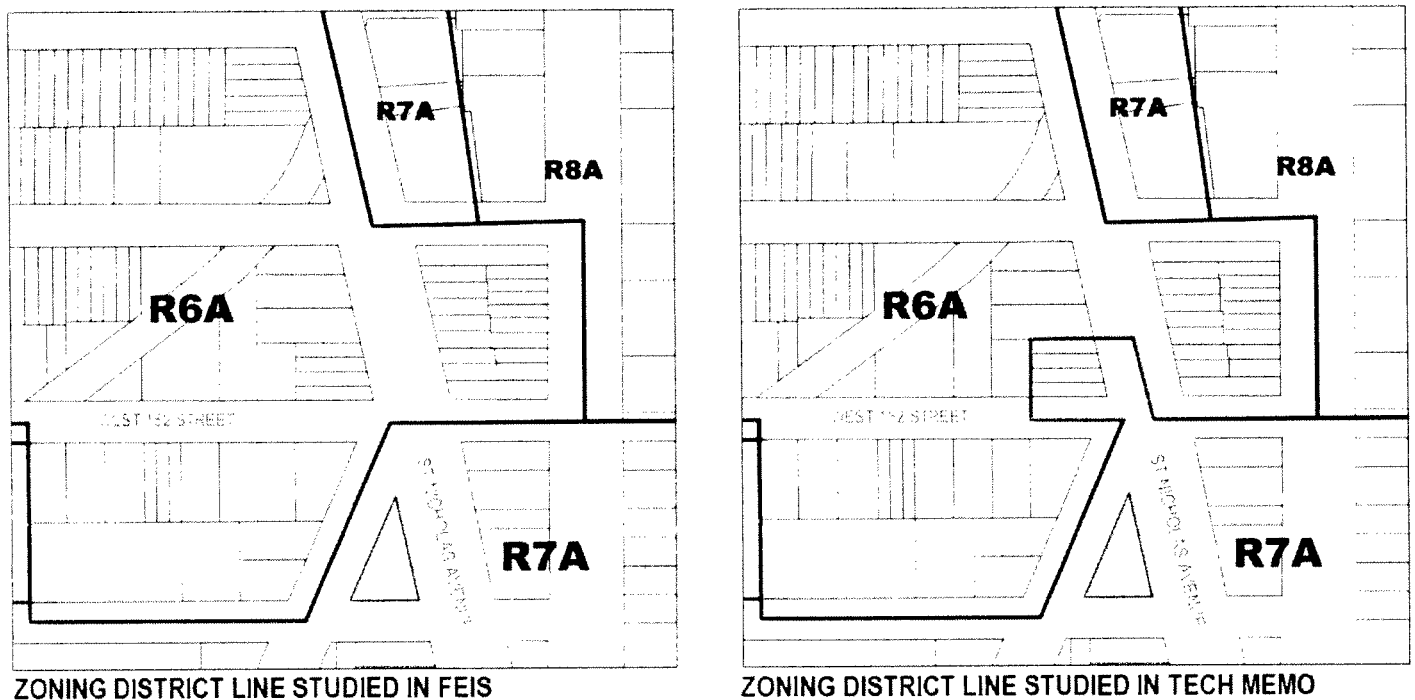
**2. Modification to the Proposed Zoning Map Amendment on the northwest corner of West 152<sup>nd</sup> Street and St. Nicholas Avenue from R6A to R7A**

Properties located on the northwest corner of West 152<sup>nd</sup> Street and St. Nicholas Avenue were proposed to become rezoned R7A in the FEIS. The FEIS studied an R6A zoning district on the above-mentioned sites, and the City Council has identified a potential modification to an R7A zoning district (see Figure 2).

Since the FEIS did not identify development sites in the affected area, and the modification to the proposal from R6A to R7A would not add any new soft sites to the Reasonable Worst Case Development Scenario (RWCDs), this potential change would not affect of the analyses of the FEIS or 9/15/12 Technical Memorandum, or any of its conclusions. Therefore, no further analysis is required.

**FIGURE 2**

**Comparison of Proposed Zoning Areas to be Modified – FEIS vs. Technical Memorandum for Potential City Council Modifications**



**D. DESCRIPTION OF THE PS 186 REHABILITATION ENVIRONMENTAL ASSESSMENT STATEMENT (13HPD014M)**

The PS 186 Rehabilitation EAS (13HPD014M) proposal is described as follows:

**1. Modification to Projected Development Site 6**

The NYC Department of Housing Preservation and Development moved forward with an environmental assessment statement (13HPD014M) for a revised proposal for the former Public School 186, a vacant, 5-story building containing approximately 98,000 square feet of floor area, located at 525 West 145<sup>th</sup> Street in Manhattan (Projected Development Site 6 in the FEIS). Under the proposed project, Monadnock Construction (the project sponsor) seeks to amend an existing land use restriction contained in a 1986 deed in order to facilitate the rehabilitation of the former Public School 186 Site.

