Empire State Development

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	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. 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.
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) <u>A full description of the asset</u>:

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) <u>An appraisal of the fair market value of the asset and any other information establishing the fair market value sought by the board</u>:

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.

TECHNICAL MEMORANDUM

121 West 125th Street Development

June 18, 2013

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 Developers to undertake the proposed 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 466,238 gross square feet (gsf)[1] and would include approximately 101,000 gsf (114 DUs) of residential (50 percent affordable for low and middle income), 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). In order to facilitate the residential component of the proposed development, the conditionally designated development team, comprising the Urban League Empowerment Center LLC, Hudson Empowerment LLC, and BRP Empowerment LLC (the "Developers"), are also seeking the provision of financial assistance from the New York City Housing Development Corporation ("HDC") under its Mixed-Income 50/30/20 Program.[2] Additionally, the Developers will potentially seek funding from the New York City Department of Housing Preservation and Development ("HPD") and/or from New York State Homes and Community Renewal ("HCR").

[1] The total gross square feet of proposed development includes both above-and below-grade development, and parking floor area.

[2] Under HDC's Mixed-Income 50/30/20 Program, 20 percent of apartments in a multi-family rental building are restricted for low-income tenants, 30 percent are reserved for middle-income tenants, and the remaining are rented at market rates. The proposed development would include approximately 23 low-income housing units, approximately 34 middle-income housing units, and approximately 57 market-rate housing units (total of approximately 114 units).

PROPOSED DEVELOPMENT SITE (PART OF LOT 1, MANHATTAN BLOCK 1910) 1 PHOTO KEY SOURCE: GOOGLE EARTH AERIAL

121 WEST 125TH STREET DEVELOPMENT

FIGURE 1
AERIAL VIEW OF PROPOSED DEVELOPMENT SITE

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

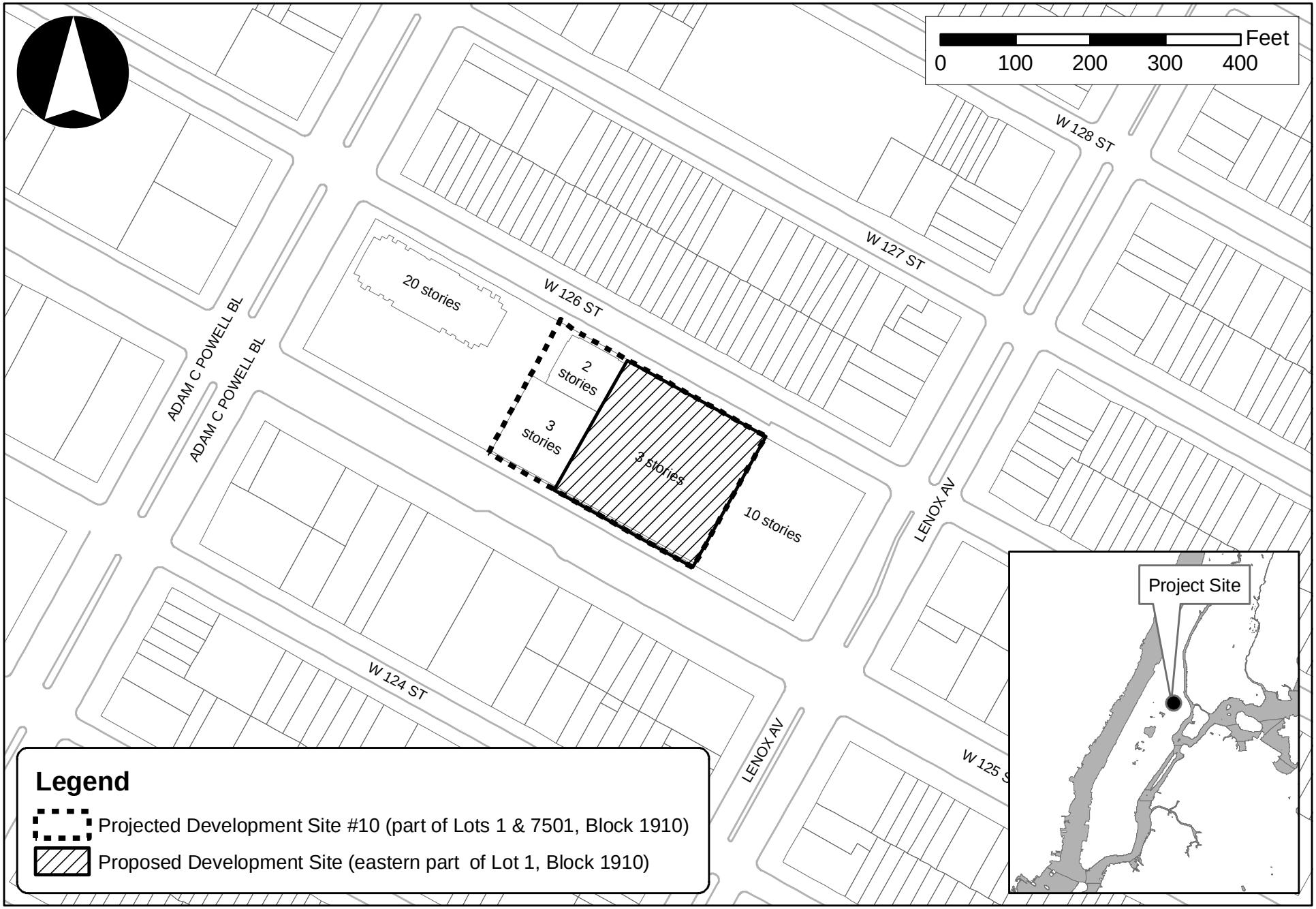
	Proposed Development Program (GSF)
Residential	101,000 gsf (114 dwelling units)
Museum	24,000 gsf
Conference Center	56,000 gsf
Retail	66,000 gsf
Commercial Office	75,000 gsf
Community Facility	55,000 gsf
Parking	89,238 gsf (225 spaces)
Total*	**466,238 gsf**

* The total gross square footage includes both above- and below-grade development as well as parking.
Source: Hudson Empowerment, LLC

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 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, museum, conference center, and community facility uses. The proposed development would introduce residential, conference center, 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 41,965 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 Developers 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 further development of that property. In addition, the proposed development would have a maximum height of approximately 195 feet tall (up to 235 feet including mechanical space), compared to the 290 foot tall structure assumed in



121 West 125th Street Development

Figure 2

Project Location

the FEIS.[3] A detailed description of the proposed development, which is expected to be completed by 2017, 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 *2012 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).

[3] 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 space[4] 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.

[4]The 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.[5] 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.

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 amendment[6] reduced the projected density for Site 10 approximately 25 percent

[5] 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.
[6] 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.

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 41,965 sf portion of Site 10 (comprising the easternmost portion of Lot 1 on Block 1910), through a long-term lease by the ESD to the Developers. The Developers are proposing an approximately 15-story (195 foot[7]) mixed use building at the site that would include approximately 101,000 gsf (114 DUs) of residential (50 percent affordable housing units), 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 uses, and 89,238 gsf of parking (225 spaces). In order to facilitate the residential component of the proposed development, the Developers are seeking the provision of financial assistance from the HDC under its Mixed-Income 50/30/20 Program. Additionally, the Developers will potentially seek funding from the HPD and/or from HCR.

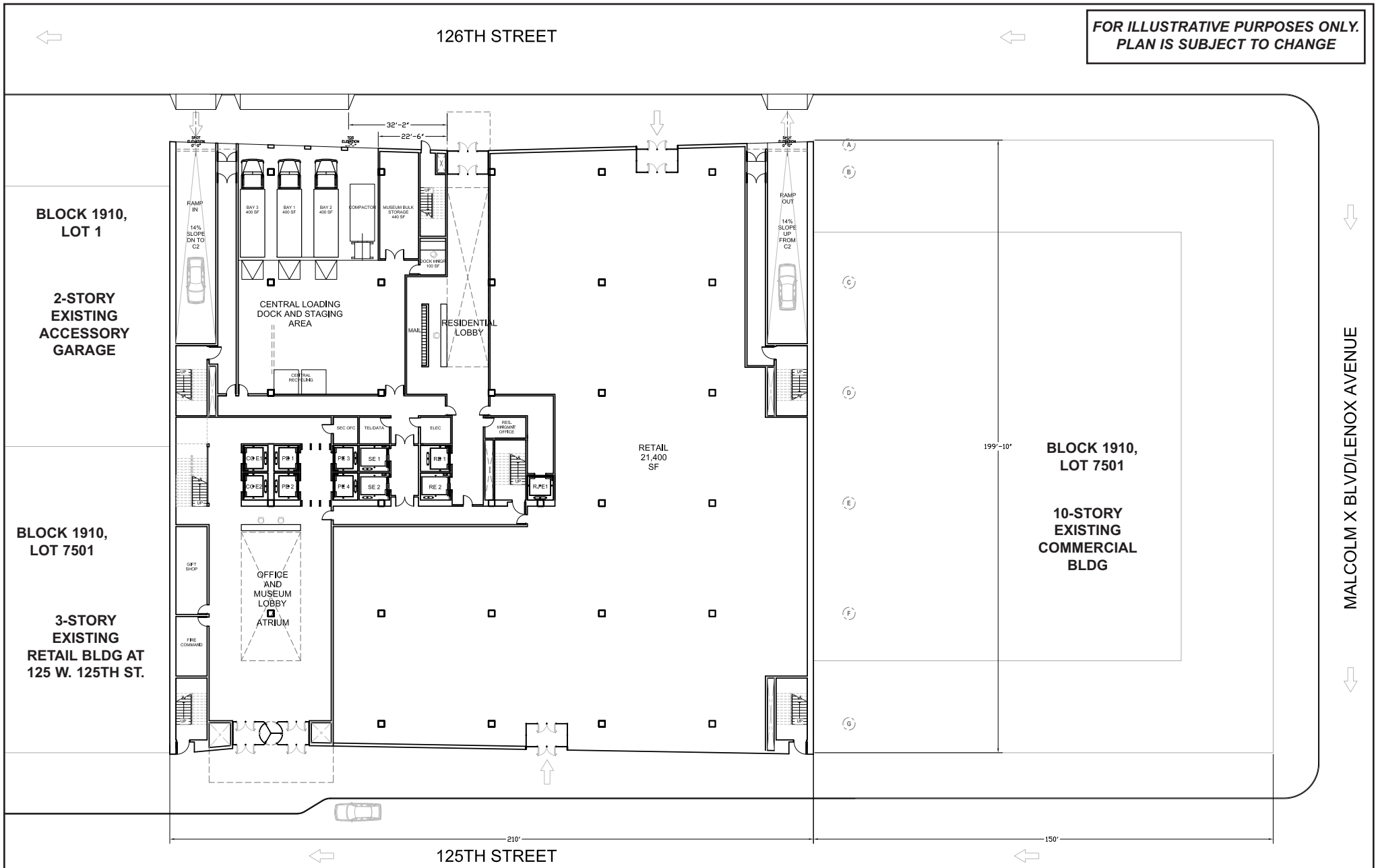
As shown in the preliminary site plan (Figure 3), retail space would occupy much of the ground floor and extend through the block with entrances on both West 125th and West 126th Streets. Additional retail space would also occupy the building's second floor. The building's residential lobby would be located on the south side of West 126th Street, and all of the building's residential units would occupy the upper eight stories of the building (floors 8 to 15). It is expected that the proposed office space would occupy the building's fifth through seventh floors, the community facility space would occupy the cellar level, and the museum and conference center spaces would occupy the third and fourth floors. The proposed garage would occupy the building's two sub-cellar levels. Vehicles would enter the garage from a ramp entrance located at the northwest corner of the building on the south side of West 126th Street and exit the garage via a ramp at the northeast corner of the building on West 126th Street. As shown in Figure 3, the building's loading area would also be located on the south side of West 126th Street adjacent to the entrance to the proposed garage.

As shown in the illustrative building massing in Figure 4, the proposed building is expected to be built to the street line of both West 125th and West 126th Streets and rise approximately 85 feet forming strong street walls, prior to setting back 15 feet at the building's sixth story. At the eighth story, the building would setback an additional 69 feet and rise approximately eight stories to the building's maximum height of 195 feet. An approximately 40-foot tall mechanical penthouse would be located at the roof (the maximum building height would be 235 feet including the mechanical penthouse).

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 an 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 and community facility uses as well as a conference center, in addition to retail, office, and arts-related uses, which had

[7] A 40-foot tall mechanical penthouse on the roof of the building would increase the proposed building's maximum height to 235 feet tall.



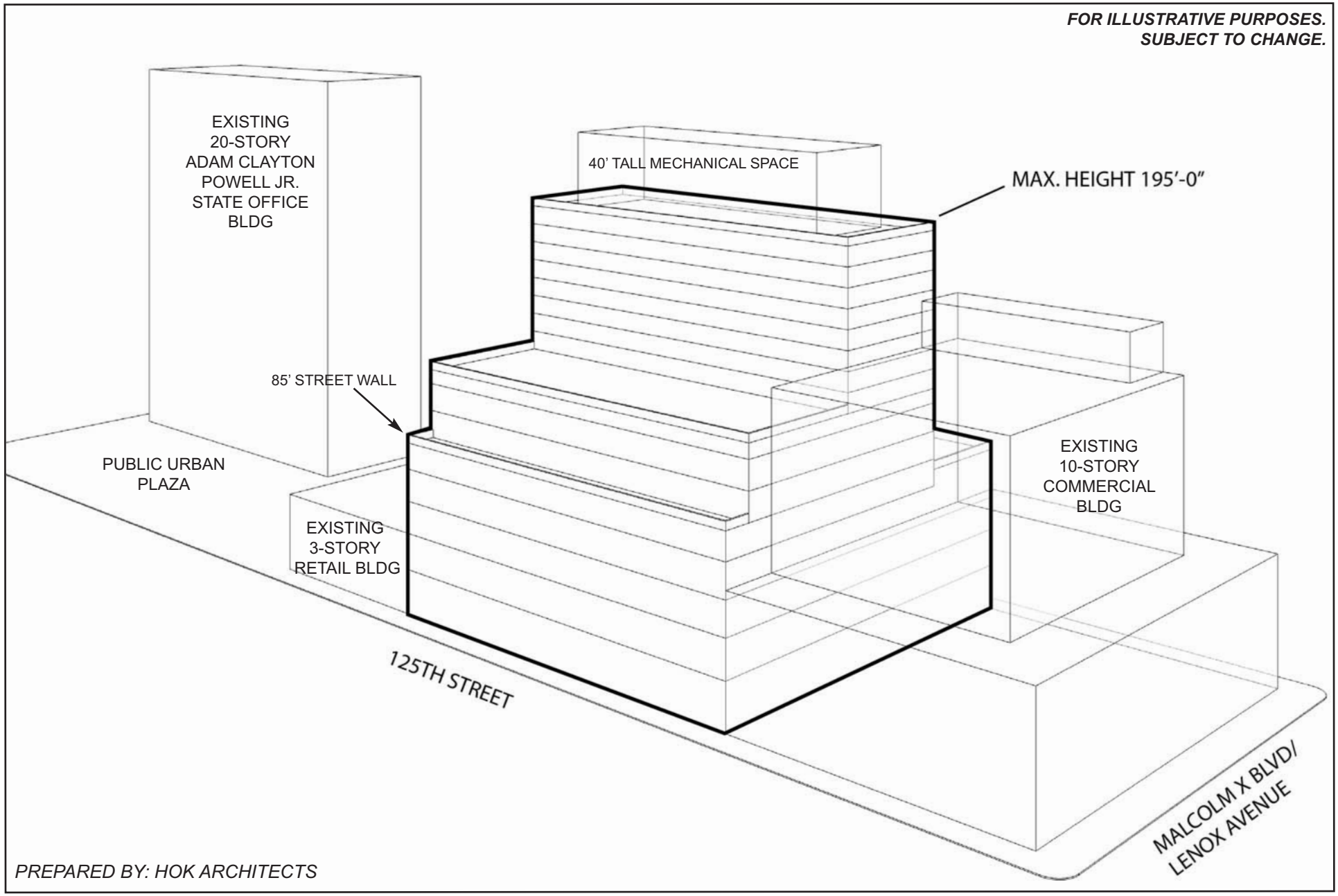
PRELIMINARY SITE PLAN

PREPARED BY: HOK ARCHITECTS

121 WEST 125TH STREET DEVELOPMENT

FIGURE 3

PRELIMINARY SITE PLAN FOR PROPOSED DEVELOPMENT AT 121 WEST 125TH STREET



121 WEST 125TH STREET DEVELOPMENT

FIGURE 4

PRELIMINARY MASSING OF PROPOSED DEVELOPMENT AT 121 WEST 125TH STREET

(1) View looking northwest 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. The Adam Clayton Powell Jr. State Office Building is visible in the background of the photograph.

(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.

121 WEST 125TH STREET DEVELOPMENT

FIGURE 5

SITE PHOTOGRAPHS OF PROJECTED DEVELOPMENT SITE #10

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.

As shown in Table 2, the proposed 121 West 125th Street development would include a total of approximately 400,000 gsf of above-and below-grade development (excluding parking), 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 and office floor area on the project site by approximately 357,180 gsf and increase the amount of performance/cultural/arts/museum-related space by approximately 2,159 gsf as compared to the July 2008 Technical Memorandum. Additionally, the proposed development would introduce approximately 101,000 gsf (114 DUs) of residential floor area, 56,000 gsf of conference center use, and approximately 55,000 gsf of community facility space, which were not analyzed in the 2008 Environmental Review for Site 10. The number of parking spaces would also increase slightly from 196 to 225.

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	---	---	101,000 gsf (114 DUs)	**101,000 gsf (114 DUs)**	**101,000 gsf (114 DUs)**
Conference Center	---	---	56,000 gsf	**56,000 gsf**	**56,000 gsf**
Performance/Cultural/ Arts/Museum	30,126 gsf	21,841 gsf	24,000 gsf	**- 6,126 gsf**	**2,159 gsf**
Retail	150,630 gsf	150,630 gsf	89,000 gsf	**- 61,630 gsf**	**- 61,630 gsf**
Office	542,268 gsf	370,550 gsf	75,000 gsf	**- 467,268 gsf**	**- 295,550 gsf**
Community Facility	---	---	55,000 gsf	**55,000 gsf**	**55,000 gsf**
Total (excludes parking)	***723,024 gsf***	***543,021 gsf***	***400,000 gsf***	***-323,024 gsf***	***- 143,021 gsf***
Parking (spaces)	196 spaces	196 spaces	225 spaces	***29 spaces***	***29 spaces***

[1]The Expanded Arts Bonus Alternative analyzed in the 2008 FEIS was adopted by the CPC, with modifications, and the City Council, with additional modifications.
[2]The 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.
[3]The gsf analyzed for the 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 the 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.
Sources: *125th Street Corridor Rezoning and Related Actions FEIS* (2008), *Technical Memorandum: 125thStreet Rezoning and Related Actions Special 125th Street District- Core Subdistrict Zoning Text Amendment* (July 2008), and Hudson Empowerment LLC.

Table 3 below 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		2012 Proposed Development Program[1]
	Expanded Arts Bonus Alternative Analyzed in FEIS	Zoning Text Amendment July 2008 Tech Memo	
Residential	---	---	257 residents, 5 workers
Conference Center	---	---	112 workers
Performance/Cultural/ Arts/Museum	100 workers	73 workers	80 workers
Retail	452 workers	452 workers	267 workers
Office	2,169 workers	1,482 workers	300 workers
Community Facility	---	---	183 workers
TOTAL	**2,721 workers**	**2,007 workers**	**257 residents, 947 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; 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 947 employees and 257 residents, including the existing 69 retail workers that would remain, compared to 2,721 employees and no residents for the Site 10 program analyzed in the 2008 FEIS, and 2,007 employees 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 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 (2013) 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 *2012 CEQR Technical Manual*.

The 2008 FEIS concluded that the Expanded Arts Bonus Alternative 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 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 proposed development program for Site 10 would not alter the conclusions for the environmental areas examined in the 2008 Environmental Review. The proposed development would not result in any significant adverse impacts beyond those disclosed in the 2008 Environmental Review. Nor have any circumstance 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 2017. Since the completion of the 2008 Environmental Review, only two of the 27 identified projected development sites (Sites 22 and 26) and none of the 22 identified potential development sites have been redeveloped. In addition, as described in further detail below, two additional projected development sites (Sites 2 and 15) and one potential (Site 49) are currently under construction.

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 building 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 H & M clothing store on part 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.

121 WEST 125TH STREET DEVELOPMENT

FIGURE 6
LAND USE MAP

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.

Several other developments are anticipated to be completed in Central Harlem within an approximate ¼-mile radius of the proposed development site prior to the 2017 analysis year, including:

- The Victoria Theater Redevelopment, an approximately 385,000 gsf mixed-use cultural, residential, hotel and retail development at 237 West 125th Street[8];
- The site at 2329 Frederick Douglass Boulevard (Block 1952, Lot 29)[9] is being developed as a 4-story shopping center (approximately 59,950 sf);
- The Harlem Village Academy High School is nearing completion at 32 West 125th Street (Block 1722, Lot 51). Upon completion, the school will accommodate 400 students and include a retail component;
- A 4-story commercial office (3,975 sf) and retail (118,739 sf) building at 5 West 125th Street/16-18 West 126th Street (Block 1723, Lot 31)[10] is currently under construction;
- Promise Academy is currently being constructed at 245 West 129th Street (Block 1933, Lot 20), on the super block occupied by the St. Nicholas Houses, just north of the project site. The charter school will be operated by Harlem Children's Zone and accommodate approximately 1,300 students. The five-story, 120,000 sf building, surrounded by the St. Nicholas Houses, is nearing completion.
- The vacant, City-owned lot located at 2135-2139 Adam Clayton Powell Jr. Boulevard has been proposed for a 10-story mixed-use development, consisting of 49 affordable housing units, 13 units of supportive housing, and 17,000 sf of program and administrative space for Harlem Dowling, a non-for-profit child welfare agency. The development is expected to be completed by late 2014.
- EDC is leading a project to create the Harlem Incubator, which could include space for technology, media, or service sector startup businesses, and/or co-working space for freelancers, entrepreneurs, small businesses, and startups. While it is expected to be sited along or near 125th Street, the specific location has not yet been determined. A request for proposals was issued in November 2012.

