



121 West 125th Street
(Urban League Empowerment Center)
Land Use Improvement and Civic
Project

July 18, 2019

Modification of General Project Plan

FOR CONSIDERATION

July 18, 2019

TO: The Directors

FROM: Howard A. Zemsky

SUBJECT: New York City (New York County) – 121 West 125th Street (Urban League Empowerment Center) Land Use Improvement and Civic Project

REQUEST FOR: Adoption of Proposed Modifications to General Project Plan; Adoption of Modifications to Essential Terms of the Lease; Determination that No Supplemental Environmental Impact Statement is Required; Authorization to Hold a Public Hearing; and Authorization to Take Related Actions.

Modified General Project Plan**I. Background and Overview**

In May 2012, Empire State Development (“ESD” or “the Corporation”) and the New York City Economic Development Corporation (“NYCEDC”) (together, the “Public Parties”) jointly issued the Central Harlem Mixed Use Request for Proposals (the “RFP”), seeking proposals to redevelop an underutilized approximately 42,000-square-foot lot located at 121 West 125th Street (the “Property”) between Adam Clayton Powell, Jr. Boulevard and Lenox Avenue/Malcolm X Boulevard, extending between 125th and 126th Streets in Harlem, New York City. The RFP sought proposals for redevelopment consistent with the City of New York’s 2008 rezoning of the 125th Street corridor, with a particular focus on creating retail, arts, cultural, and entertainment space, with some portion to be leased at below-market rents.

The Property is currently improved with an approximately 160,000-square-foot, four-story building that includes a 304-space public parking garage, which is operated by a private garage operator pursuant to a revocable operating agreement with NYCEDC, and six small retail spaces that front on 125th Street. The City of New York and the State of New York acting through its Office of General Services (“OGS”) currently are the fee owners of the Property.

On February 21, 2013, after an extensive review of the redevelopment proposals submitted in response to the RFP, the ESD Board of Directors (the “Directors” or “Board”) conditionally designated a team comprising the National Urban League, Inc. (“NUL”) and Hudson Companies Inc. to develop the Property and authorized ESD to enter into a Pre-Development Agreement (“PDA”), which was signed by the Urban League Empowerment Center, LLC (“NUL/ULEC”), a

wholly-owned subsidiary of NUL. BRP Development Corporation (“BRP”) was subsequently added as a member of the development team.

On June 27, 2013, the Directors made findings in accordance with the New York State Environmental Quality Review Act (“SEQRA”); made Land Use and Civic Project Findings; adopted a General Project Plan (“GPP”) for the 121 West 125th Street (Urban League Empowerment Center) Land Use Improvement and Civic Project (attached to these materials); authorized the holding of a public hearing pursuant to Section 16 of the Urban Development Corporation Act (the “UDC Act”) to receive comments on the GPP; authorized the acquisition and disposition of the Property for the Project; and approved the essential terms of the lease. Pursuant to the authorization, ESD held public hearings on July 10, 2013 and November 7, 2013. On November 18, 2013, after review and response to public comments made at and following the hearings, the Directors affirmed the GPP.

The GPP allows for disposition, demolition and redevelopment of the Property, including the construction of a new larger building with approximately 66,000 gross square feet (“GSF”) of retail, 75,000 GSF of office space, 55,000 GSF of community facility space, 24,000 GSF of museum space, 56,000 GSF of conference center space, 114 residential units (50 percent of which would be affordable), and 225 parking spaces.

II. Proposed Modifications to the GPP

Development Team

Since the GPP was affirmed by the Board, the composition of the development team has changed. Hudson Companies is no longer involved in the development, and two new partners have been added. The development team now consists of NUL/ULEC, BRP, L+M Development Partners Inc. (“L+M”), and Taconic Investment Partners LLC (“Taconic”) (each a “Developer”, or collectively, the “Developers”). On January 16, 2019, the Developers, ESD, and NYCEDC signed a Term Sheet outlining the parameters of a modified Project, as more fully set forth below (the “Project”), to be undertaken.

Property Interests

In June 2019, as part of the 2019 New York legislative session, the New York State Assembly and New York State Senate passed legislation (“2019 Legislation”) to allow for the disposition of the Property at below fair market value for the express purpose of effectuating the Project, as defined herein, with the modifications described below. Signed by the Governor on July 15, 2019, this legislation gives OGS a reversionary interest in the Property under certain circumstances.

The City of New York will convey its interest in the Property to ESD, for consideration of \$12 million, which will be deposited in the 125th Street Improvement Trust Fund, a trust established in 1994 and modified in 2006, whose purpose is “the improvement of the 125th Street Corridor,” as defined in the trust agreement.

Building Program

The uses described in the GPP have been modified to accommodate the Harlem community's desire and pressing need for more affordable housing, while also ensuring the Project is still financially viable. Specifically, modifications to the building program include:

- 100% of the housing units will be affordable (up from 50%), and the number of units has increased from 114 to approximately 171. Accordingly, the square footage dedicated to housing has increased by 49,885 GSF
- The retail space has increased by 38,589 GSF
- The office space has increased by 36,883 GSF
- The community facility space has been reduced by 50,528 GSF
- The museum space has decreased by 2,506 GSF
- The conference center space has decreased by 36,518 GSF
- Parking has been eliminated

Proposed Project

With the above modifications to the building program, the proposed Project now includes the following mix of uses and approximate square footages:

- 41,941 GSF of office space for NUL's national headquarters
- 21,494 GSF of cultural space dedicated to the Urban Civil Rights Experience Museum
- 19,482 GSF of conference center space
- 4,472 GSF of community facility space
- 104,589 GSF of retail
- 69,942 GSF of Class A commercial office space
- Approximately 171 residential units, approximately 70% of which will be affordable to households earning between 40% and 80% of Area Median Income and approximately 30% of which will be supportive housing units.

Zoning & Design Guidelines

In furtherance of the Project and to facilitate the full range of development, ESD will exercise its statutory authority to override certain aspects of the New York City Zoning Resolution. The New York City Department of City Planning has been consulted and provided input on the proposed overrides, pursuant to UDC Act Section 16(1).

ESD proposes to override the maximum allowable base height and building height by 10 feet to provide adequate ceiling heights for the museum and the ground floor retail space. Additionally, to accommodate additional affordable housing units, the Project will exceed the overall floor area allowed under municipal zoning by approximately 55,000 zoning square feet.

In order to provide a unique building façade that accommodates and identifies the variety of uses within, ESD proposes to override several additional zoning components affecting the base of the building, including: allowing signage to exceed the 40' height limit; allowing the projection of identity signage for the civil rights museum; allowing up to 3,000 square feet of aggregate signage in order to represent the variety of uses and tenants in the building; reducing

lobby frontage minimums; and allowing a recess on the ground floor within the required distance from the adjacent building to provide NUL with a dedicated entrance for its office, conference center, and the museum.

The zoning overrides are needed to facilitate development of the proposed Project. The proposed building will be consistent with existing buildings along the 125th Street corridor. Design Guidelines providing greater detail are attached to these materials.

Project Costs and Financing Inclusive of State Investment

The Project's estimated total development cost has increased from \$155,055,380 to \$261,700,000.

The Project was designated as an NYC Regional Economic Council ("REDC") Round IV priority project, and the Directors will be asked in separate board items to approve a \$2.5 million REDC grant to be used for Project construction costs, and a \$2 million ESD Restore New York Grant, which was identified in the GPP as available to reimburse the Project's demolition and construction costs.

In addition, the proposed Project now includes financial assistance from the New York State Housing and Community Renewal agency ("HCR") to assist with funding for the affordable residential component of the Project. HCR's low-income housing tax credit program (LIHTC), capital subsidy sources, and State issued tax exempt bonds will be the residential component's primary funding sources. The resulting anticipated financing structure is as follows:

USES		%	SOURCES		%
Rent	\$12,000,000	5%	First Mortgages	\$99,000,000	38%
Construction/ Renovation	\$185,500,000	71%	ESD Grants	\$4,500,000	2%
Demolition/ Environmental Remediation	\$3,900,000	1%	HCR Subsidy	\$34,200,000	13%
Other Project Costs (Soft Costs)	\$60,300,000	23%	LIHTC Equity	\$44,000,000	17%
			NUL Equity	\$65,000,000	25%
			Developer Equity	\$13,000,000	5%
			Deferred Developer Fee	\$2,000,000	<1%
Total Estimated Cost	\$261,700,000	100%	Total	\$261,700,000	100%

Project Team

Origination	Alyson Beha
Legal	Jensen Ambachen and Eunice Jackson
Environmental	Rachel Shatz

III. Modified Essential Terms of the Lease

The proposed terms of the lease ("Lease") have been modified to reflect refinements to the anticipated Project financing and leasing structure, including HCR and other incentives or subsidies required to facilitate the proposed GPP modifications. The proposed essential terms are listed below.

Landlord:	ESD and its successors in interest as fee owner of the Property
Tenant:	Entity or entities owned by one or more of the Developers and/or their permitted successors or assigns, as defined in the Lease
Lease Execution:	Anticipated between March 1, 2020 and April 30, 2020
Lease Term:	99 years, with the term beginning upon Lease execution
Tenancies:	Property shall be delivered to the Tenant as vacant at Lease Execution, free of all tenancies and parking agreements.
Option to Purchase:	Beginning in lease year 95, Tenant will have the option to purchase the Property at a purchase price calculated using a valuation method that takes into account the land value at the time of exercise of the option, subject to any ongoing restrictions on uses and other encumbrances. Notwithstanding the foregoing, NUL may purchase its interest in the Property after Year 30 if it elects to purchase any State reversionary interest in the Property, pursuant the 2019 Legislation. Nothing herein is deemed to waive or modify Landlord's rights and remedies in the event of Tenant's default.
Rent:	Tenant will pay \$12,000,000 to Landlord upon Lease Execution and \$1 per year thereafter.
PILOT:	The Property will be subject to Payments in Lieu of Taxes ("PILOT") that will be calculated annually as the real property taxes that would have been payable if ESD were not the owner of the Property, as reduced or eliminated by the equivalent of as-of-right and any other tax abatements and deductions agreed to by the parties in the Lease.

Construction:	Tenant shall commence construction, in accordance with the conditions set forth in detail in the Lease, by beginning demolition no later than 30 days after Lease Execution, subject to reasonable extension because of Unavoidable Delays, as defined in the Lease. Construction (exclusive of demolition) is anticipated to be completed within 36 months of commencement of construction, which can be extended to 51 months.
Required Uses:	The square footage requirements for the NUL headquarters, conference center, museum, community facility, retail, office, and residential uses are set forth in the "Proposed Project" section above. At least 5% of the square footage of the rentable retail space is to be leased or conveyed at below market rents, as defined in the Lease; at least 5% of the office space is to be leased at below market rents; and at least 5% of the new building's total square footage is to be used as museum or cultural space. The proportion of space allocated for retail and non-NUL office purposes shall not exceed the other uses of the Property.
Operations:	Tenant assumes all responsibility and obligation to operate and maintain the Property beginning at Lease Execution. During the term of the Lease, Tenant is obligated to provide commercial liability insurance coverage and full replacement value property insurance naming ESD and the State of New York as additional insureds.
Assignment or Transfer:	<p>NUL shall not transfer its required square footage of headquarters, museum and conference center space during the first 30 years of the Term, provided that if NUL should cease to retain ownership of, or be required to transfer, such space for involuntary reasons, such as bankruptcy or mortgage foreclosure, then the same may be transferred for a comparable community or public use (including offices for the provider of a comparable community or public use) for the remainder of such 30 years.</p> <p>After the first 30 years of the Term, NUL may transfer all or any part of such space for any use after such transfer, provided that if (a) the subsequent use is not for the required square footage of headquarters, museum and conference center space and/or comparable community or public use (including offices for the provider of a comparable community or public use) and (b) the Commissioner of OGS or the NY Attorney General commences an action for reverter of such space pursuant to the 2019 Legislation, then NUL shall pay the amount required to purchase the reverter interest, and Landlord shall transfer ownership of such space to NUL, free and clear of the Lease. ESD shall cooperate with NUL to reach agreement with the Commissioner of OGS as to the amount</p>

required for such purchase before the effectiveness of such transfer.

All other space in the Project may be transferred at any time, subject to the ongoing use requirements and/or any other applicable regulatory agreements for such space.

All space in the Project may be subleased, subject to the ongoing use requirements and any other applicable regulatory agreements.

Guaranties & Indemnifications

One or more Developers will provide ESD and the State of New York with a guaranty or guarantees of completion, acceptable to ESD, guaranteeing performance and completion of the construction work required by the Lease.

The Lease will include an obligation on the part of Tenant to indemnify and hold harmless ESD and the State of New York against, among other things, liabilities arising from the construction and development of the Project, including but not limited to any causes of action arising from the submission of the Project to the New York State Condominium Act, and the Developers' use and occupancy of the Property and improvements thereto.

Condominium

Tenant is permitted to submit the Lease to the New York State Condominium Act and create separate tax lots and leasehold condominium units for the various uses within the Project.

At Tenant's request, ESD may consent to submit its fee interest in the Land to the New York State Condominium Act with the creation of separate tax lots and condominium units and the severance of the Lease into separate leases or each condominium unit. In the alternative, at Tenant's request, the Lease may be severed into separate ground leases between ESD, as landlord, and the owner of each such condominium unit, as tenant. Each such owner may sublease or transfer the leasehold condominium units and severed leaseholds, subject to the terms of the Lease. In either case, the severed lease provisions shall reflect the PILOT and real estate tax exemptions of the Lease, as appropriate and applicable to the ownership and uses of the particular condominium unit.

Reference in the Modified General Project Plan to "Lease" and "Tenant" shall be deemed to include the above separate severed leases and tenants.

Overrides:

Subject to certain zoning overrides detailed in Section II

Recognition and Non-Disturbance Agreements (“RNDAs”):

ESD will request that OGS execute and deliver Recognition and Non-Disturbance Agreements to all non-residential subtenants and will request that the Commissioner of OGS execute and deliver similar agreements to all mortgage lenders to Tenant and to all non-residential subtenants with respect to such Commissioner’s right of reverter under the 2019 Legislation.

IV. Environmental Review

The Directors adopted SEQRA Findings on June 27, 2013 for the Final Environmental Impact Statement (“FEIS”) that was issued for the 125th Street Corridor Rezoning and Related Actions in February 2008. The FEIS specifically identified the 121 West 125th Street parcel as a projected development site (“Site 10”) and analyzed a development scenario for the parcel that included part of two additional lots (Lots #1 & #7501) to the west of the Property. The New York City Department of City Planning was the lead agency for the preparation of the FEIS.

ESD has been re-established as lead agency for the purpose of assessing whether the changes represented by the proposed Project would result in any new or substantially different significant adverse impacts than what had been analyzed in the FEIS. The program and building envelope now proposed for the Property are different from the projected development analyzed for Site 10 in the 2008 environmental review. The proposed Project introduces additional uses, including residential, and would change the square footages of the arts-related, office and retail components. The proposed Project will also have a different massing due to the exclusion of part of Lots #1 and #7501. In addition, since the publication of the FEIS in 2008, some changes have occurred in actual and anticipated background conditions that were not included in the FEIS.

For these reasons, ESD prepared a Technical Memorandum, attached to these materials, to undertake additional analysis. The Technical Memorandum concludes that the differences in the proposed Project as compared to the projected development analyzed for Site 10 in the 2008 environmental review for the rezoning, as well as changes in background conditions that have arisen since that review, would not result in any significant adverse impacts not previously identified, and therefore, the Project does not result in the need for a supplemental environmental impact statement.

V. Non-Discrimination and Contractor & Supplier Diversity

ESD’s Non-Discrimination and Contractor & Supplier Diversity policies will apply to this Project. The Development Team shall be required to include minorities and women in any job opportunities created, to solicit and utilize Minority- and Women-Owned Business Enterprises (“MWBE”) for any and all contractual opportunities generated in connection with the Project and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8) to achieve MWBE participation. Establishment of specific goals will be detailed in the Lease.

VI. Requested Actions

The Directors previously determined that the project is consistent with the UDC Act requirements for Land Use Improvement Projects and Civic Projects and satisfies the findings required under UDC Act Sections 10(c), (d), and (g).

At this time, the Directors are requested to: (1) adopt the Proposed Modifications to the GPP; (2) determine that no Supplemental Environmental Impact Statement is needed; (3) approve the Modified Essential Terms of the Lease; (4) authorize the holding of a public hearing; and (5) authorize the taking of actions related to the foregoing.

VII. Staff Recommendations

Base on the foregoing, staff recommends approval of the requested actions.

IX. Attachments

Resolutions

Conceptual Project Illustration

Technical Memorandum

Design Guidelines

General Project Plan – dated June 27, 2013

General Project Plan Reaffirmation – dated November 18, 2013

New York City (New York County) – 121 West 125th Street (Urban League Empowerment Center) Land Use Improvement and Civic Project – Adoption of Proposed Modifications to the General Project Plan (GPP); Determination that No Supplemental Environmental Impact Statement Needed; Approval of Lease; Authorization to Hold a Public Hearing; and Authorization to Take Related Actions

RESOLVED, on the basis of the materials presented at this meeting (the “Materials”), a copy of which is hereby ordered filed with the records of the Corporation relating to the 121 West 125th Street (Urban League Empowerment Center) Land Use Improvement and Civic Project (the “Project”), the Corporation hereby approves the proposed modifications to the General Project Plan (“GPP”); and be it further

RESOLVED, that on the basis of the Materials, the Corporation adopts the proposed Modified General Project Plan (“MGPP”); and be it further

RESOLVED, having reviewed the Technical Memorandum, the Corporation hereby determines that no Supplemental Environmental Impact Statement is needed in connection with adoption of the Modified General Project Plan; and be it further

RESOLVED, that the Corporation hereby finds that the modified essential terms of the Lease are in conformity with the MGPP and does, subject to Section 6 of the Act, hereby approve entering into a Lease substantially on the terms set forth in the Materials; and be it further

RESOLVED, that the proper officers of the Corporation are hereby authorized and directed to hold a public hearing on the MGPP, the essential terms of the Lease, and transactions contemplated thereby in accordance with the requirements of the Act; and be it further

RESOLVED, that approvals set forth herein are expressly contingent upon: (1) approval of the Public Authorities Control Board, as applicable; and (2) receipt of all other necessary approvals; and be it further

RESOLVED, that the President and Chief Executive Officer or authorized designee(s) be, and each of them hereby is, authorized and directed in the name of and on behalf of the Corporation to execute and deliver any and all such documents and to take all such related actions as may be necessary or appropriate to effectuate the foregoing resolutions; and be it further

RESOLVED, that the President and Chief Executive Officer or his designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to take all actions as he or she may in his or her sole discretion consider to be necessary or proper to comply with the requirements of SEQRA in connection with the Project.

* * *



121 West 125th Street
(Urban League Empowerment Center)
Land Use Improvement and Civic
Project

July 18, 2019

Conceptual Project Illustration



July 2019
Conceptual Project Illustration



121 West 125th Street
(Urban League Empowerment Center)
Land Use Improvement and Civic
Project

July 18, 2019

Technical Memorandum

121 West 125th Street Development

Technical Memorandum



Lead Agency:
Empire State Development

Prepared By:
Philip Habib & Associates

July 16, 2019

121 West 125th Street Development

Technical Memorandum

I.	Introduction	1
II.	Project Description	3
III.	Assessment of the Potential for Significant Adverse Environmental Impacts Under Proposed Development Program	8
	Methodology	8
	Land Use, Zoning, and Public Policy	9
	Socioeconomic Conditions	15
	Community Facilities and Services	17
	Open Space	21
	Shadows	22
	Historic and Cultural Resources	26
	Urban Design and Visual Resources	28
	Natural Resources	29
	Hazardous Materials	29
	Water and Sewer Infrastructure	30
	Solid Waste and Sanitation Services	31
	Energy	32
	Transportation	32
	Air Quality	43
	Greenhouse Gas Emissions and Climate Change	45
	Noise	47
	Public Health	49
	Neighborhood Character	49
	Construction	50

Appendices

Phase I ESA Executive Summary	Appendix 1
-------------------------------	------------

I. INTRODUCTION

This Technical Memorandum considers a proposal for the disposition of property jointly owned by the City and State of New York, through a long-term lease by the New York State Urban Development Corporation, d/b/a Empire State Development (“ESD”) and the redevelopment of the property by the construction of a mixed-use development at 121 West 125th Street (part of Lot 1 on Block 1910) in Central Harlem, Manhattan Community District 10 (the “proposed development”). Both the State and City would transfer their fee interests in the site to ESD to facilitate the proposed development. Following a request for proposals process conducted by ESD and the New York City Economic Development Corporation (“EDC”), the lessee of the City’s interest in the site, ESD and EDC entered into a pre-development agreement (“PDA”) conditionally designating the Urban League Empowerment Center, LLC (“NUL/ULEC”), a wholly-owned subsidiary of the National Urban League, Inc. (“NUL”), as the developer to undertake the proposed development. NUL/ULEC, BRP Companies (“BRP”), L&M Development Partners (“L+M”), NUL, and Taconic Investment Partners (“Taconic”) (the “Development Team”) have partnered to implement the development. Execution of the ground lease is contingent on, *inter alia*, the completion of appropriate SEQRA review.

As shown in Figure 1, the proposed development site comprises a portion of the midblock area of the City block generally bounded by West 126th Street to the north, Lenox Avenue (Malcolm X Boulevard) to the east, West 125th Street to the south, and Adam Clayton Powell Jr. Boulevard to the west, which is zoned C4-7 and located within the Core Subdistrict of the Special 125th Street District. As shown in Table 1 below, the proposed mixed-use development would total approximately 412,805 gross square feet (gsf)¹ and would include approximately 150,885 gsf (171 dwelling units [DUs]) of affordable residential space, 104,589 gsf of retail space, 111,883 gsf of office space, 19,482 gsf of conference space, 4,472 gsf of community facility space, and 21,494 gsf of museum space. Office space would be comprised of approximately 41,941 gsf for the NUL and 69,942 gsf for commercial office tenants. In order to facilitate the residential component of the proposed development, the Development Team will be financing the affordable residential component of the project with New York State Homes and Community Renewal (HCR). HCR’s low income housing tax credit program (LIHTC), capital subsidy sources, and State issued tax exempt bonds will be the residential component’s primary funding sources. ESD grants from the Regional Council Capital Fund and Restore New York programs will also be sought.

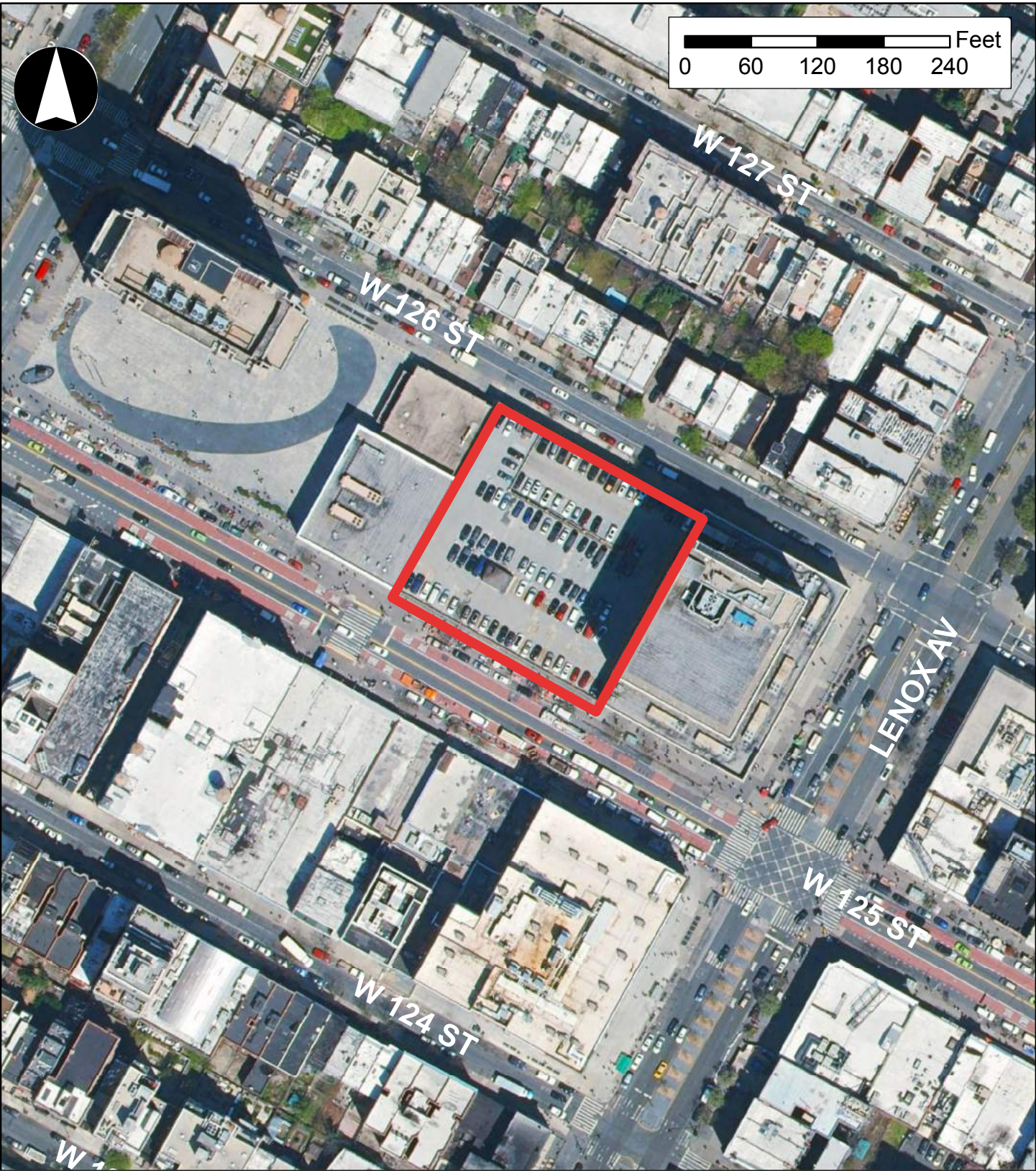
In furtherance of the modified project and in order to facilitate the full range of development, ESD will exercise its statutory authority to override certain aspects of the New York City Zoning Resolution. The New York City Department of City Planning has been consulted and provided input on the proposed overrides, pursuant to UDC Act Section 16(1).

ESD proposes to override the maximum allowable base height and building height by 10 feet to provide adequate ceiling heights for the museum and the ground floor retail space. Additionally, to accommodate additional affordable housing units, the proposed development will have an FAR of 8.5, exceeding the overall FAR of 7.2 that would be permitted by the Zoning Resolution.

In order to provide a unique building façade that accommodates and identifies the variety of uses within, ESD proposes to override several additional zoning components affecting the base of the building, including: allowing signage to exceed the 40’ height limit; allowing the projection of identity signage for the civil rights museum; allowing up to 3,000 sf of aggregate signage in order to represent the variety of uses and tenants in the building; reducing lobby frontage minimums; and allowing a recess on the ground floor within the required distance from the adjacent building to provide NUL with a dedicated entrance for its office, conference center, and the museum.

¹ The total gross square feet of proposed development includes both above-and below-grade development.

Aerial View of Proposed Development Site



Legend



Proposed Development Site (eastern part of Lot 1, Block 1910)

The proposed development will be consistent with existing buildings along the 125th Street corridor. The zoning overrides are needed to facilitate development of the proposed Project, which will provide public benefits such as the creation of affordable housing, elimination of blight, job creation, creation of office and cultural space, and the enhancement of the tax base.

TABLE 1
Proposed Development Program for 121 West 125th Street (Block 1910, p/o Lot 1)

	Proposed Development Program (GSF)
Residential	150,885 gsf (171 dwelling units)
Museum	21,494 gsf
Conference Center	19,482 gsf
Community Facility	4,472 gsf
Office	111,883 gsf
<i>NUL</i>	<i>41,941 gsf</i>
<i>Commercial</i>	<i>69,942 gsf</i>
Retail	104,589 gsf
Total	412,805 gsf

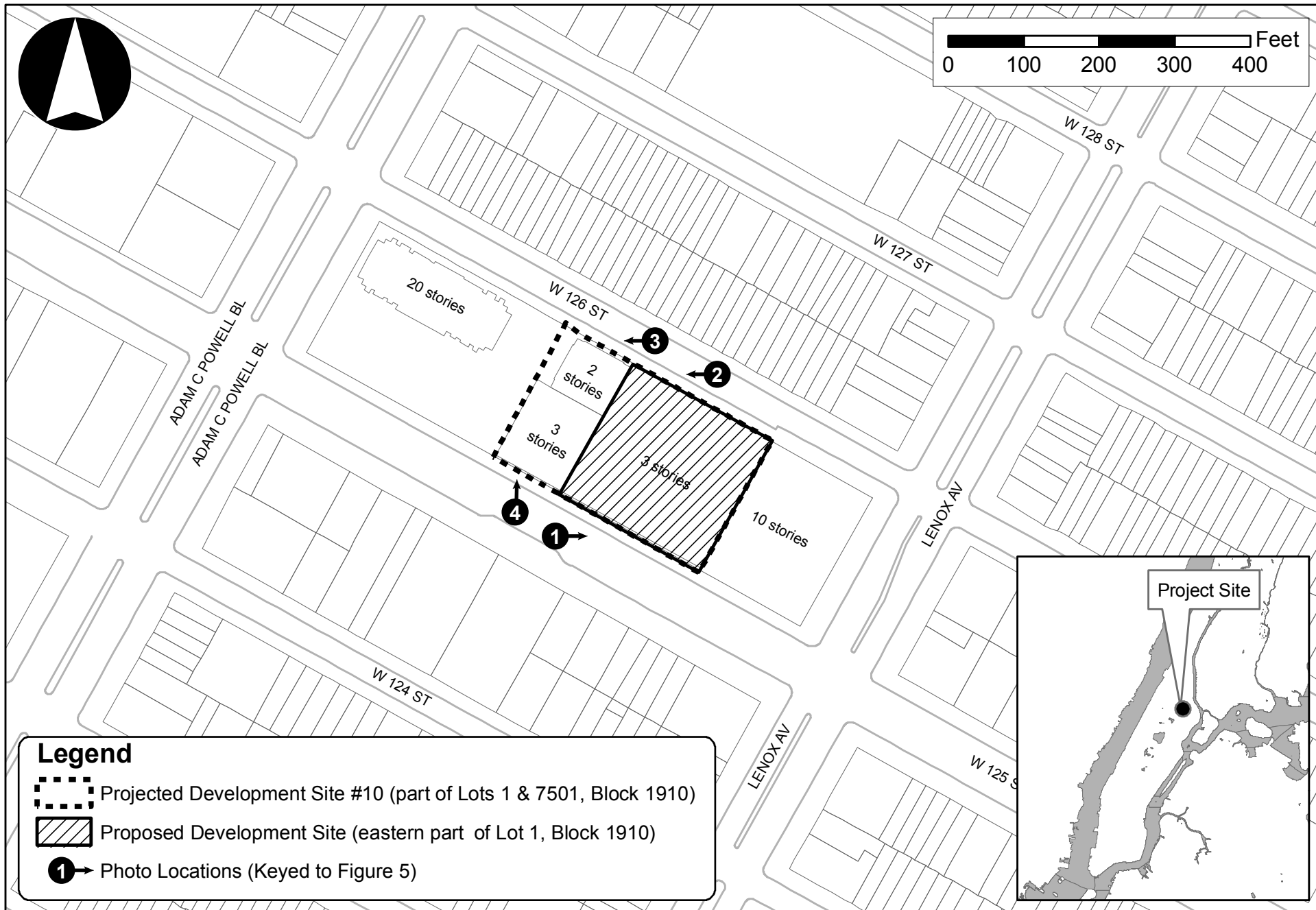
Note: Floor area is measured in gross square feet and includes both above- and below-grade development.

Source: Beyer Blinder Belle

Future development at the proposed 121 West 125th Street development site was analyzed as part of the February 2008, *125th Street Corridor Rezoning and Related Actions Final Environmental Impact Statement* (“FEIS”), for which the New York City Planning Commission (“CPC”) was the lead agency. The 2008 FEIS assessed the City’s proposed plan to rezone portions of 24 blocks along the 125th Street corridor in West, Central, and East Harlem (Manhattan Community Districts 9, 10, and 11). The 2008 FEIS identified the proposed 121 West 125th Street development site as part of projected development site 10 (“Site 10”), which comprised the midblock area (consisting of portions of Lots 1 and 7501 on Block 1910) of the block bounded by West 125th Street to the south, Adam Clayton Powell Jr. Boulevard to the west, West 126th Street to the north, and Lenox Avenue (Malcolm X Boulevard) to the east.

With the consent of CPC, ESD was re-established as the SEQRA lead agency for the purpose of evaluating whether a Supplemental Environmental Impact Statement (“SEIS”) is required. It is the purpose of this Technical Memorandum to determine whether the differences in the development program and massing at the 121 West 125th Street site, taking into account changes in background conditions since 2008, would alter the conclusions of the 2008 *125th Street Corridor Rezoning and Related Actions FEIS* or any of the subsequent Technical Memoranda dated March 10, 2008, April 18, 2008, and July 18, 2008 (the “2008 Environmental Review”) in a manner that would indicate the potential for any significant adverse environmental impacts that were not previously identified.

Although the proposed development would generally comply with the zoning adopted as part of the 2008 rezoning, the program and building envelope now proposed for Site 10 (including portions of Lots 1 and 7501 on Block 1910) are different from the projected development analyzed for that site in the 2008 Environmental Review. Differences include a change in use from the office, local retail, and arts/performance space uses analyzed in the 2008 Environmental Review to a mixed-use building containing residential, retail, office, and museum uses. The proposed development would introduce residential and community facility uses, and would change the square footages of the arts-related, office and retail components. The proposed development would also have a different massing, as it would only be constructed on the eastern approximately 41,964 sf portion of Lot 1 on Block 1910, as compared to an approximately 60,252 sf site that included portions of Lots 1 and 7501 on Block 1910 (refer to Figure 2). It is expected that the existing uses would continue to occupy the remainder of the site (including portions of Lots 1 and 7501 on Block 1910), which would not be disposed of to the Development Team or redeveloped in connection with this action. Those parcels are owned by the State and subject to a lease that does not allow for further development, and there is currently no intention on the part of the State to allow



121 West 125th Street Development

Figure 2
Project Location

further development of that property. In addition, the proposed development would have a maximum height of approximately 205 feet (up to approximately 227 feet including mechanical space), compared to the 290 foot tall structure assumed in the FEIS.² A detailed description of the proposed development, which is expected to be completed by 2022, is provided in Section II below.

This Technical Memorandum provides a description of the proposed development, as well as a detailed evaluation of the new incremental changes generated by the proposed development, considers changes to background conditions arising since the 2008 Environmental Review, and assesses the resulting effects on the previous environmental analysis presented in the 2008 Environmental Review. The potential impacts of such changes on each of the technical areas analyzed in the 2008 Environmental Review are discussed in Section III below. The Technical Memorandum uses City Environmental Quality Review (“CEQR”) guidelines and thresholds to determine whether the changes would result in significant adverse environmental impacts not already identified in the 2008 Environmental Review.

As described in the New York State Department of Environmental Conservation’s SEQRA regulations, 6 NYCRR Sections 617.9(a)(7)(i)(a), (b), and (c), and the *2014 CEQR Technical Manual*, the lead agency may require the preparation of a SEIS if there are significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from changes proposed for the project, or newly discovered information; or a change in circumstances related to the project. This Technical Memorandum finds that there would be no additional significant adverse impacts in any of the CEQR technical areas analyzed in the 2008 Environmental Review, as a result of the proposed development or changes in background conditions. Furthermore, there is no newly discovered information that would create any significant adverse environmental impacts.

II. PROJECT DESCRIPTION

2008 APPROVED REZONING

125th Street Corridor Rezoning and Related Actions FEIS

The 125th Street Corridor Rezoning sought to support the ongoing revitalization of Harlem’s “Main Street” by strengthening 125th Street’s continuity and maintaining its unique character, increasing density in appropriate areas, encouraging additional residential uses and a diverse mix of businesses, including arts and entertainment, increasing visitors and nighttime activity, generating career opportunities for Harlem residents, and addressing cross-town transportation. The area rezoned comprised portions of 24 blocks generally bounded by 126th Street, Second Avenue, 124th Street, and Broadway. The 2008 proposal required a number of discretionary actions that were subject to environmental review pursuant to CEQR. These actions included:

- Zoning map amendments and text changes to establish the Special 125th Street District and change the underlying zoning to R6A, R7A, C4-4A, C4-4D, C6-3 and C4-7 on portions of the 24 blocks lining the 125th Street corridor, which span West, Central and East Harlem;
- Disposition of City-owned property, an Urban Renewal Plan Amendment, a City Planning Commission (CPC) certification pursuant to the Special TA (transit land use), and Urban Development Action Area Project (UDAAP) designation and project approval to facilitate the development of a residential project with ground floor retail on a site within the proposed rezoning area (identified as projected development site 26).

² On November 19, 2008 the City Council adopted the 125th Street Follow-up Text Amendment (ULURP No. N 090031 ZRM), which reduced the allowed maximum building height and permitted density in the C4-7 district within the Core Subdistrict of the Special 125th Street District. The follow-up text amendment reduced the maximum building height for the Core Subdistrict to 195 feet tall and reduced the maximum residential FAR to 5.4 (bonusable up to 7.2 FAR), maximum commercial FAR to 7.2 (bonusable up to 8.65 FAR) and maximum community facility FAR to 7.2. The July 18, 2008 Technical Memorandum analyzed a maximum building height of 195 feet tall for Site 10.

These actions were intended to sustain the ongoing revitalization of 125th Street as a unique Manhattan Main Street, enhance its regional business district character, encourage new mixed-use development and reinforce and expand the street's premier arts, culture, and entertainment destination identity. Although these actions affected the entire rezoning area, the 2008 FEIS analysis of changes to allowable use and bulk and other land use provisions was focused on those sites that were reasonably likely to undergo development ("projected development sites") within the foreseeable 10-year timeframe (by 2017). For some site-specific technical areas, the 2008 FEIS also considered possible sites for future development that were deemed less likely to be developed over the ten-year analysis period ("potential development sites"). The primary proposed action in the 2008 FEIS identified a total of 26 projected development sites and 22 potential development sites.

The FEIS for the *125th Street Rezoning and Related Actions* was certified complete on February 29, 2008 by CPC acting as lead agency. One of the alternatives considered in the FEIS, the "Expanded Arts Bonus Alternative," was developed largely in response to public comments received during the land use review since the issuance of the Draft EIS, and was under particularly active consideration by the CPC. The Expanded Arts Bonus Alternative included a floor area bonus in the C4-7, C6-3, and C4-4D zoning districts in exchange for the provision of visual and performing arts space, and represented a combination of aspects of both the Arts Bonus and the C4-4 Alternatives, also studied in the FEIS. The Expanded Arts Bonus Alternative was projected to stimulate approximately 2,545 dwelling units, 885,311 sf of retail, 1,208,894 sf of office, 25,987 sf of hotel, 94,221 sf of arts/performance space, 71,508 sf of community facility space, and 1,882 public parking spaces on 27 projected development sites. The Expanded Arts Bonus Alternative was adopted by the CPC, with modifications, and by the City Council, with additional modifications. These modifications are each described below.

Subsequent Technical Memoranda

Subsequent to the Notice of Completion of the FEIS, two Technical Memoranda that addressed modifications by the CPC and the City Council were prepared.

The CPC-proposed modifications, which were the subject of a Technical Memorandum dated March 10, 2008, enabled below-grade performance space to qualify for the arts bonus in the C4-7, C6-3, and C4-4D zoning districts in exchange for the provision of core and shell space for visual arts uses. The below-grade arts bonus modification was projected to be utilized by three projected development sites (including Site 10) identified in the FEIS as commercial sites, effectively increasing the potential density in the core by 30,126 sf of additional office space³ and 4,289 sf of additional hotel space above what was analyzed in the FEIS. Additional modifications raised the allowable height limit at projected development site 21 and restricted residential entrances on 125th Street within the Core Subdistrict. These modifications, along with additional procedural and administrative modifications related to the arts bonus, were the subject of the Technical Memorandum dated March 10, 2008, and were found to not result in any significant adverse environmental impacts not already identified in the 2008 FEIS.

The City Council modifications, which were the subject of an April 18, 2008 Technical Memorandum, reduced the residential density in the Core Subdistrict, as well as enacted several changes to the arts bonus text. The reduction in residential density applied exclusively to the C6-3 zoning district within the Core Subdistrict. The residential FAR was reduced to a base FAR of 5.4, bonusable to a maximum FAR of 7.2 through the inclusionary housing program or the arts bonus. The modifications affected 7 projected development sites and 5 potential development sites within the Core Subdistrict.

³The Reasonable Worst Case Development Scenario ("RWCDs") for projected development Site 10 was increased by 30,126 sf of office, as analyzed in the Technical Memorandum dated March 10, 2008.

The City Council changes to the arts bonus text also included the creation of a Bonused Space Local Arts Advisory Council. The arts bonus provisions were also modified so that eligibility for the bonus required that the proposed operator occupy the arts space under a lease having no less than a 15-year term, with two 5-year renewals. The list of arts spaces that qualify for the arts bonus was expanded to include literary arts spaces and visual/media arts spaces. The changes to the arts bonus text were not expected to result in changes to the development projections identified before. The City Council modifications were found to not result in any significant adverse environmental impacts not already identified in the 2008 FEIS.

Subsequent to the ULURP approvals granted by CPC and City Council, the DCP proposed a zoning text amendment to the Special 125th Street District- Core Subdistrict, which responded to concerns expressed throughout the public review process by the public and elected officials regarding building height and bulk in the C4-7 zoning district within the Core Subdistrict.⁴ The follow-up zoning text changes to the regulations for the C4-7 zoning district within the Core Subdistrict of the Special 125th Street District, which were the subject of a July 18, 2008 Technical Memorandum, amended Zoning Resolution (ZR) Sections 97-411, 97-422 and 97-442 to modify height and bulk regulations within the C4-7 zoned portion of the Core Subdistrict of the Special 125th Street District. The text amendment reduced the maximum building height to 195 feet, and reduced the density regulations for uses in the C4-7 zoning district of the Core Subdistrict favoring commercial over residential development by establishing a base commercial FAR of 7.2, bonusable to a maximum FAR of 8.65 through the use of the arts bonus; a base residential FAR of 5.4, bonusable to a maximum FAR of 7.2 through the use of the arts bonus or the Inclusionary Housing program; and a maximum FAR of 7.2 for community facility use.

The text amendment was projected to affect the development projections for three projected development sites (Sites 6, 10 and 14) analyzed in the 2008 FEIS, as well as two potential development sites (Sites 33 and 37). In total, across all projected development sites, there would be 243,719 sf less of office space, 10,004 sf less of arts space, and 86 fewer residential units compared to what was analyzed in the Expanded Arts Bonus Alternative of the 2008 FEIS. The Technical Memorandum dated July 18, 2008 concluded that the proposed zoning text amendment represented a minor modification, and would not result in any significant adverse environmental impacts not already identified in the FEIS with respect to the Expanded Arts Bonus Alternative.

