



REVISED ENVIRONMENTAL ASSESSMENT STATEMENT

WATER STREET UPGRADES TEXT AMENDMENT

FINANCIAL DISTRICT, MANHATTAN, NY

1) " 1 , 2016

LANGAN

**NEW YORK CITY ENVIRONMENTAL QUALITY REVIEW
REVISED ENVIRONMENTAL ASSESSMENT STATEMENT
AND SUPPLEMENTAL REPORT**

**Water Street Upgrades Text Amendment
BOROUGH OF MANHATTAN**

Prepared For:

Alliance for Downtown New York (ADNY)

120 Broadway, Suite 3340
New York, NY 10271

New York City Economic Development Corporation

110 William Street
New York, NY 10038

New York City Department of City Planning (DCP)

120 Broadway – 31st Floor
New York, NY 10271

Prepared By:

**Langan Engineering, Environmental, Surveying
and Landscape Architecture, D.P.C.**

21 Penn Plaza
360 West 31st Street, 8th Floor
New York, NY 10001

Lead Agency:

New York City Department of City Planning (DCP)

120 Broadway – 31st Floor
New York, NY 10271

CEQR Number: 16DCP084M

17 June 2016

LANGAN

TABLE OF CONTENTS

PART I: ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM	4
ATTACHMENT A. PROJECT DESCRIPTION.....	7
Introduction.....	7
Background.....	7
Project area	12
Description of the Proposed Action	19
Proposed Project.....	22
Surrounding Area.....	23
PART II: ENVIRONMENTAL (CEQR) ANALYSIS SUPPLEMENTAL REPORT	33
ATTACHMENT B. CEQR ANALYSIS	34
Introduction.....	34
Analysis Framework	34
Project build year	34
Reasonable Worst Case Development Scenario (RWCDS).....	34
ATTACHMENT C. LAND USE, ZONING AND PUBLIC POLICY	38
Introduction.....	38
Land Use.....	38
Assessment	39
Zoning.....	41
Assessment	43
Public Policy	43
Assessment	45
Conclusion	48
ATTACHMENT D. OPEN SPACE.....	51
Introduction.....	51
Existing Conditions	51
Assessment	56
Conclusion	62
ATTACHMENT E. HISTORIC AND CULTURAL RESOURCES	63
Introduction.....	63
Existing Conditions	64
Assessment	68
Conclusion	71
ATTACHMENT F. URBAN DESIGN AND VISUAL RESOURCES	73
Introduction.....	73
Existing Conditions	74
No-Action Condition	79
Assessment	79
Conclusion	84
ATTACHMENT G. HAZARDOUS MATERIALS	85
Introduction.....	85
Methodology.....	85
Findings.....	86
Conclusion	87
ATTACHMENT H. TRANSPORTATION.....	88
ATTACHMENT I. AIR QUALITY	94
Introduction.....	94
Assessment	94
Conclusion	96
ATTACHMENT J. CONSTRUCTION	97
Introduction.....	97
Construction Phasing and Activities – Future with the Proposed Action	98
Assessment	103
Conclusion	105

PART III: APPENDICES107

Appendix A: Photographs	108
Appendix B: Coastal Consistency Form (CAF)	113
Appendix C: Environmental Conditions Review Technical Memorandum	115
Appendix D: Agency Correspondence.....	116
Appendix E: Bibliography	117
Appendix F: Visuals for 200 Water Street (Site 14)	119
Appendix G: Proposed Zoning Text	123
Appendix H: Technical Memorandums	124

LIST OF FIGURES

Figure 1: Regional Location Map
Figure 2: Project Area Map
Figure 3: Tax Map
Figure 4: Existing POPS
Figure 5: Land Use Map
Figure 6: Existing Zoning Map
Figure 7: Coastal Zone Map
Figure 8: FEMA Flood Zone Map
Figure 9: Open Space
Figure 10: Historic and Cultural Resources
Figure 11: Aerial Map
Figure 12: Potential New Frontage Locations
Figure 13: 32 Old Slip Existing and Proposed Conditions
Figure 14: 77 Water Street Existing and Proposed Conditions
Figure 15: 7 Hanover Plaza Existing and Proposed Conditions
Figure 16: Projected Development Sites
Figure 17: Weekday Midday Peak Hour Pedestrian Volumes
Figure 18: Projected Development Sites Photograph Location Map
Figure 19: Project Area Photograph Location Map

LIST OF TABLES

Table A-1: Existing POPS on Projected Development Sites
Table A-2: Proposed Project
Table B-1: Development Scenario – No-Action and With-Action Additional Retail
Table B-2: No-Action and With-Action Conditions
Table D-1: Open Space Ratio Calculations
Table H-1: Travel Demand Factors
Table H-2: Peak Hour Trip Generation (Weekday Midday)
Table I-1: Projected Development Sites

PART I: ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM
(CITY ENVIRONMENTAL QUALITY REVIEW)



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency ([see instructions](#))**Part I: GENERAL INFORMATION****PROJECT NAME** Water Street Upgrades Text Amendment**1. Reference Numbers**CEQR REFERENCE NUMBER (to be assigned by lead agency)
16DCP084MBSA REFERENCE NUMBER (if applicable)
N/AULURP REFERENCE NUMBER (if applicable)
N160166ZRMOTHER REFERENCE NUMBER(S) (if applicable)
(e.g., legislative intro, CAPA)**2a. Lead Agency Information**NAME OF LEAD AGENCY
Department of City Planning**2b. Applicant Information**NAME OF APPLICANT
Alliance for Downtown New York (ADNY),
New York City Economic Development Corporation (NYCEDC),
and Department of City Planning (DCP)NAME OF LEAD AGENCY CONTACT PERSON
Robert DobruskinNAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON
Marilyn Lee (NYC Economic Development Corporation)ADDRESS 120 Broadway – 31st Floor

ADDRESS 110 William Street

CITY New York STATE NY ZIP 10271

CITY New York STATE NY ZIP 10038

TELEPHONE (212)720-3423 EMAIL rdobruskin@planning.nyc.gov

TELEPHONE (212) 312-3834 EMAIL mlee@edc.nyc

3. Action Classification and Type**SEQRA Classification**☐ UNLISTED ☒ TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 6 NYCRR §617.4 (b)(9)**Action Type** (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance)☐ LOCALIZED ACTION, SITE SPECIFIC ☒ LOCALIZED ACTION, SMALL AREA ☐ GENERIC ACTION**4. Project Description**

The Applicants, the Alliance for Downtown New York (ADNY) and the NYC Economic Development Corporation (NYCEDC), and Department of City Planning (DCP) are requesting a zoning text amendment to the Section (§§37-625 and §37-73, Article III, Chapter 7, and §91-80 of the Special Lower Manhattan District, Article IX, Chapter 1 of the NYC Zoning Resolution (ZR), to facilitate the elimination and infill of existing arcades for retail use and improvements to existing Privately Owned Public Spaces (POPS) along and near Water Street in Lower Manhattan, Community District 1 (the "Proposed Action"). The Proposed Action would enable a series of public events and programs, publicly-accessible amenities, and retail uses in the POPS within the Project Area. See Attachment A: Project Description. ***For a description of proposed Council modifications since the Revised EAS on 4/22/16, see Appendix H: Technical Memorandums***

Project Location

BOROUGH Manhattan COMMUNITY DISTRICT(S) 1 STREET ADDRESS N/A

TAX BLOCK(S) AND LOT(S)
Block 4 Lot 7501; Block 5 Lots 10 and 7501; Block 29 Lot 1; Block 30,
Lot 19; Block 31 Lots 1 and 7501; Block 32 Lot 7501; Block 33 Lots 1
and 11; Block 35 Lots 1 and 10; Block 37 Lots 8 and 23; Block 38 Lot
1; Block 38 Lot 17; Block 70 Lots 32 and 43; Block 75 Lot 1; Block 71
Lot 7501

ZIP CODE 10004 and 10038

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Project Site is centered along Water Street and is generally bounded by Fulton Street to the north, South Street to the east, Whitehall Street to the south, and Pearl Street to the west.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY
C6-9, C5-3, C5-5, C6-4, Special Lower Manhattan District

ZONING SECTIONAL MAP NUMBER 12b

5. Required Actions or Approvals (check all that apply)City Planning Commission: ☒ YES ☐ NO ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)☐ CITY MAP AMENDMENT☐ ZONING CERTIFICATION☐ CONCESSION☐ ZONING MAP AMENDMENT☐ ZONING AUTHORIZATION☐ UDAAP☒ ZONING TEXT AMENDMENT☐ ACQUISITION—REAL PROPERTY☐ REVOCABLE CONSENT☐ SITE SELECTION—PUBLIC FACILITY☐ DISPOSITION—REAL PROPERTY☐ FRANCHISE☐ HOUSING PLAN & PROJECT☐ OTHER, explain:☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION Section 91-80

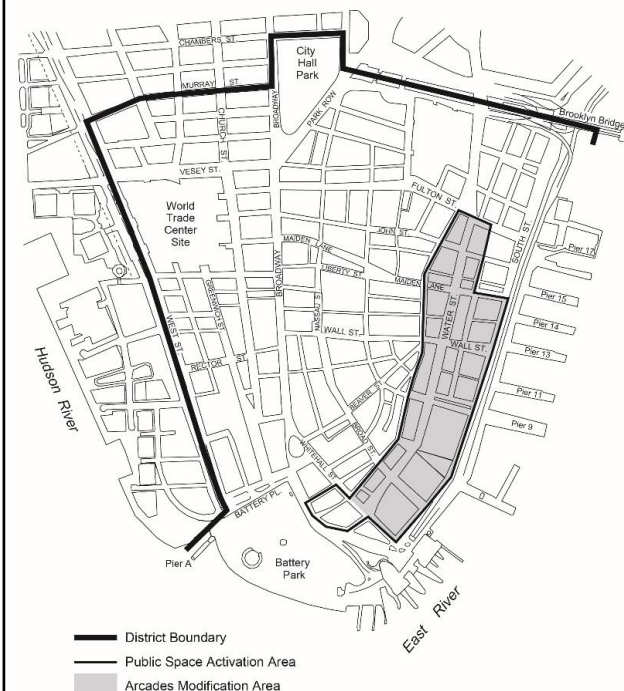
Board of Standards and Appeals: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/> VARIANCE (use) <input type="checkbox"/> VARIANCE (bulk) <input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE: SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION	
Department of Environmental Protection: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify:	
Other City Approvals Subject to CEQR (check all that apply)	
<input type="checkbox"/> LEGISLATION <input type="checkbox"/> RULEMAKING <input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES <input type="checkbox"/> 384(b)(4) APPROVAL <input type="checkbox"/> OTHER, explain:	<input type="checkbox"/> FUNDING OF CONSTRUCTION, specify: <input type="checkbox"/> POLICY OR PLAN, specify: <input type="checkbox"/> FUNDING OF PROGRAMS, specify: <input type="checkbox"/> PERMITS, specify:
Other City Approvals Not Subject to CEQR (check all that apply)	
<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)	<input checked="" type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL <input type="checkbox"/> OTHER, explain:
State or Federal Actions/Approvals/Funding: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify:	
6. Site Description: The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.	
Graphics: The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.	
<input checked="" type="checkbox"/> SITE LOCATION MAP <input checked="" type="checkbox"/> TAX MAP <input checked="" type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP	<input checked="" type="checkbox"/> ZONING MAP <input type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S) <input checked="" type="checkbox"/> SANBORN OR OTHER LAND USE MAP
Physical Setting (both developed and undeveloped areas)	
Total directly affected area (sq. ft.): 110,321 sq. ft.* Waterbody area (sq. ft.) and type: 0 sq. ft. Roads, buildings, and other paved surfaces (sq. ft.): 110,321 sq. ft. Other, describe (sq. ft.): n/a	
7. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development facilitated by the action)	
SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 196,340 gross square feet (gsf)* NUMBER OF BUILDINGS: 20 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): See Attachment A HEIGHT OF EACH BUILDING (ft.): N/A NUMBER OF STORIES OF EACH BUILDING: N/A	
Does the proposed project involve changes in zoning on one or more sites? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If "yes," specify: The total square feet owned or controlled by the applicant: 0 sq. ft. The total square feet not owned or controlled by the applicant: 110,321 sq. ft.	
Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known): AREA OF TEMPORARY DISTURBANCE: 110,321 sq. ft. (width x length) VOLUME OF DISTURBANCE: N/A cubic ft. (width x length x depth) AREA OF PERMANENT DISTURBANCE: N/A sq. ft. (width x length)	
8. Analysis Year CEQR Technical Manual Chapter 2	
ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2026	
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: Estimated 6 to 12 months per development site. See Attachment A: Project Description	
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF MULTIPLE PHASES, HOW MANY?	
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: See Attachment A: Project Description*	
9. Predominant Land Use in the Vicinity of the Project (check all that apply)	
<input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> MANUFACTURING <input checked="" type="checkbox"/> COMMERCIAL <input checked="" type="checkbox"/> PARK/FOREST/OPEN SPACE <input checked="" type="checkbox"/> OTHER, specify: Institutional	

*The Proposed Action would not directly result in a project development, but for the purposes of a conservative analysis, this EAS considers a future development within existing arcades, as described in "Analysis Framework."

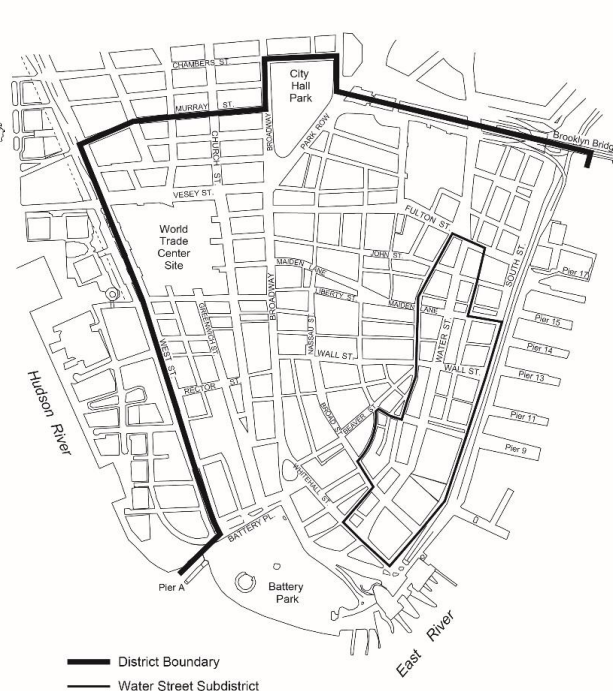
INTRODUCTION

The Applicants, the Alliance for Downtown New York (ADNY), the New York City Economic Development Corporation (NYCEDC), and the New York City Department of City Planning (DCP) are requesting a zoning text amendment to Section (§) 37-625 and §37-73, Article III, Chapter 7 and §91-80 of the Special Lower Manhattan District, Article IX, Chapter 1 of the New York City Zoning Resolution (ZR) to facilitate the infill of existing arcades for retail use and improvements to existing Privately Owned Public Spaces (POPS) along and near Water Street in Lower Manhattan, Community District 1 (the “Proposed Action”) (Figure 1). As shown in Map No. 1 below, as part of the Proposed Action, Appendix A would be modified and the Special Lower Manhattan District would be modified to eliminate the existing “Public Space Activation Area” and “Arcades Modification Area” to create a single, simplified “Water Street Subdistrict”. The provisions of Section 91-80 would apply to this new area. The Proposed Action would facilitate retail uses, a series of public events and programs, and publicly-accessible amenities in the POPS within the Project Area, defined below (Figure 2). In addition, the uses permitted within the proposed infill would be subject to urban design and architectural standards that would be developed specifically for the Project Area.