Under the existing deed, residential uses are not currently permitted. Under the proposed project, the building would be rehabilitated for the purpose of providing approximately 87 dwelling units of affordable housing (containing approximately 88,000 sq. ft.) and approximately 10,000 sq. ft. of ground floor community facility space. No additional expansion or ground disturbance at the building is proposed as part of the project. It should be noted that the proposal for Site 6 would be consistent with the original R8A IH zoning designation proposed in the FEIS and the R7D IH zoning designation pursuant to the Proposed City Council Modifications discussed above in Section "C."

As illustrated in Table 2, two development programs, the "With Deed Restriction" scenario and a "No Deed Restriction" scenario had been identified in the FEIS for Site 6. Overall, the PS 186 Rehabilitation EAS identifies a shorter building height and less development on Site 6 than both scenarios projected in the FEIS. Therefore, this technical memorandum examines whether any new or different significant adverse environmental impacts not already identified in the FEIS will result from this change.

**Table 2:  
Comparison of With-Action Projected Development on Projected Development Site 6 –  
FEIS Program vs. PS 186 Rehabilitation EAS**

	West Harlem Rezoning FEIS										PS 186 Rehabilitation EAS					
	"With Deed Restriction"				"No Deed Restriction" scenario						"Rehabilitation" scenario					
	Res GSF	Retail GSF	Comm F. GSF	Height (ft)	Total Units	Affdbl Units	Res GSF	Retail GSF	Comm F. GSF	Height (ft)	Total Units	Affdbl Units	Res GSF	Retail GSF	Comm F. GSF	Height (ft)
<b>Projected Development Site 6</b>	0	7,421	141,724	120	155	21	143,707	7,421	22,261	120	87	87	88,000	0	10,000	80

## **E. ANALYSIS FRAMEWORK**

The Reasonable Worst Case Development Scenario (RWCDs) for the Proposed Action identified in the FEIS, as modified in the 9/5/12 Technical Memorandum, would remain unchanged except for reductions in floor area identified for Projected Development Sites 6, 9 and Potential Development Site 23 pursuant to the Potential Modifications (see Tables 1 and 2).

As in the FEIS, only projected development sites are considered for density based analyses (e.g. transportation), and both projected and potential development sites are considered for site-specific analyses. As noted in Tables 1 and 2, total development on Projected Development Sites 6 and 9 would result in approximately 50 percent less residential floor area, 90 percent less community facilities floor area and no additional commercial floor area as compared to the FEIS. Therefore, the results and conclusions of most density-based analyses for these two sites (e.g., socioeconomic conditions, community facilities, open space, water and sewer infrastructure, greenhouse gas emissions and construction) would either remain the same compared to what was analyzed in the FEIS, or be reduced. Because a significant adverse transportation impact was identified in the FEIS, a transportation analysis is included in this document to determine whether any changes to the previously identified significant adverse impacts would result from the Potential Modifications.

This Technical Memorandum also considers any site-specific analyses associated with Projected Development Sites 6, 9 and Potential Development Site 23, and any related modifications to (E) designations or to previously identified significant adverse impacts that would result from the Potential Modifications.

## **F. ANALYSES**

### **Land Use, Zoning and Public Policy**

As noted above, the Potential Modifications include modification of the proposed zoning map amendment along West 145<sup>th</sup> Street between Broadway and Amsterdam Avenue from R8A to R7D, a related modification to the proposed zoning text amendment to apply the Inclusionary Housing designation along West 145<sup>th</sup> Street between Broadway and Amsterdam Avenue to an R7D zoning district instead of to an R8A zoning district, a modification to the proposed zoning district along St. Nicholas Avenue and West 152<sup>nd</sup> Street from R6A to R7A, and programmatic changes to the development proposed on Site 6 as compared to the FEIS. These modifications would not affect the overall land use patterns assessed in the FEIS and 9/5/12 Technical Memorandum and established in the future with the Proposed Action. The proposed modifications would not introduce any new land uses that were not previously included, nor would they affect the overall land use patterns assessed in the FEIS and established in the future with the Proposed Action. The Potential Modifications would, therefore, not result in any new or different significant adverse impacts related to land use, zoning, or public policy.

### **Shadows**

As the Potential Modifications would affect Sites 6, 9 and 23, this discussion focuses exclusively on those resources within the maximum shadow radius of these sites. With the Potential Modifications,

the proposed building height of Site 6 would be 80 feet rather than 120 feet, and the height of the buildings on Sites 9 and 23 would be 100 feet, rather than 120 feet, as was analyzed in the FEIS (see Tables 1 and 2 for building height and floor area calculations).