In June 2013, ESD as lead agency oversaw preparation of a third Technical Memorandum that analyzed a different mixed-use residential, commercial, and community facility development at the project site (Site 10) than what was analyzed in the 2008 *125th Street Corridor Rezoning and Related Actions FEIS* and subsequent Technical Memoranda. The 2013 program, as compared to the current proposal, included fewer residential units (114 DUs, 50 percent of which were expected to be affordable), 66,000 gsf of retail, 75,000 gsf of office, 55,000 gsf of community facility, 24,000 gsf of museum, 56,000 gsf of conference center space, and 89,238 gsf of parking (225 spaces). The Technical Memorandum found that the development program then proposed for Site 10 would not alter the conclusions of the environmental areas examined in the 2008 Environmental Review, nor would it result in significant adverse impacts beyond those disclosed in the 2008 Environmental Review or create the potential for additional significant impacts as a result of the 2008 rezoning that were not previously identified. The 2013 development proposal was not advanced and no new development has occurred on the project site. As such, the current proposal is intended to facilitate redevelopment of the site.

⁴ The Core Subdistrict of the Special 125th Street District is located along the north side of 125th Street generally between Frederick Douglass Boulevard and a point 545 feet east of Lenox Avenue/Malcolm X Boulevard.

2008 REZONING – PROPOSED DEVELOPMENT SITE (PROJECTED DEVELOPMENT SITE 10)

As described above, the current 121 West 125th Street project site was analyzed as part of Site 10 (comprised of portions of Lots 1 and 7501 on Block 1910) in the 2008 Environmental Review (see Figure 2). The proposed development site occupies a portion of a through-lot on the block bounded by West 126th Street, Lenox Avenue (Malcolm X Boulevard), West 125th Street, and Adam Clayton Powell Jr. Boulevard, and is in a C4-7 zoning district within the Core Subdistrict of the Special 125th Street District. The rectangular-shaped through-block Site 10 was identified as Block 1910, parts of Lots 1 and 7501, with approximately 310 feet of frontage on the north side of West 125th Street and the south side of West 126 Street.

The reasonable worst case development scenario (“RWCDS”) program analyzed for Site 10 in the 2008 FEIS Expanded Arts Bonus Alternative consisted of 150,630 gsf of retail, 542,268 gsf of office, 30,126 gsf of arts space, and 196 parking spaces (refer to Table 2). The July 2008 Technical Memorandum for the follow-up zoning text amendment⁵ reduced the projected density for Site 10 approximately 25 percent by reducing the amount of office and arts-related space. As shown in Table 2, the July 2008 Technical Memorandum program for Site 10 consisted of 150,630 gsf of retail, 370,550 gsf of office, 21,841 gsf of arts space, and 196 parking spaces.

PROPOSED 121 WEST 125th STREET DEVELOPMENT

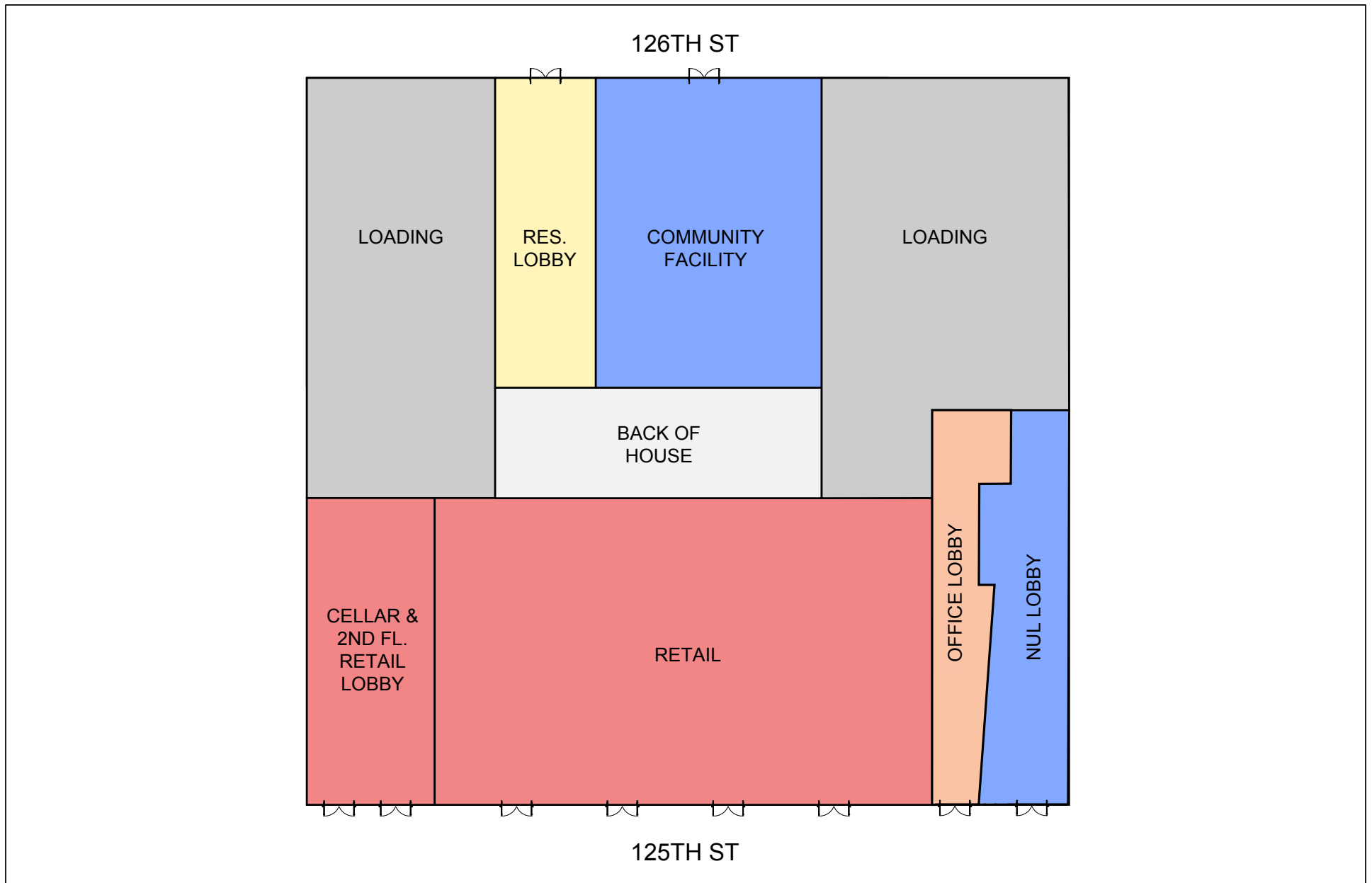
The State is currently considering disposition of an approximately 41,964 sf portion of Site 10 (comprising the easternmost portion of Lot 1 on Block 1910), through a long-term lease by ESD to the Development Team. The Development Team is proposing an approximately 17-story (205 foot⁶) mixed-use building at the site that would include approximately 150,885 gsf (171 DUs) of affordable residential space, 104,589 gsf of retail space, 111,883 gsf of office space, 19,482 gsf of conference space, 4,472 gsf of community facility space, and 21,494 gsf of museum space. In order to facilitate the residential component of the proposed development, the Development Team will be financing the affordable residential component of the project with New York State Homes and Community Renewal (HCR). HCR’s low income housing tax credit program (LIHTC), capital subsidy sources, and State issued tax exempt bonds will be the residential component’s primary funding sources. ESD grants from the Regional Council Capital Fund and Restore New York programs will also be sought.

As shown in the ground floor plan (Figure 3), retail space would occupy a portion of the ground floor and cellar and the entire second floor. Entrances to these retail uses would be located on West 125th Street. Community facility space would be located on the West 126th Street frontage. The building’s residential lobby would be located on the south side of West 126th Street, and all of the building’s residential units would occupy the upper 11 stories of the building (floors 7 to 17). The seventh floor would include residential amenities such as a laundry room, fitness room, and lounge. It is expected that the proposed office space would occupy the building’s third through sixth floors. The museum and conference center would occupy portions of the fourth floor. The proposed development would include three loading berths on the West 126th Street frontage.

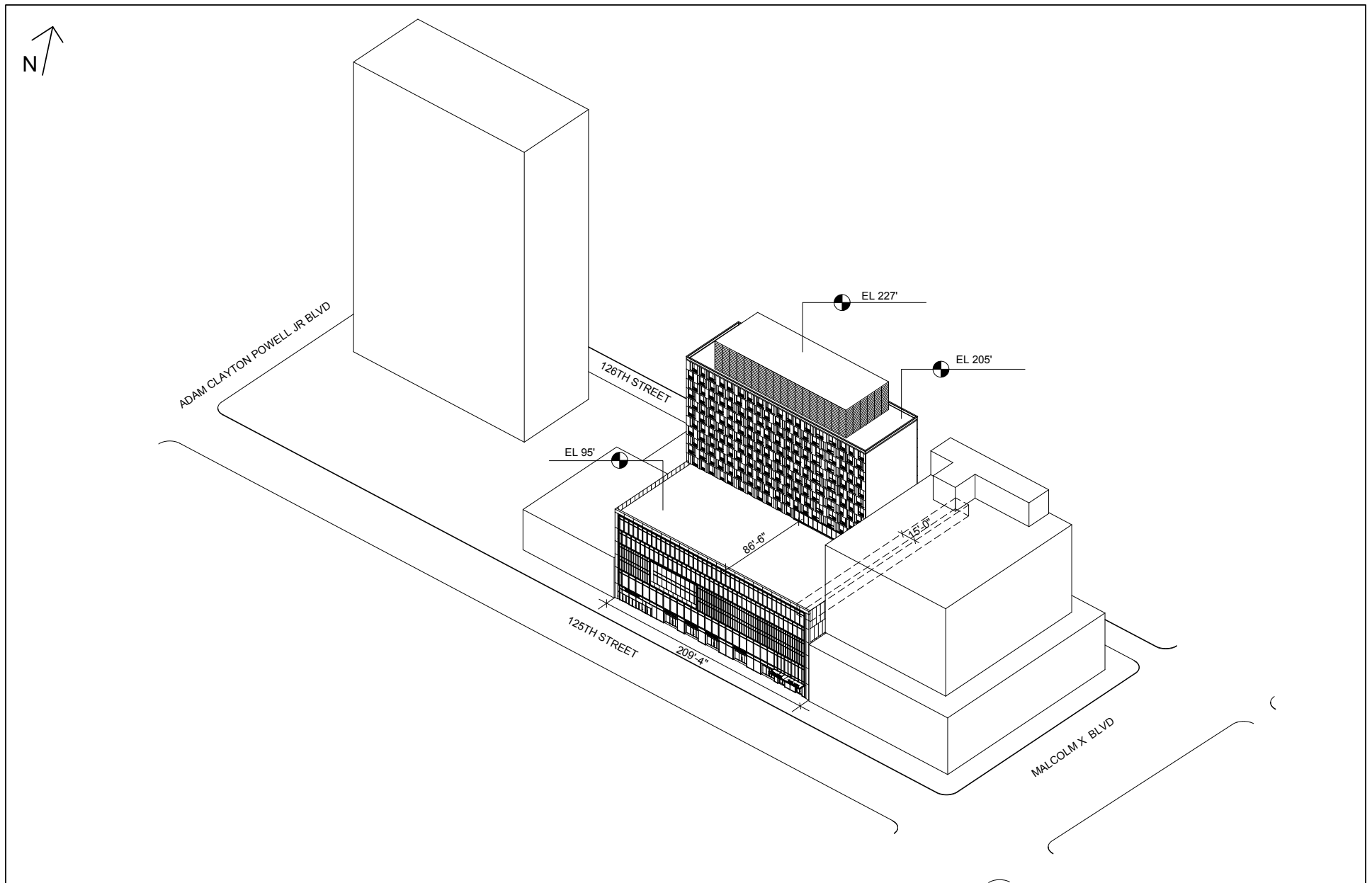
As shown in the illustrative building massings in Figures 4A and 4B, the proposed building is expected to be built to the street line of both West 125th and West 126th Streets. Along West 125th Street, the building street wall would rise six-stories (95 feet) before setting back approximately 86 feet and rising to a final building height of 205 feet. On West 126th Street, the building street wall would rise five-stories (80 feet) before setting back 50 feet and rising to the final building height. The setback on West 125th Street would

⁵ As part of the follow-up zoning text amendment (N 090031 ZRM) for the 125th Street Rezoning, the maximum building height and allowed density in the C4-7 district within the Core Subdistrict of the Special 125th Street District were reduced.

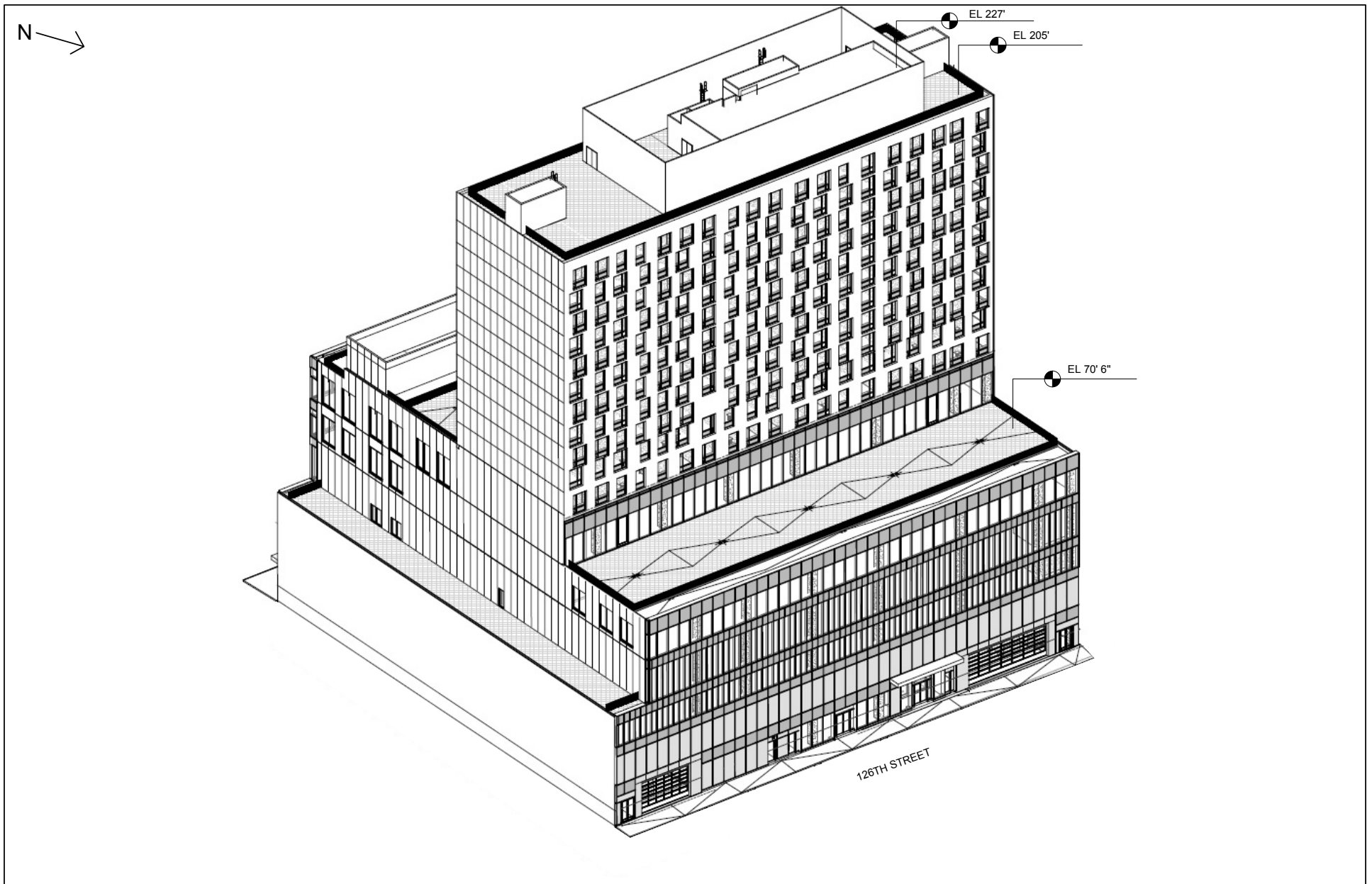
⁶ A 22-foot tall mechanical penthouse on the roof of the building would increase the proposed building’s maximum height to 227 feet tall.



FOR ILLUSTRATIVE PURPOSES ONLY



FOR ILLUSTRATIVE PURPOSES ONLY



FOR ILLUSTRATIVE PURPOSES ONLY

include a terrace for residents on the seventh floor and the setback on West 126th Street would include a terrace for office tenants on the sixth floor. An approximately 22-foot-tall mechanical penthouse would be located on the roof of the building, resulting in a maximum building height of 227 feet.

The remainder of Site 10, which includes the western 11,500 sf portion of Lot 7501 on Block 1910 (125 West 125th Street) with 100 feet of frontage on the north side of West 125th Street and an additional 6,787 sf portion of Lot 1 with approximately 100 feet of frontage on the south side of West 126th Street, would continue to be occupied by existing commercial retail and accessory parking uses (see Figure 5). An approximately 23,000 gsf commercial retail building with 3-stories, which houses a standalone H & M retail store, would continue to be located at 125 West 125th Street, and a 110 space accessory parking garage with a basement, which is associated with the adjacent Adam Clayton Powell Jr. State Office Building at 2105 Adam Clayton Powell Jr. Boulevard, would continue to be located along the south side of West 126th Street (see Figure 5).

As the proposed development site only comprises the eastern portion of Lot 1 on Block 1910, the proposed development would have a different footprint and massing than what was analyzed in the 2008 Environmental Review. The proposed development would also introduce residential uses, in addition to retail, office, and arts-related uses, which had been considered for Site 10 in the 2008 Environmental Review. For environmental analysis purposes, this Technical Memorandum will compare the program analyzed for Site 10 in the 2008 Environmental Review with future conditions with the proposed development, which include the proposed development at 121 West 125th Street, as well as the existing land uses occupying the remainder of Site 10 (the H & M retail store (23,000 gsf) at 125 West 125th Street and the accessory parking garage on West 126th Street).

Table 2 shows the changes in the project program compared to the program for Site 10 analyzed in the Expanded Arts Bonus Alternative of the 2008 FEIS and in the July 2008 Technical Memorandum.

TABLE 2
Comparison of Development Program for Projected Development Site 10 –
2008 FEIS Expanded Arts Bonus Alternative, July 2008 Tech Memo vs. Future Conditions with
Proposed 121 West 125th Street Development

	2008 Development Program for Site 10 (GSF)		Proposed Development Program for Site 10 (GSF) ³	Net Difference – Current Program vs. Expanded Arts Bonus in FEIS (GSF)	Net Difference – Current Program vs. July 2008 Tech Memo (GSF)
	Expanded Arts Bonus Analyzed in FEIS ¹	Zoning Text Amendment July 2008 Tech Memo ²			
Residential	---	---	150,885 gsf (171 DUs)	+ 150,885 gsf (171 DUs)	+ 150,885 gsf (171 DUs)
Performance/Cultural/Arts/Museum	30,126 gsf	21,841 gsf	21,494 gsf	- 8,632 gsf	- 347 gsf
Retail	150,630 gsf	150,630 gsf	127,589 gsf	- 23,041 gsf	- 23,041 gsf
Community Facility	---	---	4,472 gsf	+ 4,472 gsf	+ 4,472 gsf
Conference Center	---	---	19,482 gsf	+ 19,482 gsf	+ 19,482 gsf
Office	542,268 gsf	370,550 gsf	111,883 gsf	- 430,385 gsf	- 258,667 gsf
Total (excludes parking)	723,024 gsf	543,021 gsf	435,805 gsf	- 287,219 gsf	- 107,216 gsf
Parking (spaces)	306 spaces	306 spaces	110 spaces	- 196 spaces	- 196 spaces

¹The Expanded Arts Bonus Alternative analyzed in the 2008 FEIS was adopted by the CPC, with modifications, and the City Council, with additional modifications.

²The July 18, 2008 Technical Memorandum analyzed a general reduction in residential and commercial density in the C4-7 zoning district within the Core Subdistrict of the Special 125th Street District, through both a reduction in building height and a reduction in the allowed FAR.

³Includes the proposed development at 121 West 125th Street, as well as the existing land uses occupying the remainder of Site 10, including the 3-story retail building (23,000 gsf) at 125 West 125th Street and a 110 space accessory parking garage on West 126th Street associated with the New York State Office building at 2105 Adam Clayton Powell Jr. Boulevard.

Sources: 125th Street Corridor Rezoning and Related Actions FEIS (2008), Technical Memorandum: 125th Street Rezoning and Related Actions Special 125th Street District- Core Subdistrict Zoning Text Amendment (July 2008), and Beyer Blinder Belle.



(1) View looking northeast across W. 125th Street to the proposed development site at 121 W. 125th Street (part of Lot 1 on Block 1910), which is occupied by a 3-story commercial building that accommodates a 304-space parking garage with rooftop parking and approximately 15,000 gsf of retail space on the building's ground floor.



(2) View looking south to the northern facade of the existing 3-story building occupying the proposed development site on W. 126th Street. The vehicle entrance/exit to the 304-space parking garage is located at the northwestern corner of the building and is visible in the photograph.



(3) View looking southwest to the 2-story accessory garage for the adjacent State Office Building on the south side of W. 126th Street (comprises part of Lot 1 on Block 1910), which occupies a portion of projected development site #10.



(4) View looking northwest across W. 125th Street to the 3-story retail building at 125 W. 125th Street (part of Lot 7501 on Block 1910), which occupies a portion of projected development site #10. The Adam Clayton Powell Jr. State Office Building is visible in the background of the photograph.

As shown in Table 2, the proposed 121 West 125th Street development would include a total of approximately 435,806 gsf of above-and below-grade development, compared to 723,024 gsf analyzed in the 2008 FEIS, and 534,021 sf analyzed for Site 10 in the July 2008 Technical Memorandum. As shown in Table 2, the proposed development would reduce the amount of retail, office, and performance/cultural/arts/museum floor area on the project site by approximately 282,054 gsf as compared to the July 2008 Technical Memorandum. Additionally, the proposed development would introduce approximately 150,885 gsf (171 DUs) of residential floor area, 4,472 gsf of community facility space, and 19,482 gsf of conference center space, which were not analyzed in the 2008 Environmental Review for Site 10. The proposed 121 West 125th Street development would not include any new accessory off-street parking, resulting in a reduction of 196 spaces from what was analyzed in the July 2008 Technical Memorandum.

Table 3 shows the estimate of users (residents and workers) anticipated on Site 10 in the future with the proposed development, compared to the estimates assumed in the 2008 FEIS and the July 2008 Technical Memorandum for Site 10.

TABLE 3
Projected Development Site 10 Occupants – 2008 FEIS Expanded Arts Bonus Alternative, July 2008 Technical Memorandum vs. Future Conditions with the Proposed Development

Users On-Site *	2008 Development Program		2019 Proposed Development Program ¹
	Expanded Arts Bonus Alternative Analyzed in FEIS	Zoning Text Amendment July 2008 Tech Memo	
Residential	---	---	385 residents, 7 workers
Performance/Cultural/Arts/Museum	100 workers	73 workers	72 workers
Retail	452 workers	452 workers	383 workers
Community Facility	---	---	15 workers
Conference Center	---	---	78 workers
Office	2,169 workers	1,482 workers	447 workers
TOTAL	2,721 workers	2,007 workers	385 residents, 1,002 workers

* Worker estimates based on rates used in the 2008 FEIS, including: 0.04 workers per residential dwelling unit; 3 workers per 1,000 sf of retail; 1 worker per 250 sf of office/conference center; 1 worker per 500 sf of hotel/conference center; and 1 worker per 300 sf of community facility or cultural space. Residential population estimate for proposed development is based on 2010 Census data for Manhattan Community District 10, which has an average household size of 2.25 residents.

¹ The remainder of Site 10 (consisting of portions of Lots 1 and 7501 on Block 1910) would continue to be occupied by approximately 23,000 gsf of retail and an accessory parking garage for the adjacent State office building and support an estimated 69 retail workers.

Sources: 125th Street Corridor Rezoning and Related Actions FEIS (2008) and 2010 Census

As shown in the table, in the future with the proposed 121 West 125th Street development, Site 10 would accommodate a total of approximately 1,002 workers and 385 residents, including the existing 69 retail workers that would remain, compared to 2,721 workers and no residents for the Site 10 program analyzed in the 2008 FEIS, and 2,007 workers and no residents for the Site 10 program analyzed in the July 2008 Technical Memorandum.

III. ASSESSMENT OF THE POTENTIAL FOR SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS UNDER PROPOSED DEVELOPMENT PROGRAM

METHODOLOGY

This Technical Memorandum examines whether the proposed development and/or any background conditions that have changed since the 2008 Environmental Review, would create the potential for significant adverse impacts not previously identified. The projected development assumed in the 2008

FEIS is generally used as the baseline condition for comparison purposes, although where available and appropriate, updates presented in the 2008 Technical Memoranda are used instead (e.g., for shadows and urban design assessments). Where more updated information regarding existing (2019) conditions is available, it is used in this Technical Memorandum, as appropriate. In addition, this Technical Memorandum also utilizes the guidelines and methodologies set forth in the *2014 CEQR Technical Manual*.

The 2008 FEIS concluded that collectively, the development anticipated to result from the Expanded Arts Bonus Alternative version of the 125th Street Corridor Rezoning and Related Actions could result in significant adverse impacts on historic resources, shadows, traffic and parking, and transit and pedestrians. Mitigation measures were developed for each of the identified areas of impact. However, the 2008 FEIS concluded that the Expanded Arts Bonus Alternative could result in unmitigated traffic impacts at 8 intersections, unmitigated significant adverse shadows impacts on two historic resources (the Church of St. Joseph of the Holy Family and the Metropolitan Community United Methodist Church) and on two open space resources (Dream Street Park and the Adam Clayton Powell Jr. State Office Building Plaza), and unmitigated significant adverse historic resources impacts resulting from direct effects on four eligible historic resources (including the former Harlem Savings Bank, the Marion Building, the Bishop Building, and the Amsterdam News Building) and inadvertent construction-related damage could potentially occur to eight eligible and potentially eligible historic resources (including the Park Avenue Viaduct, the Metro-North 125th Street Station, the former Twelfth Ward Bank, Blumstein's Department Store, 221 East 124th Street, the Apartment Building at 2075-2087 Lexington Avenue, the Lenox Avenue/West 125th Street Subway Station, and the H.C.F. Koch Department Store).

As described below, the latest proposed development program for Site 10 would not result in any significant adverse impacts beyond those disclosed in the 2008 Environmental Review. Nor have any circumstances changed since 2008, such as proposed background developments, that would create the potential for additional significant impacts as a result of the 2008 rezoning (including the proposed development) that were not previously identified.

LAND USE, ZONING, AND PUBLIC POLICY

Land Use

Land use conditions within the *125th Street Corridor Rezoning FEIS* study area examined herein account for current existing conditions and the status of development projects anticipated for completion through 2022. Since the completion of the 2008 Environmental Review, seven of the 27 identified projected development sites (Sites 2, 5, 13, 14, 15, 18b, and 26) have been completed and one projected site (Site 3) is currently under construction (see Table 4). In total, these projected development sites will introduce approximately 368 DUs, 410,051 sf of retail uses, and 19,900 sf of office uses, compared to the 2,545 DUs, 25,987 sf of hotel uses, 885,311 sf of retail uses, 1,205,894 sf of office uses, and 165,729 sf of community facility uses projected in the Expanded Arts Bonus Alternative of the 2008 Environmental Review.

One of the 22 identified potential development sites (Site 49) has been completed and three potential development sites (Sites 36, 44, and 45) are currently under construction (see Table 4). In total, these potential development sites will introduce approximately 233 DUs, 58,915 sf of retail uses, 135,737 sf of office uses, and 58,990 sf of community facility uses, compared to the 2,150 DUs, 371,483 sf of retail uses, 104,471 sf of office uses, and 49,367 sf of community facility uses projected in the Expanded Arts Bonus Alternative of the 2008 Environmental Review.

All six known development sites identified in the 2008 Environmental Review have been built (Sites A, C, D, E, F) or are currently under construction (Site B). As shown in Table 4, these known development sites will introduce a total of approximately 191 DUs, 146,309 sf of hotel uses, 84,971 sf of retail uses, 7,494 sf of office uses, and 194,485 sf of community facility uses, compared to the 127,500 sf of hotel uses, 28,986

sf of retail uses, 21,696 sf of office uses, and 129,992 sf of community facility uses projected in the Expanded Arts Bonus Alternative of the 2008 Environmental Review.

TABLE 4
Development Program of Projected, Potential, and Known Development Sites – 2008 FEIS
Expanded Arts Bonus Alternative vs. Existing Conditions

Site No.	Address	Block, Lot	DUs	Hotel (SF)	Retail (SF)	Office (SF)	Community Facility (SF) ¹	Year Built
Projected Development Sites								
2	2329 8 th Avenue	1952, 29	0	0	76,222	19,900	0	2013
3	362 West 125 th Street	1951, 7	71	0	21,517	0	0	UC
5	324 West 125 th Street	1951, 43	0	0	35,572	0	0	2016
13	100 West 125 th Street	1909, 33	0	0	160,501	0	0	2013
14	40 West 126 th Street	1723, 153	8	0	0	0	0	2013
15	5 West 125 th Street	1723, 31	29	0	102,475	0	0	2014
18b	69 East 125 th Street	1750, 28	75	0	5,643	0	0	2016
26	245 East 124 th Street	1789, 21	185	0	8,121	0	0	2009
Projected Sites Total			368	0	410,051	19,900	0	
Projected Sites Total (2008 Expanded Arts Bonus Alternative)			2,545	25,987	885,311	1,205,894	165,729	
Potential Development Sites								
36	114 West 125 th Street	1909, 41	0	0	20,047	46,927	0	UC
44	149 East 125 th Street	1774, 7501	233	0	38,868	88,810	0	UC
45	2306 Third Avenue	1774, 33	0	0	0	0	26,990	UC
49	228-232 East 125 th St.	1789, 34, 35, 36	0	0	0	0	32,000	2012
Potential Sites Total			233	0	58,915	135,737	58,990	
Potential Sites Total (2008 Expanded Arts Bonus Alternative)			2,150	0	371,483	104,471	49,367	
Known Development Sites								
A	261 West 125 th Street	1931, 6	0	0	29,976	0	0	2013
B	233 West 125 th Street	1931, 17	191	146,309	24,951	0	34,902	UC
C	230 West 125 th Street	1930, 44	0	0	25,048	0	123,307	2017
D	63 West 125 th Street	1723, 9	0	0	4,996	7,494	0	2007
E	120 East 125 th Street	1773, 62	0	0	0	0	8,500	2014
F	220 East 125 th Street	1789, 39	0	0	0	0	27,776	2016
Known Development Sites			191	146,309	84,971	7,494	194,485	
Known Development Sites Total (2008 Expanded Arts Bonus Alternative)			0	127,500	28,986	21,696	129,992	
All Development Sites								
Projected, Potential, Known Sites Total			792	146,309	553,937	163,131	253,475	
Projected, Potential, Known Sites Total (2008 Expanded Arts Bonus Alternative)			4,695	153,487	1,285,780	1,332,061	345,088	
Percentage Completed or Under Construction To Date			17%	95%	43%	12%	73%	

Notes: ¹ Includes visual and performing arts space.

Sources: New York City Department of Buildings Certificates of Occupancy, New Building (NB) permits, and Alteration Type 1 (A1) Enlargement permits.

Overall, a limited amount of new development has been completed or is under construction on the projected, potential, and known development sites identified in the 2008 Environmental Review. As shown in Table 4, collectively these sites will introduce approximately 792 of 4,695 anticipated DUs (17 percent), 146,309 sf of 153,487 sf of hotel (95 percent), 553,937 sf of 1,285,780 sf of retail (43 percent), 163,131 sf of 1,332,061 sf of office (12 percent), and 253,475 sf of 345,088 sf of community facility (73 percent).

Since the completion of the 2008 Environmental Review, there have been no changes to the land use of Site 10, which continues to be occupied by low-density commercial and parking uses (see photographs in Figure 5). The proposed development site at 121 West 125th Street (which comprises the eastern part of Lot 1 on Block 1910) is occupied by a 3-story parking garage with basement and vehicular access from the south side of West 126th Street, as well as street level commercial retail uses along the north side of West 125th Street. The remainder of Site 10 includes a 3-story commercial retail building on the north side of West 125th Street at 125 West 125th Street (eastern portion of Lot 7501 on Block 1910) and a 2-story

accessory parking garage on the south side of West 126th Street for the adjacent Adam Clayton Powell Jr. State Office Building at 2105 Adam Clayton Powell Jr. Boulevard (part of Lot 1 on Block 1910). Figure 6 shows the existing land uses within an approximate ¼-mile radius of the proposed development site.

The portion of West 125th Street in the study area contains a variety of regional and local retail, ranging from small businesses to national chains, as well as arts-related and entertainment uses. Commercial uses are dense along this strip; the vacancy rate is relatively low and many buildings contain retail or office space above the ground level. Non-profit organizations and government agencies occupy some of this office space.

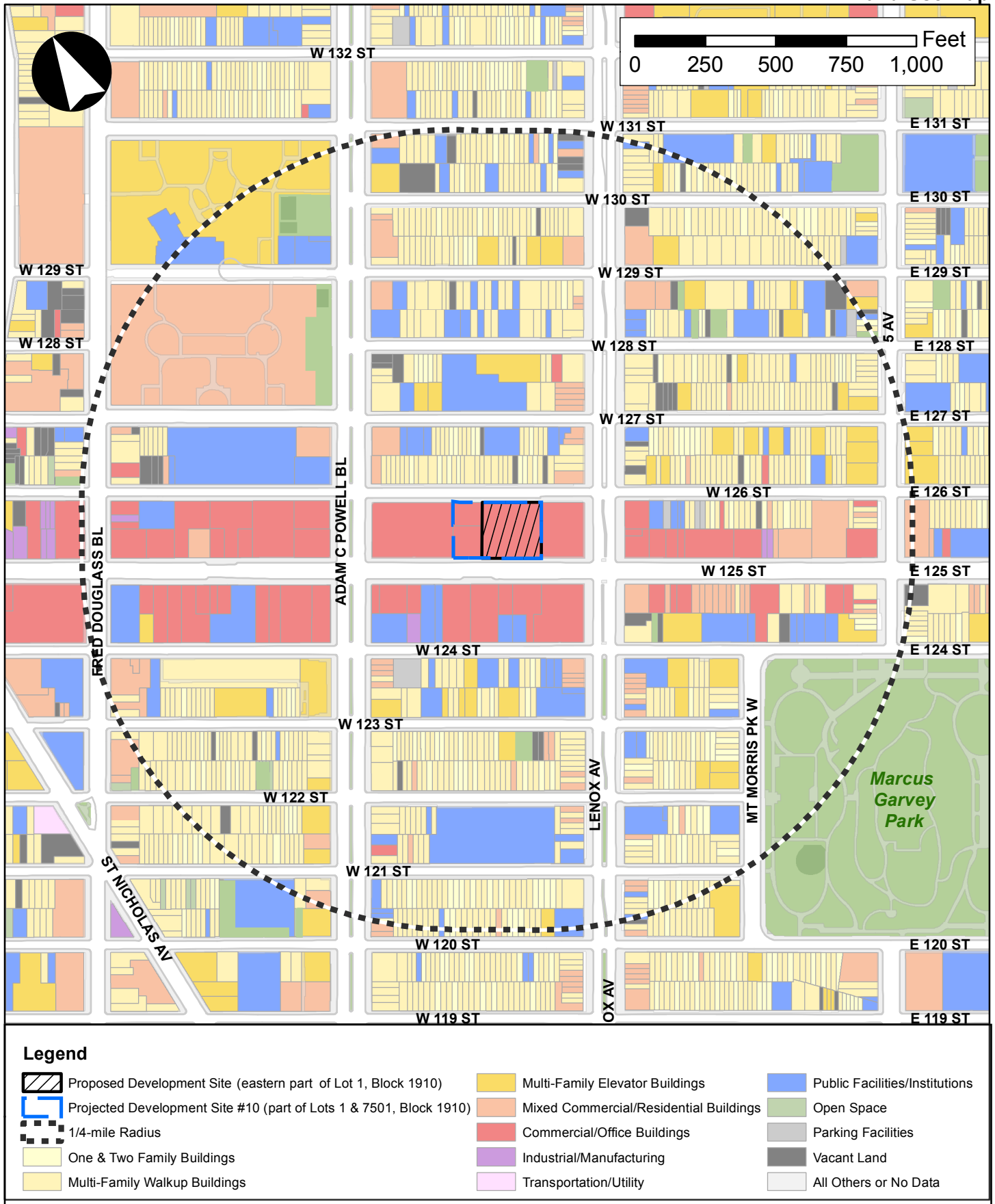
Many of the storefronts on West 125th Street occupy through-block lots and as a result there are few commercial storefronts along the south side of West 126th Street and on the north side of West 124th Street, where many of these buildings have loading entrances and back of house operations. The local retail uses include restaurants, hair and beauty salons, delis, pharmacies and banks. There are also large retail centers, such as Harlem Center, and large stand-alone stores like the H & M clothing store on a portion of Site 10.

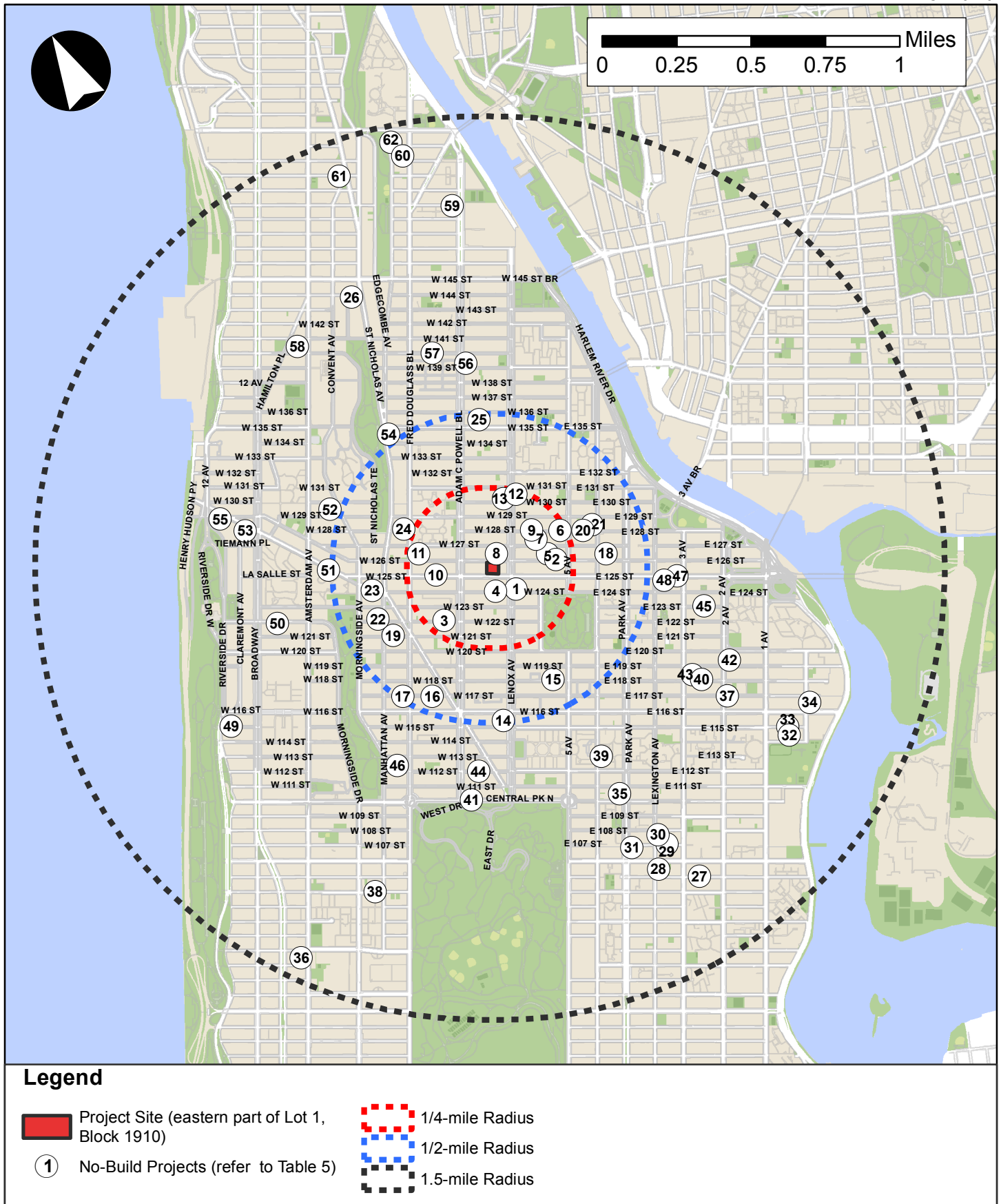
Residential uses dominate the ¼-mile study area and are concentrated to the north and the south, separated from the dense commercial activity along West 125th Street. They include older low-rise 4-to 6-story brownstones, walkup multifamily dwellings, and high-rise elevator apartment buildings. The St. Nicholas Houses public housing development occupies a superblock to the northwest of Site 10, which is bounded by West 131st Street and West 127th Street to the north and south and Adam Clayton Powell Jr. Boulevard and Frederick Douglass Boulevard to the east and west. Under the jurisdiction of the New York City Housing Authority (NYCHA), the 15.63-acre development includes thirteen 14-story buildings surrounded by open space.

Table 5 and Figure 7 present new “No Build” developments anticipated to be completed in the vicinity of the proposed development site prior to the 2022 analysis year. For the purposes of other technical analyses in this document, Table 5 includes development within the ¼-mile land use study area, as well as a ½-mile transportation study area and 1.5-mile child care study area (within Manhattan). As shown in Table 5, 13 new developments are anticipated to be completed within an approximate ¼-mile radius of the proposed development site prior to 2022. In total, new development would introduce approximately 342 DUs, 210 hotel rooms, 57,243 sf of retail uses, 61,167 sf of office uses, and 37,420 sf of community facility uses. The largest of these future developments is the Victoria Theater Redevelopment at 233 West 125th Street (Block 1931, Lot 17), an approximately 385,000 sf mixed-use development with 191 DUs, 210 hotel rooms, 24,951 sf of retail uses, and 34,902 sf of community facility uses⁷. Another notable development is 407 Lenox Avenue (Block 1915, Lot 32), a city-owned property that has been transferred to a private developer for construction of a 10-story mixed-use building including 79 affordable residential units, 7,498 sf of retail uses, and 2,518 sf of community facility uses.

Other developments in a ¼-mile radius of the proposed development site are generally residential buildings between four and six stories with a range of 2-20 residential units. In addition to the sites listed in Table 5, the New York City Department of Transportation has proposed roadway and safety improvements to the Harlem Bicycle Network near the proposed 121 West 125th Street development site. Additionally, the Metropolitan Transportation Authority (MTA) is advancing Phase 2 of the Second Avenue Subway. Phase 2 work will consist of a number of components including subway tunnels, three new stations, track work, traction power substations, circuit breaker houses, facility electrical power, fan plants, ventilation systems, pump rooms, signal and communications work, entrances, and ancillary facilities to support the operation of the stations. Phase 2 work could extend as far west as the midblock area on West 125th Street between Lenox Avenue and Adam Clayton Powell Jr. Boulevard adjacent to the development site. As construction

⁷ This property was identified as known development site B in the *125th Street Corridor Rezoning and Related Actions FEIS*, which was assumed to occur in the future without the action. Site B was intended for retail (10,000 sf), hotel (127,500 sf), and community facility (120,000 sf) space.





of Phase 2 is not expected to be completed until 2029, seven years after the proposed development's 2022 build year, it is not included in the list of No Build projects. The 2008 Environmental Review did not identify any No Build developments within a ¼-mile radius of the project site.