Map 8. Public Access Modification Areas



Map 8. Public Access Modification Areas



The Water Street commercial corridor is located on the east side of the Financial District neighborhood of Lower Manhattan. In the last fifteen years, Lower Manhattan has experienced substantial residential growth, as well as diversification of commercial enterprises. Since 2000, the number of residential dwelling units has more than doubled from approximately 14,000 to approximately 33,000. This reflects a population growth

from approximately 24,000 in 2000 to an estimated 66,000 in 2016. Industry sectors are diversifying, and include Technology, Advertising, Media, and Information Technology (TAMI), as well as traditional sectors such as FIRE (Finance, Insurance, and Real Estate).¹ In addition to the growing residential population, the Water Street commercial corridor, with its 19 million square feet (sf) of office space, accessibility to public transit, and strategic location between the Financial District and East River waterfront, plays a critical role in the ongoing revitalization of Lower Manhattan.

Despite a high concentration of office space and abundant public open space, Water Street's public realm, which includes its streetscape, sidewalks, and plazas, lacks the vitality and design quality necessary to attract and retain businesses, and provide a better quality of life for workers and the area's residents. As Water Street transitions from a primarily office use corridor with a residential base dependent on finance and business services, to a mixed-use corridor with a more diverse network of smaller media and technology oriented firms, its underperforming public realm poses a risk to the district's long-term competitiveness.² As a result, NYCEDC, ADNY and DCP have been working towards revitalizing and improving the long-term competitiveness of the Water Street corridor and Lower Manhattan.

In 2010, ADNY released a report, *Water Street: A New Approach*, with a goal of developing strategies and a vision to enhance the Water Street corridor and east side of Lower Manhattan. The Water Street Committee developed a consensus-driven planning study, and met with City agencies, property owners, and other stakeholders. The study lays out a vision for a new Water Street corridor, which includes: an engaging streetscape, increased pedestrian amenities, more and better open space, and more retail opportunities.

In April 2011, the City Planning Commission (CPC) approved a zoning text amendment to the Special Lower Manhattan (LM) District to allow cafes and publicly accessible tables and chairs within existing arcades by Chairperson Certification (N110193ZRM). The text amendment created a new Section 91-80 (PUBLIC ACCESS AREAS) and also created the 23-block "Arcades Modification Area" described in Appendix A of the LM District section. The text amendment served as the first measure designed to create opportunities for activities that could draw pedestrians to Water Street and improve its vitality.

In May 2013, the CPC approved a zoning text amendment to Section 91-80 to allow programming and temporary amenities as-of-right within existing plazas and arcades within a new "Public Space Activation Area" (a slight extension of the Arcades Modification Area) for the summer, fall, and holiday seasons of 2013 (N130206AZRM). The text amendment was intended to facilitate efforts to rejuvenate the Water Street corridor after the devastation wrought by Hurricane Sandy in October 2012 by allowing temporary programmatic changes to POPS that were designed to help activate these open space resources and attract residents, workers, and visitors. The text amendment had a sunset date of January 1, 2014, after which time the provisions of the text amendment automatically expired.

In summer 2013, the DCP and NYCEDC, in collaboration with ADNY and Water Street property owners, launched the *Water Street POPS Upgrade Initiative* to encourage and facilitate the transformation of the corridor's approximately 7.25 acres of POPS into an improved network of public spaces that would enhance the district and create value for property owners, businesses, residents, and the general public. Under the initiative, NYCEDC, along with New York City Department of Transportation (NYCDOT), and in consultation with community stakeholders, implemented a series of streetscape improvements along Water Street. Building on short-term improvements that NYCDOT initiated in summer 2013, NYCEDC issued a Request for Proposals (RFP) in December 2013 for a consultant team to design more permanent streetscape

¹ Alliance for Downtown New York, Personal Communication, 11 January 2016.

² NYCDP & NYCEDC, *Water Street: Transforming Water Street's Privately Owned Public Spaces (POPS)* p. 2

improvements. The design process commenced in early 2015, and construction is expected to begin in spring 2017 and conclude in 2019. The summer event series included approximately 200 events in different POPS along the corridor and attracted 55,000 attendees.³ In summer 2014, the City passed a zoning override that allowed for events and programming in POPS on Water Street through December 21, 2015.

Based on the success of 2013's outdoor events programming, ADNY sponsored a comparable series Game On! Water Street in summer 2014. DCP has taken these events as opportunities to study the Water Street POPS and types of activation that could transform the streetscape into an attractive and vibrant commercial corridor.

In June 2013, the City released *A Stronger, More Resilient New York*, which identified a number of actionable recommendations for rebuilding communities impacted by Hurricane Sandy and increasing the resilience of the City's infrastructure and buildings. Among the recommendations for "Southern Manhattan" (defined as the coastal areas south of 42nd Street) the report called for: temporary and permanent improvements to the Water Street streetscape (Southern Manhattan Initiative 3); temporary programming of the Water Street POPS (Southern Manhattan Initiative 4); and a program to encourage permanent physical improvements to buildings and associated POPS, with the goal of activating ground floor spaces, upgrading public spaces, and strengthening the flood resiliency of buildings (Southern Manhattan Initiative 5).

³ NYCDP & NYCEDC, *Water Street: Transforming Water Street's Privately Owned Public Spaces (POPS)* pp. 2, 4



FIGURE 1: REGIONAL LOCATION MAP
WATER STREET UPGRADES TEXT AMENDMENT

0 0.5 1 2 Miles

 Project Location

FINANCIAL DISTRICT
 MANHATTAN, NY
Map Reference: ESRI Basemap

LANGAN



FIGURE 2: PROJECT AREA MAP

WATER STREET UPGRADES TEXT AMENDMENT

- Project Area
- Proposed Development Sites

FINANCIAL DISTRICT
MANHATTAN, NY

Map Reference: NYC Dept of City Planning, MapPLUTO Data; ESRI Basemap

0 250 500 1,000 Feet

1 Site No.



LANGAN

PROJECT AREA

The Project Area is centered along Water Street and is generally bound by Fulton Street to the north, South Street to the east, Whitehall Street to the south, and Pearl Street to the west, in the Financial District of Lower Manhattan (Figure 2). Water Street spans more than half a mile from Whitehall Street to Fulton Street. The proposed zoning text amendment would affect the regulations governing the plazas and arcades (POPS) located on 20 tax lots on 13 blocks, “Projected Development Sites,” within the Project Area (Figure 3, Figure 4 and Table A-1). The Projected Development Sites affected by the Proposed Project are listed below (Table A-1).

Projected Development Sites

The Project Area includes the following tax blocks and lots (Figure 3 and Table A-1):

- Block 4 Lot 7501
- Block 5 Lots 10 and 7501
- Block 29 Lot 1
- Block 30 Lot 19
- Block 31 Lots 1 and 7501
- Block 32 Lot 7501
- Block 33 Lots 1 and 11
- Block 35 Lots 1 and 10
- Block 37 Lots 8 and 23
- Block 38 Lot 1 and Lot 17
- Block 70 Lots 32 and 43
- Block 71 Lot 7501
- Block 75 Lot 1

As shown in Table A-1, the Projected Development Sites currently include a total arcade area of approximately 110,321 sf, with individual arcade areas ranging from approximately 2,400 sf to 14,000 sf. Three of the Projected Development Sites (Site Nos. 18, 19, and 20) do not have existing arcades to allow any retail infill. As shown in Table A-2, ten of the sites under the Proposed Project would also include additional ground floor retail space within the existing buildings.



FIGURE 3: TAX MAP

WATER STREET UPGRADES TEXT AMENDMENT

 Project Area

 Proposed Development Sites

38 Block
1 Tax Lot

FINANCIAL DISTRICT
MANHATTAN, NY

Map Reference: NYC Dept of City Planning, MapPLUTO Data; ESRI Basemap

0 250 500 1,000 Feet



LANGAN

Note: Refer to Table A1

LEGEND

- Study Area/ Proposed Water Street Subdistrict
- Proposed Development Sites
- Proposed Development Sites (No Arcade)

Existing POPS

- Plaza
- Arcade (retail infill pursuant to Chairperson Certification)
- Arcade (retail infill pursuant to CPC Authorization)
- Arcade (No infill allowed)

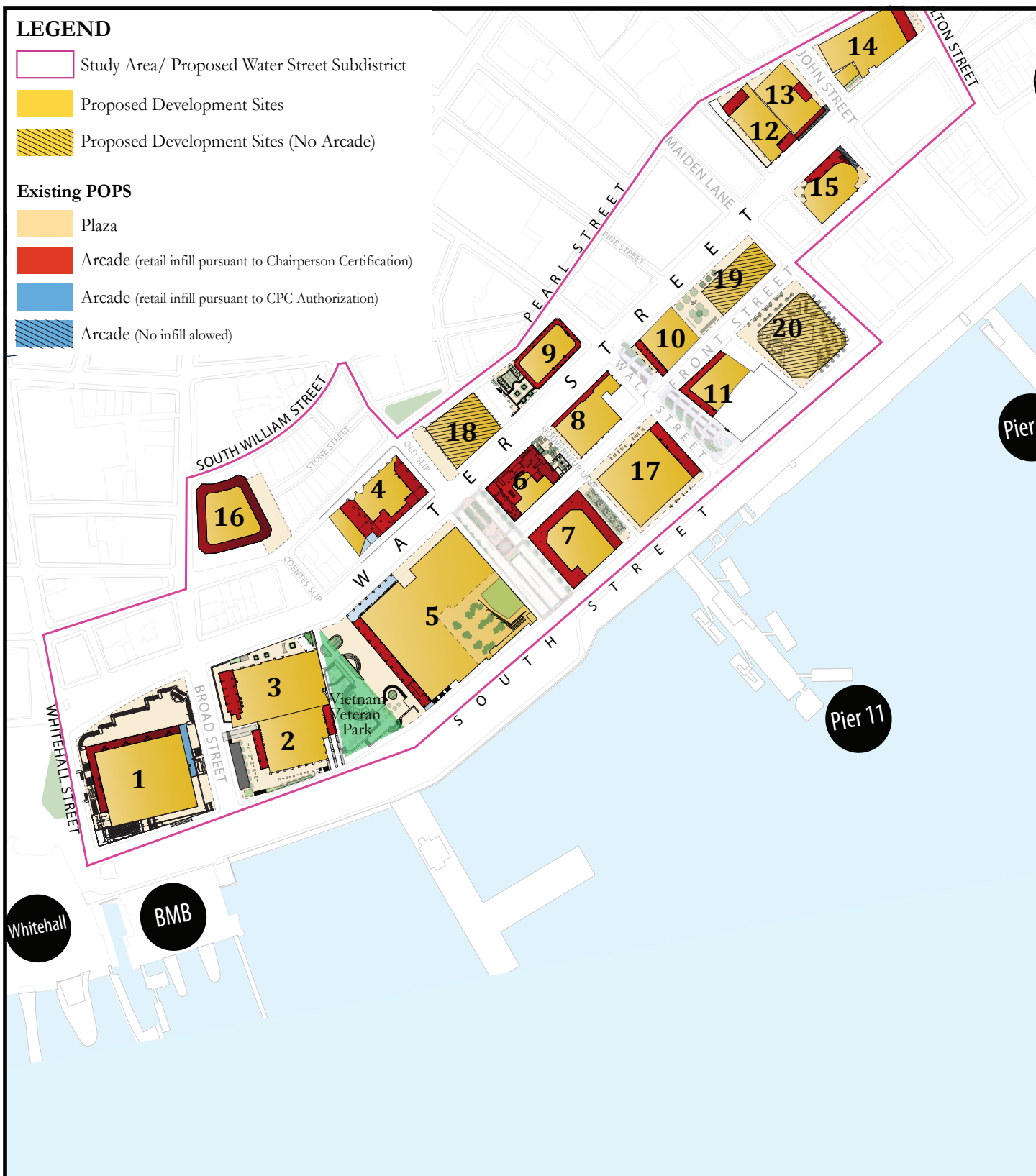


FIGURE 4: EXISTING POPS

WATER STREET UPGRADES TEXT AMENDMENT

7 Site No.

**FINANCIAL DISTRICT
MANHATTAN, NY**

Map Reference: NYC Dept of City Planning

LANGAN

Table A-1: Existing POPS on Projected Development Sites

Projected Development Sites		Existing Arcades and POPS				
Site No.	Building Address	Block	Lot	Arcade	Plaza	Existing Arcade Area (sf) ¹
1	1 New York Plaza	4	7501	×	×	11,180
2	2 New York Plaza	5	7501	×	×	3,656
3	4 New York Plaza	5	10	×	×	3,124
4	7 Hanover Square	30	19	×		12,816
5	55 Water Street	32	7501	×	×	13,794
6	77 Water Street	33	1	×	×	10,335
7	32 Old Slip	35	1	×	×	12,004
8	95 Wall Street	33	11			2,446
9	75 Wall Street	31	7501	×	×	5,179
10	100 Wall Street	38	1			2,518
11	110 Wall Street	37	8	×		3,163
12	160 Water Street	70	43	×	×	2,575
13	180 Water Street	70	32	×	×	2,404
14	200 Water Street ⁴	75	1	×	×	3,222
15	175 Water Street	71	7501			4,385
16	85 Broad Street	29	1	×	×	12,930
17	111 Wall Street	35	10	×	×	4,589
18	86 Water Street / 10 Hanover Square ²	31	1		×	-
19	88 Pine Street ²	38	17		×	-
20	180 Maiden Lane ²	37	23		×	-
Total Arcade Area						110,321

Notes: (1) Total area of the existing arcades is based on DOB-approved plans, or plans that were certified by the CPC Chair.

(2) 10 Hanover Square, 88 Pine Street, and 180 Maiden Lane do not have arcades available for infill.

(3) The plaza at 180 Maiden Lane is not technically a plaza, nor was it required under the former Special Manhattan Landing Development District. It remains as an outdoor public space as part of the approved drawings for the enclosed public space at that property.

(4) For Site 14 at 200 Water Street, the second floor space within the existing arcade would likely be new residential space, consistent with the residential use on upper floors. At the time of certification, new information became available regarding plans for a future private application affecting infill development at 200 Water Street pursuant to the provisions of the proposed text amendment. Future plans to create new development at 200 Water Street (Site 14) involve infill of the existing 3,222 sf arcade with 2,930 gsf of retail uses at the arcade ground floor level and approximately 1600 gsf of residential infill area at the second floor level. The existing plazas at Fulton Street and John Street would be upgraded in accordance with the provisions of the proposed text amendment. The plaza improvements would include new amenities such as planting, seating, and artwork (refer to the Appendix for illustrative plans and graphics related to the future application). This EAS analyzes the full allowable infill development at Site 14 in accordance with the proposed text amendment. No further analysis is warranted.

Site 1: 1 New York Plaza

Site 1 (Block 4, Lot 7501) is currently occupied by a 50-story office building. The ground floor of the building consists primarily of office lobbies lined with arcades totaling 11,180 sf in area along three sides of the site. The base of the building includes a large plaza that fronts Water Street. A portion of the plaza was eliminated as part of a certification pursuant to ZR §33-124(a) to allow mechanical equipment (N020330ZCM).

Site 2: 2 New York Plaza

Site 2 (Block 5, Lot 7501) is currently occupied by a 40-story office building. The building frontage on the ground floor consists of office lobbies lined with two arcades, totaling 3,656 sf in area, along Broad Street and fronting the Vietnam Veterans Memorial Plaza. The site also includes a large plaza at a higher grade than the street-level that is visible only from South Street.

Site 3: 4 New York Plaza

Site 3 (Block 5, Lot 10) is currently occupied by a 22-story office building. The ground floor of the building consists of office lobbies lined with an arcade, totaling 3,124 sf in area, along Broad Street. The site also consists of a plaza on Water Street at a slightly higher grade than the street-level.

Site 4: 7 Hanover Square

Site 4 (Block 32, Lot 7501) is currently occupied by a 26-story office building. The ground floor of the building consists of office lobbies on Water Street and retail uses along with parking garage entry/exist on Pearl Street. The building is lined with a continuous arcade along Water Street and Hanover Square that measures approximately 5,349 sf in area and a through-block arcade connecting Water Street and Pearl Street that measures approximately 7,467 sf in area; the two arcades together total approximately 12,816 sf in area. The site previously received a CPC Special Permit to transfer development rights from the India House, a designated landmark, pursuant to ZR §74-79 (Transfer of Development Rights for Landmark Sites) and to receive a floor area bonus for a through block arcade pursuant to ZR §74-82 (Through Block Arcades) (C810325ZSM). Granting of the special permit pursuant to Section 74-79 required that the Landmarks Preservation Commission (LPC) find that the proposed development at 7 Hanover Square establishes a harmonious relationship with the India House.