The Potential Modifications would result in reductions in incremental shadows that would not substantively alter the conclusions of the FEIS ; the reductions in project shadowing would be only marginally perceptible when compared to shadow figures presented in the FEIS.

Therefore, the Potential Modifications would not alter the conclusions of the shadows analysis presented in the FEIS and 9/5/12 Technical Memorandum.

## **Historic and Cultural Resources**

With the Potential Modifications, the FEIS findings that the Proposed Action would result in significant adverse impacts with respect to architectural resources would remain unchanged. The Landmarks Preservation Commission (LPC) reviewed all identified projected and potential development sites, including Sites 6, 9 and 23, that could experience new or additional in-ground disturbance as a result of the Proposed Action, and concluded that none of the lots comprising those sites have any archaeological significance.

As stated in Table 7-4 of Chapter 7: Historic and Cultural Resources in the FEIS, Sites 6, 9 and 23 are not located within any potential or designated historic districts or within 90 feet of a potential or designated historic resource. Further, Sites 6, 9 and 23 do not contain potential/eligible or designated individual landmarks or historic resources.

Therefore, the Proposed Action, with the Potential Modifications, would not result in any new or different significant adverse historic and cultural resources impacts not already identified in the FEIS.

## **Urban Design and Visual Resources**

As mentioned above, the zoning district modifications proposed along West 145<sup>th</sup> street would affect Sites 6, 9 and 23. These sites would be governed by the height and bulk regulations of the proposed R7D IH zoning district, rather than the R8A IH district proposed in the FEIS. The proposed R7D IH district would allow development of 4.2 FAR, bonusable to 5.6 FAR with provision to affordable housing, and a maximum height of 100 feet on a wide street. Based on the Potential Modifications the maximum building heights for Site 6 would be reduced from 120 feet to 80 feet, and Sites 9 and 23 would be reduced from 120 feet to 100 feet, as compared to the FEIS (there would be no changes to base heights and setbacks, which are the same under R8A and R7D: 60 foot min base height and 85 foot max base height). Therefore, along West 145<sup>th</sup> Street, the maximum building heights with the Potential Modifications would be the lower than those analyzed for the Proposed Action in the FEIS.

As with the Proposed Action, under the Potential Modifications, 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 and/or heights of Sites 6, 9 and 23 would be different compared to what was analyzed in the FEIS, these differences would not be expected to alter the pedestrian experience in the vicinity of West 145<sup>th</sup> Street. There would be little difference in appearance to the pedestrian between building heights identified for the modified Sites 6, 9 and 23 and those analyzed in the FEIS.

Therefore, the Potential Modifications would not alter the conclusions of the urban design and visual resources analysis in the FEIS and would not result in any new or different significant adverse impact to urban design or visual resources.

## **Hazardous Materials**

With the Potential Modifications, the FEIS findings that the Proposed Action would not result in significant adverse impacts with respect to hazardous materials would remain unchanged. As with the Proposed Action, Sites 6, 9 and 23 would incur in-ground disturbance, and would be assigned (E) designations (E-284) related to hazardous materials. Therefore, the Proposed Action, with the Potential Modifications, would not result in any new or different significant adverse hazardous materials impacts.

## **Transportation**

A transportation analysis was conducted to determine whether the Potential Modifications would result in new or different significant adverse transportation impacts.

For Transportation analysis purposes, the FEIS analyzed Sites 6 and 9 as part as a larger aggregate of sites along the central portion of the rezoning area, "Cluster 2." Based on the FEIS Appendix E, Cluster 2 is estimated to generate fewer than 34 vehicle trips in any one peak hour and those trips would be generally dispersed throughout the central portion of the rezoning area. Fewer than 78 transit trips, 27 bus trips and 200 pedestrian trips at any pedestrian element would be generated by Cluster 2 as specified in the FEIS. Overall, Cluster 2 screened out for transportation per the 2012 CEQR Technical Manual.

As stated above, Projected Development Sites 6 and 9 would result in approximately 50 percent less residential floor area, 90 percent less community facilities floor area and no additional commercial floor area as compared to the FEIS. Thus, based on the reduced development projected for Sites 6 and 9 under the Potential Modifications, fewer generated incremental traffic, transit and pedestrian trips are projected to occur within Cluster 2, compared to those projected under the Proposed Action in the build condition in the FEIS.

It should be noted that Cluster 1 (south of West 144<sup>th</sup> Street) was selected for detailed transportation analysis in the FEIS, and it was found that significant adverse impacts related to transportation were identified for areas south of West 144<sup>th</sup> Street (refer to Chapter 18: Mitigation in the FEIS).