TABLE 5
No Build Developments within a ¼-Mile, ½-Mile, and 1.5-Mile Radius

No.	Address	Block, Lot	DUs	Affordable DUs	Hotel Rooms	Retail (SF)	Office (SF)	Community Facility (SF)	Build Year
¼-Mile Radius									
1	286 Lenox Ave.	1722, 3	0	0	0	4,747	14,240	0	2019
2	11 West 126 th St.	1724, 30	6	0	0	0	0	0	2019
3	217 West 122 nd St.	1928, 123	2	0	0	0	0	0	2019
4	114 West 125 th St.	1909, 41	0	0	0	20,047	46,927	0	2019
5	26 West 127 th St.	1724, 49	12	0	0	0	0	0	2019
6	3 West 128 th St.	1726, 132	20	0	0	0	0	0	2019
7	44 West 128 th St.	1725, 57	8	0	0	0	0	0	2019
8	116 West 127 th St.	1911, 41	2	0	0	0	0	0	2019
9	59 West 128 th St.	1726, 13	8	0	0	0	0	0	2019
10	233 West 125 th St.	1931, 17	191	95	210	24,951	0	34,902	2019
11	284 West 127 th St.	1932, 60	2	0	0	0	0	0	2019
12	416 Lenox Ave.	1728, 70	12	0	0	0	0	0	2019
13	407 Lenox Ave.	1915, 32	79	79	0	7,498	0	2,518	2019
¼-Mile Total			342	174	210	57,243	61,167	37,420	
½-Mile Radius									
14	113 Lenox Ave.	1825, 34	0	0	0	0	0	0	2022
15	11 West 118 th St.	1717, 28	136	0	0	0	0	0	2020
16	251 West 117 th St.	1923, 16	104	21	0	0	0	0	2022
17	2171 Frederick Douglass Blvd.	1944, 29	14	0	0	1,276	0	0	2020
18	60 East 127 th St.	1751, 48	8	0	0	0	0	0	2019
19	313 West 121 st St.	1948, 23	6	0	0	0	0	0	2019
20	13 East 128 th St.	1753, 108	6	0	0	0	0	0	2022
21	30 East 129 th St.	1753, 58	2	0	0	0	0	0	2019
22	535 Manhattan Ave.	1949, 15	2	0	0	0	0	0	2021
23	362 West 125 th St.	1951, 7	71	0	0	21,517	0	0	2019
24	2395 8 th Ave.	1955, 12	75	75	0	8,625	0	0	2020
25	152 West 136 th St.	1920, 53	2	0	0	0	0	0	2019
1/2-Mile Total (Including ¼-Mile)			768	270	210	88,661	75,407	37,420	

Notes: Table keyed to Figure 7

Sources: New York City Department of Buildings New Building (NB) and Alteration Type 1 (A1) Enlargement permits; online construction and real-estate websites including YIMBY, Real Deal, and City Realty.

These new developments would be compatible with the goals of the 125th Street Rezoning and the mix of uses in the surrounding neighborhood. Moreover, as only approximately 17 percent of the dwelling units and 31 percent of the commercial space projected in the 2008 Environmental Review are under construction or have been built to date, it is reasonable to assume that these background developments, while occurring on different sites than previously anticipated in the 2008 Environmental Review, would supplant some of the projected and potential developments previously analyzed. Therefore, these changes to the programs for development sites, as well as the introduction of nearby background developments, would not be expected to result in any significant adverse impacts or alter the conclusions of the 2008 Environmental Review.

TABLE 5 (Continued)
No Build Developments within a ¼-Mile, ½-Mile, and 1.5-Mile Radius

No.	Address	Block, Lot	DUs	Affordable DUs	Hotel Rooms	Retail (SF)	Office (SF)	Community Facility (SF)	Build Year
1.5-Mile Radius									
26	691 St. Nicholas Ave.	2050, 136	0	0	0	0	0	41,138	2019
27	221 East 105 th St.	1655, 9	23	0	0	0	0	0	2021
28	152 East 106 th St.	1633, 52	10	0	0	1,437	0	0	2020
29	165 East 107 th St.	1635, 127	2	0	0	0	0	0	2019
30	150 East 108 th St.	1635, 149	10	0	0	0	0	0	2019
31	1465 Park Ave.	1635, 16	400	400	0	29,227	0	44,800	2020
32	440 East 115 th St.	1708, 33	15	0	0	0	0	0	2020
33	433 East 115 th St.	1709, 15	15	0	0	0	0	0	2019
34	316 Pleasant Ave.	1715, 49	8	0	0	0	0	0	2022
35	94 East 111 th St.	1616, 38	44	0	0	0	0	0	2019
36	814 Amsterdam Ave.	1871, 35	36	0	0	14,834	0	61,111	2020
37	301 East 117 th St.	1689, 1	12	0	0	0	0	0	2022
38	61 West 104 th St.	1840, 10	34	0	0	0	0	0	2019
39	1713 Madison Ave.	1620, 40	0	0	0	0	0	49,803	2020
40	223 East 118 th St.	1783, 111	2	0	0	0	0	0	2019
41	145 Central Park North	1820, 6	37	0	0	0	0	0	2019
42	2338 2 nd Ave.	1796, 51	30	0	0	1,700	0	200	2019
43	208 East 119 th St.	1783, 43	25	0	0	0	0	0	2019
44	127 West 112 th St.	1822, 12	25	0	0	0	0	0	2019
45	231 East 123 rd St.	1788, 13	11	0	0	0	0	0	2021
46	310 West 113 th St.	1847, 30	14	0	0	0	0	0	2019
47	2306 Third Ave.	1774, 33	0	0	0	0	0	26,990	2019
48	149 East 125 th St.	1774, 7501	233	46	0	38,868	88,810	0	2019
49	633 West 115 th St.	1896, 52	0	0	0	0	0	6,436	2019
50	525 West 122 nd St.	1977, 10	170	0	0	0	0	0	2020
51	450 West 126 th St.	1966, 95	0	0	0	58,452	189,693	0	2019
52	464 West 130 th St.	1969, 68	17	0	0	0	0	0	2019
53	605 West 125 th St.	1995, 31	0	0	0	0	55,892	0	2019
54	320 West 135 th St.	1959, 54	17	0	0	1,525	0	0	2019
55	614 West 131 st St.	1997, 1	0	0	0	11,551	0	387,487	2020
56	152 West 140 th St.	2008, 61	58	0	0	0	0	0	2019
57	225 West 140 th St.	2026, 15	20	0	0	0	0	2,500	2019
58	504 West 141 st St.	2072, 38	12	0	0	0	0	0	2019
59	2600 Adam Clayton Powell	2036, 29	103	0	0	0	0	0	2019
60	2903 Frederick Douglass Blvd.	2047, 11	14	0	0	0	0	0	2019
61	847 St. Nicholas Ave.	2067, 20	39	39	0	0	0	0	2019
62	250 Bradhurst Ave.	2047, 44	0	0	0	0	0	42,100	2019
1.5-Mile Total (Including ¼ and ½-Miles)			2,204	755	210	246,255	409,802	699,985	

Notes: Table keyed to Figure 7

Sources: New York City Department of Buildings New Building (NB) and Alteration Type 1 (A1) Enlargement permits; online construction and real-estate websites including YIMBY, Real Deal, and City Realty.

The 2008 FEIS concluded that the Expanded Arts Bonus Alternative would not result in any significant adverse impacts on land use. In addition to retail, office, and performance/arts-related uses that were assumed for Site 10 in the 2008 Environmental Review, the proposed development would introduce residential, community facility, and conference center uses. As indicated above, the proposed 121 West 125th Street development would introduce affordable residential units, office, conference center, community facility, retail, and museum space to the eastern approximately 41,956 sf portion of Site 10. The proposed development would reduce the amount of commercial retail, office space, and performance/arts/museum-related space, as compared to 2008 Environmental Review. The introduction of residential and community facility uses as a result of the proposed development would not alter the conclusions of the 2008 Environmental Review, as these uses were projected to be developed on other neighboring sites as a result of the rezoning studied in the 2008 Environmental Review. The proposed development would be consistent

with the surrounding uses and existing neighborhood trends. It would introduce a range of land uses that would add to the vitality of the 125th Street corridor through increasing affordable housing options, and further increasing street activity and enhancing the pedestrian experience along 125th Street through the introduction of retail, office, and museum uses. It would also reinforce the 125th Street corridor as a major local and regional destination for arts, entertainment, and retail. The entrance to the proposed residential uses would be located on West 126th Street and would therefore not break up the retail continuity of the 125th Street corridor. Therefore, the proposed development on Site 10 would not result in any significant adverse impacts on land use, and would not alter the findings of the 2008 Environmental Review.

Zoning

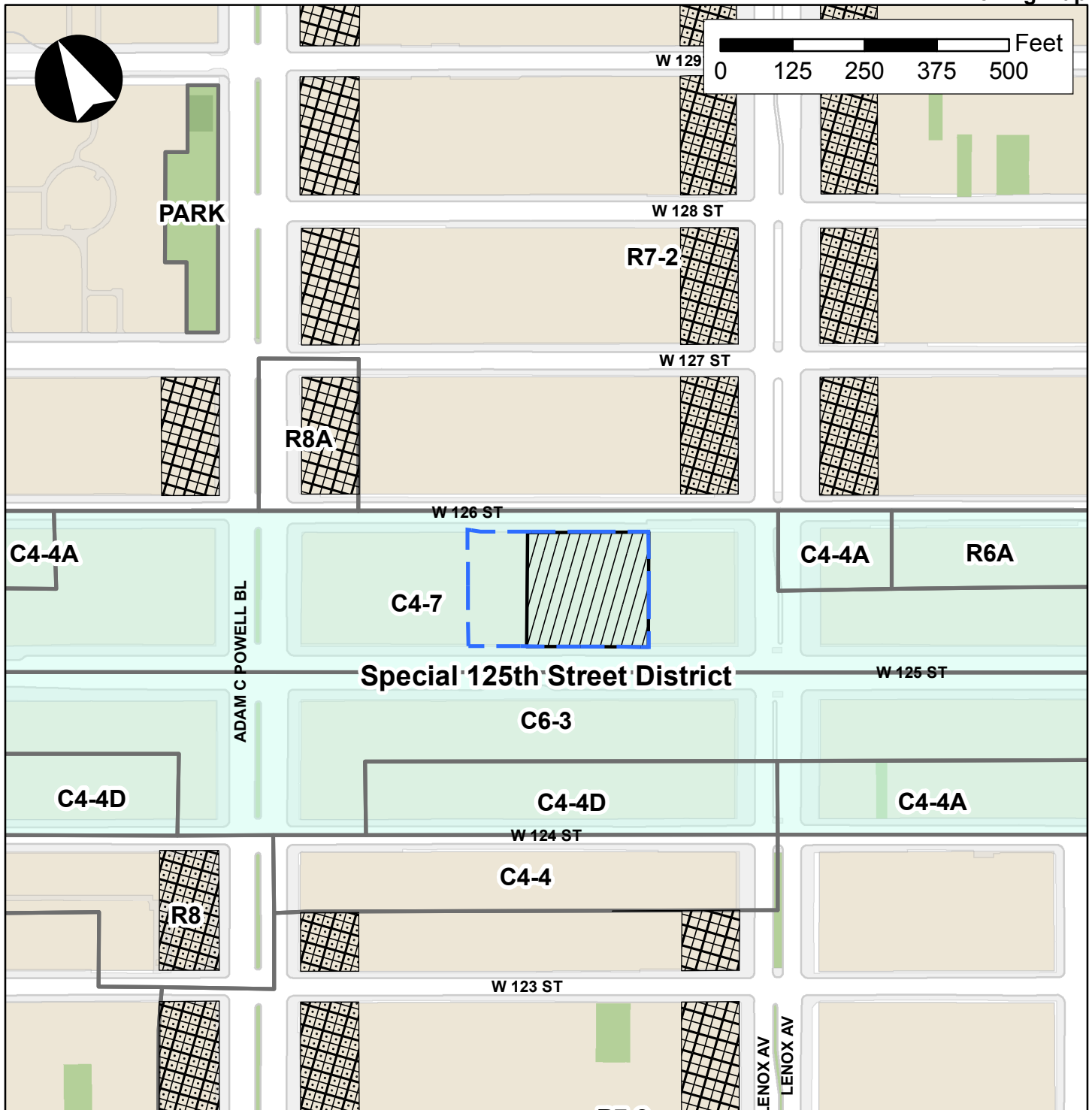
Since the 2008 Environmental Review, there have not been major changes to zoning for the 125th Street Corridor in the vicinity of the project site. As described above, subsequent to the ULURP approvals granted by CPC and City Council, the Department of City Planning (“DCP”) proposed a zoning text amendment to the Special 125th Street District- Core Subdistrict.⁸ The follow-up zoning text changes to the regulations for the C4-7 zoning district within the Core Subdistrict of the Special 125th Street District amended Zoning Resolution (ZR) Sections 97-411, 97-422 and 97-442 to modify height and bulk regulations within the C4-7 zoned portion of the Core Subdistrict of the Special 125th Street District. The text amendment reduced the maximum building height to 195 feet, and reduced the density regulations for uses in the C4-7 zoning district of the Core Subdistrict favoring commercial over residential development by establishing a base commercial FAR of 7.2, bonusable to a maximum FAR of 8.65 through the use of the arts bonus; a base residential FAR of 5.4, bonusable to a maximum FAR of 7.2 through the use of the arts bonus or the Inclusionary Housing program; and a maximum FAR of 7.2 for community facility use.

While the proposed development is seeking a zoning override to allow modifications to floor area, street wall height, building height, and signage requirements, all other aspects of the proposed development would comply with existing C4-7 zoning and the regulations of the Core Subdistrict of the Special 125th Street District (refer to Figure 8). The proposed development would comply with the maximum street wall height of 85 feet on West 126th Street but would exceed both the maximum permitted street wall height on West 125th Street and the maximum permitted building height by 10 feet. At a height of 205 feet (up to approximately 227 feet including mechanical space), the proposed development would be approximately 63 feet shorter than the height of the proposed development analyzed for site 10 (a maximum height of 290 feet) in the 2008 Environmental Review and would be consistent with the existing built context, which includes several buildings of similar or greater height including the adjacent Adam Clayton Powell Jr. State Office Building. The proposed development would also provide “active” uses such as retail along West 125th Street and comply with the retail continuity and transparency requirements of the Special 125th Street District to promote a vibrant pedestrian environment on 125th Street. The lobby entrance for the building’s residential uses, as well as the building’s loading area, would be located on West 126th Street (refer to Figure 3). A small lobby for the building’s office and museum spaces would occupy limited ground floor frontage on West 125th Street at the southeast corner of the building (refer to Figure 3). Per ZR Section 97-12, in compliance with the requirements of the Core Subdistrict, the proposed development would provide five percent of floor area as qualifying performance/arts-related uses (museum). Therefore, the proposed development on Site 10 would not result in any significant adverse impacts on zoning, and would not alter the findings of the 2008 Environmental Review.





Public Policy and Sustainability

The 2008 FEIS concluded that the Expanded Arts Bonus Alternative would not result in any significant adverse impacts on public policy. Since the 2008 Environmental Review there have been no changes to











⁸ The Core Subdistrict of the Special 125th Street District is generally located along the north side of 125th Street between Frederick Douglass Boulevard and a point 545 feet east of Lenox Avenue/Malcolm X Boulevard, and includes projected development Site 10.



Legend

-  Proposed Development Site (eastern part of Lot 1, Block 1910)
-  Projected Development Site #10 (part of Lots 1 & 7501, Block 1910)
-  Zoning Districts
-  Special District

Commercial Overlay Districts

- | | | | |
|--|--|--|--|
|  C1-1 |  C1-4 |  C2-2 |  C2-5 |
|  C1-2 |  C1-5 |  C2-3 | |
|  C1-3 |  C2-1 |  C2-4 | |

public policy related to the 125th Street Corridor Rezoning. PlaNYC 2030, which was released in 2007 and updated in 2011, is a multi-agency effort led by the Mayor's Office that set out to achieve ten key goals for the City's sustainable future, covering the areas of land, water, transportation, energy, air, and climate change. The plan's goals are intended to prepare the City for one million more residents, strengthen the economy, combat climate change, and enhance the quality of life by 2030. In April 2015, OneNYC, an update to PlaNYC was released. The new plan follows the same principles of PlaNYC but incorporates equity as a guiding principle throughout the plan. The *2014 CEQR Technical Manual* suggests assessing the consistency of large, publicly sponsored projects with PlaNYC and OneNYC as part of environmental review.

The proposed development at 121 West 125th Street would be consistent with the goals identified in PlaNYC and OneNYC as it would create 171 units of new housing in an existing neighborhood on a site that is underutilized and would encourage sustainable neighborhoods by locating residents, jobs, retail, and other services within walking distance from one another and in a mixed-use neighborhood that is well-served by transit.

The Special 125th Street District generally bounded by 124th and 126th Streets between Broadway and Second Avenue sought to enhance the 125th Street corridor through a balanced strategy, which provides new opportunities to catalyze future mixed-use commercial and residential development, including affordable housing, while protecting the scale and character of the predominantly residential portions of the corridor with a strong built context. The specific goals of the Special 125th Street District include promoting 125th Street as Harlem's "Main Street" and the premier mixed-use corridor for Upper Manhattan; expanding the retail and commercial character of the street; enhancing the presence of visual and performing arts space as a destination within the City; supporting mixed use development and providing incentives for affordable housing development; ensuring the continuity of building form and the built character of the corridor; and enhancing the pedestrian environment by regulating ground floor uses. The Expanded Arts Bonus Alternative provided additional incentives for the creation of visual and performing arts spaces within the Special 125th Street District to help sustain and enhance the district's identity as a premier arts destination.

The proposed development would also support and enhance the Special 125th Street District, by developing a low-density commercial site with a vibrant mixed use development, which is anticipated to include approximately 171 affordable residential units, 104,589 gsf of retail space, 111,883 gsf of office space, 19,482 gsf of conference space, 4,472 gsf of community facility space, and 21,494 gsf of museum space. Similar to the projected Site 10 development analyzed in the 2008 Environmental Review, the proposed development would be consistent with the specific goals of the Special 125th Street District. It would further activate and reinforce 125th Street as a major mixed-use corridor and a local and regional destination for arts, entertainment and retail. The building would comply with the Special 125th Street District bulk controls, which would reduce the visual prominence of the building's upper stories from the pedestrian perspective of the street level. The proposed development would support the creation of jobs and career opportunities, stimulate economic life, and complement existing and future cultural institutions consistent with the goals of the 125th street Business Improvement District (BID) and Upper Manhattan Empowerment Zone. Therefore, the proposed development on Site 10 would not result in any significant adverse impacts on public policy, and would not alter the findings of the 2008 Environmental Review.

SOCIOECONOMIC CONDITIONS

The 2008 Environmental Review concluded that the 125th Street Corridor Rezoning would not result in significant adverse impacts due to changes in socioeconomic conditions. As the proposed land uses were considered in the 2008 Environmental Review as part of anticipated new development to result from the 125th Street Corridor Rezoning and Related Actions, and the prevailing market conditions and trends have continued, the proposed development would not introduce significant land use changes to the study area and no new significant adverse impacts to socioeconomic conditions are anticipated as discussed below.

Direct Displacement

The proposed development would result in up to approximately 171 new residential rental units, 104,589 gsf of retail space, 111,883 gsf of office space, 19,482 gsf of conference space, 4,472 gsf of community facility space, and 21,494 gsf of museum space. As was assumed for projected development Site 10 in the 2008 Environmental Review, the proposed development would result in the direct displacement of a 304-space public parking garage with access from the south side of West 126th Street and approximately 15,000 sf of local retail space (one quarter of which, approximately 3,750 gsf, is currently occupied⁹) on the north side of West 125th Street; no residential direct displacement would occur. For conservative analysis purposes, it is assumed that all 15,000 sf of retail space is currently occupied and would be directly displaced by the proposed development. Therefore, the local retail space is conservatively estimated to employ approximately 45 workers and the parking garage is estimated to employ approximately 10 workers, for a total direct displacement of approximately 55 workers from the project site (based on rates used in the 2008 FEIS, as indicated in Table 3 above). However, unlike the projected development for Site 10 assumed in the 2008 Environmental Review, the proposed development would not result in direct displacement of approximately 23,000 sf of retail, which would continue to occupy portions of Lot 7501 on Block 1910 in the future with the proposed development. Thus, the proposed development would result in less direct business displacement compared to the 2008 Environmental Review. Because, as described in the 2008 Environmental Review, the products and services of the displaced businesses (food establishment, educational business, movie rental store, vitamin/nutrition store, two apparel stores, parking garage) are not uniquely dependent upon their location and the proposed development would displace fewer employees than analyzed in the 2008 Environmental Review, there would be no significant adverse impacts due to direct business displacement and the findings of the 2008 Environmental Review would not be altered.

Indirect Displacement

Although the proposed development would change the existing land use on the project site, it is expected to be consistent with the prevailing market conditions and trends of the area and is not anticipated to adversely impact the socioeconomic character of the surrounding neighborhood. As a single site, the proposed development is not likely to trigger any significant changes to the area's real estate market. While the proposed residential uses would represent a net increase of approximately 171 DUs on the proposed development site as compared to Site 10 in the 2008 Environmental Review, this increase, when added to the 2,150 DUs analyzed in the July 2008 Technical Memorandum as anticipated development arising from the 2008 rezoning as a whole, would result in fewer than the 2,328 DUs analyzed in the 2008 FEIS and only 79 DUs more than analyzed for the Expanded Arts Bonus Alternative. Moreover, only approximately 17 percent of the dwelling units projected in the 2008 Environmental Review are under construction or have been built to date. Therefore, the residential population generated by the proposed development, as well as other residential development that has occurred or is planned in the vicinity, would be less than what was projected in the 2008 Environmental Review, would not result in any significant adverse impacts from indirect residential displacement and would not alter the findings of the 2008 FEIS. Additionally, the proposed residential component of the proposed development, would include 171 affordable apartments and would be similar to existing and projected developments in this area of Manhattan, and would not add substantial new population with different socioeconomic characteristics compared to the size of the existing or future population. Similarly, approximately 25 percent of the residential units anticipated as a result of other anticipated development would be affordable.

⁹ As of February 2019, six of the existing eight storefronts within the building are vacant. Approximately 3,750 sf is occupied. For conservative analysis purposes, it is assumed that all (15,000 sf) of retail space is currently occupied and would be directly displaced by the proposed development.

Adverse Effects on Specific Industries

As the proposed development on Site 10 would result in a reduction of approximately 46,041 gsf of retail space compared to the 2008 Environmental Review, it would not add to, or create, a retail concentration that may draw a substantial amount of sales from existing businesses within the study area to the extent that certain categories of business close and vacancies in the area increase. Additionally, the proposed 121 West 125th Street development would not significantly affect business conditions in any specific industry or any category of businesses within or outside the study area, nor would it indirectly substantially reduce employment or have an impact on the economic viability in the industry or category of businesses. Therefore, the proposed development would not result in significant adverse impacts on any specific industries.

As such, taking into account background changes that have arisen since the 2008 Environmental Review, the proposed development would not generate any significant adverse socioeconomic impacts. Therefore, the proposed 121 West 125th Street development would not alter the findings of the 2008 Environmental Review.

COMMUNITY FACILITIES AND SERVICES

The 2008 Environmental Review concluded that the new dwelling units and residents expected to be generated as a result of the 2008 125th Street Corridor Rezoning would not result in significant adverse community facilities and services impacts with regard to public schools and facilities, libraries, hospitals and public health care facilities, publicly funded child care services, or police and fire protection services. While the proposed development would introduce up to approximately 171 affordable DUs with an estimated 385 residents (see Tables 2 and 3), this increase, when added to the 2,150 incremental DUs (368 affordable units) analyzed in the July 2008 Technical Memorandum would result in fewer than the total 2,328 incremental DUs (498 affordable units) analyzed in the 2008 FEIS, but would result in 41 more affordable units. The proposed development would also result in 85 DUs (23 affordable units) more than analyzed for the Expanded Arts Bonus Alternative. Moreover, only approximately 17 percent of the dwelling units projected in the 2008 Environmental Review are under construction or have been built to date, and the residential population generated by the proposed development, as well as background development, would not be expected to result in any significant adverse community facility impacts or alter the conclusions of the 2008 Environmental Review.

Public Schools

The 2008 FEIS concluded that there would be ample capacity in surrounding public schools for the students expected to be generated by the 125th Street Corridor Rezoning project. Also, pursuant to *2014 CEQR Technical Manual* guidance, an action that introduces less than 50 elementary and intermediate school age children, or 150 high school students, generally will not have a significant adverse impact on school capacity. The screening threshold is higher for high school students as high school level students can elect to attend schools other than their neighborhood high schools. The *CEQR Technical Manual* provides standard student generation rates for residential developments in each borough. According to Table 6-1a of the *CEQR Technical Manual*, a residential development in Manhattan would introduce new students at the following rates: 0.12 new elementary school students per unit; 0.04 new middle school students per unit; and 0.06 new high school students per unit. Based on the most recent *2017-2018 Enrollment, Capacity, and Utilization Report* from the New York City School Construction Authority (SCA), elementary and intermediate schools within Community School District (CSD) 5, Sub-district 1 are underutilized, with utilization rates of 75% at elementary schools and 67% at intermediate schools.

Based on the CEQR guidelines, with up to a maximum of 171 dwelling units, approximately 21 elementary students and 7 intermediate students would be generated by the proposed development, for a total of 28 students, as well as 11 high school students. As the number of students generated by the proposed development would be less than the CEQR thresholds noted above, and the proposed development would not result in a larger total amount of residential units in the 125th Street Corridor than assumed in the 2008 FEIS, and in light of the fact that nearby schools are currently underutilized, the proposed development would not have any significant adverse impacts on public school facilities.

Libraries

Similarly, according to guidelines in the *2014 CEQR Technical Manual*, if a proposed action increases the number of residential units served by the local library branch by less than 5 percent, then it would not be expected to have a significant adverse impact on library services. In Manhattan, the introduction of 901 residential units would represent a 5 percent increase in dwelling units per branch. As the proposed development on Site 10 would result in the addition of up to approximately 171 dwelling units to the study area, well below the CEQR threshold, and the proposed development would not result in a larger total amount of residential units in the 125th Street Corridor than assumed in the 2008 FEIS, it would not result in any significant adverse library service impacts, and would not alter the findings of the 2008 Environmental Review.

Health Care Service

According to the *2014 CEQR Technical Manual*, a detailed assessment of health care service delivery is conducted only if a proposed project would affect the physical operations of, or access to and from, a hospital or public health clinic, or where a proposed project would create a sizeable new neighborhood where none existed before. As the proposed development on Site 10 would be a single-site development, and would not have any direct effects on hospitals or public health care facilities, it would not result in any significant adverse impacts to hospitals and public health facilities.

Detailed Analysis – Child Care Services

The *2014 CEQR Technical Manual* advises that projects that generate fewer than 20 children eligible for publicly-funded day care under age 6 generally would not have a significant adverse impact on day care capacity. According to Table 6-1b of the *CEQR Technical Manual*, the number of DUs to yield 20 or more eligible children under age six in Manhattan would be 170 affordable housing units. As the proposed development would contain up to approximately 171 affordable units it would exceed this CEQR threshold. Therefore, this Technical Memorandum provides a detailed analysis of the proposed development's potential effects on child care utilization based on current background data and estimated eligible children that would be generated by the proposed development, in order to determine whether the proposed development could have a significant adverse impact not identified in the 2008 Environmental Review.

Methodology

This analysis assesses the potential effects of the Proposed Actions on publicly funded child care/Head Start centers around the project site and surrounding area. According to the guidelines presented in the *2014 CEQR Technical Manual*, an analysis of publicly financed child care centers focuses on facilities for income-eligible children aged six and under. Families eligible for subsidized child care must meet financial and social eligibility criteria established by ACS. In general, children in families that have incomes at or below 200 percent of the federal poverty level, depending on family size, are financially eligible, although in some cases eligibility can go up to 275 percent. The family must also have an approved "reason for care," such as involvement in a child welfare case or participation in a "welfare-to-work" program. Head Start is

a federally funded child care program that provides children with half-day and full-day early childhood education; program eligibility is limited to families with incomes at 130 percent or less than the federal poverty level.

The City's affordable housing market is pegged to the Area Median Income (AMI), rather than the federal poverty level. Since family incomes at or below 200 percent of the federal poverty level fall under 80 percent of AMI, for the purposes of CEQR analysis, the number of housing units expected to be subsidized and targeted for incomes of 80 percent AMI or below is used as a proxy for eligibility. This provides a conservative assessment of demand, since eligibility for subsidized child care is not defined strictly by income, but also takes into account family size and other reasons for care (e.g., low-income parent(s) in school; low-income parent(s) training for work; or low-income parent(s) who is/are ill or disabled).

As there are no locational requirements for enrollment in child care centers, and some parents or guardians choose a child care center close to their place of employment rather than their residence, the service areas of these facilities can be quite large and are not subject to strict delineation on a map. However, for the purposes of this child care center analysis, publicly funded group child care centers within approximately 1.5 miles of the project site and within Manhattan were identified, reflecting the fact that the centers closest to a given site are more likely to be subject to increased demand. ACS provided the most recent information regarding publicly funded group child care facilities within the study area, including their current capacity, enrollment, and number of available slots. Family child care and voucher slots were not included in the analysis, in accordance with the *CEQR Technical Manual*.

The child care center enrollment in the future without the Proposed Actions was estimated by multiplying the number of new low-income and low- and moderate-income housing units expected in the child care study area by the appropriate multiplier from Table 6-1b of the *CEQR Technical Manual*. The estimate of new publicly funded child care-eligible children was added to the existing child care enrollment to estimate enrollment in the future without the Proposed Actions. The action-generated publicly funded child-care eligible population was then added to the No-Action child care enrollment to determine future With-Action enrollment. According to the *CEQR Technical Manual*, if a project would result in demand for slots greater than the remaining slots for child care centers and if that demand would constitute an increase of five percentage points or more in the collective capacity of child care centers serving the study area, a significant adverse impact may result.

As shown in Table 6 and Figure 9, there are 44 publicly funded child care centers within the 1.5-mile study area. Together these 44 facilities have a capacity of 2,852 seats, of which 596 (20.9%) are open. As noted above, while family-based care child care facilities and informal care arrangements provide additional slots in the study area, these slots are not included in the quantitative analysis.

In the future without the proposed development, it is expected that the project site would not be redeveloped and would not include any residential uses. Within the 1.5-mile Child Care Study Area surrounding the project site, there are 62 developments that are currently under construction that will be completed by the 2022 build year. In Manhattan, these No Build developments would result in 755 affordable DUs. As shown in Table 7, these 755 affordable DUs would result in an additional demand of 87 publicly funded child care seats. The increased demand of 87 seats is expected to raise the utilization rate of publicly-funded child care facilities by 3.0 percent. No new child care facilities are expected to be introduced to the 1.5-mile study area by the 2022 build year.

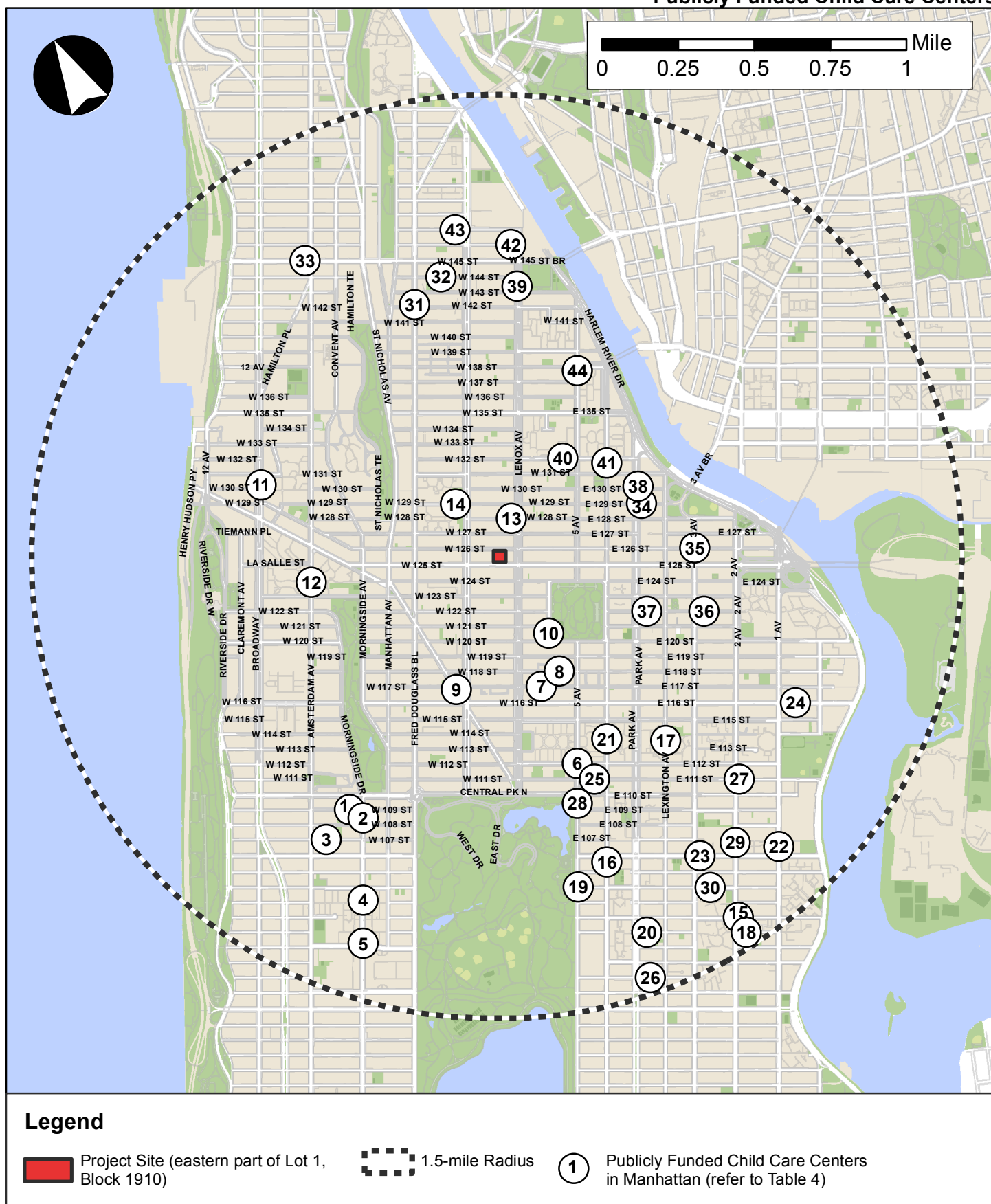


TABLE 6
Publicly Funded Child Care Centers – 1.5-mile Study Area

Map No.	Name	Address	Capacity	Enrolled	Available Slots	Utilization
1	Bloomingtondale Family Program	125 W 109th Street	19	10	9	52.6%
2	Bloomingtondale Family Program	987 Columbus Avenue	60	53	7	88.3%
3	Bloomingtondale Family Program	171 West 107th Street	40	23	17	57.5%
4	Children's Aid Society, Inc.	885 Columbus Avenue	54	46	8	85.2%
5	Open Door Assoc., Inc.	820 Columbus Avenue	85	55	30	64.7%
6	East Calvary Day Care Ctr. Inc.	1 West 112th Street	55	45	10	81.8%
7	Harlem Children's Zone	60 West 117th Street	57	57	0	100.0%
8	Children's Aid Society, Inc.	14-32 West 118th Street	15	11	4	73.3%
9	Citizens Care Day Care Ctr.	131 Saint Nicholas Avenue	37	29	8	78.4%
10	Community Life Center, Inc.	15 Mt Morris Park	116	109	7	94.0%
11	Citizens Care Day Care Ctr.	3240 Broadway	95	79	16	83.2%
12	East Harlem Block Nursery	1299 Amsterdam Avenue	60	35	25	58.3%
13	West Harlem Community Org	121 West 128th Street	128	104	24	81.3%
14	Utopia Children's Center	236 West 129th Street	40	26	14	65.0%
15	Union Settlement Association	304 East 102nd Street	44	38	6	86.4%
16	Union Settlement Association	1565 Madison Avenue	82	61	21	74.4%
17	Union Settlement Association	1829 Lexington Avenue	51	47	4	92.2%
18	Addie Mae Collins Comm. Svcs.	345 East 101st Street	30	30	0	100.0%
19	Boys & Girls Harbor, Inc.	1 East 104th Street	85	38	47	44.7%
20	Children's Aid Society, Inc.	130 E 101st Street	28	27	1	96.4%
21	Children's Aid Society, Inc.	1724-26 Madison Avenue	49	47	2	95.9%
22	Dawning Village, Inc.	2090 1st Ave	50	45	5	90.0%
23	East Harlem Block Nursery	215 East 106th Street	50	36	14	72.0%
24	East Harlem Council	440-46 E 116th Street	151	151	0	100.0%
25	East Harlem Council	30 E 111th Street	69	68	1	98.6%
26	Lexington Children's Center, Inc.	115 East 98th Street	40	23	17	57.5%
27	Northside Ctr. For Child Dev, Inc.	302-306 East 111th Street	57	55	2	96.5%
28	Northside Ctr. For Child Dev, Inc.	1301 Fifth Avenue	24	24	0	100.0%
29	Union Settlement Association	2081 2nd Avenue	53	37	16	69.8%
30	Union Settlement Association	237 E 104th Street	81	49	32	60.5%
31	Children's Aid Society, Inc.	2672 Eighth Avenue	67	58	9	86.6%
32	Ecumenical Comm. Dev. Org	249 West 144th Street	55	33	22	60.0%
33	Lutheran Social Services Of NY	510 West 145th Street	150	111	39	74.0%
34	Addie Mae Collins Comm. Svcs.	110 E 129th Street	37	34	3	91.9%
35	Addie Mae Collins Comm. Svcs.	2322 Third Avenue	111	91	20	82.0%
36	Community Life Center, Inc.	221 East 122nd Street	148	46	102	31.1%
37	Union Settlement Association	114-34 East 122nd Street	59	47	12	79.7%
38	Lutheran Social Services Of NY	1951 Park Avenue	61	51	10	83.6%
39	Sheltering Arms D C Svcs., Inc.	669 Lenox Avenue	84	79	5	94.0%
40	Ecumenical Comm. Dev. Org	25 W 132nd St	39	39	0	100.0%
41	East Harlem Block Nursery	2112 Madison Avenue	39	31	8	79.5%
42	Lutheran Social Services Of NY	110 West 146th Street	72	67	5	93.1%
43	Lutheran Social Services Of NY	218 West 147th Street	113	101	12	89.4%
44	Sheltering Arms D C Svcs., Inc.	2289 Fifth Avenue	12	10	2	83.3%
Total			2,852	2,256	596	79.1%

TABLE 7

Projected Publicly-Funded Child Care Enrollment and Capacity in the 2022 Future Without the Proposed Actions

	Budget Capacity	Enrollment	Available Slots	Utilization (%)
Existing Conditions	2,852	2,256	596	79.1%
No-Action Increment	2,852	+ 87	- 87	+ 3.0%
2022 No-Action Condition	2,852	2,342	509	82.1%

As described above, the development of 171 affordable DUs as part of the proposed development would result in demand for 20 additional publicly-funded child care seats. As shown in Table 8, in the With-Action Condition, an incremental 20 children would increase total enrollment in the 1.5-mile study area to 2,362. The overall utilization rate would increase by 0.7 percent to 82.8 percent and there would be 489 available slots.

TABLE 8

Projected Publicly-Funded Child Care Enrollment and Capacity in the 2022 Future With the Proposed Actions

	Budget Capacity	Enrollment	Available Slots	Utilization (%)
No-Action Conditions	2,852	2,342	509	82.1%
With-Action Increment	2,852	+ 20	- 20	+ 0.7%
2022 With-Action Condition	2,852	2,362	489	82.8%

Based on the information above, the proposed development would not result in any significant adverse impact to publicly-funded child care facilities. As stated in the *2014 CEQR Technical Manual*, a significant adverse impact may occur if the collective utilization rate of publicly-funded child care facilities is greater than 100 percent in the With-Action condition and the With-Action scenario results in a five percent or more increase in the collective utilization rate compared to the No-Action scenario. As the utilization rate of publicly-funded child care facilities would continue to be below 100 percent, the development on the project site is not expected to result in any significant adverse impacts related to publicly-funded child care facilities and therefore would not alter the conclusions of the 2008 Environmental Review.

Public Safety

Finally, according to the *2014 CEQR Technical Manual*, a detailed assessment of service delivery is conducted only if a proposed project would affect the physical operations of, or access to and from, a police or fire station, or where a proposed project would create a sizeable new neighborhood where none existed before. As the proposed development on Site 10 would be a single-site development, and would not have any direct effects on police or fire protection facilities, it would not result in any significant adverse impacts to police and fire protection services, and would not alter the findings of the 2008 Environmental Review.

As such, the proposed development, taking into account changes in background conditions, would not result in any significant adverse community facilities impacts and would not alter the findings of the 2008 Environmental Review.

OPEN SPACE

No significant adverse open space impacts were identified in the 2008 FEIS for the Expanded Arts Bonus Alternative. As shown in Table 3, the proposed development on Site 10 would introduce a total of 1,002 employees and 385 residents to the site, compared to 2,721 employees and no residents for Site 10 analyzed in the 2008 Environmental Review under the Expanded Arts Bonus Alternative, and 2,007 employees and

no residents for Site 10 program analyzed in the July 2008 Technical Memorandum. As the proposed development would generate fewer workers, the proposed modifications would not result in any significant adverse impacts within the ¼-mile non-residential study area, and no further analysis is required for open space impacts related to the non-residential population.

The proposed development would also introduce up to approximately 171 DUs with an estimated 385 residents (see Tables 2 and 3). This increase, when added to the 2,150 DUs and 5,289 residents analyzed in the 2008 Technical Memorandum would result in fewer than the 2,328 DUs and 5,727 residents analyzed in the 2008 FEIS and only 85 DUs more and 174 residents more than analyzed for the Expanded Arts Bonus Alternative. Moreover, a limited number of dwelling units projected in the 2008 Environmental Review are under construction or have been built to date (17 percent).