Site 5: 55 Water Street

Site 5 (Block 32, Lot 7501) is currently occupied by two office buildings – 53 and 15 stories respectively, on the south and north side. The site also includes a one-acre, publicly-accessible, waterfront plaza (Elevated Acre) that is 30 feet above street level and is accessed by Water Street and South Street. The ground floor of the building consists of office lobbies, a plaza fronting the Vietnam Veterans Memorial Park that connects Water and South Streets, and a plaza along the northern portion of the Water Street frontage. The north side of the site consists of loading/unloading and parking entries and exits. The 53-story building is lined with a continuous arcade, totaling 13,794 sf in area, along the east and south sides. A 3,540 sf portion of the arcade towards South Street was eliminated as part of a certification pursuant to Section 33-124(a) (N030354ZCM), leaving 10,254 sf of the arcade that generates bonus floor area.. The base of the building features a large plaza on the south side that fronts the Vietnam Veteran Memorial Park and connects Water and South Streets. Site 7 previously received a CPC Special Permit for the Elevated Acre pursuant to then-§74-761 (CP-20518 and M040119ZSM) on the site that would not be affected by the proposed action. In addition, according to Federal Emergency Management Agency (FEMA) flood plain mapping, the site is partially within the V-zone.

Site 6: 77 Water Street

Site 6 (Block 33, Lot 1) is currently occupied by a 26-story office building. The ground floor of the building consists of retail space and office lobbies lined with a 30-foot deep continuous arcade, totaling 10,335 sf in area, along three sides, Old Slip, Water Street, and Gouverneur Lane. Beyond the bonussed arcade area is a non-bonused covered area measuring approximately 3,753 sf that is visually and physically connected to the bonused arcade.

Site 7: 32 Old Slip

Site 7 (Block 35, Lot 1) is currently occupied by a 36-story office building. The ground floor of the building consists of office lobbies lined with a continuous arcade, totaling 12,004 sf in area, along Old Slip, Front Street, and Gouverneur Lane. The area adjacent to the north side of the site features a tree-lined urban plaza that provides pedestrians with a continuous pathway that connects Pier 11 to the open space at 77 Water

Street. Site 7 previously received a CPC Special Permit (C841070ZSM) pursuant to ZR §74-79 for a transfer of development rights from the First Precinct Police Station, a designated landmark, and there is a Restrictive Declaration (RD) associated with the CPC Special Permit.

Site 8: 95 Wall Street

Site 8 (Block 33, Lot 11) is currently occupied by a 22-story luxury apartment building. The ground floor of the building consists of retail uses along Water Street and Gouverneur Lane, a residential lobby on Wall Street, and a parking garage entry/exit on Front Street. There is a 2,446-sf arcade on the east side of the building along Water Street.

Site 9: 75 Wall Street

Site 9 (Block 31, Lot 7501) is currently occupied by a 36-story mixed residential and commercial building. The building consists of a hotel, ground floor commercial uses, and luxury condos. The ground floor of the building consists of a hotel and residential lobby on Water Street, and a residential lobby and retail uses on Wall Street. The site includes a 5,179-sf continuous arcade along the entire ground floor of the existing building, and a large split-level through-block urban plaza to the south side of the building connecting Water and Pearl Streets.

Site 10: 100 Wall Street

Site 10 (Block 38, Lot 1) is currently occupied by a 29-story office building. The ground floor of the building consists of retail uses, a coffee shop, and office lobby. The site also includes a 2,518 sf arcade along the south side of the building that fronts on Manahatta Park, which is a landscaped sidewalk widening within the Wall Street right-of-way that is managed by the Department of Parks and Recreation (DPR). There is a plaza at the base of the building on the north side that reads as part of the adjoining plaza on 88 Pine Street, and a small plaza on Wall Street that effectively serves as pedestrian circulation space between the building arcade and the planters within Manahatta Park.

Site 11: 110 Wall Street

Site 11 (Block 37, Lot 8) is a corner lot currently occupied by a 27-story office building. The ground floor of the building consists of vacant retail space and office lobbies lined with a 3,163-sf continuous arcade along the south and west sides of the building. The Wall Street portion of the plaza fronts on Manahatta Park, which is a landscaped sidewalk widening within the Wall Street right-of-way that is managed by the DPR.

Site 12: 160 Water Street

Site 12 (Block 70, Lot 43) is located along Fletcher Street, between Pearl and Water Streets, and is currently occupied by a 24-story office building. The ground floor of the building consists of 3,454-sf of vacant retail space and office lobbies fronting Water Street and Pearl Street and loading/unloading areas along Pearl Street. There are two arcades, one along Water Street and one along Pearl Street, totaling 2,575 sf on the site. The base of the existing building includes a plaza without public amenities along Pearl Street.

Site 13: 180 Water Street

Site 13 (Block 70, Lot 32) is located along John Street between Pearl and Water Streets and is currently occupied by a 24-story office building. The ground floor of the building consists of office lobbies fronting John Street and loading/unloading areas along Pearl Street. There are two arcades on the site, totaling 2,404

sf in area, located along Water and along John Streets. Of the approximately 1,200 sf arcade along Water Street, only approximately 415 sf is covered and the remainder is open to the sky. The base of the building includes two plazas without along Pearl and John Streets. These plazas do not include any public amenities.

Site 14: 200 Water Street

Site 14 (Block 75, Lot 1) is currently occupied by a 31-story mixed residential and commercial building with luxury condos on upper floors and retail uses on the ground floor. The ground floor of the building on the north side, along Fulton Street, is lined with a 3,222 sf arcade that fronts a small plaza. There are two additional plazas on this site, at John and Water Streets and at John and Pearl Streets. There was a previously-approved and implemented design change certification pursuant to ZR §37-625 for the plaza on the corner of Water and John Street (N120389ZCM). At the time of certification, new information became available regarding plans for a future private application affecting infill development at 200 Water Street pursuant to the provisions of the proposed text amendment. Future plans to create new development at 200 Water Street (Site 14) involve infill of the existing 3,222 sf arcade with 2,930 gsf of retail uses at the arcade ground floor level and approximately 1600 gsf of residential infill area at the second floor level. The existing plazas at Fulton Street and John Street would be upgraded in accordance with the provisions of the proposed text amendment. The plaza improvements would include new amenities such as planting, seating, and artwork (refer to the Appendix for illustrative plans and graphics related to the future application). This EAS analyzes the full allowable infill development at Site 14 in accordance with the proposed text amendment. No further analysis is warranted.

Site 15: 175 Water Street

Site 15 (Block 71, Lot 7501) is currently occupied by a 30-story office building. The ground floor of the building consists of office lobbies and retail uses on Water, John, and Front Streets. The ground floor of the building on the east and north sides is lined with a 4,385 sf arcade. There is an “open pedestrian area” (as defined by the site’s restrictive declaration and special permit drawings) located on the corner of Water and Fletcher Streets, and a non-bonused open area located at the corner of John and Front Streets.

Site 16: 85 Broad Street

Site 16 (Block 29, Lot 1) is currently occupied by a 31-story office building. The ground floor consists of office lobbies lined with a 12,930-sf arcade on all sides. The site includes an urban plaza on the north of the building, adjacent to a cobbled pedestrian pathway (Coenties Alley) that connects Pearl Street to Stone Street. The urban plaza consists of benches for seating and planters. At the ground floor of the building and within the building lobby is a public pedestrian connection between the urban plaza and Broad Street. The site is not located within the Stone Street Historic District but is contiguous to it, and is across the street from the Fraunces Tavern Historic District. Site 16 previously received a CPC Special Permit pursuant to ZR §74-721 to modify height and setback regulations for the proposed development (C790800ZSM) and was also the subject of a City map change that demapped Stone Street from Broad Street to Coenties Alley, and realigned Coenties Alley from Pearl Street to Stone Street (C790436MMM). Both the CPC and LPC made findings relating to design, public access, and archaeology that were reflected in the CPC report for the special permit (C790800ZSM) and a conditional negative declaration (CEQR #9-045).

Site 17: 111 Wall Street

Site 17 (Block 35, Lot 10) is currently occupied by a 24-story office building. The ground floor consists of office lobbies and a bank on Wall Street. The site consists of a 4,589-sf arcade and a plaza on the north along

Wall Street and a plaza that wraps around the building along Front Street, Gouverneur Lane, and South Street. The plaza areas include benches for seating and planters. The site is partially in the FEMA-designated V-zone.

Site 18: 86 Water Street/10 Hanover Square

Site 18 (Block 31, Lot 1) is currently occupied by a 21-story mixed residential and commercial building with luxury condos on upper floors and retail uses on the ground floor. The ground floor of the building's south side faces a plaza at a higher grade than the street. The site does not include arcades available for retail infill.

Site 19: 88 Pine Street

Site 19 (Block 38, Lot 17) is currently occupied by a 32-story office building. The ground floor of the building consists of an office lobby and a parking garage entry/exit on Front Street. The site features a tree-lined plaza along Water Street and a large plaza between the existing building and 100 Wall Street on the south site. The site does not include arcades available for retail infill.

Site 20: 180 Maiden Lane

Site 20 (Block 37, Lot 23) is currently occupied by a 41-story office building. The building features a glass façade and an enclosed public space on the ground floor level that is directly accessible from the street. The building entrance is at the corner of Front Street and Maiden Lane. The site features a tree-lined open area along Front Street that includes benches for seating. The site does not include arcades available for retail infill, and the open area is not a bonused plaza but is required as part of the approvals for the enclosed public space. Site 20 would not be affected by the proposed zoning text amendment.

DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action is a zoning text amendment to NYC ZR Article III, Chapter 7 §91-80, §37-625, and §37-73 regulations to facilitate the elimination and infill of existing arcades for retail use and improvements to existing POPS along and near Water Street in Lower Manhattan. This designation would generate a small amount of new retail floor area, as described in Attachment B: CEQR Analysis.⁴

The provisions of ZR §91-80 apply to all publicly accessible areas within the Special Lower Manhattan (LM) District, including existing plazas⁵, urban plazas⁶, arcades⁷, indoor spaces, sidewalk widening, and public areas within the Project Area that generate a floor area bonus. Under the Proposed Action, the ZR §91-80 would be amended to allow horizontal enlargement on the ground floor level ("infill") within existing arcades for retail use, through certification and authorization. The new building area within an arcade would be exempt from the definition of floor area (as defined in ZR §12-10), and the arcade would continue to generate bonus

⁴ NYCEDC, Request for Proposals, Water Street Text Amendment Environmental Services, January 7, 2015

⁵ A "plaza" is an open area for public use on a zoning lot developed, from December 15, 1961 to June 11, 1996, in accordance with the requirements set forth in Appendix E, Section E27-50 (Plaza Standards Of 1961), of the NYC ZR (NYC ZR, Article I: General Provisions Chapter 2 - Construction of Language and Definitions)

⁶ An "urban plaza" is an open area for public use on a zoning lot developed, from April 16, 1975 to June 11, 1996, in accordance with plans certified by the Chairperson of the City Planning Commission or, from June 13, 1996 to October 17, 2007, in accordance with the requirements set forth in Appendix E, Section E37-04, of the NYC ZR (NYC ZR, Article I: General Provisions Chapter 2 - Construction of Language and Definitions).

⁷ An "arcade" is a continuous covered space fronting on and open to a street or publicly accessible open area, provided in accordance with the provisions set forth in Section 37-80 (NYC ZR, Article I: General Provisions Chapter 2 - Construction of Language and Definitions).

floor area so as to not create a new floor area non-compliance. The Proposed Action would also allow, with a certification or authorization for infill of an arcade, use of any second floor enlargement within an arcade for retail, office, residential, or other use permitted by the underlying district regulations.

In addition, the Proposed Action would also amend the provisions of ZR §37-625 that regulate design changes within the POPS created prior to October 17, 2007, and the provisions of ZR §37-73 that regulate the placement of kiosks and open air cafes within the POPS. Under the proposed zoning text amendment, upgrades to the existing plazas and urban plazas, would be required as a compensating amenity. The proposed zoning text would permit as-of-right public amenities, such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks, within the plazas and urban plazas. Events that are open to the public and publicly-accessible tables and chairs would be permitted as-of-right, subject to requirements relating to the size and type of furniture, pedestrian access, and operations that will be written into the proposed text amendment. Alternatively, the provision of an indoor public space or off-site public amenity pursuant to standards set forth in the proposed zoning text amendment could satisfy the requirement of a compensating amenity. The provision of the current ZR §91-81, would continue to allow cafes within arcades by certification, although the text and provisions would be revised.

In addition to being subject to the provisions of ZR §91-12 and 91-41, the new retail infill would be subject to additional design and use requirements. Uses permitted in the arcade infill, the location of new building walls, and the standards by which the plazas would be improved would be established under the proposed zoning text and would be subject to urban design and architectural standards that would be developed specifically for the Water Street Subdistrict.⁸ In addition, the proposed plaza upgrades would be subject to design standards developed specifically for the Project Area and would be required to conform with the requirements of ZR §37-70.

Most, if not all, of the buildings along the Water Street commercial corridor were built to FARs in excess of 15 through the provision of bonus plazas, urban plazas, and arcades. Due to the overbuilt nature of these buildings, few public spaces may be reduced or eliminated by certification pursuant to ZR §33-124(a), and by special permit pursuant to ZR §74-761 to ensure a new floor area non-compliance is not created. The sections ZR §33-124(a) and 74-761 allow the elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity. The elimination or reduction of bonused or non-bonused open space would result in a reduction of the maximum permitted zoning floor area. Furthermore, in the event that there would be a reduction in open space, it is unlikely that any new floor area would be added to a particular building.⁹

Following the approval of the Proposed Action, a Chairperson Certification and/or CPC Authorization would be required to facilitate retail infill within the arcades on the Projected Development Sites. As part of the proposed zoning text amendment, a new text map (Map No. 1) would be created for the Water Street Sub-district that would define the portions of arcades that could be eliminated for infill pursuant to future Chairperson Certification and/or CPC Authorization. CPC authorizations would require the review of proposed infill based on their maintaining visual and physical connections to and from Water Street. Events and publicly-accessible tables and chairs would be allowed in all arcades as-of-right. For Outdoor cafes would be allowed in all arcades pursuant to a Chairperson Certification.

⁸ In order to allow infill within arcades, the new building area that would be created would not be considered floor area, as defined by the Zoning Resolution, and the permitted floor area within the building (including bonuses from the arcades that are to be eliminated and infilled) would not change so that a floor area non-compliance is never created. The environmental review will consider the potential for future utilization of the proposed action to result in significant adverse impacts.

⁹ NYCEDC, Request for Proposals, Water Street Text Amendment Environmental Services, January 7, 2015

For sites that benefitted from a variance or special permit by the Board of Standards and Appeals (BSA) and for sites that are within the FEMA V-zone, the future infill proposal would be referred to the BSA for review. Currently 10 out of the 17 buildings on Water Street have BSA approvals and any future applications under the text would need to be referred to BSA. For sites that benefitted from a special permit by the CPC, language would need to be included in the proposed zoning text to ensure that arcade infill and upgrades to public spaces would be consistent with or not conflict with the findings and conditions of the original approval(s).¹⁰ Additional review by the Landmarks Preservation Commission (LPC) may be required for certain sites that contain historic resources or are within close proximity of a historic resource. A detailed discussion of the historic and cultural resources is included in Attachment E, “Historic and Cultural Resources.”

Purpose and Need of the Proposed Action

Water Street is considered one of Lower Manhattan’s most important commercial corridors. Yet, despite its standing as a key commercial sub-district, Water Street exemplifies the oft-cited complaints about many downtowns across the country – predominantly commercial in use, deserted in the evenings and on weekends, lacking retail options and restaurants. The incongruous presence of loading docks and blank walls contributes to an underwhelming pedestrian experience, while many of the arcades and other POPS that proliferate along the street fall short of their intended purpose: to invite public use.

