

APPENDIX O:

Canal/Rider Retention Alternative: Proposed Zoning Text Amendments, RWCDS Table, and (E) Designations

Zoning Text

Lower Concourse and Special Harlem River Waterfront District Text Amendment

May 6, 2009

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article I General Provisions

Chapter 1 Title, Establishment of Controls and Interpretation of Regulations

* * *

11-12 Establishment of Districts

* * *

Establishment of the Special Grand Concourse Preservation District

* * *

Establishment of the Special Harlem River Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article VIII Chapter 7, the #Special Harlem River Waterfront District# is hereby established.

* * *

Chapter 2 Construction of Language and Definitions

* * *

12-10 DEFINITIONS

* * *

Special Harlem River Waterfront District

The "Special Harlem River Waterfront District" is a Special Purpose District designated by the letter "HRW" in which special regulations set forth in Article VIII Chapter 7 apply. The #Special Harlem River Waterfront District# appears on the #zoning maps# superimposed on other districts and its regulations supplement and supersede those of the districts on which it is superimposed.

* * *

**Article II
Residence District Regulations**

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

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**23-144
In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Community District	Zoning District
Community District 1, Bronx	R6A R7-2 R7A R7X R8A
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A
Community District 3, Brooklyn	R7D
Community District 7, Brooklyn	R8A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

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**23-90
INCLUSIONARY HOUSING**

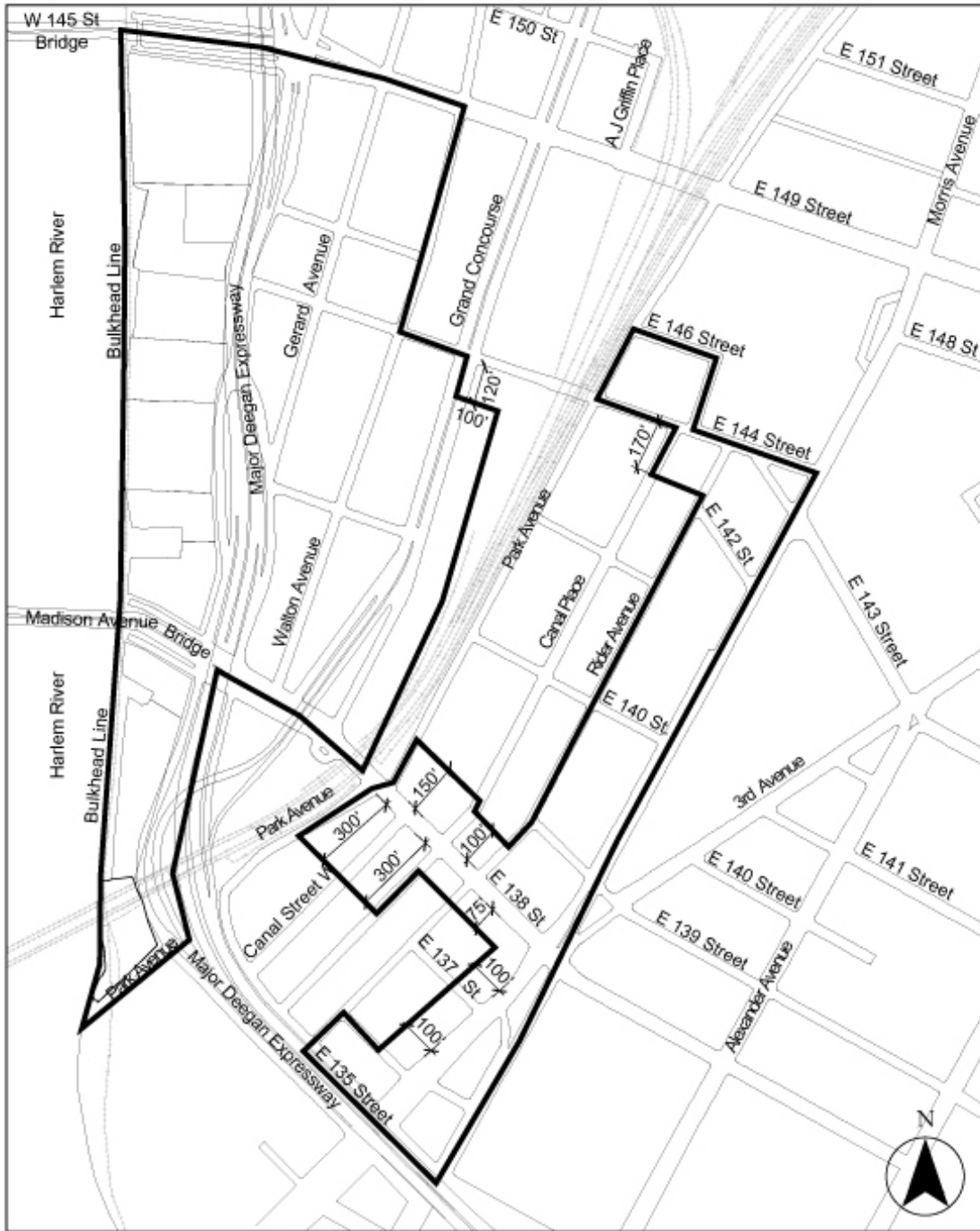
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**23-922
Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in the following areas:

* * *

(17) In Community District 1, in the Borough of the Bronx, in the R6A, R7-2, R7A, R7X and R8A Districts within the areas shown on the following Map 17:



Map 17. Portion of Community District 1, Bronx

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Article IV

Manufacturing District Regulations

**Chapter 2
Use Regulations**

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**42-10
USES PERMITTED AS-OF-RIGHT**

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**42-12
Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A,
12C, 12D, 12E, 13, 14 and 16**

M1 M2 M3

Use Group 3A shall be limited to Museums that are ancillary to existing Motion Picture Production Studios or Radio or Television Studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that foodstores, including supermarkets, grocery stores, or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, foodstores, including supermarkets, grocery stores, or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment.

* * *

**Article VI
Special Regulations Applicable to Certain Areas**

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**Chapter 2
Special Regulations Applying in the Waterfront Area**

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**62-90
WATERFRONT ACCESS PLANS**

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**62-92
Borough of The Bronx**

The following Waterfront Access Plans are hereby established within the Borough of the Bronx. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section 87-60 (Harlem River Waterfront Access Plan).

* * *

Note: All text in Article VIII, Chapter 7 is new; it is not underlined.

**Article VIII
Special Purpose Districts**

**Chapter 7
Special Harlem River Waterfront District**

**87-00
GENERAL PURPOSES**

The "Special Harlem River Waterfront District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) maintain and reestablish physical and visual public access to and along the waterfront;
- (b) create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;
- (c) promote the pedestrian orientation of ground floor uses in appropriate locations, and thus safeguard a traditional quality of higher density areas of the City;
- (d) encourage well-designed new development that complements the built character of the neighborhood;
- (e) take advantage of the Harlem River waterfront and provide an open space network comprised of parks, public open space and public access areas;
- (f) provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus to encourage more attractive and economic building forms; and
- (g) promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River waterfront.

87-01
Definitions

Parcel 1 Building Line

The “Parcel 1 Building Line” shall be:

- (a) in the event that the portion of the Major Deegan Expressway traversing Parcel 1 has been widened after (effective date of amendment), a line 22 feet west of and parallel to the as-built western edge of such expressway structure; or
- (b) in the event that the portion of the Major Deegan Expressway traversing Parcel 1 has not been widened after (effective date of amendment), a line connecting the points described below.
 - (1) a point located on the southern #street line# of East 149th Street that is 47 feet west of its intersection with Exterior Street; and
 - (2) a point on the southern boundary of Parcel 1 that is 107 feet west of its intersection with Exterior Street.

87-02
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special Harlem River Waterfront District#, except as otherwise provided in this Chapter. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

87-03
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in the Appendix to this Chapter. The plan area has been divided into parcels consisting of tax blocks and lots as established on (effective date of amendment), as follows:

- Parcel 1: Block 2349, Lot 112
- Parcel 2: Block 2349, Lot 100

- Parcel 3: Block 2349, Lots 46 & 47
- Parcel 4: Block 2349, Lot 38
- Parcel 5: Block 2349, Lot 15
- Parcel 6: Block 2349, Lot 3
- Parcel 7: Block 2323, Lot 43
- Parcel 8: Block 2349, Lot 28
- Parcel 9: Block 2323, Lots 13 & 18

The District Plan includes the following maps:

- Map 1 #Special Harlem River Waterfront District# and Parcels
- Map 2 Waterfront Access Plan: Public Access Elements

87-04

Applicability of Article I, Chapter 1

Within the #Special Harlem River Waterfront District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

87-05

Applicability of Article VI, Chapter 2

Parcels 1, 2, 3 and 4, as shown on Map 1 (Special Harlem River District and Parcels) shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after (effective date of amendment).

87-06

Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after (effective date of amendment), the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all #use# and #bulk# regulations of this Zoning Resolution.