In addition to the sites listed above, the following two proposed roadway improvements have been proposed by the New York City Department of Transportation near the proposed 121 West 125th Street development site:

- Select Bus Service on 125th Street from Amsterdam Avenue to Second Avenue.
- Traffic calming on Adam Clayton Powell Jr. Boulevard (7th Avenue) between 110th and 134th Streets.

Planning for both of these improvements is ongoing.

The developments listed above are consistent with those analyzed in the February 2013 *Victoria Theater Redevelopment Project FEIS*. The Victoria Theater project is the revitalization of a largely vacant, State-

[8] 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.
[9] This property was analyzed as projected development site 2 in the *125th Street Corridor Rezoning and Related Actions FEIS.* Site 2 was analyzed as a mixed-use development with 33,971 sf of retail and 122 DUs.
[10] This property was analyzed as projected development site 15 in the *125th Street Corridor Rezoning and Related Actions FEIS.* Site 15 was analyzed as a130,000 gsf hotel with approximately 240-260 rooms and 25,000 sf of banquet and meeting space.

owned property on 125th Street in close proximity to the proposed 121 West 125th Street development site. The Victoria Theater project would result in the development of residential, hotel, cultural, and retail uses. In terms of zoning, implementation would be subject to the land use and design controls of a General Project Plan (GPP) to be administered by Empire State Development (ESD). This GPP would apply in lieu of local City zoning. The project itself is not an unanticipated result of the 2008 125th Street Corridor Rezoning and Related Actions project.

The changes to the programs for projected development sites, as compared to what was analyzed for the corresponding sites in the 2008 Environmental Review, as well as the introduction of these nearby background developments, would result in a decrease of approximately 165 total DUs (but an increase of 101 affordable units), and increases of 129,497 sf of commercial retail space, 113,975 sf of commercial office space, 145,000 sf of hotel space, 25,000 sf of visual and performing arts space, 226,510 sf of community facility/institutional space, and 27,200 sf of parking uses to the immediate area. 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 8% of the dwelling units and 50% 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 developments previously analyzed. Therefore, these changes to the programs for projected 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.

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, conference center, and community facility uses. As indicated above, the proposed 121 West 125th Street development would introduce affordable and market-rate residential units, community facility space, office, retail, museum, and conference center space to the eastern approximately 41,956 sf portion of Site 10. The proposed development would reduce the amount of commercial retail and office space, and change the amount of performance/arts/museum-related space, as compared to 2008 Environmental Review. The introduction of residential, conference center, and community facility space 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 including the recently approved Victoria Theater redevelopment. 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, community facility, museum, and conference center uses. It would also reinforce the 125th Street corridor as a major local and regional destination for arts, entrainment, 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.[11] 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.

The proposed development would be constructed in accordance with the site's existing C4-7 zoning and regulations of the Core Subdistrict of the Special 125th Street District (refer to Figure 7, Zoning Map), and would utilize the Arts bonus. No zoning changes are being proposed. The proposed development would comply with the maximum street wall height of 85 feet on both West 125th and West 126th Street and have a maximum building height of 195 feet, which would be consistent with the existing built context. The 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. The lobby entrance for the building's residential uses, as well as the garage entrance and exit ramps and building's loading area, would be located on West 126th Street (refer to Figure 3). A small lobby for the building's office, community facility, and museum spaces would occupy limited ground floor frontage on West 125th Street at the southwest corner of the building (refer to Figure 3). In compliance with the requirements of the Core Subdistrict, more than five percent of the proposed development's floor area would be devoted to qualifying performance/arts-related uses. 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.

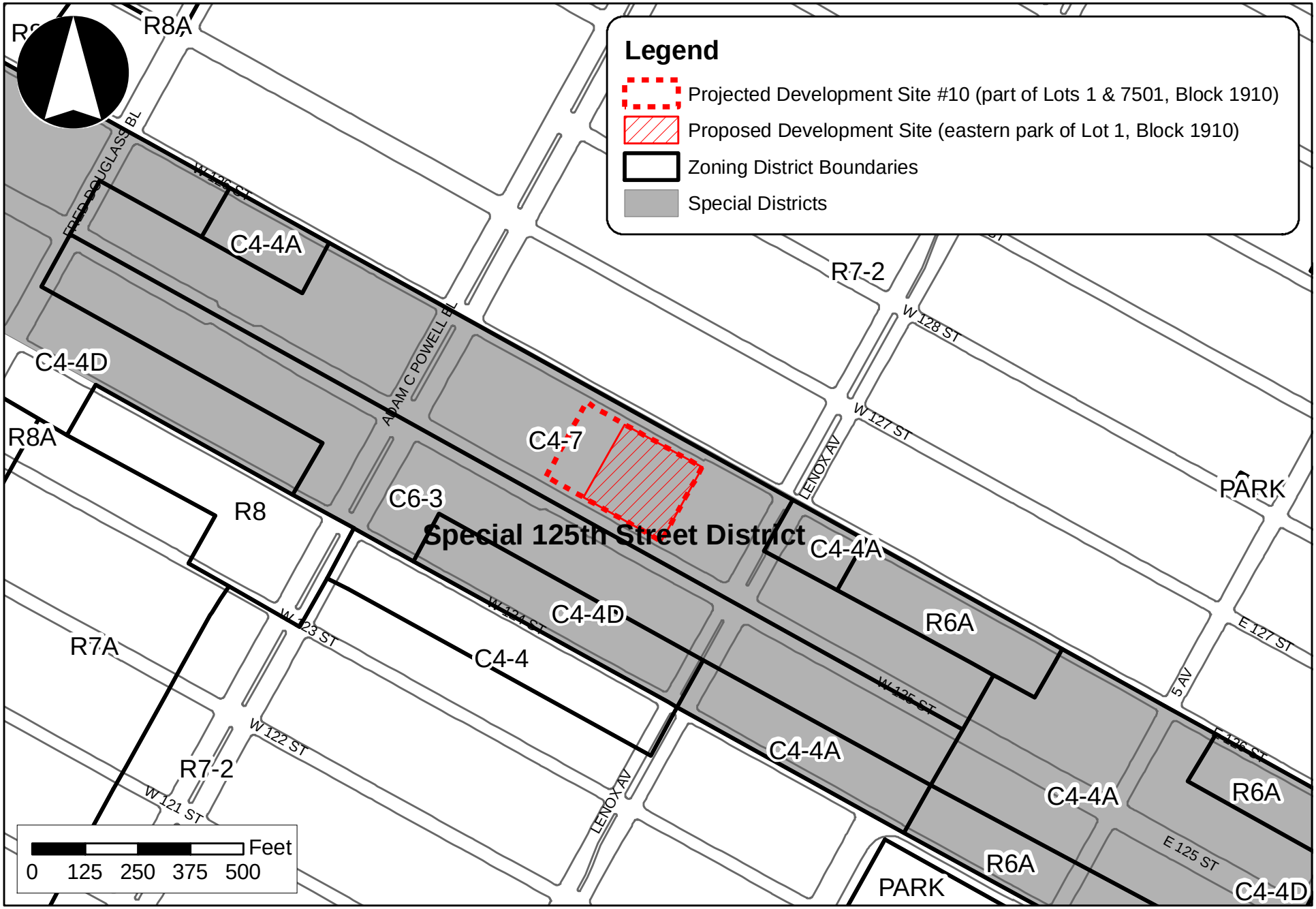
Public Policy and Sustainability

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 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. The *2012 CEQR Technical Manual* suggests assessing the consistency of large, publicly sponsored projects with PlaNYC as part of environmental review.

The proposed development at 121 West 125th Street would be consistent with the goals identified in PlaNYC as it would create 114 units of new housing (20% low-income, 30% middle-income, and 50% market rate) 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

[11] 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.



121 West 125th Street Development

Figure 7

Existing Zoning

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 114 residential units (including 57 affordable units), 66,000 gsf of retail, 75,000 gsf of office, 55,000 gsf of community facility space, 24,000 gsf of museum, 56,000 gsf of conference center uses, and 225 parking spaces. 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 for Site 10 were considered in the 2008 Environmental Review 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 introduce up to approximately 114 new residential rental units and approximately 276,000 gsf of other commercial, community facility and cultural uses (retail, office, museum, conference center, and community facility 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 (only half of which is currently occupied[12]) on the north side of West 125th Street; no residential direct displacement would occur. The partially occupied local retail space is estimated to employ approximately 22 workers and the parking garage is estimated to employ 10 workers, for a total direct displacement of 32 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 Lots 1 and 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

[12] As of March 2013, five of the existing ten storefronts within the building are vacant.

described in the 2008 Environmental Review, the products and services of the displaced businesses 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 114 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 22 DUs more than analyzed for the Expanded Arts Bonus Alternative. Moreover, only 8% 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, which is expected to consist of 20 percent low-income units, 30 percent of middle-income units, and 50 percent market-rate units, 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 70 percent of the residential units anticipated as a result of other anticipated development (such as the Victoria Theater Redevelopment) would be affordable.

Adverse Effects on Specific Industries

As the proposed development on Site 10 would result in a reduction of approximately 61,630 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 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 114 DUs (57 affordable units) with an estimated 257 residents (see Tables 2 and 3), this increase, when added to the 2,150 DUs (368 affordable units) analyzed in the July 2008 Technical Memorandum would result in fewer than the 2,328 DUs (498 affordable units) analyzed in the 2008 FEIS and only 22 DUs (3 affordable units) more than analyzed for the Expanded Arts Bonus Alternative. Moreover, only 8% 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.

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 *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 *2012 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 these guidelines, with up to a maximum of 114 dwelling units, approximately 14 elementary students and 5 intermediate students would be generated by the proposed development, for a total of 19 students, as well as 7 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, it would not have any significant adverse impacts on public school facilities.

Similarly, according to guidelines in the *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 114 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.

According to the *2012 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.

The *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 6-1 of the *2012 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 114 units, of which approximately 57 units (50%) could be affordable, it would not exceed this CEQR threshold. Therefore, and because it would not

result in an increase of the total number of affordable units studied in the 2008 FEIS, the proposed development on Site 10 would not result in any significant adverse child care services impacts, and would not alter the findings of the 2008 Environmental Review.

Finally, according to the *2012 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.

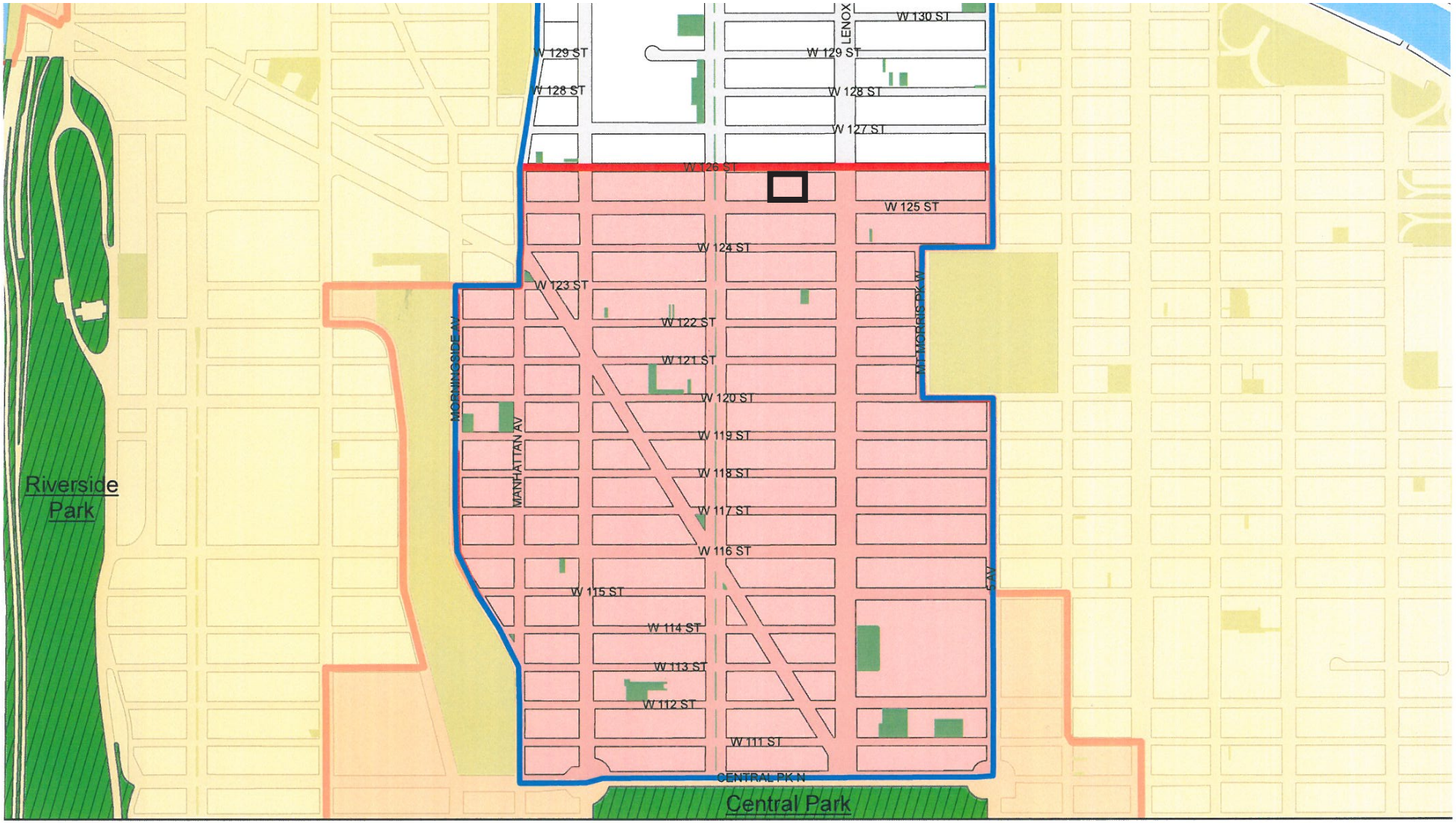
OPEN SPACE

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 947 employees and 257 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 114 DUs with an estimated 257 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 22 DUs and 54 residents more than analyzed for the Expanded Arts Bonus Alternative. Moreover, only 8% 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 background development, would not be expected to result in any significant adverse open space impacts or alter the conclusions of the 2008 Environmental Review.

As shown in Figure 8, Site 10 is located within a well-served open space area of Manhattan Community District 10.[13] 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 approximately 23-acre St. Nicholas Park, 0.5 miles to the northeast of approximately 30-acre Morningside Park, and about 0.75 miles to the north of Central Park. The *2012 CEQR Technical Manual* advises that a project located in a well-served area generally will not have significant adverse impact on open space utilization if it would not generate more than 350 residents or 750 workers. The proposed development would generate 257 residents and therefore would not exceed the *CEQR Technical Manual* threshold for residents. As the proposed development would not result in a total number of residential units greater than analyzed in the 2008 Environmental Review, it would not be expected to alter its conclusions.

[13] According to the 2012 *CEQR Technical Manual*, areas considered well-served by open space have an open space ratio above 2.5 accounting for existing parks that contain developed recreational resources, and/or are located within 0.25 mile (i.e., approximately a 10-minute walk) from developed and publicly accessible portions of regional parks.



New York City Parkland

Regional Park

Well-Served Area

Community District

Projected Development Site #10

New York City Parkland
Borough of Manhattan - Community District 10
Well-Served Areas

0 375 750 1,500 Fe

City of New York Departmer
of Parks and Recreation
Parklands Division
Michael R. Bloomberg, Mayor
Adrian Benepe, Commissioner

121 West 125th Street Development

Figure 8

Areas Well-Served by Existing Open Space Resources

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.

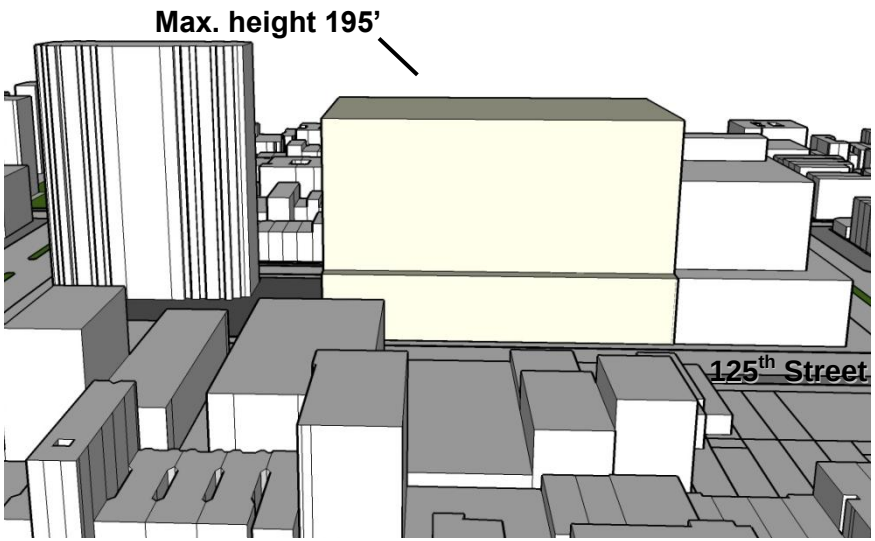
The proposed development would not result in any significant adverse shadow impacts not previously identified in the 2008 Environmental Review. As described previously, the proposed development would have a different massing, as it would only be constructed on the eastern approximately 41,965 sf portion 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 9). 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 235 feet (including a 40-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.[14] The proposed development would be approximately 55 feet shorter than the height of the proposed development analyzed for site 10 (a maximum height of 290 feet) in the 2008 Environmental Review. Therefore, the potential shadow impacts from the proposed development are assessed herein. 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 July 2008 Technical Memorandum.

Methodology

In accordance with CEQR guidelines, 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 *2012 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 guidelines, the longest shadow that would be cast by the proposed development would be approximately 1,010 feet long (Tier 1 Assessment as per the *2012 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 10, 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 *2012 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 presence and proximity of sunlight-sensitive resources

[14] A maximum building height of 235 feet (including a 40-foot mechanical penthouse) is allowed pursuant to ZR § 33-42 (f)(3)(ii).



Baseline or No-Action

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

Proposed Development

Comparison of No-Action and Proposed Development

within the defined shadow radius (refer to Figure 10), and the fact that the proposed development is being compared to previously projected development on the proposed development site, 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. The detailed analysis compares shadows cast by the proposed development to a baseline condition representing the future analysis year without the proposed project. For analysis purposes, the baseline model used for comparison includes the July 2008 Technical Memorandum development on Site 10. As shown in Figure 9, 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. 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

As described in the 2008 Environmental Review, one sunlight-sensitive open space resource, the Adam Clayton Powell Jr. State Office Building Plaza, is 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 development. Incremental 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 10.

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 that provide seating, planters, 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 *2012 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 *2012 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;

Shadow Study Area - Tier 1 and Tier 2 Assessment

Legend

- 1,010-Foot Shadow Radius
- Proposed Development Site
- Potentially Impacted Open Space Resources
- NYCL and S/NR Designated Landmarks
- NYCL and S/NR Historic Districts (S/NR boundaries)
- Unshadeable Region +/- 108 Degrees

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 4 summarizes the results of the shadow analysis on the identified resources in comparison to the incremental shadows cast by the 2008 project.

TABLE 4
Incremental 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	3:28 PM-4:29 PM (1h 1m)	N/A	N/A	3:33 PM-4:03 PM (30m)	N/A	N/A	3:45 PM-5:49 PM (2h 4m)	N/A	N/A	---	---
ACP Blvd Malls*	N/A	7:36 AM-8:22 AM (46m)	N/A	N/A	6:27 AM-7:10 AM (43m)	N/A	N/A	5:57 AM-6:21 AM (24m)	N/A	N/A	8:51 AM-10:10 AM (1h 19m)	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 *2012 CEQR Technical Manual* methodology.

Pursuant to the *2012 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 resource, the uses and features of the space indicate its sensitivity to shadows. Shadows occurring during the cold-weather months of interest 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 4, 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 4 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 11A through 11D, 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 12A through 12D, the extent of the additional 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 incremental shadows created by the proposed development are not expected to substantially reduce the enjoyment of this resource. Therefore, although the proposed development for Site 10 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 are tall enough or close enough to cast shadows on the Lenox Avenue malls.

The Site 10 development would also cast shadows on the Adam Clayton Powell Jr. Boulevard malls. On all four analysis periods, sunlight would enter in the early morning and range in duration from 24 minutes on June 21 to 1 hour and 19 minutes on December 21. As shown in Figures 12A through 12D, 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 the 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.

