



## CITY PLANNING COMMISSION

---

October 7, 2008 / Calendar No. 22

C 080397(A) ZMM

---

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Map, Section No. 12c:

- 1) changing from an R7-2 District to an R7A District property bounded by:
  - a) East 13<sup>th</sup> Street, a line 100 feet easterly of Second Avenue, East 7<sup>th</sup> Street, and a line 100 feet westerly of Second Avenue;
  - b) East 13<sup>th</sup> Street, a line 100 feet easterly of First Avenue, East 6<sup>th</sup> Street, First Avenue, East 2<sup>nd</sup> Street, a line 100 feet easterly of First Avenue, East Houston Street, and a line 100 feet westerly of First Avenue;
  - c) East 13<sup>th</sup> Street, a line 100 feet easterly of Avenue A, the northerly, westerly and southerly boundary line of Tompkins Square Park, a line 100 feet easterly of Avenue A, a line 100 feet southerly of East 2<sup>nd</sup> Street, a line 100 feet westerly of Avenue A, East 4<sup>th</sup> Street, Avenue A, the westerly centerline prolongation of East 5<sup>th</sup> Street, and a line 100 feet westerly of Avenue A;
  - d) East 13<sup>th</sup> Street, a line 100 feet easterly of Avenue B, East 2<sup>nd</sup> Street, Avenue B, a line 100 feet southerly of East 2<sup>nd</sup> Street, a line 100 feet westerly of Avenue B, the southerly, easterly and northerly boundary line of Tompkins Square Park, and a line 100 feet westerly of Avenue B;
  - e) East 12<sup>th</sup> Street, Avenue C – Loaisida Avenue, East 10<sup>th</sup> Street, a line 100 feet easterly of Avenue C – Loaisida Avenue, a line midway between East 2<sup>nd</sup> Street and East 3<sup>rd</sup> Street, Avenue C – Loaisida Avenue, East 2<sup>nd</sup> Street, and a line 100 feet westerly of Avenue C – Loaisida Avenue; and
  - f) a line 100 feet southerly of East Houston Street, Pitt Street, Rivington Street, a line 100 feet westerly of Pitt Street, a line 100 feet northerly of Delancey Street, a line midway between Essex Street and Norfolk Street, the southerly boundary line of a playground and its easterly prolongation, and Norfolk Street;
- 2) changing from an C6-1 District to a R7A District property bounded by East 7<sup>th</sup> Street, a line 100 feet easterly of Second Avenue, East 3<sup>rd</sup> Street, and a line 100 feet westerly of Second Avenue;
- 3) changing from an R7-2 District to a R7B District property bounded by the southerly

boundary line of Tompkins Square Park, a line 100 feet westerly of Avenue B, East 4<sup>th</sup> Street, and a line 100 feet easterly of Avenue A;

- 4) changing from an R7-2 District to a R8A District property bounded by:
  - a) East 10<sup>th</sup> Street, Avenue D, East Houston Street, Pitt Street, a line 100 feet southerly of East Houston Street, Norfolk Street, the southerly boundary line of a playground and its easterly and westerly prolongation, Essex Street, East Houston Street, a line 100 feet easterly of First Avenue, a line midway between East 2<sup>nd</sup> Street and East 1<sup>st</sup> Street, Avenue A, a line 100 feet southerly of East 2<sup>nd</sup> Street, Avenue B, East 2<sup>nd</sup> Street, Avenue C – Loaisida Avenue, a line midway between East 2<sup>nd</sup> Street and East 3<sup>rd</sup> Street, and a line 100 feet westerly of Avenue D; and
  - b) Rivington Street, Pitt Street, Delancey Street and its westerly centerline prolongation (at Clinton Street), a line midway between Suffolk Street and Clinton Street, a line 100 feet northerly of Delancey Street, and a line 100 feet westerly of Pitt Street;
- 5) changing from an R7-2 District to a R8B District property bounded by:
  - a) East 13<sup>th</sup> Street, a line 100 feet westerly of Second Avenue, East 1<sup>st</sup> Street, a line 100 feet easterly of Bowery, and a line 100 feet easterly of Third Avenue;
  - b) East 13<sup>th</sup> Street, a line 100 feet westerly of First Avenue, East Houston Street, and a line 100 feet easterly of Second Avenue;
  - c) East 13<sup>th</sup> Street, a line 100 feet westerly of Avenue A, East 6<sup>th</sup> Street, and a line 100 feet easterly of First Avenue;
  - d) East 4<sup>th</sup> Street, a line 100 feet westerly of Avenue A, a line midway between East 1<sup>st</sup> Street and East 2<sup>nd</sup> Street, a line 100 feet easterly of First Avenue, East 2<sup>nd</sup> Street, and a line 150 feet easterly of First Avenue;
  - e) East 13<sup>th</sup> Street, a line 100 feet westerly of Avenue B, the northerly boundary line of Tompkins Square Park, and a line 100 feet easterly of Avenue A;
  - f) East 4<sup>th</sup> Street, a line 100 feet westerly of Avenue B, a line 100 feet southerly of East 2<sup>nd</sup> Street, and a line 100 feet easterly of Avenue A;
  - g) East 12<sup>th</sup> Street, a line 100 feet westerly of Avenue C – Loaisida Avenue, East 2<sup>nd</sup> Street, and a line 100 feet Easterly of Avenue B; and
  - h) East 10<sup>th</sup> Street, a line 100 feet westerly of Avenue D, a line midway between East 2<sup>nd</sup> street and East 3<sup>rd</sup> Street, and a line 100 feet easterly of Avenue C – Loaisida Avenue;
- 6) changing from a C6-1 District to a C4-4A District property bounded by:
  - a) a line 100 feet southerly of East Houston Street, Essex Street, the southerly boundary

- line of a playground and its westerly prolongation, a line midway between Essex Street and Norfolk Street, a line 100 feet northerly of Delancey Street, and Chrystie Street; and
- b) a line 100 feet southerly of Delancey Street, Ludlow Street, Grand Street, and Chrystie Street;
- 7) changing from a C6-1 District to a C6-2A District property bounded by:
- a) East 3<sup>rd</sup> Street, a line 100 feet easterly of Second Avenue, East Houston Street, Essex Street, a line 100 feet southerly of East Houston Street, Chrystie Street, East Houston Street, a line 65 feet westerly of Second Avenue, East 1<sup>st</sup> Street, and a line 100 feet westerly of Second Avenue; and
  - b) a line 100 feet northerly of Delancey Street, a line midway between Suffolk Street and Clinton Street, the westerly centerline prolongation of Delancey Street (at Clinton Street), Ludlow Street, a line 100 feet southerly of Delancey Street and Chrystie Street,
- 8) changing from a C6-1 District to a C6-3A District property bounded by Stanton Street, Chrystie Street, Grand Street, a line midway between Bowery and Chrystie Street, a line 100 feet southerly of Delancey Street, and a line 100 feet westerly of Chrystie Street; and
- 9) establishing within a proposed R7A District a C2-5 District bounded by East 7<sup>th</sup> Street, a line 100 feet easterly of Second Avenue, East 3<sup>rd</sup> Street, and a line 100 feet westerly of Second Avenue;

Borough of Manhattan, Community District 3, as shown on a diagram (for illustrative purposes only) dated July 3, 2008 and subject to CEQR Declaration E-216.

---

The original application for an amendment of the Zoning Map was filed by the Department of City Planning on May 2, 2008. The requested action, in conjunction with a related zoning text amendment, would facilitate the department's East Village/Lower East Side rezoning. On July 3, 2008, pursuant to Section 2-06(c)(1) of the ULURP rules, the Department filed an application to modify the proposed amendment to the Zoning Map (C 080397(A) ZMM), for public hearing and consideration by the City Planning Commission. The modified application, C 080397(A) ZMM, is the subject of this report.

## **RELATED ACTIONS**

In addition to the amendment of the Zoning Map which is the subject of this report (C 080397(A) ZMM), implementation of the proposal also requires action by the City Planning Commission on the following application, being considered concurrently:

**N 080398(A) ZRM:** An Amendment to Article 2, Chapter 3 of the Zoning Resolution of the City of New York, to apply the Inclusionary Housing Program to the proposed R7A districts on Second Avenue, First Avenue, Avenue A and Avenue C, to the proposed R8A districts on East Houston Street, Delancey Street, Avenue D, Second Avenue and Pitt Street, and to the proposed R9A districts on Chrystie Street in Manhattan, Community District 3.

## **BACKGROUND**

The Department of City Planning proposes a comprehensive zoning strategy for the East Village and Lower East Side neighborhoods. The requested actions include zoning map and text amendments that would affect 111 blocks within an area generally bounded by East 13<sup>th</sup> Street, Avenue D, East Houston Street, Pitt Street, Ludlow Street, Grand Street, the Bowery and Third Avenue in Community District 3, Manhattan.

The specific goals of the rezoning proposal are to:

- Foster new development that reflects the existing built character of the area, and
- Create new opportunities for affordable housing along identified streets, where appropriate.

The proposed zoning districts would promote development patterns that reflect the area's existing built character, including the differentiation in context between wide avenues and narrow side streets. In addition, the proposed R7A districts along Second Avenue, First Avenue, Avenue A and Avenue C; the proposed R8A zoning districts along East Houston

Street, Delancey Street, Avenue D, Second Avenue and Pitt Street; and the proposed R9A zoning districts along Chrystie Street, in conjunction with the proposed zoning text amendment, would establish incentives for the development of affordable housing.

The proposal is the result of a collaborative effort with Community Board 3 and its 197-a Zoning Task Force, local neighborhood civic groups, local elected officials and the Department of Housing Preservation and Development, to respond to strong community concerns relating to recent and ongoing out-of-scale development. The establishment of maximum allowable building heights and required street walls, similar to the established built forms throughout the rezoning area was of particular concern to the community.

### **Modified Zoning Map and Text Amendment Applications**

On July 3, 2008, the Department filed land use applications to modify the proposed actions, by expanding the applicable Inclusionary Housing Program areas and eliminating a proposed text amendment relating to certain non-conforming, ground-floor uses. The modified applications (C 080397(A) ZMM and N 080398(A) ZRM) include the R7A/C6-3A Inclusionary Housing Alternative, which was fully analyzed in the Final Environmental Impact Statement (FEIS); by making the Inclusionary Housing Program applicable to additional wide streets in the rezoning area, this modification increases the amount of estimated affordable housing that could be developed under the proposal. The modified application for the related zoning text amendment (N 080398(A) ZRM) eliminates a proposed change to Section 52-61 of the Zoning Resolution that was included in the original application, which would have allowed the re-activation of non-conforming uses in certain locations beyond the two-year vacancy period generally permitted. By eliminating the proposed amendment, the general two-year limit on discontinued non-

conforming uses would apply to the midblock areas north of East Houston Street that are proposed to be mapped as R8B districts.

The original application for the zoning map amendment had proposed a C6-2A zoning district on the west side of Chrystie Street. During Community Board 3's review of the original application, it was suggested that Chrystie Street was a candidate for higher density given the width of the street, its location adjacent to Sara D. Roosevelt Park and its access to public transit. Upon re-evaluation based on the Community Board's suggestion and an analysis of potential housing opportunities, the Department modified the application to propose a C6-3A zoning district for the west side of Chrystie Street. The modified application proposes applying the Inclusionary Housing Program to this C6-3A zoning district, consistent with the goals and requested actions of the original application.

The original application for the related zoning text amendment had proposed application of the Inclusionary Housing Program to the proposed R8A and C6-2A zoning districts. During the public review of the original application, it was suggested that the proposed text amendment could be expanded to apply to a wider geographic area, specifically to the wide streets north of East Houston Street. Upon re-evaluation based on widespread community concern, and an analysis of potential housing opportunities, the Department modified the proposed text amendment in order to expand the applicability of the Inclusionary Housing Program to the R7A districts on wide streets north of East Houston Street.

The original application for the related zoning text amendment had additionally proposed extending the "Discontinuance" provisions for non-conforming uses set forth in Section 52-61

to the R8B districts proposed through the zoning map amendment. During Community Board 3's review of the original application, it was suggested that the proposed text amendment was contrary to the community's goals with regard to the support of certain commercial uses in residential areas. Upon re-evaluation based on the Community Board's concern, the Department removed the proposed amendment to that section.