Most of the POPS, mainly plazas, urban plazas, and arcades along and near Water Street, were developed between 1969 and 1987 pursuant to 1961 NYC zoning regulations to encourage large-scale development along Water Street, provide additional light and air, and to improve pedestrian circulation. The zoning regulations allowed the construction of buildings with greater floor area than would have been permitted under existing zoning if public spaces were created at the bases of these new buildings. Plazas are public spaces that are open to the sky, and no amenities were required under the 1961 zoning regulations until “urban plazas” replaced “plazas” as bonusable open spaces in 1975. Arcades are covered areas along building frontages that are free of obstructions, and those along Water Street were intended to provide a covered, continuous circulation path along the entirety of the street. Water Street is not a strong north-south connector for pedestrians and according to the Applicant the usefulness of the arcades was never realized. Furthermore, it is the applicant’s opinion that the high quantity of public space lacking useful amenities and the discontinuity in ground floor retail has failed to support the active street life originally envisioned for the corridor. Given the concentration of POPS along Water Street, improvements to POPS under the proposed zoning text amendment would be designed to help establish a stronger identity for the corridor, enhance the pedestrian experience, and create additional destinations for residents, workers, and visitors.

The requested zoning text amendment (Proposed Action) would allow building owners in the Project Area to improve POPS with public amenities and allow infill of existing arcades for active retail use by Chairperson Certification or CPC authorization. These improvements, among other things, would create opportunities for: (1) the creation of active, visible, and useful local retail and service establishments for the local residential population (that has increased over twofold in the past decade), workers in more diverse sectors, and tourists and visitors to the area; (2) the provision of useful amenities such as seating, planting, drinking fountains, and improved lighting to offer safe and comfortable public spaces for many types of local users; and (3) events and the temporary activation of larger public spaces that lend themselves to such activities.

The general objectives of the zoning text amendment are:

¹⁰ *ibid.*

- (1) To allow the as-of-right continuation of seasonal POPS Events Series and similar types of recreational and entertainment activities year-round, which would enliven the underutilized spaces;
- (2) To encourage upgrades of existing, underutilized plazas through a unified DCP process tailored for Water Street;
- (3) To facilitate the City's strategy of fostering a more pedestrian-friendly, vibrant environment for the local community and visitors;
- (4) To establish urban design goals that produce quality public spaces and an enlivening pedestrian experience; and
- (5) To set forth regulations facilitating infill of certain arcades, resulting in up to approximately 167,357 gross square feet (gsf) of retail development, approximately 26,967 gsf of office use on the second floor, and approximately 2,016 gsf of residential use on the second floor, which would be permitted through certifications and authorizations.

PROPOSED PROJECT

As discussed earlier, the Proposed Action would amend the zoning regulations (ZR §37-625, §37-73, and §91-80) that govern existing plazas, urban plazas, and arcades within the newly created Water Street Sub-district with respect to permitted public events, permitted obstructions, publicly-accessible amenities, visual access, retail uses within existing arcades, and ground floor uses. The Proposed Action would allow new ground floor local retail, second floor office space, and second floor residential space within existing arcades within the Project Area. It is contemplated that new second floor office space would involve expansion of existing office space to provide additional space for current workers; no new workers would be generated. Similarly, the new second floor residential space is envisioned to be an expansion of existing residential space and is not anticipated to create new residential dwelling units. The existing zoning provisions for permitted bulk and floor area within the Project Area would remain unchanged.

Under the Proposed Action, temporary outdoor events and the placement of moveable outdoor furniture in public plazas and arcades as well as the 20 commercial and the residential buildings within the Project Area would be permitted as-of-right. Although, the specific events and programming are not known at this time, it is assumed that under the With-Action condition the types of events and their capacity to attract users would be similar to the Game On! 2014 POPS Events Programming. Also, it is expected that ADNY or another administrator would continue to plan and supervise active programming for participating POPS.

As shown in Table A-2, across the 17 development sites, the Proposed Action is projected to allow for the development of approximately 167,357 gsf of additional retail space, approximately 26,967 gsf of office space and approximately 2,016 gsf of residential space. Retail space would be located primarily within existing arcades on the 17 development sites while the office space would be located at the mezzanine level of five development sites including 75 Wall Street, 77 Water Street, 2 New York Plaza, 7 Hanover Square, and 175 Water Street. Residential space would be located on the second floor of 200 Water Street. According to the current property owner at 200 Water Street, this additional residential floor area would be generated through the expansion of existing dwelling units within the building rather than the form of new dwelling units.

Table A-2: Projected Development Sites

Projected Development Sites									
Site No.	Building Address	Block	Lot	<i>Retail Infill (gsf)</i>	<i>Additional Infill (gsf)</i>	<i>Total Proposed GF Retail Infill (gsf)</i>	<i>Total Proposed Additional GF Retail (gsf)</i>	Total Proposed New Retail (gsf)	Total New Office/ Residential Space on Second Floor (gsf)
1	1 New York Plaza	4	7501	8,488	-	8,488	3,868	12,356	-
2	2 New York Plaza	5	7501	3,656	643	4,299	8,723	13,022	3,656
3	4 New York Plaza	5	10	3,124	189	3,313	7,731	11,044	-
4	7 Hanover Square	30	19	8,908	622	9,530	1,393	10,923	10,244
5	55 Water Street	32	7501	10,059	569	10,628	8,699	19,327	-
6	77 Water Street	33	1	14,986	-	14,986	-	14,986	4,161
7	32 Old Slip	35	1	12,004	-	12,004	3,213	15,217	-
8	95 Wall Street	33	11	2,446	561	3,007	-	3,007	-
9	75 Wall Street	31	7501	5,179	-	5,179	1,239	6,418	5,179
10	100 Wall Street	38	1	2,518	1,042	3,560	-	3,560	-
11	110 Wall Street ³	37	8	3,163	-	3,163	9,122	12,285	-
12	160 Water Street ³	70	43	2,575	660	3,235	3,454	6,689	-
13	180 Water Street ³	70	32	1,630	775	2,405	10,502	12,907	-
14	200 Water Street ⁴	75	1	3,222	1,240	4,462	-	4,462	2,016
15	175 Water Street	71	7501	3,242	73	3,315	-	3,315	3,727
16	85 Broad Street	29	1	12,930	-	12,930	-	12,930	-
17	111 Wall Street	35	10	4,589	319	4,908	-	4,908	-
18	86 Water Street / 10 Hanover Square	31	1	-	-	-	-	-	-
19	88 Pine Street	38	17	-	-	-	-	-	-
20	180 Maiden Lane ⁵	37	23	-	-	-	-	-	-
						109,413	57,944	Total New Retail	Total New Office/ Residential
								167,357	28,983
NOTES									
1	An upgrade to an existing plaza may be required as a compensating amenity as part of a certification or authorization.								
2	If no plazas exist on site, an indoor public space would be provided pursuant to Indoor Public Space Design Standards (TBD); An off-site amenity could satisfy the requirement of a compensating amenity								
3	110 Water Street, 160 Water Street and 180 Water Street have existing vacant retail space on the ground floor.								
4	For Site 14 at 200 Water Street, the second floor space within the existing arcade would likely be new residential space, consistent with the residential use on upper floors.								
5	Of the 20 sites that were reviewed, only Site 20 at 180 Maiden Lane would not be affected by the proposed text amendment. There are 19 buildings that have plazas and/or arcades would be affected by the proposed text amendment, 17 of which have arcades to infill. Those with just plazas would benefit from the events.								

SURROUNDING AREA

The Water Street commercial corridor between Fulton and Whitehall Streets is characterized by high-rise buildings with a high concentration of office space and privately owned public space. The POPS in the Water Street corridor are distributed across 19 buildings, of which 17 have existing arcades. The POPS collectively comprise over seven acres of privately owned public space.¹¹ The immediate vicinity of the Project Area includes South Street Seaport to the northeast, Stone Street's outdoor cafés to the west, East River Waterfront Esplanade along the East River to the east, and the East River Ferry at Pier 11 to the east. The Fulton Center Transit Hub is further to the northwest. The predominant zoning classifications within a 400-foot radius of the Project Area include C6-9, C5-5, C5-3, C4-6 commercial zoning districts, a M1-4 manufacturing zoning district, and an R8 residential zoning district. The neighborhood is also included in the Special Lower Manhattan District.

¹¹ <http://www.nycdc.com/project/water-street-strategy>

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures	31-story multi-family residential building on Block 75 Lot 1; 22-story multi-family residential building on Block 33 Lot 11; 36- and 21-story mixed residential/commercial building on Block 31 Lot 7501 and Lot 1, respectively.	31-story multi-family residential building on Block 75 Lot 1; 22-story multi-family residential building on Block 33 Lot 11; 36- and 21-story mixed residential/commercial building on Block 31 Lot 7501 and Lot 1, respectively.	31-story multi-family residential building on Block 75 Lot 1; 22-story multi-family residential building on Block 33 Lot 11; 36- and 21-story mixed residential/commercial building on Block 31 Lot 7501 and Lot 1, respectively.	n/a
No. of dwelling units	1922	1922	1922	0
No. of low- to moderate-income units	0	0	0	0
Gross floor area (sq. ft.)	1,756,679 gsf	1,756,679 gsf	1,758,695 gsf	2,016 gsf (no new units)
Commercial	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)	High-rise office buildings. Retail and restaurants on ground floor.	High-rise office buildings. Retail and restaurants on ground floor.	High-rise office buildings. Retail and restaurants on ground floor.	0
Gross floor area (sq. ft.)	15,741,835 gsf	15,763,291 gsf	15,936,159 gsf	172,868 gsf
Manufacturing/Industrial	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
Publicly Accessible Open Space	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
PARKING				
Garages	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces	962	962	962	0
No. of accessory spaces	0	0	0	0
Operating hours				
Attended or non-attended	Attended	Attended	Attended	
Lots	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
No. of accessory spaces				
Operating hours				
Other (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
POPULATION				
Residents	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify number:	3,460	3,460	3,460	0
Briefly explain how the number of residents was calculated:	Population calculated based on the average household size of renter-occupied unit for Manhattan Community District 1 & 2 (2010-2012 American Community Survey)			
Businesses	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type	Retail and office	Retail and office	Retail and office	Retail and office
No. and type of workers by business	47,229	47,293	47,812	519
No. and type of non-residents who are not workers	Approx. 20,000 visitors	Approx. 20,000 visitors	Approx. 20,000 visitors	0 visitors
Briefly explain how the number of businesses was calculated:				
Other (students, visitors, concert-goers, etc.)	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	C6-9, C5-3, C5-5, C6-4, Special Lower Manhattan District	C6-9, C5-3, C5-5, C6-4, Special Lower Manhattan District	C6-9, C5-3, C5-5, C6-4, Special Lower Manhattan District	n/a
Maximum amount of floor area that can be developed				
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Commercial/Office Uses, Mixed Residential/Commercial, Multi Family Walkup and Elevator Residences, Open Space, Public Facilities/Institutions, Parking	Commercial/Office Uses, Mixed Residential/Commercial, Multi Family Walkup and Elevator Residences, Open Space, Public Facilities/Institutions, Parking	Commercial/Office Uses, Mixed Residential/Commercial, Multi Family Walkup and Elevator Residences, Open Space, Public Facilities/Institutions, Parking	n/a
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.


- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. See Attachment C: Land Use, Zoning and Public Policy		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," complete the Consistency Assessment Form . See Appendix B		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If "yes," answer both questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below.		
• If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	<input type="checkbox"/>	<input type="checkbox"/>
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	<input type="checkbox"/>	<input type="checkbox"/>
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	<input type="checkbox"/>	<input type="checkbox"/>
iii. Direct Business Displacement		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	<input type="checkbox"/>	<input type="checkbox"/>
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Indirect Business Displacement		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input type="checkbox"/>

o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input type="checkbox"/>
v. Effects on Industry		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
i. Child Care Centers		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
ii. Libraries		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? • (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
iii. Public Schools		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Health Care Facilities		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
v. Fire and Police Protection		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space? See Attachment D	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? • Please specify:	<input type="checkbox"/>	<input type="checkbox"/>
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		

6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See Attachment E. Historic and Cultural Resources		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in Chapter 10 . See Attachment F		
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts? See Attachment G: Hazardous Materials	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site? (For 77 Water Street only. See Appendix C)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:		
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day? Increment of 67,443.2 gallons per day	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a separately sewered area , would it result in the same or greater development than that listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		

11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) • Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): Increment of 35,630.3 pounds per week		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) • Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): Increment of 37,646,775,600 BTUs per year		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ? See Attachment H: Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed)	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. See Attachment I: Air Quality		
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require GHG emissions assessment based on guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		

1. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a preliminary analysis, if necessary.		
2. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) • If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
3. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. See Attachment J: Construction		
4. APPLICANT'S CERTIFICATION		
<p>I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.</p> <p>Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.</p>		
APPLICANT/REPRESENTATIVE NAME	SIGNATURE	DATE
Michael Keane, AICP		/2016
PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.		

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

**Potentially
Significant
Adverse Impact**

IMPACT CATEGORY	YES	NO
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?

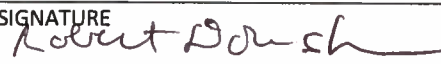
☐
☒

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

- ☐ **Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).
- ☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.
- ☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

4. LEAD AGENCY'S CERTIFICATION

TITLE EARD Director	LEAD AGENCY NYC Department of City Planning
NAME Robert Dobruskin	DATE 6/17/16
SIGNATURE 	

PART II: ENVIRONMENTAL (CEQR) ANALYSIS SUPPLEMENTAL REPORT

ATTACHMENT B. CEQR ANALYSIS

INTRODUCTION

The Proposed Action is CPC approval of a zoning text amendment to §37-625 and §37-73, Article III, Chapter 7 and §91-80 of the Special Lower Manhattan District, Article IX, Chapter 1 of the New York City Zoning Resolution (ZR). Such discretionary actions are subject to City Environmental Quality Review (CEQR), which is New York City's process for implementing the New York State Environmental Quality Review Act (SEQRA), by which City agencies review proposed discretionary actions to identify and disclose the potential effects those actions may have on the environment. This Environmental Assessment Statement (EAS) has been prepared pursuant to Mayoral Executive Order No. 91 of 1977, as amended, the CEQR Rules of Procedure found at Title 62 RCNY Chapter 5 (CEQR), and the implementing regulations for SEQRA found at 6 NYCRR Part 617. This EAS will assist the DCP, acting as lead agency on behalf of CPC, in making the determination whether the Proposed Project would result in significant adverse environmental impacts and require further environmental quality review.

ANALYSIS FRAMEWORK

The framework for the EAS analysis is based on the guidelines established in the latest (March 2014) edition of the *CEQR Technical Manual (CEQR Technical Manual)*. For each technical area, the *CEQR Technical Manual* defines thresholds that, if met or exceeded, typically require a detailed analysis. Accordingly, preliminary screening analyses were conducted for all applicable CEQR technical areas to determine if detailed analyses would be necessary. The following sections of this EAS report provide additional analyses and information for technical categories listed in Part II of the EAS for which CEQR thresholds were determined to have been met or exceeded, or if supplemental information is needed to complete the analysis.

In order to assess the potential effects of the Proposed Action, a Reasonable Worst-Case Development Scenario (RWCDS) for both "Future Without the Proposed Action," also referred to as the No-Action Condition and "Future With the Proposed Action," also referred to as the With-Action Condition, was analyzed for Build Year 2026. The future With-Action Condition identifies the extent, type, and location of development that would be expected to occur by the end of 2026 as a result of the Proposed Action. The future No-Action Condition identifies development projections for 2026 absent the Proposed Action. The potential environmental impacts of the Proposed Action are based on the incremental differences between the With-Action and No-Action conditions.

PROJECT BUILD YEAR

The effects of the proposed action will first be felt in the summer of 2016 with public events and programming allowed within the Project Area. The full effects of the elimination and infill of existing arcades for retail use and improvements to the existing POPS within the Project Area are expected to be realized by 2026. Therefore, to provide a reasonable and conservative time table for all of the Projected Development Sites within the Project Area to be redeveloped the analysis year is assumed to be 2026.