87-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts are modified in Sections 87-11 through 87-24, inclusive.

As used in this Section, “ground floor level” shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open area.

87-11

Vehicle Storage Establishments

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps as listed in Use Group 16C shall be a permitted #use# on Parcel 5, provided that:

- (a) such #use# is the primary #use# on the parcel;
- (b) such #use# is limited to 10,000 square feet of #floor area#, and
- (c) a #shore public walkway# is provided as set forth in subparagraph (a)(3) of Section 87-61 (Public Access Provisions by Parcel).

The streetscape provisions of Section 87-13 and the special height and setback regulations of Section 87-30 shall not apply to such #use#.

87-12

Location of Commercial Space

The provisions of Section 32-422 (Location of floors occupied by non-residential uses) are modified to permit #residential uses# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #residences# and provided any non-#residential uses# are not located directly over any #residential use#. However, such non-#residential uses# may be located over a #residential use# by

authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

87-13

Streetscape Regulations

(a) Ground floor #use#

All #uses# shall have a depth of at least 25 feet from #building walls# facing a #shore public walkway#, #park# or #upland connection#. Lobbies and entrances may not occupy more than 20 feet or 25 percent of such #building wall# width, whichever is less. The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent public sidewalk or other publicly accessible open area.

For #buildings# on Parcels 1 through 6 that face a #shore public walkway#, #park# or #upland connection#, not less than 20 percent of the ground floor level #floor area# of such portions of #buildings#, to a depth of 25 feet shall consist of #uses# from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.

(b) Transparency

Any #building wall# containing ground floor level #commercial# and #community facility uses# that faces a #shore public walkway#, #park# or #upland connection# shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #building wall#, measured to a height of ten feet above the level of the adjoining public sidewalk or other publicly accessible open area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #building wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

(c) Security Gates

All security gates that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or publicly accessible open area, except that this provision shall not apply to entrances or exits to parking garages.

87-14

Location of Underground Uses

Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.

87-20
SPECIAL FLOOR AREA REGULATIONS

The #Special Harlem River Waterfront District# shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.

87-21
Special Residential Floor Area Regulations

The base #floor area ratio# for any #zoning lot# containing #residences# shall be 3.0. Such base #floor area ratio# may be increased to a maximum of 4.0 through the provision of #lower income housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that the height and setback regulations of paragraph (b) of Section 23-942 (In Inclusionary Housing designated areas) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

87-22
Special Retail Floor Area Requirement

For each square foot of #commercial floor area# in a #building# from the #uses# listed in paragraph (a) of this Section, an equal or greater amount of #residential#, #community facility# or #commercial floor area# from #uses# listed in paragraph (b) of this Section shall be provided.

(a) Use Groups 6A and 6C, except for:

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour, and

Docks for water taxis with vessel capacity limited to 99 passengers, and

Docks or mooring facilities for non-commercial pleasure boats;

The following from Use Group 10:

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Department stores

Dry goods or fabric stores, with no limitation on #floor area# per establishment

The following from Use Group 12:

Billiard parlor or pool halls

Bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment

Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing

The following retail establishments:

Antique stores

Art gallery, commercial

Book stores

Candy or ice cream stores

Cigar and tobacco stores

Delicatessen stores

Drug stores

Gift shops

Jewelry or art metal craft shops

Music stores

Photographic equipment stores

Record stores

Stationery stores

Toy stores

(b) All #residential uses# in Use Groups 1 and 2

All #community facility uses# from Use Group 3, 4A, and 4B, except cemeteries

All #commercial uses# from Use Groups 5A, 6B and 8A

However, the City Planning Commission may authorize a modification or waiver of this provision upon finding that such #building# includes:

- (1) a superior site plan that enables safe and efficient pedestrian connectivity to and between establishments and publicly accessible open areas;
- (2) a superior parking and circulation plan that reduces conflicts between pedestrian and vehicular traffic, minimizes open parking lots, and limits conflicts between curb cuts;
- (3) a design that enhances and is integrated with publicly accessible open areas including provision of a public entrance fronting on a #waterfront public access area#;
- (4) a variety of retail establishments; and
- (5) #uses# that do not unduly affect the #residential uses# in the nearby area or conflict with future land use and #development# of adjacent areas.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on publicly accessible open areas.

87-23

Maximum Width of Establishments

On Parcels 5 and 6, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#. However, such maximum width requirements shall not apply on Parcel 5, if such parcel is #developed# or #enlarged# primarily for commercial or public utility vehicle storage, as listed in Use Group 16C.

87-24

Location of Building Entrances

On Parcels 1, 2, 3 and 4, the main front entrance of at least one #building#, as the term “main front entrance” is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

- (a) on Parcel 1, located no less than 120 feet from 149th Street;
- (b) on Parcel 2, located no less than 95 feet from a #park#; and
- (c) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

87-30

SPECIAL HEIGHT AND SETBACK REGULATIONS

The underlying height and setback regulations shall not apply. In lieu thereof, the special height and setback regulations of this Section 87-30, inclusive, shall apply. For the purposes of applying such regulations:

- (a) a #shore public walkway#, #park#, #upland connection# or fire apparatus access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#. However, the following shall not be considered #streets# for the purposes of applying the #street wall# location provisions of paragraph (a) of Section 87-32:
 - (1) Exterior street, and
 - (2) That portion of any other #street#, #park#, #upland connection# or fire apparatus access road that is located east of the #Parcel 1 Building Line#.
- (b) the height of all #buildings or other structures# shall be measured from the #base plane#.

87-31

Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either:

- (a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall

- not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (b) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

87-32

Street Wall Location and Building Base

- (a) #Street wall# location

The #street wall# of the #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances; and
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) for #buildings# that are required to locate at least one main front entrance facing a #shore public walkway#, pursuant to Section 87-24 (Location of Building Entrances), no portion of the #street wall# containing such entrance shall be closer to the #shore public walkway# than the main front entrance; and
- (4) no portion of a #building# facing a #shore public walkway#, except on Parcel 1, shall exceed a width of 300 feet.

However, on Parcel 1, in order to accommodate a sewer easement located within an area bounded by the eastern boundary of the #shore public walkway#, East 149th Street, a line 120 feet south of and parallel to East 149th Street and a line 120 feet east of and parallel to the #shore public walkway#, no #street wall# shall be required along that portion of East 149th Street and any fire apparatus access road within such easement area. Such area not #developed# as a fire apparatus access road and open to the sky shall be at least 35 percent planted and shall not be used for parking or loading. Furthermore, in the event such area contains a driveway, it shall be screened from the #shore public walkway# and East 149th Street, except for curb cuts and pedestrian paths, with densely planted evergreen shrubs maintained at a height of three feet.

(b) Minimum and Maximum Base Heights

The #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of six #stories# or 60 feet, or the height of the #building#, whichever is less, and a maximum base height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on Parcels 5 and 6, for #street walls# facing a #shore public walkway#, the minimum base height shall be 20 feet and the maximum base height shall be four #stories# or 40 feet, whichever is less, before a setback is required. Any portion of a #building or other structure# that does not exceed such maximum base heights shall hereinafter be referred to as a “building base”.

All portions of #buildings# that exceed the maximum base heights set forth in this paragraph, (b), shall be set back from the #street wall# of the #building# at least ten feet along a #shore public walkway#, #park# and Exterior Street, and at least 15 feet along an #upland connection#.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, except on Parcels 5, 6, 7 and 9, not more than 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of six #stories# or 60 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of eight #stories# or 85 feet, whichever is less.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in subparagraph (a)(1) of this Section.

(c) Transition heights

All #street walls#, except on Parcels 5 and 6, may rise to a maximum transition height of 115 feet, provided that, except on Parcel 7, not more than 60 percent of the #aggregate width of street walls# facing a #shore public walkway# exceeds a height of 85 feet. On Parcels 5 and 6, a #street wall# may rise to a maximum transition height of 85 feet, without limitation.

All portions of #buildings# that exceed the transition heights set forth in this paragraph, (c), shall comply with the tower provisions of Section 87-33.

**87-33
Towers**

All #stories# of a #development# or #enlargement# located partially or wholly above the applicable transition height set forth in paragraph (c) of Section 87-32 shall be considered a “tower” and shall comply with the provisions of this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.

(a) Maximum tower height

For #zoning lots# with 100,000 square feet of #lot area# or less, the maximum height of a #building# shall be 300 feet. The maximum height of #buildings# on #zoning lots# with more than 100,000 square feet of #lot area# shall be 400 feet; however, for #zoning lots# with two towers, such maximum #building# height of 400 feet shall apply to not more than one tower, a maximum #building# height of 260 feet shall apply to the second tower, and there shall be a height differential of at least 40 feet between both towers.