### **Built Context and Existing Zoning**

The East Village and Lower East Side neighborhoods have been known for generations as a gateway for untold numbers of immigrants. At one point during its history it was reported to house the world's densest concentration of people. Many of the area's 19<sup>th</sup>- and early 20<sup>th</sup>-century tenement-style buildings remain intact today, and it is this particular building type and scale, along with other low- to mid-rise, multiple-dwelling apartments and row houses, all built to the street line, that remain so strongly associated with these neighborhoods.

The widely prevalent four- to seven-story building heights, the wide range of active, ground-floor commercial uses and the area's access to subway and bus service all foster the vibrant street life that has made these neighborhoods such desirable destinations for both visitors and residents.

In contrast, the area's existing R7-2 and C6-1 zoning, which has remained in place since 1961, encourages building forms and land uses that are inconsistent with the area's established character. Both of these districts permit height factor, or non-contextual, buildings, and they allow residential uses at a maximum floor area ratio (FAR) of 3.44, community facility uses at 6.5 FAR, and commercial uses (in the C6-1 districts) at 6.0 FAR. They allow the development of

tall, slender buildings surrounded by open space. They do not require that buildings be built to the street line, and they place no fixed limit on building heights. The rezoning area does not include the residential development known as Village View, located between East 2<sup>nd</sup> Street and East 6<sup>th</sup> Street, and between First Avenue and Avenue A. This building complex is comprised of 16- and 21-story residential towers and is a clear example of the kind of development permitted by the existing R7-2 zoning.

In recent years an increasing number of new, as-of-right buildings have been constructed at heights significantly above existing buildings in the East Village and Lower East Side. It is this mismatch between what is permitted under the existing zoning and the predominant neighborhood character that this proposal seeks to remedy.

Within the rezoning area boundaries, R7-2 districts are mapped both north of (excluding Second Avenue blockfronts up to East 7<sup>th</sup> Street) and south of (east of and including Norfolk Street) East Houston Street. Residential uses are allowed up to a maximum 3.44 FAR and community facility uses up to a maximum 6.5 FAR. Street wall and overall building heights are not regulated in these districts. Building envelopes are regulated by the sky exposure plane.

The remainder of the rezoning area is mapped with C6-1 zoning districts, which permit a wide range of commercial uses. C6-1 districts are the equivalent of R7-2 districts with regard to residential and community facility FAR; they additionally permit commercial uses up to a maximum 6.0 FAR. As in the R7-2 districts, street wall and overall building heights are not regulated in these districts, and building envelopes are regulated by the sky exposure plane.



Local retail activity is enabled by C1-5 and C2-5 commercial overlays mapped over the existing R7-2 district. As local service districts, these overlays permit commercial uses up to 2.0 FAR; in mixed-use residential/community-facility and commercial buildings, commercial uses are limited to the ground floor. Overlays are generally mapped (excluding the blockfronts which face the eastern edge of Tompkins Square Park on Avenue B and the blockfront on the west side of Second Avenue within the St. Mark's Historic District) to depths of 100 feet along the north-south avenues north of East Houston Street, as well as on both sides of Clinton Street between East Houston Street and Delancey Street. Except where an existing C6-1 district on Second Avenue is proposed to be re-mapped as an R7A/C2-5 district, the proposed zoning map amendment does not include any additional changes to the overlay districts.

The existing Special Transit Area District is mapped along portions of Second Avenue, in the vicinity of the proposed Second Avenue subway line to provide easements to facilitate pedestrian access to the proposed subway and the access of light and air to the stations.

## **REQUESTED ACTIONS**

### **Zoning Map Amendment C 080397(A) ZMM**

The Department of City Planning proposes a zoning map amendment for 111 blocks in the East Village and Lower East Side neighborhoods in Manhattan, Community District 3. The proposal would replace the existing R7-2 and C6-1 zoning districts with new contextual zoning districts, including R7A, R7B, R8A, R8B, C4-4A, C6-2A and C6-3A. A small area from East 2<sup>nd</sup> Street to East 6<sup>th</sup> Street, between First Avenue and Avenue A would retain the existing R7-2 district.

Contextual zoning districts limit building heights; require buildings to have continuous street walls, with setbacks above a certain height; and require residential developments to comply with the Quality Housing Program.

The different densities and building forms permitted by the proposed contextual zoning districts would reflect the variation in existing built conditions throughout the rezoning area. Throughout most of the rezoning area, a mix of lower-density contextual districts is proposed, including R7A (and the commercial equivalent C4-4A), R7B and R8B, which have more restrictive height limits and lower allowable densities. Higher-density districts, such as R8A, C6-2A and C6-3A, are proposed along wide streets where public transportation is readily accessible.

#### R7-2 to R7A

Approximately 90 blockfronts along the avenues north of East Houston Street, as well as portions of 17 blocks south of East Houston Street (approximately 26% of the rezoning area) would be rezoned from R7-2 zoning districts to contextual R7A zoning districts, to reflect the prevailing mid-rise character of these areas. As part of the proposal (and as described in more detail below; see “Zoning Text Amendment”), portions of the proposed R7A districts would, through the Inclusionary Housing Program, permit a maximum 4.6 FAR for residential uses, provided that 20% of residential floor area is used for affordable housing units. Sites not providing or preserving any affordable housing would be permitted a maximum 3.45 FAR for residential uses. In proposed R7A districts where the IHP would not be applicable, a 4.0 FAR would be permitted for residential and community facility uses. R7A districts limit overall building heights to 80 feet and street wall heights to 65 feet; base heights are required to be a minimum of 40 feet. New construction within proposed R7A districts would be required to line

up with adjacent structures to maintain existing street wall characteristics. Because the rezoning area is located within the Manhattan Core, off-street parking spaces for sites in proposed R7A districts would not be required.

#### R7-2 to R7B

Beginning at points 100 feet from each avenue, the midblock portions of three blocks south of Tompkins Square Park (approximately 3% of the rezoning area) would be rezoned from R7-2 zoning districts to contextual R7B zoning districts, to reflect the prevailing low-scale character of these areas. R7B districts permit 3.0 FAR for residential and community facility uses and limit overall building height to 75 feet and street wall heights to 60 feet; base heights are required to be a minimum of 40 feet. New construction within proposed R7B districts would be required to line up with adjacent structures to maintain existing street wall characteristics. Because the rezoning area is located within the Manhattan Core, off-street parking spaces for sites in proposed R7B districts would not be required.

#### R7-2 to R8B

The midblock portions of approximately 59 blocks (approximately 48% of the rezoning area) would be rezoned from R7-2 zoning districts to contextual R8B zoning districts, to reflect the prevailing mid-rise character of these areas. R8B districts permit 4.0 FAR for residential and community facility uses and limit overall building height to 75 feet and street wall heights to 60 feet; base heights are required to be a minimum of 55 feet. New construction within proposed R8B districts would be required to line up with adjacent structures to maintain existing street wall characteristics. Because the rezoning area is located within the Manhattan Core, off-street parking spaces for sites in proposed R8B districts would not be required.

### C6-1 to R7A/C2-5

Eight blockfronts along Second Avenue (approximately 1.5% of the rezoning area) would be rezoned from C6-1 zoning districts to a contextual R7A district with a C2-5 commercial overlay, to reflect the prevailing mid-rise character and established land use patterns of these areas. As part of the proposal (and as described in more detail below; see “Zoning Text Amendment”), the proposed R7A districts would permit a maximum 4.6 FAR for residential uses, provided that 20% of residential floor area is used for affordable housing units. Sites not providing or preserving any affordable housing would be permitted a maximum 3.45 FAR for residential uses. Community facility uses would be permitted a maximum of 4.0 FAR. The overall building heights would be limited to 80 feet and street wall heights limited to 65 feet; base heights would be required to be a minimum of 40 feet. New construction within proposed R7A districts would be required to line up with adjacent structures to maintain existing street wall characteristics. While the wide streets within the existing C6-1 area are generally proposed to be rezoned to C6-2A and C6-3A districts as described below, the proposed R7A/C2-5 districts here and their associated bulk and use regulations are more consistent with these areas' established character and land use patterns. In the proposed R7A/C2-5 districts, commercial use would be prohibited above the first floor of mixed buildings and above the second floor in other buildings, and Use Groups 10, 11 and 12 would no longer be permitted as of right. All other commercial use groups currently permitted would continue to be permitted. Because the rezoning area is located within the Manhattan Core, off-street parking spaces for sites in the proposed R7A districts would not be required.

#### C6-1 to C4-4A

Portions of approximately 26 blocks south of East Houston Street (approximately 12% of the rezoning area) would be rezoned from C6-1 zoning districts to contextual C4-4A zoning districts, to reflect the prevailing mid-rise character of these areas. C4-4A districts permit 4.0 FAR for residential, commercial and community facility uses and limit overall building height to 80 feet and street wall heights to 65 feet; base heights are required to be a minimum of 40 feet. New construction within the proposed C4-4A district would be required to line up with adjacent structures to maintain existing street wall characteristics. While portions of the existing C6-1 area are proposed to be rezoned to C6-2A and C6-3A districts, the proposed C4-4A districts here and their associated bulk and use regulations are consistent with these areas' established land use patterns. In the proposed C4-4A districts, commercial Use Groups 7 and 11 would no longer be permitted as of right; all other commercial use groups currently permitted would continue to be permitted. Because the rezoning area is located within the Manhattan Core, off-street parking spaces for sites in the proposed C4-4A districts would not be required.

#### R7-2 to R8A

Portions of approximately 23 blockfronts, primarily along wide streets such as East Houston Street, Delancey Street, Avenue D and Pitt Street (approximately 5% of the rezoning area) would be rezoned from R7-2 zoning districts to contextual R8A zoning districts. As part of the proposal (and as described in more detail below; see “Zoning Text Amendment”), the proposed R8A districts would permit a maximum 7.2 FAR for residential uses, provided that 20% of residential floor area is used for affordable housing units. Sites not providing or preserving any affordable housing would be permitted a maximum 5.4 FAR for residential uses. Community

facility uses would be permitted a maximum of 6.5 FAR. The overall building heights would be limited to 120 feet and street wall heights limited to 85 feet; base heights would be required to be a minimum of 60 feet. New construction within proposed R8A districts would be required to line up with adjacent structures to maintain existing street wall characteristics. Because the rezoning area is located within the Manhattan Core, off-street parking spaces for sites in the proposed R8A districts would not be required.

#### C6-1 to C6-2A

Portions of approximately 23 blockfronts primarily along wide streets such as East Houston Street, Delancey Street and Second Avenue (approximately 3.6% of the rezoning area) would be rezoned from C6-1 zoning districts to contextual C6-2A zoning districts. As part of the proposal (and as described in more detail below; see “Zoning Text Amendment”), the proposed C6-2A districts would permit a maximum 7.2 FAR for residential uses, provided that 20% of residential floor area is used for affordable housing units. Sites not providing or preserving any affordable housing would be permitted a maximum 5.4 FAR for residential uses. Community facility uses would be permitted a maximum of 6.5 FAR, and commercial uses would be permitted a maximum of 6.0 FAR. Overall building heights would be limited to 120 feet and street wall heights limited to 85 feet; base heights would be required to be a minimum of 60 feet. New construction within proposed C6-2A districts would be required to line up with adjacent structures to maintain existing street wall characteristics. Because the rezoning area is located within the Manhattan Core, off-street parking spaces for sites in the proposed C6-2A districts would not be required.

### C6-1 to C6-3A

Portions of four blockfronts along the west side of Chrystie Street between Stanton and Grand Streets (approximately 1.4% of the rezoning area) would be rezoned from C6-1 zoning districts to contextual C6-3A zoning districts. As part of the proposal (and as described in more detail below; see “Zoning Text Amendment”), the proposed C6-3A districts would permit a maximum 8.5 FAR for residential uses, provided that 20% of residential floor area is used for affordable housing units. Sites not providing or preserving any affordable housing would be permitted a maximum 6.5 FAR for residential uses. Community facility uses would be permitted a maximum of 7.5 FAR, and commercial uses would be permitted a maximum of 6.0 FAR. Overall building heights along wide streets are limited to 145 feet and street wall heights limited to 102 feet; base heights would be required to be a minimum of 60 feet (on narrow streets the overall building height limit is 135 feet, with a street wall between a minimum 60 and maximum 95 feet). New construction within proposed C6-3A districts would be required to line up with adjacent structures to maintain existing street wall characteristics. Because the rezoning area is located within the Manhattan Core, off-street parking spaces for sites in the proposed C6-3A districts would not be required.