Since the reduced trips associated with Cluster 2 are restricted to the central portion of the West Harlem Rezoning area (north of West 144<sup>th</sup> Street) and traffic, transit and pedestrian trip generation volumes under the Potential Modifications would be the same in the areas south of West 144<sup>th</sup> Street, the impact assessment findings in the FEIS would remain unchanged.

As in the FEIS, the Potential Modifications would have the potential for significant adverse impacts at four intersections in the weekday AM, midday and PM peak hours, and all of these impacts could be

fully mitigated through a combination of signal timing changes and changes to curbsite parking regulations, without any additional significant adverse impacts to pedestrian or parking conditions.

In sum, the Potential Modifications would not alter the conclusions of the transportation analysis in the FEIS, and would not result in any new or different significant adverse impact to transportation for the Proposed Action.

## **Air Quality**

An air quality analysis was conducted to determine whether the Potential Modifications would result in new or different significant adverse air quality impacts.

### *Stationary Source HVAC Analysis*

Under the Potential Modifications, Site 6 would consist of an approximately 80-foot tall 100,000 sf building, a smaller and shorter structure than what had originally been identified in the FEIS. Similarly, Site 9 and Site 23 would be developed with an approximately 100-foot tall 75,000 sf structure, and an approximately 100-foot tall 58,000 sf structure, respectively, both smaller and shorter buildings than what had originally been identified in the FEIS.

As the heights and sizes of these buildings would be different from those evaluated in the FEIS, an air quality analysis was conducted to determine their potential effect of the heating, ventilation and air conditioning (HVAC) system emissions of these proposed buildings on adjacent developments (existing and proposed) of equal or greater height. For the purposes of this Technical Memorandum, these analyses were conducted using the CEQR level screening analysis and/or the EPA AERMOD dispersion model and the same methodology that was used in the FEIS.

### ***Projected Development Site 6***

With the Potential Modifications, Projected Development Site 6 would be developed with an 80 foot tall, approximately 100,000 square foot structure.

Due to its location directly to the north of Projected Development Site 6 along West 146<sup>th</sup> Street and proposed height of approximately 80 feet, Projected Development Site 22 is the nearest building of equal or greater height to Site 6 (See Figure 1). Therefore, the HVAC stack emissions of Site 6 could affect the developments on Site 22.

A stationary source HVAC analysis was conducted for an approximately 130,000 sf, 80-foot tall development on Site 6 and its effect on Site 22 in Chapter 19: Alternatives, "Lower Density Alternative," in the FEIS.

The analysis results in the FEIS show that an initial CEQR screening level analysis was conducted and Site 6 failed (i.e. the distance to the nearest taller building at Site 22 would be less than the CEQR threshold distance). As such, a detailed analysis was conducted using AERMOD modeling with 5 years of meteorological data and a stack located 10 feet from the lot line). The result of this analysis revealed that the impact of the Site 6 emissions on the nearby building(s) is not considered to be significant.

Site 6, with the Potential Modifications, is of identical height and approximately 25 percent smaller in floor area as compared to the Site 6 proposal analyzed in the FEIS Alternatives Chapter. Thus Site 6 would not produce significant emissions and not result in any new or different significant air quality



stationary source impacts. Additionally, as no (E) designations were proposed in the FEIS or 9/15/12 Technical Memorandum for Site 6, no modifications of (E) designations associated with this site would result from the Potential Modifications.

### ***Projected Development Site 9***

With the Potential Modifications, Projected Development Site 9 would be improved with an 100-foot tall, approximately 75,000 square foot structure.

Due to its location directly adjacent to Site 9 along West 145<sup>th</sup> Street, and its proposed height of approximately 100 feet, Projected Development Site 8 is the nearest building of equal or greater height to Site 9. Therefore, the HVAC stack emissions of Site 9 could affect the development on Site 8 (See Figure 1).

A stationary source, project-on-project HVAC screening analysis was conducted for Site 8 and its effect on Site 9.

While the air quality HVAC screening analysis in the FEIS had identified that Site 9 emissions would have no effect on adjacent or nearby buildings, the analysis results indicate that to preclude the potential for significant adverse air quality impacts from its heating and hot water boilers, Site 9 would need to ensure that it utilize natural gas as its HVAC fuel type. Additionally, the location of the stack would need to be located approximately 30 feet away from its Broadway-facing lot line. As such, an (E) designation (E-284) that incorporates these standards would be assigned to the property to ensure that potential significant adverse air quality impacts are avoided.