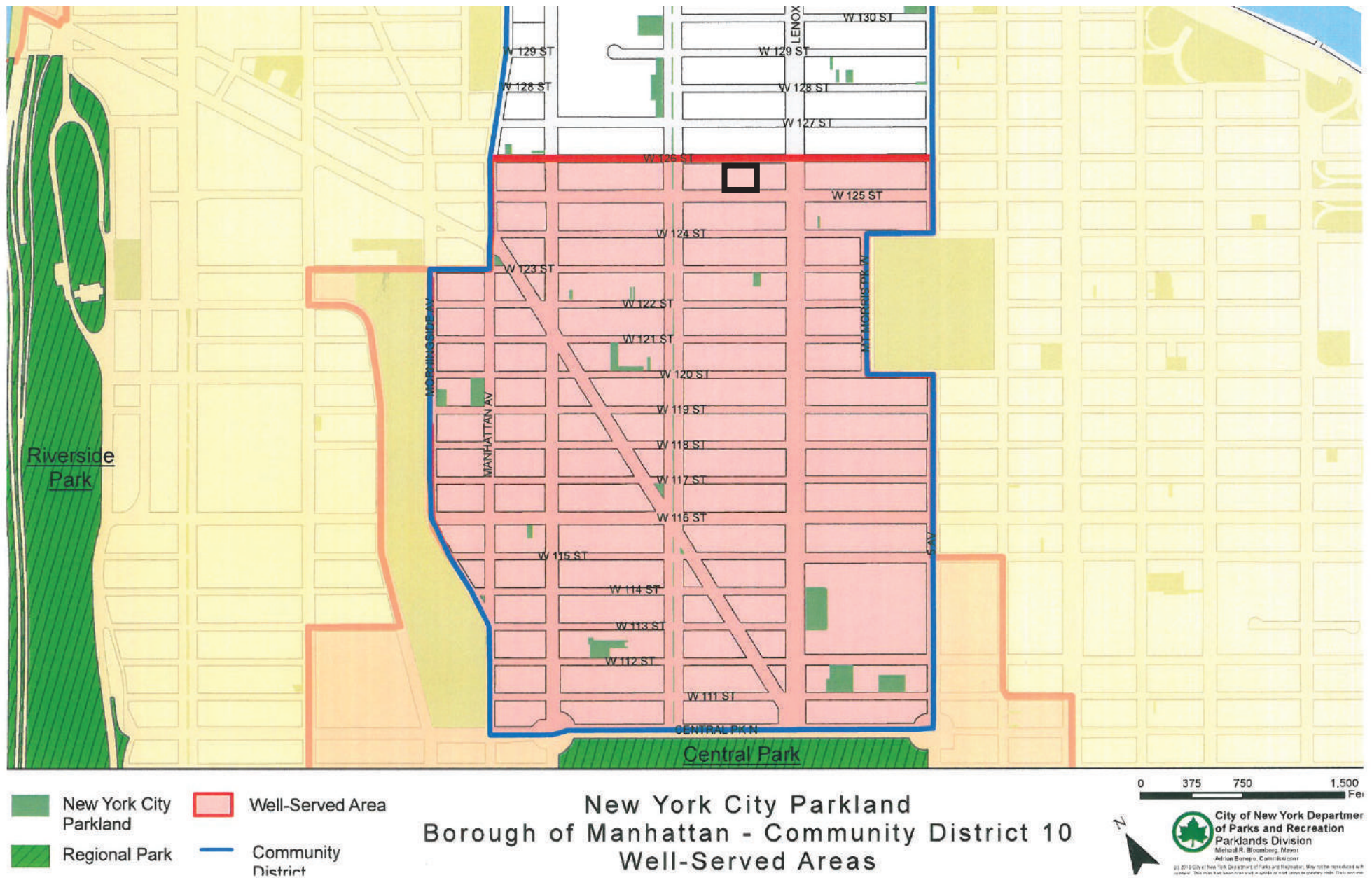
As shown in Figure 10, Site 10 is located within a well-served open space area of Manhattan Community District 10. The proposed development site is located approximately 0.25 miles to the northwest of the approximately 20-acre Marcus Garvey Park, 0.3 miles to the southeast of the approximately 23-acre St. Nicholas Park, 0.5 miles to the northeast of the approximately 30-acre Morningside Park, and about 0.75 miles to the north of Central Park. Therefore, the residential population generated by the proposed development, in combination with other development in the area, would not be expected to result in any significant adverse open space impacts or alter the conclusions of the 2008 Environmental Review.

SHADOWS

The 2008 Environmental Review concluded that the development of Site 10 would result in significant adverse shadow impacts on the public plaza at the Adam Clayton Powell Jr. State Office Building, which would remain unmitigated. Site 10 was expected to cast incremental shadows on the Adam Clayton Powell Jr. State Office Building Plaza on all four representative analysis days (December 21st, June 21st, March 21st, and May 6th) for extended durations. The July 2008 Technical Memorandum zoning text amendment reduced the maximum building height for Site 10 by 95 feet to 195 feet tall, which reduced the extent of incremental shadows on the plaza, but not the overall duration of incremental shadows cast from development on Site 10, nor did it eliminate the significant adverse shadow impacts identified in the 2008 Environmental Review.

The proposed development would not result in any significant adverse shadow impacts not previously identified in the 2008 Environmental Review. As described previously, the proposed development would have a different massing, as it would only be constructed on the eastern approximately 41,964 sf portion of Lot 1 on Block 1910, as compared to the approximately 60,252 sf site that included portions of Lots 1 and 7501 on Block 1910 (refer to Figure 11). It is expected that the existing commercial and garage uses would continue to occupy the remainder of the site (including portions of Lots 1 and 7501 on Block 1910). In addition, the proposed development with a maximum height of approximately 227 feet (including a 22-foot mechanical penthouse) would result in a modest increase in the overall building height, compared to the 195 foot tall structure assumed in the July 2008 Technical Memorandum.¹⁰ However, the proposed development would be approximately 63 feet shorter than the height of the proposed development analyzed for site 10 (a maximum height of 290 feet) in the 2008 Expanded Arts Bonus Alternative. As described in detail below, the proposed development would not result in any new incremental shadows on the Adam Clayton Powell Jr. State Office Building plaza, when compared to the 2008 Environmental Review.

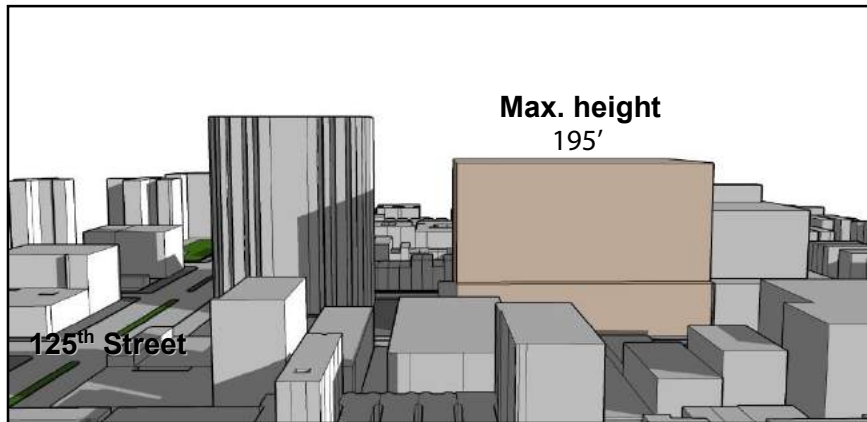
¹⁰ The requested zoning override would allow the proposed development to exceed the maximum building height of 195 feet permitted under the Zoning Resolution. The proposed development would have a maximum building height of 205 feet (227 feet including mechanical bulkheads)



Projected Development Site #10

121 West 125th Street Development

Figure 10
Areas Well-Served by Existing Open Space Resources



Baseline or No-Action

(i.e., Site 10 development analyzed in
the July 2008 Technical Memorandum)



Proposed Development

Methodology

In accordance with CEQR guidance, the assessment of potential shadow impacts is limited to new shadows long enough to reach publicly-accessible open spaces, important natural features, such as water bodies, or historic resources that have sunlight-sensitive features (e.g., highly carved ornamentation, stained glass windows, and exterior materials and color that depend on direct sunlight for visual character). Pursuant to the 2014 *CEQR Technical Manual*, the longest shadow a structure will cast, except for periods close to dawn or dusk, is 4.3 times its height. As per CEQR guidance, the longest shadow that would be cast by the proposed development would be approximately 976 feet long (Tier 1 Assessment as per the *CEQR Technical Manual*). As the sun rises in the east, the earliest shadow would be cast almost directly westward, and shadows would shift clockwise throughout the day until sunset, when they would fall almost directly east. As shown in Figure 12, the shadow radius was adjusted to exclude the triangular area south of the project site between -108 degrees from true north and +108 degrees from true north, as in New York City no shadow can be cast by a building on this triangular area (Tier 2 Assessment). Any resources that fell outside the resultant shadow radius were screened out from further consideration, as no shadows cast by the proposed development would likely reach them.

If the Tier 1 and Tier 2 screening assessments indicate that project shadows might be long enough to reach any sunlight-sensitive resources, then according to the *CEQR Technical Manual*, a Tier 3 screening assessment should be performed to determine if, in the absence of intervening buildings, shadows resulting from the proposed project can reach a sunlight-sensitive resource, thereby warranting a detailed shadow analysis. However, given the information presented in the 2008 Environmental Review indicating that incremental shadows from a development at Site 10 would reach at least one sunlight sensitive resource, this intermediate step in the assessment (Tier 3) was skipped, and a detailed shadow assessment was conducted, as detailed below.

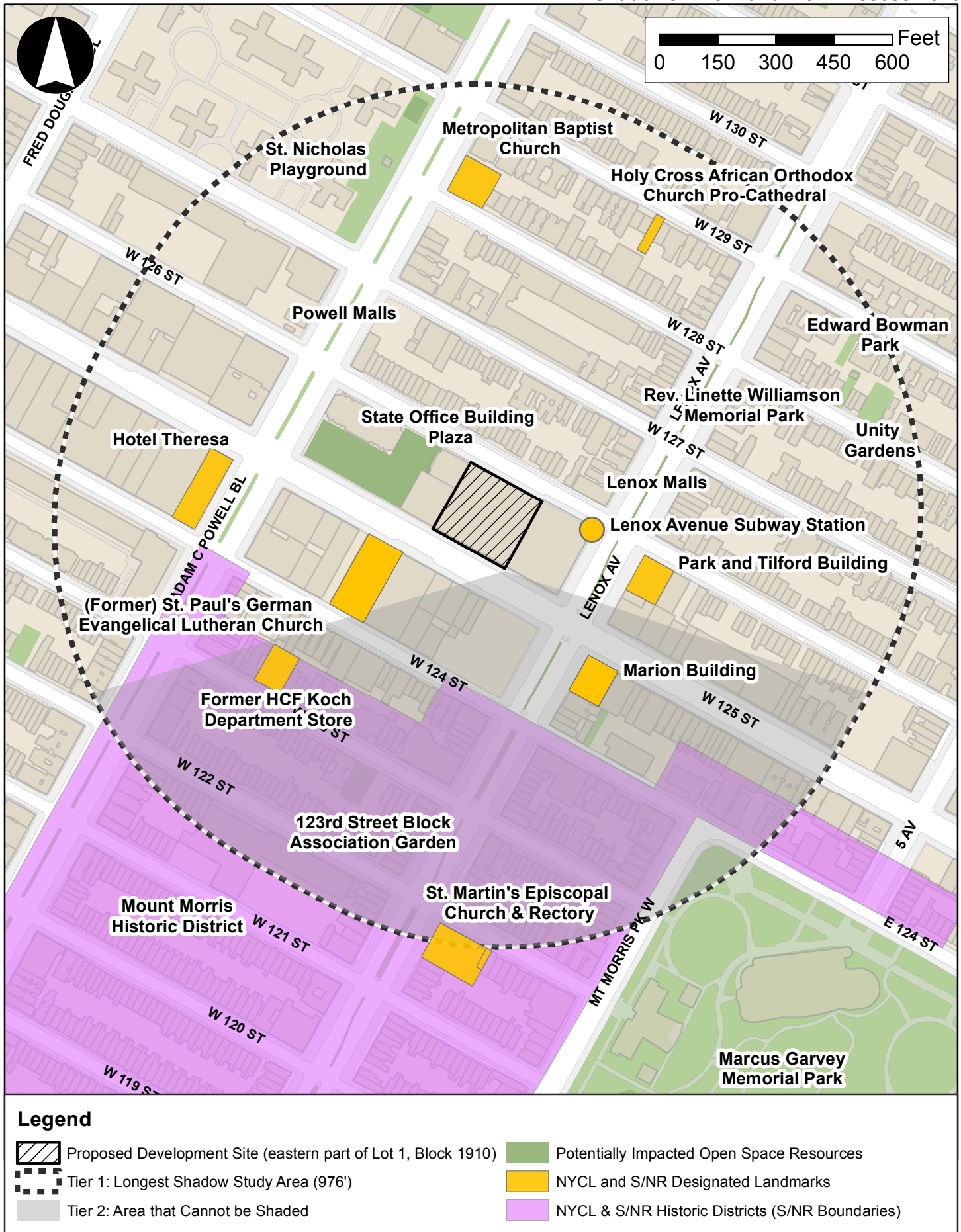
The detailed analysis compares the extent and duration of project-generated incremental shadows on any sun-sensitive uses and vegetation of open spaces, or sunlight-sensitive features of architectural resources, and assesses the effects of new shadows on such resources. In order to determine whether the proposed development would alter the conclusions of the 2008 Environmental Review, the detailed analysis compares shadows cast by the proposed development to a condition representing the future analysis year with the July 2008 Technical Memorandum development on Site 10.¹¹ As shown in Figure 11, the baseline model would be a 195-foot tall building with an approximately 60,252 sf footprint, which would occupy all of Site 10. The project-generated incremental shadow refers to the additional shadow that would be cast by the proposed development compared to the building that the July 2008 Technical Memorandum projected would be constructed on Site 10. For purposes of this comparison, shadows cast by the structures projected in the July 2008 Technical Memorandum are considered to be part of the baseline shadow, and any additional shadow that would be cast by the proposed development is considered new or incremental shadow.

Resources within Maximum Shadow Radius

The 2008 Environmental Review identified one sunlight-sensitive open space resource, the Adam Clayton Powell Jr. State Office Building Plaza located within the proposed development's maximum shadow radius. None of the historic resources within the shadow study area radius feature sunlight-sensitive elements. Although not analyzed in the 2008 Environmental Review, the maximum shadow radius also includes the malls (i.e., planted medians) of both Adam Clayton Powell Jr. Boulevard and Lenox Avenue (Malcolm X Boulevard), which feature small trees and plantings, which would receive shadow from the proposed

¹¹ The 2008 Technical Memoranda modified permitted height and bulk at the project site and is therefore used as the baseline for analysis of shadows conditions in this document.

Shadows - Tier I and Tier II Assessment



development. Shadows from the proposed development would not reach St. Nicholas Playground, Edward Bowman Park, Rev. Linnette Williamson Memorial Park, or Unity Gardens, which are shown within the defined shadow radius of Figure 12.

The Adam Clayton Powell Jr. State Office Building Plaza comprises approximately 0.5-acres and is primarily paved. It is located adjacent to and west of Site 10 at the northeast corner of West 125th Street and Adam Clayton Powell Jr. Boulevard. The L-shaped urban plaza, which encircles the 20-story state office building, provides a limited amount of passive public open space elements including benches, planters, and small trees. These passive recreational amenities are concentrated along the southern perimeter of the resource on the north side of West 125th Street. The urban plaza also features colorful painted murals on the western facades of the adjacent 3-story retail building and 2-story accessory garage, which would remain with the proposed development.

Assessment of Potential Shadow Impacts

As directed by the 2014 *CEQR Technical Manual*, shadows analyses were performed for the three identified sunlight-sensitive resources for four representative days of the year: March 21/September 21, the equinoxes; May 6, the midpoint between the summer solstice and the equinox (and equivalent to August 6); June 21, the summer solstice and the longest day of the year; and December 21, the winter solstice and the shortest day of the year. The *CEQR Technical Manual* defines the temporal limits of a shadow analysis period to fall from an hour and a half after sunrise to an hour and a half before sunset.

Similar to what was projected in the 2008 Environmental Review, incremental shadows from the proposed development would be cast on the Adam Clayton Powell Jr. State Office Building Plaza. As detailed below, the proposed development would reduce the extent of the incremental shadows on the plaza as compared to the projected development analyzed for Site 10 in the 2008 Environmental Review; however, it would not reduce the duration of incremental shadows. In addition, the proposed development would cast shadows on the malls of Adam Clayton Powell Jr. Boulevard and Lenox Avenue (Malcolm X Boulevard). Table 9 summarizes the results of the shadow analysis on the identified resources in comparison to the shadows cast by the 2008 project.

TABLE 9
Shadow Durations - July 2008 Technical Memorandum vs. Proposed Development

Resource	March 21/September 21 7:36 AM- 4:29 PM			May 6/August 6 6:27 AM- 5:18 PM			June 21 5:57 AM- 6:01 PM			December 21 8:51 AM- 2:53 PM		
	2008 Tech Memo	Proposed Dev't	Difference	2008 Tech Memo	Proposed Dev't	Difference	2008 Tech Memo	Proposed Dev't	Difference	2008 Tech Memo	Proposed Dev't	Difference
ACP Urban Plaza	7:36 AM-1:21 PM (5h 45m)	7:36 AM-1:21 PM (5h 45m)	0h 0m	6:27 AM-12:44 PM (6h 17m)	6:27 AM-12:44 PM (6h 17m)	0h 0m	5:57 AM-12:37 PM (6h 40m)	5:57 AM-12:37 PM (6h 40m)	0h 0m	8:51 AM-1:51 PM (5h)	8:51 AM-1:51 PM (5h)	0h 0m
Lenox Ave. Malls*	N/A	3:32 PM-4:29 PM (57m)	N/A	N/A	3:42 PM-4:03 PM (21m)	N/A	N/A	3:55 PM-5:49 PM (1h 54m)	N/A	N/A	---	---
ACP Blvd Malls*	N/A	7:36 AM-8:20 AM (44m)	N/A	N/A	6:27 AM-6:51 AM (24m)	N/A	N/A	5:57 AM-6:19 AM (22m)	N/A	N/A	8:51 AM-10:09 AM (1h 18m)	N/A

* These resources were not analyzed in the July 2008 Tech Memo.

¹ The July 2008 Tech Memo incremental shadow March 21/September 21, May 6/August 6, and June 21 analysis days have been updated to Eastern Standard Time, consistent with 2014 *CEQR Technical Manual* methodology.

Pursuant to the 2014 *CEQR Technical Manual*, a shadow impact occurs when the incremental shadow from a proposed project falls on a sunlight sensitive resource or feature and reduces its direct sunlight exposure. Determining whether this impact is significant or not depends on the extent and duration of the incremental shadow and the specific context in which the impact occurs. For open space and natural resources, the uses and features of the space indicate its sensitivity to shadows. Shadows occurring during the cold-weather months generally do not affect the growing season of outdoor vegetation; however, their effects on other uses and activities should be assessed. Therefore, this sensitivity is assessed for both (1) warm-weather-

dependent features like wading pools and sand boxes, or vegetation that could be affected by a loss of sunlight during the growing season; and (2) features, such as benches, that could be affected by a loss of winter sunlight. Uses that rely on sunlight include: passive use, such as sitting or sunning; active use, such as playfields or paved courts; and such activities as gardening, or children's wading pools and sprinklers. Where lawns are actively used, the turf requires extensive sunlight. Vegetation requiring direct sunlight includes the tree canopy, flowering plants and plots in community gardens. Generally, four to six hours a day of sunlight, particularly in the growing season (March through October), is often a minimum requirement. Consequently, the assessment of an open space's sensitivity to increased shadow focuses on identifying the existing conditions of its facilities, plantings, and uses, and the sunlight requirements for each.

As indicated in Table 9, similar to the Site 10 development analyzed in the July 2008 Technical Memorandum, the proposed development would cast shadows on the Adam Clayton Powell Jr. State Office Building Plaza through the morning and early afternoon during all four analysis periods. In addition, the proposed development would cast shadows on the Adam Clayton Powell Jr. Boulevard malls in the early morning during all four analysis periods, and on the Lenox Avenue malls in the mid-to late afternoon during three of the analysis periods. No shadows would be cast by the proposed development on the Lenox Avenue malls on the December 21 analysis date.

Adam Clayton Powell Jr. State Office Building Plaza

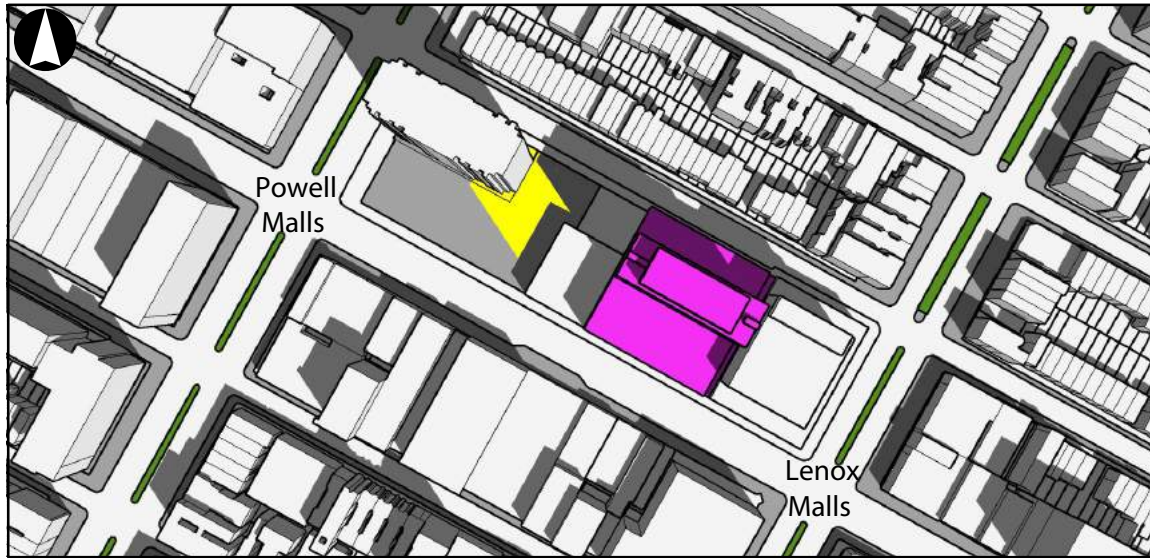
As stated above, the 2008 Environmental Review concluded that Site 10 would result in significant unmitigated adverse shadow impacts on the Adam Clayton Powell Jr. State Office Building Plaza throughout the year. The Site 10 development analyzed in the July 2008 Technical Memorandum would have cast new incremental shadows on this open space resource on all four analysis days, for durations ranging from 5 hours (on December 21) to 6 hours and 40 minutes (on June 21). The 2008 Environmental Review identified that mitigation measures for these shadows impacts could include redesigning the plaza to relocate sun-light sensitive features to avoid sunlight loss, or the provision of new passive facilities on other nearby open spaces to supplement those affected by the action generated shadows.

Table 9 indicates that the proposed development would not cast any new incremental shadows, as compared to the Site 10 development analyzed in the July 2008 Technical Memorandum. Although the proposed development would cast shadows on the plaza for the same durations as the Site 10 development analyzed in the July 2008 Technical Memorandum for all four analysis dates, shadows cast by the proposed development would cover a much smaller extent of the plaza. As shown in Figures 13A through 13D, large areas of the plaza, which had been cast in shadow by the Site 10 development analyzed in the July 2008 Technical Memorandum, would receive direct sunlight on all four analysis dates with the proposed development. As the proposed development would lessen the shadow extent on Adam Clayton Powell Jr. State Office Building Plaza, no new shadow impacts on this open space resource are anticipated. Therefore, the proposed development for Site 10 would not alter the findings of the 2008 Environmental Review, except that the extent of anticipated impacts would be reduced.

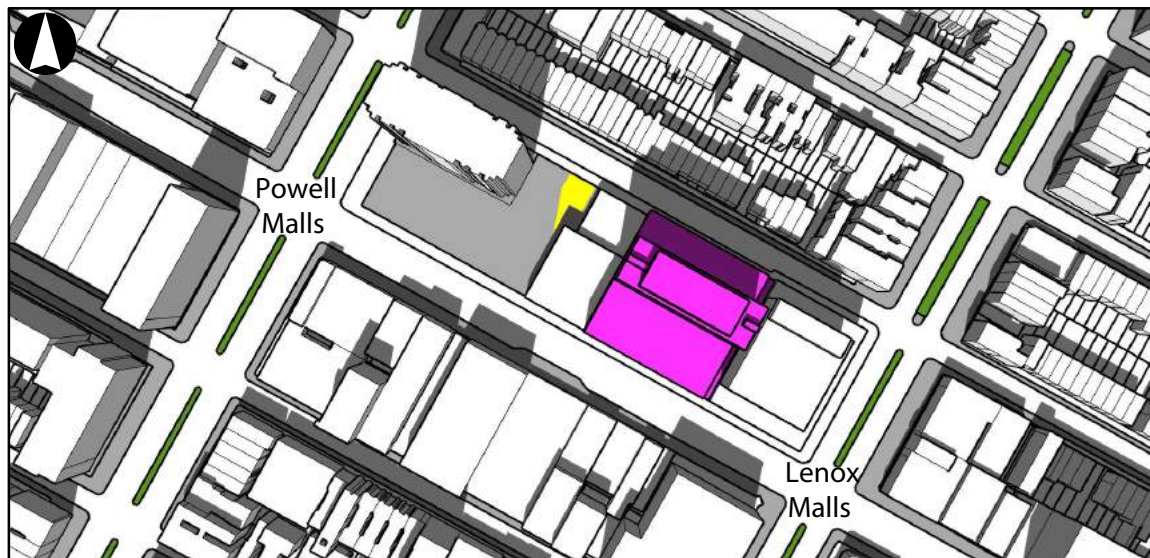
Lenox Avenue and Adam Clayton Powell Malls

As noted above, although not analyzed in the 2008 Environmental Review and subsequent Technical Memoranda, the Lenox Avenue and Adam Clayton Powell Jr. Boulevard malls, which feature plantings and small trees in their respective medians, would be cast in shadow by new development on Site 10.

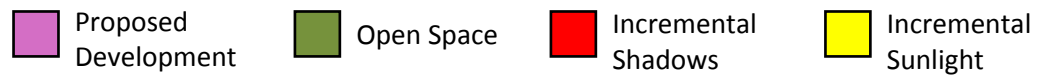
As shown in Figures 14A through 14D, the extent of shadow cast by the proposed development would be minor and would not eliminate the remaining sunlight from the Lenox Avenue malls. It is expected that this resource would continue to receive more than the necessary six hours of direct sunlight during the growing season, and the shadows created by the proposed development are not expected to substantially reduce the

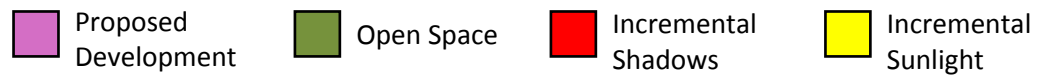
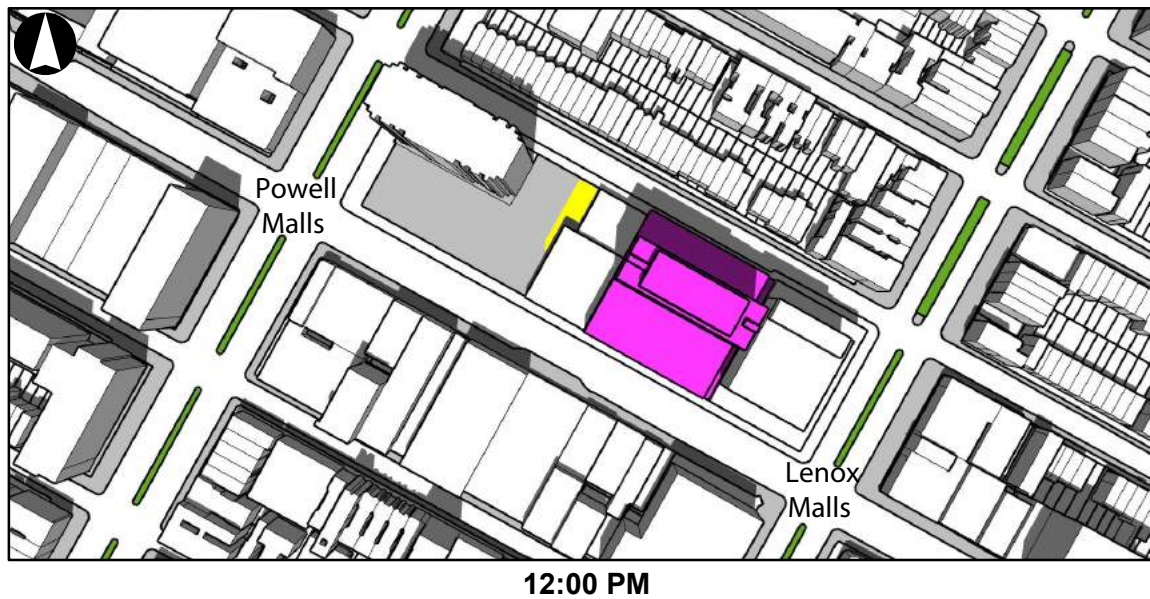
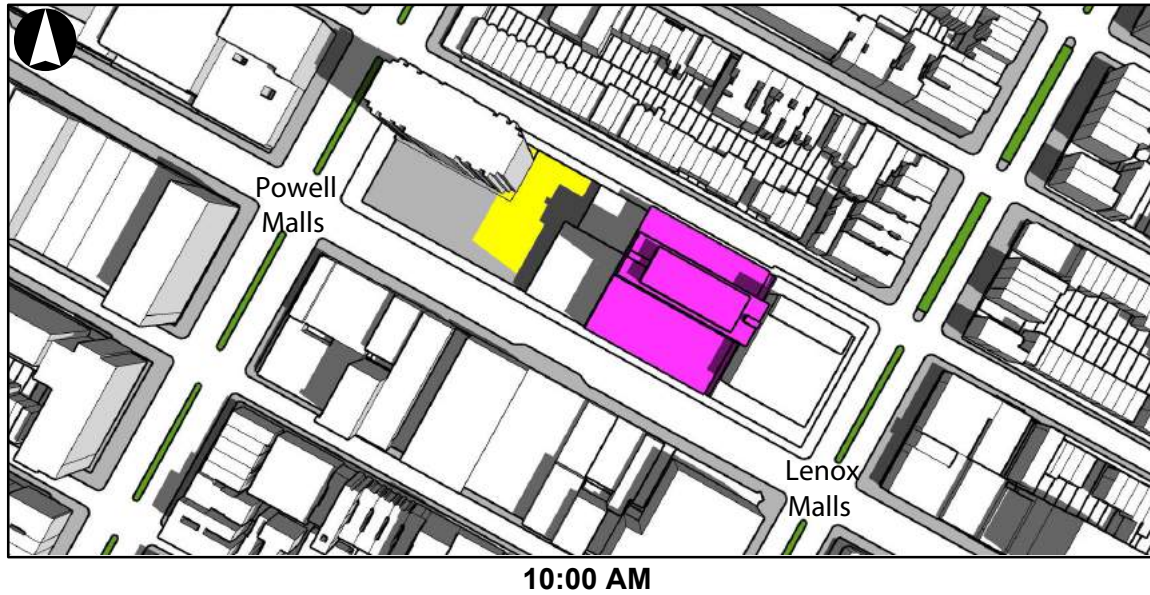


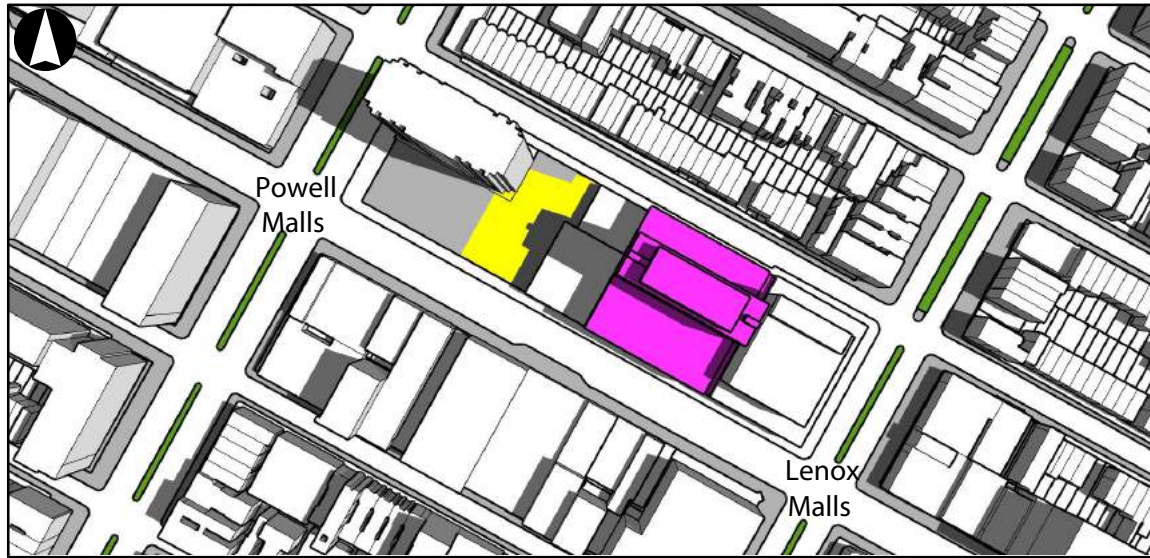
10:30 AM



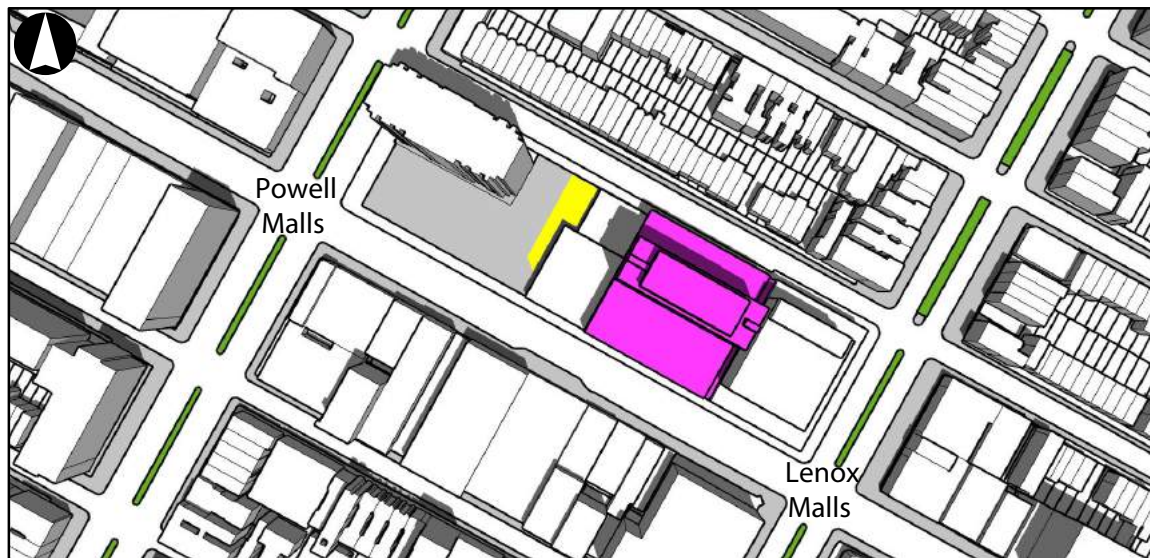
12:30 PM



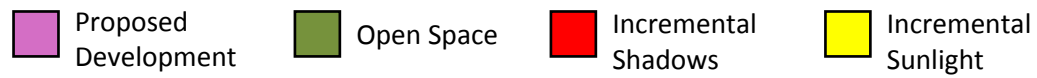




9:30 AM



11:30 AM

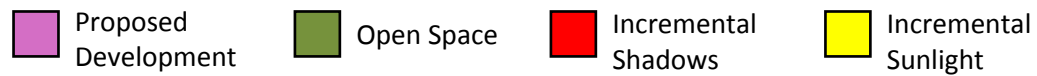




11:00 AM



12:00 PM





8:00 AM



4:00 PM

Proposed Development
 Open Space
 Shadows

Note: The Powell and Lenox Malls were not analyzed in the 2008 FEIS, and Figures 13-A through 13-D illustrate the shadows that would occur exclusively as a result of the proposed development.



6:45 AM



3:45 PM

Proposed Development
 Open Space
 Shadows



6:00 AM



4:30 PM

Proposed Development
 Open Space
 Shadows



enjoyment of this resource. Therefore, although the proposed development would increase the amount of shadows on the Lenox Avenue malls, it is not expected to result in significant adverse shadow impacts on this resource, even after consideration of changes in background conditions, as none of the other anticipated developments in the area are tall enough or close enough to cast shadows on the Lenox Avenue malls for extended periods of time.

The proposed development would also cast shadows on the Adam Clayton Powell Jr. Boulevard malls. On all four analysis periods, shadows from the proposed development would enter in the early morning and range in duration from 22 minutes on June 21 to 1 hour and 18 minutes on December 21. As shown in Figures 14A through 14D, large areas of the Adam Clayton Powell Jr. Boulevard malls would receive direct sunlight on all four analysis dates with the proposed development. It is expected that the affected Adam Clayton Powell Jr. Boulevard malls would continue to receive more than the necessary six hours of direct sunlight during the growing season, and the shadows created by the proposed development are not expected to substantially reduce the enjoyment of this resource. Therefore, the proposed development for Site 10 is not expected to result in significant adverse shadow impacts on the Adam Clayton Powell Jr. Boulevard malls.

HISTORIC AND CULTURAL RESOURCES

Historic and cultural resources are defined as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes properties that have been designated or are under consideration as New York City Landmarks or Scenic Landmarks, or are eligible for such designation; properties within New York City Historic Districts; properties listed or are eligible to be listed on the State and/or National Register of Historic Places; and National Historic Landmarks. An assessment of architectural/archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated.

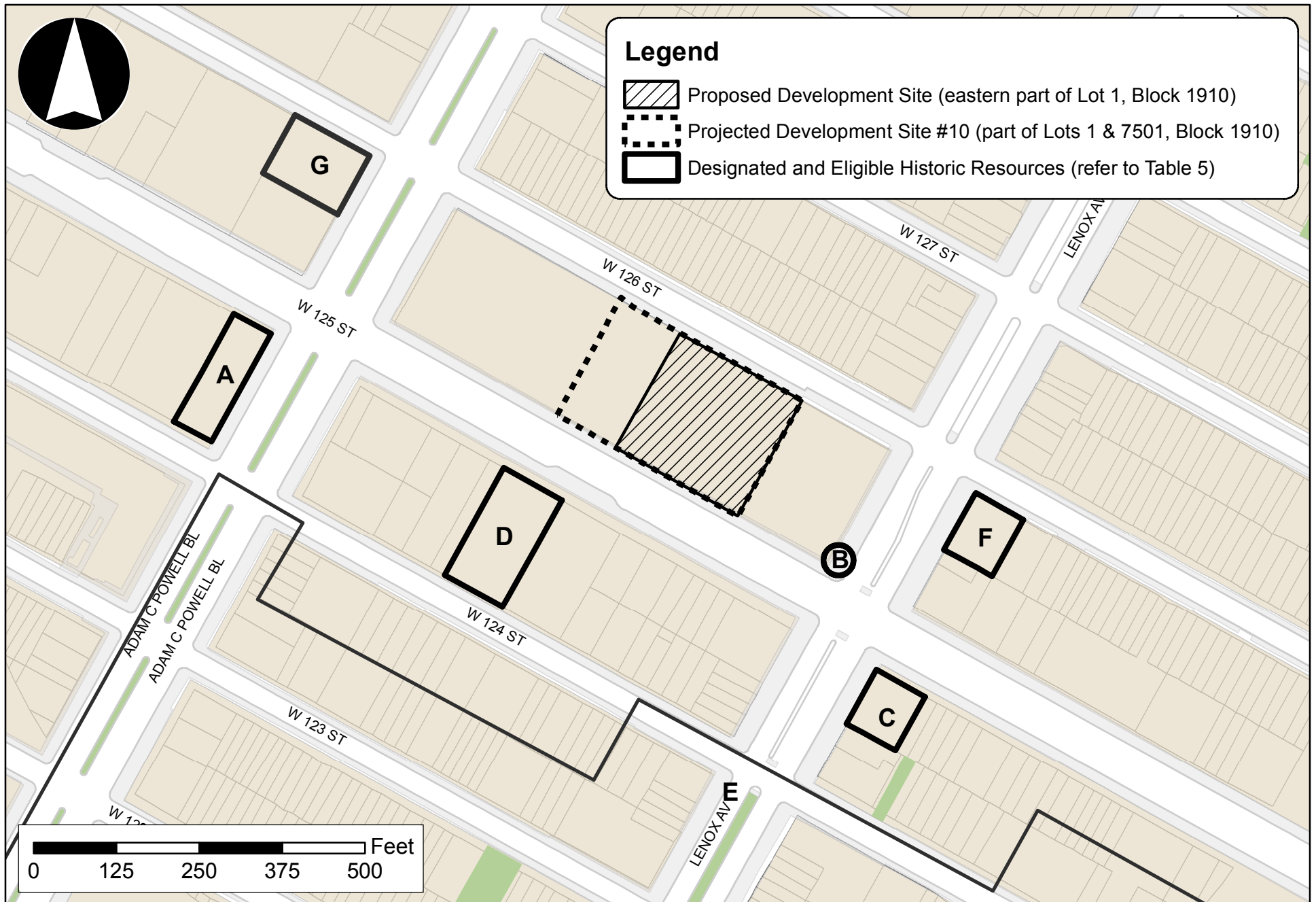
Archaeological Resources

For the 2008 Environmental Review, the New York City Landmarks Preservation Commission (LPC) determined that Site 10 (including portions of Lots 1 and 7501 on Block 1910) had no archaeological sensitivity. Therefore, the proposed development at 121 West 125th Street (comprising a portion of Lot 1 on Block 1910) would not have any significant adverse effects on archaeological resources.

Architectural Resources

The 2008 Environmental Review concluded that the 125th Street Corridor Rezoning would have the potential to result in unmitigated significant adverse impacts to designated New York City landmarks and S/NR-listed and eligible architectural resources due to demolition, conversions/expansions, and/or construction-related activity. However, as part of the 2008 Environmental Review, LPC determined that Site 10 (Block 1910, p/o Lots 1, 7501) had no architectural significance and did not fall within the boundaries of any designated or eligible historic districts.

As shown in Table 10 and Figure 15, the 2008 Environmental Review identified five historic resources within an approximate 400-foot radius of Site 10, including: the Hotel Theresa (NYCL and S/NR); the 125th Street/Lenox Avenue Subway Station (potentially eligible for S/NR); Marion Building (S/NR-eligible); the former H. C. F. Koch & Company Department Store (potentially eligible for S/NR); the Alhambra Theater (potentially eligible for NYCL and/or S/NR); and the Mount Morris Park Historic District Extension (S/NR). Additionally, since the 2008 Environmental Review, the Park & Tilford Building at 310 Lenox



121 West 125th Street Development

Figure 15

Designated and Eligible Historic Resources within 400 Feet of Projected Development Site 10

Avenue (located at the southeast corner of West 125th Street and Lenox Avenue) has been listed on the State and National Historic Registers and is also included in Table 10 and Figure 15.¹²

As the proposed development comprises the eastern 41,964 sf of Site 10 (Block 1910, p/o Lot 1), the Hotel Theresa is located slightly more than 400 feet to the southwest of the proposed development site at the southwest corner of West 125th Street and Adam Clayton Powell Jr. Boulevard. In addition, none of the identified historic resources are located adjacent to or within approximately 90 feet of the proposed development. The closest historic resource to the proposed development site is the former H. C. F. Koch & Company Department Store, which is located approximately 100 feet to the southwest of the site on the south side of West 125th Street.