The *Victoria Theater Redevelopment Project FEIS* (2013) identified shadows that were predicted to occur as a result of the Victoria Theater redevelopment, taking into account the additional background developments noted in the discussion of Land Use above. The 2013 FEIS found that portions of the Adam Clayton Powell Jr. Boulevard malls would receive shade from the Victoria Theater Redevelopment on three of the representative analysis days. On March 21/September 21 the malls would receive shade from the proposed theater redevelopment between 3:45 PM and 4:29 PM. On the analysis day of May 6/August 6, shadows resulting from the proposed theater redevelopment would last from 3:45 PM to 5:18 PM. Finally, shadows resulting from the proposed theater redevelopment on June 21 would last from 4:05 PM

Proposed Development Site

Open Space Resources

Incremental Shadows

Incremental Sunlight

March 21/September 21, 10:30 AM

March 21/September 21, 12:30 PM

121 West 125th Street Development **Figure 11-A**

Incremental Shadows – State Office Building Plaza

Proposed Development Site

Open Space Resources

Incremental Shadows

Incremental Sunlight

May 6/August 6, 10:00 AM

May 6/August 6, 12:00 PM

121 West 125th Street Development **Figure 11-B**

Incremental Shadows – State Office Building Plaza

Proposed Development Site

Open Space Resources

Incremental Shadows

Incremental Sunlight

June 21, 9:30 AM

June 21, 1:30 PM

121 West 125th Street Development **Figure 11-C**

Incremental Shadows – State Office Building Plaza

Proposed Development Site

Open Space Resources

Incremental Shadows

Incremental Sunlight

December 21, 11:00 AM

December 21, 1:00 PM

121 West 125th Street Development **Figure 11-D**

Incremental Shadows – State Office Building Plaza

Proposed Development Site

Open Space Resources

Shadows

Incremental Sunlight

March 21/September 21, 8:30 AM

March 21/September 21, 3:31 PM

121 West 125th Street Development **Figure 12-A[1]**

Shadows – Powell and Lenox Malls

[1] The Powell and Lenox Malls were not analyzed in the 2008 FEIS, and Figures 12-A through 12-D illustrate the shadows that would occur exclusively as a result of the proposed development.

Proposed Development Site

Open Space Resources

Shadows

Incremental Sunlight

May 6/August 6, 7:00 AM

May 6/August 6, 3:37 PM

Proposed Development Site

Open Space Resources

Shadows

Incremental Sunlight

June 21, 6:30 AM

June 21, 3:50 PM

Shadows – Powell and Lenox Malls

Proposed Development Site

Open Space Resources

Shadows

Incremental Sunlight

December 21, 10:20 AM

to 6:01 PM. The *Victoria Theater Redevelopment Project FEIS* concluded that the portions of the malls that would be shaded by the project in the late afternoons in the spring, summer, and fall would receive direct sunlight for most of the remaining portion of those analysis days and the plantings would receive adequate sunlight. As discussed above, as all project-generated shadows would exit the malls before 8:30 AM, it is expected that the Adam Clayton Powell Jr. Boulevard malls would still receive adequate sunlight and the proposed 121 West 125th Street development would not extend or prolong shadows cast as a result of the Victoria Theater redevelopment or any changes in anticipated background development, as none of the other anticipated developments are tall enough or close enough to cast shadows 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

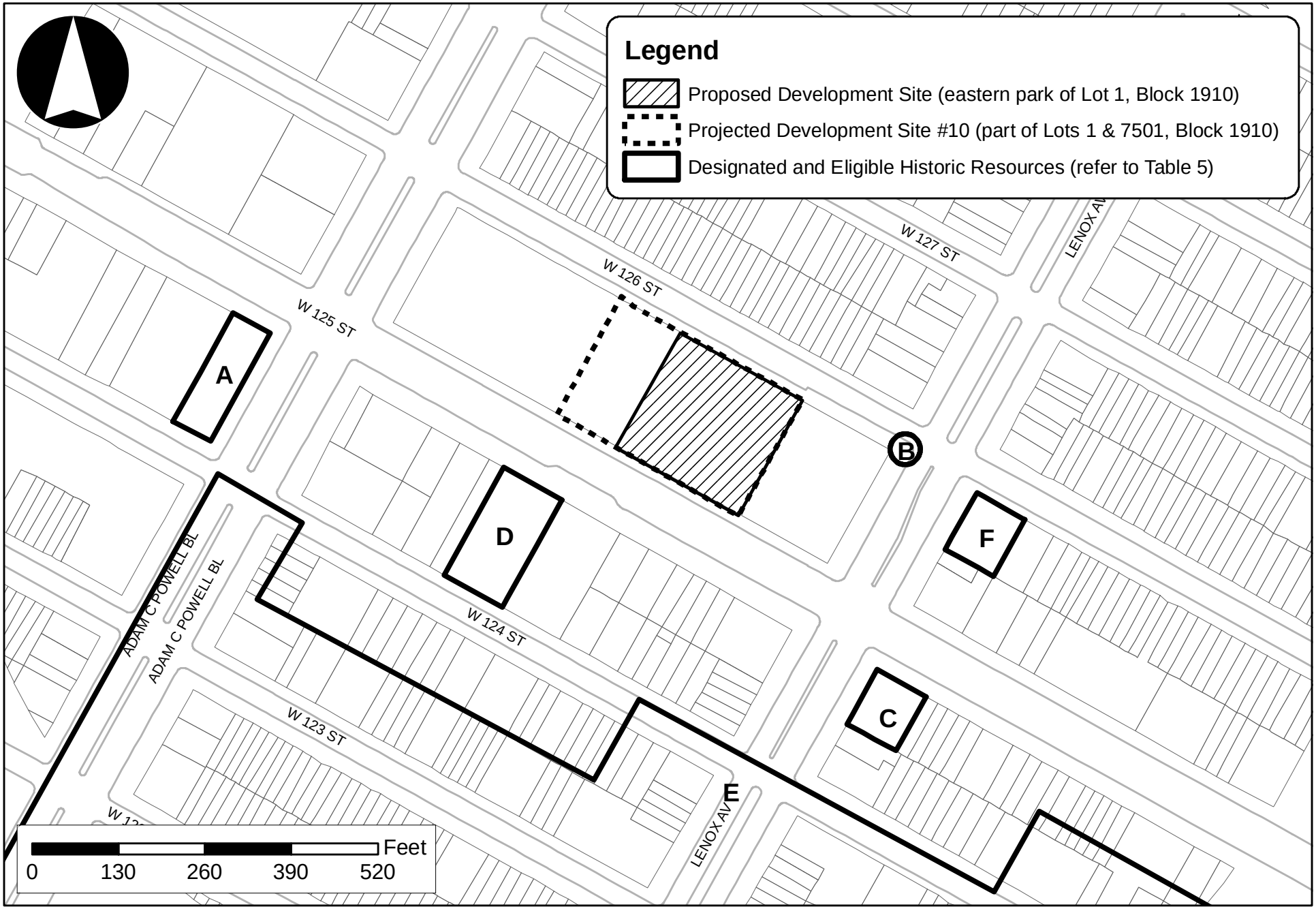
For the 2008 Environmental Review, the New York City Landmarks Preservation Commission (LPC) determined that Site 10 (including portions of Lots 1 and 7501 on Block 1910) had no archaeological sensitivity. Therefore, the proposed development at 121 West 125th Street (comprising a portion of Lot 1 on 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 5 and Figure 13, 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 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 5 and Figure 13.[15]

[15] 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.



121 West 125th Street Development

Figure 13

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

TABLE 5
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./ 125th St. Subway Station	Lenox Ave. and W. 125th St.						X
C	Marion Building	78-84 W. 125th St. (Block 1722, Lot 69)				X		
D	Former HCF Koch Department Store	132 W. 125th St. (Block 1909, Lot 12)						X
E	Mount Morris Park Historic District	All or part of 15 blocks located south of W. 125th 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 13.
Sources: *125th Street Corridor Rezoning and Related Actions FEIS* (2008) and *Victoria Theater Redevelopment Project FEIS* (2013)

As the proposed development comprises the eastern 41,965 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.

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 were 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 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.[16] 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 41,965 sf through-lot midblock parcel of an existing block. As described above, the proposed building would be constructed in accordance with the site's existing zoning and would comply with the maximum building height, bulk, street wall and setback requirements. It is expected to include approximately 15-stories and rise to a height of 195 feet tall (excludes 40-foot tall mechanical space on the roof) with a maximum street wall height of 85 feet on the north side of West 125th Street and the south side of West 126th Street (refer to preliminary site plan and building massing shown in Figures 3 and 4). As shown in Figure 4, the proposed building would setback from West 125th and West 126th Streets at the sixth and ninth stories. 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.

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.[17]

As described previously, the proposed development would be constructed 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, office, community facility, and performance/arts-related uses) that would enhance Harlem's Main Street (i.e., 125th Street) as a 24-hour destination. The 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

[16] 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.

[17] 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.

on the eastern approximately 41,965 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 Figure 4, the proposed development would comply with the maximum street wall height of 85 feet on both West 125th and West 126th Streets and have a maximum building height of 195 feet (excluding mechanicals), which 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 garage entrance and exit ramps and building's loading area, would be located on West 126th Street. A small lobby for the building's office, community facility, museum, and conference center uses would occupy limited ground floor frontage on West 125th Street at the southwest corner of the building (refer to Figure 3). In compliance with the requirements of the Core Subdistrict, more than five percent of the proposed development's floor area (approximately 24,000 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 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, Lot 1) by Tenen Environmental, LLC in January 2013. 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 no evidence of recognized environmental conditions in connection with the subject property.

Therefore, based on the conclusions of the Phase I report, 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 6, the anticipated demands for water and sewage treatment associated with Site 10 would decrease as a result of the proposed development. Compared to 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 97,415 gallons per day (gpd), and a net decrease in wastewater generation of approximately 25,331 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 6
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 Development[1]	Residential	114 DU (101,000 gsf)	25,700	N.A.	25,700
	Retail	89,000	21,360	15,130	36,490
	Office	75,000	7,500	12,750	20,250
	Museum	24,000	2,400	4,080	6,480
	Conference Center	56,000	5,600	9,520	15,120
	Community Facility	55,000	5,500	9,350	14,850
		Total	***68,060***	***50,830***	***118,890***
Net Difference: 2008 FEIS vs. Proposed Development			**- 25,331**	**- 72,084**	**- 97,415**

Based on average daily water use rates provided in Table 13-2 of the *2012 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).

[1]The 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 *2012 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 7, the anticipated demand for solid waste and sanitation services associated with Site 10 would decrease as a result of the proposed development. 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 31,308 pounds of solid waste per week (lbs/wk) generated at Site 10, and accounting for the reduction in projected dwelling units occasioned by the Follow Up Text Amendment, less residential solid waste than projected for the study area in the FEIS. Approximately 4,674 lbs/wk of the solid waste generated by the proposed development would be handled by DSNY and 28,819 lbs/wk by private carters. Moreover, only 8% of the dwelling units and 50% of the commercial uses projected in the 2008 Environmental Review are under construction or have been built to date. Therefore, the overall amount of solid waste generated by the proposed development, including background 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.

TABLE 7
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 Alterative Site 10[1]	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**
Propose Development for Site 10[2]	Retail	89,000 gsf	0	21,093	21,093
	Office	75,000 gsf	0	3,900	3,900
	Museum	24,000 gsf	0	720	720
	Conference Center	56,000 gsf	0	1,456	1,456
	Community Facility	55,000 gsf	0	1,650	1,650
	Residential	114 DU	4,674	0	4,674
	Total	**400,000 gsf**	**4,674**	**28,819**	**33,493**
2008 FEIS vs. Proposed Development Program for Site 10 Net Difference:			***4,674***	***- 35,982***	***- 31,308***

Based on citywide average waste generation rates presented in Table 14-1 of the *2012 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.
[1]The Expanded Arts Bonus Alternative analyzed in the 2008 FEIS was adopted by the CPC, with modifications, and the City Council, with additional modifications.
[2]The 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.

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 8 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 *2012 CEQR Technical Manual*. According to the *2012 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 8 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 18,309 million BTUs per year. Therefore, the proposed development would have not result in significant adverse energy impacts and would not alter the findings of the 2008 Environmental Review.

TABLE 8
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 Alterative Site 10[1]	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**
Propose Development for Site 10[2]	Retail	89,000 gsf	55,800 BTU/ gsf/year	4,966 million BTU/year
	Office	75,000 gsf	77,900 BTU/ gsf/year	5,843 million BTU/year
	Museum	24,000 gsf	65,300 BTU/ gsf/year	1,567 million BTU/year
	Conference Center	56,000 gsf	65,300 BTU/gsf/year	3,656 million BTU/year
	Community Facility	55,000 gsf	65,300 BTU/ gsf/year	3,592 million BTU/year
	Residential	101,000 gsf	145,500 BTU/y gsf/ear	14,696 million BTU/year
	Total	**400,000 gsf**		**34,321 million BTU/year**
Net Difference: 2008 FEIS vs. Proposed Development Program for Site 10				***-18,309*** million BTU/year

[1]The Expanded Arts Bonus Alternative analyzed in the 2008 FEIS was adopted by the CPC, with modifications, and the City Council, with additional modifications.
[2]The 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, conference center space, 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 the 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 would 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 9 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 10 shows the total travel demand by mode for the proposed development, and Table 11 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 11, the proposed development would generate a total of approximately 99, 266, and 360 vehicle trips during the weekend AM, midday, and PM peak hours, and 299 vehicle trips in the Saturday midday 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 11, the incremental change resulting from the proposed development would be -189, -193, and -294 vehicle trips during the weekend AM, midday, and PM peak hours, respectively, and -135 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 -99, -142, and -186 vehicle trips during the weekend AM, midday, and PM peak hours, respectively and -119 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 proposed for vehicular conditions for the Expanded Arts Bonus Alternative would be the same, or reduced, under the proposed development for Site 10.

Based on more current data than used for the 2008 Environmental Review, projected traffic conditions presented in the *Victoria Theater Redevelopment Project FEIS* illustrate that 2014 future traffic volumes in the vicinity of the proposed 121 West 125th Street development site, when adjusted to 2017 conditions, would be substantially lower than what was forecasted for 2017 in the Expanded Arts Bonus Alternative of the 2008 FEIS. For example, weekday traffic volumes adjusted for 2017 in the PM peak period on West 125th Street between Lenox Avenue and Adam Clayton Powell Jr. Boulevard are expected to be approximately 659 westbound and 486 eastbound as compared to 838 westbound and 604 eastbound forecasted for 2017 future conditions in the 2008 FEIS.[18] A similar pattern can be seen on West 126th Street, where westbound one-way only traffic volumes adjusted for 2017 are expected to be approximately 493 in the weekday PM peak period compared to 577 forecasted for the 2017 future conditions in the Expanded Arts Bonus Alternative of the 2008 FEIS.

The *Victoria Theater Redevelopment Project FEIS* also identified five total approaches/lane groups that were predicted to experience significant adverse traffic impacts in the Build condition for that project, which accounted for the additional background developments noted in the discussion of Land Use, above. Two of these approaches are located within the vicinity of the proposed 121 West 125th Street development site including West 126th Street and Seventh Avenue and West 125th Street and Seventh Avenue. The proposed mitigation measures for these locations included only changes to signal timing and did not require any physical improvements to the roadway network such as restriping or the removal of parking. At West 126th Street and Seventh Avenue, signal timing mitigation was only recommended during the Saturday peak hour while at West 125th Street and Seventh Avenue, signal timing mitigation was recommended during the midday, PM, and Saturday peak hours.

[18] As specified in the *2012 CEQR Technical Manual*, an annual background growth rate of 0.25 percent was applied to the *Victoria Theater Redevelopment Project FEIS* 2014 future traffic volumes in order to obtain estimates of 2017 traffic.

TABLE 9
Proposed Development Projected Development Site 10-
Transportation Planning Assumptions

Land Use:	Office		Residential		Specialty Retail		Conference Center		Museum		Community Facility (Office)	
Size/Units:	75,000 gsf		114 DU		89,000 gsf		56,000 gsf		24,000 gsf		55,000 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%	
	(2)		(2)		(2)		(2)		(5)		(2)	
Modal Splits:	AM/PM/SAT	MD	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%
Taxi	2.0%	5.0%	2.0%		14.5%		2.0%	5.0%	10.0%	10.0%	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%
Railroad	3.0%	0.0%	2.0%		1.5%		3.0%	0.0%	0.0%	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%
Walk/Other	20.0%	75.0%	22.0%		35.0%		20.0%	75.0%	42.0%	40.0%	20.0%	75.0%
	100.0%	100.0%	100.0%		100.0%		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
	(2)		(2)		(2)		(3)		(5)		(2)	
In/Out Splits:	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)	
							Weekday	Saturday				
Auto	1.65		1.65		2.00		2.00	3.00	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	Saturday	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday	Weekday	Saturday
	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	
	(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%	
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
All Peak Hours	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 10
Proposed Development—Trip Forecast Summary

Land Use:		Office		Residential		Specialty Retail		Conference Center		Museum		Community Facility (Office)		Total		
Size/Units:		75,000	gsf	114	DU	89,000	gsf	56,000	gsf	24,000	gsf	55,000	gsf			
Peak Hour Person Trips:																
	AM (8-9)	162		92		0		128		6		119		507		
	MD (12-1)	203		46		1,008		438		104		149		1,947		
	PM (5-6)	189		101		1,040		434		84		139		1,987		
	Sat MD (1-2)	50		88		1,275		355		84		13		1,865		
Person Trips:																
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
AM	**Auto**	51	3	2	9	0	0	38	4	0	0	37	2	128	18	146
	Taxi	3	0	0	2	0	0	2	0	0	0	2	0	7	2	9
	Subway	46	2	7	40	0	0	34	4	0	0	34	2	121	48	169
	Railroad	5	0	0	2	0	0	3	0	0	0	3	0	11	2	13
	Bus	18	1	2	9	0	0	14	2	1	1	14	1	49	14	63
	Walk/Other	31	2	3	17	0	0	23	3	1	1	23	1	81	24	105
	Total	154	8	14	79	0	0	114	13	2	2	113	6	397	108	505
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
MD	**Auto**	4	6	3	3	45	45	10	12	8	5	3	4	73	75	148
	Taxi	4	6	0	0	73	73	10	12	7	4	3	4	97	99	196
	Subway	8	12	12	12	101	101	21	23	5	3	6	9	153	160	313
	Railroad	0	0	0	0	8	8	0	0	0	0	0	0	8	8	16
	Bus	4	6	3	3	101	101	10	12	19	11	3	4	140	137	277
	Walk/Other	61	91	5	5	176	176	155	174	27	16	45	67	469	529	998
	Total	81	121	23	23	504	504	206	233	66	39	60	88	940	1,008	1,948
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
PM	**Auto**	3	59	9	4	47	47	33	110	5	5	2	43	99	268	367
	Taxi	0	4	1	1	75	75	2	7	4	4	0	3	82	94	176
	Subway	3	54	36	15	104	104	30	100	3	3	2	40	178	316	494
	Railroad	0	5	1	1	8	8	3	10	0	0	0	4	12	28	40
	Bus	1	22	8	3	104	104	12	40	13	12	1	16	139	197	336
	Walk/Other	2	36	16	7	182	182	20	67	18	17	1	26	239	335	574
	Total	9	180	71	31	520	520	100	334	43	41	6	132	749	1,238	1,987
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Sat MD	**Auto**	10	7	5	5	57	57	64	53	7	4	3	2	146	128	274
	Taxi	1	0	1	1	92	92	4	3	5	3	0	0	103	99	202
	Subway	9	6	22	22	127	127	59	48	4	2	2	2	223	207	430
	Railroad	1	1	1	1	10	10	6	5	0	0	0	0	18	17	35
	Bus	4	2	5	5	127	127	23	19	15	9	1	1	175	163	338
	Walk/Other	6	4	10	10	223	223	39	32	21	12	2	1	301	282	583
	Total	31	20	44	44	636	636	195	160	52	30	8	6	966	896	1,862
Vehicle Trips :																
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
AM	**Auto (Total)**	31	2	1	5	0	0	19	2	0	0	22	1	73	10	83
	Taxi	2	0	0	1	0	0	1	0	0	0	1	0	4	1	
	Taxi Balanced	2	2	1	1	0	0	1	1	0	0	0	0	4	4	8
	Truck	1	1	0	0	1	1	1	1	0	0	1	1	4	4	8
	Total	34	5	2	6	1	1	21	4	0	0	23	2	81	18	99
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
MD	**Auto (Total)**	2	4	2	2	23	23	5	6	3	2	2	2	37	39	76
	Taxi	3	4	0	0	37	37	5	6	4	2	2	3	51	52	
	Taxi Balanced	6	6	0	0	66	66	10	10	5	5	4	4	90	90	180
	Truck	1	1	0	0	2	2	1	1	0	0	1	1	5	5	10
	Total	9	11	2	2	91	91	16	17	8	7	7	7	132	134	266
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
PM	**Auto (Total)**	2	36	5	2	24	24	17	55	2	2	1	26	51	145	196
	Taxi	0	3	1	1	38	38	1	4	2	2	0	2	42	50	
	Taxi Balanced	3	3	2	2	67	67	4	4	4	4	2	2	82	82	164
	Truck	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	5	39	7	4	91	91	21	59	6	6	3	28	133	227	360
		In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Sat MD	**Auto (Total)**	6	4	3	3	29	29	21	18	3	2	2	1	64	57	121
	Taxi	1	0	1	1	46	46	1	1	3	2	0	0	52	50	
	Taxi Balanced	1	1	2	2	79	79	2	2	4	4	0	0	89	89	178
	Truck	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	7	5	5	5	108	108	23	20	7	6	2	1	153	146	299

Total Vehicle Trips	**In**	**Out**	**Total**
AM (8-9)	**81**	**18**	**99**
MD (12-1)	**132**	**134**	**266**
PM (5-6)	**133**	**227**	**360**
Sat MD (1-2)	**153**	**146**	**299**

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

TABLE 11
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	81	18	99	249	39	288	171	27	198	(189)	(99)
MD	132	134	266	225	234	459	201	207	408	(193)	(142)
PM	133	227	360	215	439	654	196	350	546	(294)	(186)
SAT MD	153	146	299	220	214	434	211	207	418	(135)	(119)
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	121	48	169	334	18	352	228	12	240	(183)	(71)
Midday	153	160	313	230	259	489	211	231	442	(176)	(129)
PM	178	316	494	228	565	793	213	442	655	(299)	(161)
SAT MD	223	207	430	255	248	503	244	239	483	(73)	(53)
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	11	2	13	33	2	35	23	1	24	(22)	(11)
Midday	8	8	16	13	13	26	13	13	26	(10)	(10)
PM	12	28	40	15	52	67	14	40	54	(27)	(14)
SAT MD	18	17	35	18	18	36	18	17	35	(1)	(0)
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	49	14	63	134	7	141	91	5	96	(78)	(33)
MD	140	137	277	200	215	415	191	201	392	(138)	(115)
PM	139	197	336	216	332	548	205	282	487	(212)	(151)
SAT MD	175	163	338	241	218	479	234	232	466	(141)	(128)
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	81	24	105	223	12	235	152	8	160	(130)	(55)
MD	469	529	998	738	958	1,696	599	749	1,348	(698)	(350)
PM	239	335	574	500	568	1,068	446	485	931	(494)	(357)
SAT MD	301	282	583	483	477	960	453	449	902	(377)	(319)

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 significant adverse impact in the AM peak hour to Metropolitan Transportation Authority (MTA) NYC Transit's Bx15 bus route in the southbound direction, and in the PM peak hour to three of MTA NYC Transit's 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 10, the proposed development is expected to generate a total of approximately 169, 313, 494, and 430 subway trips during the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours, respectively. As shown in Table 11, 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 183 subway trips in the weekday AM peak hour, a decrease of 176 subway trips in the weekday midday, a decrease of 299 subway trips in the weekday PM, and a decrease of 73 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 71 subway trips in the weekday AM peak hour, a decrease of 129 subway trips in the weekday midday, a decrease of 161 subway trips in the weekday PM, and a decrease of 53 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, 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.