The proposed (E) designation for the Projected Development Site 9 is described as follows:

#### **Site 9, Block 2076, Lots 40 and 41:**

**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 30 feet from the lot line facing Broadway, to avoid any potential significant adverse air quality impacts.**

Thus, with the proposed (E) designation, Site 9 would not result in any new or different significant air quality stationary source impacts. As an air quality (E) designation had not been proposed in the FEIS or 9/15/12 Technical Memorandum for Site 9, the Potential Modifications would result in new (E) designation related to air quality and associated with this site.

### ***Potential Development Site 23***

With the Potential Modifications, Potential Development Site 23 would be improved with an 100-foot tall, approximately 58,000 square foot structure.

Due to its location 94 feet southwest of Site 23, and its proposed height of approximately 170 feet, Projected Development Site 7 is the nearest building of equal or greater height to Site 23 (See Figure 1). Therefore, the HVAC stack emissions of Site 23 could affect development on Site 7.

A stationary source, project-on-project HVAC screening analysis was conducted for Sites 23 and its potential effect on Site 7.

The analysis results indicate that based on an initial stationary source screening analysis for fuel oil #2, the air emissions from Potential Development Site 23 is not considered to be significant.

Thus, Site 23 would not result in any new or different significant air quality stationary source impacts. Additionally, as no (E) designations were proposed in the FEIS or 9/15/12 Technical Memorandum for Site 23, no modifications of (E) designations associated with this site would result from the Potential Modifications.

Therefore, the Potential Modifications would result in a new (E) designation related to air quality for Projected Development Site 9 as compared to the FEIS and 9/15/12 Technical Memorandum. With the placement of the (E) designation, the Potential Modifications would not alter the conclusions of the air quality analysis in the FEIS and 9/5/12 Technical Memorandum and would not result in any new or different significant adverse impact to air quality.

## **Noise**

With the Potential Modifications, the FEIS findings that the Proposed Action would not result in significant adverse impacts with respect to noise would remain unchanged. As with the Proposed Action, Site 6 would receive an (E) designation related to noise. With the incorporation of the noise attenuation levels pursuant to the (E) designation related to noise identified in the FEIS, the Proposed Action with the Potential Modifications would not result in new or different significant adverse noise impacts.

## **Neighborhood Character**

With the Potential Modifications, the FEIS findings that the Proposed Action would not result in significant adverse impacts with respect to neighborhood character would remain unchanged. The Potential Modifications would not result in new or different 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 City Council 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 City Council Modifications would, therefore, not alter the conclusions of the FEIS and would not result in any new or different significant adverse impact to neighborhood character.

## APPENDIX A

Matter in ~~strikeout~~ is old, deleted by the City Council;  
Matter in double underline is new, added by the City Council.

CD 9

C 120309 ZMM

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 3b and 6a:

1. eliminating from within an existing R8 District a C1-4 District bounded by a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, Broadway, a line 100 feet northerly of West 145<sup>th</sup> Street, a line 100 feet easterly of Broadway, a line 100 feet southerly of West 145<sup>th</sup> Street, Broadway, a line midway between West 145<sup>th</sup> Street and West 144<sup>th</sup> Street, and a line 100 feet westerly of Broadway;
2. changing from an R7-2 District to an R6A District property bounded by:
  - a. West 153<sup>rd</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 152<sup>nd</sup> Street, and a line 100 feet easterly of Broadway;
  - b. a line 100 feet southerly of West 155<sup>th</sup> Street, St. Nicholas Avenue, West 153<sup>rd</sup> Street, St. Nicholas Place, West 152<sup>nd</sup> Street, St. Nicholas Avenue, a line 75 feet northerly of West 152<sup>nd</sup> Street, a line 475 feet easterly of Amsterdam Avenue, West 152<sup>nd</sup> Street, Convent Avenue, West 151<sup>st</sup> Street, a line 125 feet easterly of Amsterdam Avenue, West 152<sup>nd</sup> Street, and a line 100 feet easterly of Amsterdam Avenue;
  - c. a line midway between West 151<sup>st</sup> Street and West 150<sup>th</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 147<sup>th</sup> Street, and a line 100 feet easterly of Broadway;
  - d. West 150<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, a line midway between West 149<sup>th</sup> Street and West 148<sup>th</sup> Street, Convent Avenue, West 149<sup>th</sup> Street, St. Nicholas Avenue, West 145<sup>th</sup> Street, a line 100 feet westerly of St. Nicholas Avenue, the easterly prolongation of the northerly street line of West 144<sup>th</sup> Street, a line midway between Hamilton Terrace and St. Nicholas Avenue, West 141<sup>st</sup> Street, Convent Avenue, West 140<sup>th</sup> Street, Amsterdam Avenue, West 145<sup>th</sup> Street, and a line 100 feet easterly of Amsterdam Avenue, and excluding the area bounded by a line midway between West 147<sup>th</sup> Street and West 148<sup>th</sup> Street, Convent Avenue, West 145<sup>th</sup> Street, and a line 100 feet westerly of Convent Avenue;
  - e. a line 100 feet southerly of West 145<sup>th</sup> Street, Bradhurst Avenue, the westerly center line prolongation of West 143<sup>rd</sup> Street, and a line midway between St. Nicholas Avenue and Edgecombe Avenue; and