TABLE 10
Designated and Eligible Historic Resources within 400-feet of Projected Development Site 10

Map ID	Historic Resource	Location	NYCL	S/NR	NYCL-eligible	S/NR-eligible	NYCL-potentially eligible	S/NR-potentially eligible
A	Hotel Theresa	2082-2090 Adam Clayton Powell Jr. Blvd. (Block 1930, Lot 30)	X	X				
B	Lenox Ave. W./ 125 th St. Subway Station	Lenox Ave. and W. 125 th St.						X
C	Marion Building	78-84 W. 125 th St. (Block 1722, Lot 69)				X		
D	Former HCF Koch Department Store	132 W. 125 th St. (Block 1909, Lot 12)						X
E	Mount Morris Park Historic District	All or part of 15 blocks located south of W. 125 th St. between Adam Clayton Powell Jr. Blvd and Madison Ave.		X				
F	Park & Tilford Building	310 Lenox Ave. (Block 1723, Lot 69)		X				
G	Alhambra Theater	2108 Adam Clayton Powell Boulevard (Block 1931, Lot 36)					X	X

NYCL- New York City Landmark; S/NR- Listed on the State and National Register of Historic Places; NYCL- eligible- eligible for NYCL designation; S/NR-eligible- eligible for listing on the S/NR; NYCL-potentially eligible- potentially eligible for NYCL designation; S/NR-potentially eligible- potentially eligible for listing on the S/NR

* Map ID refers to Figure 15.

Sources: 125th Street Corridor Rezoning and Related Actions FEIS (2008) and Victoria Theater Redevelopment Project FEIS (2013)

Direct Impacts

The 2008 Environmental Review concluded that development on Site 10 would not result in any direct physical impacts on historic resources. Therefore, the current proposed development at 121 West 125th Street (comprising a portion of Lot 1 on Block 1910) would not have any significant adverse direct effects on historic resources.

Indirect Impacts

The 2008 Environmental Review concluded that the projected and potential development generated as a result of the 125th Street Corridor Rezoning was not expected to have any significant adverse indirect impacts on surrounding historic resources. As the proposed development site at 121 West 125th Street (part of Lot 1 on Block 1910) is not located adjacent to or within 90 feet of a historic resource, it is not expected to result in potential indirect physical impacts or damage to any historic resources caused by ground-borne vibrations or other potential construction-related activities. All buildings are provided some protection in New York City from accidental damage through New York City Department of Building (DOB) controls that govern the protection of any adjacent properties from construction activities, under Building Code Section 27-166 (C26-112.4). For all construction work, Building Code Section 27-166 (C26-112.4) serves

¹² Built in 1908, the Park & Tilford Building is a 3-story unreinforced masonry commercial building with basement in the Classical Revival style. It features exterior decoration in white marble, limestone, and terra cotta. The building was listed on the National Register of Historic Places in 2009.

to protect buildings by requiring that all lots, buildings, and service facilities adjacent to foundation and earthwork areas be protected and supported in accordance with the requirements of Building Construction Subchapter 7 and Building Code Subchapters 11 and 19.

Additionally, the 125th Street Corridor Rezoning included requirements for street walls and setbacks for the upper portions of the buildings above the street wall in order to relate building height and bulk to the street in a more appropriate and consistent form. Maximum heights were introduced to ensure that the overall massing and scale of new development responds to the particular characteristics of the different areas within the corridor. The July 2008 Technical Memorandum analyzed a text amendment, which further reduced the maximum building height from 290 feet tall to 195 feet tall, and modified the density regulations for all uses of the C4-7 zoning district within the Core Subdistrict of the Special 125th Street District.¹³ These requirements ensure that the scale and bulk of new buildings are sensitive to and consistent with existing developments. Additionally, as the significant views of each of the listed and eligible historic resources are obtained from the adjacent streets and sidewalks within the 125th Street Corridor, and the street network and pattern would be unchanged as a result of the 125th Street Corridor Rezoning, significant adverse impacts to views of historic resources were not expected to result.

The proposed development at 121 West 125th Street would be constructed on an approximately 41,964 sf through-lot midblock parcel of an existing block. It is expected to include approximately 17-stories and rise to a height of 205 feet tall (excludes 22-foot tall mechanical space on the roof) with a maximum street wall height of 95 feet on the north side of West 125th Street and 80 feet on the south side of West 126th Street (refer to preliminary site plan and building massing shown in Figures 3 and 4). As shown in Figures 4A and 4B, the proposed building would setback from West 125th and West 126th Streets at the sixth and fifth stories, respectively. The building's street wall on West 125th Street would be similar to the height of the historic former H.C. F. Koch Department Store located at 132 West 125th Street, across the street from the site. As discussed in the "Urban Design and Visual Resources" section below, the proposed development on Site 10 would not alter the findings of the 2008 Environmental Review, and would therefore not result in any new significant adverse impacts on historic resources. Moreover, as discussed in the "Shadows" section above, the proposed development is also not anticipated to result in any significant adverse shadows impacts on any sunlight-sensitive historic resources in the area not already identified in the 2008 Environmental Review.

URBAN DESIGN AND VISUAL RESOURCES

No significant adverse urban design and visual resource impacts were identified in the 2008 Environmental Review. As described above, the July 2008 Technical Memorandum considered a zoning text amendment that reduced the maximum building height to 195 feet and reduced the density regulations for uses in the C4-7 zoning district of the Core Subdistrict.¹⁴

As described previously, with the exception of floor area, height requirements, and signage overrides the proposed development would be constructed generally in accordance with the site's existing C4-7 zoning and regulations of the Core Subdistrict of the Special 125th Street District. Similar to the projected development assessed in the 2008 Environmental Review, the proposed development would result in positive changes and improvements to urban design conditions through redeveloping an underutilized site with a range of active land uses (residential, retail, conference center, office, museum and community facility uses) that would enhance Harlem's Main Street (i.e., 125th Street) as a 24-hour destination. The

¹³ The text amendment established a base commercial FAR of 7.2, bonusable up to a maximum FAR of 8.65; a based residential FAR of 5.4, bonusable up to a maximum FAR of 7.2 through the use of the arts bonus or the Inclusionary Housing program; and a maximum FAR of 7.2 for community facility use.

¹⁴ The 2008 Technical Memoranda modified permitted height and bulk at the project site and is therefore used as the baseline for analysis of urban design conditions in this document. The text amendment established a base commercial FAR of 7.2, bonusable up to a maximum FAR of 8.65; a based residential FAR of 5.4, bonusable up to a maximum FAR of 7.2 through the use of the arts bonus or the Inclusionary Housing program; and a maximum FAR of 7.2 for community facility use.

proposed built form would be of appropriate scale and massing that is consistent with the surrounding context.

The massing and footprint of the proposed development at Site 10 would be slightly different than the analyzed project for the site in the 2008 FEIS and subsequent Technical Memoranda. As shown in Figure 2, new development at Site 10 would have a different building footprint that would only be constructed on the eastern approximately 41,964 sf portion of Lot 1 on Block 1910, as compared to an approximately 60,252 sf site that included portions of Lots 1 and 7501 on Block 1910. It is expected that the existing commercial retail and accessory parking uses would continue to occupy the remainder of Site 10 (including portions of Lots 1 and 7501 on Block 1910).

As shown in Figures 4A and 4B, the proposed development would comply with the maximum street wall height of 85 feet on West 126th Street but would have a maximum street wall height of 95 feet on West 125th Street, which requires a zoning override. An override would also allow for the proposed development's maximum building height of 205 feet (227 feet including mechanical bulkheads) which would exceed the maximum 195 feet permitted under existing zoning, but would be consistent with the existing built context. The north side of West 125th Street in the Core Subdistrict of the Special 125th Street District features taller, higher-density commercial buildings such as the Adam Clayton Powell Jr. State Office building. The replacement of a low-rise garage/commercial building with a mixed-use building of higher density would complement the existing taller commercial buildings that already exist in this corridor and would result in more consistent street walls, building bulks and lot coverages, and building forms. Building forms would establish a strong central presence along this portion of 125th Street and reinforce the sense of arrival at the core of the corridor.

The proposed building would also provide "active" uses such as retail along West 125th Street and comply with the retail continuity and transparency requirements of the Special 125th Street District to promote a vibrant pedestrian environment on 125th Street (see Figure 3). The lobby entrance for the building's residential uses, as well as the building's loading area, would be located on West 126th Street. A small lobby for the building's office and museum uses would occupy limited ground floor frontage on West 125th Street at the southeast corner of the building (refer to Figure 3). In compliance with the requirements of the Core Subdistrict, five percent of the proposed development's floor area (approximately 21,494 gsf) would be devoted to a qualifying museum use. The proposed development would not result in the loss of significant public views to visual resources as the area's streets and sidewalks would be unaltered. Therefore, the proposed development would not result in any significant adverse impacts on urban design and visual resources, and would not alter the findings of the 2008 Environmental Review.

NATURAL RESOURCES

The 2008 Environmental Review determined that the 125th Street Corridor Rezoning would not result in significant adverse impacts to natural resources. Site 10 is improved with existing structures and is located in an urbanized and densely developed area of Manhattan. It does not encompass, nor is it located near, any natural resources such as wetlands, beaches, dunes, bluffs, thickets, significant grasslands, meadows, woodlands or forests, nor does the site or surrounding area support habitat for rare, threatened or endangered species. The proposed development would not alter these conditions.

HAZARDOUS MATERIALS

While the 2008 Environmental Review found that the 125th Street Corridor Rezoning would not result in significant adverse hazardous materials impacts, the potential for VOCs, SVOCs, PCBs and metals to exist on Site 10 was deemed to require further investigation to determine appropriate health and safety and/or remedial measures. As part of the 2008 rezoning, an (E) designation (E-201) has been mapped on the site (including Block 1910, Lots 1 and 7501) as a preliminary screening assessment of the property indicated

the site may contain the potential for hazardous materials contamination. Under this designation, properties may not be issued a building permit allowing: (1) any development; (2) enlargement, extension or change of use involving residential or community facility use; or (3) enlargement/alteration of a building that disturbs soil on the property unless and until the New York City Department of Buildings (DOB) is provided with a report from the New York City Office of Environmental Remediation (OER) stating that the environmental requirements for the subject property have been met. The (E) designation requires that pre-development activities at the site include a Phase I environmental site investigation, and, if necessary, a sampling protocol and remediation to the satisfaction of OER (pursuant to Section 11-15 of the Zoning Resolution Environmental Requirements) before the issuance of a building permit. The (E) designation also includes mandatory construction-related health and safety plans, which must also be approved by the OER.

A Phase I Environmental Site Assessment (ESA) was conducted for 121 West 125th Street (Block 1910, p/o Lot 1) by AKRF, Inc. in January 2019 (see Appendix 1). The report indicates that the site has been used for parking since approximately 1976. Prior to 1976 the site contained a variety of uses including a school, movie theater, bakery, apartment buildings, and offices. The assessment found that the area also has a long history of industrial and automotive-related operations, including the storage of petroleum, which could have affected regional conditions including the project site. Electronic Buildings Department records identified oil burner applications for the subject lot between 1946 and 1966. The site could have historically included undocumented underground storage tanks/aboveground storage tanks with associated releases.

As new development at the project site is subject to the requirements of E-201, the proposed development would not have any significant adverse impacts on hazardous materials and the findings of the 2008 Environmental Review would not be altered.

WATER AND SEWER INFRASTRUCTURE

The 2008 Environmental Review determined that the 125th Street Corridor Rezoning would generate increased demand for water and treatment of sewage. The 2008 Environmental Review found that, while the analyzed rezoning and the Expanded Arts Bonus Alternative would create new demand for water and treatment of sewage, the existing municipal services could handle these increases in demand, and no significant adverse infrastructure impacts were expected.

As shown in Table 11, the anticipated demands for water and sewage treatment associated with Site 10 would decrease as a result of the proposed development in comparison to what was analyzed for Site 10 in the Expanded Arts Bonus Alternative analyzed in the 2008 FEIS. The proposed development would result in a net decrease in total water demand of approximately 83,014 gallons per day (gpd), and a net decrease in wastewater generation of approximately 8,536 gpd. Therefore, the proposed development would not have any significant adverse impacts on water or sewer infrastructure and the findings of the 2008 Environmental Review would not be altered.

TABLE 11
Expected Water Demand and Wastewater Generation at Projected Development Site 10 - 2008 FEIS Expanded Arts Bonus Alternative vs. Proposed Development

Site 10	Use	Size (gsf)	Domestic Only (Water Usage/Wastewater Generation) (gpd)	Air Conditioning Only (gpd)	Total Water Demand (gpd)
2008 FEIS Expanded Arts Bonus Alternative	Retail	150,630 gsf	36,151	25,607	61,758
	Office	542,268 gsf	54,227	92,186	146,413
	Arts-Related	30,126 gsf	3,013	5,121	8,134
	Total		93,391	122,914	216,305
Proposed Development¹	Residential	171 DU (150,885 gsf)	38,500	N.A.	38,500
	Retail	127,589 gsf	30,621	21,690	52,311
	Community Facility	4,472 gsf	447	760	1,207
	Conference Center	19,482 gsf	1,948	3,312	5,260
	Office	111,883 gsf	11,188	19,020	30,209
	Museum	21,494 gsf	2,149	3,654	5,803
	Total		84,855	48,437	133,291
Net Difference: 2008 FEIS vs. Proposed Development			-8,536 gpd	-74,477 gpd	-83,014 gpd

Based on average daily water use rates provided in Table 13-2 of the 2014 CEQR Technical Manual. Residential: 100 gallons per day (gpd) per resident (assume 2.25 residents per unit). Office/Conference Center: 0.10 gpd/sf (0.17 gpd/sf for air conditioning). Retail: 0.24 gpd/sf (0.17 gpd/sf for air conditioning). Community Facility and Museum/Arts-Related: 0.10 gpd/sf (0.17 gpd/sf for air conditioning).

¹The proposed development includes the proposed development at 121 West 125th Street, as well as the existing land uses occupying the remainder of Site 10, including 3-story retail building (23,000 gsf) at 125 West 125th Street and an accessory parking garage on West 126th Street associated with the New York State Office building at 2105 Adam Clayton Powell Jr. Boulevard.

Source: Table 13-2 in Chapter 13, Water and Sewer Infrastructure of 2014 CEQR Technical Manual

SOLID WASTE AND SANITATION SERVICES

The 2008 Environmental Review concluded that the 125th Street Rezoning and the Expanded Arts Bonus Alternative would generate increased demands for solid waste and sanitation services but would not result in significant adverse impacts related to solid waste and sanitation services. As shown in Table 12, the anticipated demand for solid waste and sanitation services associated with Site 10 would be less than analyzed in the 2008 Environmental Review.

TABLE 12
Expected Solid Waste Generation at Projected Development Site 10 - 2008 FEIS Expanded Arts Bonus Alternative vs. Proposed Development

	Use	Size (gsf)	Solid Waste Handled by DSNY (lbs/wk)	Solid Waste Handled by Private Carters (lbs/wk)	Total Solid Waste (lbs/wk)
2008 FEIS Expanded Arts Bonus Alternative Site 10¹	Retail	150,630 gsf	0	35,699	35,699
	Office	542,268 gsf	0	28,189	28,189
	Arts-Related	30,126 gsf	0	904	904
	Total	723,024 gsf	0	64,801	64,801
Proposed Development for Site 10²	Retail	127,589 gsf	0	30,269	30,269
	Office	111,883 gsf	0	5,805	5,805
	Community Facility	4,472 gsf	0	134	134
	Conference Center	19,482 gsf	0	1,013	1,013
	Museum	21,494 gsf	0	645	645
	Residential	171 DU	7,011	0	7,011
	Total	435,806 gsf	7,011	37,866	44,877
2008 FEIS vs. Proposed Development Program for Site 10 Net Difference:			+ 7,011	-26,935 lbs/wk	-19,924 lbs/wk

Based on citywide average waste generation rates presented in Table 14-1 of the 2014 CEQR Technical Manual.

Residential use: 41 lbs/wk per unit; Retail: 79 lbs/wk per employee, and 3 employees per 1,000 sf.; Office/Conference Center: 13 lbs/wk per employee; and Community facility/Arts/Museum: government office rate of 0.03 lbs/square foot.

¹The Expanded Arts Bonus Alternative analyzed in the 2008 FEIS was adopted by the CPC, with modifications, and the City Council, with additional modifications.

²The proposed development includes the proposed development at 121 West 125th Street, as well as the existing land uses occupying the remainder of Site 10, including 3-story retail building at 125 West 125th Street and an accessory parking garage on West 126th Street associated with the New York State Office building at 2105 Adam Clayton Powell Jr. Boulevard.

Compared to the program analyzed under the Expanded Arts Bonus Alternative in the 2008 FEIS, the proposed development would result in a net decrease of 19,924 pounds of solid waste per week (lbs/wk) generated at Site 10. Approximately 7,011 lbs/wk of the solid waste generated by the proposed development would be handled by DSNY and 37,866 lbs/wk by private carters. Therefore, the overall amount of solid waste generated by the proposed development, in combination with other already constructed or anticipated development, would be less than what was analyzed as part of the 2008 Environmental Review and would not result in any significant adverse solid waste impacts or alter the findings of the 2008 Environmental Review.

ENERGY

The 2008 Environmental Review anticipated that the development resulting from the 125th Street Corridor Rezoning would place an increased demand on energy services. However, the increase in energy consumption was not identified as a significant adverse energy impact.

Table 13 compares the estimated annual energy consumption of the proposed development to the project analyzed for Site 10 in the 2008 Environmental Review for the Expanded Arts Bonus Alternative using the average energy rates for the operation of a typical building in the City, which are provided in Table 15-1 of the *2014 CEQR Technical Manual*. According to the *CEQR Technical Manual*, the amount of energy that would be consumed annually for the operation of a building includes: heating, cooling, lighting, pumps, fans, domestic hot water, plug loads, and elevators. As shown in Table 13 below, compared to what was analyzed for Site 10 in the 2008 Environmental Review, the proposed development would result in a net decrease in energy demand of approximately 11,578 million BTUs per year. Therefore, the proposed development would not result in significant adverse energy impacts and would not alter the findings of the 2008 Environmental Review.

TABLE 13

Expected Energy Use at Projected Development Site 10 - 2008 FEIS vs. Proposed Development

	Use	Size (gsf)	Usage Rate (BTUs/gsf/year)	Energy Usage (million BTU per year)
2008 FEIS Expanded Arts Bonus Alternative Site 10¹	Retail	150,630 gsf	55,800 BTU/gsf/year	8,405 million BTU/year
	Office	542,268 gsf	77,900 BTU/gsf/year	42,243 million BTU/year
	Arts-Related	30,126 gsf	65,300 BTU/gsf/year	1,982 million BTU/year
	Total	723,024 gsf		52,630 million BTU/year
Proposed Development for Site 10²	Retail	127,589 gsf	55,800 BTU/gsf/year	7,119 million BTU/year
	Office	111,883 gsf	77,900 BTU/gsf/year	8,716 million BTU/year
	Community Facility	4,472 gsf	76,400 BTU/gsf/year	342 million BTU/year
	Conference Center	19,482 gsf	77,900 BTU/gsf/year	1,518 million BTU/year
	Museum	21,494 gsf	65,300 BTU/gsf/year	1,403 million BTU/year
	Residential	150,885 gsf	145,500 BTU/gsf/year	21,954 million BTU/year
	Total	435,806 gsf		41,052 million BTU/year
Net Difference: 2008 FEIS vs. Proposed Development Program for Site 10				- 11,578 million BTU/year

¹The Expanded Arts Bonus Alternative analyzed in the 2008 FEIS was adopted by the CPC, with modifications, and the City Council, with additional modifications.

²The proposed development includes the proposed development at 121 West 125th Street, as well as the existing land uses occupying the remainder of Site 10, including 3-story retail building at 125 West 125th Street and an accessory parking garage on West 126th Street associated with the New York State Office building at 2105 Adam Clayton Powell Jr. Boulevard.

TRANSPORTATION

The proposed development would introduce residential units and community facility space, as well as change the square footage of museum space, while reducing the size of retail and office space analyzed for Site 10 in the 2008 Environmental Review. As such, an assessment of potential changes in impacts on traffic, transit, pedestrian, and parking conditions in the area surrounding the proposed development site as a result of the proposed development and changes in background conditions since 2008 is presented below.

Traffic

The 2008 FEIS determined that the Expanded Arts Bonus Alternative for the 125th Street Corridor Rezoning would result in the potential for significant adverse traffic impacts at 24 signalized intersections in one or more peak periods. Of these 24 intersections, 3 intersections were located in the immediate vicinity of Site 10, including: West 125th Street at Lenox Avenue; West 126th Street at Lenox Avenue; and West 125th Street at Adam Clayton Powell Jr. Boulevard. Mitigation measures were proposed in the 2008 Environmental Review that would fully or partially mitigate these impacts. These mitigation measures involved: prohibiting left-hand turn movements on West 125th Street at Adam Clayton Powell Jr. Boulevard and at Lenox Avenue between the hours of 7:00 AM and 7:00 PM Monday through Saturday, modifying on-street parking regulations along the north side of West 126th Street and west side of Lenox Avenue during the weekday AM, weekday PM, and Saturday midday peak hours; modifying on-street parking regulations on the north side of West 125th Street during the weekday AM and on the east side of Lenox Avenue during the weekday PM peak hour; and signal timing changes at West 126th Street and Lenox Avenue during the weekday AM, weekday midday, weekday PM and Saturday midday peak hours, and at West 125th Street and Lenox Avenue during the weekday PM and Saturday midday peak periods. Significant adverse impacts were forecast to remain unmitigated at eight traffic intersections, including: West 125th Street at Lenox Avenue during the weekday PM peak hour, and West 126th Street at Lenox Avenue during the weekday AM, weekday PM and Saturday midday peak hours for northbound left-turns.

Trip Generation Assessment

Table 14 shows the transportation planning assumptions used to forecast how many vehicle trips per hour the proposed development would generate in the surrounding area, while Table 15 shows the total travel demand by mode for the proposed development, and Table 16 compares it to the 2008 FEIS travel demand for the Expanded Arts Bonus Alternative for Site 10. The July 2008 Technical Memorandum travel demand is also provided for reference.

As shown in Table 16, the proposed development would generate a total of approximately 88, 319, and 378 vehicle trips during the weekday AM (7:45 to 8:45 AM), midday (1-2 PM), and PM (4-5 PM) peak hours, and 375 vehicle trips in the Saturday midday (1-2 PM) peak hour, respectively, compared to 288, 459, 654, and 434 vehicle trips for the project analyzed for Site 10 under the Expanded Arts Bonus Alternative in the 2008 FEIS and 198, 408, 546, and 418 vehicle trips for the project analyzed for Site 10 in the July 2008 Technical Memorandum. Therefore, as shown in Table 16, the incremental change resulting from the proposed development would be -200, -140, and -276 vehicle trips during the weekend AM, midday, and PM peak hours, respectively, and -59 vehicle trips in the Saturday midday peak hour compared to the 2008 FEIS. Compared to the July 2008 Technical Memorandum, the incremental change would be -110, -89, and -168 vehicle trips during the weekend AM, midday, and PM peak hours, respectively, and -43 vehicle trips in the Saturday midday peak hour. Therefore, traffic generation would be reduced from that anticipated in the 2008 Environmental Review, and the proposed development would not result in any significant adverse traffic impacts not already identified. The mitigation measures needed for vehicular conditions for the Expanded Arts Bonus Alternative would be the same, or reduced, under the proposed development for Site 10.

TABLE 14
Proposed Development Projected Development Site 10 - Transportation Planning Assumptions

Land Use:	<u>Office</u>		<u>Residential</u>		<u>Specialty Retail</u>		<u>Conference Center</u>		<u>Museum</u>		<u>Community Facility</u>	
Size/Units:	111,884	gsf	171	DU	127,589	gsf	19,482	gsf	21,494	gsf	4,472	gsf
Trip Generation:	(1,2)		(1,2)		(1,2)		(4)		(1)		(1,2)	
Weekday	18		8.075		159.0		76		27		18	
Saturday	3.9		9.6		191.0		50.74		20.6		1.6	
	per 1,000 sf		per DU		per 1,000 sf		per 1,000 sf		per 1,000 sf		per 1,000 sf	
Temporal Distribution:	(1)		(1)		(2)		(3)		(1)		(2)	
AM (8-9)	12.0%		10.0%		0.0%		3.0%		1.0%		12.0%	
MD (12-1)	15.0%		5.0%		9.5%		10.3%		16.0%		15.0%	
PM (5-6)	14.0%		11.0%		9.8%		10.2%		13.0%		14.0%	
Sat MD (1-2)	17.0%		8.0%		10.0%		12.5%		17.0%		15.0%	
Modal Splits:	(2)		(2)		(2)		(2)		(5)		(2)	
AM/PM/SAT	AM/PM/SAT	MD	AM/MD/PM/SAT	AM/MD/PM/SAT	AM/MD/PM/SAT	AM/MD/PM/SAT	AM/PM/SAT	MD	AM/MD/PM	SAT	AM/PM/SAT	MD
Auto	33.0%	5.0%	12.0%	9.0%	33.0%	5.0%	12.0%	14.0%	33.0%	5.0%	33.0%	5.0%
Taxi	2.0%	5.0%	2.0%	14.5%	2.0%	5.0%	10.0%	10.0%	2.0%	5.0%	2.0%	5.0%
Subway	30.0%	10.0%	51.0%	20.0%	30.0%	10.0%	7.0%	7.0%	30.0%	10.0%	30.0%	10.0%
Railroad	3.0%	0.0%	2.0%	1.5%	3.0%	0.0%	0.0%	0.0%	3.0%	0.0%	3.0%	0.0%
Bus	12.0%	5.0%	11.0%	20.0%	12.0%	5.0%	29.0%	29.0%	12.0%	5.0%	12.0%	5.0%
Walk/Other	20.0%	75.0%	22.0%	35.0%	20.0%	75.0%	42.0%	40.0%	20.0%	75.0%	20.0%	75.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
In/Out Splits:	(2)		(2)		(2)		(3)		(5)		(2)	
In	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
AM (8-9)	95%	5%	15%	85%	50%	50%	90%	10%	50%	50%	95%	5%
MD (12-1)	40%	60%	50%	50%	50%	50%	47%	53%	63%	37%	40%	60%
PM (5-6)	5%	95%	70%	30%	50%	50%	23%	77%	52%	48%	5%	95%
Sat MD (1-2)	60%	40%	50%	50%	50%	50%	55%	45%	63%	37%	60%	40%
Vehicle Occupancy:	(2)		(2)		(2)		(5)		(5)		(2)	
Auto	1.65		1.65		2.00		Weekday	Saturday	2.34		1.65	
Taxi	1.40		1.40		2.00		2.00	3.00	1.90		1.40	
Truck Trip Generation:	(1)		(1)		(1)		(1)		(5)		(1)	
Weekday	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday
0.32	0.32	0.01	0.06	0.02	0.35	0.04	0.32	0.01	0.05	0.01	0.32	0.01
	per 1,000 sf		per DU		per 1,000 sf		per 1,000 sf		per 1,000 sf		per 1,000 sf	
AM (8-9)	(1)		(1)		(1)		(1)		(3)		(1)	
AM (8-9)	10.0%		12.0%		8.0%		10.0%		9.6%		10.0%	
MD (12-1)	11.0%		9.0%		11.0%		11.0%		11.0%		11.0%	
PM (5-6)	2.0%		2.0%		2.0%		2.0%		1.0%		2.0%	
Sat MD (1-2)	11.0%		9.0%		11.0%		11.0%		11.0%		11.0%	
All Peak Hours	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%

Notes :

- (1) Source: 2012 CEQR Technical Manual.
- (2) 125th Street Corridor Rezoning and Related Actions FEIS, February 2008.
- (3) Marriot Hotel Transportation Survey, AKRF, August 1999.
- (4) No. 7 Subway Extension- Hudson Yard Rezoning and Development Program FGEIS, 2004 appendix for Convention factor to person trips
- (5) No. 7 Subway Extension- Hudson Yard Rezoning and Development Program FGEIS, 2004.

TABLE 15
Proposed Development - Trip Forecast Summary

Land Use:	Office		Residential		Specialty Retail		Conference Center		Museum		Community Facility		Total		
Size/Units:	111,884	gsf	171	DU	127,589	gsf	19,482	gsf	21,494	gsf	4,472	gsf			
Peak Hour Person Trips:															
AM (8-9)	242		138		0		44		6		10		440		
MD (12-1)	302		69		1,445		153		93		12		2,074		
PM (5-6)	282		152		1,491		151		75		11		2,163		
Sat MD (1-2)	74		131		1,828		124		75		1		2,233		
Person Trips:															
AM	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Auto	76	4	2	14	0	0	13	1	0	0	3	0	94	19	113
Taxi	5	0	0	2	0	0	1	0	0	0	0	0	6	2	8
Subway	69	4	11	60	0	0	12	1	0	0	3	0	95	65	160
Railroad	7	0	0	2	0	0	1	0	0	0	0	0	8	2	10
Bus	28	1	2	13	0	0	5	1	1	1	1	0	37	16	53
Walk/Other	46	2	2	27	0	0	8	1	2	2	2	0	64	32	96
Total	231	11	20	118	0	0	40	4	3	3	10	0	304	136	440
MD	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Auto	6	9	4	4	65	65	4	4	7	4	0	0	86	86	172
Taxi	6	9	1	1	105	105	4	4	6	3	0	0	122	122	244
Subway	12	18	17	17	145	145	7	8	4	2	0	1	185	191	376
Railroad	0	0	1	1	11	11	0	0	0	0	0	0	12	12	24
Bus	6	9	4	4	145	145	4	4	17	10	0	0	176	172	348
Walk/Other	91	136	7	8	251	252	54	60	26	14	2	6	434	476	910
Total	121	181	34	35	722	723	73	80	60	33	5	7	1,015	1,059	2,074
PM	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Auto	5	88	13	5	67	67	11	38	5	4	0	4	101	206	307
Taxi	0	5	2	1	108	108	1	2	4	4	0	0	115	120	235
Subway	4	80	54	23	149	149	10	35	3	3	0	3	220	293	513
Railroad	0	8	2	1	11	11	1	3	0	0	0	0	14	23	37
Bus	2	32	12	5	149	149	4	14	11	11	0	1	178	212	390
Walk/Other	3	55	24	10	262	261	8	24	15	15	0	3	312	368	680
Total	14	268	107	45	746	745	35	116	38	37	0	11	940	1,222	2,162
Sat MD	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Auto	15	10	8	8	82	82	22	18	7	4	0	0	134	122	256
Taxi	1	1	1	1	133	133	1	1	5	3	0	0	141	139	280
Subway	13	9	34	34	183	183	20	17	3	2	0	0	253	245	498
Railroad	1	1	1	1	14	14	2	2	0	0	0	0	18	18	36
Bus	5	4	7	7	183	183	8	7	14	8	0	0	217	209	426
Walk/Other	8	6	15	14	319	319	15	11	18	11	1	0	376	361	737
Total	43	31	66	65	914	914	68	56	47	28	1	0	1,139	1,094	2,233
Vehicle Trips :	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
AM	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Auto (Total)	46	2	1	8	0	0	7	1	0	0	2	0	56	11	67
Taxi	4	0	0	1	0	0	1	0	0	0	0	0	5	1	
Taxi Balanced	3	3	1	1	0	0	1	1	0	0	-1	-1	5	5	10
Truck	2	2	1	1	2	2	0	0	0	0	0	0	2	2	11
Total	51	7	3	10	2	2	8	2	0	0	1	-1	66	21	88
MD	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Auto (Total)	4	5	2	2	33	33	2	2	3	2	0	0	44	44	88
Taxi	4	6	1	1	53	53	2	2	3	2	0	0	63	64	
Taxi Balanced	9	9	2	2	94	94	3	3	4	4	0	0	111	111	222
Truck	2	2	0	0	2	2	0	0	0	0	0	0	4	4	2
Total	15	16	4	4	129	129	5	5	7	6	0	0	159	159	319
PM	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Auto (Total)	3	53	8	3	34	34	6	19	2	2	0	2	53	113	166
Taxi	0	4	1	1	54	54	1	1	2	2	0	0	58	62	
Taxi Balanced	4	4	2	2	94	94	2	2	4	4	0	0	106	106	212
Truck	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	7	57	10	5	128	128	8	21	6	6	0	2	159	219	378
Sat MD	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Auto (Total)	9	6	5	5	41	41	7	6	3	2	0	0	65	60	125
Taxi	1	1	1	1	67	67	0	0	3	2	0	0	72	71	
Taxi Balanced	2	2	2	2	116	116	0	0	4	4	0	0	125	125	250
Truck	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	11	8	7	7	157	157	7	6	7	6	0	0	190	185	375
Total Vehicle Trips															
	In	Out	Total												
AM (8-9)	66	21	88												
MD (12-1)	159	159	319												
PM (5-6)	159	219	378												
Sat MD (1-2)	190	185	375												

Notes: 25% Pass by/Linked-trip credit applied to Specialty Retail uses.

TABLE 16
Change in Peak Hour Volumes Due to the Proposed Modifications-
2008 FEIS and July 2008 Tech Memo vs. Proposed Development for Site 10

VEHICLE TRIPS											
	Proposed Development			2008 FEIS			July 2008 Tech Memo			Proposed Development vs. FEIS 2008	Proposed Development vs. 2008 Tech Memo
Total Vehicles	In	Out	Total	In	Out	Total	In	Out	Total	Increment	Increment
AM	66	21	88	249	39	288	171	27	198	-200	-110
MD	159	159	319	225	234	459	201	207	408	-140	-89
PM	159	219	378	215	439	654	196	350	546	-276	-168
SAT MD	190	185	375	220	214	434	211	207	418	-59	-43
SUBWAY TRIPS											
	Proposed Development			2008 FEIS			July 2008 Tech Memo			Proposed Development vs. FEIS 2008	Proposed Development vs. 2008 Tech Memo
Subway	In	Out	Total	In	Out	Total	In	Out	Total	Increment	Increment
AM	95	65	160	334	18	352	228	12	240	-192	-80
Midday	185	191	376	230	259	489	211	231	442	-113	-66
PM	220	293	513	228	565	793	213	442	655	-280	-142
SAT MD	253	245	498	255	248	503	244	239	483	-5	+15
RAILROAD TRIPS (COMMUTER RAIL)											
	Proposed Development			2008 FEIS			July 2008 Tech Memo			Proposed Development vs. FEIS 2008	Proposed Development vs. 2008 Tech Memo
Rail	In	Out	Total	In	Out	Total	In	Out	Total	Increment	Increment
AM	8	2	10	33	2	35	23	1	24	-25	-14
Midday	12	12	24	13	13	26	13	13	26	-2	-2
PM	14	23	37	15	52	67	14	40	54	-30	-17
SAT MD	18	18	36	18	18	36	18	17	35	0	+1
BUS TRIPS											
	Proposed Development			2008 FEIS			July 2008 Tech Memo			Proposed Development vs. FEIS 2008	Proposed Development vs. 2008 Tech Memo
Bus	In	Out	Total	In	Out	Total	In	Out	Total	Increment	Increment
AM	37	16	53	134	7	141	91	5	96	-88	-43
MD	176	172	348	200	215	415	191	201	392	-67	-44
PM	178	212	390	216	332	548	205	282	487	-158	-97
SAT MD	217	209	426	241	218	479	234	232	466	-53	-40
WALK ONLY/OTHER TRIPS											
	Proposed Development			2008 FEIS			July 2008 Tech Memo			Proposed Development vs. FEIS 2008	Proposed Development vs. 2008 Tech Memo
Walk	In	Out	Total	In	Out	Total	In	Out	Total	Increment	Increment
AM	64	32	96	223	12	235	152	8	160	-139	-64
MD	434	476	910	738	958	1,696	599	749	1,348	-786	-438
PM	312	368	680	500	568	1,068	446	485	931	-388	-251
SAT MD	376	361	737	483	477	960	453	449	902	-223	-165

Based on more current data than used for the 2008 Environmental Review, traffic data collected in 2016 by the New York City Department of Transportation illustrates that, when adjusted to 2017 conditions for purposes of comparison with the 2008 Environmental Review projections, traffic volumes would be substantially lower than what was forecasted in the Expanded Arts Bonus Alternative of the 2008 FEIS. For example, traffic volumes adjusted for 2017 on West 125th Street between Lenox Avenue and Adam Clayton Powell Jr. Boulevard were expected to be approximately 478 westbound and 493 eastbound during the weekday AM peak period, compared to 683 westbound and 654 eastbound forecasted for 2017 future conditions in the 2008 FEIS; 461 westbound and 460 eastbound during the weekday midday peak period, compared to 790 westbound and 800 eastbound forecasted for 2017 future conditions in the 2008 FEIS;

479 westbound and 482 eastbound during the weekday PM peak period, compared to 1,017 westbound and 921 eastbound forecasted for 2017 conditions in the 2008 FEIS; and 462 westbound and 589 eastbound during the Saturday midday peak period as compared to the 877 westbound and 874 eastbound forecasted for 2017 future conditions in the 2008 FEIS.¹⁵ A similar pattern can be seen on West 126th Street, where westbound one-way only traffic volumes adjusted for 2017 were expected to be approximately 436 during the weekday AM peak period, compared to 578 forecasted for 2017 future conditions in the 2008 FEIS; 382 during the weekday midday peak period, compared to 467 forecasted for 2017 future conditions in the 2008 FEIS; 434 during the weekday PM peak period, compared to 695 forecasted for 2017 future conditions in the 2008 FEIS; and 378 during the Saturday midday peak period, compared to 466 forecasted for 2017 future conditions in the 2008 FEIS.

Public Transit

The 2008 FEIS and subsequent Technical Memoranda determined that the Expanded Arts Bonus Alternative under the 125th Street Corridor Rezoning would not result in any significant adverse subway impacts. However, the Expanded Arts Bonus Alternative would result in a significant adverse impact in the AM peak hour to MTA NYC Transit's Bx15 bus route in the southbound direction, and in the PM peak hour to three MTA NYC Transit bus routes, including: the M60 bus route in the eastbound direction, the M100 bus route in the northbound direction, and the Bx15 bus route in the northbound direction. As described in the 2008 FEIS, the addition of one peak direction bus to the M60 and M100 bus routes in the PM peak hour would fully address the impacts to these routes under the Expanded Arts Bonus Alternative. The AM impact to the Bx15 route would be fully addressed by the addition of one southbound Bx15, and the PM peak hour impact to the Bx15 route would be fully addressed by the addition of two northbound buses under the Expanded Arts Bonus Alternative. As standard practice, MTA NYC Transit monitors bus ridership and increases service where operationally and fiscally feasible.

As shown in Table 15, the proposed development is expected to generate a total of approximately 160, 376, 513, and 498 subway trips during the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours, respectively. As shown in Table 16, when compared to the subway trips estimated for Site 10 in the 2008 FEIS (352, 489, 793, and 503, respectively), the proposed development would result in a net decrease of 192 subway trips in the weekday AM peak hour, a decrease of 113 subway trips in the weekday midday, a decrease of 280 subway trips in the weekday PM, and a decrease of 45 subway trips in the Saturday midday period. When compared to the subway trips estimated for Site 10 in the July 2008 Technical Memorandum (240, 442, 655 and 483, respectively), the proposed development would result in a net decrease of 80 subway trips in the weekday AM peak hour, a decrease of 66 subway trips in the weekday midday, a decrease of 142 subway trips in the weekday PM, and an increase of 15 subway trips in the Saturday midday period. As the subway trips resulting from the proposed development (compared to the 2008 FEIS and the July 2008 Technical Memorandum) would be fewer, with the exception of the Saturday midday period in comparison to the July 2008 Tech Memo, they are not expected to result in any new significant adverse impacts to subway transit. All analyzed subway elements would operate at similar or better conditions in all analyzed peak hours compared to those predicted in the 2008 Environmental Review for the Expanded Arts Bonus Alternative, for which no significant adverse subway impacts were identified.

Similarly, as shown in Table 15, the proposed development is expected to generate a total of approximately 53, 348, 390, 426 bus trips during the weekday AM, weekday midday, weekday PM, and Saturday peak hours, respectively. As shown in Table 16, when compared to the bus trips estimated for Site 10 in the 2008 FEIS (141, 415, 548, and 479, respectively), the proposed development would result in a net decrease of 88 bus trips in the weekday AM peak hour, a decrease of 67 bus trips in the weekday midday, a decrease

¹⁵ As specified in the 2014 *CEQR Technical Manual*, an annual background growth rate of 0.25 percent was applied to the 2016 TIMS data traffic volumes in order to obtain estimates of 2017 traffic.

of 158 bus trips in the weekday PM, and a decrease of 53 bus trips in the Saturday midday period. When compared to the bus trips estimated for Site 10 in the July 2008 Technical Memorandum (96, 392, 487, and 466, respectively), the proposed development would result in a net decrease of 43 bus trips in the weekday AM peak hour, a decrease of 44 bus trips in the weekday midday, a decrease of 97 bus trips in the weekday PM, and a decrease of 40 bus trips in the Saturday midday period. As the net increments in bus transit with the proposed development (compared to the 2008 FEIS and the July 2008 Technical Memorandum) would be reduced, they are not expected to result in any new significant adverse bus transit impacts. Additionally, only approximately 17 percent of the dwelling units and 31 percent of commercial space projected in the 2008 Environmental Review are under construction or have been built to date, and additional development now planned that was not anticipated in the 2008 Environmental Review can reasonably be expected to supplant some of the development that was projected. Therefore, given the decreased demand generated by the proposed development as compared to the previously analyzed Site 10 projected development, and accounting for development that has occurred or is planned in the vicinity, conditions would likely be better at the maximum load points on some routes as compared to the conclusions of the 2008 Environmental Review. As standard practice, the MTA NYC Transit monitors bus ridership and increases service where operationally and fiscally feasible. Therefore, the proposed development, accounting for development that has occurred or is planned in the vicinity since 2008, would not be expected to result in any significant adverse public transit impacts not identified in the 2008 Environmental Review.

Pedestrians

The 2008 FEIS determined that the Expanded Arts Bonus Alternative for the 125th Street Corridor Rezoning would result in the potential for significant adverse pedestrian impacts to five analyzed crosswalks along the 125th Street corridor, at Third, Lexington and Park Avenues, well east of the projected development. These include two that would occur due to changes in traffic patterns associated with the traffic mitigation plan proposed under this alternative. The 2008 FEIS found that these crosswalk impacts could be fully mitigated either by modest widening of the crosswalks or signal timing changes included in the traffic mitigation plan outlined in the FEIS. There would be no significant impacts to sidewalks or corner areas under the Expanded Arts Bonus Alternative analyzed in the 2008 FEIS. The 2008 Environmental Review concluded that in the future with projected development, pedestrian elements within the vicinity of the proposed development site would operate at acceptable levels of service.

The net decrease in office and retail space with the proposed development would decrease pedestrian demand compared to the Expanded Arts Bonus Alternative in the 2008 FEIS and in subsequent Technical Memoranda. The proposed development is expected to generate a total of approximately 96, 910, 680, and 737 walk-only trips during the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours, respectively (refer to Table 15). When combined with subway, railroad, and bus transit trips, the total pedestrian trips generated by the proposed development would be 319, 1,658, 1,620, and 1,697 trips during the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours, respectively. Compared to the total pedestrian trips (i.e., walk-only, subway, railroad and bus trips combined) estimated for Site 10 in the 2008 FEIS (763, 2,626, 2,476, and 1,978, respectively), the proposed development would result in a net decrease of 444 pedestrian trips in the weekday AM peak hour, a decrease of 968 pedestrian trips in the weekday midday, a decrease of 856 pedestrian trips in the weekday PM, and a decrease of 281 pedestrian trips in the Saturday midday period. Compared to the total pedestrian trips (i.e., walk-only, subway, railroad and bus trips combined) estimated for Site 10 in the July 2008 Technical Memorandum (520, 2,208, 2,127, and 1,886, respectively), the proposed development would result in a net decrease of 201 pedestrian trips in the weekday AM peak hour, a decrease of 550 pedestrian trips in the weekday midday, a decrease of 507 pedestrian trips in the weekday PM, and a decrease of 189 pedestrian trips in the Saturday midday period. These reductions in walk-only trips, along with decreased pedestrian demand associated with trips to and from area subway stations, commuter rail lines, and bus stops, would be distributed along sidewalks, corner areas, and crosswalks in proximity to the project site.