Similarly, as shown in Table 10, the proposed development is expected to generate a total of approximately 63, 277, 336, and 338 bus trips during the weekday AM, weekday midday, weekday PM, and Saturday peak hours, respectively. As shown in Table 11, 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 78 bus trips in the weekday AM peak hour, a decrease of 138 bus trips in the weekday midday, a decrease of 212 bus trips in the weekday PM, and a decrease of 141 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 33 bus trips in the weekday AM peak hour, a decrease of 115 bus trips in the weekday midday, a decrease of 151 bus trips in the weekday PM, and a decrease of 128 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 8% of the dwelling units and 50% 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. Both the Victoria Theater Redevelopment FEIS and 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 105, 998, 574, and 583 walk-only trips during the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours, respectively (refer to Table 10). When combined with subway, railroad, and bus transit trips, the total pedestrian trips generated by the proposed development would be 350, 1,604, 1,444, and 1,386 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 413 pedestrian trips in the weekday AM peak hour, a decrease of 1,022 pedestrian trips in the weekday midday, a decrease of 1,032 pedestrian trips in the weekday PM, and a decrease of 592 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 170 pedestrian trips in the weekday AM peak hour, a decrease of 604 pedestrian trips in the weekday midday, a decrease of 683 pedestrian trips in the weekday PM, and a decrease of 500 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 8% of the dwelling units and 50% 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. Based on more current data than the 2008 Environmental Review, projected pedestrian conditions presented in the *Victoria Theater Redevelopment Project FEIS*, illustrate that 2014 future pedestrian conditions, including the Victoria Theater Redevelopment and the other developments now planned for the vicinity, when adjusted to 2017 conditions, would be comparable to what was forecasted for 2017 for the primary proposed action in the 2008 FEIS. For example, the weekday two-way pedestrian volumes on the north side of West 125th Street between Lenox Avenue and Adam Clayton Powell Jr. Boulevard, adjusted for 2017, would be approximately 251, 611, and 513 in the AM, MD, and PM peak periods, respectively, as compared to 230, 576, and 500 in the 2017 future as analyzed in the 2008 FEIS.[19] 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.

[19] As specified in the *2012 CEQR Technical Manual*, an annual background growth rate of 0.25 percent was applied to the *Victoria Theater Redevelopment Project FEIS* 2014 future traffic volumes in order to obtain estimates of 2017 pedestrian volumes.

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. The proposed development would include a parking garage with up to 225 spaces (compared to 196 spaces analyzed for the Expanded Arts Bonus Alternative in the 2008 FEIS and subsequent Technical Memoranda). As seen below in Table 12, the proposed parking garage's supply would satisfy demand generated by the proposed development with the exception of weekdays that coincide with a conference. When there is an event at the conference center, the parking garage would operate at capacity from approximately 9 AM to 4 PM and a maximum of approximately 21 vehicles would be required to park at a different location. The primary proposed action analyzed in the 2008 FEIS projected that, in the 2017 With-Action condition, the number of available off-street parking spaces within an approximate ¼ mile of Site 10 would total 371 in the weekday midday and 591 in the overnight period. As such, it is expected that there would be ample parking available in the surrounding area to accommodate this minimal increase in parking demand resulting from the proposed development. Furthermore, as this increase in parking demand would only occur during a portion of the day on weekdays that coincide with a conference, it is expected that the proposed development would not result in any significant adverse parking impacts and the conclusions of the 2008 Environmental Review would not be altered.

TABLE 12
Weekday Parking Accumulation for the Proposed Development (Site 10)

	Office[1]		Residential[2]		Specialty Retail[3]		Community Facility[1] Office		Conference Center[4]		Museum		Accmulation
	75,000	gsf	114	du	89,000	gsf	55,000	gsf	56,000	gsf	24,000	gsf	(Overnite demand)
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	51
12-1 AM	0	0	0	0	0	0	0	0	0	0	0	0	51
1-2	0	0	0	0	0	0	0	0	0	0	0	0	51
2-3	0	0	0	0	0	0	0	0	0	0	0	0	51
3-4	0	0	0	0	0	0	0	0	0	0	0	0	51
4-5	0	0	0	0	0	0	0	0	0	0	0	0	51
5-6	0	0	0	1	0	0	0	0	0	0	0	0	50
6-7	3	0	1	2	0	0	2	0	10	0	0	0	64
7-8	11	0	1	3	0	0	9	0	13	1	0	0	94
8-9	31	2	1	5	0	0	22	2	19	2	0	0	156
9-10	15	3	1	3	14	3	11	2	34	8	1	0	213
10-11	6	1	1	2	18	9	3	1	13	7	2	0	236
11-12	3	2	1	2	20	14	3	1	8	8	2	1	245
12-1 PM	2	4	2	2	23	23	2	3	5	6	3	2	242
1-2	3	3	2	2	22	22	2	2	12	12	2	1	243
2-3	3	2	2	2	21	21	2	2	13	12	1	1	245
3-4	4	4	3	2	21	21	2	2	12	12	2	2	246
4-5	3	15	4	2	22	22	2	12	12	29	1	2	208
5-6	2	36	5	2	24	24	1	26	17	55	1	2	113
6-7	2	11	3	1	19	18	2	8	11	21	1	2	90
7-8	1	7	3	1	17	18	2	4	7	11	1	2	78
8-9	1	0	2	1	13	18	1	1	1	1	0	1	74
9-10	0	0	1	1	4	18	0	0	0	0	0	1	59
10-11	0	0	1	0	1	6	0	0	0	0	0	0	55
11-12	0	0	0	0	0	2	0	0	0	0	0	0	53
	90	90	34	34	239	239	66	66	187	185	17	17	

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, p.II.I-41
3. ITE Land Use code (820) Shopping Center
4. PHA projection based on pattern for Office, adjusted to reflect Conference Center use

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

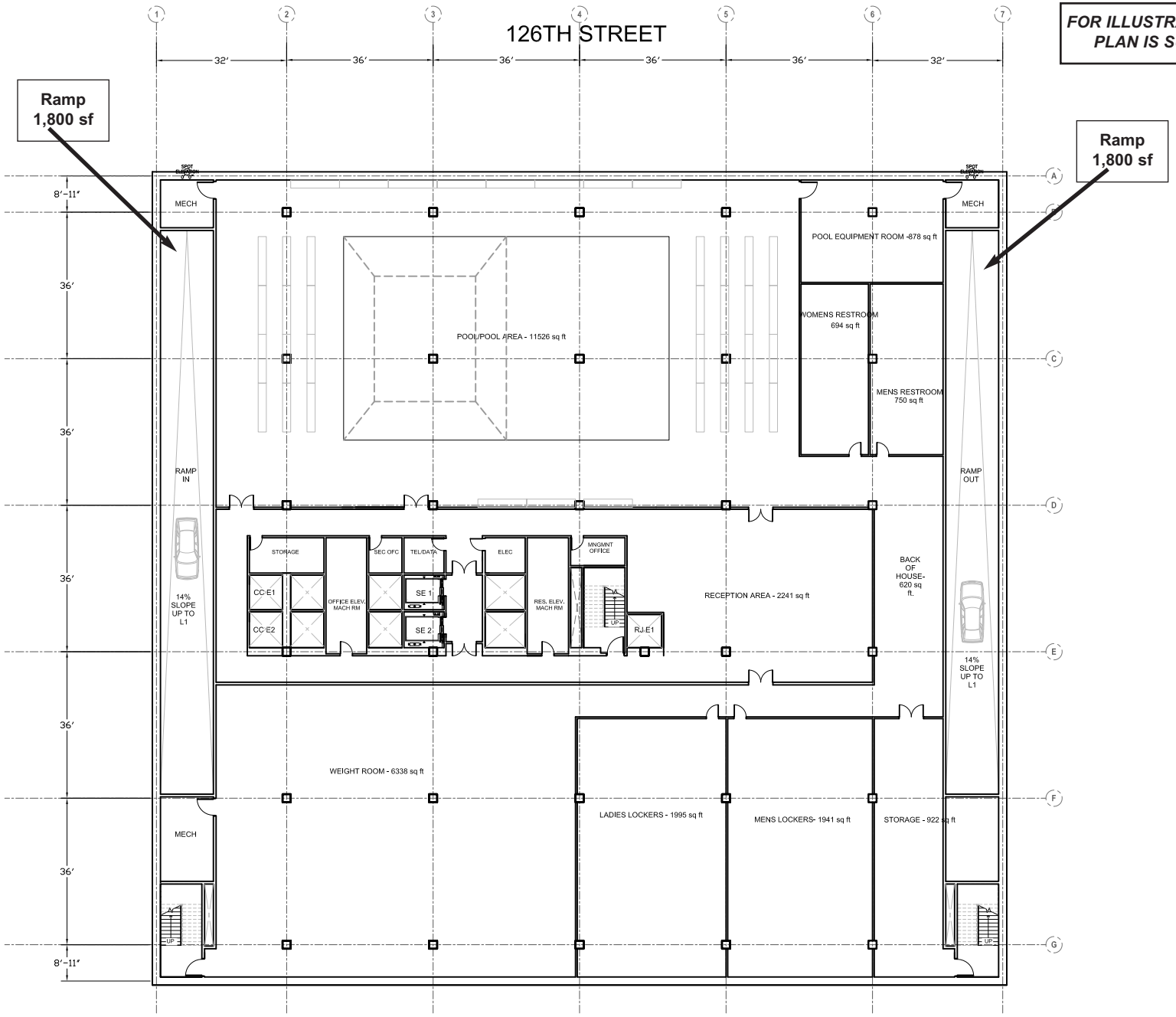
As discussed in the "Transportation" section above, the proposed development would result in incremental net decreases of vehicle trips during all analyzed peak hours compared to the Site 10 program analyzed under the Expanded Arts Bonus Alternative in the 2008 FEIS and July 2008 Technical Memorandum. Moreover, only 8% of the dwelling units and 50% 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.

Garage Air Quality Analysis

As described previously, the proposed development would include a below-grade parking garage with up to 225 spaces (compared to 196 spaces analyzed for the Expanded Arts Bonus Alternative in the 2008 Environmental Review). The proposed garage would occupy two sub-cellar levels of the proposed development and would be accessible from a ramp entrance on the south side of West 126th Street at the northwest corner of the building (see Figure 3). As shown in Figure 3, vehicles would exit the garage onto West 126th Street via a separate ramp located at the northeast corner of the building. Total area of the proposed garage would be approximately 89,238 gsf. Total travel distance for both ramps would be approximately 300 feet, with each ramp expected to be approximately 12 feet wide.

Based on the guidelines provided in the *2012 CEQR Technical Manual Appendices*, a garage analysis was conducted. Per guidance from NYCDEP, a persistence factor of 0.70 was used to convert 1-hour CO values to 8-hour CO values. EPA's MOBILE6.2 emissions model was used to obtain emission factors for hot (entering) and cold (exiting) vehicles as well as idling vehicles and vehicles traveling on West 126th Street for the line source contribution for the garage analysis. Based on field data from similar garage analyses, passenger vehicles were divided into 76 percent autos and 24 percent SUVs for the purposes of obtaining a composite emission factor. Exiting vehicles were assumed to idle for one minute before departing, and speeds within the proposed garage were 5 mph. Figures 14 through Figure 16 show the sub-levels of the proposed development.

Weekday volume would be greater at the proposed garage than the average volume for cars on a weekend. As a conservative analysis, the 1-hour periods with the greatest volumes of incoming and outgoing vehicles for the garage were used in the analysis. Concerning incoming vehicles, the 9:00 AM to 10:00 AM hour would have approximately 76 cars entering the garage via the West 126th Street curb cut, while the highest number of outgoing vehicles would occur from 5:00 PM to 6:00 PM with 145 in volume. A combined ramp distance representing travel distances into and out of the garage levels is 300 feet. Although no location for the garage vent has been finalized, a conservative assumption would be a vent placed 12 feet above the garage ramp entrance above the south sidewalk of West 126th Street. The worst-case receptor points for the garage vent would be: 1) a pedestrian standing below the vent on West



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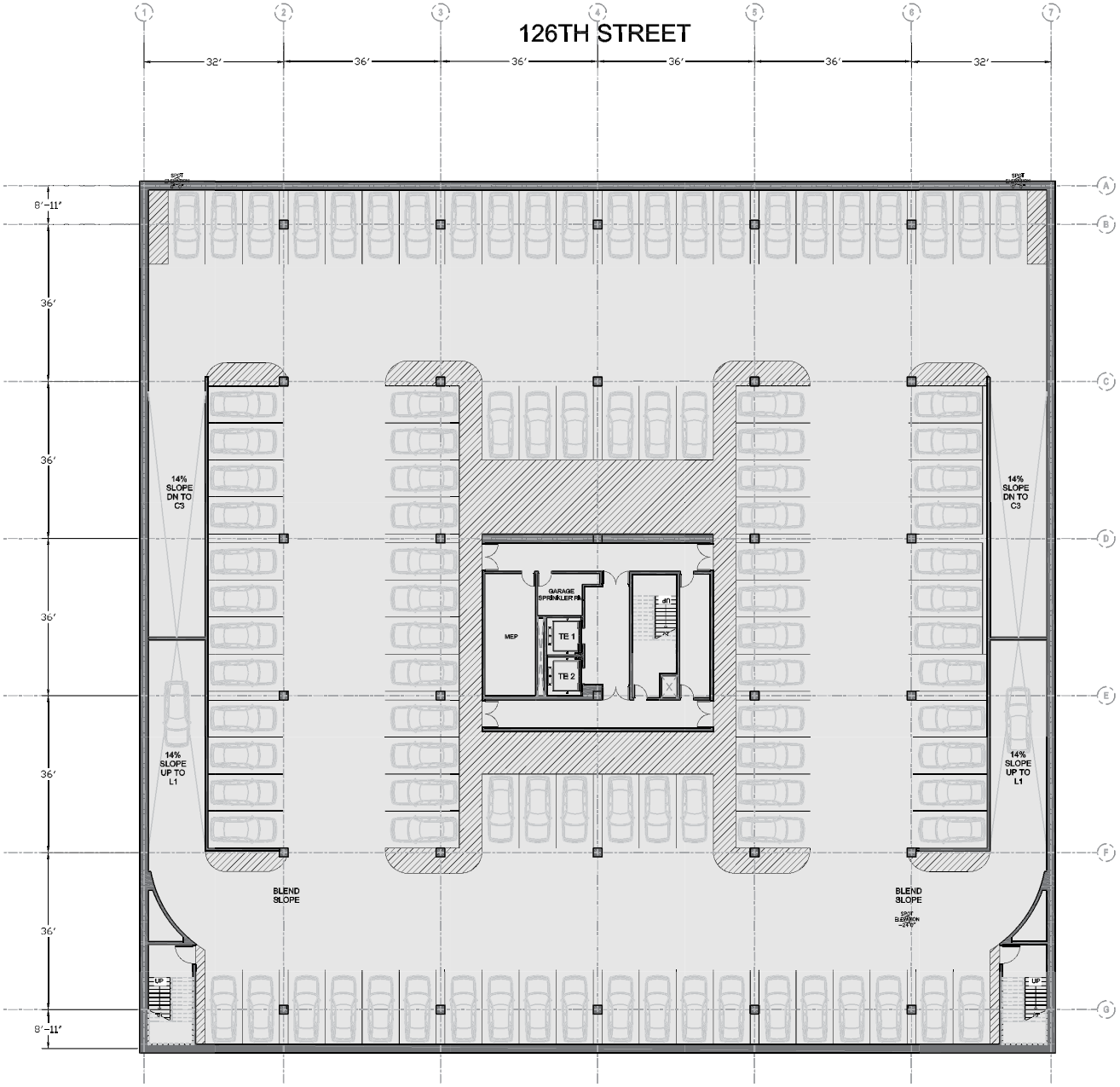
121 WEST 125TH STREET DEVELOPMENT **FIGURE 14**

PRELIMINARY CELLAR PLAN FOR PROPOSED DEVELOPMENT AT 121 WEST 125TH STREET



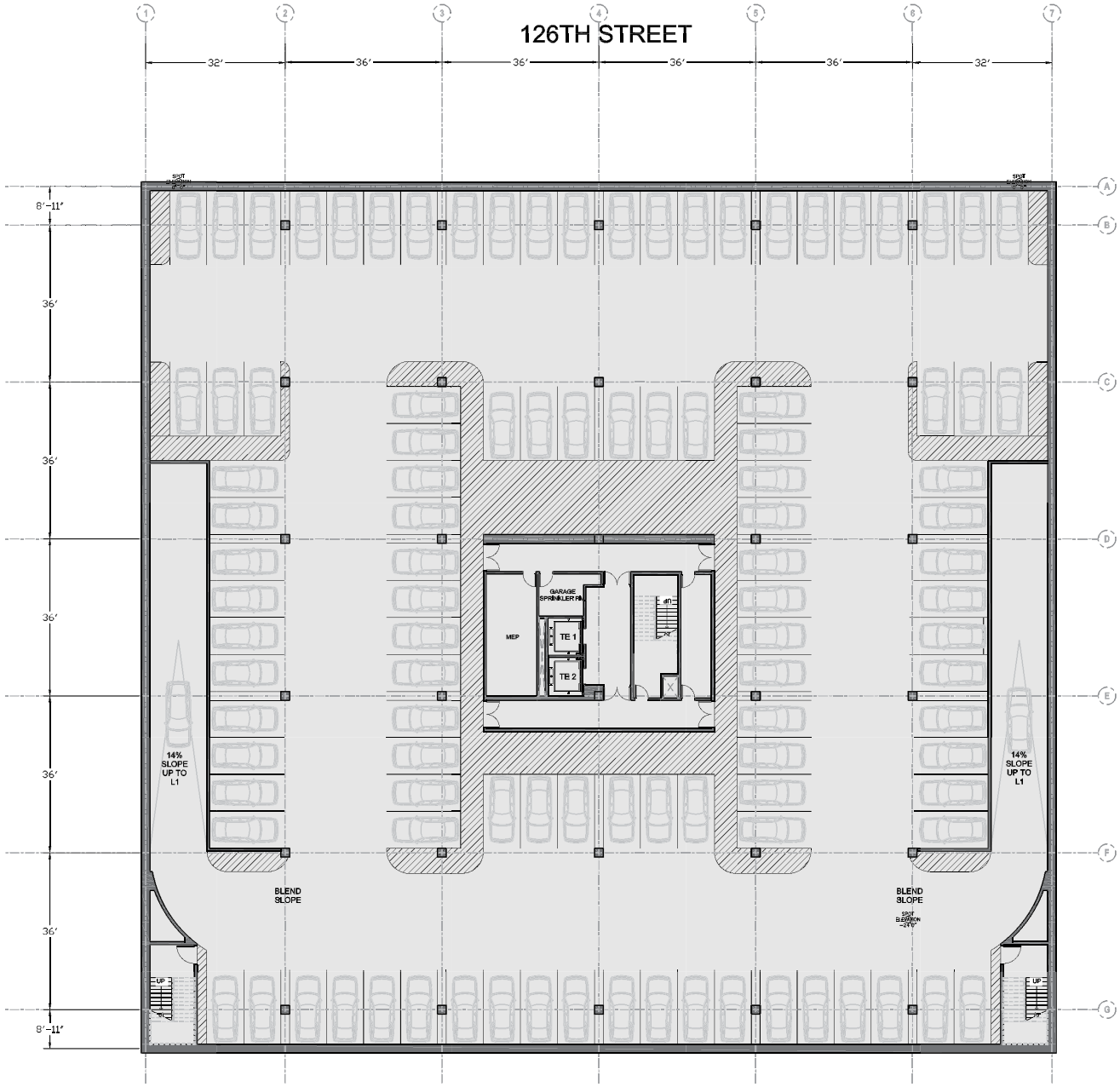
FOR ILLUSTRATIVE PURPOSES ONLY. PLAN IS SUBJECT TO CHANGE

41,965 SF SUBCELLAR 2 LEVEL

PREPARED BY: HOK ARCHITECTS

121 WEST 125TH STREET DEVELOPMENT **FIGURE 15**

PRELIMINARY SUBCELLAR 2 PLAN FOR PROPOSED DEVELOPMENT AT 121 WEST 125TH STREET



FOR ILLUSTRATIVE PURPOSES ONLY. PLAN IS SUBJECT TO CHANGE

41,965 SF
SUBCELLAR 3
LEVEL
101 SPACES

PREPARED BY: HOK ARCHITECTS

121 WEST 125TH STREET DEVELOPMENT **FIGURE 16**

PRELIMINARY SUBCELLAR 3 PLAN FOR PROPOSED DEVELOPMENT AT 121 WEST 125TH STREET

126th Street, on the sidewalk adjacent to the building six feet from the development and 2) a second pedestrian standing on the West 126th Street sidewalk, directly across the street from the first pedestrian and vent location. Table 12 shows the calculations for the proposed multi-level below-grade parking garage.