- f. West 143<sup>rd</sup> Street, a line 500 feet easterly of Broadway, a line midway between West 142<sup>nd</sup> Street and West 141<sup>st</sup> Street, a line 450 feet easterly of Broadway, West 141<sup>st</sup> Street, and a line 100 feet easterly of Broadway;
3. changing from an R8 District to an R6A District property bounded by:
    - a. West 148<sup>th</sup> Street, a line 100 feet westerly of Broadway, West 145<sup>th</sup> Street, a line 315 feet westerly of Broadway, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 250 feet westerly of Broadway, West 146<sup>th</sup> Street, a line 225 feet westerly of Broadway, a line midway between West 147<sup>th</sup> Street and West 146<sup>th</sup> Street and its westerly prolongation, the easterly boundary line of Riverside Park, West 147<sup>th</sup> Street and its westerly center line prolongation, a line 80 feet easterly of Riverside Drive, a line midway between West 148<sup>th</sup> Street and West 147<sup>th</sup> Street, and a line 105 feet easterly of Riverside Drive;
    - b. a line midway between West 143<sup>rd</sup> Street and West 142<sup>nd</sup> Street and its westerly prolongation, a line 200 feet westerly of Broadway, West 142<sup>nd</sup> Street and its westerly center line prolongation, and the easterly boundary line of Riverside Park; and
    - c. a line midway between West 139<sup>th</sup> Street and West 138<sup>th</sup> Street, a line 100 feet westerly of Broadway, a line midway between West 138<sup>th</sup> Street and West 137<sup>th</sup> Street, a line 455 feet westerly of Broadway, West 138<sup>th</sup> Street, and a line 400 feet westerly of Broadway;
  4. changing from an R7-2 District to an R7A District property bounded by:
    - a. West 155<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 152<sup>nd</sup> Street, a line 125 feet easterly of Amsterdam Avenue, West 151<sup>st</sup> Street, Convent Avenue, West 152<sup>nd</sup> Street, a line 475 feet easterly of Amsterdam Avenue, a line 75 feet northerly of West 152<sup>nd</sup> Street, St Nicholas Avenue, West 152<sup>nd</sup> Street and its easterly center line prolongation, a line midway between St. Nicholas Place and Edgecombe Avenue, a line midway between St. Nicholas Avenue and Edgecombe Avenue, a line 100 feet northerly of West 145<sup>th</sup> Street, St. Nicholas Avenue, West 149<sup>th</sup> Street, Convent Avenue, a line midway between West 149<sup>th</sup> Street and West 148<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 150<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, Amsterdam Avenue, a line 100 feet northerly of West 145<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 147<sup>th</sup> Street, a line 100 feet westerly of Amsterdam Avenue, a line midway between West 151<sup>st</sup> Street and West 150<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 152<sup>nd</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 153<sup>rd</sup> Street, and Amsterdam Avenue;