(b) Location rules for #zoning lots# adjacent to #parks#

Where a tower is provided on a #zoning lot# adjacent to a #park#, such tower or portion thereof shall be located within 85 feet of such #park#, and if two towers are provided on such #zoning lot#, the second tower or portion thereof shall be located either within 120 feet of East 149th Street or within 45 feet of an #upland connection#. Where two towers are provided on a #zoning lot# adjacent to a #park#, the shorter of the towers shall be located nearer the #park#.

(c) Maximum tower size

The outermost walls of each #story# located entirely above the applicable transition height shall be inscribed within a rectangle. The maximum length of any side of such rectangle shall be 135 feet. Each #story# of a tower located entirely above the applicable transition height shall not exceed a gross area of 8,800 square feet.

(d) Tower top articulation

All #buildings# that exceed a height of 200 feet shall provide articulation in accordance with at least one of following provisions:

(1) Setbacks on each tower face

- (i) For #buildings# less than 260 feet in height, the highest three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such

#stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#.

- (ii) For #buildings# 260 feet or more in height, the highest four #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#.

Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this subparagraph (1), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

- (2) Three setbacks facing Harlem River

The upper #stories# of a tower shall provide setbacks with a minimum depth of 15 feet measured from the west facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 230 feet, whichever is less. The lowest level at which such setbacks may be provided is 230 feet, and the highest #story# shall be located entirely within the eastern half of the tower.

87-40

SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS

87-41

Fire Apparatus Access Roads

Where a fire apparatus access road is provided as required by the New York City Fire Code, such road shall comply with the following requirements.

- (a) The width of a paved road bed shall be 34 feet, constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops.
- (b) Curbs shall be provided along each side of the entire length of such road.

- (c) A minimum 13 foot paved sidewalk shall be provided adjacent to and along the entire length of the required curb.
- (d) For the purposes of making the #street# tree requirements of Section 26-41 applicable to fire apparatus access roads, a fire apparatus access road shall be considered a #street#.
- (e) All such roads shall be constructed with lighting, signage, materials and crosswalks to minimum Department of Transportation standards for public #streets#.

**87-42
Sidewalks**

In the event that Parcel 1 is #developed# with #mixed-use buildings#, sidewalks shall be required as follows:

- (a) Sidewalks with a depth of at least 15 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire Exterior Street and 149th Street frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 15 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement.
- (b) A 22 foot wide walkway shall extend east of and along the #Parcel 1 Building Line#, linking East 149th Street and a #park#, or fire apparatus access road if such road is #developed# adjacent to the #park#. In the event that a parking lot is #developed# east of such walkway, the easternmost seven feet of such walkway shall be densely planted with evergreen shrubs maintained at a maximum height of three feet above the adjoining walkway. Such walkway and planting strip may be interrupted to allow vehicular or pedestrian access.
- (b) Any driveway located east of the #Parcel 1 Building Line# that extends along a sewer easement and intersects Exterior Street shall have curbs and sidewalks with a minimum width of 13 feet along each curb, which may be interrupted to allow for vehicular access to a parking lot.

All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

**87-50
SPECIAL PARKING REGULATIONS**

The following provisions shall apply to all parking facilities:

(a) Use of parking facilities

All #accessory# off-street parking spaces may be made available for public use; any such space, however, shall be made available to the occupant of a #residence# to which it is accessory within 30 days after written request therefore is made to the landlord.

(b) Off-site parking

The off-site parking location provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided the lot to be used for parking is within the #Special Harlem River Waterfront District#.

(c) Location requirements for parking facilities

No parking facility, open or enclosed, shall front upon or be visible from

- (1) a #shore public walkway#, except as provided for in paragraph (e) for Parcel 5;
- (2) any #upland connection# or #park#, or portion thereof, that is located west of the #Parcel 1 Building Line#.

(d) Design requirements for enclosed off-street parking facilities

All enclosed off-street parking facilities shall be located either entirely below the level of any #street# or publicly accessible open area upon which such facility fronts, or when located above grade, in compliance with the following provisions:

- (1) The provisions of this subparagraph (1) shall apply to facilities facing a #shore public walkway#, #upland connection#, #park#, or northern #street line# of 138th Street.

Such facilities shall be located at every level above-grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 25 feet as measured any #building wall# facing a #shore public walkway#, or facing that portion of an #upland connection# or #park# located west of the #Parcel 1 Building Line# so that no portion of such parking facility is visible from the #shore public walkway#, #upland connection# or #park#. All such parking facilities shall be exempt from the definition of #floor area#.

On Parcel 6, the ground floor of a #building# within 60 feet of the intersection of Exterior Street and East 138th Street shall be occupied to a depth of 25 feet with #commercial#, #community facility# or #residential floor area# so that no portion of a parking facility is visible from such portion of Exterior Street or East 138th Street.

- (2) The provisions of this subparagraph (2) shall apply to facilities not facing a #shore public walkway#, or that portion of an #upland connection# or #park# located west of the #Parcel 1 Building Line#, or northern #street line# of East 138th Street.

Such facilities shall be designed so that:

- (i) any non-horizontal parking desk structures are not visible from the exterior of the #building# in elevation view;
- (ii) opaque materials are located on the exterior #building wall# between the bottom of the floor of each parking desk and no less than three feet above such deck; and
- (iii) a total of at least 50 percent of such exterior #building wall# with adjacent parking spaces consists of opaque materials which may include permitted #signs#, graphic or sculptural art, or living plant material.

- (e) Open parking lots

Open parking lots shall comply with the landscaping provisions of Section 37-90 (PARKING LOTS). For the purposes of applying such provisions, a fire apparatus access road shall be considered a #street#.

However, for parking lots or portions thereof located east of the #Parcel 1 Building Line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.

On Parcel 5, an open parking lot of a vehicle storage establishment shall be permitted to front upon a #shore public walkway# provided such parking lot is screened with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.

(f) Roof parking

Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

87-51

Curb Cut Restrictions

On Parcels 1, 2, 3 and 4, no curb cuts shall be provided facing a #shore public walkway# and, further, on Parcel 2, no curb cuts shall be provided facing a #park#.

87-60

HARLEM RIVER WATERFRONT ACCESS PLAN

Map 2 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location of certain features mandated or permitted by the Plan.

87-61

Special Public Access Provisions

The provisions of 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply as follows:

(a) Shore public walkways

- (1) The #shore public walkway# shall be constructed at an elevation of two feet above the highest level of the Oak Point Rail Link, except that:
 - (i) on Parcels 6 and 7, no such elevation requirement shall apply.
 - (ii) on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the #zoning lot#, such elevation requirement shall not apply. However, if commercial or public utility vehicle storage, as listed in Use Group 16C, is not #developed# or #enlarged# as the primary #use# on the #zoning lot#, such

elevation requirement shall only apply along the western boundary of the #shore public walkway# to a depth of 40 feet.

(iii) on all #zoning lots#, a #shore public walkway# shall be required to meet the grade of an existing adjacent #street#, which may include deviating from such elevation requirement where necessary.

(2) A dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code Section 503.2.5 (Dead-ends), may by certification extend into a designated #shore public walkway# as set forth in Section 87-73 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).

(3) On Parcel 5, if a commercial or public utility vehicle storage #use# is #developed# or #enlarged# as the primary #use# on the parcel, the required width of the #shore public walkway# may be reduced to a minimum of 20 feet along the northern edge of the inlet, and shall be a minimum of 30 feet along the eastern edge of the inlet. Furthermore, in the event that the #upland connection# on Parcel 6 has not been #developed#, a ten foot wide pedestrian walkway between the #shore public walkway# and Exterior Street shall be provided on Parcel 5 adjacent to such #upland connection# location.

(b) Upland connections

#Upland connections# shall be located on Parcels 3, 4 and 6, as designated on Map 2 in the Appendix to this Chapter.

The provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) are modified as follows:

(1) Parcel 3 may provide the #upland connection# at either of the two optional locations indicated on Map 2 in the Appendix to this Chapter.

(2) The required width for an #upland connection# on Parcel 6, as indicated on Map 2, is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) Supplemental public access areas

#Supplemental public access areas# pursuant to this Plan shall be provided on Parcels 1 and 2, as indicated on Map 2 in the Appendix to this Chapter, however, the requirement may be waived by certification by the Chairperson of the City Planning Commission as set forth in Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement).

(d) Visual Corridors

#Visual corridors# shall be located within Parcels 1 and 4, and the #park#, as indicated on Map 2 in the Appendix to this Chapter.

87-62

Certification to Waive Supplemental Public Access Area Requirement

For Parcels 1 and 2, the requirement to provide a designated #supplemental public access area#, as indicated on Map 2 in the Appendix to this Chapter, may be waived by the Chairperson of the City Planning Commission upon finding that:

- (a) the site plan includes a vehicular connection through the #zoning lot# pursuant to the design guidelines set forth in Section 87-41 (Fire Apparatus Access Roads); and
- (b) a declaration of restrictions has been provided pursuant to Section 87-64 (Declaration of Restrictions); and
- (c) the design meets all applicable connection requirements set forth in Section 87-66 (Connection with adjacent zoning lots); and
- (d) such a vehicular connection either:
 - (1) on Parcel 1, provides access between East 149th Street and Exterior Street, serving all #buildings# along the #shore public walkway# and #park#; or
 - (2) on Parcel 2, provides a bidirectional connection between Exterior Street at its intersection with East 144th Street and the southernmost #lot line# of the #development#.