TABLE 12
CO Concentrations from Parking Garage

Project Build Year:	**2017**		Borough:	**Manhattan**		
Garage Data & Emissions:						
Cars Out (cold cars): 145	Cars In (hot cars): 76				Total Vehicles: 221	
Garage Length:		208	Feet =	63.40	meters	
Garage Width*:		429.029	Feet =	130.77	meters	
Ramp Length:		300	Feet =	91.44	meters	
Garage Area:		89,238	ft² =	8290.48	m²	
Travel Distance:		653.2	Feet =	199.09	meters	
Adjacent Sidewalk Dist.:		6	Feet =	1.83	meters	
Opposite Sidewalk Dist.:		48	Feet =	14.63	meters	
Receptor Height		6	Feet =	1.83	meters	
Effective Emis. Ht. (H):		12	Feet =	3.66	meters	
MOBILE6.2 emissions:						
Travelling Emission (cold)	at 5 mph		@ 50 °F:	19.0110	g/veh-mi	
Travelling Emission (hot)	at 5 mph		@ 50 °F:	10.1432	g/veh-mi	
Travelling Emission (cold)	at 5 mph		@ 50 °F:	19.0110	g/veh-mi	
Travelling Emission (hot)	at 5 mph		@ 50 °F:	10.1432	g/veh-mi	
Idle Emissions for Cold Cars			@ 50 °F:	0.8784	g/veh-min	
Volumetric Flow Rate of Garage Air:				**1**	ft³/min-ft²	
Average Idle Time for Vehicles in Garage:				**1**	min/veh	
Average Wind Velocity:				**1**	m/sec	

Emissions			**g/sec**	**1-hr Concentrations**		**g/m³**	**ppm**
Incoming Vehicles			0.0265	Background			**3.5**
Outgoing Vehicles			0.1301	Qtot / A V		3.72E-03	3.2349
Total (In + Out)			0.1566	Adjacent Sidewalk		2.24E-03	1.9469
				Line Source Contr.		3.45E-04	0.3000
Distrib. (m)		**Adjacent**	**Opposite**	Across Street		1.83E-03	1.5885
r	o	3.6614	3.6614				
r	y'	0.2925	2.3357	**8-hr Concentrations**		**g/m³**	**ppm**
r	y	3.6731	4.3430	De Minimus Criterion		4.02E-03	3.5000
r	z'	0.2560	2.0438	Adjacent Sidewalk		1.57E-03	1.3628
r	z	3.6703	4.1932	Project Status:			**Pass**
v	(g/m³)	3.70E-03	2.47E-03	Across Street		1.52E-03	1.3220
				Project Status:			**Pass**

*Average width based on floor area
Source: Sandstone Environmental Associates, Inc.

CO values contributed from free-flow traffic on West 126th Street in front of the garage were also modeled to determine the overall level of CO values at the development. Peak hour background traffic volumes for this analysis were taken from the 2014 Build volumes in the *Victoria Theater Redevelopment Project FEIS* (February 2013) and projected for the analysis year of 2017. A value of 698 vehicles was used as the worst-case analysis for the arterial roadway, which was obtained by applying an annual background growth rate of 0.25% to the Victoria Theater 2014 Build volumes for the peak PM period and adding the worst-case weekday hourly garage volume of 221. Emission factors were obtained from MOBILE6.2 using a speed of 30.0 mph, which is the speed limit posted throughout New York City. The vehicular mix used was 76 percent autos and 24 percent SUVs. The resulting composite emission factor in 2017 for vehicles traveling 30 mph was 8.64 g/veh/mile. This emission factor was used in the CAL3QHC dispersion model to obtain CO line source concentrations from roadway traffic for the receptor point on the far sidewalk.

The worst-case carbon monoxide 8-hour concentration due to garage activities at the proposed development would be 1.36 ppm at the adjacent sidewalk six feet below the garage vent and 1.11 ppm on the far sidewalk across West 126th Street approximately 48 feet away from the garage wall. Adding in the worst-case 8-hour background concentration of 2.0 ppm and the 8-hour line source concentration of 0.14 ppm for the far sidewalk would result in a total worst-case 8-hour CO concentration level of 3.4 ppm at a pedestrian receptor point on the adjacent sidewalk and 3.3 ppm at a pedestrian receiver across the street. These values are below the 8-hour NAAQS of 9 ppm and the NYCDEP *de minimis* criteria and therefore, pursuant to *2012 CEQR Technical Manual* guidelines no significant adverse air quality impacts would result from the proposed garage.

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 for projected development 10 (Block 1910, Lots 1 and 7501) to state:

> <u>Block 1910, Lots 1 and 7501 (projected development site 10)</u>
> **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 235 feet (includes 40-foot tall mechanical space). The proposed mixed-use development would consist of an estimated 377,000 gsf.[20] In accordance with CEQR guidelines, the stack height for the emissions vent was estimated at three feet higher than the building height of 235 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 17-8 in the Air Quality Appendix of the *2012 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

[20] The 377,00 gsf of development excludes parking.

only building of similar or greater height in the vicinity of the site is the approximately 250-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 200 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 200 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.

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 increase 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 8% of the dwelling units and 50% 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 is currently mapped on the site (refer to Table 13). 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.

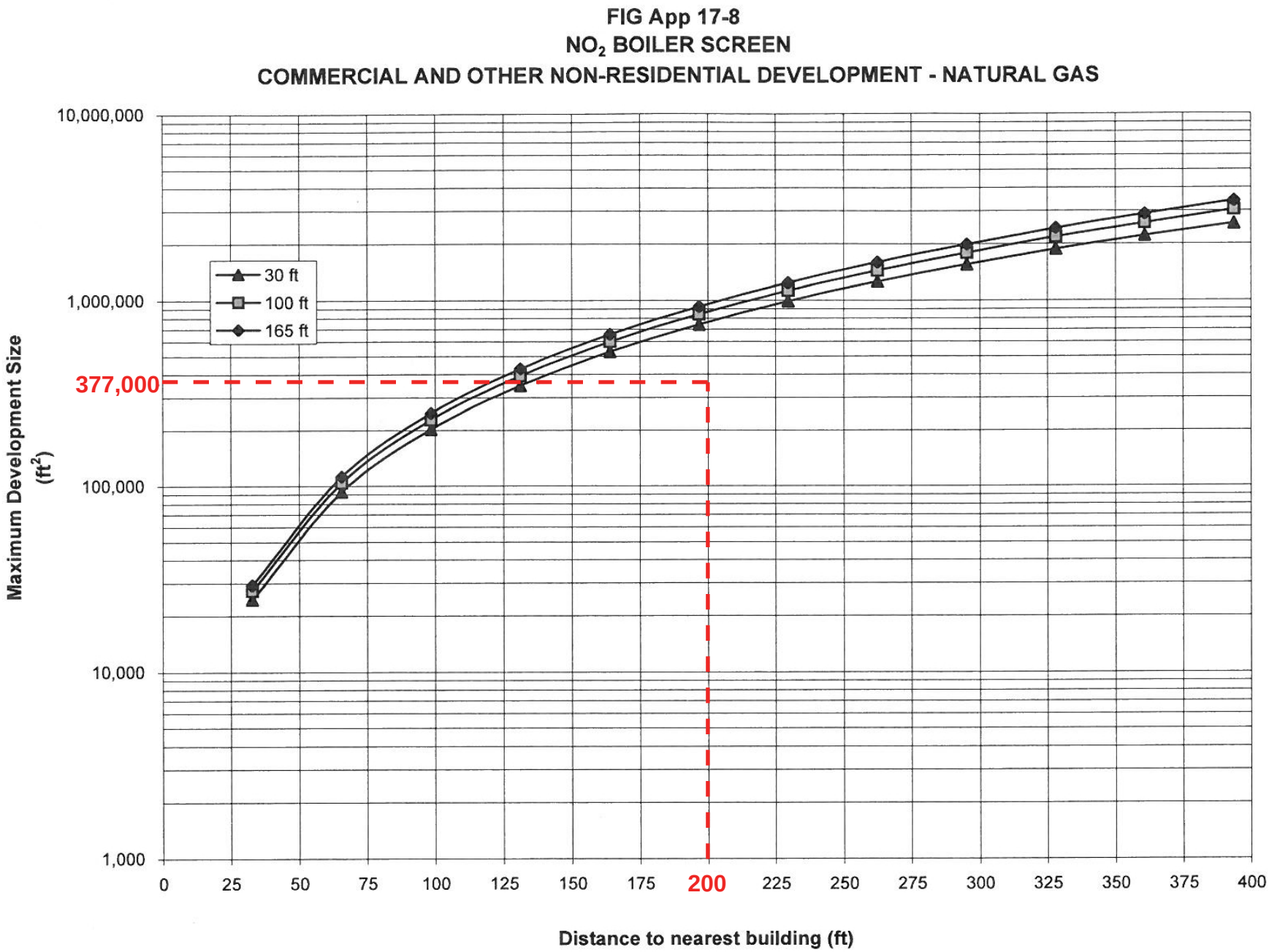


FIG App 17-8
NO2 BOILER SCREEN
COMMERCIAL AND OTHER NON-RESIDENTIAL DEVELOPMENT - NATURAL GAS
Maximum Development Size (ft2)
10,000,000
1,000,000
377,000
100,000
10,000
1,000
30 ft
100 ft
165 ft
0
25
50
75
100
125
150
175
200
225
250
275
300
325
350
375
400
Distance to nearest building (ft)

TABLE 13
Minimum Building Attenuation to Comply with CEQR Requirements Identified in the 2008 FEIS

		2008 FEIS		
	Proposed Use	**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. 126th St.	73.1 dBA	35
		S10- 120 W. 125th 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 Sts.)
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, more recent noise monitoring data were researched 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. The *Victoria Theater Redevelopment Project Draft FEIS* (February 2013) identified and measured ambient noise levels in the vicinity of the project site, along the north side of West 125th Street and the south side of West 126th Street between Malcolm X and Adam Clayton Powell Jr. Boulevards (noise measurements made in 2011). This receptor location is approximately one block to the west of the project site, and is therefore assumed to be representative of noise conditions for the 121 West 125th Street development site. According to the *2012 CEQR Technical Manual*, it is generally best to use the descriptors of $L_{eq(1)}$ or $L_{10(1)}$ for purposes of vehicular traffic noise analysis. $L_{eq(1)}$ captures an hour's total noise energy at the location, and $L_{10(1)}$ represents the level exceeded 10 percent of the time. The $L_{10(1)}$ descriptor can be considered an average of the peak noise levels at a given location. Table 14 below provides the L_{eq} and L_{10} noise levels monitored on the north side of West 125th Street and the south side of West 126th Street between Frederick Douglas and Adam Clayton Powell Jr. Boulevards as part of the *Victoria Theater Redevelopment Project FEIS*:

TABLE 14
Noise Levels at 237 West 125th Street (in dBA)

Location	**Time**	**2011 Levels**		**Predicted 2014 Levels**
		L_{eq} (dBA)	**L_{10} (dBA)**	**L_{10} (dBA)**
North side of W. 125th St. between Adam C. Powell Jr. Blvd. and Frederick Douglass Blvd.	AM (7:30 AM- 9:00 AM)	**74.3**	**77.8**	**79.3**
	MD (12:30 PM- 2:00 PM)	73.5	76.5	78.0
	PM (5:00 PM- 6:30 PM)	72.8	75.0	76.5
South Side of W. 126th St. between Adam C. Powell Jr. Blvd. and Frederick Douglass Blvd.	AM (7:30 AM- 9:00 AM)	**65.5**	**68.4**	68.8
	MD (12:30 PM- 2:00 PM)	63.4	65.8	**70.4**
	PM (5:00 PM- 6:30 PM)	64.9	67.8	68.2

Source: *Victoria Theater Redevelopment Project FEIS* (February 2013)

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 CEPO-CEQR Exterior Noise Standards. The *2012 CEQR Technical Manual* has set noise attenuation quantities for buildings based on exterior noise levels, as shown in Table 15 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 L_{10} noise levels.

TABLE 15
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 L_{10} values greater than 80 dBA.

Source: New York City Department of Environmental Protection

As indicated in Table 15, with exterior $L_{10(1)}$ noise levels ranging from 76.5 to 79.3 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. 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 includes, but is 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 15, with exterior $L_{10(1)}$ noise levels ranging from 68.2 to 70.4 dBA on the south side of West 126th Street, the proposed development on Site 10 would require an attenuation of 28 dBA on West 126th Street (northern side) façade of the building to maintain acceptable interior noise levels.

The proposed development would therefore comply with the requirements of the (E) designation for development on the proposed development site, which is consistent with the above evaluation. 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, with provision of the requisite attenuation, 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, museum, and conference center 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 24,000 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 *2012 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 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 material must also 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.

Empire State Development

EXHIBIT B

STATE ENVIRONMENTAL QUALITY REVIEW FINDINGS STATEMENT

121 West 125th Street Development

New York State Urban Development Corporation d/b/a Empire State Development

June 27, 2013

The New York State Urban Development Corporation, doing business as Empire State Development ("ESD"), pursuant to the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law, and its implementing regulations (6 NYCRR Part 617), makes the following Findings based on the Final Environmental Impact Statement ("FEIS"), for which a Notice of Completion was issued on February 29, 2008, prepared by the New York City Planning Commission ("CPC"), in connection with the 125th Street Corridor and Related Actions project in the City of New York, New York County, New York (the "125th Street Corridor Rezoning"); subsequent Technical Memoranda dated March 10, 2008, April 18, 2008, and July 18, 2008 relating to the 125th Street Corridor Rezoning (collectively with the aforementioned FEIS, the "2008 Environmental Review"); and the Technical Memorandum dated June 18, 2013, related specifically to 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").

PROJECT IDENTIFICATION

The area rezoned in the 125th Street Corridor Rezoning comprised portions of 24 blocks generally bounded by 126th Street, Second Avenue, 124th Street, and Broadway. The 2008 proposal required 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 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).

The FEIS 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," 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. The Expanded Arts Bonus Alternative was projected to stimulate approximately 2,545 dwelling units, 885,311 square feet ("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.[1] The Expanded Arts Bonus Alternative was adopted by the CPC, with modifications, and by the City Council, with additional modifications.

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 increase the potential density in the Core Subdistrict[2] by 30,126 sf of additional office space and 4,289 sf of additional hotel space above what was analyzed in the FEIS. Additional modifications raised the allowable height limit at one projected development 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 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 New York City Department of City Planning ("DCP") proposed a zoning text amendment applying to the 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. The follow-up zoning text changes were the subject of a July 18, 2008 Technical Memorandum. 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

[1] Although these actions affected the entire rezoning area, the 2008 Environmental Review 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 Environmental Review 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 2008 FEIS identified a total of 22 potential development sites.

[2] 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.

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.

The action currently under consideration by ESD is a proposal for the disposition of property jointly owned by the City and State of New York, through a long-term lease by 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, Hudson Empowerment LLC and BRP Empowerment LLC (the "Developers") to undertake the proposed development. Execution of the ground lease is contingent on, *inter alia*, the completion of appropriate SEQRA review. The development would be governed by a General Project Plan ("GPP") approved by ESD pursuant to the Urban Development Corporation Act.

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.

PURPOSE AND NEED FOR THE PROPOSED ACTION

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 proposed development is intended to further these goals through redevelopment of the proposed development site. The current low density uses of the site as a garage with limited commercial retail do not maximize the full potential of the site. The proposed development is consistent with the goals identified in the 125th Street Corridor Rezoning and would transform the site as a mixed-use development, respond to the economic and affordable housing needs of the neighborhood and act as a catalyst to increase the vitality of 125th Street as a major mixed-use corridor, arts/entertainment destination and regional business district.

DESCRIPTION OF ACTION AND LOCATION

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 State is currently considering disposition of an approximately 41,965 sf portion of Site 10 (comprising the easternmost portion of Lot 1 on Block 1910), through a long-term lease by the ESD to the Developers. The Developers are proposing an approximately 15-story mixed use building at the site that would include approximately 101,000 gross square feet ("gsf") (114 DUs) of residential (50 percent affordable housing units), 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 uses, and 89,238 gsf of parking (225 spaces).

Retail space would occupy much of the ground floor and extend through the block with entrances on both West 125th and West 126th Streets. Additional retail space would also occupy the building's second floor. 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 eight stories of the building (floors 8 to 15). It is expected that the proposed office space would occupy the building's fifth through seventh floors, the community facility space would occupy the cellar level, and the museum and conference center spaces would occupy the third and fourth floors. The proposed garage would occupy the building's two sub-cellar levels. Vehicles would enter the garage from a ramp entrance located at the northwest corner of the building on the south side of West 126th Street and exit the garage via a ramp at the northeast corner of the building on West 126th Street. The building's loading area would also be located on the south side of West 126th Street adjacent to the entrance to the proposed garage.

The proposed building is expected to be built to the street line of both West 125th and West 126th Streets and rise approximately 85 feet forming strong street walls, prior to setting back 15 feet at the building's sixth story. At the eighth story, the building would setback an additional 69 feet and rise approximately eight stories to the building's maximum height of 195 feet. An approximately 40-foot tall mechanical penthouse would be located at the roof (the maximum building height would be 235 feet including the mechanical penthouse).

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. 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 an 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.

FACTS AND CONCLUSIONS IN THE FEIS AND TECHNICAL MEMORANDA RELIED UPON TO SUPPORT THE DECISION

SEQRA Process

CPC, as lead agency for the 125th Street Corridor Rezoning, prepared the 2008 FEIS in conformance with applicable laws and regulations, including Executive Order No. 91, New York City Environmental Quality Review ("CEQR") regulations. The FEIS contains a description and analysis of the 125th Street Corridor Rezoning and its environmental setting; the environmental impacts of the Rezoning, including its short and long term effects, and typical associated environmental effects; identification of significant adverse environmental impacts, many of which could be mitigated; a discussion of alternatives; the identification of any irreversible and irretrievable commitments of resources; and a description of any necessary mitigation measures proposed to minimize significant adverse environmental impacts.

CPC accepted a Draft Environmental Impact Statement ("DEIS") and issued a Notice of Completion on September 28, 2007. The DEIS was made available for public review. A public hearing for the receipt of public comments on the DEIS was held on January 30, 2008 in conjunction with CPC's hearing pursuant to the Uniform Land Use Review Procedures ("ULURP"). The FEIS was accepted by CPC and a Notice of Completion was issued on February 29, 2008. The FEIS was properly filed and made available for public review. CPC voted to approve the ULURP application representing the Expanded Arts Bonus Alternative studied in the FEIS on March 10, 2008.

The 2008 FEIS concluded that the Expanded Arts Bonus Alternative would not result in any significant adverse impacts related to land use, zoning, public policy, socioeconomic conditions, community facilities, open space, urban design, natural resources, hazardous materials, water and sewer infrastructure, solid waste and sanitation services, energy, parking, air quality, noise, public health, or construction. The 2008 FEIS did find that the 125th Street Corridor Rezoning could result in significant adverse impacts on historic resources, shadows, traffic, transit and pedestrians. Mitigation measures were developed for each of the identified areas of impact. However, the FEIS found 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 that 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). None of the identified potential impacts on historic resources relate to projected development on Site 10.

As described above, Technical Memoranda were prepared addressing modifications to the 125th Street Corridor Rezoning, which were ultimately adopted by CPC and the City Council. These analyses found that the modifications would not have significant adverse environmental impacts that had not been identified in the FEIS.

A subsequent Technical Memorandum (the 2012 Technical Memorandum) has been prepared at the direction of ESD to determine whether differences in the development program and massing at the proposed development site as compared to the development projected for Site 10 in the 2008 Environmental Review, taking into account changes in projected background conditions since 2008, would alter the conclusions of the 2008 Environmental Review in a manner that would indicate the potential for any significant adverse environmental impacts that were not previously identified. It found 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 projected background conditions.

PROBABLE IMPACTS OF THE PROPOSED ACTION

The significant impacts described below were identified as potentially resulting from the 125th Street Corridor Rezoning. Because the proposed development would occur on one of the projected development sites identified in the 2008 Environmental Review, and thus would or may contribute to some of these impacts, ESD considers those relevant to the proposed development below.

Shadows

The 2008 Environmental Review concluded that the development of Site 10 would contribute to significant adverse shadow impacts that would result from projected development from the 125th Street Corridor Rezoning on the public plaza at the Adam Clayton Powell Jr. State Office Building. 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. A significant adverse impact was identified

because of the benches and planters located on the mostly paved plaza. The zoning text amendment studied in the July 2008 Technical Memorandum 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 2012 Technical Memorandum concluded that 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 than the projected development previously analyzed, as it would only be constructed on the eastern approximately 41,965 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 9). 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 235 feet (including a 40-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. The proposed development would be approximately 55 feet shorter than the height of the projected development analyzed for Site 10 (a maximum height of 290 feet) in the 2008 FEIS.

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, shadows cast by the proposed development would cover a much smaller extent of the plaza. Large areas of the plaza, which would have been cast in shadow by the Site 10 development analyzed in the July 2008 Technical Memorandum, would receive direct sunlight with the proposed development.