### **Zoning Text Amendment (N 080398(A) ZRM)**

As part of the East Village/Lower East Side rezoning proposal and as described in the application for the related action (N 080398(A) ZRM), the Department of City Planning is proposing to amend Sections 23-144 and 23-922 of the Zoning Resolution in order to make the Inclusionary Housing Program (IHP), as administered by the Department of Housing Preservation and Development (HPD), applicable to the proposed R7A districts on Second

Avenue, First Avenue, Avenue A and Avenue C; the proposed R8A districts on East Houston Street, Delancey Street, Avenue D, Second Avenue and Pitt Street; and the proposed R9A districts on Chrystie Street. The proposed text amendment, together with the zoning map amendment, would establish incentives for the creation and preservation of affordable housing in conjunction with new development on the selected streets. The proposed floor area bonus associated with the proposed R7A, R8A and R9A zoning districts would be consistent with bonuses established for recently adopted rezoning proposals, including Fort Greene/Clinton Hill and South Park Slope in Brooklyn, and the Upper West Side in Manhattan.

Under the IHP, developments would be allowed to increase the allowable FAR, above an established base, with the maximum bonus achieved when an amount of affordable housing is provided equal to 20 percent of a new development's floor area. As administered by HPD, such housing must remain permanently affordable to households earning up to 80% of the Area Median Income (AMI). For R7A districts along Second Avenue, First Avenue, Avenue A and Avenue C, the IHP would permit a base FAR of 3.45, up to a maximum of 4.6, depending on how much residential floor area is used for affordable units. For R8A districts along East Houston Street, Delancey Street, Avenue D, Second Avenue and Pitt Street, the base FAR of 5.4 could be increased to a maximum of 7.2; and in R9A districts along Chrystie Street, the base FAR of 6.5 could be increased to a maximum of 8.5. For all of these districts, the height and setback requirements would remain unchanged from the underlying contextual district provisions; additional floor area developed through the IHP must be located within the established envelope requirements. The affordable units created through this program must be permanently affordable rental units and can be provided on the site of the new development or



off-site within the same community district or within a half-mile from the site in an adjacent community district. The off-site units may be new construction or rehabilitation or permanent preservation of existing affordable units. Developers may utilize City or other subsidy programs to build the affordable units.

## **ENVIRONMENTAL REVIEW**

The original and modified applications (C 080397 ZMM, C 080397(A) ZMM), in conjunction with the original and modified applications for the related action (N 080398 ZRM, N 080398(A) ZRM), were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07DCP078M. The lead agency is the City Planning Commission (CPC).

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on May 25, 2007, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on May 25, 2007. A public scoping meeting was held on the DEIS on June 25, 2007. A Final Scope of Work, reflecting the comments made during the scoping, was issued on February 15, 2008.

The applicant prepared a DEIS and issued a Notice of Completion on May 2, 2008. Pursuant to the SEQRA regulations and the CEQR procedures and other relevant statutes, a joint public hearing was held on the DEIS on August 13, 2008, in conjunction with the public hearings on

the related ULURP items (C 080397 ZMM, C 080397(A) ZMM). A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion of the FEIS was issued on September 26, 2008. The Notice of Completion for the FEIS identified significant impacts and proposed mitigation measures, as summarized in the following:

## **SHADOWS**

Development as a result of both the proposed actions and the Inclusionary Alternative would cast new shadows at times throughout the year on some of the existing open spaces in the study area. These shadows could increase somewhat in the afternoons due to the allowable increased height of buildings along the west side of Chrystie Street and the potential shadows on Sara D. Roosevelt Park to the east. However, these incremental shadows (*i.e.*, the additional shadow beyond what would occur under the current zoning) would have significant adverse impacts on only one publicly accessible open space: Orchard Alley Garden between East 3<sup>rd</sup> and 4<sup>th</sup> Streets and Avenues C and D. Potential mitigation for this significant adverse impact could include locating sun-sensitive features in areas where they would be least affected by shadows, choosing shade tolerant species for vegetation to be planted in areas that would be in shadow, and realignment of benches and seating areas. The remaining open spaces and historic resources in the study area would not be significantly affected or affected at all.

Subsequent to the publication of the DEIS, DCP consulted with the New York City Department of Parks and Recreation (DPR) regarding the potential mitigation measures. DPR confirmed that these mitigation measures would be sufficient to fully offset the potential significant adverse shadow impacts to this open space resource. Furthermore, the implementation of these mitigation measures is practicable and feasible. However, funding to implement these mitigation measures has not been programmed although both DCP and DCP are committed to pursue funding opportunities.

In the absence of the implementation of the mitigation measures, unmitigated conditions would remain for the shadow impacts of the proposed actions as modified.

## **HISTORIC RESOURCES**

### ***ARCHAEOLOGICAL RESOURCES***

Development as a result of the proposed actions is expected to occur on twenty-one potential development sites (plus parts of two more) where there is a potential for disturbance of archaeological resources. Although there would also be development on additional sites under the Inclusionary Alternative, only one

would experience incremental ground disturbance. However, LPC determined that this additional development site would not be sensitive for archaeological resources.

Resources within portions of the project sites where new construction could occur, absent prior disturbance, would be adversely impacted by new construction. This would constitute a significant adverse impact. Common mitigation measures (*e.g.*, redesigning a project so that it does not disturb the resource, fieldwork/field-testing, data recovery, curating artifacts, *etc.*) are not applicable or practical here, because the affected lots are privately owned. As such, impacts at these potential development sites are considered to be unmitigated and unavoidable adverse impacts of the actions.

### ***ARCHITECTURAL RESOURCES***

Similar to the proposed actions, the Inclusionary Alternative would result in the potential for significant adverse direct impacts on up to fifteen known architectural resources, on up to twenty-three potential architectural resources, and on up to seven LPC-identified resources. Of the additional Inclusionary Alternative-only sites, one is located within the potential Tompkins Square Park Historic District and one is located on the blockfront of tenements at 164-180 First Avenue. Overall, under the Inclusionary Alternative, similar direct impacts could occur to architectural resources as under the proposed actions.

It is not anticipated that development under the Inclusionary Alternative or the proposed actions would have adverse visual or contextual impacts on the majority of architectural resources. New development under either scenario would not eliminate or screen public views of a resource, introduce an incompatible visual, audible, or atmospheric element to a resource's setting, or result have any shadow impacts on a historic resource with sun-sensitive features.

However, under both the proposed actions and the Inclusionary Alternative, there could be significant adverse visual and contextual impacts to a number of row houses at six discrete locations within the rezoning area where there are potential enlargement sites. In addition, enlargements within the potential Tompkins Square Park, East 6<sup>th</sup> Street, and Clinton, Rivington, and Stanton Street Historic Districts could have adverse visual and contextual impacts on the historic districts.

Possible mitigation for these adverse architectural resources impacts could include redesign, protective measures, and, as a last resort, relocation or documentation to Historic American Building Survey (HABS) standards. HABS documentation typically involves photographic and written documentation. Further, significant architectural features could be salvaged and donated to a museum or other cultural facility. However, because future private development on these sites would occur as-of-right under the proposed rezoning, there are no mechanisms for developing and implementing mitigation measures. Therefore,

these architectural resources impacts would be considered unmitigated and unavoidable adverse impacts.

The FEIS also identified E-Designation sites for hazardous materials, air quality and noise (CEQR Declaration E-216), the full list of which is copied from Appendix H of the FEIS and attached as Exhibit A hereto.

## **UNIFORM LAND USE REVIEW**

On May 5, 2008, the original application (C 080397 ZMM) was certified as complete by the Department of City Planning and was duly referred to Community Board 3 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related non-ULURP text change application (N 080398 ZRM), which was referred for information and review.

On July 7, 2008, the modified applications (C 080397(A) ZMM, N 080398(A) ZRM) were duly referred to Community Board 3, and the Borough President, pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 3 (“CB3”) held a public hearing on the original application (C 080397 ZMM) and the related non-ULURP text change application (N 080398 ZRM) on May 12, 2008, and, on May 27, 2008, by a vote of 40 in favor, 0 opposed, and 0 abstaining, adopted a resolution recommending approval with the following comments:

“THEREFORE BE IT RESOLVED, that Community Board #3, Manhattan votes support [sic] on the Map Change ULURP 080397ZMM and Text Change N080398ZRM with the following modifications:

1. Removal of the proposed text change, which would allow the resurrection of long-defunct commercial uses of ground floor spaces in residential buildings in areas to be

zoned R8B. CB3 is currently overrun with nightlife establishments in ground floor storefronts and even former residences. CB3 passed a text change resolution the opposite of this in 2006.

2. CB3 believes that grandfathered Use Group 6 commercial establishments in residential areas that are not eating/drinking establishments should not be allowed to become eating/drinking establishments.
3. Inclusion of the Anti-Harassment and Anti-Demolition Provisions governing the Special Clinton District. To wit, that the demolition of existing buildings containing residential uses (as defined terms in the New York City Zoning Resolution) shall be prohibited and or limited in manner similar to the requirements of 96-108 and 96-23 of the Clinton Special District text. Furthermore, a Certification of No Harassment shall be required for buildings for the purpose of obtaining a permit for alterations, enlargements or new construction. (Ref: 96-108 and 96-109 of the Clinton Special Zoning District text. The companion Cure for Harassment provision as outlined in 96-110 shall also apply to such buildings.
4. Inclusion of IZ on the wide avenues north of Houston St., as shown in the alternative proposal described in the DEIS; and IZ be considered for wide avenues south of Houston.
5. The City of New York provides a commitment that 30% of all the housing built in the rezoned area shall be permanently affordable to individuals and families making below 80% AMI. This commitment should be met by the identification of sufficient publicly owned sites in the immediate community where at least 700 units of housing will be built with government subsidies necessary to provide this housing. The units produced shall be scaled in the following manner:
  - 30% of the affordable units shall be available to residents with incomes up to 30% of the AMI
  - 50% of the affordable units shall be available to residents with incomes between 30% and 60% AMI
  - 20% of the affordable units shall be available to residents with incomes between 60% and 80% AMI
  - Units should have 100% community preference
6. Zone R7B [not commercial equivalent] on all narrow streets (less than 75' width) north and south of East Houston Street
7. Energy efficient and green building (LEED compliant) requirements when Government financing or tax abatement used.
8. In order to make enforcement of these provisions possible, the City of New York must create a legal services fund so that low-income tenants in any building facing the prospect of demolition have access to free legal counsel in order to adequately defend themselves from the threat of eviction. The funding can be made available through a variety of funding methods to ensure long-term support for the most

vulnerable residents in our community. The zoning text amendment must establish such a legal services fund.

9. The C4-4A zoning is not supported by the documentation in the DEIS for midblocks on these streets. We should zone R7A or R8B for Eldridge, Forsyth Street 100 feet away from Rivington Street, Stanton, Delancey and Houston Streets.

In 2005, CB3 asked DCP to work with us and use the city's resources to create a new zoning plan. Although we still have different plans, we are pleased at the collegial relationship the two have enjoyed and with the exchange of ideas that have formed this zoning plan.

Today we ratify our relationship to preserve our community with the support of this ULURP.

Our desire for the future is that DCP and CB3 must agree to immediately begin a process to review the zoning of parts of our district not included in this plan, and in consultation with the residents, civic leaders, community organizations, business and other stakeholders of those areas and CB3 develop locally appropriate planning initiatives to 1) prevent overdevelopment, speculation and displacement, 2) encourage affordable housing and 3) preserve the building character in those areas.

### **Borough President Recommendation**

The original and modified applications for changes to the Zoning Map and the Zoning Resolution (C 080397 ZMM, C 080397(A) ZMM, N 080398 ZRM, N 080398(A) ZRM) were considered by the Borough President, who issued a recommendation for conditional approval on August 11, 2008. The Borough President provided comments with the recommendations. The excerpt below summarizes the chief comments which are fully described in the attached recommendation.

“Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application No. C 080397 ZMM, N 080398 ZRY, C 080397(A) ZMM, and N 080398 ZRY(A) [*sic*], provided that:

1. DCP makes changes to the proposed zoning map and text changes to:
  - promote a more even and greater distribution of affordable housing by extending the Inclusionary Housing Program to the R7A districts north of Houston Street; and

- protect the mid-block residential area from incompatible non-conforming grandfathered uses by eliminating the proposed text amendment to ZR § 52-61.
2. The City pairs the rezoning with a community-wide planning strategy, which would include:
- adopting zoning provisions for anti-harassment and demolition restrictions;
  - providing funding for multi-lingual tenants' rights education and legal services to stabilize households and prevent illegal evictions;
  - creating a strategy to retain and aid local businesses;
  - creating a construction mitigation plan for areas that have a concentration of on-going construction;
  - developing publicly-owned properties to increase the number of affordable housing units at the community's income-targeted needs, evaluating the specific locations suggested in this recommendation;
  - prohibiting the conversion of legal, complying non-eating/drinking establishments to eating/drinking establishments;
  - creating a traffic mitigation/pedestrian enhancement plan for major thoroughfares; and
  - committing financial and technical support for the development of strategic community-based planning interventions with an implementation plan for the next year.