87-63

Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways

On Parcels 2, 3 and 4, a dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code Section 503.2.5 (Dead-ends), may by certification, extend into the designated #shore public walkway#, provided that:

- (a) a declaration of restrictions has been provided pursuant to Section 87-64; and
- (b) a fire apparatus access road abutting the shared #zoning lot line# between the #development# seeking certification under this section and Parcels 2, 3 or 4 does not exist; and

- (c) the fire apparatus access road serves as a segment of a bidirectional loop road along the #shore public walkway#, providing a connection to Exterior Street at the northeast corner of Parcel 2 and a connection to Exterior Street at the southeast corner of Parcel 4.

Such turnaround shall have a diameter of 70 feet and be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. At no point may the turnaround extend into the #shore public walkway# for a distance greater than 23 feet. Sidewalks shall not be required adjacent to the turnaround. The portion of the turnaround that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials, and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.1.1 (Fire apparatus access roads). In addition, the roadbed material of a fire apparatus access road leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush of the level of adjoining sidewalks.

87-64 Declaration of Restrictions

For any fire apparatus access road proposed for certification pursuant to Sections 87-62 or 87-63, a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, to guarantee that such road remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Section 87-62 and 87-63, where applicable.

For certifications proposed pursuant to Section 87-63, at the time a declaration of restrictions has been provided by the adjacent #development#, pursuant to this section, permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously constructed fire apparatus access turnaround shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

- (a) deconstructing the fire apparatus access road turnaround; and
- (b) re-landscaping the area that had extended into the #shore public walkway#, so as to create the conditions of the immediately surrounding #shore public walkway#, which may include any combination of tree planting, laying sod, removing pavers, or any other required landscaping action; and

- (c) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable pedestrian movement across #developments#; and
- (d) complying with all applicable waterfront rules, street regulations and the New York City Fire Code.

87-65

Applicability of Waterfront Regulations

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after (effective date of amendment), the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

87-66

Connection with Adjacent Zoning Lots




The following provisions apply to #developments# pursuing certification pursuant to either Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement) or Section 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).

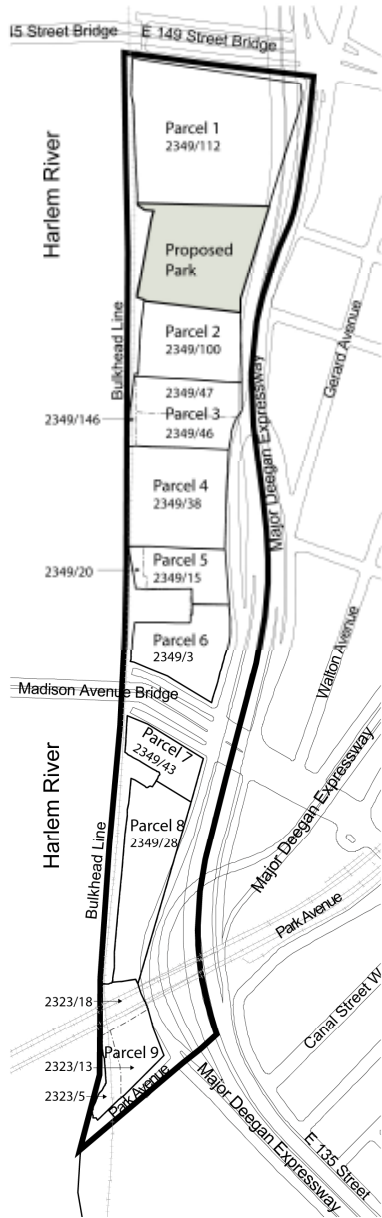
On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development# shall provide a connection for bidirectional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a connection that terminates at the shared #lot line#. Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of and maintain the street width of the existing adjacent private street. In addition to such physical shared #lot line# connection, a private road declaration shall be provided pursuant to the provisions of Section 87-74 of this Chapter. A connection need not be opened unless and until such declaration of restrictions, in accordance with 87-74, has been recorded against the adjacent #zoning lot#.

When no connection for vehicular travel terminating at the opposite side of a shared #zoning lot line# exists, one may, by certification pursuant to Section 87-63, construct a dead-end fire apparatus access road turnaround that may extend into the designated #shore public walkway#. Such certification is also contingent upon providing a declaration of restrictions, in accordance with Section 87-64.







APPENDIX

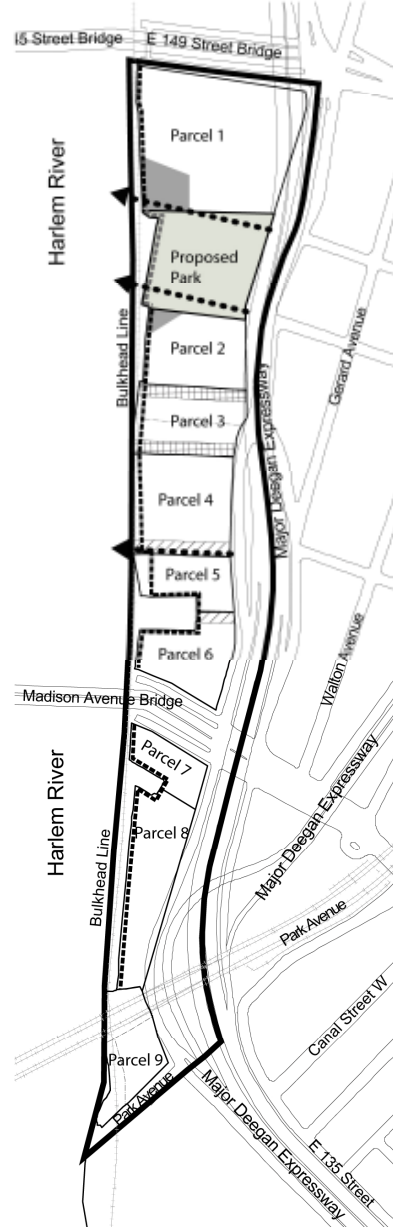
Map 1: Special Harlem River Waterfront District and Parcels

-  Special Harlem River District
-  Parcel line
-  Tax lot line
- 2349/112 Tax block/Lot number



Map 2: Waterfront Access Plan : Public Access Elements

-  Special Harlem River District
-  Shore Public Walkway / Waterfront Yard
-  Shore Public Walkway in Park
-  Visual Corridor (Designated Location)
-  Upland Connection (Designated Location)
-  Upland Connection (Variable Location)
-  Supplemental Public Access Area (Designated Location)



* * *

Note: Only underlined text is new in the following Section.

Article XII - Special Purpose Districts

* * *

**Chapter 3
Special Mixed Use District**

* * *

**123-66
Height and Setback Regulations**

* * *

**123-662
All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations**

* * *

TABLE B

* * *

In addition, in #Special Mixed-Use District# 13 in the Borough of The Bronx, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified for the applicable district as set forth in Table B above, or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be located beyond eight feet of the #street line#. Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph.

* * *

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

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

* * *

#Special Mixed Use District# - 13: (effective date)
Lower Concourse, Bronx

The #Special Mixed Use District# - 13 is established in the Lower Concourse in The Bronx as indicated on the #zoning maps#.