The 2008 FEIS found that potential mitigation measures to address the potential shadows impact on the Adam Clayton Powell Jr. State Office Building included redesigning the plaza to relocate sun-sensitive features to avoid areas that would suffer sunlight loss, or the provision of new passive recreation resources at other open spaces in the nearby vicinity. The FEIS noted that as of that time, there was a proposal for the redesign and reconstruction of the plaza, which could afford an opportunity for effectuating this mitigation.

Since the completion of the 2008 Environmental Review, the State Office Building Plaza has been renovated. Because the projected development on Site 10 and other sites that were projected to cast shadow on the plaza had not yet occurred, this renovation did not specifically account for possible shadows in locating benches and planters. However, after completion of the proposed development, ESD would monitor effects from shadows on the plaza. If shadows cast by the proposed development proved detrimental to its utility for passive recreation or the viability of plantings, ESD would work with the New York State Office of General Services to consider relocating benches or plantings to areas receiving greater sunlight. It is possible that

this impact would remain unmitigated, or partially unmitigated, particularly if such relocation proves unfeasible. However, ESD finds that the benefits of the proposed development would outweigh the shadows impact.

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 FEIS that would fully or partially mitigate these impacts. These mitigation measures include: 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 peak hour and the 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. These mitigation measures are described in more detail in the analysis of the Expanded Arts Bonus Alternative from the 2008 FEIS, the relevant sections of which are annexed hereto as Attachment A to this Exhibit and incorporated herein. Significant adverse impacts would 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.

The 2012 Technical Memorandum found that with the proposed development, traffic generation would be reduced from that anticipated from that projected for Site 10 under the Expanded Arts Bonus Alternative in the 2008 Environmental Review, and the proposed development would not result in any significant adverse traffic impacts not already identified. In addition, based on more current data than used for the 2008 Environmental Review, and accounting for projected development in the area that has arisen since 2008, projected traffic conditions presented in the 2013 *Victoria Theater Redevelopment Project FEIS* illustrate that future traffic volumes in the vicinity of the proposed 121 West 125th Street development site are projected to be substantially lower than what was forecasted for 2017 in the 2008 Environmental Review. The mitigation measures proposed for vehicular conditions for the Expanded Arts Bonus Alternative would also mitigate any traffic impacts to which the proposed development would contribute. To the extent that notwithstanding the reduction in traffic volumes as compared to those anticipated in the 2008 Environmental Review, some traffic impacts of the 125th Street Corridor Rezoning to which the proposed development may

contribute, would remain unmitigated, ESD finds that the benefits of the proposed development would outweigh the traffic impacts.

Transit

The 2008 Environmental Review 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 significant adverse impacts in the AM peak hour to Metropolitan Transportation Authority ("MTA") NYC Transit's Bx15 bus route in the southbound direction, and in the PM peak hour to three of MTA NYC Transit's 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.

The 2012 Technical Memorandum found that the proposed development would generate fewer bus and subway trips than the projected development on Site 10 analyzed in the 2008 Environmental Review. Additionally, only approximately 8% of the dwelling units and 50% 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, as well as other development that has occurred or is planned in the vicinity, conditions would likely be better at the maximum load points on some transit routes as compared to the conclusions of the 2008 Environmental Review. 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, and the mitigation proposed therein would address the projected impacts.

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. These mitigation measures are discussed in greater detail in the analysis of the Expanded Arts Bonus Alternative from the 2008 FEIS, the relevant sections of which are annexed hereto as Attachment A to this Exhibit. There would be no significant impacts to sidewalks or corner areas under the Expanded Arts Bonus Alternative analyzed in the 2008 FEIS. Both the *Victoria Theater Redevelopment FEIS* and 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 Environmental Review. 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 proposed development site. As the net increments in pedestrians associated with the proposed development (compared to Site 10 in the 2008 Environmental Review) would be reduced, the proposed development would not result in any new significant adverse pedestrian impacts. Additionally, only approximately 8% of the dwelling units and 50% 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. Using more current data than the 2008 Environmental Review, the *Victoria Theater Redevelopment Project FEIS*, projected future pedestrian conditions, including the Victoria Theater Redevelopment and the other developments now planned for the vicinity, comparable to what was forecasted 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. Therefore, the proposed development, accounting for other projected development in the vicinity, would not require mitigation measures other than those identified in the 2008 FEIS.

CERTIFICATION OF FINDINGS

Having considered the 2008 Environmental Review for the 125th Street Corridor Rezoning and the 2012 Technical Memorandum, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, ESD finds and certifies that:

1. The requirements of Article 8 of the New York State Conservation Law and the implementing regulations of the New York State Department of Environmental Conservation, 6 NYCRR Part 617, have been met;

2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the proposed action will minimize or avoid, to the maximum extent practicable, the adverse environmental effects including the effects disclosed in the FEIS and set forth in this Findings Statement;

3. Consistent with the social, economic and other essential considerations described above, the incorporation in the development of this Project of the mitigation measures described in the FEIS and in this Findings Statement, will minimize or avoid the adverse environmental impacts associated with the proposed development which were identified in the FEIS and in this Findings Statement; and

4. The Project is in compliance with Section 14.09 of the State Historic Preservation Act.

5. The Project is consistent with the applicable State coastal policies set forth in 19 NYCRR 600.5.

Agency:	NYS Urban Development Corporation d/b/a Empire State Development
Signature of Responsible Officer:	Rachel Shatz
Name of Responsible Officer:	Rachel Shatz
Title of Responsible Officer:	Vice President, Planning & Environmental Review
Date:	June 27, 2013

2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the proposed action will minimize or avoid, to the maximum extent practicable, the adverse environmental effects including the effects disclosed in the FEIS and set forth in this Findings Statement;

3. Consistent with the social, economic and other essential considerations described above, the incorporation in the development of this Project of the mitigation measures described in the FEIS and in this Findings Statement, will minimize or avoid the adverse environmental impacts associated with the proposed development which were identified in the FEIS and in this Findings Statement; and

4. The Project is in compliance with Section 14.09 of the State Historic Preservation Act.

5. The Project is consistent with the applicable State coastal policies set forth in 19 NYCRR 600.5.

Agency: NYS Urban Development Corporation d/b/a Empire State Development

Signature of Responsible Officer:

Name of Responsible Officer: Rachel Shatz

Title of Responsible Officer: Vice President, Planning & Environmental Review

Date: June 27, 2013

ATTACHMENT A

RELEVANT SECTIONS OF THE EXPANDED ARTS BONUS ALTERNATIVE

STATE ENVIRONMENTAL QUALITY REVIEW
FINDINGS STATEMENT

121 West 125th Street Development

New York State Urban Development Corporation
d/b/a Empire State Development

June 27, 2013

Within the residential study area, the total open space ratio, when compared to the proposed action, would remain unchanged at 1.10 acres per 1,000 residents. The active open space ratio would also remain unchanged at 0.52 under the proposed action and under the Expanded Arts Bonus alternative. Additionally, the passive open space ratio for the combined (residential and worker) population would remain unchanged when compared to the proposed action, with 0.43 acres per 1,000 combined workers, which exceeds the recommended weighted average ratio of 0.410 acres per 1,000 workers and residents.

Within the non-residential study area, the passive open space ratio under this alternative, when compared to the proposed action, would remain at 0.26 acres per 1,000 combined workers and residents, below the recommended weighted average ratio of 0.409 acres per 1,000 workers and residents. The passive open space ratio for the non-residential population would change from 1.05 under the proposed action to 1.01 under this alternative, and would continue to be above the City guideline of 0.15 acres of passive open space per 1,000 non-residents.

There would be no significant difference between this alternative and the proposed action, and significant adverse impacts to open space would not result from either.

Shadows

The projected development sites under the Expanded Arts Bonus Alternative share the same building form as the Proposed Action and the Arts Bonus Alternative, except for projected development sites 18a, 18b and 20. For these three projected development sites (18, 18b and 20), the building form would be the same as under the C4-4D Alternative, a maximum building height of 120 feet for the buildings within the proposed C4-4D zoning district and 70 feet for a portion of site 18b within the proposed R6A zoning district.

The open space and historic resources that are identified in Shadows Chapter 3.5, "Shadows" as adversely affected by the proposed action would also be adversely affected under the Expanded Arts Bonus Alternative. The four identified resources that would be adversely affected are: The Church of St. Joseph of the Holy Family, the Metropolitan Community United Methodist Church, Dream Street Park, and the Adam Clayton Powell, Jr. State Office Building Plaza.

The projected and potential development sites that contribute shadow to three of the four resources -- The Church of St. Joseph of the Holy Family, Dream Street Park, and the Adam Clayton Powell, Jr. State Office Building Plaza -- under the proposed action would have the same bulk and mass under the Expanded Arts Bonus Alternative. Therefore, the projected and potential development sites that contribute shadow to these three resources of concern under the proposed action would cast the same net new shadow and have the same adverse impact under the Expanded Arts Bonus Alternative. It is expected that the same potential mitigation measures available for the shadows impacts identified for the proposed action would also be applicable under the Expanded Arts Bonus Alternative.

With respect to the fourth resource, the Metropolitan Community United Methodist Church, increased shadow duration related to the increased heights expected at sites 18a, 18b and 20 under the Expanded Arts Bonus Alternative would generate an additional shadow on the Metropolitan Community United Methodist Church. As compared to the shadow expected on the church in the proposed action, under the Expanded Arts Bonus Alternative, the church is expected to receive an additional two hours of shadows. The C4-4D Alternative and Expanded Arts Bonus Alternative share the proposed same building form for projected development sites 18a, 18b and 20. Thus the detailed assessment and conclusions provided in the C4-4D Alternative Shadow section also pertain to the Expanded Arts Bonus Alternative. Similar to the C4-4D Alternative, the incremental shadows under the Expanded Arts Bonus Alternative would be limited to the December 21st analysis period with a longer duration of incremental shadows cast on the church's stained-glass windows when compared to the Proposed Action. Thus, the significant adverse impact identified to this resource under the proposed action would be exacerbated by the extended duration of the incremental shadows cast on the church's stained glass window under the Expanded Arts Bonus Alternative.

As discussed in Chapter 3.5, "Shadows", a potential mitigation measure for the identified impact on the two historic resources includes the use of artificial lighting to simulate the sunlit conditions. The provision of indirectly mounted lighting could simulate lost sunlight conditions at the affected stained glass windows of each resource. After the issuance of the DEIS, the Department of City Planning, in consultation with the NYC Landmark Preservation Commission, concluded that the mitigation measures described above are not feasible and that there are no other feasible or practicable measures that would eliminate or reduce the impacts. Therefore, the significant adverse shadow impacts on these two historic resources remain unmitigated under the Expanded Arts Bonus Alternative.

Potential mitigation measures for these shadow impacts at Dream Street Park include relocating the sun-light sensitive features of the park to avoid sunlight loss – specifically relocating benches and/or seating areas, relocating vegetation to avoid shadows, or replacing vegetation with shade-tolerant species to withstand shady conditions. Additional potential mitigation measures include the provision of new passive facilities on other nearby open spaces to supplement those affected by the action generated shadows. Since the issuance of the DEIS, the Department of City Planning consulted with the NYC Department of Parks and Recreation (DPR) regarding the feasibility of implementing the potential mitigation measures identified. Based on these discussions, DPR concluded that relocating seating areas and replacing plant material was feasible and would allow for partial mitigation of the shadow impacts. If DPR funding becomes available to implement these improvements prior to the project's build year of 2017, the impacts could be partially mitigated. Absent available funding for the improvements, the significant adverse shadow impacts would remain unmitigated under the Expanded Arts Bonus Alternative.

Mitigation measures for the shadow impacts to the Adam Clayton Powell, Jr. State Office Building Plaza 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. After the issuance of the DEIS, the Department of City Planning became aware of a proposal for redesigning and reconstructing the

Adam Clayton Powell, Jr. State Office Building Plaza. Given this opportunity, the Department of City Planning has extended an offer to work closely with the State to ensure that the redesign of the plaza takes into consideration these potential impacts and minimizes their significant adverse nature. However, because the redesign plans for the plaza had not been finalized by the time of the FEIS, the significant adverse impact remains unmitigated under the Expanded Arts Bonus Alternative.

Historic Resources

Architectural Resources

As with the proposed action, the Expanded Arts Bonus Alternative could result in direct effects to four eligible resources that could be demolished as a consequence of the proposed action: the former Harlem Savings Bank occupies a portion of Potential Development Site 46, which is being considered for ground floor commercial and upper floor residential development. The Marion Building is located on Potential Development Site 39 which is being considered for commercial/residential redevelopment. The Bishop Building is located on Potential Development Site 33 which is also being considered for commercial/residential development with on-site parking. The Amsterdam News occupies the eastern portion of Potential Development Site 32 on which new residential development with ground floor retail is under consideration.

As with the propose action, inadvertent construction-related damage could potentially occur to seven eligible and potentially eligible resources including: the Park Avenue Viaduct (#8); the Metro-North 125th Street Station (#7), the former Twelfth Ward Bank (#11), Blumstein's Department Store (#12), 221 East 124th Street (#19), the Apartment Building at 2075-2087 Lexington Avenue (# 20), and the Lenox Avenue/West 125th Street Subway Station (#24). The resources would be provided a measure of protection from construction as Building Code section 27-166 (C26-112.4), which requires 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 with the proposed action, additional protective measures afforded under DOB *TPPN 10/88*, which apply to designated historic resources, would not be applicable in this case, unless the eligible resources are designated in the future prior to the initiation of construction. If they are not designated, however, they would not be subject to the construction protection procedures, and may therefore be adversely affected by adjacent development resulting from the proposed action.

As described above in the shadows assessment, incremental shadows are expected to be cast on two historic resources, with a significant adverse impact expected to the Church of St. Joseph of the Holy Family under both the proposed action and the Expanded Arts Bonus Alternative. The impact and potential mitigation measures identified for this resource for the proposed action would be expected to be the same under this alternative.

Archaeological Resources

Under the Expanded Arts Bonus Alternative, development could potentially occur on all of the same projected and potential development sites identified for the proposed action and on six additional lots as part of projected development sites 18a, 18b and 20. As LPC determined that the impact area is not archaeologically sensitive for prehistoric and historic archaeological resources, similar to the proposed action, the Expanded Arts Bonus Alternative does not have the potential to result in significant adverse archaeological impacts.

Urban Design and Visual Resources

The Expanded Arts Bonus Alternative would allow greater commercial FARs in the C4-7 and the C6-3 districts. The maximum commercial FAR in the C4-4D district would be the same under the Expanded Arts Bonus Alternative as in the proposed action. The residential FAR in the proposed C4-7, C6-3, and C4-4D districts would be the same under the Expanded Arts Bonus Alternative as in the proposed action. The increased commercial FAR in the C4-7 and the C6-3 would allow for the development of more floor area than would be allowed with the proposed action, however, building bulk controls including streetwall and maximum building height controls would be the same as in the proposed action and it is expected that the overall bulk of new development would be of the same maximum height and of similar massing as development under the proposed action. New development taking advantage of the arts bonus mechanism would create new visual and performing arts spaces, such venues would be required to be identified through signage facing 125th Street and would add a layer of articulation to the streetwalls of new development. These uses would reinforce active uses required by the proposed action, and would enhance the project goals and objectives. Similar to the proposed action, there would be no changes in building type or arrangement, block form, street pattern or hierarchy, in building arrangement, streetscape elements or natural features.

Given that the same building envelope and building form requirements would apply, and that no new projected development sites would be created, like the proposed action, the Expanded Arts Bonus Alternative would not result in significant adverse impacts to urban design or visual resources.

Neighborhood Character

Neither the proposed action nor the Expanded Arts Bonus Alternative would result in significant adverse impacts on neighborhood character. Effects on neighborhood character under this alternative would be similar to those of the proposed action. Although the provision of a bonus mechanism for visual and performing arts spaces is projected to reduce the amount of housing that would be created compared to the proposed action, the Expanded Arts Bonus Alternative would create more by creating substantially increased commercial space and arts uses. As with the proposed action, the Expanded Arts Bonus Alternative would allow a mix of use and densities that also supports the ongoing revitalization of the 125th Street Corridor while providing for appropriately scaled development in the neighboring low-rise residential communities in the primary study area. Additional benefits to neighborhood character are expected to result from the

The Expanded Arts Bonus Alternative would generate a total of approximately 1,049,423 gpd (1.05 mgd) of wastewater, an increase of 20,030 gpd from the estimated 1,029,393 gpd (1.03 mgd) of wastewater calculated for the proposed action. As this would represent a relatively small incremental increase in demand that would not significantly augment the amount of wastewater treated by either the North River WPCP or the Wards Island WPCP, the Expanded Arts Bonus Alternative, like the proposed action, would not result in significant adverse impacts on the City's wastewater management system.

Stormwater Management

Like the proposed action, the Expanded Arts Bonus Alternative would not increase the amount of impervious surface in the study area, as all unpaved and undeveloped lots would have been developed in the No-Action condition. Consequently, the Expanded Arts Bonus Alternative would not increase the volume of stormwater runoff and therefore would not adversely affect the City's stormwater management system.

Solid Waste and Sanitation Services

Demands on solid waste and sanitation would increase under the Expanded Arts Bonus Alternative as compared to the proposed action. The incremental increase of solid waste generation in the future with the Expanded Arts Bonus Alternative is 44,069 pounds, which is a 12 percent increase compared with the proposed action. However, this increase is insignificant in light of the estimated 12,000 tons of residential and institutional refuse and recyclables collected by DSNY per day. As with the proposed action, no significant adverse solid waste/sanitation impacts would occur under the Expanded Arts Bonus Alternative.

Energy

Demands on energy would increase considerably under the Expanded Arts Bonus Alternative as compared to existing and No-Action conditions. However, these demands would be of a similar magnitude than would be generated by the proposed action. Approximately 16 billion additional BTUs, or more than four percent, would be used under the alternative compared with the proposed action. As with the proposed action, no significant adverse energy impacts would occur under the Expanded Arts Bonus Alternative.

Traffic and Parking

Traffic

Table 3.21-23 compares the estimated peak hour vehicle-trip generation characteristics associated with the No-Action condition, the Action condition, and the Expanded Arts Bonus alternative. Detailed trip generation tables for this alternative are located in Appendix I.

Table 3.21-23: Comparison of Estimated Vehicle Trip Generation

Analysis Scenario	Estimated Net New Vehicle Trips			
	Weekday AM Peak Hour	Weekday Midday Peak Hour	Weekday PM Peak Hour	Saturday Midday Peak Hour
No-Action	380	1,085	1,230	1,239
Action	709	1,578	1,954	1,810
Expanded Arts Bonus	841	1,675	2,208	1,973

As shown in Table 3.21-23, relative to the Action condition, the Expanded Arts Bonus alternative is projected to generate approximately:

- 132 more vehicle trips during the weekday AM peak hour;
- 97 more vehicle trips during the weekday midday peak hour;
- 254 more vehicle trips during the weekday PM peak hour; and
- 163 more vehicle trips during the Saturday midday peak hour.

Figures 3.21-24 through 3.21-27 show the total traffic volumes on the study area roadway network for the Expanded Arts Bonus alternative during all four weekday peak hours.

Because the Expanded Arts Bonus alternative generates more vehicle-trips than the Action condition during each of the four peak hours, detailed intersection capacity analyses were conducted to determine the location of significant traffic impacts and the associated mitigation measures for this alternative. Tables 3.21-24 and 3.21-25 show the results of the capacity analyses and the location of significant adverse traffic impacts, relative to No-Action conditions. These significant adverse impacts are described in more detail below.

135th Street Corridor

- West 135th Street/Lenox Avenue – During the weekday AM peak hour, delays for vehicles on the westbound approach are projected to increase from 66.1 seconds/vehicle (LOS "E") under the No-Action condition to 108.7 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative. During the weekday PM peak hour, delays for vehicles on the eastbound approach are projected to increase from 35.3 seconds/vehicle (LOS "D") under the No-Action condition to 54.8 seconds/vehicle (LOS "D") under the Expanded Arts Bonus alternative.

- West 135th Street/Adam Clayton Powell Jr. Boulevard – During the weekday PM peak hour, delays for southbound left-turns are projected to increase from 34.2 seconds/vehicle (LOS "C") under the No-Action condition to 74.8 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative.

126th Street Corridor

- East 126th Street/Lexington Avenue – During the weekday PM and Saturday midday peak hours, delays for vehicles on the westbound approach are projected to increase significantly. During the weekday PM peak hour, delays are projected to increase from 212.2 seconds/vehicle (LOS "F") under the No-Action condition to 229.7 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative. During the Saturday midday peak hour, delays are projected to increase from 162.7 seconds/vehicle (LOS "F") under the No-Action condition to 179.5 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

- 126th Street/Fifth Avenue – During the weekday PM peak hour, delays for vehicles on the westbound approach are projected to increase from 103.8 seconds/vehicle (LOS "F") under the No-Action condition to 106.9 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

- West 126th Street/Lenox Avenue – During the weekday AM peak hour, delays for vehicles on the southbound approach are projected to increase from 48.2 seconds/vehicle (LOS "D") under the No-Action condition to 62.4 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative. During the weekday PM peak hour, delays for vehicles in the northbound left-turn lane are projected to increase from 53.7 seconds/vehicle (LOS "D") under the No-Action condition to 62.7 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative. During the Saturday midday peak hour, delays for vehicles in the northbound left-turn lane are projected to increase from 90.8 seconds/vehicle (LOS "F") under the No-Action condition to 106.1 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

- West 126th Street/St. Nicholas Avenue – During the weekday PM peak hour, delays for vehicles on the northbound approach are projected to increase from 103.4 seconds/vehicle (LOS "F") under the No-Action condition to 110.1 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative. During the Saturday midday peak hour, delays for vehicles on the northbound approach are projected to increase from 70.9 seconds/vehicle (LOS "E") under the No-Action condition to 77.5 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative.