### **City Planning Commission Public Hearing**

On July 23, 2008 (Calendar No. 1), the City Planning Commission scheduled August 13, 2008, for a public hearing on the original application (C 080397 ZMM) and the modified application (N 080397(A) ZMM), and the applications for the related non-ULURP text change actions (N 080398 ZRM, N080398(A) ZRM). The hearing was duly held on August 13, 2008 (Calendar Nos. 1-4), in conjunction with the public hearing on the applications for the related actions.

There were 47 speakers in favor of the application and related actions and 24 speakers in opposition.

Those who spoke in support included the New York City Council members from the 1<sup>st</sup> and 2<sup>nd</sup> Districts; the representative from the U.S. 12<sup>th</sup> Congressional District; the Manhattan Borough

President; a representative from the office of the New York State Assembly Member for the 64<sup>th</sup> District; a representative from the office of the New York State Senate for the 29<sup>th</sup> District; the Chair, former Chair and the District Manager of Community Board 3; representatives from various civic groups including Good Old Lower East Side, the East Village Community Coalition, the Cooper Square Committee, Asian Americans for Equality, Lower East Side People's Mutual Housing Association, the Lower East Side Business Improvement District, the Lower East Side Tenement Museum, the Greenwich Village Society for Historic Preservation; and local business owners and residents.

Those who spoke in opposition included representatives from the Bowery Alliance of Neighbors, Lower East Side Residents for Responsible Development, the Coalition to Protect Chinatown and the Lower East Side, the Chinese Staff & Workers Association, the New York Mission, the Judson Memorial Church and the Asian American Legal Defense and Education Fund and local business owners and residents.

Speakers in favor of the proposal strongly supported the proposal's fundamental goals, including the requirement of new development to reflect the established built character of the affected neighborhoods, as well as the application of the IHP along selected streets as a way to help retain the community's social and economic diversity. Speakers noted the special physical and social character that has long characterized the East Village and Lower East Side neighborhoods and their concern over recent and ongoing trends toward as-of-right and out-of-scale buildings rising throughout the community. Speakers supported the proposal for its establishment of building height limits and for the fine-grained re-mapping with contextual zoning districts. Many speakers also noted their strong support for the collaborative, transparent and



community-based planning process that had evolved over the previous three years and acknowledged the work and participation of those involved, noting the broad-based consensus achieved by the community in support of the rezoning proposal.

Among the speakers who testified in support of the proposal, many raised issues and recommendations meant to improve upon the project, particularly with regard to community-wide affordable housing goals. While acknowledging that inclusionary zoning is a key component of the proposed rezoning plan, many speakers, including the leadership of Community Board 3, elected officials and neighborhood civic organizations, expressed concerns that any new affordable units developed through the program should be guaranteed to low-income area residents, that affordable units should be made a mandatory requirement through the rezoning, that higher percentages of future projected development be set aside for affordable units, and that certain modifications be made to the proposed inclusionary districts with regard to bulk, height and setback allowances. Along the same general themes, many speakers also requested that anti-harassment and anti-demolition provisions be considered as part of the proposal, in order to protect existing tenants in the context of community-wide concerns over voluntary and involuntary displacement. Finally, speakers also requested that the establishment of a citywide legal services fund be incorporated into the rezoning, to aid tenants who may come under the threat of harassment by landlords.

Another recurring topic raised by speakers supporting the proposal focused on widespread community concern over certain commercial use group categories in residential districts, especially those that are not permitted as-of-right in areas without commercial overlays. Many speakers noted that the rezoning area was already populated by a large number of eating &

drinking establishments, to the detriment of more locally-oriented retail and service establishments and requested that the proposed rezoning plan reflect the community's broad consensus against any zoning text change that would maintain or extend the current regulations.

A third topic of general concern raised by speakers in support of the proposal was adjacent areas not included in the proposed rezoning plan. Some speakers expressed a concern for specific sub-areas between Third and Fourth Avenues as well as along the east side of the Bowery. Many speakers, including the leadership of CB3 and the Manhattan Borough President, also emphasized a need for City involvement in a community-based planning study to assess the conditions, issues and needs of adjacent areas, including Chinatown, which would necessarily include the involvement and input of Community Districts 1 and 2, which overlap with Chinatown. While acknowledging that the rezoning proposal currently under review was conceived specifically in response to development and zoning issues relevant to the affected area, and that any planning strategy for the Chinatown areas would necessarily be reflective of the issues unique to those areas, many CB3 members, including the Chair, joined with the Manhattan Borough President and the leadership of prominent community organizations in expressing a desire and willingness to work with the Department of City Planning and local constituents to begin a comprehensive review of key land use, socioeconomic and planning issues. As a part of a discussion simultaneously involving the issues of boundaries and affordable housing, the Commission also heard testimony suggesting that, while CB3 had previously recommended a higher-density district for Chrystie Street than DCP had previously proposed, that particular street merited further analysis, including its possible removal from the rezoning area.

Speakers representing the Lower East Side Business Improvement District (“BID”), including the BID President, Executive Director and member merchants, while generally supporting the goals of the proposal, spoke about the use and bulk impacts in the proposed C4-4A districts; the need to maintain higher densities in certain areas in conjunction with incentive mechanisms or through Special District permissions; and a recommendation for commercial overlays in the proposed R7A areas east of Essex Street.

Speakers also raised concerns regarding energy efficient construction and design and made requests for the implementation of "green" building requirements when government financing or tax abatement programs are used.

Echoing the testimony of speakers in support of the proposal, those speaking in opposition had concerns about affordable housing and potential gentrification, the rezoning plan’s impacts on local businesses, the delineation of the proposal boundaries and the scale of development along certain streets.

Many speakers who appeared in opposition to the proposal raised similar issues and recommendations as those who appeared in favor, particularly with regard to the general subject of affordable housing. Opposition speakers echoed supporting speakers in their emphasis on the necessity of inclusionary zoning as a key component of the proposal, while focusing their concerns on the levels of affordability as provided through the Inclusionary Housing Program (“IHP”), the voluntary as opposed to mandatory nature of the affordability component, the need for an expanded affordable housing supply, and the potential for certain modifications to the underlying bulk, height and setback allowances. Opposition speakers also repeated

supportive speakers on the subject of anti-harassment and anti-demolition provisions as well as widespread concerns over voluntary and involuntary displacement and the related need for a citywide legal services fund, to aid vulnerable tenants facing the threat of harassment by landlords.

A number of opposition speakers raised concerns over the rezoning area boundaries and requested specific areas to be included as a part of the analysis and rezoning. Specific areas requested for inclusion were the east side of the Bowery along the rezoning area's western and southwestern edges; the area between Third Avenue and Fourth Avenue along the rezoning area's northwestern edge; and portions of the adjacent Chinatown neighborhood, along the rezoning area's southern edge.

Concerns were also raised about the appropriateness of the proposed areas where the IHP would be applicable, particularly in terms of bulk. Many speakers stated that the increases in density proposed for certain streets would encourage taller, bulkier buildings that would be developed with luxury housing. Speakers noted that such development would create a "wall" of unwanted luxury residential buildings that would tower over the adjacent lower-rise communities. They proposed new zoning districts with both lower height limits and lower incentivized FARs than those put forth in the proposed R8A and R9A districts.

Several speakers opposed to the application expressed concern about the potential destruction of the existing neighborhood fabric, and urged preserving architecturally and culturally significant buildings in the proposed rezoning area through landmark designation or a similar preservation mechanism. A few speakers also expressed concerns that the height and scale of

proposed new buildings would be too high, from the mid-block R8B districts north of Houston Street to the Inclusionary Housing R8A and R9A districts along Houston, Delancey and Chrystie Streets.

Some speakers who testified in opposition were concerned with the potential impacts that the rezoning would have on the area's infrastructure and services, including open space, traffic, transportation, parking, infrastructure, health and safety.

A number of speakers expressed concerns that the proposed rezoning plan would result in an ethnic shift within the rezoning area boundaries as well as in adjacent Chinatown areas. Other speakers expressed concerns that the proposed plan offered neighborhood protections to certain population groups for reasons unrelated to land use.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the proposed zoning map amendment to rezone existing R7-2 and C6-1 zoning districts to R7A, R7B, R8A, R8B, C4-4A, C6-2A and C6-3A zoning districts affecting 111 blocks in the East Village and Lower East Side neighborhoods (C 080397(A) ZRM), in conjunction with the proposed zoning text amendment (N 080398(A) ZMM), is appropriate. The Commission believes that the proposed actions balance the objectives of neighborhood preservation and housing production by introducing contextual zoning designations that would institute height, setback and floor area controls which would result in development that closely matches existing built conditions throughout a majority of the rezoning area; and that would also increase FARs in selected areas, where appropriate. The

Commission further believes that the modified applications are appropriate because the affected areas would still benefit from contextual zoning designations, but with additional floor area bonuses made allowable through use of the IHP.

The Commission shares the belief, broadly held by CB3, local Council Members, local residents, business owners, and the Manhattan Borough President, that the East Village and Lower East Side neighborhoods are good candidates for a contextual rezoning and is pleased to support this comprehensive proposal. Replacing the existing, half-century-old R7-2 and C6-1 zoning with a more finely-drawn map of contextual districts would prevent the continuation of out-of-scale development that has recently accelerated in those neighborhoods and would encourage more orderly patterns of predictable and appropriately-scaled buildings for the future.

The Commission notes that the concentration of intact tenement buildings alongside low- and mid-rise residential structures from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries is an essential component of the area's character; although increasingly threatened by new development, the built character and scale of the East Village and Lower East Side has widely persisted through decades under the existing zoning. The Commission notes, however, that several sites in the rezoning area have construction permits on file with the Department of Buildings for buildings taller and bulkier than would be permitted under the proposed contextual regulations and which threaten to further alter the character of the neighborhood. The Commission believes that these proposed buildings highlight the need for this rezoning, to immediately protect the existing low- and mid-rise neighborhood character. This comprehensive proposal builds on the existing strengths of these vibrant and successful neighborhoods while also accommodating potential future housing opportunities along selected wide streets in conjunction with the IHP.

The Commission notes that the rezoning proposal was developed in response to the advocacy of Manhattan Community Board 3 and the East Village Community Coalition, and with the support of the elected representative of City Council District 2; a much broader array of civic groups subsequently joined in that advocacy. The Commission further notes that the proposal was developed and refined over the last three years by the Department of City Planning, in consultation with the Department of Housing Preservation and Development (HPD), through a fully participatory public process and close collaboration with the Community Board 3 leadership, and that the local Council Members of the 1<sup>st</sup> and 2<sup>nd</sup> Districts served a critical role in establishing broad-based support.

Like other neighborhoods citywide that have been the subject of recent contextual rezonings, the East Village and Lower East Side have maintained a low- to mid-rise character typified by uniform street walls and consistent building heights, since the early 20<sup>th</sup> century. However, as in many areas in Manhattan and throughout the City as a whole, the area from East 13<sup>th</sup> Street to Grand Street between Second Avenue and Avenue D in Community District 3 has experienced a surge in development pressure in recent years, resulting in the construction of buildings that differ dramatically from the prevailing built character. The Commission notes that several such buildings, located on mid-block sites as well as sites fronting on major streets, far exceed the heights of existing buildings in the area and disrupt the otherwise consistent street wall character exemplary of these neighborhoods. The Commission recognizes that these types of buildings, if allowed to proliferate, could negatively impact the unique scale and character that has contributed to the neighborhoods' success.

## **Zoning Map Amendment**

The Commission recognizes that the existing R7-2 and C6-1 zoning districts do not limit building heights and do not require new development to align with adjacent buildings at the street line. In addition, these zoning districts were broadly applied to large portions of the area and do not reflect the varied character found on individual blocks. The Commission notes that the proposed zoning map amendments would address two principal concerns widely shared across the community by prescribing contextual building heights, street walls and densities that would require future development to more closely reflect the character within this portion of Community District 3, and by eliminating the FAR disparity between residential and community facility uses in the existing R7-2 and C6-1 districts (wherein both allow 3.44 FAR for residential and 6.5 FAR for community facility).