RWCDS Table O-1

**Canal/Rider Retention Alternative
Reasonable Worst Case Development Scenario**

Site Description			Existing Conditions								Future No-Action					Future With-Action					Increment							
Development Sites	Tax Block	Tax Lot	Existing Zoning	Lot Area(sf)	Maximum Floor Area Ratio (FAR)	Commercial Floor Area	Office	Community Facility	Industrial Floor Area	Dwelling Units	Commercial Floor Area	Office	Community Facility	Industrial Floor Area (sf)	Dwelling Units	Proposed Zoning	Affordable Units	Total Dwelling Units	Commercial Floor Area	Office	Community Facility Floor Area (sf)	Industrial Floor Area(sf)	Total Dwelling Units	Commercial Floor Area(sf)	Office	Community Facility Floor Area (sf)	Industrial Floor Area (sf)	
1	2349	112	M2-1	191,000	2.00	0	0	0	14,759	0	0	0	0	14,759	0	C4-4	124	621	143,250	0	0	0	621	143,250	0	0	0	-14,759
2	2349	100	M2-1	147,900	2.00	0	0	0	0	0	0	0	0	0	0	C4-4	52	260	60,000	0	0	0	0	60,000	0	0	0	0
3	2323	28	M2-1	144,890	2.00	0	0	0	21,700	0	0	0	0	21,700	0	R7-2/ C2-4	94	471	108,668	0	0	0	471	108,668	0	0	0	-21,700
4 ¹	2349	15	M2-1	54,543	2.00	0	0	0	0	0	0	0	0	0	0	R7-2/ C2-4	0	10,000	0	0	0	10,000	0	0	0	0	0	
5	2351	22	M1-2	16,182	2.00	0	0	0	0	0	0	0	0	16,182	0	M1-4/ R8A	21	103	13,755	0	0	0	103	13,755	0	0	0	-16,182
6	2351	20	M1-2	9,200	2.00	0	0	0	8,993	0	0	0	0	8,993	0	M1-4/ R8A	49	243	32,568	0	0	0	243	32,568	0	0	0	-45,273
	2351	12	M1-2	10,000	2.00	0	0	0	10,000	0	0	0	0	10,000	0													
	2351	1	M1-2	6,480	2.00	0	0	0	6,480	0	0	0	0	6,480	0													
	2350	1	M1-2	12,635	2.00	0	0	0	19,800	0	0	0	0	19,800	0													
7	2350	11	C4-4	12,010	6.5 (for CF)	0	0	9,975	0	0	0	29,640	78,065	0	0	M1-4/ R8A	0	0	0	0	141,765	0	0	0	-29,640	63,700	0	
	2350	16	M1-2	9,800	2.00	0	0	0	0	0	0	0	0	0	0													
8	2349	90	M1-2	33,600	2.00	0	0	0	237,000	0	0	395,000	0	0	0	M1-4/ R8A	0	302	32,917	0	0	0	302	32,917	-395,000	0	0	
9	2344	112	M1-2	44,541	2.00	82,956	0	0	0	0	82,956	0	0	0	0	M1-4/ R8A	57	283	37,860	0	0	0	283	-45,096	0	0	0	
10	2344	110	M1-2	6,550	2.00	0	0	0	0	0	0	0	14,400	0	0	M1-4/ R6A	0	11	2,600	0	0	0	11	2,600	0	0	-14,400	
11	2344	75	M1-2	13,280	2.00	1,000	0	0	12,000	0	19,000	0	0	0	0	M1-4/ R6A	7	35	1,000	0	0	11,500	35	1,000	-19,000	0	0	
12	2344	60	M1-2	27,454	2.00	0	0	0	43,820	0	0	0	43,820	0	0	M1-4/ R6A	18	92	7,303	0	0	0	92	7,303	0	0	-43,820	
13	2345	5	M1-2	10,053	2.00	0	0	0	0	0	0	0	20,106	0	0	C4-4D	13	64	8,545	0	0	0	64	8,545	0	0	-20,106	
14	2341	40	M1-2	4,000	2.00	2,450	0	0	0	0	3,600	0	0	0	0	C4-4D	11	57	7,693	0	0	0	57	4,093	0	0	0	
	2341	37	M1-2	5,050	2.00	1,150	0	0	0	0	0	0	0	0	0	C4-4D												
15	2341	28	M1-2	17,860	2.00	1,404	0	0	0	0	1,404	0	0	0	0	C4-4D	23	113	15,181	0	0	0	113	13,777	0	0	0	
16 ²	2341	10	M1-2	31,900	2.00	8,900	0	0	0	0	8,900	0	0	0	0	C4-4D	0	0	191,400	0	0	0	0	182,500	0	0	0	
18	2322	28	M2-1	33,640	2.00	0	0	14,100	0	0	0	0	33,640	0	0	M1-4/ R7X	28	140	28,594	0	0	0	140	28,594	0	0	-33,640	
19	2333	n	M1-2	10,000	2.00	0	0	0	1,430	0	2,440	0	1,430	0	0	M1-4/ R7X	10	52	10,625	0	0	0	52	8,185	0	0	-1,430	
	2333	10	M1-2	2,500	2.00	2,440	0	0	0	0	0	0	0	0	0													
20	2333	1	M1-2	10,974	2.00	0	0	0	0	0	2,195	0	0	0	0	M1-4/ R7X	9	46	9,328	0	0	0	46	7,133	0	0	0	
21	2320	66	M1-2	11,500	2.00	0	0	0	0	0	0	23,000	0	0	0	M1-4/ R7X	10	48	9,775	0	0	0	48	9,775	-23,000	0	0	
22	2320	73	M1-2	1,051	2.00	0	0	0	837	0	0	0	837	0	0	M1-4/ R7X	0	3	837	0	0	0	3	837	0	0	-837	
23	2320	45	M1-2	2,400	2.00	2,700	0	0	0	0	2,700	0	0	0	0	M1-4/ R7A	0	8	2,700	0	0	0	8	0	0	0	0	
24	2320	5	M1-2	2,309	2.00	0	0	0	0	0	0	0	23,239	0	0	M1-4/ R7A	0	0	18,000	0	0	0	0	18,000	0	0	-23,239	
	2320	6	M1-2	2,309	2.00	0	0	0	0	0	0	0	0	0	0													
	2320	7	M1-2	2,316	2.00	0	0	0	0	0	0	0	0	0	0													
	2320	8	M1-2	2,318	2.00	0	0	0	0	0	0	0	0	0	0													
	2320	9	M1-2	2,321	2.00	0	0	0	0	0	0	0	0	0	0													
	2320	10	M1-2	2,324	2.00	0	0	0	0	0	0	0	0	0	0													
	2320	11	M1-2	9,342	2.00	0	0	0	0	0	0	0	0	0	0													
25	2318	5	M1-2	5,969	2.00	0	0	0	11,907	0	17,907	0	0	0	0	M1-4/ R7A	0	12	5,969	0	0	0	12	5,969	-17,907	0	0	
26	2335	58	M1-2	11,500	2.00	0	0	12,524	5,000	0	0	12,524	5,000	0	0	M1-4/ R6A	0	62	0	0	12,524	0	62	0	0	0	-5,000	
27	2335	57	M1-2	3,500	2.00	0	0	0	0	0	0	9,804	0	0	0	M1-4/ R6A	0	7	2,451	0	0	0	7	2,451	-9,804	0	0	
30	2334	61	M1-2	2,040	2.00	2,163	0	0	0	0	2,163	0	0	0	0	2M1-4/ R7A	5	25	5,721	0	0	0	25	3,558	0	0	0	
	2334	62	M1-2	1,955	2.00	0	0	0	0	0	0	0	0	0	0													
	2334	63	M1-2	2,736	2.00	0	0	0	0	0	0	0	0	0	0													
31	2333	31	M1-2	22,150	2.00	0	0	0	0	0	0	0	0	0	0	M1-4/ R7A	17	83	18,828	0	0	0	83	18,828	0	0	0	
Total # of sites = 31				954,082		105,163		36,599	393,726	2	106,358	494,351	105,589	250,386	2		547	3,140	775,566	0	154,289	21,500	2,878	660,308	-494,351	63,700	-228,886	

1. Under this alternative, the Future With-Action conditions for Projected Development Site #4 could result in two different development scenarios. One option is an industrial use with 10,000 sf of floor area (as shown in the table above) or as found under the proposed action (see Table 2.0-5a in Chapter 2.0, "Project Description") that would result in a mixed residential/commercial use with 177 dwelling units and 40,907 sf of commercial space.
2. The Future With-Action condition for Projected Development Site #16 includes 164,285 sf of hotel space in the amount of commercial floor area shown in the table above.

**(E) Designation Tables
O-2, O-3, & O-4**

**Hazardous Materials (E) Designation
Table O-2**

Introduction

As described in Section 3.21.4, “Canal/Rider Retention Alternative,” of Chapter 3.21, “Alternatives to the Proposed Action,” all the privately-owned lots within the proposed rezoning area under the Canal/Rider Retention Alternative as shown in Table O-2 (see below) will have an (E) designation for hazardous materials mapped on them to avoid any potential impacts associated with hazardous materials.

Development of a site with an (E) designation would require that a Phase I Environmental Site Assessment in accordance with the American Society of Testing Materials (ASTM) E1527-05 be conducted, and if necessary, a sampling and remediation protocol be developed and implemented to the satisfaction of New York City Department of Environmental Protection (DEP) prior to issuance of a building permit (pursuant to Section 11-15 of the City’s Zoning Resolution). Such designation would eliminate the potential for significant adverse impacts from hazardous materials due to implementation of the Canal/Rider Retention Alternative

The applicable text for the (E) designations would be as follows:

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.