- West 126th Street/Morningside Avenue – During the weekday PM peak hour, delays for vehicles on the westbound approach are projected to increase from 87.9 seconds/vehicle (LOS "F") under the No-Action condition to 160.4 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

125th Street Corridor

- East 125th Street/First Avenue – During the weekday PM peak hour, delays for vehicles on the eastbound approach are projected to increase from 34.0 seconds/vehicle (LOS

"C") under the No-Action condition to 48.2 seconds/vehicle (LOS "D") under the Expanded Arts Bonus alternative.

- East 125th Street/Second Avenue
  - During the weekday AM peak hour, delays for vehicles on the southbound Tri-Borough Bridge off-ramp are projected to increase from 218.2 seconds/vehicle (LOS "F") under the No-Action condition to 231.3 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative. In addition, delays for vehicles on the westbound approach are projected to increase from 121.7 seconds/vehicle (LOS "F") under the No-Action condition to 184.4 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.
  - During the weekday midday peak hour, delays for vehicles on the westbound approach are projected to increase from 50.9 seconds/vehicle (LOS "D") under the No-Action condition to 94.4 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.
  - During the weekday PM peak hour, there are significant impacts on all intersection approaches. Delays for vehicles on the eastbound approach are projected to increase from 47.9 seconds/vehicle (LOS "D") under the No-Action condition to 75.3 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative. Delays for vehicles on the westbound approach are projected to increase from 78.6 seconds/vehicle (LOS "E") under the No-Action condition to 203.0 seconds/vehicle (LOS "F) under the Expanded Arts Bonus alternative. In addition, delays for vehicles on the southbound approach on Second Avenue are projected to increase from 55.4 seconds/vehicle (LOS "E") under the No-Action condition to 65.7 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative. Finally, delays for vehicles on the southbound Tri-Borough Bridge off-ramp are projected to increase from 120.2 seconds/vehicle (LOS "F") under the No-Action condition to 146.1 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.
  - During the Saturday midday peak hour, delays for vehicles on the westbound approach are projected to increase from 381.2 seconds/vehicle (LOS "F") under the No-Action condition to 567.2 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative. In addition, delays for vehicles on the southbound Tri-Borough Bridge off-ramp are projected to increase from 57.7 seconds/vehicle (LOS "E") under the No-Action condition to 87.3 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

- East 125th Street/Third Avenue
  - During the weekday AM peak hour, delays for vehicles on the eastbound approach are projected to increase from 115.4 seconds/vehicle (LOS "F") under the No-Action condition to 196.1 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

- During the weekday midday peak hour, delays for vehicles on the eastbound approach are projected to increase from 314.4 seconds/vehicle (LOS "F") under the No-Action condition to 483.7 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

- During the weekday PM peak hour, delays for vehicles on the westbound approach are projected to increase from 47.3 seconds/vehicle (LOS "D") under the No-Action condition to 112.0 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

- During the Saturday midday peak hour, delays for vehicles on the westbound approach are projected to increase from 37.9 seconds/vehicle (LOS "D") under the No-Action condition to more than 81.0 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

- East 125th Street/Lexington Avenue
  - During the weekday AM peak hour, delays for vehicles on the eastbound and westbound approaches are projected to increase from 41.1 seconds/vehicle (LOS "D") and 322.6 seconds/vehicle (LOS "F") respectively under the No-Action condition, to 52.0 seconds/vehicle (LOS "D") and 435.0 seconds/vehicle (LOS "F") respectively under the Expanded Arts Bonus alternative.

  - During the weekday midday peak hour, delays for vehicles on the eastbound and westbound approaches are projected to increase from 68.6 seconds/vehicle (LOS "E") and 292.2 seconds/vehicle (LOS "F") respectively under the No-Action condition, to 115.0 seconds/vehicle (LOS "F") and 429.0 seconds/vehicle (LOS "F") respectively under the Expanded Arts Bonus alternative.

  - During the weekday PM peak hour, delays for vehicles on the eastbound and westbound approaches are projected to increase from 278.0 seconds/vehicle (LOS "F") and 294.2 seconds/vehicle (LOS "F") respectively under the No-Action condition, to 373.5 seconds/vehicle (LOS "F") and 445.0 seconds/vehicle (LOS "F") respectively under the Expanded Arts Bonus alternative.

  - During the Saturday midday peak hour, delays for vehicles on the eastbound and westbound approaches are projected to increase from 72.2 seconds/vehicle (LOS "E") and 365.8 seconds/vehicle (LOS "F") respectively under the No-Action condition, to 133.0 seconds/vehicle (LOS "F") and 491.1 seconds/vehicle (LOS "F") respectively under the Expanded Arts Bonus alternative.

- East 125th Street/Park Avenue – During the weekday AM peak hour, delays for vehicles on the westbound approach are projected to increase from 36.0 seconds/vehicle (LOS "D") under the No-Action condition to 77.7 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative. During the weekday midday peak hour, delays for

vehicles on the westbound approach are projected to increase from 28.7 seconds/vehicle (LOS "C") under the No-Action condition to 65.1 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative. During the weekday PM peak hour, delays for vehicles on the eastbound and westbound approaches are projected to increase from 136.3 seconds/vehicle (LOS "F") and 36.0 seconds/vehicle (LOS "D") respectively under the No-Action condition, to 204.1 seconds/vehicle (LOS "F") and 114.7 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

- East 125th Street/Madison Avenue – During the weekday AM peak hour, delays for vehicles on the eastbound approach are projected to increase from 32.4 seconds/vehicle (LOS "C") under the No-Action alternative to 47.7 seconds/vehicle (LOS "D") under the Expanded Arts Bonus alternative. During the weekday midday peak hour, delays for vehicles on the eastbound approach are projected to increase from 52.0 seconds/vehicle (LOS "D") under the No-Action condition to 106.4 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative. During the weekday PM peak hour, delays for vehicles on the eastbound approach are projected to increase from 147.6 seconds/vehicle (LOS "F") under the No-Action condition to 287.7 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative. During the Saturday midday peak hour, delays for vehicles on the eastbound approach are projected to increase from 125.3 seconds/vehicle (LOS "F") under the No-Action condition to 219.1 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

- 125th Street/Fifth Avenue – During the weekday midday peak hour, delays for vehicles on the eastbound approach are projected to increase from 35.5 seconds/vehicle (LOS "D") under the No-Action condition to 46.8 seconds/vehicle (LOS "D") under the Expanded Arts Bonus alternative. During the weekday PM peak hour, delays for vehicles on the eastbound and westbound approaches are projected to increase from 152.3 seconds/vehicle (LOS "F") and 30.9 seconds/vehicle (LOS "C") respectively under the No-Action condition, to 238.8 seconds/vehicle (LOS "F") and 88.3 seconds/vehicle (LOS "F") respectively, under the Expanded Arts Bonus alternative. During the Saturday midday peak hour, delays for vehicles on the eastbound and westbound approaches are projected to increase from 413.7 seconds/vehicle (LOS "F") and 222.9 seconds/vehicle (LOS "F") respectively under the No-Action condition, to 456.6 seconds/vehicle (LOS "F") and 305.2 seconds/vehicle (LOS "F") respectively under the Expanded Arts Bonus alternative.

- West 125th Street/Lenox Avenue – During the weekday AM peak hour, delays for vehicles on the southbound approach are projected to increase from 50.9 seconds/vehicle (LOS "D") under the No-Action condition to 80.4 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative. During the weekday PM peak hour, delays for vehicles on the eastbound and westbound approaches are projected to increase from 28.5 seconds/vehicle (LOS "C") and 33.2 seconds/vehicle (LOS "C") respectively under the No-Action condition, to 73.7 seconds/vehicle (LOS "E") and 51.0 seconds/vehicle (LOS "D") respectively under the Expanded Arts Bonus alternative. During the Saturday midday peak hour, delays for vehicles on the eastbound and westbound approaches are

projected to increase from 504.7 seconds/vehicle (LOS "F") and 657.2 seconds/vehicle (LOS "F") respectively under the No-Action condition, to 571.2 seconds/vehicle (LOS "F") and 776.5 seconds/vehicle (LOS "F") respectively, under the Expanded Arts Bonus alternative.

- West 125th Street/Adam Clayton Powell Jr. Boulevard – During the weekday midday peak hour, delays for vehicles on the eastbound and westbound approaches are projected to increase from 125.2 seconds/vehicle (LOS "F") and 50.8 seconds/vehicle (LOS "D") respectively, under the No-Action condition to 205.0 seconds/vehicle (LOS "F") and 163.5 seconds/vehicle (LOS "F") respectively, under the Expanded Arts Bonus alternative. During the weekday PM peak hour, delays for vehicles on the eastbound and westbound approaches are projected to increase from 268.3 seconds/vehicle (LOS "F") and 130.0 seconds/vehicle (LOS "F") respectively under the No-Action condition, to 449.6 seconds/vehicle (LOS "F") and 372.0 seconds/vehicle (LOS "F") respectively under the Expanded Arts Bonus alternative. During the Saturday midday peak hour, delays for vehicles on the eastbound and westbound approaches are projected to increase from 441.4 seconds/vehicle (LOS "F") and 325.0 seconds/vehicle (LOS "F") respectively under the No-Action condition, to 547.5 seconds/vehicle (LOS "F") and 477.5 seconds/vehicle (LOS "F") respectively, under the Expanded Arts Bonus alternative.

- West 125th Street/Frederick Douglass Boulevard – During the weekday PM peak hour, delays for vehicles on the westbound approach are projected to increase from 48.4 seconds/vehicle (LOS "D") under the No-Action condition to 128.3 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative. During the Saturday midday peak hour, delays for vehicles on the eastbound and westbound approaches are projected to increase from 329.7 seconds/vehicle (LOS "F") and 585.8 seconds/vehicle (LOS "F") respectively under the No-Action condition, to 364.1 seconds/vehicle (LOS "F") and 620.6 seconds/vehicle (LOS "F") respectively under the Expanded Arts Bonus alternative.

- West 125th Street/St. Nicholas Avenue

  - During the weekday AM peak hour, delays for vehicles on the eastbound approach are projected to increase from 55.7 seconds/vehicle (LOS "E") under the No-Action condition to 94.0 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

  - During the weekday PM peak hour, delays for vehicles on the eastbound approach are projected to increase from 207.8 seconds/vehicle (LOS "F") under the No-Action condition to 277.2 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

  - During the Saturday midday peak hour, delays for vehicles on the eastbound and southbound approaches are projected to increase from 112.0 seconds/vehicle (LOS "F") and 88.7 seconds/vehicle (LOS "F") respectively under the No-Action

condition, to 140.1 seconds/vehicle (LOS "F") and 96.5 seconds/vehicle (LOS "F") respectively under the Expanded Arts Bonus alternative.

- West 125th Street/Morningside Avenue – During the Saturday midday peak hour, delays for vehicles on the eastbound approach are projected to increase from 111.3 seconds/vehicle (LOS "F") under the No-Action condition to 119.0 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

- West 125th Street/Amsterdam Avenue

  - During the weekday AM peak hour, delays for eastbound through/right-turning vehicles are projected to increase from 37.4 seconds/vehicle (LOS "D") under the No-Action condition to 45.9 seconds/vehicle (LOS "D") under the Expanded Arts Bonus alternative. In addition, delays for vehicles in the westbound left-turn lane are projected to increase from 89.6 seconds/vehicle (LOS "F") under the No-Action condition to 196.7 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

  - During the weekday midday peak hour, delays for vehicles in the westbound left-turn lane are projected to increase from 52.0 seconds/vehicle (LOS "D") under the No-Action condition, to 57.9 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative.

  - During the weekday PM peak hour, delays for eastbound left-turning and through/right-turning vehicles are projected to increase from 47.3 seconds/vehicle (LOS "D") and 42.8 seconds/vehicle (LOS "D") respectively under the No-Action condition, to 77.0 seconds/vehicle (LOS "E") and 52.6 seconds/vehicle (LOS "D") respectively under the Expanded Arts Bonus alternative. In addition, delays for vehicles in the westbound left-turn lane are projected to increase from 125.0 seconds/vehicle (LOS "F") under the No-Action condition to 128.6 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

  - During the Saturday midday peak hour, delays for eastbound left-turning and through/right-turning vehicles are projected to increase from 101.3 seconds/vehicle (LOS "F") and 154.1 seconds/vehicle (LOS "F") respectively, under the No-Action condition, to 111.4 seconds/vehicle (LOS "F") and 175.3 seconds/vehicle (LOS "F") respectively, under the Expanded Arts Bonus alternative. In addition, delays for westbound through/right-turning vehicles are projected to increase from 95.4 seconds/vehicle (LOS "F") under the No-Action condition to 100.0 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

- West 125th Street/Broadway – During the weekday PM peak hour, delays for eastbound left-turning vehicles are projected to increase from 38.9 seconds/vehicle (LOS "D")

under the No-Action condition to 55.1 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative.

- West 125th Street/12th Avenue – During the weekday midday peak hour, delays for southbound left-turning vehicles are projected to increase from 47.9 seconds/vehicle (LOS "D") under the No-Action condition to 57.3 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative. During the Saturday midday peak hour, delays for southbound left-turning vehicles are projected to increase from 95.2 seconds/vehicle (LOS "F") under the No-Action condition to 109.8 seconds/vehicle (LOS "F") under the Expanded Arts Bonus alternative.

116th Street Corridor

- West 116th Street/Adam Clayton Powell Jr. Boulevard – During the weekday AM peak hour, delays for vehicles on the westbound approach are projected to increase from 70.1 seconds/vehicle (LOS "E") under No-Action conditions to 76.8 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative.

- West 116th Street/Frederick Douglass Boulevard – During the weekday AM peak hour, delays for vehicles on the westbound approach are projected to increase from 60.6 seconds/vehicle (LOS "E") under the No-Action condition to 65.5 seconds/vehicle (LOS "E") under the Expanded Arts Bonus alternative.

Proposed Mitigation Measures

The following is a description of the mitigation measures for the Expanded Arts Bonus alternative:

135th Street Corridor

- West 135th Street/Lenox Avenue
  - Re-allocate three seconds of green time from the north-south phase to the east-west phase during the weekday AM peak period.
  - Re-allocate four seconds of green time from the north-south phase to the east-west phase during the weekday PM peak period.
- West 135th Street/Adam Clayton Powell Jr. Boulevard
  - Re-allocate one second of green time from the north-south phase to the east-west phase during the weekday AM peak period.
  - Prohibit on-street parking along the east side of Adam Clayton Powell Jr. Boulevard to accommodate northbound right-turns in a separate lane. This prohibition should extend for a distance of approximately 100 feet south of West 135th Street during the weekday PM peak period. This change would result in the

loss of approximately four (4) existing parking spaces along the east side of Adam Clayton Powell Jr. Boulevard, south of West 135th Street, during the weekday PM peak period. Re-allocate four seconds of green time from the north-south phase to the east-west phase during the weekday PM peak period.

- With these improvements, an unmitigated impact will remain during the weekday PM peak hour on the eastbound approach.

126th Street Corridor

- East 126th Street/Lexington Avenue
  - Prohibit on-street parking along the south side of East 126th Street to accommodate westbound left-turns in a separate lane. This prohibition should extend for a distance of approximately 100 feet east of Lexington Avenue during all peak periods. This change would result in the loss of approximately four (4) existing parking spaces along the south side of East 126th Street, east of Lexington Avenue, during all four peak periods.

- 126th Street/Park Avenue
  - Re-allocate four seconds of green time from the north-south phase to the westbound phase during the weekday AM peak period.
  - Re-allocate one second of green time from the north-south phase to the westbound phase during the weekday midday peak period.
  - Re-allocate two seconds of green time from the north-south phase to the westbound phase during the weekday PM peak period.

- 126th Street/Fifth Avenue
  - Re-allocate four seconds of green time from the southbound phase to the westbound phase during the weekday AM and PM peak hours.
  - Re-allocate four seconds of green time from the southbound phase to the westbound phase during the Saturday midday peak hour.
  - Prohibit on-street parking along the south side of 126th Street to accommodate westbound left-turns in a separate lane. This prohibition should extend for a distance of approximately 100 feet east of Fifth Avenue during the weekday midday and Saturday midday peak periods. This change would result in the loss of approximately four (4) existing parking spaces along the south side of 126th Street, east of Fifth Avenue, during these two peak periods.

- West 126th Street/Lenox Avenue
  - Prohibit on-street parking along the north side of 126th Street to accommodate westbound right-turns in a separate lane. This prohibition should extend for a

distance of approximately 100 feet east of Lenox Avenue during the weekday AM, weekday PM, and Saturday midday peak periods. This change would result in the loss of approximately four (4) existing parking spaces along the north side of 126th Street, east of Lenox Avenue, during these peak periods.

- Prohibit on-street parking along the west side of Lenox Avenue to accommodate southbound right-turns in a separate lane. This prohibition should extend for a distance of approximately 100 feet north of West 126th Street during the weekday AM, weekday PM, and Saturday midday peak periods. This change would result in the loss of approximately four (4) existing parking spaces along the west side of Lenox Avenue, north of West 126th Street during the weekday AM, weekday PM, and Saturday midday peak periods.

- Re-allocate four seconds of green time from the westbound phase to the north-south phase during the weekday AM, weekday PM, and Saturday midday peak period.

- Re-allocate two seconds of green time from the westbound phase to the north-south phase during the weekday midday peak period.

- With these improvements, an unmitigated impact will remain during the weekday AM, weekday PM, and Saturday midday peak hours for northbound left-turns. However, re-allocating six seconds of green time from the southbound phase to the east-west phase during the weekday AM peak period, eight seconds during the weekday PM peak period, and five seconds during the Saturday midday peak period would mitigate this impact.

The impact to the northbound left-turn movement at the West 126th Street/Lenox Avenue intersection during the weekday AM peak hour results from mitigation to prohibit eastbound and westbound left-turns along 125th Street, and not as a result of the changes between the No-Action and Action conditions. The magnitude of the impacts to this movement during the weekday PM and Saturday midday peak hours increased as a result of the left-turn prohibition.

- West 126th Street/Frederick Douglass Boulevard
  - Re-allocate three seconds of green time from the north-south phase to the westbound phase during the weekday AM and PM peak periods.
  - Re-allocate one second of green time from the north-south phase to the westbound phase during the weekday midday peak period.
  - Re-allocate four seconds of green time from the north-south phase to the westbound phase during the Saturday midday peak period.

- West 126th Street/St. Nicholas Avenue

- Re-stripe the northbound approach to accommodate one exclusive left-turn lane and one exclusive through lane.

- Prohibit on-street parking along the south side of 126th Street to accommodate westbound left-turn movements in a separate lane. This prohibition should extend for a distance of approximately 100 feet east of St. Nicholas Avenue during the weekday AM and PM peak periods. This change would result in the loss of approximately five existing parking spaces along the south side of 126th Street, east of St. Nicholas Avenue, during the weekday AM and PM peak periods.

- West 126th Street/Morningside Avenue
  - Re-allocate three seconds of green time from the north-south phase to the westbound phase during the weekday AM, weekday PM, and Saturday midday peak periods.

  - Re-allocate two seconds of green time from the north-south phase to the westbound phase during the weekday midday peak period.

125th Street Corridor

- Prohibit left-turn movements on 125th Street – Install signage to prohibit eastbound and westbound left-turn movements for all vehicles except buses at all intersections along 125th Street between Amsterdam Avenue and 3rd Avenue (inclusive) between the hours of 7:00 AM and 7:00 PM Monday through Saturday. (Figures 3.21-26 through 3.21-29 show the total peak hour traffic volumes associated with the Arts Bonus alternative, assuming eastbound and westbound left-turn prohibitions on 125th Street between Amsterdam Avenue and 3rd Avenue).

- East 125th Street/First Avenue
  - Re-allocate one second of green time from the northbound phase to the eastbound phase during the weekday PM peak period.

- East 125th Street/Second Avenue
  - Re-allocate three seconds of green time from the southbound phase, with one second of green time to the Tri-Borough Bridge off-ramp phase, and two seconds of green time to the east-west phase during the weekday AM peak period. However, during the weekday AM peak hour, significant adverse traffic impacts will remain on the westbound approach.

  - Re-allocate four seconds of green time from the southbound phase to the east-west phase during the weekday midday peak period.

  - During the weekday PM peak hour, significant adverse traffic impacts exist on all four intersection approaches, namely: the southbound approach on Second Avenue, the eastbound and westbound approaches on 125th Street, and the

Triborough Bridge off-ramp. It should be noted that the Action condition analysis includes the recommendation from the Manhattanville EIS to remove on-street parking along the south side of 125th Street to accommodate an exclusive eastbound right-turn lane. Even with this measure—and additional on-street parking removal along the north side of 125th Street (i.e. in the westbound direction)—the significant adverse impacts at this intersection would not be mitigated during the weekday PM peak hour. Widening of the 125th Street, Second Avenue, and the Tri-borough Bridge off-ramp approaches were also not considered due to the potential impacts on right-of-way and the need for property acquisition. As such, an unmitigated impact remains at this intersection during the weekday PM peak hour.

- Re-allocate four seconds of green time from the southbound phase, with two seconds of green time to the Tri-Borough Bridge off-ramp phase, and two seconds of green time to the east-west phase during the Saturday midday peak period. However, during the Saturday midday peak hour, significant adverse traffic impacts will remain on the westbound approach.