North of East Houston Street, the existing R7-2 district would be largely remapped with a mix of R7A districts along the north-south Avenues; R8B districts in the mid-block areas; and R7B districts in a small three-block stretch south of Tompkins Square Park. South of East Houston Street, the existing R7-2 district would be remapped with R7A districts, and the existing C6-1 district would generally be remapped with C4-4A districts.

The Commission believes that this combination of contextual districts and their associated height, setback and bulk controls, is appropriate and would help to preserve and strengthen the existing character of the prevailing low- to mid-rise tenement and rowhouse scale throughout these areas. A clear majority of buildings in these areas have overall building heights of between four and six stories, and many of the blockfronts present a consistent and uniform street wall presence at the street line within this same range. The Commission believes that the distinction



the proposal makes between R7A districts along the north-south Avenues north of Houston Street and the R8B districts in midblock areas along the east-west streets is appropriate based on the width of the streets as well as the prevailing built character.

With regard to the proposed R7A districts from East 3<sup>rd</sup> Street to East 7<sup>th</sup> Street along Second Avenue, the Commission notes that existing land use patterns as well as the established built character on those blockfronts are consistent with the patterns and character evident along the other wide avenues north of East Houston Street, also proposed as R7A. The Commission further notes that a new C2-5 commercial overlay district on these blockfronts would allow for development that reflects and reinforces the established land use patterns typical of those streets.

With regard to the small area of R7B districts south of Tompkins Square Park, and the testimony heard in advocacy of more widespread mapping of such R7B districts, the Commission notes that the subject blocks have lower densities than in other midblock portions of the rezoning area. Given the existing conditions, the Commission believes that the blocks south of Tompkins Square Park are appropriately proposed as R7B districts, and that the remainder of the midblock sites is appropriately proposed as R8B districts.

With regard to the proposed C4-4A districts south of East Houston Street and the testimony heard in support of residential as opposed to commercial districts there, the Commission notes that the proposal's primary goals are the preservation of neighborhood character and the identification of potential housing opportunities in conjunction with the IHP. The Commission further notes that the proposal generally does not contemplate the changing of zoning districts

with regard to allowable uses. Given the existing land use conditions within the area, the Commission believes that the proposed C4-4A district designation is appropriate. The Commission notes that the blocks in question have historically remained a commercial district since 1961, that the future restriction of commercial uses would bring many sites into non-conformance and that the area's easy access to transit options make it an appropriate and feasible location for continued commercial use.

The R8A, C6-2A (along East Houston Street, Avenue D, portions of Second Avenue, Delancey Street and portions of Pitt Street) and C6-3A (along Chrystie Street) zoning districts would allow for modest growth, given their location along wide streets with access to public transportation, within specific height and street wall limits to ensure that new development strengthens these corridors. With regard to the specific testimony and discussion about Chrystie Street, the Commission believes that this area's proposed rezoning to a C6-3A district in conjunction with affordable housing incentives is appropriate. The Commission notes that Chrystie Street is over 100 feet wide, that it fronts Sara D. Roosevelt Park, that it is well-served by public transit and that the increased affordable housing opportunities targeted for the street were identified originally by CB3.

The Commission heard testimony advocating for expansion of the rezoning area boundaries to capture adjacent areas, including portions of the Chinatown neighborhood, along the east side of the Bowery, as well as between Third and Fourth Avenues. Any such expansion of the rezoning boundaries is beyond the scope of this application. The Commission notes that the proposal boundaries, as agreed upon by the Department of City Planning and CB3, were formulated at the start of the rezoning process and were designed to cover the large and consistently uniform

areas of tenement, rowhouse and other low- and mid-rise residential development prevalent in the area. The Commission also notes that along the eastern and southeastern edges of the rezoning area, a clear distinction between built characteristics and streetscape exists across the boundaries and that the buildings and sites outside the boundaries do not reflect the underlying issues and goals at the core of this contextual rezoning. The Commission also notes that the northern and southern edges of the rezoning area were addressed by earlier zoning map amendments—to C1-6A and C1-7A districts (1994) to the north, and to C6-1G and C6-2G districts (1984) to the south. With regard to the southern edges in particular, the Commission notes that subsequent to the City Planning Commission’s public hearing, the Mayor’s Community Assistance Unit (CAU) has initiated a series of community-based meetings intended to bring together various Chinatown organizations for ongoing discussion of specific development issues for that area. The Commission additionally notes that the areas along the western edges of the rezoning area, including blocks between Third Avenue and Fourth Avenue as well as the eastern frontage of the Bowery, reflect a character different from the rezoning area and raise different types of general planning issues.

The Commission heard testimony from some speakers advocating for the establishment of different maximum FAR allowances for different but unspecified community facility uses, attempting to make a distinction between uses and entities based on their stated missions, histories and standing in the community. The Commission notes that changes to the FARs within the community facility use category, based on the nature of the type of use on a given site, would be inconsistent with established citywide policy and are beyond the scope of the proposed actions. The Commission believes that the proposed zoning map amendment, which

would reduce or eliminate the differential in maximum allowable FAR between community facility and residential uses that exists under the current zoning is appropriate.

The Commission received testimony requesting a reconsideration of the height and bulk controls in some of the proposed R8A and C6-2A zoning districts. Testimony along these lines sought a reduction in height limit from 120 feet to 100 feet in these areas, along with lower FAR levels. The Commission notes that such modifications to the underlying zoning district regulations are beyond the scope of this proposal. The Commission believes that the maximum building height of 120 feet is appropriate. The Commission notes that the streets identified as IHP areas, including East Houston Street, Delancey Street, Pitt Street, Second Avenue, First Avenue, Chrystie Street, Avenue C and Avenue D, are all wide streets, and that new buildings in these locations would be subject to the underlying contextual regulations with regard to street wall and building heights. The Commission notes that the existing street wall and building scale along these streets offer greater variation and less uniformity than in other areas proposed for lower contextual regulations. The Commission notes that the allowable maximum height of 120 feet is modestly higher than the requested amended height and would allow slightly increased flexibility for architectural expression. The Commission further notes that existing structures, on East Houston Street, Delancey Street, the east side of Pitt Street and the east side of Avenue D, are substantially taller than 120 feet. The Commission believes that the proposed R8A and C6-2A zoning districts, along with the standard 60- to 85-foot high street walls and 120 feet maximum building heights, reflect an appropriate regulatory framework for these areas.

## **Zoning Text Amendment**

The proposed zoning text amendment (N 080398(A) ZRM) seeks to promote new housing opportunities and also demonstrates a commitment to affordable housing by applying the Inclusionary Housing Program to selected areas that can support greater densities. The proposed R7A districts on Second Avenue, First Avenue, Avenue A and Avenue C; the proposed R8A and C6-2A zoning districts on Avenue D, East Houston Street, Second Avenue, Pitt Street and Delancey Street; and the proposed C6-3A zoning district on Chrystie Street are all proposed for wide streets that are well served by transit and are intended to facilitate residential development. The Commission believes that the proposed text amendment will support the proposal's goals with respect to capturing expanded opportunities for affordable housing development.

The proposed zoning framework includes zoning text changes that would allow the IHP provisions of Section 23-90 to apply to new developments in the R7A districts along the wide avenues north of Houston Street as well as along the R8A, C6-2A and C6-3A corridors. Consistent with recently adopted programs for other areas throughout the City, the program maintains the height and setback limits of the underlying contextual district designation while allowing a floor area bonus for developments providing affordable housing. The Commission believes this program is an effective tool for promoting the development and preservation of affordable housing in conjunction with private development of market-rate housing.

With regard to the testimony heard by the Commission relating to the IHP, its structure and the amount of affordable housing it generates, the Commission notes that the IHP proposed for the area utilizes the same bonus mechanism recently adopted after extensive analysis and public

debate in several rezoning actions throughout the City, including Hudson Yards, Greenpoint-Williamsburg, South Park Slope, the Upper West Side, Downtown Jamaica and Fort Greene-Clinton Hill. This IHP represents a pioneering strategy for the creation and preservation of affordable housing on privately owned land, in the absence of a large inventory of City-owned land for affordable housing development.

The Commission received testimony requesting the application of the IHP along the wide streets throughout the rezoning area, specifically to selectively apply the inclusionary housing bonus along wide streets in R7A districts and their commercial equivalent C4-4A districts. The Commission notes that the modified proposal does apply the IHP to the wide avenues north of Houston Street, in response to consistent feedback from the community, at the public hearing and previous meetings. The Commission notes that the specified streets are all wide streets well served by transit, where the moderate bulk increases available through the IHP would be appropriate; and that the underlying height and setback controls of the R7A district would not be affected by this modification. In its consideration of the IHP's applicability to selected wide streets south of Houston Street in the proposed C4-4A district, the Commission notes that the proposal does not seek to encourage residential development in areas appropriately zoned for commercial use.

The Commission received testimony that affordability eligibility levels, which are related to Area Median Income (AMI) levels, are beyond the reach of many within the affected communities, and, further, that any affordable units generated through the program should be distributed based on community-specified income ranges. The Commission notes that the IHP is a citywide program with a consistent set of well-established rules for efficient administration by

HPD. The Commission further notes that the program is designed to maximize the ability and potential for the provision of affordable housing to low-, moderate- and middle-income residents. The Commission further notes that the program requires eligibility to households earning up to 80 percent of the AMI; and that changes to the underlying rules and mechanisms of the program would be inconsistent with established citywide policy and are beyond the scope of the proposed actions. The Commission also notes that for affordable units generated by a combination of the IHP and HPD-administered programs, there is a community preference for 50 percent of the units. The Commission notes that the IHP bonus can also be achieved by preserving existing units as permanently affordable, and that use of this option would also address the housing needs of existing community residents.

The Commission received testimony advocating for the institution of anti-harassment provisions within the rezoning area. The Commission notes that harassment of tenants is illegal; that Local Law 7 of 2008, adopted by the City Council in March 2008, allows tenants facing harassment to seek injunctive relief against and civil penalties from their landlords in Housing Court; and that such Local Law would appear to substantially address the issues raised by this testimony, eliminating the need for the specified provisions as part of the proposed actions. Possible additional methods of preventing tenant harassment are outside of the scope of the East Village/Lower East Side Rezoning.

The Commission also received testimony calling for the institution of anti-demolition provisions within the rezoning area. This is also beyond the scope of this application. The Commission notes that one of the proposal's fundamental goals, as agreed upon by DCP and CB3, is the encouragement of additional housing, and specifically the promotion of affordable housing

through application of the IHP. Regulations or provisions discouraging the partial or complete demolition of existing buildings would be counter to the rezoning's housing and affordable housing goals and could have adverse consequences for future housing production.

The Commission heard testimony requesting the establishment, via zoning text amendment, of a legal services fund to provide free counsel to low-income tenants vulnerable to or facing the prospect of demolition. This is beyond the scope of this application.

The Commission heard a variety of concerns relating to the recent proliferation of eating and drinking establishments throughout the area, and the enforcement of the "Discontinuance" rule, as set forth in Section 52-61 of the Zoning Resolution, particularly in areas where such uses are not currently permitted as-of-right. In its recommendation, Community Board 3 requested removal of the originally proposed zoning text amendment that would have extended certain exception provisions to non-conforming uses in the midblock R8B districts. Consistent with that recommendation, the Commission heard repeated testimony at the public hearing advocating for the elimination of the proposed zoning text change. The Commission notes that in the modified application for the zoning text amendment, this change is eliminated, and the Commission believes this elimination to be appropriate.

Additionally, the Commission received testimony concerning a possible change to the Discontinuance rule as it pertains to existing Use Group 6 definitions. The Commission notes that that the suggested text changes would require a citywide analysis of the implications of such changes and are beyond the scope of this application.



With respect to requirements related to “green” development, the Commission notes that sustainable building measures such as those requested are addressed as part of PlaNYC 2030, a design for the sustainability of New York City introduced by the Mayor in 2007, and outside the scope of this application. The Commission further notes that the proposed rezoning fosters essential and citywide sustainable planning goals by promoting the preservation of neighborhoods with special character while also providing opportunities for modest growth and affordable housing along wide corridors well-served by mass transit.