**TABLE O-2
Hazardous Materials Screening**

Site No.	Block	Lot	Address	2006/ 2007 Land Use	Preliminary Screening *	Land Use Conditions CEQR Reference (Appendix A)	Hazardous Materials Conditions	(E) Designation Warranted
1	2349	112	60 East 149th Street	Open Air Concrete Recycling	V, S, M, P, PCB	Cement manufacturing; Adjacent to garbage reduction facility	None	Yes
2	2349	100	333 Exterior Street	Bus Parking	V, S, M, PCB	Historic railroad freight yard; Adjacent to garbage reduction facility	Petroleum spill location	Yes (refer to * note below)
4	2349	15	281 Exterior Street	Vacant Lot	V, S, M, P, PCB	Adjacent to historic coal sales/storage site (Site No. 33)	Active AST PBS Adjacent to historic UST	Yes
5	2351	22	467 River Avenue	Vacant Lot	V, S, M, P	Automobile service station; Historic lumber processing	Active AST PBS	Yes
6	2350	1	121 East 144th Street	Warehouse	V, S, M	Adjacent to welding shop (Site No. 41)	Active AST PBS	Yes
6	2351	1	404 Maj. Wm. Deegan Blvd.	Warehouse	V, S, M, P, PCB	Historic chemical manufacturer	Active AST PBS Adjacent to historic gasoline storage tanks	Yes
6	2351	12	445 Gerard Avenue	Glass Cutting/ Warehouse	V, S, M, PCB	Automobile wrecking establishment; Historic automobile service station	Active AST PBS Historic gasoline storage tanks	Yes
6	2351	20	417 Gerard Ave	Glass Cutting/ Warehouse	V, S, M, P, PCB	Adjacent to historic chemical manufacturer	Active AST PBS	Yes
7	2350	11	427 Walton Avenue	Hostos College Temporary Classrooms	V, S, M	Plastics manufacturing; Adjacent to welding shop (Site No. 41)	Active AST PBS	Yes
7	2350	16	135 Walton Avenue	Vacant Loft Bldg.	V, S, M	Adjacent to welding shop (Site No. 41)	Active AST PBS, Inactive UST PBS	Yes
8	2349	90	385 Gerard Avenue	Partially Vacant Warehouse/ Industrial Lofts	V, S, M	Petroleum storage and handling	Active AST and UST PBS; Closed petroleum spill location	Yes
9	2344	112	120 East 144th Street	Retail/ Restaurant/ Accessory Storage	V, S, M, PCB	Petroleum storage and handling; Adjacent to historic machine shop (Site No. 10)	Active AST CBS and PBS Adjacent to historic gasoline storage tanks	Yes
10	2344	110	370 Gerard Avenue	Vacant Loft Building	V, S, M, PCB	Chemical compounding, manufacturing, packaging; Historic machine shop	Active AST PBS Adjacent to historic gasoline storage tanks	Yes

**TABLE O-2
Hazardous Materials Screening**

Site No.	Block	Lot	Address	2006/ 2007 Land Use	Preliminary Screening *	Land Use Conditions CEQR Reference (Appendix A)	Hazardous Materials Conditions	(E) Designation Warranted
11	2344	75	301 Walton Avenue	Loft building –Furniture Assembly/ Restaurant/ Partially vacant	V, S, M	Historic fur dyeing facility	Active UST PBS	Yes
12	2344	60	261 Walton Avenue	Loft Building/Self Storage	V, S, M, PCB	Adjacent to gasoline service station (Site No. 45)	Active UST PBS Adjacent to petroleum spill location	Yes
13	2345	5	334 Walton Avenue	Vacant Building	V, S, M, PCB	Adjacent to automobile service station (Site No. 43)	Active UST PBS	Yes
14	2341	37	344 Grand Concourse	Auto Repair	V, S, M, PCB	Automobile service station	Inactive AST and UST PBS	Yes
14	2341	40	346 Grand Concourse	Auto Repair	V, S, M, PCB	Automobile service station	Large-volume petroleum spill location	Yes
15	2341	28	310 Grand Concourse	Auto Repair	V, S, M, PCB	Automobile service station; Historic RCRA SQG facility	Historic RCRA SQG facility Petroleum spill location	Yes
16	2341	10	276 Grand Concourse	Auto Repair/ Open Air Parking	V, S, M, PCB	Automobile service station	Adjacent to petroleum spill location	Yes
18	2322	28	2522 Park Avenue	Open Air Taxi Repair and Storage	V,S, M, PCB	Automobile service center	Active UST PBS	Yes
19	2333	6	245 East 138th Street	Open Air Auto Repair	V, S, M, PCB	Automobile service center; Historic RCRA LQG	Active AST PBS; Historic RCRA LQG; Petroleum spill location	Yes
19	2333	10	243 East 138th Street	Deli	V, S, M, PCB	Gasoline service station; Adjacent to automobile service center	Active UST PBS	Yes
20	2333	1	2551 Third Avenue	Vacant Building	V, S, M, PCB	Adjacent to automobile service center; Historic gasoline service station	Inactive UST PBS Petroleum spill location	Yes
21	2320	66	250 East 138th Street	Vacant Gas Station	V, S, M	Gasoline service station; Historic garbage reduction facility; Historic gasoline service station	Petroleum spill location	Yes
22	2320	73	258 East 138th Street	Vacant	V, S, M, PCB	Historic garbage reduction/transfer facility; Adjacent to machine shop	Active UST PBS	Yes
23	2320	45	2505 Third Avenue	Auto Supply/ Vacant Upper Stories	V, S, M, PCB	Automobile storage; Adjacent to automobile service station (Site No. 60)	Active AST and UST PBS Adjacent to historic gasoline storage tanks	Yes

**TABLE O-2
Hazardous Materials Screening**

Site No.	Block	Lot	Address	2006/ 2007 Land Use	Preliminary Screening *	Land Use Conditions CEQR Reference (Appendix A)	Hazardous Materials Conditions	(E) Designation Warranted
24	2320	5	240 East 136th Street	Vacant Lot/ Gas Station	V, S, M	Gasoline service station	Active UST PBS	Yes
24	2320	6	242 East 136th Street	Vacant Lot/ Gas Station	V, S, M	Gasoline service station	Active AST and UST PBS	Yes
24	2320	7	244 East 136th Street	Vacant Lot/ Gas Station	V, S, M	Gasoline service station	Active AST and UST PBS	Yes
24	2320	8	246 East 136th Street	Vacant Lot/ Gas Station	V, S, M	Gasoline service station	Active AST and UST PBS	Yes
24	2320	9	248 East 136th Street	Vacant Lot/ Gas Station	V, S, M	Gasoline service station	Active AST and UST PBS; Petroleum spill location	Yes
24	2320	10	250 East 136th Street	Vacant Lot/ Gas Station	V, S, M	Gasoline service station	Active AST and UST PBS	Yes
24	2320	11	2477 Third Avenue	Vacant Lot/ Gas Station	V, S, M	Gasoline service station	Active AST and UST PBS	Yes
25	2318	5	2472 Third Avenue	Woodworking & Vacant	V, S, M, P, PCB	Trucking terminal; Adjacent to electric supply manufacture (Site No. 65)	Active UST PBS	Yes
26	2335	58	213 East 144th Street	House of Worship/ construction firm/ vacant	V, S, M, PCB	Historic and current metal products treatment or processing	Active UST PBS	Yes
27	2335	57	223 East 144th Street	Vacant Loft Building	V, S, M, PCB	Adjacent to ink manufacture (Site No. 66)	None	Yes
30	2334	61	266 East 143rd Street	Restaurant/ Retail	V, S, M, PCB	Adjacent to automobile service station (Site No. 71)	None	Yes
30	2334	62	268 East 143rd Street	Single Family Home	V, S, M, PCB	Adjacent to automobile service station (Site No. 30)	None	Yes
30	2334	63	383 Morris Avenue	Single Family Home	V, S, M, PCB	Automobile service station	None	Yes
31	2333	31	289 Morris Avenue	Vacant Building	V, S, M, P, PCB	Cement manufacturing	None	Yes
Potential Development Sites								
32	2349	38	325 Exterior Street	Verizon Service Center	V, S, M	Coal sales or storage	None	Yes
33	2349	3	255 Exterior Street	Self Storage	V, S, M, PCB	Coal sales or storage	Historic UST	Yes