- East 125th Street/Third Avenue
  - Re-allocate four seconds of green time from the northbound phase to the east-west phase during the weekday AM peak period.
  - Re-allocate three seconds of green time from the northbound phase to the east-west phase during the weekday midday peak period.
  - Re-allocate four seconds of green time from the northbound phase to the east-west phase during the weekday PM and Saturday midday peak periods. With this improvement, an unmitigated impact will remain during both peak hours on the westbound approach. However, re-allocating eight seconds of green time from the northbound phase to the east-west phase during the weekday PM peak period, and six seconds of green time from the northbound phase to the east-west phase during the Saturday midday peak period would mitigate these impacts. Removal of on-street parking on 125th Street was considered, but not recommended as a viable mitigation measure.

- East 125th Street/Lexington Avenue
  - Re-allocate four seconds of green time from the southbound phase to the east-west phase during the weekday AM peak period.
  - Re-allocate four seconds of green time from the southbound phase to the east-west phase during the weekday midday, weekday PM, and Saturday midday peak periods. With this improvement, an unmitigated impact will remain during all three peak hours on the westbound approach. However, re-allocating 10 seconds of green time from the southbound phase to the east-west phase during the weekday midday peak period, 13 seconds of green time from the southbound

phase to the east-west phase during the weekday PM peak period, and six seconds from the southbound phase to the east-west phase during the Saturday midday peak period would mitigate these impacts. Removal of on-street parking on 125th Street was considered, but not recommended as a viable mitigation measure.

- 125th Street/Fifth Avenue
  - Re-allocate two seconds of green time from the east-west phase to the southbound phase during the weekday AM and PM peak periods.

- West 125th Street/Lenox Avenue
  - Prohibit on-street parking along the west side of Lenox Avenue for a distance of approximately 100 feet north of West 125th Street during the weekday AM peak period, to accommodate southbound right-turns in a separate lane. This change would result in the loss of approximately four (4) existing parking spaces along the west side of Lenox Avenue, north of West 125th Street, during the weekday AM peak period.
  - Prohibit on-street parking along the east side of Lenox Avenue for a distance of approximately 100 feet south of West 125th Street during the weekday PM peak period, to accommodate northbound right-turns in a separate lane. This change would result in the loss of approximately four (4) existing parking spaces along the east side of Lenox Avenue, south of West 125th Street, during the weekday PM peak period.
  - Re-allocate four seconds of green time from the north-south phase to the east-west phase during the weekday PM peak period. With this improvement, an unmitigated impact will remain during the weekday PM peak hour on the eastbound approach. However, re-allocating seven seconds of green time from the north-south phase to the east-west phase during the weekday PM peak period would mitigate these impacts.
  - Re-allocate one second of green time from the east-west phase to the north-south phase during the Saturday midday peak period.

- West 125th Street/St. Nicholas Avenue
  - Re-allocate three seconds of green time from the east-west phase to the north-south phase during the weekday AM peak period.
  - Re-allocate four seconds of green time from the east-west phase to the north-south phase during the weekday midday, weekday PM, and Saturday midday peak periods. With this improvement, an unmitigated impact will remain during the weekday PM peak hour on the northbound approach. However, re-allocating 10 seconds of green time from the east-west phase to the north-south phase during the weekday PM peak period would mitigate this impact.

- West 125th Street/Morningside Avenue
  - Re-allocate two seconds of green time from the east-west phase to the north-south phase during the weekday AM peak period.

- West 125th Street/Amsterdam Avenue
  - Re-allocate two seconds of green time from the east-west phase to the north-south phase during the weekday PM peak period.

- West 125th Street/Broadway
  - Re-allocate 1.5 seconds of green time from the north-south phase to the east-west phase during the weekday PM peak period. With this improvement, an unmitigated impact will remain during the weekday PM peak hour on the eastbound approach. (It should be noted that the signal timing parameters provided in the Manhattanville EIS, and used as a basis for this analysis, shows signal timing in one-half second increments.)

- West 125th Street/12th Avenue
  - Re-allocate two seconds of green time from the westbound phase to the north-south phase during the weekday midday peak period.

  - Re-allocate one second of green time from the westbound phase to the north-south phase during the Saturday midday peak period.

124th Street Corridor

- East 124th Street/Lexington Avenue
  - Prohibit on-street parking along the east side of Lexington Avenue between East 125th Street and East 124th Street during the weekday AM, weekday PM, and Saturday midday peak periods, to accommodate southbound left-turn movements in a separate lane. This change would result in the loss of approximately 10 existing parking spaces along the east side of Lexington Avenue, between East 124th Street and East 125th Street, during these three peak periods.

- West 124th Street/Frederick Douglass Boulevard
  - Re-allocate one second of green time from the north-south phase to the eastbound phase during the weekday PM peak period.

- West 124th Street/St. Nicholas Avenue - Re-stripe the southbound approach to accommodate one exclusive left-turn lane and one exclusive through lane.

116th Street Corridor

- West 116th Street/Adam Clayton Powell Jr. Boulevard – Re-allocate one second of green time from the north-south phase to the east-west phase during the weekday AM peak period.

- West 116th Street/Frederick Douglass Boulevard – Re-allocate one second of green time from the north-south phase to the east-west phase during the weekday AM peak period.

Table 3.21-26 compares the results of the traffic analyses under year 2017 Mitigated Expanded Arts Bonus and No-Action conditions during each peak hour. As shown in Table 3.21-26 significant adverse traffic impacts would remain at the following intersections, with implementation of the proposed mitigation measures described above:

- West 135th Street/Adam Clayton Powell Jr. Boulevard (weekday PM peak hour)
- West 126th Street/Lenox Avenue (weekday AM, weekday PM and Saturday midday peak hours)
- East 125th Street/Second Avenue (weekday AM, weekday PM, and Saturday midday peak hours)
- East 125th Street/Third Avenue (weekday PM peak hour and Saturday midday peak hours)
- East 125th Street/Lexington Avenue (weekday midday, weekday PM, and Saturday midday peak hours)
- West 125th Street/Lenox Avenue (weekday PM peak hour)
- West 125th Street/St. Nicholas Avenue (weekday PM peak hour)
- West 125th Street/Broadway (weekday PM peak hour)

Application and implementation of the traffic engineering improvements described above would require approval from NYCDOT. Approval of each proposed mitigation measure would depend on the applicable agency. In the absence of the approval and implementation of the proposed mitigation measures, the identified significant adverse impacts would remain.

Parking

Similar to the proposed action, the Expanded Arts Bonus Alternative would substantially increase the availability of off-street public parking when compared to the Existing and No Action conditions. The Expanded Arts Bonus Alternative would provide an estimated 1,879 new public parking spaces, 136 more than would be provided by the proposed action. In addition to these public parking spaces, a total of 650 accessory parking spaces would also be provided under the Expanded Arts Bonus Alternative (compared to 432 under the proposed action) to accommodate a portion of the demand from projected development sites. As with the proposed action, no existing public parking facilities would be displaced by the Expanded Arts Bonus Alternative.

Under the Expanded Arts Bonus Alternative, the net increase in demand on the public parking supply in the overall study area (i.e., demand not accommodated in accessory parking spaces) would total 688 and 405 in the weekday midday and overnight periods, respectively, compared to 724 and 656, respectively for the proposed action. The utilization rate of the public parking

Bus Service

As shown in Table 1, the Expanded Arts Bonus Alternative would generate a net total of approximately 366 new bus trips in the AM peak hour (61 more than the proposed action), and 1,058 new trips in the PM peak hour (265 more than the proposed action), with these trips distributed among the various bus routes serving the proposed rezoning area. Compared to the proposed action, the increased demand from the Expanded Arts Bonus Alternative would marginally worsen conditions at the maximum load points on each route, and would result in one additional significant adverse AM peak hour impact. Eastbound M60, and northbound M100 and Bx15 buses would be adversely impacted in the PM peak hour under both the Expanded Arts Bonus Alternative and the proposed action. The addition of one peak direction bus to the M60 and M100 routes in the PM peak hour would fully address the impacts to these routes under both the proposed action and the Expanded Arts Bonus Alternative. 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, while only one northbound bus would need to be added to fully address this impact under the proposed action. In addition, under the Expanded Arts Bonus Alternative (but not the proposed action), southbound Bx15 buses would have a capacity shortfall of 13 spaces in the AM peak hour and would therefore also be significantly adversely impacted under *CEQR Technical Manual* criteria. The addition of one southbound Bx15 bus in the AM peak hour would fully address this impact.

As standard practice, MTA New York City Transit monitors bus ridership and increases service where operationally and fiscally feasible. As such, the capacity shortfalls on the M60 M100 and Bx15 under the Expanded Arts Bonus Alternative would be addressed by NYCT (as they would with the proposed action), and no action-initiated mitigation for impacts to local bus service would be required for this alternative.

Pedestrians

As shown in Table 1, compared to the proposed action, the Expanded Arts Bonus Alternative would generate 83 more walk-only trips in the AM peak hour, 578 in the midday and 792 in the PM peak hour. These additional walk-only trips, along with increased pedestrian demand associated with trips to and from area subway stations and bus stops, would be distributed along sidewalks, corner areas and crosswalks throughout the study area under the Expanded Arts Bonus Alternative. All analyzed sidewalks would continue to operate at a platoon-adjusted LOS D or better with average flow rates of less than 13 persons per foot-width per minute (mid-LOS D) in all peak hours, and all analyzed corner areas would continue to operate at LOS C or better with more than 20 square-feet per pedestrian. Therefore, like the proposed action, no significant adverse impacts to sidewalks or corner areas would occur under the Expanded Arts Bonus Alternative based on *CEQR Technical Manual* criteria.

As discussed in Chapter 3.16, pedestrian demand from the proposed action would result in significant adverse impacts to three analyzed crosswalks along East 125th Street in the midday peak hour – the south crosswalk at southbound Park Avenue and the north and south crosswalks

at Third Avenue. With the increased demand under the Expanded Arts Bonus Alternative, all three of these crosswalks would continue to operate at LOS E in the midday, the same as under the proposed action. Additionally, the south crosswalk at East 125th Street and Lexington Avenue would become significantly adversely impacted during the midday peak hour under this alternative, as would the north crosswalk on northbound Park Avenue during the midday and PM peak hours. These impacts would be due primarily to this alternative's traffic mitigation plan, which would result in an increase in the number of right-turning vehicles conflicting with pedestrians on these crosswalks. Although increased pedestrian demand under the Expanded Arts Bonus Alternative would marginally worsen conditions at other analyzed crosswalks in all periods, there would be no further significant adverse crosswalk impacts under this alternative.

Overall, the Expanded Arts Bonus Alternative would result in five significant adverse crosswalk impacts. These include two that would occur due to changes in traffic patterns associated with the traffic mitigation plan implemented under this alternative. There would be no significant impacts to sidewalks or corner areas under the Expanded Arts Bonus Alternative.

Under *CEQR Technical Manual* criteria, a significant adverse pedestrian impact is considered mitigated if measures implemented return projected future conditions to what they would be if a proposed project were not in place (for No Action LOS D, E or F), or to acceptable levels (the LOS D/E threshold for No Action LOS A, B or C). Under the proposed action a one-foot widening of the south crosswalk at southbound Park Avenue (to 13 feet in width from 12 feet) would fully mitigate the project's midday peak hour impact to this facility. Under the Expanded Arts Bonus Alternative, a two-foot widening would fully mitigate the impact at this crosswalk. With this two-foot widening, the south crosswalk at southbound Park Avenue would operate at LOS D (16.5 sq-ft/ped) under the Expanded Arts Bonus Alternative, compared to LOS D (15.1 sq-ft/ped) in the No Action.

Under the proposed action, the significant adverse midday peak hour impact to the north crosswalk on Third Avenue at East 125th Street would be fully mitigated by widening the north crosswalk to 15 feet in width from 14 feet. The significant adverse midday peak hour impact to the south crosswalk at this location would be fully mitigated by signal timing improvements included in the traffic mitigation plan. These mitigation measures would also fully mitigate the midday peak hour impact at these locations under the under the Expanded Arts Bonus Alternative. With these measures, the north crosswalk would operate at LOS D (15.8 sq-ft/ped) in the midday compared to LOS D (15.5 sq-ft/ped) in the No Action, and the south crosswalk would operate at LOS D (15.1 sq-ft/ped) in the midday compared to LOS E (14.7 sq-ft/ped) in the No Action.

The significant adverse midday peak hour impact at the south crosswalk on East 125th Street at Lexington Avenue resulting from changes in traffic flow due to the project's traffic mitigation plan would be fully mitigated by widening the crosswalk to 18 feet in width, from 16 feet. With this mitigation measure, this crosswalk would operate at LOS E (14.5 sq-ft/ped) under the Expanded Arts Bonus Alternative compared to LOS E (13.8 sq-ft/ped) under the No Action.

Additionally, the significant adverse midday and PM peak hour impacts at the north crosswalk on East 125th Street at northbound Park Avenue resulting from changes in traffic flow due to the project's traffic mitigation plan would be fully mitigated by widening the crosswalk to 15 feet in width, from 12 feet. With this mitigation measure, this crosswalk would operate at LOS D in both he midday and PM peak hours (20.1 sq-ft/ped and 19.1 sq-ft/ped, respectively) under the Expanded Arts Bonus Alternative compared to LOS E (13.8 sq-ft/ped and 16.3 sq-ft/ped, respectively) under the No Action.

Air Quality

Although the Expanded Arts Bonus Alternative would result in an increase in the number of dwelling units and in commercial area, over that of the proposed action, it is not expected that the resulting small increment in traffic at project intersections would result in air quality impacts or violations of air quality standards given that conditions under the proposed actions are well below the standard. Mobile source air modeling for the proposed action has shown that the predicted CO concentrations are low enough such that the increases in traffic expected from the Expanded Arts Bonus alternative, which is two and one-half percent or less at the at each of the same receptors analyzed for the proposed action, would not be expected to result in any exceedances of standards or the City's *de minimis* criteria or violations of air quality standards. In addition, while there would be a slight increase in the accessory parking spaces that would be required under this alternative as a result of the increased density, this increase would be limited and would not induce significant additional emissions over those predicted for the proposed action.

As with the proposed action, pollutant emissions from existing large residential and industrial sources would not result in any impacts to the Expanded Arts Bonus Alternative.

Project-on-Project Impacts

The Expanded Arts Bonus Alternative would, as with the C4-4D Alternative, increase the height and density of sites 18b (called site18 for the proposed action with the addition of Lots 27 and 31) and 20 (with the addition of Lot 50) and would include a new site 18a. In addition, as with the Arts Bonus Alternative, the Expanded Arts Bonus Alternative would significantly increase the density but not the height of site 10. An additional HVAC screening analysis was undertaken to determine if any of these sites could impact or be impacted by HVAC emissions from other nearby development sites. Based on this analysis, it was determined that under the Expanded Arts Bonus Alternative, additional (E) designations would need to be incorporated into the rezoning proposal for Sites 10, 18a, 18b and 20 to preclude the potential for significant adverse air quality impacts on other projected developments. The (E)-designation would provide restrictions regarding the location of the HVAC exhaust stacks relative to adjacent development sites.

The text of the (E) designation for noise for projected development sites 18a, 18b and 20 is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dBA and 40 dBA window/wall attenuation on some façades in order to maintain an interior noise level of 45 dBA. To achieve 40 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially design windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

With the attenuation measures specified above, the Expanded Arts Bonus Alternative would not result in any significant adverse noise impacts, and would meet CEQR guidelines.

Construction Impacts

Development of additional floor area is expected under the Expanded Arts Bonus Alternative, when compared to the proposed action. As a result of this development scenario, there would be an incremental increase in the temporary construction disruptions when compared to the proposed action. Additionally, this alternative would also result in slightly increased duration of construction-related noise and traffic than the proposed action. However, neither this alternative nor the proposed actions would result in significant adverse impacts on air quality, noise, traffic, or transit during construction.

Public Health

The proposed action would not result in significant adverse public health impacts, as it would not significantly impact the various technical areas that comprise public health, namely, air quality, hazardous materials, solid waste management, and noise. Similar to the proposed action, the Expanded Arts Bonus Alternative would also incorporate the noise attenuation, air quality, and hazardous materials testing and remediation requirements due to the proposed (E) designations.

Mitigation

The Expanded Arts Bonus alternative is projected to generate approximately 132 more vehicle trips during the weekday AM peak hour, 97 more vehicle trips during the weekday midday peak hour, 254 more vehicle trips during the weekday PM peak hour, and 163 more vehicle trips during the Saturday midday peak hour. Mitigation measures required to alleviate the projected impacts are discussed in detail above in the Traffic and Parking section of this alternative. Despite these mitigation measures, several intersections are still projected to experience

significant adverse traffic impacts. These intersections are discussed below in the "Unavoidable Adverse Impacts" section.

Under the Expanded Arts Bonus Alternative, pedestrian demand would result in significant adverse impacts to the analyzed crosswalks along East 125th Street in the midday peak hour – the south crosswalk at southbound Park Avenue and the north and south crosswalks at Third Avenue. Additionally, the south crosswalk at East 125th Street and Lexington Avenue would become significantly adversely impacted during the midday peak hour under this alternative, as would the north crosswalk on northbound Park Avenue during the midday and PM peak hours. Under *CEQR Technical Manual* criteria, a significant adverse pedestrian impact is considered mitigated if measures implemented return projected future conditions to what they would be if a proposed project were not in place (for No-Action LOS D, E or F), or to acceptable levels (the LOS D/E threshold for No-Action LOS A, B or C).

Under the Expanded Arts Bonus Alternative, a two-foot widening would fully mitigate the impact at the south crosswalk at southbound Park Avenue during the midday. Under the Expanded Arts Bonus Alternative, the significant adverse midday peak hour impact to the north crosswalk on Third Avenue at East 125th Street would be fully mitigated by widening the north crosswalk to 15 feet in width from 14 feet. The significant adverse midday peak hour impact to the south crosswalk at this location would be fully mitigated by signal timing improvements included in the traffic mitigation plan. The significant adverse midday peak hour impact at the south crosswalk on East 125th Street at Lexington Avenue resulting from changes in traffic flow due to the project's traffic mitigation plan would be fully mitigated, under the Expanded Arts Bonus Alternative, by widening the crosswalk to 18 feet in width, from 16 feet.

Additionally, under the Expanded Arts Bonus Alternative, the significant adverse midday and PM peak hour impacts at the north crosswalk on East 125th Street at northbound Park Avenue resulting from changes in traffic flow due to the project's traffic mitigation plan would be fully mitigated by widening the crosswalk to 15 feet in width, from 12 feet.

Potential mitigation measures for the shadow impacts at Dream Street Park include relocating the sun-light sensitive features of the park to avoid sunlight loss – specifically relocating benches and/or seating areas, relocating vegetation to avoid shadows, or replacing vegetation with shade-tolerant species to withstand shady conditions. Additional potential mitigation measures include the provision of new passive facilities on other nearby open spaces to supplement those affected by the action generated shadows. Since the issuance of the DEIS, the Department of City Planning consulted with the NYC Department of Parks and Recreation (DPR) regarding the feasibility of implementing the potential mitigation measures identified. Based on these discussions, DPR concluded that relocating seating areas and replacing plant material was feasible and would allow for partial mitigation of the shadow impacts. If DPR funding becomes available to implement these improvements prior to the project's build year of 2017, the impacts could be partially mitigated. Absent available funding for the improvements, the significant adverse shadow impacts to Dream Street Park would remain unmitigated in the Expanded Arts Bonus Alternative.

Mitigation measures for the shadow impacts to the Adam Clayton Powell, Jr. State Office Building Plaza 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. After the issuance of the DEIS, the Department of City Planning became aware of a proposal for redesigning and reconstructing the Adam Clayton Powell, Jr. State Office Building Plaza. Given this opportunity, the Department of City Planning has extended an offer to work closely with the State to ensure that the redesign of the plaza takes into consideration these potential impacts and minimizes their significant adverse nature. However, because the redesign plans for the plaza had not been finalized by the time of the FEIS, the significant adverse impact remains unmitigated. For the remaining adversely impacted sunlight sensitive resources (the Church of St. Joseph of the Holy Family and the Metropolitan Community United Methodist Church), the Department of City Planning, in consultation with the appropriate City and State agencies, has concluded that there are no feasible or practicable mitigation measures that can be implemented to mitigate these impacts, and the significant adverse shadow impacts on these resources therefore remain unmitigated in the Expanded Arts Bonus Alternative.~~After the issuance of the DEIS, the Department of City Planning, in consultation with the NYC Landmark Preservation Commission, determined that the potential mitigation measures described in Chapter 3.5, "Shadows," are not feasible and that there are no other feasible or practicable mitigation measures that can be identified, therefore, the significant adverse shadow impact on two historic resources (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 Adam Clayton Powell Jr. State Office Building Plaza) remain unmitigated in the Expanded Arts Bonus Alternative.~~

Unavoidable Adverse Impacts

As discussed above, the Expanded Arts Bonus Alternative would result in the significant adverse shadows impacts on historic and open space resources as would also occur under the proposed action. Incremental shadows generated by the proposed action would result in significant adverse impacts to the Church of St. Joseph of the Holy Family, the Metropolitan Community United Methodist Church, Dream Street Park, and the Adam Clayton Powell Jr. State Office Building Plaza.

As discussed in Chapter 3.5, "Shadows", a potential mitigation measure for the identified impact on the Church of St. Joseph of the Holy Family, the Metropolitan Community United Methodist Church include the use of artificial lighting to simulate the sunlit conditions. The provision of indirectly mounted lighting could simulate lost sunlight conditions at the affected stained glass windows of each resource. After the issuance of the DEIS, the Department of City Planning, in consultation with the NYC Landmark Preservation Commission, concluded that the mitigation measures described above are not feasible and that there are no other feasible or practicable measures that would eliminate or reduce the impacts. Therefore, the significant adverse shadow impacts on these two historic resources remain unmitigated under the Expanded Arts Bonus Alternative.