REASONABLE WORST CASE DEVELOPMENT SCENARIO (RWCDS)

A RWCDS has been established for both the Future Without the Proposed Action (No-Action Condition) and the Future With the Proposed Action (With-Action Condition) scenarios, assuming 2026 as the build

year. The incremental difference between the No-Action and With-Action conditions will serve as the basis for assessing the potential environmental impacts of the Proposed Action.

To determine the No-Action and With-Action conditions, standard methodologies have been used following *CEQR Technical Manual* guidelines and employing reasonable assumptions regarding the development of the sites included in the Proposed Project. Each of the lots along Water Street with existing arcades, plazas and urban plazas were included in projecting the amount and location of new retail infill and additional ground floor retail within the Project Area.

As shown in Table A-1, the Projected Development Sites include a total arcade area of approximately 110,321 sf, with the individual arcade areas ranging from approximately 2,400 sf to 14,000 sf. As shown in Table B-1, the Proposed Project would include a total of approximately 167,357 gsf of retail, 26,967 gsf of office space, and 2,016 gsf of residential space. As shown in Table B-1, the incremental difference between the No-Action and With-Action conditions would result in approximately 145,901 gsf of net new retail space, 28,983 gsf of net new office/residential space on 17 development sites. This additional retail space would be located primarily within existing arcades on the 17 development sites; the new office space would be located at the mezzanine level of five development sites including 75 Wall Street, 77 Water Street, 2 New York Plaza, 7 Hanover Square, and 175 Water Street; and the residential space would be located on the second floor of 200 Water Street. According to the current property owner, the additional residential floor area would be generated through the expansion of existing dwelling units rather than the creation of new dwelling units. In the No-Action Condition, the Projected Development Sites are assumed to either remain unchanged from existing conditions, or become occupied by uses that are as-of-right under the existing zoning regulations.

No-Action Condition

Absent the Proposed Action, the Project Area would conform to the underlying zoning district and existing POPS regulations (No-Action Condition). The existing POPS regulations do not permit additional amenities (such as tables and chairs), kiosks and temporary outdoor structures in public plazas and arcades would continue to be not permitted without a Chairperson Certification pursuant to ZR §37-624, §37-625, or §91-81. The No-Action Condition would be identical to the existing conditions pursuant to the underlying zoning regulations. The seasonal events and amenities that were temporarily allowed pursuant to the 2014 Mayoral Zoning Override – Water Street POPS Programming to extend the applicability of the temporary zoning text amendment that allowed events (N130206AZRM) would not take place after December 2015.

With-Action Condition

In the Future with the Proposed Action, temporary events and publicly-accessible amenities would be allowed as-of-right in POPS within the Project Area (With-Action Condition). The proposed zoning text amendment would modify ZR §91-80 regulations and related sections that apply to all public access areas that include existing plazas, urban plazas, and arcades within the Project Area.

While specific events and programming are not known at this time, it is assumed that under the With-Action Condition the types of events and their capacity to attract users would be similar to the Game On! 2014 POPS Events Programming.¹² ADNY in addition to another administrator, with permission from building owners, would to continue to plan and supervise active programming for participating POPS.

¹² Refer to 2014 Water Street POPS Programming EAS (14DME011M)

As shown in Table B-1, the Proposed With-Action Development would involve a total development of 109,413 gsf of enlarged building area within arcades for retail use on the ground floor, 28,983 gsf of enlarged building area within arcades on the second floor levels for office/commercial and residential use, and 57,944 gsf of new retail space within existing building ground floors on the 17 development Sites. In total, there would be 145,901 gsf of net new retail space.

Table B-2: Development Scenario – No-Action and With Action Conditions

Projected Development Sites				No-Action Condition	With-Action Condition			Incremental Difference	
Site No.	Building Address	Block	Lot	Total No-Action Retail (gsf)	Total Proposed GF Retail Infill (gsf)	Total Proposed Additional GF Retail (gsf)	Total New Office/Residential Space (Second Floor) (gsf)	Net New GF Retail (gsf)	Net New Office/Residential Space (Second Floor) (gsf)
1	1 New York Plaza	4	7501	-	8,488	3,868	-	12,356	-
2	2 New York Plaza	5	7501	-	4,299	8,723	3,656	13,022	3,656
3	4 New York Plaza	5	10	-	3,313	7,731	-	11,044	-
4	7 Hanover Square	30	19	-	9,530	1,393	10,244	10,923	10,244
5	55 Water Street	32	7501	-	10,628	8,699	-	19,327	-
6	77 Water Street	33	1	-	14,986	-	4,161	14,986	4,161
7	32 Old Slip	35	1	-	12,004	3,213	-	15,217	-
8	95 Wall Street	33	11	-	3,007	-	-	3,007	-
9	75 Wall Street	31	7501	-	5,179	1,239	5,179	6,418	5,179
10	100 Wall Street	38	1	-	3,560	-	-	3,560	-
11	110 Wall Street ¹	37	8	7,500	3,163	9,122	-	4,785	-
12	160 Water Street ¹	70	43	3,454	3,235	3,454	-	3,235	-
13	180 Water Street ¹	70	32	10,502	2,405	10,502	-	2,405	-
14	200 Water Street ²	75	1	-	4,462	-	2,016	4,462	2,016
15	175 Water Street	71	7501	-	3,315	-	3,727	3,315	3,727
16	85 Broad Street	29	1	-	12,930	-	-	12,930	-
17	111 Wall Street	35	10	-	4,908	-	-	4,908	-
18	86 Water Street / 10 Hanover Square	31	1	-	-	-	-	-	-
19	88 Pine Street	38	17	-	-	-	-	-	-
20	180 Maiden Lane	37	23	-	-	-	-	-	-
				21,456	109,413	57,944	28,983	145,901	28,983

NOTES

1	110 Water Street, 160 Water Street and 180 Water Street have vacant retail space on the ground floor (No-Action Retail)
2	For Site 14 at 200 Water Street, the second floor space within the existing arcade would likely be new residential space, consistent with the residential use on upper floors.

Incremental Difference: No-Action and With-Action

The incremental difference between the No-Action and With-Action conditions provides the basis by which the potential environmental impacts of the Proposed Project are evaluated. As shown in Table B-2, the With-Action Condition would result in a net *increase* of approximately 145,901 gsf of new retail space, a net *increase* of approximately 26,967 gsf of office space, and a net *increase* of approximately 2,016 gsf of residential space.

Table B-2: No-Action and With-Action Conditions

Land Use (Use Group)	No-Action Condition (gsf)	With-Action Condition (gsf)	Increment (gsf)
Residential Use	0	2,016	2,016
Commercial Use (Retail)	21,456	167,357	145,901
Commercial Use (Office)	0	26,967	26,967

Source: Based on the development program provided by NYC EDC (Co-Applicant)

The With-Action Condition (Proposed Project) would result in a net *increase* of 519 workers compared to the No-Action Condition. The potential adverse environmental impacts resulting from the net incremental difference between the two development conditions is evaluated in the following sections of this EAS report.

ATTACHMENT C. LAND USE, ZONING AND PUBLIC POLICY

INTRODUCTION

According to the *CEQR Technical Manual*, a detailed assessment of land use, zoning and public policy is appropriate if an action would result in a significant change in land use or would substantially affect regulations or policies governing land use. A land use analysis characterizes the uses and development trends in the area that may be affected by a Proposed Project, describes the zoning and public policies that guide development, and determines whether a Proposed Project is compatible with those conditions and policies or whether it may affect them. An assessment of zoning is typically performed in conjunction with a land use analysis when an action would change the zoning on the site or result in the loss of a particular use.

Pursuant to *CEQR Technical Manual* guidelines, the land use, zoning and public policy analysis focuses on a 400-foot radius study area around the project site (Figure 2). Geographical Information System (GIS) land use and zoning data provided by DCP, supplemented with a site visit, were utilized to ascertain existing land use patterns and neighborhood characteristics of the study area (Figure 5).

Proposed Action

The proposed zoning text amendment would affect zoning regulations governing the POPS located on 20 tax lots on 13 blocks (“Projected Development Sites”) within the Project Area. The Proposed Action, through a certification and authorization, would allow horizontal enlargement on the ground floor level (“infill”) within an existing arcade for retail uses and improvements to existing plazas within the Project Area boundaries. The Proposed Action would also allow events and publicly accessible tables and chairs within plazas and urban plazas as-of-right, and would continue to allow cafes within arcades by certification (current ZR §91-81). The zoning text would establish the uses that would be permitted in the arcade infill, the location of new building walls, and the standards by which the plazas would be improved¹³.

LAND USE

Existing Conditions

The Project Area is centered along Water Street and is generally bound by Fulton Street to the north, South Street to the east, Whitehall Street to the south, and Pearl Street to the west, in the Financial District of Lower Manhattan. As shown in Figure 5, the predominant land use within 400-foot radius of the project site is commercial, specifically high-rise office buildings with ground floor retail and restaurant use. The study area also consists of mixed residential and commercial buildings, multifamily residential buildings, and two multifamily residential buildings ranging from 9– to 55–stories. Parking garages within the study area are primarily located at the cellar level of office buildings. Other prominent uses in the study area include South Street Seaport to the northeast, five piers (Pier 6, 11, 13, 14 and 16) that are used to provide ferry and aviation service to the south of the Project Area; East River Waterfront Esplanade along the East River to the east; the Battery Maritime building, which is a designated New York City Landmark (NYCL) and is listed on the State/National Register of Historic Places (S/NR), located further southwest.

¹³ In order to allow infill within arcades, the new building area that would be created would not be considered floor area, as defined by the Zoning Resolution, and the permitted floor area within the building (including bonuses from the arcades that are to be eliminated and infilled) would not change so that a floor area non-compliance is never created. The environmental review will consider the potential for future utilization of the proposed action to result in significant adverse impacts.

The Project Area includes the NYCL Fraunces Tavern Block Historic District and Stone Street Historic District. The Project Area is also adjacent to the S/NR Wall Street Historic District, and S/NR South Street Seaport Historic District. The Project Area also includes several NYC designated landmarks, lampposts, and properties listed on the S/NR. A detailed discussion of all the historic resources within the study area is included in “Attachment E: Historic and Cultural Resources”.

No-Action Condition

In the No-Action Condition, the properties within the Project Area would conform to the underlying zoning district and existing POPS regulations. The existing POPS regulations do not permit additional amenities (such as tables and chairs), kiosks and temporary outdoor structures in public plazas and arcades without a Chairperson Certification pursuant to ZR §37-624, §37-625, or §91-81. The No-Action condition would be identical to the existing conditions pursuant to the underlying zoning regulations.

Due to their particular design and lack of public amenities, the high concentration of POPS along and near Water Street have failed to support active street life or improve pedestrian circulation in the Water Street commercial corridor. In the future without the Proposed Action, the POPS would continue to underperform and the existing mix of uses along Water Street would continue to fail to attract pedestrians and visitors necessary to create an active street scene. Furthermore, the seasonal events and amenities that were temporarily allowed pursuant to the 2014 Mayoral Zoning Override – Water Street POPS Programming would not take place after December 2015.

With-Action Condition

In the With-Action Condition, a Chairperson Certification would permit the elimination of existing arcades within the Project Area to allow for retail infill. Additionally, the proposed text amendment would allow temporary public events and publicly-accessible amenities to occur as-of-right in POPS within the Project Area. The proposed zoning text amendment would modify the ZR §98-80 regulations and related sections that apply to all public access areas that include existing plazas, urban plazas, and arcades within the Project Area. While the specific events and programming are not known at this time, it is assumed that under the With-Action Condition the types of events and their capacity to attract users would be similar to the Game On! 2014 POPS Events Programming.¹⁴ In addition, ADNY or another administrator, with the permission of property owners, would continue to plan and supervise active programming for participating POPS.

ASSESSMENT

In the With-Action Condition, the Proposed Project would allow increased commercial uses – ground floor retail and mezzanine level office uses, which would be consistent with the existing land uses in the Project Area. The proposed text amendment would also modify the zoning regulations governing the POPS within the Project Area to permit public events and amenities as-of-right, such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks. The Proposed Project would be consistent with the existing commercial land uses that define the area. In addition, the improvements under the Proposed Project would create opportunities for activities and events within the Water Street POPS and attract additional pedestrians and visitors to the area, thereby improving the vitality of these public spaces. The infill retail uses would further contribute to an active corridor. Based on this information, the Proposed Project is not anticipated to result in any significant adverse impacts on the land use within the project study area.

¹⁴ 2014 Water Street POPS Programming EAS (14DME011M) – Attachment A.

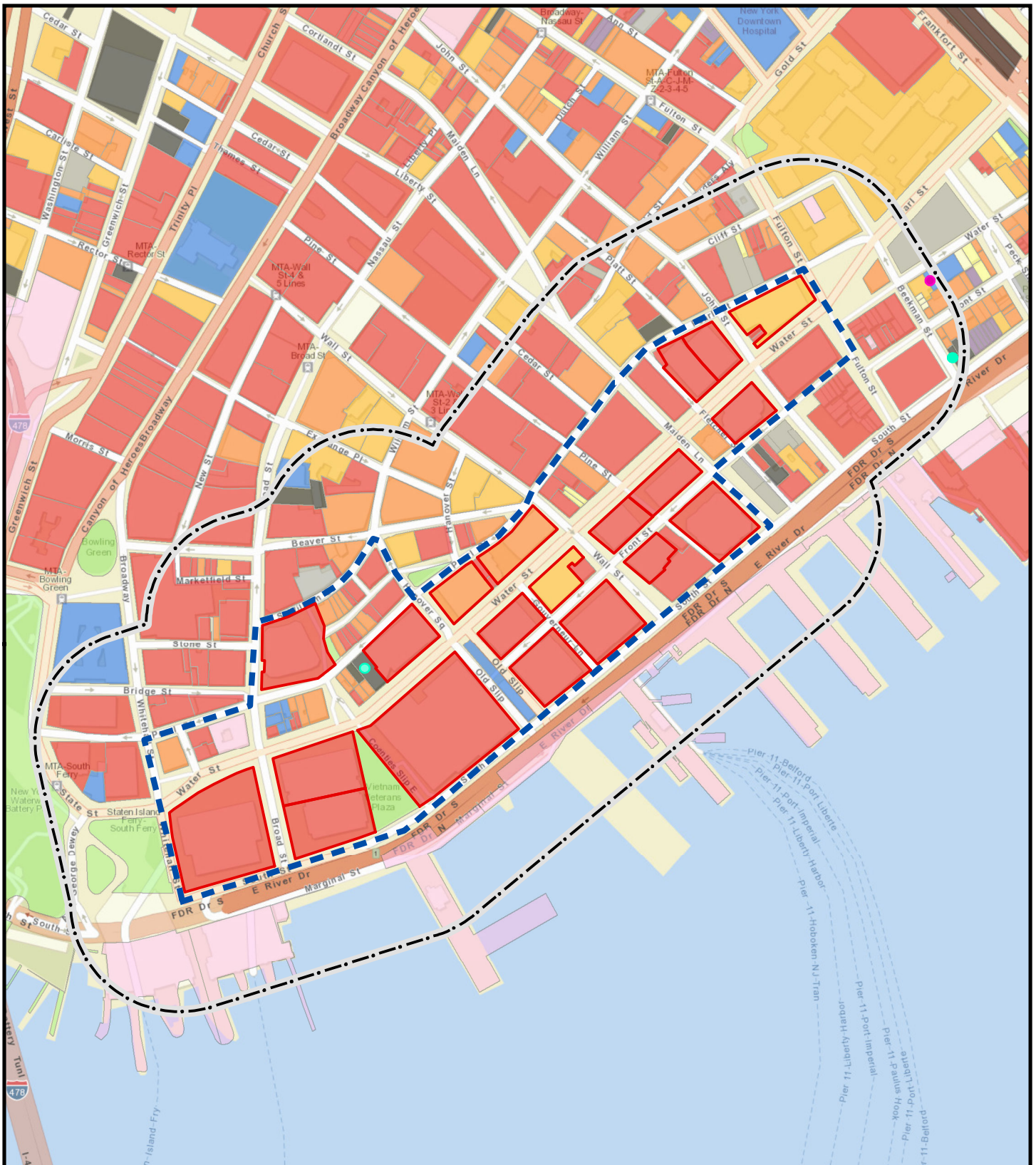


FIGURE 5: LAND USE MAP
WATER STREET UPGRADES TEXT AMENDMENT

**FINANCIAL DISTRICT
 MANHATTAN, NY**

■ Project Area
 ■ Proposed Development Sites
 ■ Under Construction - Planned Use Known (Former Industrial Land Use)
 ■ Under Construction - Planned Use Unknown (Former Industrial Land Use)

Land Use

■ One & Two Family Residences	■ Commercial/Office Uses	■ Open Space
■ Multi Family Walkup Residences	■ Industrial/Manufacturing	■ Parking
■ Multi Family Elevator Residences	■ Transportation/Utility	■ Vacant Land
■ Mixed Residential/ Commercial	■ Public Facilities/Institutions	

0 250 500 1,000 Feet

N

Map Reference: NYC Dept of City Planning, MapPLUTO Data; ESRI Basemap

LANGAN

ZONING

Existing Conditions

The predominant zoning classifications within 400-foot radius of the project site are C6-9, C5-5, C5-3, C4-6 commercial zoning districts, a M1-4 manufacturing zoning district; and an R8 residential zoning district. The Project Area is overlain with the Special Lower Manhattan District (LM) (see Figure 6).