The Commission heard testimony regarding commercial zoning issues in the areas south of East Houston Street, including the advocacy for the mapping of commercial overlay districts in the proposed R7A districts, as well as the maintaining of C6 regulations with regard to allowable commercial uses in the proposed C4-4A districts. The Commission notes that these requests are beyond the scope of this application. The Commission further notes that such issues were not among the goals of the proposal. With regard to the proposed R7A districts in the eastern portion of that area, the Commission notes that the existing C1-5 overlays appropriately reflect established neighborhood land use patterns. With regard to the proposed C4-4A districts in the western portion of that area, the Commission notes that the proposed building envelope requirements closely match the existing conditions and built character while maintaining the existing general use patterns.

The Commission believes that the modified applications reflect a comprehensive, balanced rezoning framework intended to maintain the successful and vibrant neighborhood character of the East Village and Lower East Side. The Commission notes that the R7A/C6-3A with Inclusionary Alternative, incorporating modifications to the zoning text to allow for increased

opportunities for affordable housing, responds directly to a community-driven consensus that calls for greater affordable housing opportunities and the protection of the neighborhood character in the affected areas. The Commission additionally notes the high level of community participation that took place during the development of the proposal and throughout the public review process and believes that the East Village/Lower East Side rezoning proposal has been improved as a result.

## **RESOLUTION**

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which Notice of Completion was issued on September 26, 2008, with respect to this application and the related application (N 080398(A) ZRM), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action under the R7A/C6-3A with Inclusionary Alternative, is the one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby further amended by changing the Zoning Map, Section No. 12c:

- 1) changing from an R7-2 District to an R7A District property bounded by:
  - a) East 13<sup>th</sup> Street, a line 100 feet easterly of Second Avenue, East 7<sup>th</sup> Street, and a line 100 feet westerly of Second Avenue;
  - b) East 13<sup>th</sup> Street, a line 100 feet easterly of First Avenue, East 6<sup>th</sup> Street, First Avenue, East 2<sup>nd</sup> Street, a line 100 feet easterly of First Avenue, East Houston Street, and a line 100 feet westerly of First Avenue;
  - c) East 13<sup>th</sup> Street, a line 100 feet easterly of Avenue A, the northerly, westerly and southerly boundary line of Tompkins Square Park, a line 100 feet easterly of Avenue A, a line 100 feet southerly of East 2<sup>nd</sup> Street, a line 100 feet westerly of Avenue A, East 4<sup>th</sup> Street, Avenue A, the westerly centerline prolongation of East 5<sup>th</sup> Street, and a line 100 feet westerly of Avenue A;
  - d) East 13<sup>th</sup> Street, a line 100 feet easterly of Avenue B, East 2<sup>nd</sup> Street, Avenue B, a line 100 feet southerly of East 2<sup>nd</sup> Street, a line 100 feet westerly of Avenue B, the southerly, easterly and northerly boundary line of Tompkins Square Park, and a line 100 feet westerly of Avenue B;
  - e) East 12<sup>th</sup> Street, Avenue C – Loisaida Avenue, East 10<sup>th</sup> Street, a line 100 feet easterly of Avenue C – Loisaida Avenue, a line midway between East 2<sup>nd</sup> Street and East 3<sup>rd</sup> Street, Avenue C – Loisaida Avenue, East 2<sup>nd</sup> Street, and a line 100 feet westerly of Avenue C – Loisaida Avenue; and
  - f) a line 100 feet southerly of East Houston Street, Pitt Street, Rivington Street, a line 100 feet westerly of Pitt Street, a line 100 feet northerly of Delancey Street, a line midway between Essex Street and Norfolk Street, the southerly boundary line of a

- playground and its easterly prolongation, and Norfolk Street;
- 2) changing from an C6-1 District to a R7A District property bounded by East 7<sup>th</sup> Street, a line 100 feet easterly of Second Avenue, East 3<sup>rd</sup> Street, and a line 100 feet westerly of Second Avenue;
  - 3) changing from an R7-2 District to a R7B District property bounded by the southerly boundary line of Tompkins Square Park, a line 100 feet westerly of Avenue B, East 4<sup>th</sup> Street, and a line 100 feet easterly of Avenue A;
  - 4) changing from an R7-2 District to a R8A District property bounded by:
    - a) East 10<sup>th</sup> Street, Avenue D, East Houston Street, Pitt Street, a line 100 feet southerly of East Houston Street, Norfolk Street, the southerly boundary line of a playground and its easterly and westerly prolongation, Essex Street, East Houston Street, a line 100 feet easterly of First Avenue, a line midway between East 2<sup>nd</sup> Street and East 1<sup>st</sup> Street, Avenue A, a line 100 feet southerly of East 2<sup>nd</sup> Street, Avenue B, East 2<sup>nd</sup> Street, Avenue C – Loisaída Avenue, a line midway between East 2<sup>nd</sup> Street and East 3<sup>rd</sup> Street, and a line 100 feet westerly of Avenue D; and
    - b) Rivington Street, Pitt Street, Delancey Street and its westerly centerline prolongation (at Clinton Street), a line midway between Suffolk Street and Clinton Street, a line 100 feet northerly of Delancey Street, and a line 100 feet westerly of Pitt Street;
  - 5) changing from an R7-2 District to a R8B District property bounded by:
    - a) East 13<sup>th</sup> Street, a line 100 feet westerly of Second Avenue, East 1<sup>st</sup> Street, a line 100 feet easterly of Bowery, and a line 100 feet easterly of Third Avenue;
    - b) East 13<sup>th</sup> Street, a line 100 feet westerly of First Avenue, East Houston Street, and a line 100 feet easterly of Second Avenue;
    - c) East 13<sup>th</sup> Street, a line 100 feet westerly of Avenue A, East 6<sup>th</sup> Street, and a line 100 feet easterly of First Avenue;
    - d) East 4<sup>th</sup> Street, a line 100 feet westerly of Avenue A, a line midway between East 1<sup>st</sup> Street and East 2<sup>nd</sup> Street, a line 100 feet easterly of First Avenue, East 2<sup>nd</sup> Street, and a line 150 feet easterly of First Avenue;
    - e) East 13<sup>th</sup> Street, a line 100 feet westerly of Avenue B, the northerly boundary line of Tompkins Square Park, and a line 100 feet easterly of Avenue A;
    - f) East 4<sup>th</sup> Street, a line 100 feet westerly of Avenue B, a line 100 feet southerly of East 2<sup>nd</sup> Street, and a line 100 feet easterly of Avenue A;

- g) East 12<sup>th</sup> Street, a line 100 feet westerly of Avenue C – Loisaida Avenue, East 2<sup>nd</sup> Street, and a line 100 feet Easterly of Avenue B; and
  - h) East 10<sup>th</sup> Street, a line 100 feet westerly of Avenue D, a line midway between East 2<sup>nd</sup> street and East 3<sup>rd</sup> Street, and a line 100 feet easterly of Avenue C – Loisaida Avenue;
- 6) changing from a C6-1 District to a C4-4A District property bounded by:
- a) a line 100 feet southerly of East Houston Street, Essex Street, the southerly boundary line of a playground and its westerly prolongation, a line midway between Essex Street and Norfolk Street, a line 100 feet northerly of Delancey Street, and Chrystie Street; and
  - b) a line 100 feet southerly of Delancey Street, Ludlow Street, Grand Street, and Chrystie Street;
- 7) changing from a C6-1 District to a C6-2A District property bounded by:
- a) East 3<sup>rd</sup> Street, a line 100 feet easterly of Second Avenue, East Houston Street, Essex Street, a line 100 feet southerly of East Houston Street, Chrystie Street, East Houston Street, a line 65 feet westerly of Second Avenue, East 1<sup>st</sup> Street, and a line 100 feet westerly of Second Avenue; and
  - b) a line 100 feet northerly of Delancey Street, a line midway between Suffolk Street and Clinton Street, the westerly centerline prolongation of Delancey Street (at Clinton Street), Ludlow Street, a line 100 feet southerly of Delancey Street and Chrystie Street,
- 8) changing from a C6-1 District to a C6-3A District property bounded by Stanton Street, Chrystie Street, Grand Street, a line midway between Bowery and Chrystie Street, a line 100 feet southerly of Delancey Street, and a line 100 feet westerly of Chrystie Street; and
- 9) establishing within a proposed R7A District a C2-5 District bounded by East 7<sup>th</sup> Street, a line 100 feet easterly of Second Avenue, East 3<sup>rd</sup> Street, and a line 100 feet westerly of Second Avenue;

Borough of Manhattan, Community District 3, as shown on a diagram (for illustrative purposes only) dated July 3, 2008 and subject to CEQR Declaration E-216.

The above resolution (C 080397(A) ZMM), duly adopted by the City Planning Commission on October 7, 2008 (Calendar No. 22), is filed with the Office of the Speaker, City Council and the Manhattan Borough President, pursuant to Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**

**KENNETH J. KNUCKLES, Esq., Vice Chairman**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA,**

**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**

**RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. McRAE,**

**JOHN MEROLO, Commissioners**

**Exhibit A**  
to the report by the  
City Planning Commission  
on the  
East Village/Lower East Side Rezoning

"Appendix H" from the  
Final Environmental Impact Statement  
E-Designations for the Inclusionary Alternative

**Appendix H:  
Alternative**

**E-Designations for Inclusionary**

**Table H-1  
Sites Requiring E-Designations  
for Hazardous Materials under the Inclusionary Alternative**

Block/Lot	Address
353/75 (Projected)	140 Delancey Street
458/23 (Potential)	32 East 3rd Street
372/33 (Potential)	320 East 3rd Street
376/24 (Potential)	264 East 7th Street
376/22 (Potential)	262 East 7th Street
376/23 (Potential)	262 East 7th Street
377/64 (Potential)	247 East 7th Street
444/21 (Potential)	64 East 3rd Street
448/18 (Potential)	68 East 7th Street
449/20 (Potential)	62 St. Marks Place
464/31 (Potential)	236 East 9th Street
468/54 (Potential)	215 East 12th Street
350/54 (Potential)	301 East Houston Street
402/41 (Potential)	98 Avenue B
<p><b>Note:</b> <u>This table has been expanded between DEIS and FEIS to incorporate all E-Designations previously listed herein and those listed in Chapter 11, "Hazardous Materials." No new E-Designations are being proposed.</u></p>	

**Table H-2  
Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

Block	Lot	Restriction
344	145	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
345	8	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
348	43	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot lines facing Pitt Street and Delancey Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
348	55	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Clinton Street when firing No. 2 oil, to avoid any potential significant air quality impacts.



**Appendix H: Inclusionary Alternative Additional E-Designations**

H-1

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
350	4	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 40 feet from the lot line facing Clinton Street when firing No. 2 oil, and at least 20 feet from the lot line facing Clinton Street when firing natural gas, to avoid any potential significant air quality impacts.
350	21	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East Houston Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
350	37	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East Houston Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
350	78	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
353	34	Any new residential and/or commercial development must use natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
353	42	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Norfolk Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
353	47, 75, 79, 80, 82, 83	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 40 feet from the lot line facing Norfolk Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
355	59	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East Houston Street when firing No. 2 oil, and at least 20 feet from the lot line facing East Houston Street when firing natural gas, to avoid any potential significant air quality impacts.
372	30	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 2nd Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
372	33	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
372	31, 32	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 50 feet from the lot line facing East 2nd Street when firing No. 2 oil, and at least 20 feet from the lot line facing East 2nd Street when firing natural gas, to avoid any potential significant air quality impacts.
373	13	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 3rd Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
373	14	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
373	15	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.

H-2

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
373	61	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
373	62	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet from the lot line facing Avenue D when firing No. 2 oil, to avoid any potential significant air quality impacts.
373	63	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
373	16, 17	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 40 feet from the lot line facing Avenue D when firing No. 2 oil, and at least 20 feet from the lot line facing Avenue D when firing natural gas, to avoid any potential significant air quality impacts.
374	31	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
374	47	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet from the lot line facing Avenue D when firing No. 2 oil, to avoid any potential significant air quality impacts.
375	29	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
375	32	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
376	13	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
376	21	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
376	22	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
376	24	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
376	26	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
376	27	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
376	43	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
376	43	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
376	44	Any new residential and/or commercial development must use natural gas as the type of fuel for HVAC systems exclusively, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 7th Street when firing natural gas, to avoid any potential significant air quality impacts.
<u>376</u>	<u>63</u>	<u>Any new residential and/or commercial development must use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet from the lot line facing Avenue D, to avoid any potential significant air quality impacts.</u>
377	10	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet from the lot line facing Avenue C when firing No. 2 oil, to avoid any potential significant air quality impacts.