As the net increments in pedestrians associated with the proposed development site (compared to the 2008 Environmental Review) would be reduced, the proposed development would not result in any new significant adverse pedestrian impacts. Additionally, only approximately 17 percent of the dwelling units and 31 percent of commercial space projected in the 2008 Environmental Review are under construction or have been built to date, and additional development now planned that was not anticipated in the 2008 Environmental Review can reasonably be expected to supplant some of the development that was projected. Pedestrian data collected in 2018 reflect conditions comparable to what was forecasted for 2017 for the primary proposed action in the 2008 FEIS. For example, the weekday two-way peak 15-minute pedestrian volumes on the north side of West 125th Street between Lenox Avenue and Adam Clayton Powell Jr. Boulevard were approximately 211 and 363 in the AM and PM peak periods, respectively, as compared to 230 and 500 in the 2017 future as analyzed in the 2008 FEIS. Thus, it can be expected that with the substantial reductions in projected pedestrian volumes from the proposed development, accounting for additional development projected for the area, all analyzed pedestrian elements would operate at similar or better conditions in all peak periods to those with the Expanded Arts Bonus Alternative in the 2008 Environmental Review.

Parking

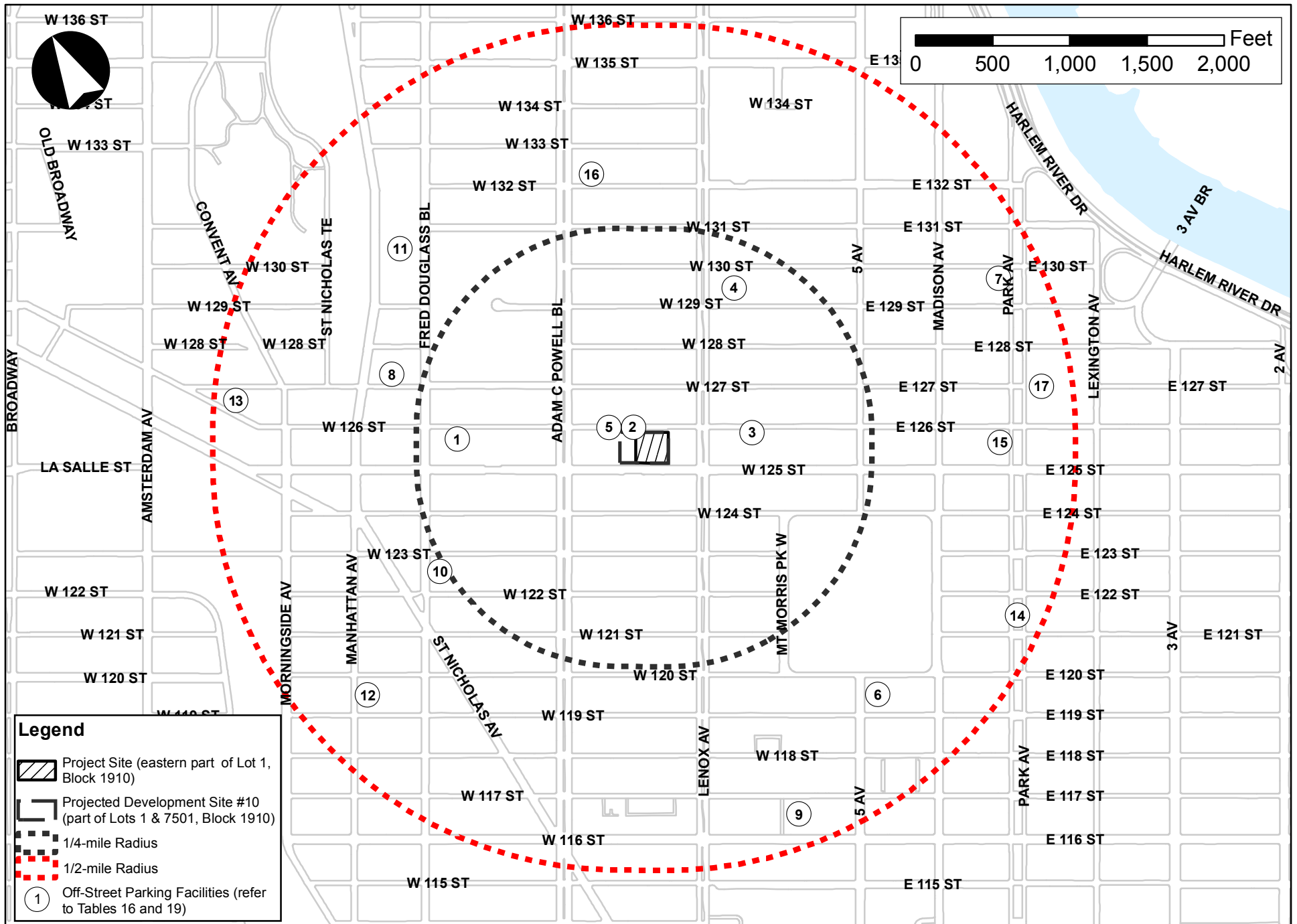
The 2008 Environmental Review concluded that no significant adverse impacts to off-street public parking were anticipated as a result of the 125th Street Corridor Rezoning project. As the proposed development would not provide any new accessory parking spaces (compared to 306 spaces analyzed for the Expanded Arts Bonus Alternative in the 2008 FEIS and subsequent Technical Memoranda), it is expected that vehicles would park on-street or in off-street parking facilities. While a 110 space accessory parking garage associated with the New York State Office building at 2105 Adam Clayton Powell Jr. Boulevard is located on West 126th Street, future parking demand would exceed the parking garage's supply. As such, detailed existing on-street and off-street parking inventories for the weekday midday and overnight periods are provided to document existing supply and demand during each period, as appropriate. Consistent with the 2008 FEIS, the parking analyses document changes in the parking supply and utilization within a ¼-mile of the project site under both No-Action and With-Action conditions (see Figure 16). The parking study area is approximately bounded by Frederick Douglass Boulevard on the west, Fifth Avenue on the east, West 131st Street to the north, and West 120th Street to the south.

On-Street Parking

On-street parking is generally governed by alternate-side-of-the-street regulations to facilitate street cleaning, with more restrictive regulations in place at locations where additional traffic flow capacity is needed, especially during the weekday daytime hours. Based on existing curbside parking regulations, and taking into account curb space obstructed by curb cuts, fire hydrants, and other impediments, there are a total of approximately 2,097 legal curbside parking spaces during the weekday midday period and 2,135 spaces during the weekday overnight period. The higher number of parking spaces during the overnight period reflect the more restrictive parking regulations in effect during daytime hours.

Based on data collected during field surveys in March 2019, on-street parking within the overall study area is approximately 98 percent utilized during the weekday midday period and approximately 92 percent utilized during the weekday overnight period. Approximately 52 and 176 on-street parking spaces are currently available within the overall study area during each of these periods, respectively.

Between 2019 and 2022, it is expected that parking demand in the vicinity of the project site will increase due to background growth as well as anticipated new developments. Annual background growth rates of 0.25 percent per year for the first three years (2019-2022) were applied. These background growth rates, recommended in the *CEQR Technical Manual* for projects in Manhattan, are applied to account for smaller



121 West 125th Street Development

Figure 16
Parking Study Area and Off-Street Parking Facilities

projects and as-of-right developments as well as general increases in parking demand in the surrounding area not attributable to specific development projects.

As discussed previously in “Land Use, Zoning, and Public Policy,” a total of 13 new developments are anticipated in the vicinity of the project site in the future without the proposed development. An estimated total of approximately 90 new on-site accessory parking spaces will be developed on these sites. This on-site accessory parking capacity is expected to be sufficient to accommodate most of the demand from the new developments, with a maximum of approximately 39 additional autos needing to be accommodated either on-street or in off-street public parking facilities.

In the future without the proposed development, on-street parking capacity within the ¼-mile study area is expected to remain generally unchanged during all peak periods in the future without the proposed development. After accounting for background growth and demand from new development not otherwise accommodated by accessory parking or in off-street public parking facilities, the demand for on-street parking within the overall study area is expected to increase to approximately 2,099 spaces in the weekday midday period and 2,009 spaces in the weekday overnight period. On-street parking within a ¼-mile of the project site is expected to be approximately 100 percent utilized in the weekday midday period (versus 98 percent under existing conditions) and 94 percent utilized in the weekday overnight period (versus 92 percent under existing conditions). The study area would experience a shortfall of two on-street parking spaces during the weekday midday period and would have 126 available on-street parking spaces during the weekday overnight period.

As shown in Table 17, in the future with the proposed development, weekday parking demand generated by the various office, retail, and museum uses would typically peak during the midday hours whereas residential parking demand would typically peak during the overnight period. The majority of weekday parking demand for the proposed project is expected to be generated by the proposed retail uses. Overall, the proposed development would have a demand of 219 spaces during the weekday 1-2 PM midday period and 77 spaces during the overnight period. The peak parking demand of 226 spaces would occur during the 3-4 PM period. In the future with the proposed development, while approximately 49 on-street parking spaces would remain available within the study area during the weekday overnight period, there would be a shortfall of approximately 198 parking spaces during the weekday midday. Therefore, an inventory of off-street parking conditions was performed to determine available capacity during the weekday midday period.

TABLE 17
Weekday Parking Accumulation for the Proposed Development

	Office ¹		Residential ²		Specialty Retail ³		Community Facility		Museum		Conference Center		Accumulation (Overnight demand)
	111,884	GSF	171	DU	127,589	GSF	4,472	GSF	21,494	GSF	19,482	GSF	
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	
12-1 AM	0	0	0	0	0	0	0	0	0	0	0	0	77
1-2	0	0	0	0	0	0	0	0	0	0	0	0	77
2-3	0	0	0	0	0	0	0	0	0	0	0	0	77
3-4	0	0	0	0	0	0	0	0	0	0	0	0	77
4-5	0	0	0	0	0	0	0	0	0	0	0	0	77
5-6	0	0	0	1	0	0	0	0	0	0	0	0	76
6-7	4	0	1	3	0	0	0	0	0	0	0	0	78
7-8	16	0	1	4	0	0	1	0	0	0	0	0	92
8-9	46	2	1	8	0	0	2	0	0	0	7	1	137
9-10	23	5	2	3	21	4	2	0	1	0	7	1	180
10-11	7	2	2	3	26	13	1	0	1	0	9	5	203
11-12	5	3	2	3	29	21	1	0	2	0	3	2	216
12-1 PM	4	5	2	2	33	33	0	0	3	2	2	2	216
1-2	5	3	3	3	32	32	0	0	2	1	2	2	219
2-3	5	1	3	3	31	30	0	0	1	1	2	2	224
3-4	5	4	4	2	30	31	0	0	2	2	2	2	226
4-5	5	29	6	4	31	31	0	1	0	2	11	11	201
5-6	3	53	8	3	34	34	0	2	2	2	6	19	141
6-7	4	16	5	2	26	26	0	1	1	1	8	9	130
7-8	2	10	4	2	24	26	0	1	0	2	8	9	118
8-9	1	1	3	2	19	26	0	2	0	1	6	6	109
9-10	0	1	1	1	5	25	0	0	0	1	2	3	86
10-11	0	0	2	0	2	8	0	0	0	0	1	3	80
11-12	0	0	1	2	0	3	0	0	0	0	0	1	75
	135	135	51	51	343	343	7	7	15	15	76	78	

Notes:

1. Based on the sharp peaking pattern for Office use from "Urban Space For Pedestrians," Pushkarev & Zupan
2. Residential temporal distribution source: ABC West End Avenue Properties FEIS, March 1993 p.II.1-41
3. ITE Land Use code (820) Shopping Center

Off-Street Parking Supply

A total of five parking facilities were identified within a ¼-mile of the project site. Table 18 provides a summary of their names, addresses, license numbers, capacities, and estimated weekday midday utilization.

Field observations and interviews with parking attendants were conducted in March 2019 to determine the typical utilization levels of each parking facility during the midday period on a typical weekday. As shown in Table 18, the five existing parking facilities have a combined capacity of 598 spaces during the weekday midday period. During the weekday midday period, approximately 88 percent of spaces are utilized, leaving a residual supply of 69 available parking spaces.

TABLE 18
Off-Street Parking Facilities in ¼-Mile Study Area – Existing Conditions

No. ¹	Name	Address	License No.	Hours of Operation	Licensed Capacity	Weekday Midday	
						Estimated Utilization	Available Capacity
1	Impark 125 LLC	268 West 126 th St.	1102349	24 hours	60	80%	12
2	ProPark America NY LLC	120 West 126 th St.	1368696	24 hours	304	95%	15
3	55 E. 125 th Street Corp.	55 West 125 th St.	1004129	24 hours	47	90%	5
4	Citi Parking Inc.	69 West 129 th St.	2051104	24 hours	77	80%	15
5	NYS Office Building Garage ²	2105 Adam Clayton Powell Blvd.	NA	NA	110	80%	22
Total:					598	88%	69

Notes: Based on PHA field surveys (March 2019)

¹ Numbers keyed to Figure 16

² This is an accessory garage and is not currently open to the public.

Off-street parking capacity within the ¼-mile study area is expected to decrease in the future with the proposed development. The 304 space parking garage located on the project site would be demolished and overall capacity in the parking study area would decrease.

As shown in Table 19, based on the increased demand and changes in the parking supply in the future with the proposed development, weekday midday off-street parking utilization within the overall parking study area is expected to increase to 256 percent of capacity, with a deficit of 458 spaces during this period.

TABLE 19
Off-Street Parking Capacity, Demand, and Utilization
in ¼-Mile Study Area – With-Action Condition

	Weekday Midday
Capacity	
No-Action Capacity	294
Total With-Action Capacity	294
Demand	
Background Demand ¹	533
Incremental Demand from Proposed Development	219
Total Demand	752
Utilization	
With-Action Utilization	256%
With-Action Off-Street Parking Surplus/(Deficit)	(458)

Notes:

¹ A background growth rate of 0.25 percent per year (2019-2022) has been applied to the existing demand.

As there would be a parking shortfall of approximately 458 spaces within the ¼-mile study area, the sufficiency of parking within a ½-mile of the project site to accommodate the project shortfall has also been considered (see Figure 16). Table 20 provides a summary of all off-street parking facilities within the ½-mile study area. As shown in Table 20, the 17 existing parking facilities have a combined capacity of 1,743 spaces during the weekday midday period. During the weekday midday period, approximately 86 percent of spaces are utilized, leaving a residual supply of 253 available parking spaces.

TABLE 20
Off-Street Parking Facilities in ½-Mile Study Area – Existing Conditions

	Name	Address	License No.	Hours of Operation	Licensed Capacity	Weekday Midday	
						Estimated Utilization	Available Capacity
1	Impark 125 LLC	268 West 126 th St.	1102349	24 hours	60	80%	12
2	ProPark America NY LLC	120 West 126 th St.	1368696	24 hours	304	95%	15
3	55 E. 125 th Street Corp.	55 West 125 th St.	1004129	24 hours	47	90%	5
4	Citi Parking Inc.	69 West 129 th St.	2051104	24 hours	77	80%	15
5	NYS Office Building Garage ²	2105 Adam Clayton Powell Jr. Blvd.	NA	NA	110	80%	22
6	Park It Harl Parking Corp.	1481 5 th Av.	1338636	24 hours	152	80%	30
7	1908 Parking Company	1908 Park Av.	1432040	24 hours	149	95%	7
8	Park 127 th LLC	311 West 127 th St.	2051001	24 hours	115	70%	35
9	37 W 116 th Street Parking	23 West 116 th St.	2015757	24 hours	113	95%	6
10	Park-It Park FDB	2280 Frederick Douglass Blvd.	2043321	24 hours	70	80%	14
11	SP+ Parking	410 St. Nicholas Av.	2067628	24 hours	56	90%	6
12	NYC Parking Manhattan Av.	454 Manhattan Av.	1395708	24 hours	50	70%	15
13	New AP Parking Corp.	418 West 127 th St.	2848767	24 hours	36	95%	2
14	Brown Parking Systems	Park Av. btwn E. 119 th & E. 120 th St.	NA	24 hours	31	95%	2
15	New AP Parking Corp.	1824 Park Av.	2048930	24 hours	150	95%	8
16	VFC Parking	161 West 132 nd St.	1277435	24 hours	135	70%	41
17	1845-65 Park Ave Parking	1845 Park Av.	NA	24 hours	88	80%	18
Total:					1,743	86%	253

Notes: Based on PHA field surveys (March 2019)

¹ Numbers keyed to Figure 16

² This is an accessory garage and is not currently open to the public.

As shown in Table 21, based on increased demand and changes in the parking supply in the future with the proposed development, weekday midday off-street public parking utilization within the overall parking study area is expected to increase to 119 percent of capacity, with a deficit of 281 spaces during this period.

TABLE 21
Off-Street Parking Capacity, Demand, and Utilization
in 1/2-Mile Study Area – With-Action Condition

	Weekday Midday
Capacity	
No-Action Capacity	1,439
Total With-Action Capacity	1,439
Demand	
Background Demand ¹	1,501
Incremental Demand from Proposed Development	219
Total Demand	1,720
Utilization	
With-Action Utilization	119%
With-Action Off-Street Parking Surplus/(Deficit)	(281)

Notes:

¹ A background growth rate of 0.25 percent per year (2019-2022) has been applied to the existing demand.

Under *CEQR Technical Manual* guidance, different criteria for determining significance are applied based on whether or not a proposed project is located in residential or commercial areas designated as Parking Zones 1 and 2 as shown in Map 16-2, “CEQR Parking Zones, May 2010” in the 2014 *CEQR Technical Manual*. As the project site is located within Zone 2 as shown in Map 16-2, the inability of the surrounding area to accommodate future parking demands would be considered a parking shortfall, but would generally not be considered a significant adverse environmental impact due to the magnitude of available alternative modes of transportation. The project site is located on the same block as the Lenox Avenue/West 125th Street (2, 3) Subway Station and several MTA NYC Transit bus lines stop mid-block on 125th Street adjacent to the project site, including the M60 Select Bus Service (SBS). Therefore, the proposed development would not result in any significant adverse parking impacts and the impact conclusions of the 2008 Environmental Review would not be altered.

AIR QUALITY

The 2008 Environmental Review concluded that the 125th Street Corridor Rezoning would neither cause nor exacerbate an exceedance of an air quality standard nor cause the exceedance of a significant impact threshold and therefore, would not result in significant adverse impacts related to mobile or stationary source emissions.

Mobile Source

As discussed in the “Transportation” section above, the proposed development would result in incremental net decreases of vehicle trips during all analyzed peak hours compared to the Site 10 program analyzed under the Expanded Arts Bonus Alternative in the 2008 FEIS and July 2008 Technical Memorandum. Moreover, only 17 percent of the dwelling units and 31 percent of the commercial uses projected in the 2008 Environmental Review are under construction or have been built to date, and additional development now planned that was not anticipated in the 2008 Environmental Review can reasonably be expected to supplant some of the development that was projected. Therefore, the overall amount of vehicle trips generated by the proposed development, as well as other development that has occurred or is planned in the

vicinity, would be similar to or less than what was analyzed as part of the 2008 Environmental Review and would not result in any significant adverse mobile source air quality impacts or alter the findings of the 2008 Environmental Review.

Stationary Source

As part of the 2008 Environmental Review, (E) designations for HVAC systems have been mapped on all projected and potential development sites, which would preclude the potential for significant adverse stationary source air quality impacts and would restrict the placement of a building's vent stack and/or restrict the type of fuel used for HVAC system. The July 2008 Technical Memorandum, which reduced the allowable residential and commercial density and reduced maximum building height within the Core Subdistrict, revised the (E) designation (E-201) for projected development 10 (Block 1910, Lots 1 and 7501) to state:

Block 1910, Lots 1 and 7501 (projected development site 10)

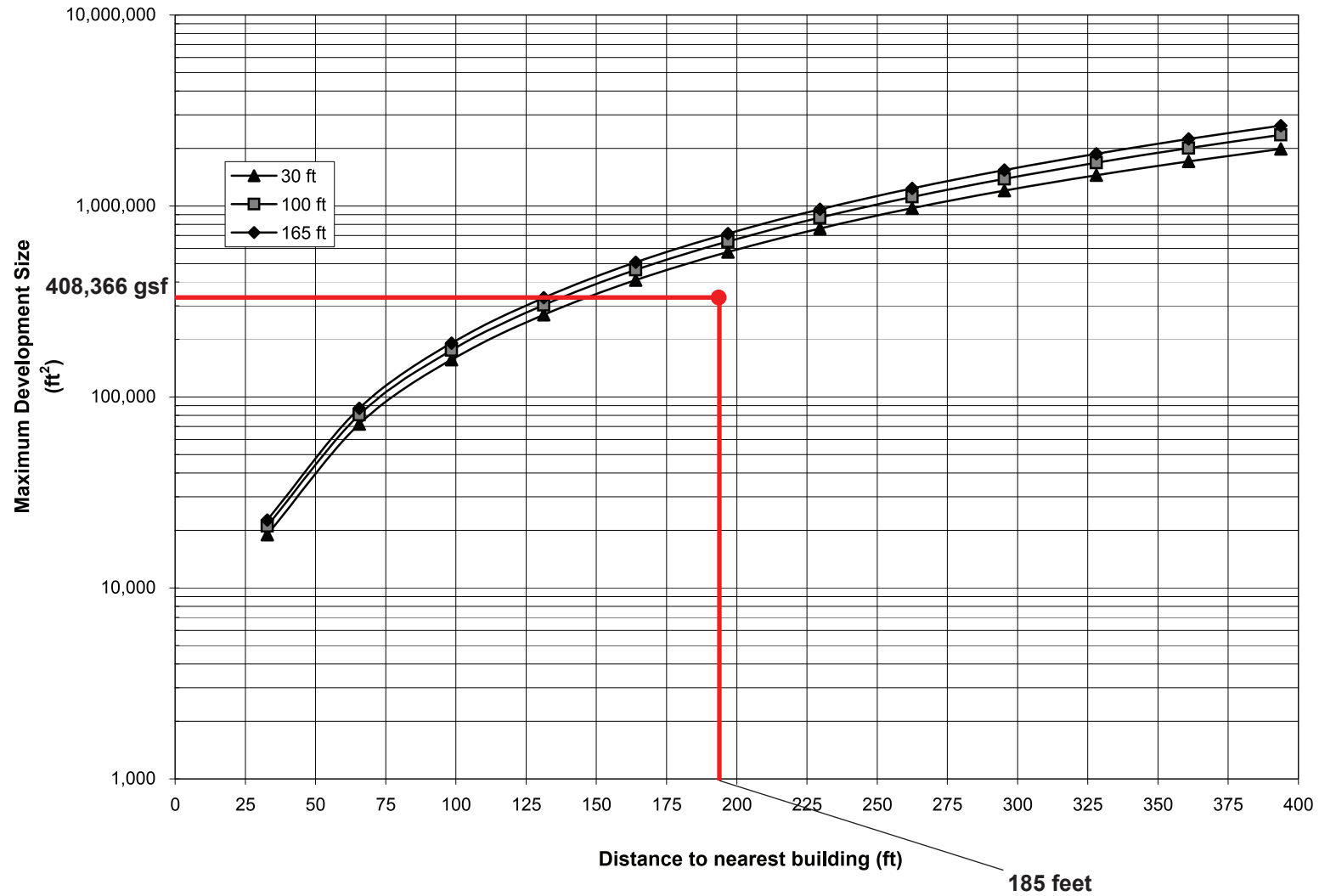
Any new residential and/or commercial development on Block 1910, Lots 1 and 7501 must ensure that heating, ventilation and air conditioning stack(s) are located at least 95 feet and 39 feet for oil No. 4 and oil No. 2 from the lot lines facing Adam Clayton Powell Jr. Boulevard or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Compared to the Site 10 program analyzed in the July 2008 Technical Memorandum, the proposed development is slightly taller, with an overall height of approximately 227 feet (includes 22-foot tall mechanical space). The proposed mixed-use development would consist of an estimated 412,805 gsf. In accordance with CEQR guidelines, the stack height for the emissions vent was estimated at three feet higher than the building height of 227 feet. The proposed development would comply with the site's (E) designation and would utilize natural gas for its anticipated fuel type. Based on the development's square footage, anticipated fuel type (natural gas), and estimated stack height, Figure 17-7 in the Air Quality Appendix of the *2014 CEQR Technical Manual* indicates that the minimum required distance between the proposed development and a building of similar or greater height would be approximately 135 feet. The only building of similar or greater height in the vicinity of the site is the approximately 290-foot tall Adam Clayton Powell Jr. New York State Office building at 163 West 125th Street. It is located at the southeast corner of West 126th Street and Adam Clayton Powell Boulevard approximately 185 feet to the west of the proposed development. As shown in Figure 17, the size of the proposed development is plotted against the distance to the State Office Building (approximately 185 feet) and the respective point is located below the applicable curve (165 feet), and therefore, no significant air quality impacts associated with HVAC systems would be anticipated as a result of the proposed development.

As discussed in the "Land Use and Zoning" section above, the area surrounding the proposed development site is a mix of commercial, retail, residential, institutional, cultural and parking uses. The proposed development would not be located within 1,000 feet of a large emission source such as a power generating plant. It would also not be located within 400 feet of manufacturing or processing facilities or a stack emission associated with commercial, institutional, or large-scale residential development. In addition, the proposed development would not be located near a medical, chemical, or research lab.

Therefore, the proposed development would not result in any new significant adverse stationary source air quality impacts, and would not alter the findings of the 2008 Environmental Review relative to stationary source air quality.

**FIGURE 17-7
NO₂ BOILER SCREEN
RESIDENTIAL DEVELOPMENT - NATURAL GAS**



GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

An assessment of greenhouse gas emissions and climate change was not provided as part of the 2008 Environmental Review. Since publication of the 2008 Environmental Review, New York City determined that consideration of GHG emissions is appropriate under CEQR for certain projects for several reasons: (a) GHG emission levels may be directly affected by a project's effect on energy use; (b) the U.S. Supreme Court has upheld the determination that CO₂, one of the main greenhouse gases, is an air pollutant, subject to regulation as defined by the Clean Air Act (CAA); and (c) Local Law 22 of 2008 codified PlaNYC's citywide GHG emissions reduction goal of 30 percent below 2005 levels by 2030. Moreover, the City has also adopted a longer-term goal of reducing emissions to 80 percent below 2005 levels by 2050, and has published a study evaluating the potential for achieving that goal. In accordance with the *2014 CEQR Technical Manual*, the GHG consistency assessment focuses on proposed projects that would result in development of 350,000 sf or greater and other energy-intense projects. As the Proposed Project would facilitate the development of approximately 412,805 gsf, a preliminary assessment is warranted.

A project's GHG emissions can generally be assessed in two steps: the first would be to estimate the GHG emissions resulting from a proposed project, and the second would be to examine a proposed project in terms of the qualitative goals for reducing GHG emissions, as defined in the *CEQR Technical Manual*. A project's emissions are estimated with respect to the following main emissions sources: on-site operational emissions (direct and indirect); mobile source emissions (direct and indirect); and, when applicable, construction emissions and emissions from solid waste management. After the emissions are estimated, the sources of GHG emissions are examined in terms of goals for reducing GHG emissions using qualitative considerations. As defined in the *CEQR Technical Manual*, the qualitative goals that should be assessed, as relevant to the proposed development are: (1) pursuing transit-oriented development; (2) generating clean, renewable power; (3) constructing new resource- and energy-efficient buildings and/or improving the efficiency of existing buildings; and (4) encouraging sustainable transportation.

Operational Emissions

According to the *2014 CEQR Technical Manual*, for projects where the applicant controls the project area and the likely energy source is known, annual GHG emissions should be estimated based on the project's energy consumption and applying a GHG emissions (CO₂e) conversion factor. Table 18-4 of the *CEQR Technical Manual* provides the CO₂e conversion factors that were used to calculate potential annual operations emissions of the proposed development.

Table 22 displays the estimated GHG emissions associated with the operation emissions of the proposed development. Based on the expected use of natural gas as the energy source and the estimated annual energy consumption of 41,052 MMBTU (refer to Table 11), operational GHG emissions are estimated to be approximately 2,184 metric tons of CO₂e. This represents approximately 0.04 percent of the City's overall 2014 GHG emissions of approximately 49.09 million metric tons. It should be noted that the estimated GHG emissions for the proposed development conservatively do not account for any energy efficiency measures that may be implemented beyond what is required by the NYC Energy Code, such as compliance with the Enterprise Green Communities criteria.

TABLE 22
Annual Operational Emissions

Energy Source	MMBTU Annual Energy Consumption	CO ₂ e Conversion Factor (kg/MMBTU)	CO ₂ e Emissions (kg)	CO ₂ e Emissions (metric tons)
Natural Gas	41,052	53.196	2,183,795	2,184

Note: 1 Metric Ton = 1,000 kg

Mobile Source Emissions

The number of annual weekday motorized vehicle trips made by mode (cars, trucks, and taxis) that would be generated by the proposed development were calculated using the transportation planning assumptions developed for the transportation analysis included above. The assumptions used in the calculation include average daily weekday and Saturday person trips and delivery trips by use, the percentage of vehicle trips by mode, and the average vehicle occupancy. To calculate annual totals, the number of trips on Sundays was assumed to be the same as on Saturdays. Average one-way trip distances as shown in Tables 18-6 and 18-7 of the *2014 CEQR Technical Manual* were used in the calculations of annual vehicle miles (VMTs) traveled by cars and taxis. The average truck trip was assumed to be 38 miles as per the *CEQR Technical Manual*. Table 18-8 of the *CEQR Technical Manual* was used to determine the percentage of VMTs by road type.

As presented in Table 23, it is estimated that the incremental number of vehicle trips from the proposed development would travel a total of 4,250,567 miles annually; annual passenger vehicle miles would total 1,980,771; annual taxi vehicle miles would total 1,059,952 miles; and annual truck trip miles would total 1,209,844 miles. The mobile GHG emissions calculator was used to obtain an estimate of car, taxi, truck GHG emissions attributable to the proposed development. As shown in Table 24, annual incremental mobile source emission would result in approximately 4,316.54 metric tons of CO₂e.

TABLE 23
Proposed Development Annual Vehicle Miles Traveled (VMT/year)

Use	Passenger Vehicles	Taxis	Trucks	Total
Residential	167,627	17,660	111,036	296,323
Retail	792,819	987,585	466,070	2,246,474
Office	571,155	19,007	553,394	1,143,556
Conference Center	375,100	10,773	59,508	445,381
Museum	52,670	24,321	9,918	86,909
Community Facility	21,400	606	9,918	31,924
Total Increase in VMT	1,980,771	1,059,952	1,209,844	4,250,567

Note: ¹For conservative analysis purposes, the proposed conference center, museum, and community facility uses were analyzed as office as this would generate the largest number of VMT.

TABLE 24
Annual Mobile Source Emissions

Carbon Dioxide Equivalent (CO ₂ e) Emissions (metric tons/year)				
Road Type	Passenger Vehicles	Taxis	Trucks	Total
Local	399.18	193.46	867.81	1,460.45
Arterial	530.22	253.93	1,168.03	1,952.18
Interstate/Expressway	233.82	110.90	559.20	903.91
Total	1,163.22	558.29	2,595.03	4,316.54

Construction Emissions

Consistent with common CEQR practice, emissions associated with construction of the proposed development have not been estimated, but analyses prepared for development projects in New York City have shown that construction emissions (both direct and emissions embedded in the production of materials, including on-site construction equipment, delivery trucks, and upstream emissions from the production of steel, rebar, aluminum, and cement used for construction) would be equivalent to the total operational emissions from the operation of the building(s) over approximately five to ten years. As the annual operational emissions would be 2,184 metric tons of CO₂e, five years of operational emissions would be approximately 10,920 metric tons of CO₂e and 10 years of operational emissions would be

approximately 21,840. It should also be noted that, as discussed in greater detail in the ‘Construction’ section, construction of the proposed development would be required to adhere to City regulations pertaining to diesel emissions of construction equipment.

Summary

The total projected GHG emissions from the proposed development are summarized in Table 25. The estimated total of 6,500 metric tons of GHG emissions is less than 0.02 percent of the City’s total 2014 emissions of 49.09 million metric tons. As noted above, the estimated GHG emissions for the proposed development conservatively do not account for any energy efficiency measures that may be implemented as part of the proposed project. As described above, construction emissions were not modeled explicitly, but are estimated to be equivalent to approximately five to ten years of operational emissions, including both direct energy and emissions embedded in materials (extraction, production, and transport). The proposed development is not expected to change the City’s solid waste management system, and, therefore emissions associated with solid waste are not presented.

TABLE 25
Summary of Total Annual GHG Emissions

Emission Source	CO ₂ e Emissions (metric tons)
Operations	2,184
Mobile Source	4,316
Total	6,500

NOISE

Mobile Source

The 2008 Environmental Review concluded that the 125th Street Corridor Rezoning would not result in significant adverse impacts related to mobile source noise. As discussed in the “Transportation” section above, the proposed development would result in a net decrease of vehicle trips during all analyzed peak hours compared to the Site 10 program analyzed under the Expanded Arts Bonus Alternative in the 2008 FEIS and July 2008 Technical Memorandum. Moreover, only approximately 17 percent of the dwelling units and 31 percent of the commercial uses projected in the 2008 Environmental Review are under construction or have been built to date. Therefore, the overall number of vehicle trips generated by the proposed development, as well as background development, would be less than what was analyzed as part of the 2008 Environmental Review and would not result in any significant adverse mobile source noise impacts or alter the findings of the 2008 Environmental Review.

Stationary Source

The 2008 Environmental Review concluded that (E) designations would be placed on all projected and potential development sites in order to create a mechanism for providing sufficient building noise attenuation to avoid significant adverse impacts related to noise within new development projects. Residential, commercial and community facility development on lots mapped with an (E) designation are required to provide sufficient noise attenuation ranging from 30 dBA to 40 dBA for the exterior façade to maintain interior noise levels of 45 dBA or lower, therefore precluding the potential for significant adverse noise impacts. Site 10 (Block 1910, parts of Lots 1 and 7501), which was projected to be developed with commercial and arts-related uses, was identified as requiring 35 dBA of window wall attenuation, and an (E) designation (E-201) is currently mapped on the site (refer to Table 26). Sound attenuation of 35 dBA can be achieved through installing double glazed windows on a heavy frame in masonry structures or windows consisting of laminated glass.

TABLE 26

Minimum Building Attenuation to Comply with CEQR Requirements Identified in the 2008 FEIS

	Proposed Use	2008 FEIS		
		Monitor Location	Max L ₁₀ (dBA)	Attenuation Required (dBA)*
Projected Development Site 10 (Block 1910, Lots 1 and 7501)	Retail, Office, Arts	S8- 9 E. 126 th St.	73.1 dBA	35
		S10- 120 W. 125 th St.	81.5 dBA	
		S11- 2075 Adam C. Powell Blvd.	74.1 dBA	

* Required attenuation was determined based on noise monitoring conducted at three sites (S8: north side of 126th St. between 5th and Lenox Aves., S10: south side of W. 125th St. between Lenox Ave. and Adam C. Powell Blvd., and S11: Adam C. Powell Blvd. between W. 123rd/W. 124th Streets)

Source: West 125th Street Corridor Rezoning and Related Actions FEIS (2008)

As the noise measurements presented in the 2008 Environmental Review were taken in 2006, new measurements were conducted in the vicinity of the project site in order to determine whether ambient noise levels adjacent to the site have increased to a degree that would warrant additional attenuation. According to the *2014 CEQR Technical Manual*, it is generally best to use the descriptors of L_{eq(1)} or L₁₀₍₁₎ for purposes of vehicular traffic noise analysis. L_{eq(1)} captures an hour's total noise energy at the location, and L₁₀₍₁₎ represents the level exceeded 10 percent of the time. The L₁₀₍₁₎ descriptor can be considered an average of the peak noise levels at a given location. Table 27 below provides the L_{eq} and L₁₀ noise levels monitored on the north side of West 125th Street and the south side of West 126th Street between Malcolm X and Adam Clayton Powell Jr. Boulevards on February 7th and 13th, 2019.

TABLE 27

Noise Levels at 121 West 125th Street (in dBA)

Location	Time	2011 Levels		2019 Levels
		L _{eq} (dBA)	L ₁₀ (dBA)	L ₁₀ (dBA)
North side of W. 125 th St. between Adam C. Powell Jr. Blvd. and Malcolm X Blvd.	AM (8:00 AM- 9:00 AM)	74.3	77.8	73.0
	MD (12:00 PM- 1:00 PM)	73.5	76.5	73.3
	PM (5:00 PM- 6:00 PM)	72.8	75.0	73.4
South Side of W. 126 th St. between Adam C. Powell Jr. Blvd. and Malcolm X Blvd.	AM (8:00 AM- 9:00 AM)	65.5	68.4	65.8
	MD (12:00 PM- 1:00 PM)	63.4	65.8	65.2
	PM (5:00 PM- 6:00 PM)	64.9	67.8	65.3

Source: Noise measurements conducted by Philip Habib & Associates on February 7th and 13th, 2019

The above noise measurements indicate that the surrounding area's existing noise levels are mostly in the marginally unacceptable range for residential uses according to CEQR Exterior Noise Standards. The *2014 CEQR Technical Manual* has set noise attenuation quantities for buildings based on exterior noise levels, as shown in Table 28 below. Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or lower for residential, hotel, residential community room or performance space uses and 50 dBA or lower for commercial, restaurant, or office uses, and are determined based on exterior L₁₀ noise levels.

TABLE 28

Required Attenuation Values To Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Noise level with proposed action	70<L ₁₀ <73	73<L ₁₀ <76	76<L ₁₀ <78	78<L ₁₀ <80	80<L ₁₀
Attenuation ^A	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	36 dB(A) + (L ₁₀ - 80) ^B dB(A)

^A The above composite window-wall attenuation values are for residential dwellings and community facility development. Commercial office spaces and meeting rooms would be 5 dB(A) less in each category. All the above categories require a closed window situation and hence an alternative means of ventilation.

^B Required attenuation values increase by 1 dB(A) increments for L₁₀ values greater than 80 dBA.

Source: New York City Department of Environmental Protection

As indicated in Table 28, with exterior $L_{10(1)}$ noise levels ranging from 73.0 to 73.4 dBA on the north side of West 125th Street, the proposed development on Site 10 would require an attenuation of 35 dBA on its West 125th Street (southern side) façade of the building for residential dwellings and community facility development, as is required by the existing (E) designation for the proposed development site. Commercial uses would require 5 dBA less of attenuation on West 125th Street to achieve acceptable interior noise levels; however, the (E) designation requires 35 dBA. This can be achieved by including standard double-glazed windows with good sealing properties, and closed window condition with an alternate method of ventilation. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but are not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD approved fans. Such measures would provide a minimum of 35 dBA of indoor noise attenuation, and would provide sufficient attenuation to satisfy CEQR requirements. Furthermore, this level of attenuation would satisfy the (E) designation requirements of the 2008 Environmental Review.

As also shown in Table 28, with exterior $L_{10(1)}$ noise levels ranging from 65.2 to 65.8 dBA on the south side of West 126th Street, the proposed development on Site 10 would not require any attenuation on the West 126th Street (northern side) façade of the building to maintain acceptable interior noise levels. However, the (E)-designation on the site requires attenuation of 35 dBA.

Compliance with the requirements of the existing (E) designation on the proposed development site would therefore avoid any significant adverse noise impacts on the proposed development. In addition, the proposed building's mechanical systems (i.e., heating, ventilation, and air conditioning) would be designed to meet all applicable noise regulations and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, the proposed development would not result in any significant adverse noise impacts.

PUBLIC HEALTH

The 2008 Environmental Review determined that the 125th Street Corridor Rezoning would not result in any significant adverse public health impacts. The proposed development would not alter these conditions, as no significant new air quality, hazardous materials, or noise impacts have been identified, and no changes to anticipated solid waste management practices would occur.

NEIGHBORHOOD CHARACTER

The 2008 Environmental Review did not identify any significant adverse neighborhood character impacts associated with the 125th Street Corridor Rezoning. The analysis noted that the approved rezoning would result in changes to the neighborhood character of 125th Street corridor with respect to land use, socioeconomic conditions, historic resources, urban design and visual resources, traffic, shadows and street-level pedestrian activity. The analysis concluded the 125th Street Corridor Rezoning would have had a strong positive effect on the area by sustaining the ongoing revitalization of the 125th Street corridor through encouraging mixed-use development, including commercial, residential, entertainment, and arts-related uses. In addition, the rezoning would preserve the area's strong built character and existing residential uses.

The proposed development would not result in any new significant adverse impacts to any of the contributing elements that define neighborhood character, including land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, traffic, and noise. Overall, the proposed development would improve neighborhood character by introducing a range of uses, including residential, office, retail, and museum uses that would further activate the proposed development site. The proposed residential, commercial, and museum uses would not conflict with surrounding land uses. The proposed development would be part of an ongoing trend that is shaping the existing mixed-use neighborhood in this area, and would contribute to and support the continued growth of the neighborhood

and further contribute towards creating a vibrant pedestrian environment. The approximately 21,494 gsf of museum space would further enhance the area's identity as an arts and cultural destination.

As noted in the applicable sections of this technical memorandum, no additional significant adverse impacts are likely to occur to shadows, traffic and transportation, noise or air quality as a result of the proposed development. Therefore, no significant adverse impacts to neighborhood character are expected, and the findings of the 2008 Environmental Review relative to neighborhood character would not change.

CONSTRUCTION

As stated in the *2014 CEQR Technical Manual*, construction activities, although temporary in nature, can sometimes result in significant adverse impacts that may affect a number of technical areas assessed for the proposed project's operational period. The 2008 Environmental Review analyzed the potential construction impacts of all projected and potential development sites, including Site 10, assumed for the 125th Street Corridor Rezoning regarding historic resources, natural resources, hazardous materials, traffic and parking, air quality, and noise. Of these, significant adverse impacts during construction were expected to occur only for historic resources, which impacts were unrelated to the project development on Site 10. Inadvertent construction-related damage could potentially occur to eight eligible and potentially eligible historic resources (including the Metro-North 125th Street Station, the Park Avenue Viaduct, the former Twelfth Ward Bank, Blumstein's Department Store, 221 East 124th Street, the Apartment Building at 2075-2087 Lexington Avenue, the Lenox Avenue/West 125th Street Subway Station and the H.C.F. Koch Department Store), which would be unmitigated because development activity on development sites nearby or adjacent to these eligible resources was expected to occur as-of-right.

As described above, the proposed development site at 121 West 125th Street (part of Lot 1 on Block 1910) is not located adjacent to or within 90 feet of a historic resource, and therefore, it is not expected to result in potential indirect physical impacts or damage to any historic resources caused by ground-borne vibrations or other potential construction-related activities. All buildings are provided some protection in New York City from accidental damage through New York City Department of Building (DOB) controls that govern the protection of any adjacent properties from construction activities, under Building Code Section 27-166 (C26-112.4). For all construction work, Building Code Section 27-166 (C26-112.4) serves to protect buildings by requiring that all lots, buildings, and service facilities adjacent to foundation and earthwork areas be protected and supported in accordance with the requirements of Building Construction Subchapter 7 and Building Code Subchapters 11 and 19.