Special Lower Manhattan District

The LM was designated in 1998 and includes the area of Manhattan south of Murray Street, City Hall Park and the Brooklyn Bridge. The district does not include Battery Park City.

The LM includes two subdistricts, the South Street Seaport Subdistrict and the Historic and Commercial Core. The South Street Seaport Subdistrict is roughly bounded by South Street, Water Street and the approaches to the Brooklyn Bridge. The subdistrict extends all the way to the waterfront and includes the six piers (Pier 6, 11, 13, 14, 16, and 17) on the East River. As part of NYC's effort to implement the Transfer of Development Rights (TDR)¹⁵ program, the South Street Seaport Subdistrict regulations were specifically designed to protect the scale and character of the 18th and 19th century mercantile buildings in the Subdistrict. Under the TDR program, historic buildings are permitted to transfer air rights to designated non-adjacent buildings within the same district.

The Historic and Commercial Core is bounded by Broadway, Wall Street, Water Street, and Whitehall Street. The street plan within the core area, called the Streetplan of New Amsterdam and Colonial New York, has been accorded landmark status by the New York City Landmarks and Preservation Commission (LPC). The Historic and Commercial Core was established to promote development compatible with existing buildings that border the landmarked street plan.

POPS

The Water Street POPS, mainly plazas and arcades along and near Water Street, were developed between 1969 and 1987 pursuant to 1961 zoning regulations designed to encourage large-scale development along Water Street and provide additional light and air, and to improve pedestrian circulation. The zoning regulations allowed the construction of buildings with greater floor area than what was permitted under existing zoning if public spaces were created at the base of these new buildings.

According to ZR §12-10, a plaza is defined as an open area for public use on a zoning lot developed between December 15, 1961 and June 11, 1996. ZR §12-10 defines an arcade as a continuous covered space fronting on and open to a street or a publicly accessible open area. The provisions of ZR §27-50 (Plaza Standards of 1961) and ZR §37-80 regulate plazas and arcades, respectively. These regulations do not require public amenities within the POPS or permit temporary public events within the POPS without a Chairperson Certification pursuant to ZR §37-624, §37-625, or §91-81.

¹⁵ NYC ZR Transfer of Development Rights (TDR) allows for the transfer of unused development rights from one zoning lot to another in limited circumstances, usually to promote the preservation of historic buildings, open space or unique cultural resources. For such purposes, a TDR may be permitted where the transfer could not be accomplished through a zoning lot merger. In the case of a landmark building, for example, a transfer may be made by CPC special permit from the zoning lot containing the designated landmark to an adjacent zoning lot or one that is directly across a street or, for a corner lot, another corner lot on the same intersection.

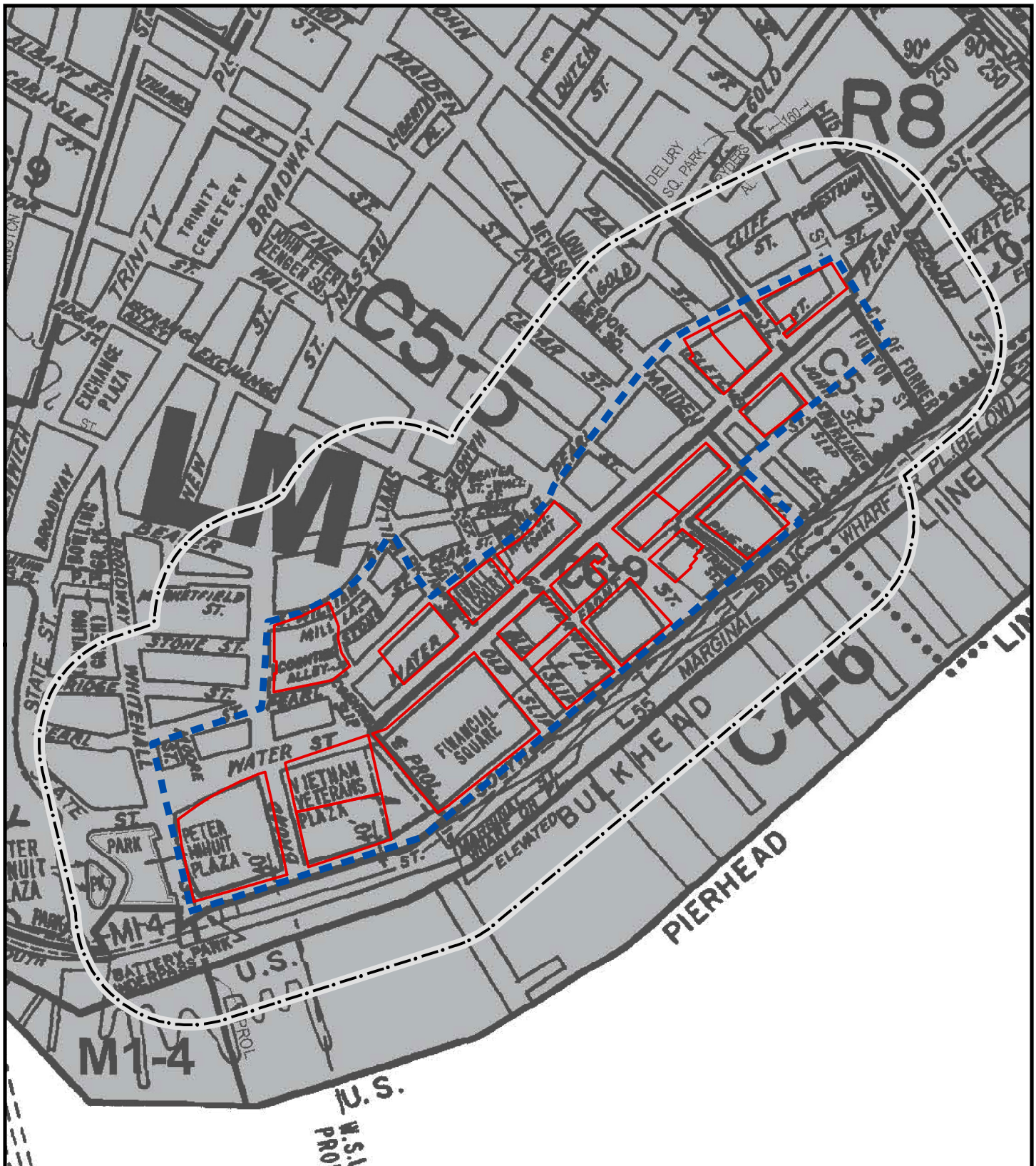


FIGURE 6: ZONING MAP

WATER STREET UPGRADES TEXT AMENDMENT

Project Area

Proposed Development Sites

Study Area (400-foot radius)

Zoning Districts

Special Lower Manhattan District

FINANCIAL DISTRICT
MANHATTAN, NY

Map Reference: NYC Dept of City Planning

0 250 500 1,000 Feet



LANGAN

No-Action Condition

In the No-Action Condition, the properties within the Project Area would conform to the underlying zoning district and existing POPS regulations. The No-Action Condition would be identical to the existing conditions.

Under the No-Action Condition, the existing POPS would not be improved with additional amenities (such as tables and chairs), kiosks and temporary outdoor structures, and the arcades would not be eliminated to allow for additional retail infill. Furthermore, the seasonal events and amenities that were temporarily allowed pursuant to the 2014 Mayoral Zoning Override – Water Street POPS Programming would not take place after December 2015.

With-Action Condition

In the With-Action Condition, the regulations in ZR §91-80 and related section would be revised to facilitate the elimination and infill of existing arcades for commercial retail use through a Chairperson Certification. Commercial uses are permitted pursuant to the underlying C5-3, C5-5, and C6-9 commercial zoning districts.

Additionally, the proposed zoning text amendment would allow temporary outdoor public events and publicly-accessible amenities to occur as-of-right in POPS within the Project Area.

ASSESSMENT

In the With-Action Condition, the Proposed Project would result in additional retail, office and residential space within the Project Area. The additional retail space would be located primarily within existing arcades on 17 development sites; the office space would be located at the mezzanine level of five development sites including 75 Wall Street, 77 Water Street, 2 New York Plaza, 7 Hanover Square, and 175 Water Street; and the residential space would be located on the second floor of 200 Water Street. According to the current property owner, the additional residential floor area would enlarge only the existing dwelling units within the building, it would not create new dwelling units would be created. The proposed retail infill and office use are permitted in the underlying C5-3, C5-5, and C6-9 commercial zoning districts. In addition, the proposed zoning text amendment would allow public events and amenities to occur as-of-right in the POPS within the Project Area. While the proposed changes regarding POPS regulations would permit public events and amenities in public plazas and arcades with a Chairperson Certification, these proposed text amendment changes would be consistent with the 2013 NYCDP Water Street POPS Text Amendment and 2014 NYCEDC Water Street POPS Programming zoning override.

Based on this information, the Proposed Project would allow increased floor area consistent with existing zoning regulations and is not anticipated to result in any significant adverse zoning impacts.

PUBLIC POLICY

According to the *CEQR Technical Manual*, a proposed project that is within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policy. A preliminary assessment of public policy should identify and describe any public policies, including formal plans or published reports that pertain to the study area. If the Proposed Action could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary.

Public policies applicable to the study areas are discussed below.

The Water Street Strategy

The Proposed Project is the culmination of several initiatives involving NYCEDC, other City agencies, and community stakeholders to create a more active, pedestrian-friendly street level experience along the Water Street corridor. According to the July 2014 Water Street POPS Events Programming EAS (14DME011M), the Water Street Strategy is a multi-pronged strategy that has involved projects intended to strengthen Water Street's position as a thriving destination for office tenants as well as residents and visitors by creating a pedestrian-oriented environment through streetscaping and landscaping, improving pedestrian safety, maintaining appropriate traffic flow, incorporating traffic calming measures, and sustainable elements wherever possible. As was the case with DCP's 2013 Water Street Upgrades Initiative the Proposed Project is a joint effort of NYCEDC, DCP and ADNY designed to encourage comprehensive upgrades of the many POPS that characterize Water Street's open spaces. Facilitated by the temporary zoning text amendment, the Water Street Event series began in 2013 in order to enliven POPS with public events, art, and activities. With DCP's support and encouragement, the series will continue through the end of 2015 under NYCEDC's and ADNY's leadership. The Proposed Project would help achieve the goals of creating a more vibrant public realm and allowing events such as the POPS Event Series to continue, and would be consistent with the policy initiatives underway to enhance public activity in the POPS.¹⁶

One New York (OneNYC)

One New York: The Plan for a Strong and Just City (OneNYC) is the City's long-term sustainability plan that aims to address New York City's long-term challenges: population increase by 2040, changing climate conditions, an evolving economy, and aging infrastructure. The plan was originally adopted in 2007 as *PlaNYC*, and was updated and renamed *OneNYC* in 2015. *PlaNYC* (2007-2013) focused on the City's land use, open space, brownfields, energy use and infrastructure, transportation systems, water quality and infrastructure, air quality, and climate resiliency. All of these goals remain at the core of *OneNYC*, however four principles that frame its goals and initiatives include growth, equity, sustainability, and resiliency.

The Proposed Project supports the following OneNYC goals:

Growth – Thriving Neighborhoods

OneNYC recognizes that neighborhoods require basic services, healthy environments, a good quality of life, and connections to the city's job centers. In order to support the City's growing population, the plan calls for strategic investments to bring necessary public-transit access, quality affordable housing, retail, and services to growing and underserved neighborhoods.

Sustainability – Parks & Natural Resources

OneNYC recognizes that high-quality and easily-accessible open space is the foundation of a vibrant neighborhood. These open spaces include all outdoor spaces, including the City's parks, public spaces, streets, and natural habitats, which together make up more than 40 percent of New York City's land area. As an integrated system, a great open space can attract residents and businesses, and promote greater use of recreational, civic, cultural, and natural resources.

¹⁶ Water Street POPS Events Programming Environmental Assessment Statement (14DME011M), New York City Economic Development Corporation

ASSESSMENTOneNYCGrowth – Thriving Neighborhoods

The Proposed Project would support transit-oriented development and promote walkable destinations for retail and other services; adapt existing building components that are currently underused to new vibrant uses; and develop underutilized open spaces to knit neighborhoods together.

Sustainability – Parks & Natural Resources

OneNYC recognizes that high-quality and easily-accessible open space is the foundation of a vibrant neighborhood. These open spaces include all outdoor spaces, such as the City's parks, public spaces, streets, and natural habitats, which together make up more than 40 percent of New York City's land area. As an integrated system, a great open space can attract residents and businesses, and promote greater use of recreational, civic, cultural, and natural resources.

Consistent with the open space goals of OneNYC, the proposed text amendment would allow more property owners in the Project Area to have access to useful and high-quality open spaces, while improving existing and underperforming POPS with public amenities through the introduction of street furniture including tables and chairs. It is anticipated that the upgrades under the Proposed Project would make public plazas more welcoming, accessible, and better connected to surrounding neighborhoods. Such improvements and upgrades would also improve underutilized open spaces, providing valuable environmental benefits to all residents. These environmental benefits include passive indoor and outdoor cooling, cleaning of air and water, and improved resiliency to natural events and climate change. The Proposed Project also includes retail infill within existing arcades for active retail use. These improvements would create opportunities for activities and events within the Water Street POPS and attract additional pedestrians and visitors to the area, thereby improving the vitality of these public spaces. The infill retail uses would further contribute to an active corridor.

Based on this information, the Proposed Action is consistent with the applicable goals of OneNYC, as well as the land uses in the vicinity of the project.

Local Waterfront Revitalization Program (WRP)

The *New York City Waterfront Revitalization Program* (WRP) is the City's principal coastal management tool. Originally adopted in 1989 and subsequently revised, the WRP establishes the City's policies for development and use of the waterfront, while also providing a framework for evaluating consistency of all discretionary actions in the coastal zone with WRP policies. A revised WRP was approved by City Council in 2012. The New York State Department of State (NYSDOS) began the required 60-day public review period for the proposed WRP amendment on December 17, 2014.

The updated document has proposed a number of revisions to the current WRP. According to a summary of proposed changes¹⁷, updates to goals will encourage development of maritime industry, while protecting the environment, promote recreation on the shoreline and in water bodies, provide design principles that

¹⁷ http://www.nyc.gov/html/dcp/html/wrp/wrp_revisions_summary.shtml Accessed 1 October 2015

consider the effects of climate change and sea level rise, and foster preservation and restoration of ecologically sensitive areas.¹⁸

The Proposed Project would occur partially within the New York City-regulated Coastal Zone (Figure 7) and is subject to an evaluation of its consistency with the policies of the City's Local Waterfront Revitalization Program (WRP). According to the WRP and as identified in Section C of the Coastal Assessment Form (CAF) included in Appendix B, the following policies warrant further assessment: 1.1, 6, and 10. The Proposed Project's consistency with these policies is evaluated below. In addition, these policies will be assessed based on the proposed WRP revisions.