**TABLE O-2
Hazardous Materials Screening**

Site No.	Block	Lot	Address	2006/ 2007 Land Use	Preliminary Screening *	Land Use Conditions CEQR Reference (Appendix A)	Hazardous Materials Conditions	(E) Designation Warranted
34	2323	43	110 East 138th Street	Warehouse/ Auto Repair	V, S, M, PCB	Adjacent to transit substations (Site No. 3)	None	Yes
35	2349	46	329 Exterior Street	Warehouse/ Distributor	V, S, M, P, PCB	Truck manufacture/ trucking terminal	None	Yes
35	2349	47	Major Deegan Expressway	Bus Parking	V, S, M, PCB	Adjacent to railroad freight yard (Site No. 2)	Adjacent to petroleum spill location	Yes
36	2323	13	188 East 135th Street	Self Storage	V, S, M, P, PCB	Hardware manufacture	None	Yes
37	2351	25	110 East 149th Street	Food Production/ Distribution	V, S, M, PCB	Adjacent to automobile rental establishment (Site No. 37)	None	Yes
37	2351	35	100 East 149th Street	Open Air Auto Rental	V, S, M, PCB	Automobile rental establishments	None	Yes
38	2350	34	500 Gerard Avenue	Warehouse	V, S, M, PCB	Adjacent to machine shop (Site No. 39)	Adjacent to historic gasoline storage tanks	Yes
39	2350	63	479 Walton Avenue	Machine Shop (small parts)	V, S, M, PCB	Machine shop	Adjacent to historic gasoline storage tanks	Yes
40	2351	3	440 Maj. Wm. Deegan Blvd	Warehouse	V, S, M, P, PCB	Adjacent to chemical manufacture	None	Yes
41	2350	5	444 Gerard Avenue	Welding/ Warehouse	V, S, M	Welding shop	None	Yes
42	2345	10	Walton Avenue	U-Haul Truck Storage	V, S, M, PCB	Adjacent to automobile service station (Site No. 43)	None	Yes
42	2345	12	Walton Avenue	U-Haul Truck Storage	V, S, M, PCB	Adjacent to automobile service station (Site No. 43)	None	Yes
42	2345	14	356 Walton Avenue	U-Haul Truck Storage	V, S, M, PCB	Adjacent to automobile service station (Site No. 43)	None	Yes
42	2345	18	367 Grand Concourse	U-Haul Truck Storage	V, S, M, PCB	Adjacent to automobile service station	Adjacent to gasoline storage tanks	Yes
42	2345	22	391 Grand Concourse	U-Haul Truck Storage	V, S, M, PCB	Automobile service station	Gasoline storage tanks	Yes
42	2345	26	395 Grand Concourse	U-Haul Truck Storage	V, S, M, PCB	Adjacent to automobile service station	Adjacent to gasoline storage tanks	Yes
43	2345	1	335 Grand Concourse	Auto Body Repair	V, S, M, PCB	Automobile service station	None	Yes
43	2345	49	349 Grand Concourse	Car Service	V, S, M, PCB	Automobile service station	None	Yes

**TABLE O-2
Hazardous Materials Screening**

Site No.	Block	Lot	Address	2006/ 2007 Land Use	Preliminary Screening *	Land Use Conditions CEQR Reference (Appendix A)	Hazardous Materials Conditions	(E) Designation Warranted
44	2344	83	287 Walton Avenue	Electrical Contractor	V, S, M, PCB	Automobile wrecking establishment	None	Yes
45	2344	52	109 East 138th Street	Gas Station	V, S, M	Gasoline service station	Petroleum spill location	Yes
46	2344	11	270 Walton Avenue	Warehouse	V, S, M	Adjacent to dry cleaning establishments; Automobile and other laundries (Site No. 46)	None	Yes
46	2344	17	288 Walton Avenue	Industrial Dry Cleaner	V, S, M	Dry cleaning establishment	None	Yes
46	2344	27	315 Grand Concourse	Car Wash	V, S, M	Automobile and other laundries	None	Yes
47	2344	1	261 Grand Concourse	AC repairs/ installation	V, S, M, P, PCB	Plastics and synthetic products manufacture	None	Yes
48	2341	42	350 Grand Concourse	Service Station	V, S, M, PCB	Automobile service station	None	Yes
49	2341	34	338 Grand Concourse	Automobile Repair	V, S, M, PCB	Automobile service station	None	Yes
50	2341	31	334 Grand Concourse	Medical Offices	V, S, M, PCB	Adjacent to automobile service station (Site No. 15)	Adjacent to petroleum spill location	Yes
51	2341	23	304 Grand Concourse	Law Office/Auto Sales	V, S, M, PCB	Adjacent to automobile service station (Site No. 16)	Adjacent to petroleum spill location	Yes
52	2341	6	250 Grand Concourse	Drug Treatment Facility	V, S, M, PCB	Adjacent to automobile service station (Site No. 16)	None	Yes
53	2340	1	213 East 138th Street	Diner	V, S, M, P, PCB	Automobile service station; Steel products manufacture	Adjacent to historic gasoline storage tanks	Yes
53	2340	3	205 East 138th Street	Auto Repair/Food Wholesale	V, S, M, P, PCB	Adjacent to cosmetics or toiletries manufacture	Historic gasoline storage tanks	Yes
53	2340	8	201 East 138th Street	Perfume Manufacture	V, S, M, P, PCB	Cosmetics or toiletries manufacture	Adjacent to historic gasoline storage tanks	Yes
54	2340	56	221 East 138th Street	Meat Packing	V, S, M, PCB	Machine shop	None	Yes
54	2340	58	225 East 138th Street	Meat Packing	V, S, M, PCB	Adjacent to machine shop	None	Yes

**TABLE O-2
Hazardous Materials Screening**

Site No.	Block	Lot	Address	2006/ 2007 Land Use	Preliminary Screening *	Land Use Conditions CEQR Reference (Appendix A)	Hazardous Materials Conditions	(E) Designation Warranted
55	2322	101	236 East 138th Street	Car Wash	V, S, M, PCB	Automobile and other laundries	None	Yes
56	2320	72	256 East 138th Street	Machining & Vacant	V, S, M, PCB	Machine shop	None	Yes
57	2320	74	260 East 138th Street	Restaurant, Office & Vacant	V, S, M, PCB	Automobile rental establishment	None	Yes
58	2320	77	2535 Third Avenue	Retail, Office & Vacant	V, S, M, PCB	Adjacent to automobile service station; Automobile and other laundries (Site No. 59)	None	Yes
59	2320	79	2527 Third Avenue	Gas Station/ Car Wash	V, S, M, PCB	Automobile service station; Automobile and other laundries	None	Yes
60	2320	41	2515 Third Avenue	Auto Body Repair	V, S, M, PCB	Automobile service station	Adjacent to gasoline storage tanks	Yes
60	2320	42	2511 Third Avenue	Bar and Vacant	V, S, M, PCB	Adjacent to automobile service station	Adjacent to gasoline storage tanks	Yes
60	2320	43	2507 Third Avenue	Auto Body Repair	V, S, M, PCB	Automobile service station	Adjacent to gasoline storage tanks	Yes
61	2320	46	2503 Third Avenue	Warehouse/ distribution	V, S, M	Adjacent to dry cleaning establishment (Site No. 62)	None	Yes
62	2320	47	2501 Third Avenue	Restaurant	V, S, M	Dry cleaning establishment	None	Yes
62	2320	50	2495 Third Avenue	Check Cashing	V, S, M	Dry cleaning establishment	None	Yes
62	2320	51	2491 Third Avenue	Auto Repair	V, S, M, PCB	Automobile service station	None	Yes
63	2318	22	270 East 137th Street	Offices	V, S, M, PCB	Adjacent to automobile and other laundries	None	Yes
64	2318	18	2488 Third Avenue	Car Service	V, S, M, PCB	Adjacent to automobile and other laundries	None	Yes
64	2318	19	2490 Third Avenue	Car Wash	V, S, M, PCB	Automobile and other laundries	None	Yes
65	2318	7	2482 Third Avenue	Contractor	V, S, M, P, PCB	Electric supply manufacture	None	Yes
65	2318	9	2486 Third Avenue	Contractor	V, S, M, P, PCB	Adjacent to electric supply manufacture (Site No. 65)	None	Yes

**TABLE O-2
Hazardous Materials Screening**

Site No.	Block	Lot	Address	2006/ 2007 Land Use	Preliminary Screening *	Land Use Conditions CEQR Reference (Appendix A)	Hazardous Materials Conditions	(E) Designation Warranted
66	2335	6	220 Park Avenue	Furniture Assembly/ Storage	V, S, M, PCB	Ink manufacture	None	Yes
67	2340	221	228 East 144th Street	Drug Treatment Facility	V, S, M, P, PCB	Metal products treatment or processing	None	Yes
68	2340	215	391 Rider Avenue	Wood/ Metal Work	V, S, M, PCB	Metal products treatment or processing	None	Yes
68	2340	218	405 Rider Avenue	Warehouse/ Woodwork	V, S, M, PCB	Automobile service station	None	Yes
70	2322	81	220 East 138th Street	Glass Cutting	V, S, M	Fuel sales	None	Yes
71	2334	43	247 East 142nd Street	Vacant Warehouse	V, S, M, PCB	Adjacent to metal finishing (Site No. 71)	None	Yes
71	2334	45	400 Rider Avenue	Commercial Parking Lot	V, S, M, PCB	Metal finishing	None	Yes
71	2334	59	262 East 143rd Street	Retail	V, S, M, PCB	Automobile service station	None	Yes
72	2334	38	267 East 142nd Street	Vacant	V, S, M, PCB	Automobile service station	None	Yes
72	2334	39	263 East 142nd Street	Detached Home	V, S, M, PCB	Adjacent to automobile service station (Site No. 72)	None	Yes
72	2334	40	261 East 142nd Street	Detached Home	V, S, M, P, PCB	Junk yard	None	Yes
72	2334	41	253 East 142nd Street	Restaurant & Vacant	V, S, M, P	Adjacent to junk yard	None	Yes
72	2334	66	375 Morris Avenue	Detached Home	V, S, M, PCB	Adjacent to automobile service station	None	Yes
75	2333	50	302 Rider Avenue	Grocery	V, S, M, PCB	Automobile rental establishment	None	Yes
75	2333	54	301 Morris Avenue	Grocery	V, S, M, P	Lumber processing	None	Yes
76	2333	33	286 Rider Avenue	Construction	V, S, M, P, PCB	Leather tanning, curing, finishing or dyeing	Adjacent to petroleum spill location	Yes
77	2333	12	270 Rider Avenue	Warehouse/ Moving Company	V, S, M, PCB	Adjacent to automobile service station	Adjacent to petroleum spill location	Yes