As discussed previously, construction work on Phase 2 of the Second Avenue Subway could extend as far west as the midblock area on West 125th Street between Lenox Avenue and Adam Clayton Powell Jr. Boulevard adjacent to the development site. Phase 2 work will consist of a number of components including subway tunnels, three new stations, track work, traction power substations, circuit breaker houses, facility electrical power, fan plants, ventilation systems, pump rooms, signal and communications work, entrances, and ancillary facilities to support the operation of the stations. As construction of Phase 2 is not expected to be completed until 2029, approximately seven years after the anticipated completion of the proposed development in 2022, and the construction start date for Phase 2 has not yet been announced, the potential for concurrent construction activity and cumulative impacts in the vicinity of the project site is expected to be limited and any concurrent activity would be short-term.

As shown in Table 2, the total gross square feet of development for Site 10 would be reduced as compared to the programs analyzed for Site 10 in the Expanded Arts Bonus Alternative of the 2008 FEIS and in the July 2008 Technical Memorandum. As described in greater detail below, as construction of the proposed development would include similar stages and activities to the development program analyzed for Site 10 in the 2008 Environmental Review, no new or additional construction impacts are anticipated.

Similar to other developments in the City, construction of the proposed development for Site 10 would result in temporary disruption to the surrounding area, including some noise, and traffic associated with the delivery of materials, construction machinery, and arrival of workers on the site. As the construction period for the proposed development is expected to last approximately 20 months, it is considered a short-term construction project (as per the CEQR definition). During this time, construction activities for the project would normally take place Monday through Friday, although the delivery or installation of certain critical equipment could occur on weekend days. The permitted hours of construction are regulated by DOB and apply to all areas of the City. In accordance with those regulations, work would begin at 7:00 AM on weekdays, although some workers would arrive and begin to prepare work areas between 6:00 and 7:00 AM.

The construction of the proposed development would comply with applicable control measures for construction noise. Construction noise is regulated by the New York City Noise Control Code and by the Environmental Protection Agency noise emission standards for construction equipment. These federal and local requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise emissions standards. Except under exceptional circumstances, construction activities must be limited to weekdays between the hours of 7 AM and 6 PM. Construction materials must also be handled and transported in such a manner as to not create unnecessary noise.

Dust emissions can occur from hauling debris and traffic over unpaved areas. All appropriate fugitive dust control measures would be employed to reduce the generation and spread of dust, and to ensure that the New York City Air Pollution Control Code regulating construction-related dust emissions is followed.

Overall, due to the factors discussed above, the proposed development for Site 10 would not alter the findings of the 2008 Environmental Review, and would not result in any significant adverse construction impacts not previously identified.

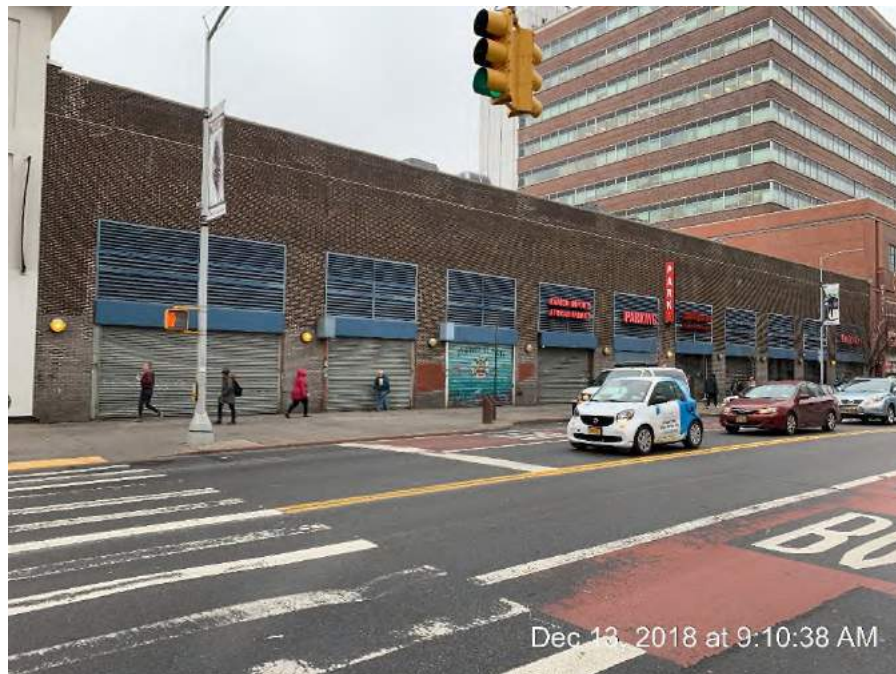
APPENDIX 1
PHASE I ESA EXECUTIVE SUMMARY

121 West 125th Street

NEW YORK, NEW YORK

Phase I Environmental Site Assessment

AKRF Project Number: 180452



Prepared for:

125 W JV LLC
1865 Palmer Avenue, Suite 203
Larchmont, NY 10538

Prepared by:



AKRF, Inc.
440 Park Avenue South
New York, NY 10016
212-696-0670

JANUARY 2019

EXECUTIVE SUMMARY

AKRF, Inc. (AKRF) was retained by 125 W 125 JV LLC to perform a Phase I Environmental Site Assessment of the property located at 121 West 125th Street (Tax Block 1910, p/o Lot 1) (the “Property”) in the Harlem neighborhood of Manhattan, New York (see Figures 1 and 2). The approximately 42,000-square foot Property is a mid-block through parcel (portion of Lot 1) bounded by West 125th Street to the south, West 126th Street to the north, a parking garage and office building followed by Adam Clayton Powell Jr. Boulevard (aka 7th Avenue) to the west, and a commercial building to the east followed by Lenox Avenue. The objective of this assessment was to identify any potential environmental concerns associated with the Property resulting from past or current usage of the Property or neighboring properties.

This Phase I Environmental Site Assessment was performed in conformance with ASTM Standard E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*. Any exceptions to, or deletions from, the Standard are described in Section 9.0. The term “Recognized Environmental Condition” or REC means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. The Standard also includes definitions of Historic REC (HREC), Controlled REC (CREC), and *De Minimis* Condition. A *De Minimis* Condition is defined as an environmental concern that is not a threat to human health or the environment and would not be subject to enforcement action.

At the time of AKRF’s reconnaissance, the Property was developed with a two-story parking garage with a basement level containing 196 spaces and six retail spaces on a portion of the first floor (fronting West 125th Street). The surrounding area was mixed-use residential and commercial. A summary of the assessment findings is presented below:

Recognized Environmental Conditions (RECs)

- The area has a long history of industrial and automotive-related operations, including the storage of petroleum, which could have affected regional conditions, including the Property. Electronic Buildings Department records identified oil burner applications for the subject lot between 1946 and 1966. The Property could have historically included undocumented underground storage tanks (USTs)/aboveground storage tanks (ASTs) with associated releases.

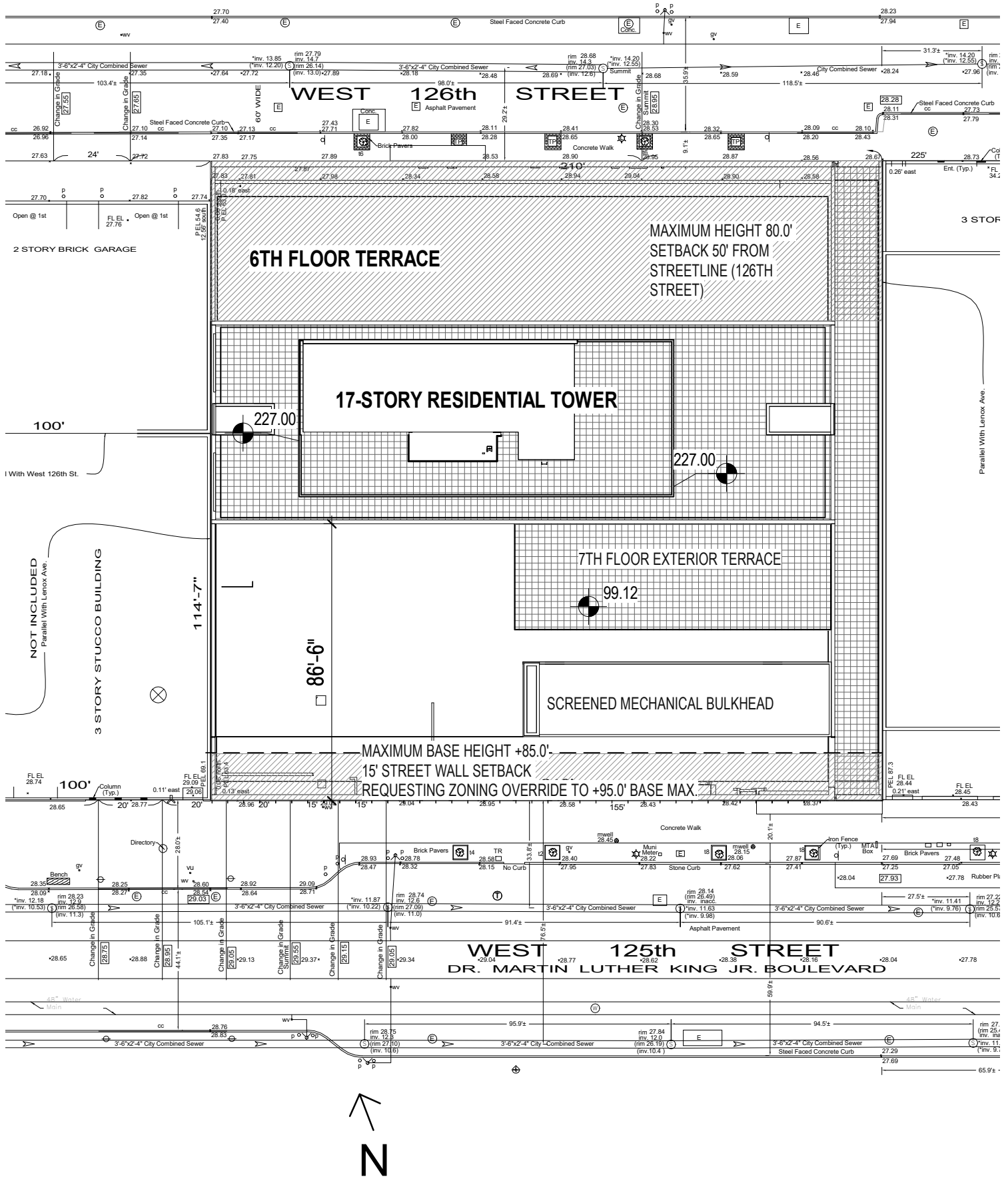
Other Environmental Concerns

- The Property contains (E) Designations for hazardous materials, noise and air (established for entire Lot 1) listed in the Department of City Planning (E) Designation database (E-201) established as part of the 2008 125th Street Corridor Rezoning.
- Several automotive and industrial facilities were identified in the surrounding area including, an iron works, a laundry, an upholsterer, a parking garage with two underground storage tanks, an undertaker and auto repair. An iron works and an auto repair shop were also noted on the south-adjacent block. No documented spills were listed for these facilities in the regulatory database information; however undocumented releases could have potentially affected area soil/soil vapor and/or groundwater quality.
- Based on the age of the parking garage, building components may include asbestos-containing materials (ACMs) and/or electrical equipment/lighting fixtures containing polychlorinated biphenyls (PCBs) and/or mercury. Lead-based paint (LBP) could be present on painted surfaces which were noted to be in fair to damaged condition.

RECOMMENDATIONS

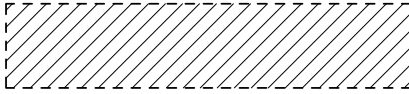
- Soil, soil vapor, and groundwater beneath the Property may have been affected by past on-site and/or off-site activities. Prior to undertaking subsurface disturbance, a subsurface investigation should be performed to ascertain subsurface conditions, including the collection and laboratory analysis of subsurface samples. Furthermore, the Property contains (E) Designations for hazardous materials (established for Lot 1) listed in the Department of City Planning (E) Designation database (E-201) established as part of the 2008 125th Street Corridor Rezoning. NYCOER is the City agency currently responsible for ensuring compliance with (E) Designation requirements. A Remedial Investigation Work Plan (RIWP) must be prepared and submitted to NYCOER for their review and approval prior to conducting any subsurface investigation. A Remedial Action Work Plan (RAWP) and Construction Health and Safety Plan (CHASP) should be prepared for the Property and implemented under the auspices of NYCOER in conjunction with redevelopment activities. It is possible that this investigation may uncover evidence of a petroleum spill or other situation reportable to NYSDEC and/or other regulatory agencies.
- During any subsurface disturbance, excavated soil and any debris should be handled and disposed of in accordance with the OER-approved RAWP and CHASP and applicable regulatory requirements. Any underground storage tanks (USTs) encountered during future redevelopment of the Property should be closed and removed, along with any contaminated soil, in accordance with all federal, state and local regulatory requirements. Tanks should be registered, if required, with the New York State Department of Environmental Conservation (NYSDEC), and the New York City Fire Department. Evidence of a petroleum spill must be reported to NYSDEC and addressed in accordance with applicable requirements.
- Any renovation or demolition activities with the potential to disturb lead-based paint must be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62—*Lead Exposure in Construction*).
- Unless there is labeling or test data that indicates that fluorescent lights, hydraulic equipment and other electrical equipment are not mercury- and/or PCB-containing, if disposal is required, it should be performed in accordance with applicable federal, state and local regulations and guidelines.
- If dewatering is required, water must be discharged in accordance with the New York City Department of Environmental Protection (NYCDEP) and/or NYSDEC requirements.

121 West 125th Street
(Urban League Empowerment Center)
Land Use Improvement and Civic
Project

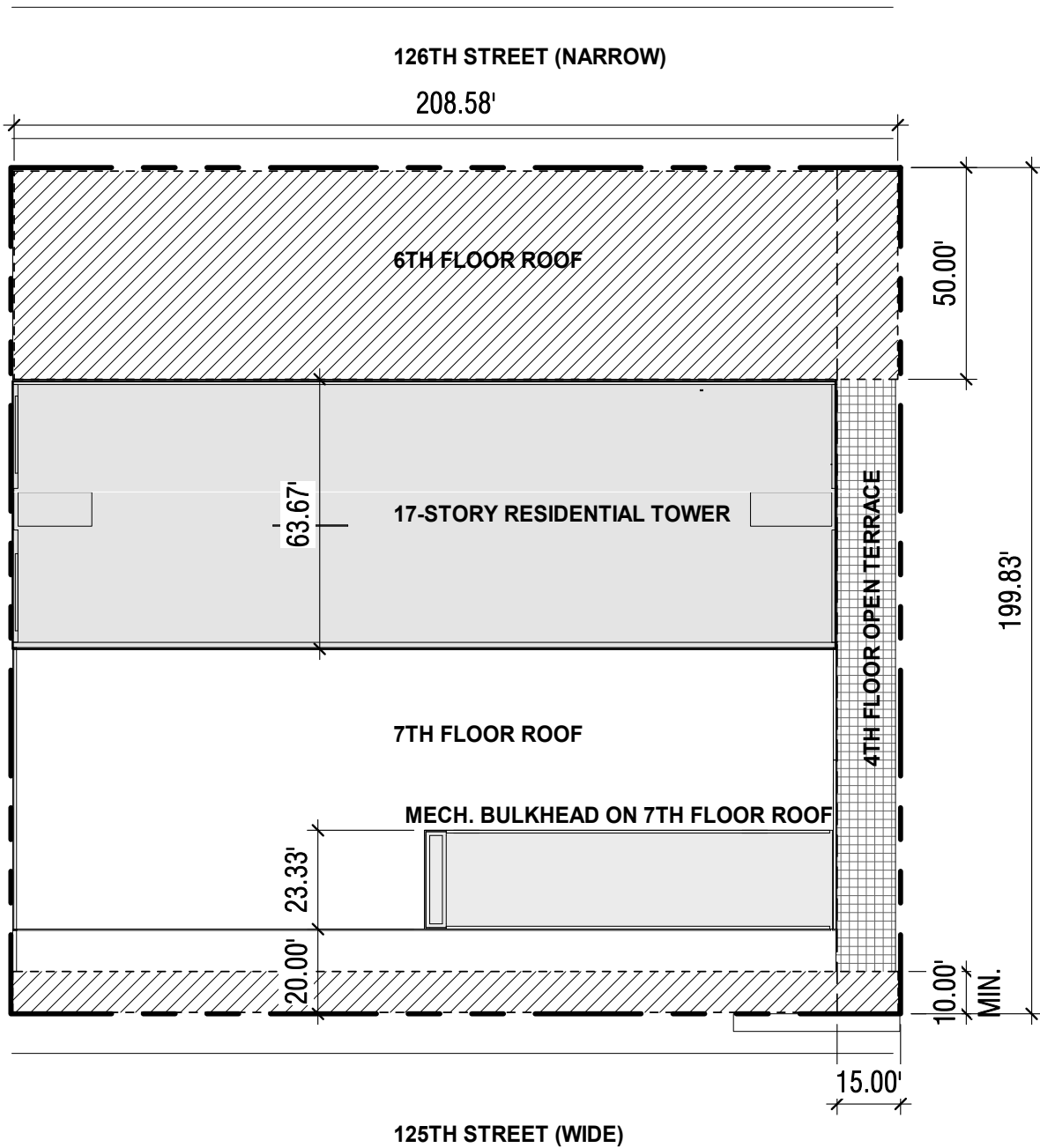


FLOOR AREA

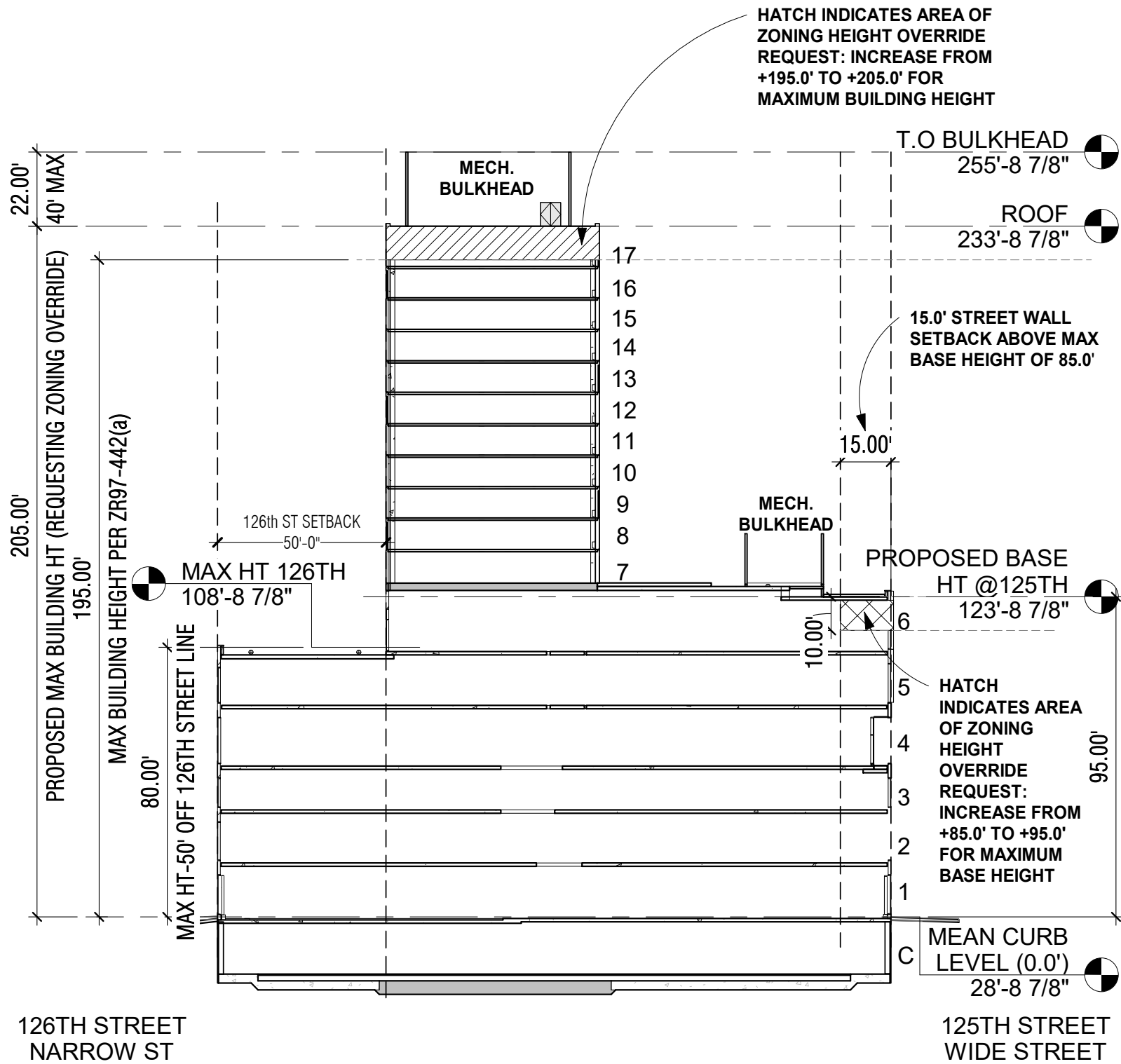
Floor	Retail	Retail	NUL Museum	NUL Conference Center	NUL Office	Spec Office	Residential Apartments	Gross Floor Area
Cellar	33989				247	165	5019	39420
1	29792	4472			2189	1690	3427	41570
2	40641		515			407	233	41796
3	167		1812		39505	245	233	41962
4			18763	19482		256	233	38734
5			342			38317	233	38892
6			62			28659	233	28954
7						203	12107	12310
8							12310	12310
9							12310	12310
10							12310	12310
11							12310	12310
12							12310	12310
13							12310	12310
14							12310	12310
15							12310	12310
16							12310	12310
17							12310	12310
Bulkhead							6067	6067
Subtotal Gross	104589	4472	21494	19482	41941	69942	150885	412805



HATCHED AREA INDICATES
REQUIRED REAR YARD
EQUIVALENT PER ZR 23-532 (b) (1).

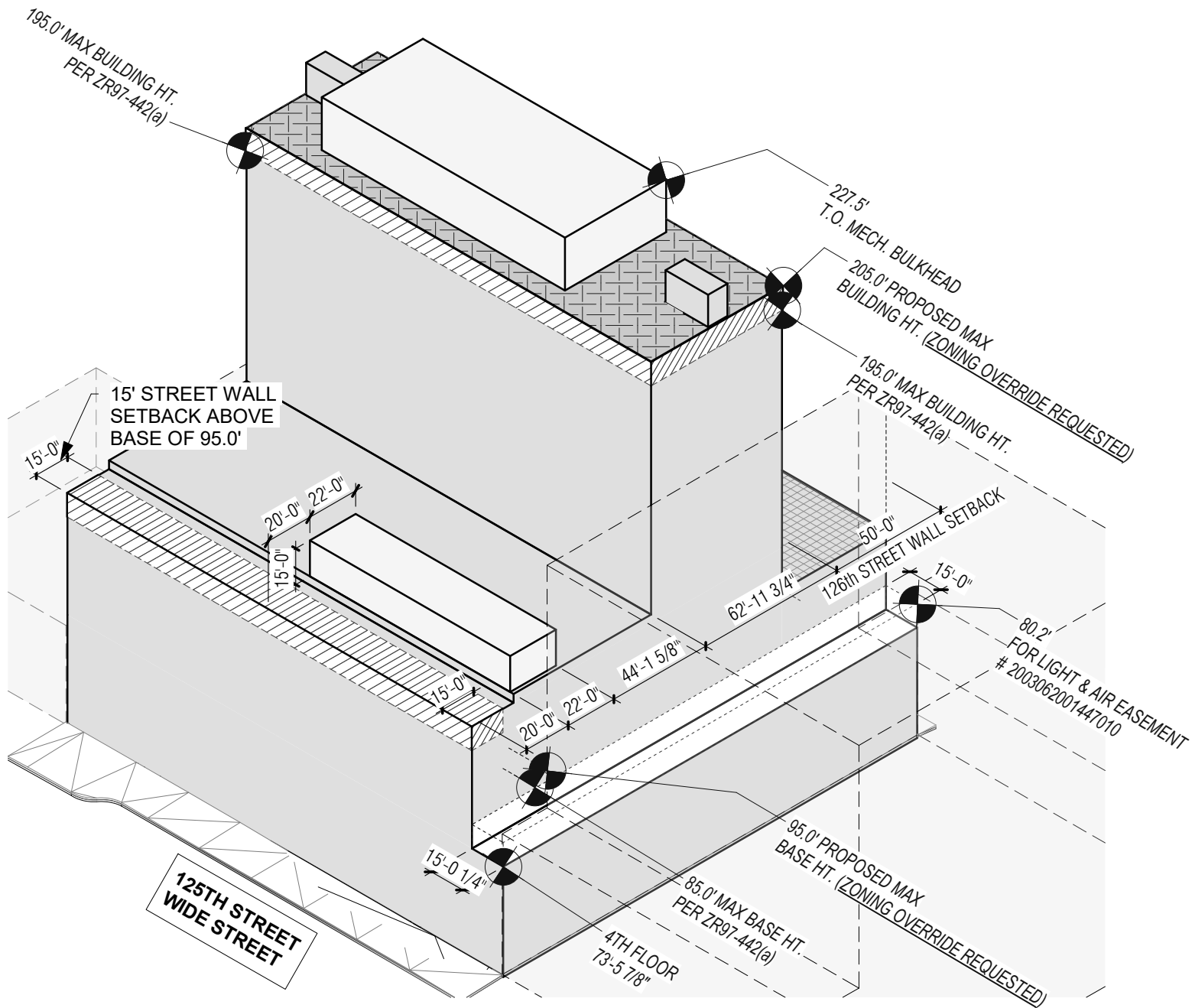


① Rear Yard Equivalent
NTS

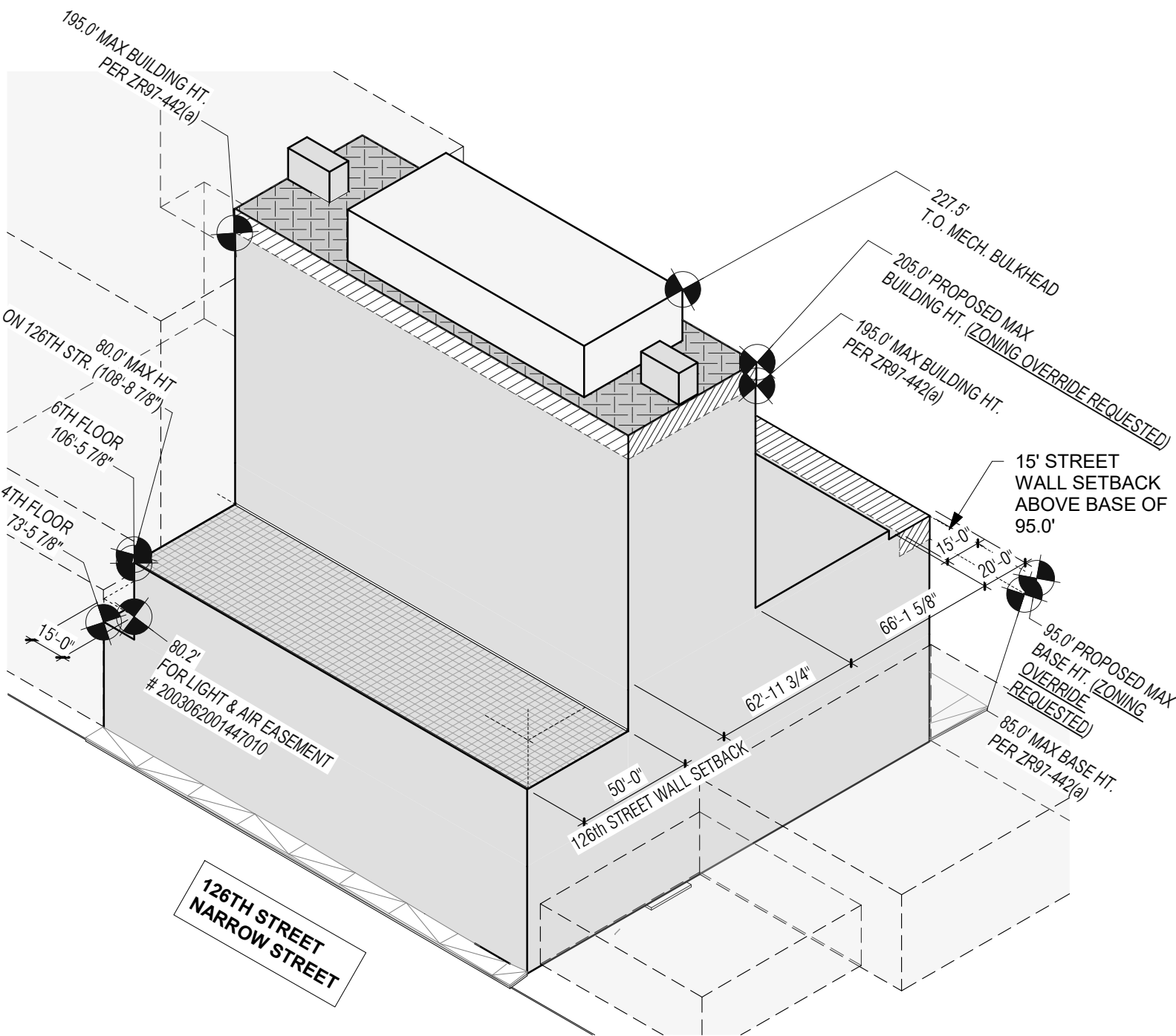


HATCH INDICATES AREA OF ZONING HEIGHT OVERRIDE REQUEST: INCREASE FROM +195.0' TO +205.0' FOR MAXIMUM BUILDING HEIGHT

1 SECTION N-S
NTS



1 125TH ST AXONOMETRIC ZONING DIAGRAM
NTS

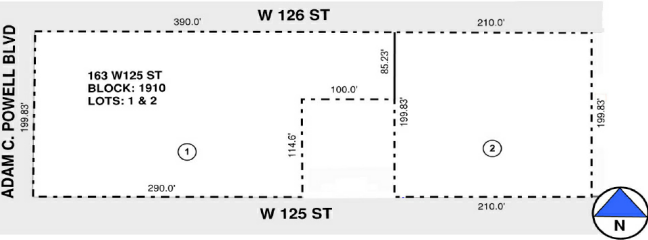


1 126TH ST AXONOMETRIC ZONING DIAGRAM
NTS

121 West 125th Street - NUL Mixed-Use: NYS Zoning Override Requested

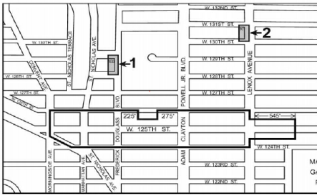
Base Data - Existing Conditions

Block	1910	Lot Type	Through Lot
Lot	2	Lot Dimensions	210' x 199.83'
Map	6a	Lot Area	41,964 sf



Manhattan Community Districts 9, 10 and 11

Map 1 - (2/15/17)



Inclusionary Housing designated area

Zoning Analysis:

			Required / Max. Permitted	Proposed /Provided	Compliance Notes
ZR 34-112	Zoning District	C4-7 (R10 Equivalent)			
ZR Article IX, Ch7	Special Zoning District	Special 125th Street District - and within Core Subdistrict			
	Landmarks Preservation District	Not Applicable			
ZR 97-12	Arts/Entertainment Use Requirement	Within the Core Subdistrict, an amount of 5% of the floor area of the development or enlargement shall be occupied by one or more of the uses designated in ZR Section 97-11 (Special Arts and Entertainment Uses)	5% 17,882	18,300	Based upon a proposed FAR 8.52 - see below
ZR 97-432(2)(b)(iii)	Environmental - CEQR	For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.			Project shall comply with all requirements of the OER in respect to Soils, Air, and Noise

Uses:					
ZR 32-00	Permitted Uses		UG (1-6, 8-10, 12)	UG (2,3,6,10)	Complies
ZR 97-11 (a) & (b)	Required Use for 125th SPD (Core)	(a) The following uses shall be designated as entertainment uses: Auditoriums, Bookstores, Clubs, including music, dance or comedy clubs, Eating or drinking establishments, with table service only, Music stores, Studios, art, music, dancing or theatrical Studios, radio, television or motion picture. (b) The following uses shall be designated as visual or performing arts uses: Art galleries, Historical exhibits, Literary arts spaces, Museums , Performance spaces, Primary rehearsal spaces, Theaters, Visual/Media arts spaces.			By its use, the NUL space complies with zoning requirement by inclusion of a museum

Floor Area:	Base Regulations				
	Base Max FAR				
	Residential	5.4	226,607	137,003	Complies
	Community Facility	7.2	302,143	25,447	Complies
	Commercial	7.2	302,143	195,193	Complies
	Max Project FAR	7.2	302,143	357,643	Zoning Override Requested

Height and Setback:					
ZR 97-432(b)(1)	Minimum Base Height	Within Core Subdistrict	60 Feet		Complies
ZR 97-432(b)(1)	Maximum Base Height	Within Core Subdistrict	85 Feet	95 Feet	Zoning Override Requested
ZR 97-432(b)(1)	Maximum Building Height	Within Core Subdistrict	195 Feet	205 Feet	Zoning Override Requested
ZR 97-432(b)(1)	Streetwall Setback Distance	All Streets in Core Subdistrict	15 Feet	15 Feet	Complies
ZR 97-432(b)(2)	Special Regs for certain C4-7 Districts	Within 50 Feet of the street line of 126th Street, between 200 feet east of Adam Clayton Powell Blvd and 150 feet west of Lenox Ave, the maximum height of any structure is 80 feet.	80 Feet	78.88'	Complies

Height and Setback Regs in the Core Subdistrict					
ZR 97-432 (a)(3)		Recesses, not to exceed three feet in depth from the street line, shall be permitted on the ground floor where required to provide access to the building. Above the height of the second story and up to the applicable maximum base height, recesses are permitted for outer courts or balconies, provided that the aggregate width of such recesses does not exceed 30 percent of the width of the street wall at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent building or within 30 feet of the intersection of two street lines, except in compliance with corner articulation rules.	No Recess within 20' of adj building	Proposed 2' recess within 20' of eastern adj building @ NUL lobby	Zoning Override Requested

Lot Coverage:

BEYER
BLINDER
BELLE

ZR 97-424	Special Lot Coverage Regulations	The maximum lot coverage for residential use in C6-3 Districts within the Special 125th Street District shall be 70 percent for interior or through lots and 100 percent for corner lots.	70% 29,375	29% 12,310	Complies
<u>Yards:</u>	Required Yards				
	Front Yard	None Required	0	0	N/A
	Side Yard	None Required	0	0	N/A
ZR 23-532(b)(1)	Rear Yard:	Rear Yard Equivalent Required : (2) 30' deep areas offset from both street lines, or 60' total	60'	60'	50' yard on 126th and 10' yard on 125th street of continous frontage provided
<u>Density :</u>					
ZR 23-22	Maximum Density of Dwelling Units	R10 - factor of 680 for determining maximum number of dwelling units	201	171	Complies
ZR 23-24		Factor for maximum dwelling units within multi-use buildings shall be based on the proportion of ZFA attributed solely for the total residential floor area.			
<u>Lobby Requirements:</u>					
ZR 97-221		Lobby (Type 2) frontage for non-ground floor uses shall not exceed 25% of streetwall, or 40'-0" (whichever is less). Streetwall = 210.0' x 25% = 52.5' > 40.0' Max The maximum width of lobbies is 40.0'			
ZR 37-33 (a)(2)		NUL HQ MUSEUM	40' Max./20' MIN	24'-7"	Complies
ZR 37-33 (a)(2)		RETAIL	40' Max./20' MIN	34'-9"	Complies
ZR 37-33 (a)(2)		OFFICE	40' Max./20' MIN	11'-6"	Zoning Override Requested
		RESIDENTIAL	40' Max./20' MIN	20.0'	Complies
<u>Transparency Along 125th Street:</u>					
ZR 97-214		Facades that front upon that portion of 125th Street located within the Special 125th Street District, the ground floor street wall shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements) Such transparent materials shall occupy at least 50 percent of the surface area of such ground floor level street wall between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk.	1050sf @ 125th	2500sf	Complies
ZR 37-34		10.0' x 210' = 1050 sf of transparency required			
<u>Parking & Loading:</u>					
ZR 97-51	Required Residential Parking	Accessory off-street parking spaces, open or enclosed, shall be provided for all developments or enlargements within the Special 125th Street District that contain residences, as modified by the provisions of section 97-50.			
ZR 36-35		However - Within the Transit Zone no accessory off-street parking spaces shall be required for income-restricted housing units developed after March 22, 2016.	None Required	None Provided	All residential units are affordable (ZR 25-251)
ZR 25-23		APPENDIX. The #Transit Zone# includes: all of Manhattan Community Districts 9, 10, 11 and 12; all of Bronx Community Districts 1, 2, 4, 5, 6 and 7; and all of Brooklyn Community Districts 1, 2, 3, 4, 6, 7, 8, 9 and 16. Portions of other Community Districts in the #Transit Zone# are shown on Transit Zone Maps 1 through 15 in this APPENDIX.			
ZR 36-21	Required Accessory Off-Street Community Facility Parking		None Required	None Provided	
ZR 97-521	Required Accessory Off-Street Commercial Parking		None Required	None Provided	
ZR 36-62	Community Facility Off-Street Loading Requirements (Museum, Art Gallery)		None Required	None Provided	
ZR 36-62	Loading OFFICE Off-Street Loading Requirements Commercial Office C4-7	Office Zoning Floor Area = First 100,000 sf Next 200,000 sf Each additional 300,000 sf of floor area or fraction thereof	131,365	None Required 1 required berth 0 required berth	1 Provided Complies
ZR 36-62	RETAIL Off-Street Loading Requirements Commercial Retail C4-7	Retail Zoning Floor Area = First 25,000 sf Next 15,000 sf Next 60,000 sf Each additional 150,000 sf of floor area or fraction thereof TOTAL Berths	75,072	None Required 1 required berth 1 required berth 0 required berth 3 Required	1 Provided 1 Provided 3 Provided Complies
ZR 36-681	Size of Required Loading Berths	33' (L) x 12' (W) x 14' (Vertical Clearance) for Commercial Use		33'x12'x14'	Complies
ZR 36-685	Screening	Loading Berths to be screened per 36-685 in accordance to the requirements set therein	Required	100% Screen	Complies

Bicycle Parking:

ZR 36-711

Required Bicycle Parking Spaces

Residential Uses - Group 2	1 space per 2 d.u.	171 Units	86
Community Facility Uses: Museums	1 space per 20,000sf	21,494	2
Commerical: Retail	1 space per 10,000sf	75,072	8
Commerical: Office	1 space per 7,500sf	131,365	18
Total Bicycle Spaces			114

114**Complies****Steet Tree Planting**

ZR 26-41

ZR 37-742

1 per every 25 feet of street frontage

Frontage at 125th Street	210 feet	9 trees	4 trees	12 trees to be located and maintained through nyc parks department waiver
Frontage at 126th Street	210 feet	9 trees	2 trees	

Total**18 required****6 provided****Signage**

ZR 32-642

Non-Illuminated Signage Surface Area &

Five times the street frontage of the zoning lot (in feet), but in no event more than 500sf for interior or through lots or 500sf on each frontage of corner lots.

W125 - 210'

W126 - 210'

Combined 500 total SF permitted**Combined 3,000 total SF proposed****Zoning Override Requested**

ZR 32-644

Illuminated Signage Surface Area

ZR 32-65

ZR 35-652

Permitted Projection or Height of Signs

No sign shall project over street line for double or multi-feceted sign

18" max**5'-0"****Zoning Override Requested**

ZR 32-653

Additional Regs for Projecting Signs

Non-illuminated signs may be displayed on awnings or canopies permitted by the Administrative Code, with a surface area not exceeding 12 square feet and with the height of letters not exceeding 12 inches. Any commercial copy on such signs shall be limited to identification of the name or address of the building or an establishment contained therein.

All other signs

12" max

12"

Complies

ZR 32-655

Height of Sign

C4 District - NUL Blade Sign

40' max height**62'-11" proposed****Zoning Override Requested**

ZR 32-68

Permitted Signs on Residential or Mixed Buildings (R10) for residential portion

ZR 22-341

R10

Sign shall no project over street line

12"

12"

Complies

ZR 22-342

Height of Sign

20'

16'

Complies

ZR 97-30

Special Sign Regulations

ZR 97-31

Definition : Marquee

A "marquee" is a permanent structure or canopy located above the primary entrance to an arts use fronting on 125th Street, that projects over the sidewalk and is attached to, and entirely supported from, the street wall of the building. The location and dimensions of the marquee shall be determined by the requirements of Section 97-32.

Marquee Sign: A "marquee sign" is a sign, other than an advertising sign, mounted on a marquee that identifies the arts use and provides informational displays about such use.

TBD

Shall Comply

ZR 97-32

Location, Height and Width of Marquees and Marquee Signs

Marquee shall project over the sidewalk no more than 15 feet from the lot line and shall be no nearer to the curb than two feet.

(a) **Height of marquees:** The minimum height of a marquee or a marquee sign shall be three feet; the maximum height for such structure and sign shall be five feet. No part of a marquee or a marquee sign shall be located at a height higher than three feet below any floor containing a residential use.

(b) **Width of marquees:** The width of a marquee or a marquee sign shall be no greater than 50 percent of the width of the building frontage to which it is attached or 40 feet whichever is less.

TBD

Shall Comply

ZR 97-33

Vertical Distance Above Sidewalk of Marquees and Marquee Signs

The minimum vertical distance from the sidewalk for a marquee shall be 12 feet; the maximum vertical distance above the sidewalk for such marquee shall be 20 feet.

Notwithstanding the provisions of paragraph (b) of Section 32-653 (Additional regulations for projecting signs), additional signs may be displayed on a marquee, provided such sign is no more than two feet above the marquee. No marquee or marquee sign shall be located at a height higher than three feet below any floor containing a residential use

TBD

Shall Comply

ZR 97-34

Accessory Signs for Visual or Performing Arts

Notwithstanding the regulations of paragraph (b) of Section 32-653 (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following visual or performing arts uses fronting on 125th Street within the Special 125th Street District shall be permitted to erect a marquee sign on or above a marquee:

Museums

TBD

Shall Comply



121 West 125th Street
(Urban League Empowerment Center)
Land Use Improvement and Civic
Project

June 27, 2013

General Project Plan



FOR CONSIDERATION

June 27, 2013

TO: The Directors

FROM: Kenneth Adams

SUBJECT: New York City (New York County) – 121 West 125th Street (Urban League Empowerment Center) Land Use Improvement and Civic Project

REQUEST FOR:

Land Use Improvement and Civic Project Findings; Adoption of General Project Plan (“GPP”); Determination that No Supplemental Environmental Impact Statement Needed; Adoption of Findings Pursuant to Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act and its implementing regulations; Adoption of the General Project Plan; Approval of Lease; Authorization to Hold a Public Hearing; Authorization to Acquire and Dispose of Real Property in accordance with the Applicable Provisions of the Public Authorities Law;; and Authorization to Take Related Actions.

Part 1: General Project Plan

121 West 125th Street (Urban League Empowerment Center) Land Use Improvement and Civic Project

I. Project Summary

Property Location and Description: The property consists of the land, the improvements and the air space located at 121 West 125th Street in the City, County, and State of New York, an approximately 42,000 square foot lot that extends through 125th Street to 126th Street, between Adam Clayton Powell Jr. Boulevard and Lenox Avenue/Malcolm X Boulevard, east of the Adam Clayton Powell Jr. State Office Building, (Manhattan Tax Block 1910, Part of Lot 1; hereinafter collectively, the “Property”).