Based on the coastal consistency analysis, the Proposed Project would be consistent with the applicable policies of the WRP's current and updated policies.

Coastal Assessment

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

Compliance Statement: The Proposed Project is a zoning text amendment that would allow building owners on 20 commercial sites in the Water Street corridor, the Project Area, to improve existing, underperforming, and underutilized POPS with public amenities and allow infill of existing arcades for active retail use. The Proposed Project would also allow outdoor events as-of-right in public plazas and arcades within the Project Area. The Proposed Project would encourage the potential redevelopment of approximately 145,901 gsf of net new retail space, approximately 26,967 gsf of net new office space, and approximately 2,016 gsf of net new residential space, within the Project Area, and accordingly would attract additional pedestrians and visitors to the area and create opportunities for activities and events within the Water Street POPS. The retail infill and public events anticipated under the Proposed Project would enhance the vitality of the Water Street corridor within the East River Coastal Zone by activating underutilized spaces and allowing for additional pedestrian access.

In addition, based on the proposed WRP revisions, because the Project Area is transit accessible the Proposed Project would be appropriate for reuse through public and private action.

Based on this information, the Proposed Project is consistent with this policy.

Policy 6: Minimize loss of life, structures and natural resources caused by flooding and erosion.

Compliance Statement: Out of the 17 development sites within the project area that include POPS, 14 are located within the NYC-regulated coastal zone and 100-year flood zone, shown on FEMA's Preliminary Flood Insurance Rate Map (Figure 8). The Proposed Project considers the risks associated with coastal flooding based on climate change projections. In 2012, Hurricane Sandy severely flooded Water Street and caused significant damage to the building infrastructure systems and ground floor uses in the area. Accordingly, all infill and retail expansion activities under the Proposed Project would be consistent with applicable local, state and federal standards regarding flood and erosion protection and conform to the New York City Building Code regarding flood proofing and resiliency measures.

¹⁸ DCP. 2012 WRP Revisions- Summary of Proposed Changes
(http://www.nyc.gov/html/dcp/html/wrp/wrp_revisions_summary.shtml) Accessed 1 October 2015.

Furthermore, based on updated goals for Policy 6, under the proposed text amendment 91-831(C)(3) “Transparency and Flood Resistance,” at least 70 percent of the street wall surfaces on affected buildings, in addition to the existing columns between two feet above grade and 14 feet above grade or the ceiling level of the ground floor of each affected building, whichever is lower, would include clear, untinted, transparent material. Under the text amendment, the Proposed Project would also include permanent fixtures for temporary flood control devices and associated emergency egress systems that would be assembled prior to a storm and removed after a storm. The fixtures that would be affixed to a column would be allowed to obstruct any transparent portion of a new building wall and would not be considered a non-transparent portion of a new building wall. Under the Proposed Project, temporary flood control devices and associated emergency egress systems would be permitted in front of any new building wall for a reasonable period prior to and after a storm event, as determined by the Department of Buildings (DOB). If applicable, the Proposed Project would allow owners to incorporate salt-water-tolerant plants for areas that may be temporarily inundated in the event of a storm surge. The Proposed Project would not cause erosion or loss of wildlife habitats associated with the East River.

Based on this information, the Proposed Project is consistent with this policy.

Policy 8: Provide public access to and along New York City’s coastal waters.

Compliance Statement: Under the Proposed Project building owners on 20 commercial sites in the Water Street corridor would be allowed to improve existing, underperforming, and underutilized POPS with public amenities and allow infill of existing arcades for active retail use. The Project Site is not located directly along the East River’s water edge and is not subject to a Waterfront Access Plan (WAP). Furthermore, the Project Site does not contain any waterfront public access areas, or visual corridors or upland connections associated with waterfront zoning. The improvements of the POPS and retail infill under the Proposed Project would not reduce existing or required access to or along coastal waters of the East River, or affect public access areas, or public parks. Although it would affect open space (plazas and arcades) in the project area, the Proposed Project would improve arcades with retail infill and plazas with amenities including seating, tables, and planters. The text amendment would also allow public events within the plazas as-of-right. The Proposed Project would not affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation. Therefore the Proposed Project would not result in any adverse impacts regarding physical or visual public access to and along New York City’s coastal waters. Based on this information, the Proposed Project would be consistent with this policy.

Policy 10: Protect, preserve and enhance resources significant to the historical, archeological, and cultural legacy of the New York City coastal area.

Compliance Statement: The Project Area contains several buildings, lampposts, and parts of the Streetplan of New Amsterdam and Colonial New York that are designated NYC landmarks and/or listed on the S/NR, and within the NYC Coastal Zone. The Streetplan that is within the Coastal Zone is located on Broad Street between Pearl and Stone Streets and Whitehall Street between Pearl and Stone Streets. The Wall Street Historic District, listed on the S/NR, and the NYC designated landmark South Street Seaport Historic District, are immediately adjacent on the north and west boundary, respectively, of the Project Area and are within the Coastal Zone.¹⁹ The new infill retail and improvements to the existing POPS under the Proposed Project is designed to enhance the Water Street corridor by making it more pedestrian friendly, and to create opportunities for activities and events within the POPS. Consequently, with additional pedestrians in the area,

¹⁹ SHPO. Cultural Resource Information System (CRIS) <https://cris.parks.ny.gov/> Accessed on 30 June 2015, 12:00 p.m.

it is anticipated that there would be an increase in the visitors to the historical and cultural resources within the Water Street corridor. Accordingly, the Proposed Project would help enhance these resources by making them accessible to additional people. Therefore, the Proposed Project would not result in any adverse impacts on historic resources in the Project Area.

Based on this information, the Proposed Project is consistent with this policy.

The proposed text amendment would be consistent with The Water Street Strategy, *One New York (OneNYC)* as well as the Local Waterfront Revitalization Program (WRP), therefore no adverse impacts are associated with regards to Public Policy.

CONCLUSION

The Proposed Project would not result in changes to public land use and zoning on the Projected in the Study Area. Likewise, the Proposed Action would not result in adverse impacts on the surrounding land uses, or generate land uses that would be incompatible with current land uses within the Study Area. Finally, the Proposed Project would be compatible with relevant public policies including the Water Street Strategy, *OneNYC*, and the WRP. The Proposed Project is consistent with current WRP policies as well as the 2012 updates.

In conclusion, no significant adverse impacts on land use, zoning, or public policy, as defined by the guidelines for determining impact significance set forth in the *CEQR Technical Manual*, are anticipated in the future with the Proposed Action.

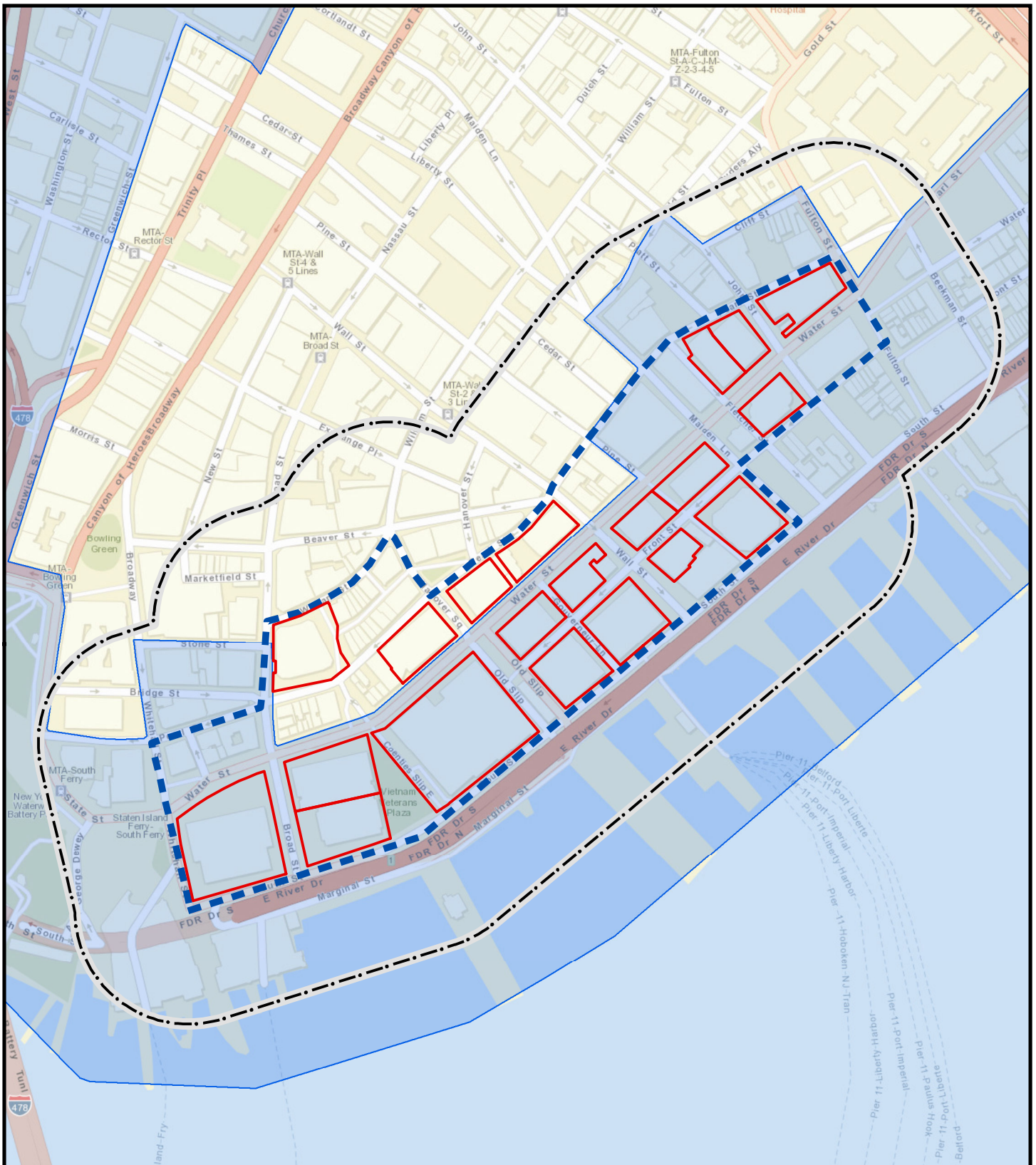




FIGURE 7: COASTAL ZONE MAP

WATER STREET UPGRADES TEXT AMENDMENT

 Project Area

 Proposed Development Sites

 Study Area (400-foot radius)

 Coastal Zone Boundary

FINANCIAL DISTRICT
MANHATTAN, NY

Map Reference: NYC Dept of City Planning, ESRI Basemap

LANGAN



FIGURE 8: FEMA PRELIMINARY FIRM 2013
WATER STREET UPGRADES TEXT AMENDMENT

- Project Area
- Proposed Development Sites
- Other Flood Areas: Zone X
 Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood
- Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood
- Limit of Moderate Wave Action
- ZONES AE and VE Base Flood Elevations determined

FINANCIAL DISTRICT
 MANHATTAN, NY

Map Reference: FEMA Preliminary Flood Insurance Rate Map: 3604970184G 12/5/13

0 250 500 1,000 Feet



LANGAN

ATTACHMENT D. OPEN SPACE

INTRODUCTION

According to the *CEQR Technical Manual*, an open space assessment is necessary to determine whether or not a proposed project would result in the displacement or physical alteration of an open space (direct impact) and/or result in an increase in population that would overburden available open space (indirect impact). The *CEQR Technical Manual* defines open space as publicly or privately owned land that is publicly accessible and designated for leisure, play or sport, or land set aside for the protection and/or enhancement of the natural environment.

Under the *CEQR Technical Manual* guidelines, an analysis of a project's direct impacts is warranted if the project results in a change or elimination of existing open space. The Proposed Action would facilitate the elimination and infill of existing arcades with retail uses; the improvement of existing plazas with amenities such as seating and planting; and the activation of underutilized plazas and arcades with events, cultural programming, and temporary amenities. According to the *CEQR Technical Manual* public plazas are considered 'public open space,' and arcades are typically considered 'private open space.' However, arcades within the Project Area are publicly accessible and are included in this quantitative analysis of potential open space impacts. The proposed elimination and infill of the arcades can potentially result in an adverse open space impact; therefore, a discussion of the direct impacts resulting from the elimination and infill of existing of arcades by the Proposed Action is provided.

Furthermore, based on the *CEQR Technical Manual* guidelines, the threshold for requiring an analysis of a project's indirect effects varies depending on whether a project site is located in an area identified as well-served, underserved, or neither, by open space. According to the *CEQR Technical Manual* (Open Space Map – Manhattan), the Project Site is not located in an area identified as well-served or under-served by open space.²⁰ For projects located in an area identified as neither well-served nor underserved, a preliminary open space assessment should be conducted if the project would generate more than 200 residents or 500 employees. The Proposed Project would result in a net increase of 519 workers; therefore a discussion of indirect impacts on open space is provided. The indirect impacts assessment examines the type of open space resources and non-resident/worker population affected by a proposed project. Based on the *CEQR Technical Manual*, 0.15 acres of passive open space per 1,000 non-residents is defined as the optimal ratio of open space to worker population. An open space study area is generally defined by a reasonable walking distance that users would travel to reach local open space and recreation areas—typically a 1/4-mile radius for commercial projects with a worker population. Accordingly, the study area for Proposed Project is limited to a 1/4-mile radius around the Projected Development Sites. As shown in Figure 9, the study area includes Manhattan Census Tracts 15.01, 15.02, 7, 9, and 319 and all publicly accessible open spaces within that area.

EXISTING CONDITIONS

The Project Area is centered along the Water Street corridor, one of Lower Manhattan's central commercial corridors. It is characterized by a large concentration of high-rise office buildings with retail at the street level on both sides of the street. The Project Area is generally bounded by Fulton Street to the north, South Street to the east, Whitehall Street to the south, and Pearl Street to the west. Most of the buildings in the Project Area were constructed between 1965 and 1987 and were generally facilitated by special permits and variances,

²⁰ *CEQR Technical Manual*, Open Space – Chapter 7, Part 220 Indirect Effects
(http://www.nyc.gov/html/oc/html/ceqr/open_space_maps_manhattan.shtml). Accessed on December 30, 2015)

along with the floor area bonuses generated by the associated POPS. The POPS that are associated with the Water Street buildings have generally taken the form of plazas and arcades. Plazas are public open spaces that are open and exposed to the sky and may, depending on the year it was developed, contain amenities such as seating and trees. With the exception of the urban plazas at 75 Wall Street, 85 Broad Street and 32 Old Slip, all of the plazas within the Project Area were provided when no amenities were required. Arcades are continuous covered areas along a building frontage that are open to a street or other privately owned public space, and are free and clear of obstructions. As shown in Attachment A: Project Description (Table A-1: Existing POPS on Project Development Sites), the Project Area includes 20 buildings with plazas and arcades (POPS) that collectively have a total arcade area of approximately 110,321 sf (2.5+ acres) and a total plaza area of over 225,000 sf (5+ acres). Individual arcade areas range between approximately 2,400 sf to 14,000 sf, and individual plaza areas range between 550 and 41,500 sf. Each of the 20 sites is explained in more detail under Direct Impacts.

In addition to the POPS, other publicly accessible open space resources in 1/4-mile study area include Battery Park (25.08 acres), Bowling Green Park (1.02 acres), British Garden at Hanover Square (0.01 acres), DeLury Square (0.21 acres), Fishbridge Garden (0.01 acres), Imagination Playground (0.39 acres), Pearl Street Playground (0.16 acres), Peck Slip Plaza (0.19 acres), Vietnam Veterans Plaza (0.73 acres), Coenties Slip Plaza (0.13 acres), Water/Whitehall Plaza (0.17 acres), Louise Nevelson Plaza (0.14 acres), Landscaped Areas governed by New York City Department of Transportation (DOT) and Department of Parks and Recreation (DPR)— Greenstreets (1.33 acres), Elevated Acre private park (1 acre), and the East River Esplanade (11.93 acre). The open space study area contains approximately 42.5 acres of publicly accessible parks and playgrounds. These publicly accessible open space resources are described below.