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
377	49	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 8th Street and at least 10 feet from the lot line facing Avenue D when firing No. 2 oil, to avoid any potential significant air quality impacts.
377	50	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
377	51	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot lines facing East 8th Street and Avenue C when firing No. 2 oil, to avoid any potential significant air quality impacts.
377	52	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 8th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
377	53	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet from the lot line facing East 8th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
377	54	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot lines facing East 8th Street and Avenue D when firing No. 2 oil, to avoid any potential significant air quality impacts.
377	61	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Avenue C when firing No. 2 oil, to avoid any potential significant air quality impacts.
377	64-66	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing Avenue D, when firing No. 2 oil, or at least 20 feet from the lot line facing Avenue D when firing natural gas, to avoid any potential significant air quality impacts.
378	43	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing Avenue D, when firing No. 2 oil, or at least 20 feet from the lot line facing Avenue D when firing natural gas, to avoid any potential significant air quality impacts.
378	28-30	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing Avenue D, at least 15 feet from the lot line facing East 8th Street, and at least 10 feet from the lot line facing East 9th Street when firing No. 2 oil, or at least 10 feet from the lot lines facing Avenue D and East 9th Street, and at least 15 feet from the lot line facing East 8th Street when firing natural gas, to avoid any potential significant air quality impacts.
379	21	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 9th Street when firing No. 2 oil, and at least 20 feet from the lot line facing East 9th Street when firing natural gas, to avoid any potential significant air quality impacts.

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
385	24	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 40 feet from the lot line facing East 2nd Street when firing No. 2 oil, and at least 20 feet from the lot line facing East 2nd Street when firing natural gas, to avoid any potential significant air quality impacts.
385	30	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing Avenue B when firing No. 2 oil, to avoid any potential significant air quality impacts.
386	1	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 4th Street when firing No. 2 oil, and at least 20 feet from the lot line East 4th Street when firing natural gas, to avoid any potential significant air quality impacts.
386	61	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
386	62	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
387	42	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
389	51	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 7th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
389	52	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
390	23	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 7th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
390	52	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Avenue C, to avoid any potential significant air quality impacts.
390	58	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 8th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
391	10	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
391	13	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
391	19	Any new residential and/or commercial development must use No. 2 fuel oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
391	51	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Avenue C when firing No. 2 oil, to avoid any potential significant air quality impacts.
392	16	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
392	39	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Avenue B when firing No. 2 oil, to avoid any potential significant air quality impacts.
392	40	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 10th Street when firing No. 2 oil, and at least 10 feet from the lot line facing East 10th Street when firing natural gas, to avoid any potential significant air quality impacts.
392	43	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 10th Street when firing No. 2 oil, and at least 10 feet from the lot line facing East 10th Street when firing natural gas, to avoid any potential significant air quality impacts.
393	9	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 10th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
393	59	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 40 feet from the lot line facing Avenue C when firing No. 2 oil, and at least 20 feet from the lot line facing Avenue C when firing natural gas, to avoid any potential significant air quality impacts.
393	61	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Avenue B when firing No. 2 oil, to avoid any potential significant air quality impacts.
394	28	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 11th Street, to avoid any potential significant air quality impacts.
394	32, 34	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 40 feet from the lot line facing Avenue C when firing No. 2 oil, and at least 20 feet from the lot line facing Avenue C when firing natural gas, to avoid any potential significant air quality impacts.
397	19	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet from the lot line facing East Houston Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
397	27	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet from the lot line facing Avenue B when firing No. 2 oil, to avoid any potential significant air quality impacts.
398	45	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
399	40	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 4th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
399	11, 51	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 80 feet from the lot line facing Avenue A when firing No. 2 oil, to avoid any potential significant air quality impacts.
399	58	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 4th Street, and at least 20 feet from the lot line facing Avenue A when firing No. 2 oil, to avoid any potential significant air quality impacts.
404	9	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 10th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
404	11	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
404	23	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing Avenue A when firing No. 2 oil, to avoid any potential significant air quality impacts.
404	46	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
404	47	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
404	48	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
404	52	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet from the lot line facing Avenue B when firing No. 2 oil, to avoid any potential significant air quality impacts.
405	19	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Avenue A when firing No. 2 oil, to avoid any potential significant air quality impacts.
406	19	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 12th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
406	48	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing Avenue A when firing No. 2 oil, to avoid any potential significant air quality impacts.
406	52	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
406	23, 24	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 40 feet from the lot line facing Avenue B when firing No. 2 oil, and at least 20 feet from the lot line facing Avenue B when firing natural gas, to avoid any potential significant air quality impacts.
406	55	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
410	32	Any new residential and/or commercial development must use natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
410	33	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Ludlow Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
412	2	Any new residential and/or commercial development must use natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
412	12	Any new residential and/or commercial development must use natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
412	21	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
412	61	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
413	26	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet from the lot line facing Delancey Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
415	36	Any new residential and/or commercial development must use natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
417	64	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East Houston Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
<u>425</u>	<u>31</u>	<u>Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Delancey Street when firing No. 2 oil, to avoid any potential significant air quality impacts.</u>
<u>425</u>	<u>32</u>	<u>Any new residential and/or commercial development must use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet from the lot line facing Delancey Street, to avoid any potential significant air quality impacts.</u>
429	8	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
429	18	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing First Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
429	12	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing First Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
429	20	Any new residential and/or commercial development must use No. 2 fuel oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
429	28	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East Houston Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
434	34	Any new residential and/or commercial development must use No. 2 fuel oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
434	42	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 7th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
434	46, 48	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 40 feet from the lot line facing Avenue A when firing No. 2 oil, and at least 20 feet from the lot line facing Avenue A when firing natural gas, to avoid any potential significant air quality impacts.
434	50	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
434	54	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
435	16, 48, 49, 52	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 60 feet from the lot line facing Avenue A, when firing No. 2 oil, or at least 20 feet from the lot line facing Avenue A when firing natural gas, to avoid any potential significant air quality impacts.
435	42	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
436	11	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
436	25	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing First Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
437	15	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 9th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
437	33	Any new residential and/or commercial development must use No. 2 fuel oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
437	43	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
438	25	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
440	29	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
443	16	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 50 feet from the lot line facing East Houston Street and at least 40 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
443	19	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing First Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
443	29	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 25 feet from the lot line facing East Houston Street and at least 20 feet from the lot line facing First Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
443	44	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, and shall be at least 20 from the lot line facing First Avenue, to avoid any potential significant air quality impacts.



**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
443	45, 46	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet from the lot line facing First Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
443	49	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
444	20, 21	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
445	2	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 3rd Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
445	16	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
445	17	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
445	64	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
446	3	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing First Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
446	4	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
<u>448</u>	<u>4</u>	<u>Any new residential and/or commercial development must use natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.</u>
448	16	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing First Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
448	18	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
448	40	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing First Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
448	42	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 7th Street when firing No. 2 oil, and at least 20 feet from the lot line facing East 7th Street when firing natural gas, to avoid any potential significant air quality impacts.
448	45	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
448	46	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 7th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
448	47	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 7th Street, to avoid any potential significant air quality impacts.

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
448	48	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 7th Street when firing No. 2 oil, or at least 20 feet from the lot line facing East 7th Street when firing natural gas, to avoid any potential significant air quality impacts.
448	50	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 7th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
448	51	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 7th Street and 20 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
449	7	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 7th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
449	13	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
449	14	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
449	20	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, and ensure that heating, ventilating and air conditioning stack(s) is located at least 15 feet from the lot line facing First Avenue, to avoid any potential significant air quality impacts.
449	23	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot lines facing East 7th Street and Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
449	41	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 8th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
449	42	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
449	46	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot lines facing East 8th Street and First Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
449	48	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
449	57	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
450	8	Any new residential and/or commercial development must use No. 2 fuel oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
450	37	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 9th Street and at least 10 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
450	38	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 9th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
450	39	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 9th Street and at least 10 feet from the lot line facing First Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
450	44	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
450	45	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 9th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
450	46	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
450	48	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
450	52	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 9th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
451	4	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 10th Street, and at least 40 feet from the lot line facing First Avenue when firing No. 2 oil, or at least 20 feet from the lot lines facing East 10th Street and First Avenue when firing natural gas, to avoid any potential significant air quality impacts.
451	15	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
451	24	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
451	47, 48	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
452	20	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing First Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
453	37	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
454	66	Any new residential and/or commercial development must use No. 2 fuel oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
454	68	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
459	18	Any new residential and/or commercial development must use No. 2 fuel oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
459	21	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Bowery Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
459	23	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 3rd Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
460	23	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 4th Street, when firing No. 2 oil, or at least 20 feet from the lot line facing East 4th Street when firing natural gas, to avoid any potential significant air quality impacts.
460	26	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
460	27	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
460	28	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 4th Street and at least 10 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
460	32	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
460	33	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 4th Street and at least 10 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
460	43	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Second Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
460	44	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 5th Street, to avoid any potential significant air quality impacts.
460	45, 46	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 5th Street when firing No. 2 oil, and at least 20 feet from the lot line facing East 5th Street when firing natural gas, to avoid any potential significant air quality impacts.
461	18	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 40 feet from the lot line facing East 5th Street and at least 30 feet from the lot line facing Third Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
462	18	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 40 feet from the lot line facing Second Avenue when firing No. 2 oil, or at least 20 feet from the lot line facing Second Avenue when firing natural gas, to avoid any potential significant air quality impacts.
463	18	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and any stacks must be a minimum of 10 feet above the roof, to avoid any potential significant air quality impacts.
463	23	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
463	39	Any new residential and/or commercial development must use No. 2 fuel oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 8th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
463	40	Any new residential and/or commercial development must use No. 2 fuel oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 8th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
463	41	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 8th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
464	15	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 8th Street and at least 20 feet from the lot line facing Third Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
464	16	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 8th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
464	20	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 40 feet from the lot line facing East 8th Street when firing No. 2 oil, or at least 20 feet from the lot line facing East 8th Street when firing natural gas, to avoid any potential significant air quality impacts.
464	27, 31, 132	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
464	32	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
464	47	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
464	55	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
465	58, 59	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 10th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
466	12	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Third Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-2 (cont'd)**

**Sites Requiring E-Designations for Air Quality Under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Restriction</b>
466	15	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
466	20	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
467	16	Any new residential and/or commercial development must use No. 2 fuel oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
467	20	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 11th Street, to avoid any potential significant air quality impacts.
467	21	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
467	48	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing Second Avenue, to avoid any potential significant air quality impacts.
467	49	Any new residential and/or commercial development must use No. 2 fuel oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
468	26	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
468	48	Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot line facing East 13th Street, to avoid any potential significant air quality impacts.
468	49	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 13th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
468	50	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 13th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.
468	51	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet from the lot lines facing East 13th Street and Third Avenue when firing No. 2 oil, to avoid any potential significant air quality impacts.
468	54	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 30 feet from the lot line facing East 13th Street when firing No. 2 oil, to avoid any potential significant air quality impacts.

**Note:** This table has been expanded between DEIS and FEIS to incorporate all E-Designations previously listed herein and those listed in Appendix F, "Air Quality E-Designations." No new E-Designations are being proposed.