- b. a line 150 feet southerly of West 155<sup>th</sup> Street, a line midway between St. Nicholas Avenue and St. Nicholas Place, West 153<sup>rd</sup> Street, and St. Nicholas Avenue;
  - c. a line midway between West 148<sup>th</sup> Street and West 147<sup>th</sup> Street, Convent Avenue, West 145<sup>th</sup> Street, and a line 100 feet westerly of Convent Avenue;
  - d. a line 100 feet southerly of West 145<sup>th</sup> Street, Amsterdam Avenue, the southerly boundary line of Annunciation Park and its easterly and westerly prolongations, Convent Avenue, West 130<sup>th</sup> Street, Amsterdam Avenue, West 133<sup>rd</sup> Street, a line 200 feet easterly of Broadway, West 135<sup>th</sup> Street, a line 100 feet easterly of Broadway, a line 100 feet easterly of Hamilton Place, a line midway between West 138<sup>th</sup> Street and West 136<sup>th</sup> Street, Hamilton Place, West 138<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 141<sup>st</sup> Street, a line 450 feet easterly of Broadway, a line midway between West 142<sup>nd</sup> Street and West 141<sup>st</sup> Street, a line 500 feet easterly of Broadway, West 143<sup>rd</sup> Street, and a line 100 feet easterly of Broadway;
  - e. West 145<sup>th</sup> Street, St. Nicholas Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, a line midway between St. Nicholas Avenue and Edgecombe Avenue, the westerly center line prolongation of West 143<sup>rd</sup> Street, Bradhurst Avenue and its southerly centerline prolongation, Edgecombe Avenue, West 141<sup>st</sup> Street, a line midway between Hamilton Terrace and St. Nicholas Avenue, the easterly prolongation of the northerly street line of West 144<sup>th</sup> Street, and a line 100 feet westerly of St. Nicholas Avenue; and
  - f. West 130<sup>th</sup> Street, St. Nicholas Terrace, West 127<sup>th</sup> Street, a line 100 feet westerly of St. Nicholas Avenue, West 126<sup>th</sup> Street, a line 100 feet westerly of Morningside Avenue, West 127<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 129<sup>th</sup> Street, and Convent Avenue;
5. changing from an R7-2 District to an R7D District property bounded by a line 100 feet northerly of West 145<sup>th</sup> Street, Amsterdam Avenue, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 145<sup>th</sup> Street, Amsterdam Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, and a line 100 feet easterly of Broadway;
- ~~5.~~ 6. changing from an R7-2 District to an R8A District property bounded by:
- a. West 155<sup>th</sup> Street, St. Nicholas Avenue, a line 100 feet southerly of West 155<sup>th</sup> Street, and a line 100 feet easterly of Amsterdam Avenue; and
  - ~~b.~~ Edgecombe Avenue, West 145<sup>th</sup> Street, Bradhurst Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, St. Nicholas Avenue, a line 100 feet northerly of West 145<sup>th</sup> Street, a line midway between St. Nicholas Avenue and Edgecombe Avenue, a line midway between St. Nicholas Place and Edgecombe Avenue, the easterly center line prolongation of West 152<sup>nd</sup> Street, St. Nicholas Place, West 153<sup>rd</sup> Street, a line midway between St. Nicholas Avenue and St. Nicholas Place, a

line 150 feet southerly of West 155<sup>th</sup> Street, a line perpendicular to the southerly street line of West 155<sup>th</sup> Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155<sup>th</sup> Street, a line 100 feet southerly of West 155<sup>th</sup> Street, St. Nicholas Place, and West 155<sup>th</sup> Street; and

~~e. a line 100 feet northerly of West 145<sup>th</sup> Street, Amsterdam Avenue, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 145<sup>th</sup> Street, Amsterdam Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, and a line 100 feet easterly of Broadway;~~

~~6.~~ 7. changing from a C8-3 District to an R8A District property bounded by West 155<sup>th</sup> Street, St. Nicholas Place, a line 100 feet southerly of West 155<sup>th</sup> Street, and a line perpendicular to the southerly street line of West 155<sup>th</sup> Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155<sup>th</sup> Street;

~~7.~~ 8. changing from an R8 District to a C6-3X District property bounded by a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, Broadway, a line 100 feet northerly of West 145<sup>th</sup> Street, a line 100 feet easterly of Broadway, a line 100 feet southerly of West 145<sup>th</sup> Street, Broadway, a line midway between West 145<sup>th</sup> Street and West 144<sup>th</sup> Street, and a line 100 feet westerly of Broadway;

~~8.~~ 9. changing from an M1-1 District to an M1-5/R7-2 District property bounded by West 129<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 127<sup>th</sup> Street, a line 100 feet westerly of Morningside Avenue, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/Dr. Martin Luther King Jr. Boulevard, and Amsterdam Avenue;

~~9.~~ 10. establishing within a proposed R6A District a C1-4 District bounded by:

a. a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet westerly of Broadway, West 145<sup>th</sup> Street, and a line 315 feet westerly of Broadway; and

b. a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 145<sup>th</sup> Street, Convent Avenue, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet westerly of St. Nicholas Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, and a line 100 feet easterly of Amsterdam Avenue;

~~10.~~ 11. establishing within a proposed R7A District a C1-4 District bounded by:

a. a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, Convent Avenue, West 145<sup>th</sup> Street, and a line 100 feet westerly of Convent Avenue;

b. a line 100 feet northerly of West 141<sup>st</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 141<sup>st</sup> Street, and Hamilton Place; and