The fee interest in the Property is divided between a *Lower Parcel*, which includes the land and the building situated thereon, extending vertically to a horizontal plane at an elevation of 80.20 feet, and an *Upper Parcel* consisting of the air space that lies directly above the Lower Parcel, extending vertically up from an elevation of 80.20 feet.

Property Owners: Lower Parcel: The City of New York (“NYC”) has a fee interest in the Lower Parcel that will automatically revert to the State of New York, acting through the Office of General Services (“OGS”) in 2053.

Upper Parcel: OGS has the fee interest in the Upper Parcel, in addition to its reversionary right in the Lower Parcel.

Lower Parcel Lessee: New York City Economic Development Corporation (“NYCEDC”)

Conditionally Designated Developer: Urban League Empowerment Center, LLC (“ULEC” or “Developer”) c/o National Urban League, Inc.
120 Wall Street, 8th Floor
New York, New York 10005

Developer Contact: Charles J. Hamilton, Jr.
Windels Marx Lane & Mittendorf, LLP
156 West 56th Street,
New York, New York 10019
[Tele] 212-262-1215
chamilton@windelsmarx.com

Development: Partners The Hudson Companies, Inc. (“Hudson”) and BRP Companies

Contact: David Kramer
826 Broadway, 11th Floor
New York, New York 10003
[Tele] 212-777-9500
DKramer@hudsoninc.com

ESD Investment: ESD will facilitate the transfer of interests among OGS, NYC and Developer and/or entities controlled by Developer’s principals. In addition, a \$2 million Restore New York grant for demolition of this site, which ESD awarded to NYC in 2008, is available for use in the Project. NYC as grantee can sub-grant the grant proceeds to Developer. Developer is responsible for the payment of all ESD costs associated with the Project.

Proposed Project: Developer will lease the Property from ESD. Developer will demolish the existing building and construct a larger building with office, retail, cultural, community facility housing and parking uses. Among other things, the Developer would be obligated to develop the Property with

certain required uses, including the headquarters of the National Urban League, and to operate and maintain the Property in accordance with the terms of the Lease, as described herein.

Project Type: Land Use Improvement and Civic Project

Completion: 2018, subject to extension as described herein.

Employment:

Existing: NYCEDC estimates that the current use of the Property generates approximately 24 full time jobs.

Projected Construction Jobs: 767 direct; 429 indirect

Projected Permanent Jobs: 160 direct; 59 indirect

Project Team:	Origination	Alexis Offen
	Legal	Eunice Jackson
	Affirmative Action	Vikas Gera
	Environmental	Rachel Shatz

II. Project Description

A. Background

The existing building on the Property is an approximately 160,000 square foot, four-story building that includes a 304-space public parking garage, which is operated by a garage operator, and six small retail spaces that front on 125th Street. The building does not utilize the maximum building density allowable under current zoning.

In 2008, the New York City Department of City Planning (“DCP”) implemented re-zoning of portions of 125th Street, creating the Special 125th Street District to encourage greater density, growth and mixed-use development, particularly arts, retail and office uses. The re-zoning established zoning bonuses for arts, community facility and affordable housing uses, allowing greater density for buildings incorporating these uses.

In May 2012, ESD and NYCEDC (together the “Public Parties”) jointly issued the Central Harlem Mixed Use Request for Proposals (the “RFP”), seeking proposals to re-develop this underutilized parcel, in a manner consistent with the 2008 re-zoning, creating commercial office, visual and

performing arts space, with some proportion of these spaces leased at below market rate rent.

On February 21, 2013, after conducting a competitive bid process that included an extensive review of the two re-development proposals submitted in response to the RFP, the ESD Board of Directors (the “Directors” or “Board”), conditionally designated the development team of the National Urban League, Inc. (“NUL”) and the Hudson Companies (together “NUL/Hudson”), or entities controlled by one or more of their principals, as Developer of the Property and authorized ESD to enter into a Pre-Development Agreement (“PDA”), with a proposed lease as an exhibit.

On March 21, 2013, ESD and Urban League Empowerment Center, LLC (“ULEC”), a special purpose entity created by NUL and formed on behalf of NUL/Hudson to act as developer of the Project, executed the PDA. The PDA, among other things, conditions proceeding with the Project on the Directors’ adopting a GPP for the proposed re-development of the Property and a public hearing on the GPP.

B. Proposed Project

NYCEDC will terminate its lease for the Property with NYC. ESD will acquire the Property from OGS and NYC. ESD will enter into a 99-year ground lease (the “Lease”) with ULEC (“Tenant”). Tenant will redevelop the site as a mixed-use development that will include approximately 66,000 gross square feet (“gsf”) of retail, 75,000 gsf of office, 55,000 gsf of community facility, 24,000 gsf of museum, 56,000 gsf of conference center space, 114 units of residential (50 percent affordable for low and middle income) and 89,000 gsf of parking (225 spaces).

NUL will relocate its national headquarters to the office space in the Project. The move represents NUL’s return to its Harlem roots, where NUL was founded more than a century ago. The United Negro College Fund, another nationally recognized not-for-profit organization, expects to relocate its offices to the Property as well.

NUL, ULEC, or an affiliate of NUL will also develop the civil rights museum that is an integral part of the Project. The museum will be an expansion and outgrowth of the *Mobile Museum* NUL assembled in Washington D.C. in 2011 to celebrate the organization’s centennial.

The Project will include a conference center for NUL’s own use, which NUL may also make available for use by neighborhood businesses, not-for-profit organizations and others having a need for professional conference and meeting facilities.

Hudson and its minority development partner, BRP Companies, will operate the rental housing included in the Project. Approximately 114 units will be constructed, of which a minimum of 50% will be affordable to low and moderate-income families.

The significant capital investment in the Project will generate approximately 1196 construction related and 219 permanent jobs for New York City, in a community that suffers from extremely

high unemployment rates. In addition, the Project is expected to generate during the construction period \$18.3 million in New York State and City tax revenue and \$16.1 million post-construction tax revenue over a seven- year analysis period.

C. Transfers of Property Interests

Subject to requisite public approvals and provided that Developer has satisfactorily completed the performance of its obligations under the PDA, OGS will convey its interest in the Property (Upper Parcel and reversionary interest in Lower Parcel) to ESD pursuant to UDC Section 13-a and NYC will convey the Lower Parcel to ESD pursuant to UDC Section 14. ESD will simultaneously lease the Property to Developer on the terms set forth herein.

ESD as owner will be obligated to manage and operate the Property during the period between the date the Lease is executed and the Lease Commencement Date (defined below). ESD will contract with NYCEDC or an affiliate of NYCEDC to operate the Property between the date of Lease execution and the Lease Commencement Date.

D. ESD and NYCEDC Economic Relationship

ESD and NYCEDC have executed a letter agreement that sets out an allocation of rent, net of any operating expenses, between ESD and NYCEDC. Rents collected from the existing tenants and garage operator during the time between the Lease signing and the Lease Commencement Date will be applied first to pay ESD's operating costs. Remaining amounts up to \$1 Million, plus CPI escalations, are payable to NYCEDC and any remaining balance paid to ESD until ESD has been paid the same amount NYCEDC receives in that lease year. After the Lease Commencement Date, rents received from Tenant will continue to be applied first to pay ESD's operating costs for the leasehold, with an allocation of the remaining balance being distributed between ESD and NYCEDC as described above. These allocations take into account the loss to NYCEDC of the rental income stream from the existing tenants and garage operator for the remaining term of its lease with NYC.

Rent receipts paid to NYCEDC will be deposited in the 125th Street Improvement Trust Fund (the "Trust"), a trust established in 1994 and modified in 2006, whose purpose is "the improvement of the 125th Street Corridor", as defined in the trust agreement. NYCEDC holds both of the two trustee positions.

E. Proposed Essential Terms of Lease

Landlord:	ESD and its successors in interest as fee owner of the Property.
Tenant:	ULEC or its permitted successors or assigns, as defined in the Lease.
Lease Execution:	Anticipated between September 30, 2013 and December 31, 2013.

Lease Term:	99-years, with the term beginning 18 months after Lease execution, subject to the Tenant sending a notice of an earlier commencement date.
Tenancies:	Existing tenancies expire on or before August 14, 2015. Upon execution of the Lease, ULEC may negotiate early lease terminations with existing tenants and the parking operator at its cost and expense. The Lease gives Tenant a license to access the Property to perform pre-development work and the right to negotiate with existing tenants and the licensee for early termination of their remaining lease or license agreements. On the Lease Commencement Date ESD will transfer any leases or license agreements still in effect at that time, if any.
Option to Purchase:	Beginning in lease year 95, and provided Tenant is controlled by NUL and not in default, Tenant will have the option to purchase the Property at a purchase price calculated using a valuation method that takes into account the land value at the time of exercise of the option.
Rent:	Base Rent of \$1,000,000 per year, with the initial payment due on the Lease Commencement Date, and escalations beginning in the sixth lease year and continuing throughout the lease term. Tenant may be granted certain concessions, including possible temporary rent reduction and the right to terminate the Lease or delay construction commencement if vacant possession is delayed beyond August 15, 2015.
PILOT:	Payment-in-Lieu-of-Real-Estate-Taxes" ("PILOT"), equivalent to the real estate taxes that would have been payable if ESD were not the owner of the Property, except to the extent any portion of the Property would have qualified for an as-of-right real estate tax exemption, abatement, credit or other reduction under applicable law if the Property were owned in condominium form by the Developer parties.
Security:	Initial Security Deposit of \$1,000,000 in the form of cash deposit or combination of cash and Letter of Credit. Security deposit increases in escalation years to maintain deposit equivalent to annual rent.
Construction:	Tenant is to commence construction, in accordance with the conditions set forth in detail in the Lease, by beginning demolition within thirty days after the Lease Commencement Date, subject to reasonable extension because of Unavoidable Delays, as defined in the Lease. Construction is to be completed within 36 months of commencement of construction, which can be extended to 51 months.

Required Uses:	There are minimum square footage requirements for cultural, community facility or conference center space, for retail and office space as well as minimum parking garage spaces. Within these required uses, at least 5% of the square footage of the retail space is to be leased at below market rents to Local Businesses, as defined in the Lease; at least 5% of the office space is to be leased at below market rents to non-retail commercial office users that are Local Businesses; and, at least 5% of the new building's total square footage is to be leased to NUL or a qualified substitute as museum, visual arts space.
Operations:	Tenant assumes all responsibility and obligation to operate and maintain the Property beginning with the Lease Commencement Date. During the term of the Lease, Tenant is obligated to provide full replacement value property insurance and commercial liability insurance coverage naming ESD, NYCEDC, and NYC as additional insureds. .
Assignment or Transfer	Tenant may not assign, sublease or transfer the Lease without ESD's consent, except as to certain permitted subleases to entities under the control of NUL or Hudson or except as to subleases of residential apartments, or small non-residential spaces.
Guaranties & Indemnifications	<p>Tenant will provide ESD and NYCEDC with guarantees of completion and performance or completion bonds, letters of credit or other form of acceptable security guaranteeing performance and completion of the construction work required by the Lease. In addition, ULEC/Hudson is also responsible for providing security for performance of the Lease obligations after substantial completion of construction satisfactory to the Public Parties.</p> <p>The Lease includes an obligation on the part of Tenant to indemnify and hold harmless ESD, the City and NYCEDC against, among other things, liabilities arising from the construction of the Project and the Developer's use and occupancy of the Property.</p>
Condominium	Tenant is permitted to submit the Lease to the New York State Condominium Act and create separate tax lots and leasehold condominium units for the varied uses within the Project. Tenant may sublease or transfer the leasehold condominium units, subject to the terms of the Lease.

III. Project Costs and Financing

Developer's current budget estimates the project construction costs at \$155,055,380. Under the terms of the PDA, at least 90 days before the Lease execution date, the Developer must produce evidence of financing and equity in an amount that is sufficient to perform the construction and to fund rents due under the Lease, as well as operating expenses through completion of the construction work. The evidence of financing will be reviewed at that time and must be reasonably satisfactory to the Public Parties.

In February 2008, ESD awarded NYC a \$2 million Restore New York Grant for demolition of the Project site. ESD will permit NYC to sub-grant the grant to Developer for use at the site. Receipt of the sub-grant is subject to review under SEQRA, ESD Director approval and a public hearing thereon, as well as PACB approval. The Directors are not asked to take any action with respect to the Restore Grant at this time. The Developer may request additional project funding from ESD or NYC in the future. Any such request for ESD funding will be brought to the ESD Board as required by law.

Tenant is responsible for the payment of all ESD and NYCEDC costs associated with the Project, including but not limited to the costs associated with the RFP, appraisals, the public approval process and third party legal or other professional fees.

IV. Statutory Basis

Staff recommends that the Directors find that the proposed Project is consistent with the requirements of the UDC Act for land use improvement projects and satisfies the findings required under UDC Act Section 10(c) as follows (statutory language underscored):

- (1) That the area in which the project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality

The current low-density uses of the site as a garage with limited retail do not maximize the full potential of the site. (See SEQRA Findings Statement, attached as Exhibit B)

- (2) That the project consists of a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of such area for recreational and other facilities incidental or appurtenant thereto

The proposed Project will result in a building with approximately 466,238 gsf, a density close to the allowable maximum, including FAR bonuses. The cultural, office and retail uses will transform the site into a mixed-use development that increases the vitality of 125th Street as an arts/entertainment destination and regional business district.

- (3) That the plan or undertaking affords maximum opportunity for participation by private

enterprise, consistent with the sound needs of the municipality as a whole

The Project will result in new development by a private developer that is consistent with the goals and objectives of the 125th Street Corridor Rezoning and the criteria set forth in the RFP, in addition to providing amenities and uses that will benefit the 125th Street Corridor and the overall community.

Staff also believes, and recommends that the Directors find that the proposed Project is consistent with the requirements of the UDC Act for civic projects and satisfies the findings required under UDC Act Section 10(d) as follows (statutory language underscored):

- (1) That there exists in the area in which the project is to be located, a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the project

Not-for-profit organizations generate substantial economic activity in New York and constitute an important sector of the State and City economies. The proposed Civil Rights Museum would bring to Harlem New York State's first Civil Rights Museum, helping to preserve this important part of U.S. history and serve as another rich cultural attraction for tourists and residents. The Museum as well as the proposed empowerment and conference center will add to the vibrant, mixed-use growth of the Harlem community.

- (2) That the project shall consist of a building or buildings or other facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes

The mixed-use building proposed for the development will include a civil rights museum, a conference center, which will be available for use by the community and an approximately 50,000 gross square foot community facility.

- (3) That such project will be leased to or owned by the State or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been, or will be, made for the payment of the cost of the acquisition, construction, operation, maintenance and upkeep of the project.

ESD would acquire ownership of the Property and simultaneously lease the Property to Tenant. Tenant will be responsible for cost of constructing the improvements as well as for the operation and maintenance of the Property, including all costs associated therewith. Tenant will provide appropriate performance and payment bonds, guarantees and security deposits for the successful completion and operation of the Property.

- (4) That the plans and specifications assure or will assure adequate light, air, sanitation and fire protection.

The Project will be designed and will be built in compliance all applicable Building Code(s), including making adequate provision for light, air, sanitation and fire protection.

The requirements of UDC Act Section 10(g) also are satisfied. No residential relocation is required because no families or individuals reside on the Project site.

V. Environmental Review

A Final Environmental Impact Statement ("FEIS") was issued for the 125th Street Corridor Rezoning and Related Actions in February 2008. The FEIS specifically identified the 121 West 125th Street parcel as a projected development site ("Site 10") and analyzed a development scenario for the parcel that included two additional lots to the west of what currently constitutes the Project site. The New York City Planning Commission was the lead agency for the preparation of the FEIS.

Although the proposed Project's development will comply with the zoning adopted as part of the 2008 rezoning, the program and building envelope now proposed for Site 10 are different from the projected development analyzed for that site in the 2008 environmental review. The proposed Project will introduce community facility, conference center, and residential uses, and would change the square footages of the arts-related, office and retail components. The proposed Project will also have a different massing due to the exclusion of the two lots described above. Since the publication of the FEIS in 2008, some changes have occurred in actual and anticipated background conditions that were not included in the FEIS analyses.

For these reasons, ESD has been re-established as lead agency for the purpose of assessing whether these changes would result in any new or substantially different significant adverse impacts than what had been described in the FEIS.

ESD has had a Technical Memorandum, attached as Exhibit A, prepared to undertake this assessment. The Technical Memorandum concludes that the differences in the proposed Project as compared to the projected development analyzed for Site 10 in the 2008 environmental review for the rezoning, as well as changes in background conditions that have arisen since that review, would not result in any significant adverse impacts not previously identified, and therefore, the Project does not result in the need for a supplemental environmental impact statement.

Since the proposed Project is part of the development anticipated to result from the 125th Street Corridor Rezoning, which was the subject of an EIS, ESD must also adopt SEQRA findings based on that EIS and the subsequent environmental review set forth in the Technical

Memorandum.

The Findings Statement, attached as Exhibit B, contains the facts and conclusions in the FEIS and Technical Memorandum that will be relied upon to support the Corporation's decision regarding adoption of the GPP, and indicates the social, economic and other factors and standards forming the basis of its decision.

The findings that the Corporation must adopt prior to its final determination with respect to the GPP are, that:

- The Corporation has given consideration to the FEIS and Technical Memorandum;
- The requirements of the SEQRA process, including the implementing regulations of the New York State Department of Environmental Conservation, have been met;
- Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the proposed action is one that avoids or minimizes adverse environmental effects to the maximum extent practicable, including the effects disclosed in the relevant environmental impact statement;
- Consistent with social, economic and other essential considerations to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be avoided or minimized to the maximum extent practicable by incorporating those mitigative measures that were identified as practicable.

ESD staff concurs with the determination that the proposed action avoids or mitigates to the maximum extent practicable all potentially significant adverse impacts. ESD staff therefore recommends that the Directors adopt the SEQRA Findings, which are supported by the Findings Statement, attached as Exhibit B. In the event that the GPP is modified, either as a result of comments received at the public hearing or otherwise, in a manner that would require an amendment to the Findings Statement, such modification would be presented to the Board for further action at a later time.

VI. Non-Discrimination and Contractor & Supplier Diversity

ESD's Non-Discrimination and Contractor & Supplier Diversity policies will apply to this Project. ESD shall require: (i) the inclusion of minorities and women in any job opportunities created; (ii) solicitation and utilization of Minority and Women Owned Business Enterprise ("MWBE") for any and all contractual opportunities generated in connection with the Project; and (iii) the use of Good Faith Efforts (pursuant to 5 NYCRR §142.8) to achieve an overall MWBE participation goal of no less than 30%. ESD's office of Contractor and Supplier Diversity shall review and, where applicable, establish contract specific MWBE goals prior to the execution of any contract for construction or construction related services associated with the Project.

Part 2. Proposed Property Acquisition and Disposition

VII. Compliance with the Public Authorities Law

Pursuant to Public Authorities Law ("PAL"), ESD is required to dispose of property through a competitive bid process unless a specific statutory exception applies. ESD conducted a competitive bid process by issuing a Request For Proposals ("RFP") for the disposition and redevelopment of the Property.

Pursuant to the provisions of the Public Authorities Law, ESD may not sell, lease or otherwise alienate ESD property for less than fair market value, unless a specific statutory exception applies. ESD proposes to enter into a 99-year lease of the Property at below fair market value. The relevant exception permits such a disposition when the purpose of the transfer is within the purpose, mission or governing statute of the public authority.

It is within ESD's governing statute or mission to:

- (i) promote a vigorous and growing economy, prevent economic stagnation and encourage the creation of new job opportunities in order to protect against the hazards of unemployment, reduce the level of public assistance to now indigent individuals and families, increase revenues to the state and its municipalities and to achieve stable and diversified local economies.
- (ii) promote the sound growth and development of our municipalities through the correction of such substandard, insanitary, blighted, deteriorated or deteriorating conditions, factors and characteristics by the clearance, re-planning, reconstruction, redevelopment, rehabilitation, restoration or conservation of such areas, and of areas reasonably accessible thereto the undertaking of public and private improvement programs related thereto, including the provision of educational, recreational and cultural facilities, and the encouragement of participation in these programs by private enterprise.
- (iii) encourage maximum participation by the private sector of the economy, including the sale or lease of the corporation's interest in projects at the earliest time deemed feasible.
- (iv) provide or obtain the capital resources necessary to acquire, construct, reconstruct, rehabilitate or improve such industrial, manufacturing, commercial, educational, recreational and cultural facilities and housing accommodations for persons and families of low income, and facilities incidental or appurtenant thereto.

The acquisition and lease of the Property will facilitate the development of a mixed-use development that will create jobs, spur private investment, and provide cultural and community space and affordable housing. The purpose of this disposition is therefore consistent with the purpose, mission and governing statute of ESD and is within the exception above. Accordingly, the conditions of the PAL for the transfer of the Property are satisfied.

Additional information required by the PAL to support the transfer at below fair market value is as follows:

(i) A full description of the asset:

The asset that will be disposed of consists of a 99-year leasehold of the merged fee interests (each interest described in Part I, Section I) of OGS and NYC in the Property. ESD will lease the fee interest in the Property to Tenant.

(ii) An appraisal of the fair market value of the asset and any other information establishing the fair market value sought by the board:

In order to appraise the fair market value of the 99-year lease, the appraiser used the income method, which utilizes projected rents based on the highest and best use of all portions of the property, discounted to reflect current present value. This approach determined the fair market value ("FMV") of the leasehold at \$63.8M

(iii) A description of the purpose of the transfer, and a reasonable statement of the kind and amount of the benefit to the public resulting from the transfer, including but not limited to the kind, number, location, wages or salaries of jobs created or preserved as required by the transfer, the benefits, if any to the communities in which the asset is situated as are required by the transfer:

As more fully described in these materials, the public benefits expected include, the creation of a community facility, a museum, a conference center, office and retail space, parking and affordable mixed-income housing. Construction and operation of the Project will generate jobs, employee compensation and tax revenues for the State and City of New York, as described herein, in Part 1, Section II (B) of the GPP.

(iv) A statement of the value to be received compared to the fair market value:

As a result of the restricted uses in the proposed Lease, the rents ESD will receive in cash will be less than the rent that could be received based upon the highest and best use of the Property. In the first year of such a lease, the appraiser estimated a cash flow of \$3.6 million. In year thirty of this same lease, the appraiser estimates the cash flow would be \$8.5 million. Pursuant to the proposed Lease, given the use restrictions defined in the Lease, the tenant will pay ESD \$1 million in base rent in the first year. In the thirtieth year of the Lease tenant will pay ESD \$1.5 million in base rent. The disparity between the actual annual lease payments received by ESD versus the potential payments per the appraised assessment of value will continue to increase over the remaining lease term.

- (v) The names of any private parties participating in the transfer and if different than the statement required by (iv), a statement of the value of the private party:

The NUL together with Hudson and its MWBE development partner, BRP Companies serve as the developers.

- (vi) The names of other private parties who have made an offer for such asset, the value offered, and the purpose for which the asset was sought to be used:

A team consisting of Grid Properties, Gotham Organization and Harlem Commonwealth Council proposed a project with retail, office and arts/cultural uses for a 99-year ground lease at an annual base rent of \$850,000, subject to periodic escalation.

The goal of the transfer of the Property is to have the Property redeveloped as a mixed-use development that meets the goals of the NYC 2008 re-zoning as described in the materials, in order to further the economic development interests of the State, NYC and the local community. As described in these materials, the Property currently underutilizes the allowable development under existing zoning rules. The jobs that will be created and the affordable housing units included in the Project will strengthen the economic stability of the Harlem community. ESD and NYCEDC in their joint RFP sought a development proposal for the Property that best met the RFP's stated goals of a development with office, retail and cultural space, including below market rate rents for 5% of the office and retail uses, all targeted uses of the 2008 re-zoning. The bid prices in the responses to the RFP represent actual, arm's length valuations of the Property with the restricted uses. These arm's length bids offer a more precise assessment of the fair market value of the Property, developed in accordance with the RFP than an appraisal of "highest and best use". Of the bids received, only the ULEC proposal included co-developers that will also be anchor tenants, insuring that the commercial and cultural space will be occupied immediately upon construction completion for uses consistent with goals of the RFP and 125th Street re-zoning. For these reasons, ESD staff recommends that the Directors find that there is no reasonable alternative to the below fair market disposition that would achieve the same purpose of such transfer.

VIII. Requested Actions

The Directors are requested to: 1) make UDC Act Sections 10(c), 10(d) and 10(g) findings in connection with the proposed Project; 2) determine that no Supplemental Environmental Impact Statement is needed; 3) adopt Findings Pursuant to Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act and its implementing regulations; 4) adopt the General Project Plan 5) approve the essential terms of the Lease; 6) determine pursuant to Public Authorities Law Section 2897 that there is no reasonable alternative to the proposed fair market value disposition by Lease; 7) authorize the holding of a public hearing; 8) authorize the acquisition and disposition of the real property constituting the Project site in accordance with applicable provisions of the Public Authorities Law; 9) authorize

the taking of actions related to the foregoing.

IX. Attachments

Resolutions

Exhibit A: Technical Memorandum

Exhibit B: Findings Statement

June 27, 2013

New York City (New York County) –121 West 125th Street (Urban League Empowerment Center) Land Use Improvement and Civic Project – Land Use Improvement and Civic Project Findings; Determination that No Supplemental Environmental Impact Statement Needed; Adoption of Findings Pursuant to Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act and its implementing regulations; Adoption of General Project Plan; Approval of Lease; Authorization to Hold a Public Hearing; Authorization to Acquire and Dispose of Real Property in accordance with Applicable Provisions of the Public Authorities Law; and Authorization to Take Related Actions.

RESOLVED, that, on the basis of the materials presented to this meeting (the “Materials”), a copy of which is hereby ordered filed with the records of the Corporation relating to the 121 West 125th Street (Urban League Empowerment Center) Land Use Improvement and Civic Project (the “Project”), the Corporation hereby determines and finds pursuant to Section 10(c) of the New York State Urban Development Corporation Act of 1968, as amended (the “Act”), that:

- (1) That the area in which the project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality;
- (2) That the project consists of a plan or undertaking for the clearance, re-planning, reconstruction and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto;
- (3) That the plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole;

and be it further

RESOLVED, that, on the basis of the Materials, the Corporation hereby determines and finds pursuant to Section 10(d) of the Act, that:

- (1) there exists in the area in which the project is to be located, a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the project;
- (2) the project shall consist of a building or buildings or facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes;

- (3) such project will be leased to or owned by the state or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been or will be, made for the payment of the cost of acquisition, construction, operation, maintenance and upkeep of the project;
- (4) the plans and specifications assure or will assure adequate light, air, sanitation and fire protection; and be it further

RESOLVED, that, on the basis of the Materials, the Corporation hereby determines and finds pursuant to Section 10(g) of the Act that there are no families or individuals to be displaced from the Project area; and be it further

RESOLVED, having reviewed the Technical Memorandum, the Corporation hereby determines that no Supplemental Environmental Impact Statement is needed in connection with adoption of the General Project Plan for the Project (the "GPP"); and be it further

RESOLVED, that with respect to the Project, the Corporation hereby makes and adopts pursuant to the State Environmental Quality Review Act ("SEQRA") the following findings and determinations, which findings and determinations are made after full consideration of the Findings Statement attached as Exhibit B hereto, which Exhibit B is hereby adopted by the Corporation and copies of which document are hereby filed with the records of the Corporation.

- The Corporation has given consideration to the Draft and Final Environmental Impact Statement prepared for the Project;
- The requirements of the SEQRA process, including the implementing regulations of the New York State Department of Environmental Conservation, have been met;
- Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Project is one that avoids or minimizes adverse environmental effects to the maximum extent practicable, including the effects disclosed in the relevant environmental impact statement;
- Consistent with social, economic and other essential considerations, , adverse environmental effects revealed in the environmental impact statement process will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

RESOLVED, that the President and Chief Executive Officer or his designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to take all actions as he or she may in his or her sole discretion consider to be necessary or proper to comply with the requirements of SEQRA in connection with the Project; and be it further

RESOLVED, that subject to Section 16 of the Act, the Corporation does hereby adopt the proposed GPP as presented to this meeting, together with such changes therein as the President and Chief Executive Officer of the Corporation or his designee(s) may deem appropriate, a copy of which, together with such changes, is hereby ordered filed with the records of the Corporation; and be it further

RESOLVED, that the Corporation hereby finds that the Lease is in conformity with the GPP and does hereby approve, subject to Section 6 of the Act, the Lease substantially on the terms set forth in the Materials; and be it further

RESOLVED, that on the basis of the Materials, the Directors hereby find that there is no reasonable alternative to the proposed below fair market value transfer that would achieve the same purpose of such transfer; and be it further

RESOLVED, that the proper officers of the Corporation are hereby authorized and directed to hold a public hearing on the GPP and the Lease and the transactions contemplated thereby in accordance with the requirements of the Act; and be it further

RESOLVED, that upon a written finding of the Chief Executive Officer of the Corporation that no substantive negative testimony or comment has been received at such public hearing, the GPP shall be deemed effective as of the conclusion of the public hearing; and be it further

RESOLVED, that upon the effectiveness of the GPP, the Corporation is authorized to acquire real property from the State of New York, the City of New York and/or the New York City Economic Development Corporation as may be needed to assemble the Project site, and to dispose of the same by the execution and delivery of the Lease, all as substantially set forth in the GPP;

RESOLVED, that approvals set forth herein are expressly contingent upon: (1) approval of the Public Authorities Control Board, as applicable; and (2) receipt of all other necessary approvals; and be it further

RESOLVED, that the President and Chief Executive Officer or authorized designee(s) be, and each of them hereby is, authorized and directed in the name of and on behalf of the Corporation to execute and deliver any and all such documents and to take all such related actions as may be necessary or appropriate to effectuate the foregoing resolutions.



121 West 125th Street
(Urban League Empowerment Center)
Land Use Improvement and Civic
Project

November 18, 2013

General Project Plan Reaffirmation

Empire State Development

FOR CONSIDERATION

November 18, 2013

TO: The Directors

FROM: Kenneth Adams

SUBJECT: New York City (New York County) – 121 West 125th Street (Urban League Empowerment Center) Land Use Improvement and Civic Project

REQUEST FOR: Reaffirmation of General Project Plan (“GPP”); and Authorization to Take Related Actions.

I. Background

The 121 West 125th Street (Urban League Empowerment Center) Land Use Improvement and Civic Project is a comprehensive plan for the redevelopment of an approximately 42,000 square foot lot located at 121 West 125th Street (the “Property”) between Adam Clayton Powell, Jr. Boulevard and Lenox Avenue/Malcolm X Boulevards, extending between 125th and 126th Streets in Harlem, New York City, currently improved with an approximately 160,000 square foot, four-story building that includes a 304-space public parking garage, which is operated by a garage operator, and six small retail spaces that front on 125th Street.

On February 21, 2013, the ESD Directors conditionally designated the National Urban League, Inc. (“NUL”) and The Hudson Companies, Inc. (“Hudson”) as Developer of the Project to develop the Property with certain required uses, including the headquarters of the National Urban League, and to operate and maintain the Property in accordance with the terms of a 99-year ground lease with option to purchase. The planned redevelopment would include demolition of the existing building and the construction of a larger building with approximately 66,000 gross square feet (“gsf”) of retail, 75,000 gsf of office, 55,000 gsf of community facility, 24,000 gsf of museum, 56,000 gsf of conference center space, 114 units of residential (50 percent affordable for low and middle income) and 89,000 gsf (or 225 spaces) for parking (the “Project”).

Public Hearings

The Project was brought to the ESD Directors for approval on June 27, 2013. At that time, among other actions taken with respect to the Project, the Directors adopted a General Project Plan (“GPP”), attached to these materials as Exhibit A; adopted findings in accordance with the New York State Environmental Quality Review Act (“SEQRA”); and authorized the holding of a

public hearing pursuant to Section 16 of the Urban Development Corporation Act (the "Act") to receive comments on the GPP. Pursuant to the authorization, ESD held a public hearing on July 10, 2013 at the Adam Clayton Powell, Jr. State Office Building, 163 West 125th Street, New York, NY.

Subsequently, pursuant to the authorization granted by the Directors on June 27, 2013, and in response to requests from members of the community, ESD held a duly noticed public hearing on November 7, 2013 at which oral and written comments were received from the public. Further written comments were accepted through November 8, 2013. The purpose of the hearing was to inform the public about the Project and to solicit public comment pursuant to Section 16 of the Act on the GPP for the Project. A summary of all public comments received on the GPP and the responses thereto is set forth as Exhibit B to these materials. A transcript of the November 7, 2013 hearing and copies of the written comments received, are included as Exhibit C.

II. Response to Hearing Comments

At the November 7, 2013 public hearing, oral and written comments were received from elected officials, interested individuals and local agencies and organizations. A total of 36 individuals and organizations spoke at the hearing or submitted written comments. The comments related primarily to six topics: (1) UDC Act findings; (2) environmental review; (3) existing and proposed commercial tenancies; (4) minority- and women-owned business enterprise ("MWBE") and local participation in contracting and workforce opportunities; (5) affordable housing, and (6) community involvement. The full Response to Comments is included in Exhibit B. Set forth below are summaries of the comments, along with ESD's responses thereto.

UDC Act Findings

Comments: A commenter questioned the basis for several UDC Act land use improvement findings. In addition, a question was raised as to whether the requirements of Section 10(c) of the UDC Act were satisfied.

Response: The Project would create a mixed-use development designed to maximize the full development potential of the Property in a manner consistent with the 2008 re-zoning of the 125th Street corridor.

The Project, which is to be built primarily with private financing, affords maximum opportunity for participation by private and non-profit enterprises, including increasing the retail and office square footage available for leasing to other private and non-profit enterprises and creating jobs and economic activity to benefit the 125th Street corridor and the overall community.

Section 10(g) of the Act addresses relocation methods for residential tenants, not commercial tenants. There are no residential tenants at the Property and therefore no residents would be displaced because of the Project.

Environmental Review

Comments: A number of comments either questioned the level of environmental review undertaken in connection with the Project or called for the preparation of a full supplemental environmental impact statement ("SEIS") for the Project.

Response: An Environmental Impact Statement ("EIS") for the 125th Street Corridor Rezoning and Related Actions was prepared by the New York City Planning Commission in 2008. The Property was a projected development site identified in that EIS and the proposed Project complies with the requirements of the rezoning. ESD prepared a Technical Memorandum to assess whether any new or substantially different significant adverse impacts would result from the Project compared to what was disclosed in the 2008 environmental review conducted for the 125th Street Corridor Rezoning, which identified no new or substantially different impacts, and therefore concluded that no SEIS is needed for the Project.

Existing and Proposed Tenancies

Comments: A large number of comments inquired about the future for the existing tenants at the Property; specifically, what if any steps are being taken to either prevent their being displaced or to relocate them once the Project construction begins and to compensate them for their investment in their businesses. Questions were also raised about the criteria for qualifying future tenants and whether the existing tenants would be permitted to return to the Property upon Project completion, and if so at rents they could afford.

Response: The GPP does not call for eviction of any tenants. All the existing leases expire by August 31, 2015, prior to the proposed construction commencement date. Both ESD and the New York City Economic Development Corporation ("NYCEDC") have offered to work with the existing tenants to provide them with relocation assistance, including but not limited to providing access to loan-to-grant programs that would provide up to \$250,000 in capital funds, legal assistance in reviewing new leases, and relocation and technical assistance directed at the long-term sustainability of these important local community businesses.

MWBE and Local Participation in Contracting and Workforce Opportunities

Comments: A number of commenters asked about the availability of, notification about and potential training for jobs for local residents and contracting opportunities for local, women- and minority-owned business enterprises. Specific MWBE and local hiring goals were requested for the Project as well as information on the proposed developer's record of accomplishment in achieving MWBE participation goals.

Response: ESD has set 30% MWBE goals for this Project for the workforce as well as the solicitation and utilization of contractors and suppliers. The National Urban League has pledged an even higher goal of a minimum of 50% MWBE participation. ESD's office of Contractor and Supplier Diversity would monitor compliance with these goals. While there are no specific

goals set to engage "local" workforce or MWBE contracting, the developer has pledged to conduct ongoing outreach within the local community to insure that local community residents are aware of upcoming job and contracting opportunities.

Affordable Housing

Comments: With respect to the affordable housing that is to be included in the Project, commenters asked questions regarding the target income levels, projected rents, duration of the affordability period and the percentage of total units that are to be set aside for preference to Harlem residents. Some questioned the use of the U.S. Department of Housing and Urban Development ("HUD") Area Median Income ("AMI") limits, stating that the HUD AMI limits are higher than actual median incomes within the Harlem community.

Response: Of the 114 residential units that would be constructed, 23 would be made available to those with income that is less than or equal to 50% of the New York City AMI, established annually by HUD, 34 would be available to those with incomes less than or equal to 130% of AMI and the remaining 56 units would be rented at market rates. All 114 units would be subject to rent stabilization. The housing would be partially financed with existing discretionary Federal and State programs for multifamily development, including but not limited to tax exempt bonds, tax credits and/or low interest-rate loans. The funding programs generally require the Building Owner to maintain the governmentally-financed units as affordable for a term of years, currently 30 years for similarly financed projects. Residents of Community Board 10 would be given preference with respect to 50% of the units. This preference may be expanded to include other adjacent Community Boards with City approval. Additionally, people with disabilities would be given preference for 2% of the units and municipal employees would be given preference for 5% of the units. The proposed 50/30/20 housing program and other programs that finance affordable housing use the HUD AMI guidelines as benchmarks for household eligibility.

Community Involvement

Comments: Commenters expressing opinions on this topic generally fell into two categories, those who felt that that outreach to the community to advise them of Project was inadequate and those who felt that proposed developments should be more inclusive and conscious of the concerns of the businesses and residents of the community in which the Project is to be located.

Response: ESD takes seriously the criticism it has received in connection with the notice that it provided to the community in connection with the July 10 hearing on this project. In response to requests from the community, ESD scheduled a second public hearing, advertising the hearing in three publications in addition to posting the notice on its website. ESD also extended to comment period. ESD complied with the statutory notice requirements under the Act, notwithstanding it is open to suggestions on improving outreach.

Miscellaneous

Comments: Various commenters, while expressing approval of the Project, asked that the Project include additions such as a “tech hub” or a program to employ formerly incarcerated individuals. Others questioned the selection of this site, the building of a museum and the need to demolish the existing structure at the expense of losing the existing retail stores. Another set of questions requested more detail on the project economics including the lease price, the valuation of the site, the value of government tax benefits or incentives, and the allocation and use of the lease income.

Response: See Exhibit B for responses to these varied topics.

III. Project Description and Statutory Basis

The proposed Project is as set forth in the attached GPP. The statutory bases for the Project are also set forth in the GPP. The Project does not require override of any local zoning rules or regulations.

Land Use Improvement and Civic Project Findings

Staff has reviewed the comments received at the November 7, 2013 public hearing and concluded that no substantive negative comment was received at the hearing that would have an effect on the findings the Directors made when adopting the GPP. The Directors are therefore requested to reaffirm the Land Use Improvement and Civic Project findings, as set forth below and stated in the GPP.

- (1) That the area in which the project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality.

The current low-density uses of the Property as a garage with limited retail do not maximize the full potential of the site.

- (2) That the project consists of a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of such area for recreational and other facilities incidental or appurtenant thereto.

The proposed Project would result in a building with approximately 466,238 gsf, a density close to the allowable maximum, including FAR bonuses. The cultural, office and retail uses would transform the site into a mixed-use development that increases the vitality of 125th Street as an arts/entertainment destination and regional business district.

- (3) That the plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole.

The Project would result in new development by a private developer that is consistent with the goals and objectives of the 125th Street Corridor Rezoning and the criteria set forth in the RFP, in addition to providing amenities and uses that would benefit the 125th Street Corridor and the overall community.

Staff also believes, and recommends that the Directors find that the proposed Project is consistent with the requirements of the UDC Act for civic projects and satisfies the findings required under UDC Act Section 10(d) as follows (statutory language underscored):

- (1) That there exists in the area in which the project is to be located, a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the project.

Not-for-profit organizations generate substantial economic activity in New York and constitute an important sector of the State and City economies. The proposed Civil Rights Museum would bring New York State's first Civil Rights Museum to Harlem, helping to preserve this important part of U.S. history and serve as another rich cultural attraction for tourists and residents. The Museum as well as the proposed empowerment and conference center would add to the vibrant, mixed-use growth of the Harlem community.

- (2) That the project shall consist of a building or buildings or other facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes.

The mixed-use building proposed for the development would include a civil rights museum, a conference center which would be available for use by the community, and an approximately 50,000 gross square foot community facility.

- (3) That such project will be leased to or owned by the State or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been, or will be, made for the payment of the cost of the acquisition, construction, operation, maintenance and upkeep of the project.

ESD would acquire ownership of the Property and simultaneously lease the Property to the developer. The developer would be responsible for the cost of constructing the improvements as well as for the operation and maintenance of the Property, including all costs associated therewith. The developer would provide appropriate performance and payment bonds, guarantees and security deposits for the successful completion and operation of the Property.

- (4) That the plans and specifications assure or will assure adequate light, air, sanitation and fire protection.

The Project would be designed and would be built in compliance with all applicable Building Code(s), including making adequate provision for light, air, sanitation and fire protection.

The requirements of UDC Act Section 10(g) also are satisfied. No residential relocation is necessary because no families or individuals reside at the Property.

IV. Environmental Review

At their June 27, 2013 meeting, the Directors adopted SEQRA findings based on the 2008 125th Street Corridor Rezoning EIS and subsequent Technical Memoranda, and the determination that no supplemental EIS was needed as explained in a Technical Memorandum prepared to address the change in the program from what was assumed on the Property as a projected development site in the 2008 FEIS, taking account of changes to background conditions since the 2008 environmental review was completed. The requirements of SEQRA have been duly fulfilled through the 2008 environmental review, the preparation of the Technical Memorandum and the issuance of SEQRA findings by ESD. No further environmental review is necessary in connection with the requested action.

V. Non-Discrimination and Contractor & Supplier Diversity

ESD reaffirms that the agreed Non-Discrimination and Contractor & Supplier Diversity policies will apply to this Project.

VI. Requested Actions

The Directors are requested to reaffirm the General Project Plan for the Project.

VII. Attachments

Resolutions

- Exhibit A: General Project Plan
- Exhibit B: Summary of Comments and Responses
- Exhibit C: Hearing Transcript

November 18, 2013

New York City (New York County) – 121 West 125th Street (Urban League Empowerment Center) Land Use Improvement and Civic Project – Reaffirmation of General Project Plan; and Authorization to Take Related Actions.

RESOLVED, that, pursuant to Section 16 of the New York State Urban Development Corporation Act, as amended, and after due consideration of: (1) the testimony given at the public hearing held by the Corporation on November 7, 2013 at the Adam Clayton Powell, Jr. State Office Building, 163 West 125th Street, New York, NY on the General Project Plan for the Project dated June 27, 2013 (the "Plan"); (2) the entire record of such hearing, including all written comments received on the Plan, copies of all of which were presented to this meeting and are ordered filed with the records of the Corporation, the Corporation does hereby reaffirm the Plan; and be it further

RESOLVED, that the President and his designees, or any of them, be and each hereby is authorized to take such action or execute on behalf of the Corporation such documents as they may consider necessary or appropriate in connection with the foregoing resolution.

* * *