**TABLE O-2
Hazardous Materials Screening**

Site No.	Block	Lot	Address	2006/ 2007 Land Use	Preliminary Screening *	Land Use Conditions CEQR Reference (Appendix A)	Hazardous Materials Conditions	(E) Designation Warranted
78	2333	17	254 East 139th Street	Construction Co./ Warehouse	V, S, M, P	Lumber processing	Adjacent to petroleum spill location	Yes
79	2340	11	2564 Park Avenue	Self Storage	V, S, M, P, PCB	Adjacent to cosmetics or toiletries manufacture	Adjacent to historic gasoline storage tanks	Yes

Notes:

- V - Volatile Organic Compounds
- S - Semi-Volatile Organic Compounds
- M - Heavy Metals/Inorganics
- P - Pesticides

PCB - Poly-chlorinated biphenyl

* - Phase 1 and Remediation will be completed for this site

Note - All historic land use determined by observations from Sanborn Fire Insurance mapping and/or phone directory.

Note - No hazardous material conditions considered to exist if no petroleum spills, material bulk storage or RCRA hazardous waste generation noted on or adjacent to the lot.

**Air Quality (E) Designation
Table O-3**

An HVAC analysis was performed to determine whether the proposed action would result in any potential significant adverse air quality impacts (see Section 3.21.4, “Canal/Rider Retention Alternative,” of Chapter 3.21, “Alternatives to the Proposed Action”). The analysis determined that certain sites would require (E) designations that would specify the type of fuel to be used or the distance that the vent stack on the building roof must be from the edge of a lot line. The proposed (E) designations for the applicable projected and potential development sites with respect to HVAC systems are presented below in Table O-3.

Table O-3: Air Quality E-Designations for Development Sites - HVAC Restrictions

Site #	Block	Lot(s)	Restrictions*
2	2349	100	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 45 feet from the lot line facing E 149 Street, and at least 37 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
4	2349	15	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 35 feet from the lot line facing E 149 Street and at least 30 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts. Any new industrial development (Use Group 16C) on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 70 feet from either the lot lines facing E 149 and E 138 Streets, to avoid any potential significant air quality impacts.
5	2351	22	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 27 feet from the lot line facing E 149 Street, to avoid any potential significant air quality impacts.
6	2351	1, 12, 20	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 35 feet from the lot line facing E 146 Street and Major Deegan Expressway to avoid any potential significant air quality impacts.
7	2350	11, 16	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 25 feet from the lot line facing Gerard Avenue, to avoid any potential significant air quality impacts.
11	2344	75	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 18 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
12	2344	60	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 25 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
13	2345	5	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 20 feet from the lot line facing E 144 Street, and at least 20 feet from the lot line facing Grand Concourse to avoid any potential significant air quality impacts.
14	2341	37, 40	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 20 feet from the lot line facing E 144 Street, and at least 15 feet from the lot line facing E 138th Street to avoid any potential significant air quality impacts.
15	2341	28	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 28 feet from the lot line facing E 144 Street, and at least 25 feet from the lot line facing E 138 Street to avoid any potential significant air quality impacts.

16	2341	10	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 30 feet from the lot line facing E 144 Street, and at least 35 feet from the lot line facing 138 Street to avoid any potential significant air quality impacts.
19	2333	6, 10	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 20 feet from the lot line facing Third Avenue, to avoid any potential significant air quality impacts.
20	2333	1	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot line facing Rider Avenue, to avoid any potential significant air quality impacts.
26	2335	58	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 20 feet from the lot line facing Park Avenue and E 146th Street, to avoid any potential significant air quality impacts.
31	2333	31	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 20 feet from the lot line facing Rider Avenue, to avoid any potential significant air quality impacts.
34	2323	43	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 28 feet from the lot line facing Park Avenue (facing Metro North Rail Road), to avoid any potential significant air quality impacts.
35	2349	46, 47	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 34 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
37	2351	25, 35	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 40 feet from the lot line facing E 146 Street, to avoid any potential significant air quality impacts.
38	2350	34	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 35 feet from the lot line facing E 146 Street, to avoid any potential significant air quality impacts.
39	2350	63	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 20 feet from the lot line facing E 149 Street, to avoid any potential significant air quality impacts.
40	2351	3	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 25 feet from the lot line facing E 144 Street and Gerard Avenue, to avoid any potential significant air quality impacts.
41	2350	5	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 25 feet from the lot line facing E 144 Street and Walton Avenue, to avoid any potential significant air quality impacts.
42	2345	10, 12, 14, 18, 22, 26	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 50 feet from the lot line facing E 140 Street, to avoid any potential significant air quality impacts.

43	2345	1, 49	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot line facing Walton Avenue, to avoid any potential significant air quality impacts.
44	2344	83	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 18 feet from the lot line facing E 140 Street, and at least 15 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
46	2344	11, 17, 27	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 45 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
47	2344	1	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 22 feet from the lot line facing E 140 Street, to avoid any potential significant air quality impacts.
48	2341	42	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 30 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
49	2341	34	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot line facing E 144 Street, to avoid any potential significant air quality impacts.
50	2341	31	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot line facing E 138 Street, and at least 50 feet from the lot line facing E 144 Street to avoid any potential significant air quality impacts.
52	2341	6	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 25 feet from the lot line facing E 144 Street, to avoid any potential significant air quality impacts.
66	2335	6	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot line facing E 144 Street and Canal Place, to avoid any potential significant air quality impacts.
71	2334	43, 45, 59	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 32 feet from the lot line facing Rider Avenue, to avoid any potential significant air quality impacts.
72	2334	38, 39, 40, 41, 66	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot line facing E 143 Street, and at least 15 feet from the lot line facing Rider Avenue, to avoid any potential significant air quality impacts.
75	2333	50, 54	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 30 feet from the lot line facing E 139 Street, to avoid any potential significant air quality impacts.

76	2333	33	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 28 feet from the lot line facing Morris Avenue, and at least 28 feet from the lot line facing E 140 Street, to avoid any potential significant air quality impacts.
78	2333	17	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
79	2340	11	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 14 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.

*Note: Parameters for stack location restrictions have been re-structured for the FEIS to reflect set-back distances from lot lines.

**Noise (E) Designation
Table O-4**

NOISE (E) DESIGNATIONS

As described in Section 3.21.4, “Canal/Rider Retention Alternative,” of Chapter 3.21, “Alternatives to the Proposed Action,” a number of projected and potential development sites require noise attenuation in order to avoid impacts from ambient noise. In order to avoid these impacts, an (E) designation would be mapped on these sites as shown in the Table O-4 below as part of the Canal/Rider Retention Alternative. The text of the noise (E) designation for those sites requiring noise attenuation of 40 dBA 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 40 dBA window-wall attenuation on all 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. The required degree of window-wall attenuation would require added project costs and could limit the range of design options. The City has not made any determination that cost-effective attenuation measures are available for this site. Commercial uses must provide a closed window condition with a minimum of 35 dBA window-wall attenuation in order to maintain an interior noise level of 50 dBA

The text of the noise (E) designation for those sites requiring noise attenuation of 35 dBA 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 dB(A) window-wall attenuation in all façades in order to maintain an interior noise level of 45 dB(A). 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.

With the attenuation measures specified herein, the Canal/Rider Retention Alternative would not result in any significant adverse noise impacts, and would meet CEQR guidelines.

Table O-4: NOISE (E) DESIGNATIONS

Sites Requiring (E) Designation with 40 dBA Noise Attenuation

<i>Projected Development Sites</i>		
<i>Development Site</i>	<i>Block</i>	<i>Lot(s)</i>
1	2349	112
2	2349	100
3	2323	28
4	2349	15
6	2351	1, 12, 20
	2350	1
8	2349	90
<i>Potential Development Sites</i>		
32	2349	38
33	2349	3
34	2323	43
35	2349	47, 46
36	2323	13
40	2351	3

Sites Requiring (E) Designation with 35 dBA Noise Attenuation

<i>Projected Development Sites</i>		
<i>Development Site</i>	<i>Block</i>	<i>Lot (s)</i>
13	2345	5
14	2341	40, 37
15	2341	28
16	2341	10
<i>Potential Development Sites</i>		
42	2345	14, 18, 22, 26
43	2345	1, 49
45	2344	52
46	2344	11, 17, 27
47	2344	1
48	2341	42
49	2341	34
50	2341	31
51	2341	23
52	2341	6