- c. a line midway between West 140<sup>th</sup> Street and West 139<sup>th</sup> Street, a line 100 feet easterly of Hamilton Place, West 138<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 139<sup>th</sup> Street, and Hamilton Place;
- ~~11.~~ 12. establishing within an existing R8 District a C1-4 District bounded by West 145<sup>th</sup> Street, a line 100 feet westerly of Broadway, a line midway between West 145<sup>th</sup> street and West 144<sup>th</sup> Street, and a line 270 feet westerly of Broadway;
- ~~12.~~ 13. establishing within a proposed R8A District a C2-4 District bounded by West 155<sup>th</sup> Street, Edgcombe Avenue, a line 150 feet southerly of West 155<sup>th</sup> Street, St. Nicholas Place, a line 100 feet southerly of West 155<sup>th</sup> Street, and a line perpendicular to the southerly street line of West 155<sup>th</sup> Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155<sup>th</sup> Street; and
- ~~13.~~ 14. establishing a Special Mixed Use District (MX-15) bounded by West 129<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 127<sup>th</sup> Street, a line 100 feet westerly of Morningside Avenue, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/Dr. Martin Luther King Jr. Boulevard, and Amsterdam Avenue;

Borough of Manhattan, Community District 9, as shown in a diagram (for illustrative purposes only) dated May 7, 2012, modified by the City Planning Commission on September 5, 2012, modified by the City Council on October XX, 2012, and subject to the conditions of CEQR Designation E-284.

- Matter in underline is new, to be added;
- Matter in [ ] is deleted by City Council;
- Matter in **bold double underline** is new, added by City Council;
- Matter with # # is defined in Section 12-10;
- \* \* \* indicates where unchanged text appears in the Zoning Resolution

**N 120310 ZRM**

**Article II  
Residence District Regulations**

\* \* \*



**Chapter 3**  
**Bulk Regulations for Residential Buildings in Residence Districts**

\* \* \*

**23-144**

**In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

<u>Community District</u>	<u>Zoning District</u>
Community District 1, Bronx	R6A R7-2 R7A R7X R8A
Community District 4, Bronx	R8A R9D
Community District 7, Bronx	R7D
Community District 1, Brooklyn	R6 R6A R6B R7A R7-3
Community District 2, Brooklyn	R7A R8A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R7A R8A
Community District 14, Brooklyn	R7A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A R10
<u>Community District 9, Manhattan</u>	<u>[R8A] <b>R7D</b> R9X</u>
Community District 1, Queens	R7A
Community District 2, Queens	R7X

\* \* \*

**APPENDIX F: Inclusionary Housing Designated Areas**

\* \* \*

**Manhattan**

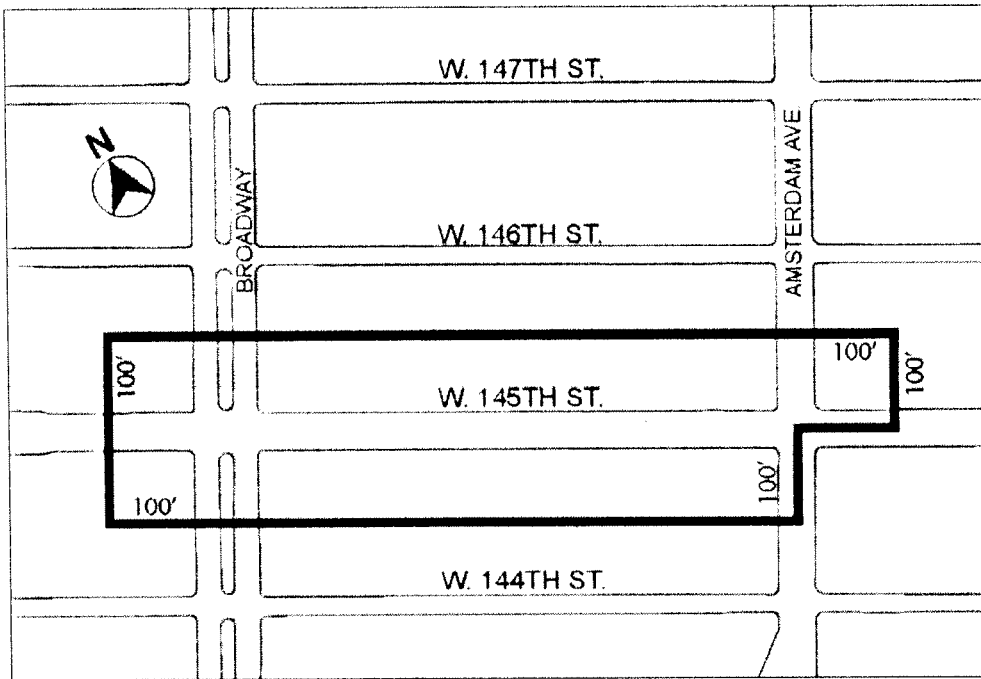
\* \* \*

**Manhattan Community District 9, 10 and 11**

\* \* \*

In the [R8A] **R7D** and R9X Districts within the areas shown on the following Map 2:

Map 2



Portions of Community District 9, Manhattan