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-3**  
**Sites Requiring E-Designations for Noise under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Proposed Zoning</b>	<b>Projected Use</b>	<b>Governing Noise Site</b>	<b>Minimum Required Building Attenuation</b>
343	63	R8A*	Residential	9	30
343	66	R8A*	Residential	9	30
343	68, 69, 71, 72, 73	R8A*	Residential	10	35
344	53, 54	R7A	Residential	9,10	30
344	56, 60	R7A	Residential	9,10	30
344	139	R7A	Residential	6	30
344	141, 144	R7A	Residential	9,10	30
344	157	R7A	Residential	9,10	30
345	1	R7A	Residential	6	30
345	2	R7A	Residential	6	30
345	6	R7A	Residential	6	30
345	7	R7A	Residential	6	30
345	8	R7A	Residential	6	30
345	15	R8A*	Residential	5	35
345	16	R8A*	Residential	5	35
345	17, 19	R8A*	Residential	5	35
345	26	R7A	Residential	6	30
345	30, 32, 33	R7A	Residential	6	30
345	35	R7A	Residential	6	30
348	33	R8A*	Residential	10	35
348	34	C6-2A*	Residential	7	40
348	36	C6-2A*	Residential	7	40
348	37	C6-2A*	Residential	5	35
348	38	R8A*	Residential	10	35
348	46	R7A	Residential	6	30
348	64, 66	R7A	Residential	8	35
348	70	R8A*	Residential	10	35
348	71	R8A*	Residential	10	35
348	75	R8A*	Residential	10	35
350	4	R7A	Residential	8	35
350	18	R8A*	Residential	5	35
350	21	R7A	Residential	6	30
350	38	R7A	Residential	8	35
350	54	R8A*	Residential/Commercial	5	35
350	60	R8A*	Residential	5	35
350	61	R8A*	Residential	5	35
350	62, 63	R8A*	Residential	5	35
350	68	R7A	Residential	6	30
350	69	R7A	Residential	6	30
350	71	R7A	Residential	6	30
350	73	R7A	Residential	6	30

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-3**  
**Sites Requiring E-Designations for Noise under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Proposed Zoning</b>	<b>Projected Use</b>	<b>Governing Noise Site</b>	<b>Minimum Required Building Attenuation</b>
353	28, 29, 30	R7A	Residential	6	30
353	34	R7A	Residential	8	35
353	42	C6-2A*	Residential	7	40
353	47, 75, 79, 80, 82, 83	C6-2A*	Residential/Commercial	7	40
354	1	C4-4A	Commercial	8	30**
354	18, 19	R7A	Residential	8	35
354	25	R7A	Residential	6	30
354	37, 38	C4-4A	Residential	8	35
355	45	R7A	Residential	6	30
355	51	R8A*	Residential	5	35
355	52	R8A*	Residential	5	35
355	53	R8A*	Residential	5	35
355	57	R8A*	Residential	5	35
355	59	R7A	Residential	6	30
355	61	R7A	Residential	2	35
355	65	R7A	Residential	6	30
372	3, 4, 5	R8A*	Residential/Commercial	2	30
372	34	R8A*	Residential	2	30
372	36, 37	R8A*	Residential	2	30
372	41, 42	R8A*	Residential	2	30
372	43, 44, 47, 48, 49	R8A*	Residential	5	35
372	52	R8A*	Residential	5	35
373	2	R7A	Residential	2	30
373	36, 38	R8A*	Residential	2	30
374	34	R8A*	Residential	2	30
374	37	R8A*	Residential	2	30
375	41	R8A*	Residential	2	30
376	1, 2	R7A	Residential	2	30
376	32, 33	R8A*	Residential	2	30
376	63	R7A	Residential	2	30
377	1	R7A	Residential	2	30
377	10	R8B	Residential	2	30
377	42	R8A*	Residential	2	30
378	28, 29, 30	R8B	Residential	2	30
378	32	R8A*	Residential	2	30
378	34	R8A*	Residential	2	30
378	40	R8A*	Residential	2	30
378	43	R8B	Residential	2	30
379	21	R8B	Residential	2	30
379	44	R8B	Residential	2	30



**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-3**  
**Sites Requiring E-Designations for Noise under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Proposed Zoning</b>	<b>Projected Use</b>	<b>Governing Noise Site</b>	<b>Minimum Required Building Attenuation</b>
384	19	R8A*	Residential	5	35
384	21	R8A*	Residential	5	35
384	33	R8A*	Residential	5	35
385	4	R7A	Residential	2	30
386	5, 7, 8	R7A	Residential	2	30
387	33	R7A	Residential	2	30
387	34	R7A	Residential	2	30
387	35	R7A	Residential	2	30
387	135	R7A*	Residential	2	30
390	34	R7A*	Residential	2	30
390	39	R7A	Residential	2	30
391	7	R7A	Residential	2	30
391	33	R7A*	Residential	2	30
392	32	R7A*	Residential	2	30
392	35	R7A	Residential	2	30
392	40	R8B	Residential	2	30
392	43	R8B	Residential	2	30
393	59	R8B	Residential	3	30
393	61	R8B	Residential/Commercial	2	30
394	10	R7A	Residential	2	30
394	32, 34	R8B	Residential	2	30
394	36	R7A	Residential	2	30
398	29	R7A	Residential	2	30
398	34	R7A	Residential	2	30
399	8	R7A	Residential	2	30
402	41	R7A*	Residential	2	30
402	41	R7A	Residential	2	30
402	42	R7A	Residential	3	30
404	23	R8B	Residential	2	30
404	46	R8B	Residential	3	30
404	47	R8B	Residential	3	30
404	52	R8B	Residential	3	30
404	53	R8B	Residential	3	30
404	56	R7A	Residential	3	30
404	58	R7A*	Residential	3	30
405	19	R8B	Residential	2	30
405	39, 41	R8B	Residential	2	30
406	19	R8B	Residential	2	30
406	23, 24	R8B	Residential	2	30
406	29	R7A	Residential	2	30
406	36	R7A	Residential	2	30
406	45	R8B	Residential	2	30

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-3**  
**Sites Requiring E-Designations for Noise under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Proposed Zoning</b>	<b>Projected Use</b>	<b>Governing Noise Site</b>	<b>Minimum Required Building Attenuation</b>
406	48	R8B	Residential	2	30
406	52	R8B	Residential	2	30
408	4	C4-4A	Residential	6	30
408	24	C4-4A	Residential	5	35
408	26	C4-4A	Residential	5	35
409	17	C6-2A*	Residential	7	40
409	20	C6-2A*	Residential	8	35
410	13, 16	C4-4A	Residential/Commercial	8	35
410	24	C4-4A	Residential	8	35
410	32	C6-2A*	Residential	7	40
410	33	C6-2A*	Residential	7	40
410	34	C6-2A*	Residential	7	40
410	51	C4-4A	Residential/Commercial	6	30
410	52	C4-4A	Residential	8	35
410	64	C6-2A*	Residential	7	40
410	67, 68, 69	C6-2A*	Residential	7	40
411	12	C4-4A	Residential	6	30
411	15	C4-4A	Residential	6	30
411	16	C4-4A	Residential	6	30
411	19	C4-4A	Residential	6	30
411	41	C4-4A	Residential	6	30
412	2	C4-4A	Residential	6	30
412	12	C4-4A	Residential	6	30
412	13, 14, 16	C6-2A*	Residential	5	35
412	21	C6-2A*	Residential	5	35
412	61	C6-2A*	Residential	5	35
412	72	C4-4A	Residential	6	35
413	25	C4-4A	Residential	5	35
413	26	C4-4A	Residential	5	35
413	29	C4-4A	Residential	5	35
415	3	C6-2A*	Residential	1	35
415	10	C4-4A	Residential	8	35
415	23	C4-4A	Residential	8	35
415	27	C4-4A	Residential	8	35
415	36	C4-4A	Residential	8	35
415	77	C6-2A*	Residential	1	35
416	23	C4-4A	Residential	8	35
416	28	C4-4A	Residential	1	35
416	53	C4-4A	Residential	1	35
416	56	C4-4A	Residential	1	35
417	10	C6-2A*	Residential	6	30
417	12	C6-2A*	Residential	5	35

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-3**  
**Sites Requiring E-Designations for Noise under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Proposed Zoning</b>	<b>Projected Use</b>	<b>Governing Noise Site</b>	<b>Minimum Required Building Attenuation</b>
417	13	C6-2A*	Residential	6	30
417	64	C4-4A	Residential	1	35
418	35	C4-4A	Residential	1	35
418	39	C4-4A	Residential	8	35
418	43	C4-4A	Residential	6	30
418	51, 52, 53	C4-4A	Residential	8	35
418	54	C4-4A	Residential	1	30
418	55	C4-4A	Residential	5	35
418	58	C4-4A	Residential	5	35
419	49	C6-2A*	Residential/Commercial	6	30
419	73	C4-4A	Residential	6	30
419	75	C4-4A	Residential	6	30
421	60	C4-4A	Residential	6	30
422	42, 43	C4-4A	Residential	6	30
422	49	C6-2A*	Residential/Commercial	5	35
422	53	C6-2A*	Residential	6	30
423	16, 17	C6-2A*	Residential	6	30
423	19	C6-3A*	Residential	1	35
423	21	C6-2A*	Residential	1	35
423	26	C6-2A*	Residential	6	30
423	28	C6-3A*	Residential	5	35
423	29	C6-2A*	Residential	6	30
423	126	C6-2A*	Residential	1	35
424	27	C6-2A*	Residential	1	35
424	31	C6-3A*	Residential	1	35
424	35	C6-2A*	Residential	1	35
424	37	C6-3A*	Residential	5	35
425	28	C6-2A*	Residential/Commercial	1	35
425	30	C6-2A*	Residential	1	35
425	31	C6-2A*	Residential	1	35
425	32	C6-2A*	Residential	1	35
425	38, 39	C6-2A*	Residential	1	35
426	24	C6-3A*	Residential	1	35
426	27	C6-2A*	Residential	1	35
426	28	C6-2A*	Residential	1	35
426	33	C6-2A*	Residential	1	35
426	35	C6-2A*	Residential	1	35
426	37	C6-3A*	Residential	1	35
426	38	C6-2A*	Residential	1	35
429	7	R7A*	Residential	1	35
429	39	R8A*	Residential	2	30
429	40	R8A*	Residential	5	35

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-3**  
**Sites Requiring E-Designations for Noise under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Proposed Zoning</b>	<b>Projected Use</b>	<b>Governing Noise Site</b>	<b>Minimum Required Building Attenuation</b>
429	41, 43	R8A*	Residential	5	35
434	3	R7A	Residential	1	35
434	34	R7A*	Residential	2	30
434	35	R7A*	Residential	2	30
434	48	R8B	Residential	2	30
435	16, 48, 49, 52	R8B	Residential	2	30
435	34	R7A*	Residential	2	30
435	35	R7A*	Residential	2	30
436	8	R7A	Residential	3	30
437	25	R7A	Residential	3	30
438	8	R7A*	Residential	1	35
438	10	R7A	Residential	2	30
438	11, 12	R8B	Residential	2	30
439	26	R8B	Residential	2	30
439	27, 31, 33, 34	R7A	Residential	2	30
440	6	R7A*	Residential	1	35
440	26	R8B	Residential	2	30
440	32	R7A*	Residential	2	30
440	44	R8B	Residential	2	30
440	46	R8B	Residential	2	30
443	1	C6-2A*	Residential	1	35
443	8	C6-2A*	Residential	1	35
443	36	R7A*	Residential	1	35
443	37	R7A*	Residential	1	35
444	3, 5	C6-2A*	Residential	1	35
444	12	C6-2A*	Residential/Commercial	1	35
444	42	R7A	Residential	1	35
445	3	R7A*	Residential	1	35
446	6	R7A*	Residential	1	35
446	7	R7A*	Residential	1	35
446	29	R7A	Residential	1	35
447	5	R7A*	Residential	1	35
447	32	R7A	Residential	1	35
448	4	R7A	Residential	1	35
449	5	R7A	Residential	1	35
449	20	R8B	Residential	3	30
449	30	R7A	Residential	1	35
450	22	R8B	Residential	3	30
450	23	R8B	Residential	3	30
450	36	R7A*	Residential	3	30
450	38	R8B	Residential	3	30
451	47, 48	R8B	Residential	3	30

**Appendix H: Inclusionary Alternative Additional E-Designations**

**Table H-3**  
**Sites Requiring E-Designations for Noise under the Inclusionary Alternative**

<b>Block</b>	<b>Lot</b>	<b>Proposed Zoning</b>	<b>Projected Use</b>	<b>Governing Noise Site</b>	<b>Minimum Required Building Attenuation</b>
452	20	R8B	Residential	2	30
452	33, 34	R7A	Residential	1	35
454	39	R7A*	Residential	1	35
454	40	R7A	Residential	3	30
454	65	R8B	Residential	2	30
456	27	C6-2A*	Residential	1	35
457	33	C6-2A*	Residential	1	35
458	25	C6-2A*	Residential/Commercial	1	35
458	35	C6-2A*	Residential/Commercial	10	35
464	27, 31, 132	R8B	Residential	3	30
465	53	R7A	Residential	1	35
465	58, 59	R8B	Residential	3	30
466	12	R8B	Residential	2	30
468	26	R8B	Residential	2	30
468	54	R8B	Residential	2	30

**Notes:** This table has been expanded between DEIS and FEIS to incorporate all E-Designations previously listed herein and those listed in Appendix G, "Noise E-Designations." No new E-Designations are being proposed. \*\* This attenuation required at this location is 5 dB less because it contains only commercial use.

\*