Battery Park

Battery Park is a 25.08-acre, city-owned park located west of the Project Area at the southern tip of the Manhattan Island. The park faces the New York Harbor and includes bikeways; waterfront promenade; individual gardens, plazas, and play-areas; the Battery Urban Farm, an educational farm where visitors can learn about sustainable farming techniques; New Amsterdam Plein & Pavilion at Peter Minuit Plaza, a transportation hub for ferries, buses, trains, cars, bicycles and pedestrians; the Seaglass Carousel; and the historic Castle Clinton National Monument.²¹

Bowling Green Park

Bowling Green Park is a 1.02-acre, city-owned park located northwest of the Project Area. The park is NYC's oldest park and a designated landmark. The park is a fenced-in grassy area with benches. According to tradition, the site has served as the council ground for Native American tribes and was the site of the legendary sale of Manhattan to Peter Minuit in 1626.²² To the south of the park is the U.S. Custom House, a designated landmark, which houses the Smithsonian Institution's National Museum of the American Indian and the United States Bankruptcy Court for the Southern District of New York (Manhattan Division).

²¹ <http://www.thebattery.org/> (Accessed on December 30, 2015)

²² <http://www.nycgovparks.org/parks/bowling-green> (Accessed on December 30, 2015)

British Garden at Hanover Square

The British Garden at Hanover Square is a 0.01-acre small triangular city-owned park located at the intersection of Hanover Square and Pearl Street. The park contains benches, paving, curbs, and hedges and small trees in planters.²³

DeLury Square

DeLury Square is a 0.21-acres city-owned open space located at the intersection Fulton and Gold Streets. The square was completed in 2010 and includes a display fountain, large trees, plantings, benches, a steel perimeter fence, entrance gates and lighting.²⁴

Fishbridge Garden

Fishbridge Garden is a 0.01-acre city-owned park located on the south side of Dover Street, from Pearl to Water Streets. The park is named for its proximity to two of the city's landmarks, the Fulton Fish Market and the Brooklyn Bridge. The garden includes roses, golden cosmos, and soaring morning glories; a garden children's play area; barbecue area; and a dog run. The upper area within FishBridge Park includes a wrought-iron perimeter fence, new planters and paving. The dog run and sitting area are in the upper section of the park, and the garden in the lower section.²⁵

Imagination Playground

Imagination Playground is a 0.39 city-owned playground located along John Street, between Front and South Streets. The park is an interactive, transformable space that prompts children to manipulate their environment and create a play space of their own with sand, water and loose parts. The park contains giant foam blocks, mats, wagons, fabric, and crates for children to play with.²⁶

Pearl Street Playground

Pearl Street Playground is a 0.16-acre city-owned playground is located at the intersection of Pearl and Water Streets. The playground includes play equipment for kids and tots, a state-of-the-art safety playground surface, spray shower, benches, fencing, pavement, native plantings, seating areas, and a rock feature. The playground also has a pedestrian link to Beekman Street to the east, and direct views to the South Street Seaport district.²⁷

Peck Slip Plaza

Peck Slip Plaza is a 0.19-acre city-owned triangular plaza located along Peck Slip, between Front and South Streets. The plaza includes seating, plantings, events, programs, and classes for visitors and residents.²⁸

²³ <http://www.nycgovparks.org/parks/british-garden-at-hanover-square/history> (Accessed on December 30, 2015)

²⁴ <http://www.nycgovparks.org/parks/delury-square-park> (Accessed on December 30, 2015)

²⁵ <http://www.nycgovparks.org/about/history/historical-signs/listings?id=6447> (Accessed on December 30, 2015)

²⁶ <http://www.nycgovparks.org/parks/imagination-playground/> (Accessed on December 30, 2015)

²⁷ <http://www.nycgovparks.org/parks/pearl-st-playground/pressrelease/21079> (Accessed on December 30, 2015)

²⁸ <http://oldseaportny.com/old-seaport-alliance-blog/peck-slip-plaza-coming-soon-with-your-help/5/30/2014> (Accessed on December 30, 2015)

Vietnam Veterans Plaza

Vietnam Veterans Plaza is a 0.73-acre city-owned open space that was established in 1999 as the NYC's official Vietnam Veterans Memorial. The plaza features a ceremonial entrance that provides access through the site from Water to South Street; a wall of translucent glass blocks, on which are engraved excerpts of letters, poems, and diary entries written by men and women of the armed forces, as well as news dispatches; a granite shelf runs along the base of the monument, onto which visitors from time to time have placed tokens of remembrance, such as baby shoes, military patches, pictures, plaques, and American flags; a black granite fountain; and plantings.²⁹

Elevated Acre

The park is a one-acre, publicly-accessible, waterfront plaza located at 55 Water Street. The park is 30 feet above street level and is accessed via Water Street and South Street. The park includes a lawn area, a 50-foot light sculpture, a wooden boardwalk, and a seven-tiered amphitheater surrounding the lawn area.³⁰

East River Esplanade

The East River Esplanade is a two-mile long public open space between the Battery Maritime Building (at Broad Street) and Montgomery Street. Approximately 11.93-acres of the esplanade area is within 1/4-mile of the Project Area. The esplanade area includes seating areas, benches, plantings, open exercise area, continuous bikeway, look-out area, and a dog run between Wall Street and Maiden Lane.^{31, 32}

Other Plazas and Greenstreets

The 1/4-mile study area also includes a total of approximately 1.77-acres of city-owned plazas and DOT/DPR Greenstreets. Under the DPR's NYC Green Infrastructure Plan, paved, vacant traffic islands and medians within NYC were converted into green spaces filled with trees, shrubs and groundcover in an effort to capture stormwater called Greenstreets.³³

²⁹ <http://www.nycgovparks.org/parks/vietnam-veterans-plaza/history> (Accessed December 30, 2015)

³⁰ <http://www.55water.com/building/amenities/elevated-acre/> (Accessed December 30, 2015)

³¹ <http://www.nyharborparks.org/visit/eari.html> (Accessed December 30, 2015)

³² <http://www.nycedc.com/project/east-river-waterfront-esplanade> (Accessed December 30, 2015)

³³ <http://www1.nyc.gov/nyc-resources/service/1780/greenstreets-program> (Accessed December 30, 2015)



FIGURE 9: OPEN SPACE MAP

WATER STREET UPGRADES TEXT AMENDMENT

**FINANCIAL DISTRICT
MANHATTAN, NY**

Map Reference: NYC Department of City Planning; ESRI Basemap

- Project Site
- Open Space Study Area (1/4-mile radius)
- Census Tracts

0 250 500 1,000 Feet



- Open Space
- East River Esplanade
- Greenstreets/Plazas

LANGAN

ASSESSMENT

Direct Impacts

As described in the *CEQR Technical Manual*, direct impacts may occur when a proposed project would result in the displacement or physical alteration of an open space. Direct impacts may not always result in adverse effects to open space. Alterations and reprogramming of open space may be beneficial or may result in beneficial changes to some resources and may or may not have an adverse effect on others.

The proposed zoning text amendment would facilitate the elimination and infill of existing arcades for retail use, the improvement of existing plazas with amenities such as seating and planting, and the activation of underutilized plazas and arcades with events, cultural programming, and temporary amenities. Under the *CEQR Technical Manual*, arcades are typically considered ‘private open space,’ arcades within the Project Area are publicly accessible. Therefore, the proposed elimination of the existing arcades within the Project Area can potentially result in an adverse open space impact.

Although, the proposed zoning text amendment would result in the elimination and infill of existing arcades, the proposed retail uses located within arcade would bring the ground floor activity closer to the sidewalk to more effectively engage pedestrians and help improve the vitality of potential retail uses. Furthermore, the proposed retail infill along plazas would help promote utilization of the adjacent public spaces, and provide active uses with increased foot traffic that could make the public spaces inviting and safe. Infill that extends for the full length, depth, and height of an arcade would maintain the strong street wall condition of the existing Water Street buildings while ensuring that no uninviting, narrow “leftover” spaces are created within the already-underutilized arcades. Potential infill design features of the would include, but not be limited to, new entrances for buildings, graphic and lighting features, office uses, consistent sign bands/spandrels with integral lighting, resilient flood panel channels integrated into storefront designs, placement of furniture, and indoor public space. (See Attachment F: Urban Design and Visual Resources). The proposed elimination and retail infill on each individual site under the Proposed Project is described below.

In addition, the Proposed Action would facilitate the improvement of existing plazas on the Projected Development Sites to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right. The plaza upgrades facilitated by the Proposed Action would strike a balance between providing amenities for comfort and relaxation, ensuring the high visibility and vitality of the adjacent retail spaces, and allowing for sufficient pedestrian circulation to and from building entrances. Requiring plaza upgrades would also clarify maintenance obligations for building owners, would ensure the continued provision of these permanent amenities, and would allow these empty spaces to more clearly read as publicly-accessible.

The following identifies plazas and arcades on the Projected Development Sites that would be directly affected by the Proposed Action by 2018, describes the nature of the direct effects, and compares the future conditions with respect to the quantity and quality of the replacement resource.

Publicly Accessible Open Spaces Directly Affected by Proposed Action

Site 1: 1 New York Plaza

Site 1 (Block 4, Lot 7501) is currently occupied by a 50-story office building that is lined with arcades totaling 11,180 sf in area along three sides of the building. The site also includes an elevated, approximately 41,000 sf

plaza that fronts Water Street and wraps around Broad and Whitehall Streets. The plaza contains no amenities, and access to the lower shopping concourse is provided from the plaza. Under the Proposed Project the entire arcade area would be eliminated and infilled with retail uses, and the existing plaza would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 2: 2 New York Plaza

Site 2 (Block 5, Lot 7501) is currently occupied by a 40-story office building that is lined with two arcades totaling approximately 3,656 sf in area along Broad Street and fronting the Vietnam Veterans Memorial Plaza. The site also includes an elevated, approximately 21,000 sf plaza that is accessible from Broad and South Streets. This plaza contains limited fixed and moveable seating, and raised planters with trees along South Street. Under the Proposed Project approximately the entire arcade area would be eliminated and infilled with retail uses, and the existing plaza would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 3: 4 New York Plaza

Site 3 (Block 5, Lot 10) is currently occupied by a 22-story office building that is lined with an arcade measuring approximately 3,124 sf in area along Broad Street. The site also consists of two slightly-elevated plaza areas on Water and Broad Streets totaling approximately 7,500 sf that are separated by a small open area with a stair bulkhead providing private access to a lower level use. These plazas contain a limited amount of planting along Water Street. Under the Proposed Project the entire arcade area would be eliminated and infilled with retail uses, and the existing plaza would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 4: 7 Hanover Square

Site 4 (Block 30, Lot 19) is currently occupied by a 26-story office building that is lined with a continuous arcade along Water Street and Hanover Square measuring approximately 5,300 sf in area, and an open air through block arcade connecting Water and Pearl Streets that measures approximately 7,500 sf in area. Building lobby uses are located on Water Street, and retail uses are located along Hanover Square, Pearl Street, and the through block arcade. Under the Proposed Project approximately 8,908 sf of the arcade area would be eliminated and infilled with retail used. The site does not feature a plaza.

Site 5: 55 Water Street

Site 5 (Block 32, Lot 7501) is currently occupied by two office towers – 53 and 15 stories. The 53-story building is lined with a continuous arcade along Water Street and a through-block arcade connecting Water and South Streets that together measure approximately 13,794 sf. The site also includes an approximately 41,500 sf elevated plaza (Elevated Acre); an approximately 29,000 sf plaza connecting Water and South Streets along the south side of the building that contains no amenities and spills into the Vietnam Veterans Memorial Park; and an approximately 4,500 sf plaza along Water Street that includes a series of raised planters. Under the Proposed Project approximately 10,059 sf of arcade area would be eliminated and infilled by retail uses, and approximately 33,500 sf of plaza area at the base of the existing building would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public

amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 6: 77 Water Street

Site 6 (Block 33, Lot 1) is currently occupied by a 26-story office building that is lined with a continuous arcade totaling approximately 14,986 sf in area with frontage along Old Slip, Water Street, and Gouverneur Lane. Only approximately 10,335 sf of the arcade generates a floor area bonus, while the remainder (which is generally 30 feet beyond the column line) is non-bonused arcade area. The arcade contains a range of amenities, including fixed seating, multiple forms of artwork, a water feature, and a candy store. There is an approximately 5,000 sf plaza along Gouverneur Lane that contains fixed and moveable seating, a sculpture, and trees planted flush-to-grade. Under the Proposed Project the entire 14,986 sf of arcade area would be eliminated and infilled with retail uses, and the existing plaza would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 7: 32 Old Slip

Site 7 (Block 35, Lot 1) is currently occupied by a 36-story office building that is lined with a continuous arcade totaling approximately 12,004 sf in area along Old Slip, Front Street, and Gouverneur Lane. The area along Gouverneur Lane features an approximately 6,000 sf urban plaza with fixed seating and trees that provides pedestrians with a continuous pathway that connects Pier 11 to the plaza at 77 Water Street. Under the Proposed Project the entire arcade area would be eliminated and infilled with retail uses. The existing plaza would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 8: 95 Wall Street

Site 8 (Block 33, Lot 11) is currently occupied by a 22-story converted luxury apartment building with retail uses along Water Street and Gouverneur Lane, a residential lobby on Water Street, and a parking garage entry/exit on Front Street. There is an approximately 2,446 sf arcade along the full length of the Water Street frontage and an approximately 2,000 sf plaza along Gouverneur Lane that contains no amenities. Under the Proposed Project the entire arcade area would be eliminated and infilled by retail uses, and the existing plaza would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 9: 75 Wall Street

Site 9 (Block 31, Lot 7501) is currently occupied by a 36-story mixed residential and commercial building that is lined with an approximately 5,179 sf arcade along all sides, and an approximately 7,000 sf through-block urban plaza connecting Water and Pearl Streets that contains amenities such as fixed and moveable seating, planting, and trees. Under the Proposed Project the entire arcade area would be eliminated and infilled by retail uses, and the existing plaza would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 10: 100 Wall Street

Site 10 (Block 38, Lot 1) is currently occupied by a 29-story office building that is lined with an approximately 2,518 sf arcade along Wall Street that fronts on Manahatta Park. The site also contains approximately 6,000 sf of plaza area, the majority of which is located on the north side of the building that has been designed as part of the adjoining plaza at 88 Pine Street. A small plaza area is located along Wall Street that effectively serves as pedestrian circulation space between Manahatta Park and the building's arcade. Under the Proposed Project the entire arcade area would be eliminated and infilled by retail uses, and the existing plaza would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 11: 110 Wall Street

Site 11 (Block 37, Lot 8) is a corner lot currently occupied by a 27-story office building that is lined with an approximately 3,163 sf arcade along Wall Street and Front Street. The site also fronts on Manahatta Park, but contains no plaza areas. Under the Proposed Project the entire arcade area would be eliminated and infilled by retail uses.

Site 12: 160 Water Street

Site 12 (Block 70, Lot 43) is currently occupied by a 24-story office building that is lined with two arcades, one along Water Street and one along Pearl Street, totaling approximately 2,575 sf. There are two plazas on the site totaling approximately 3,700 sf; one sunken plaza along Fletcher Street and an at-grade plaza on Pearl Street. Both plazas contain no amenities. Under the Proposed Project the entire arcade area would be eliminated and infilled by retail uses, and the existing plazas would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 13: 180 Water Street

Site 13 (Block 70, Lot 32) is currently occupied by a 24-story office building that is lined with two arcades along Water and along John Streets, totaling approximately 2,404 sf in area. The base of the building includes two plazas totaling approximately 4,000 sf in area, along Pearl and John Streets that contain no amenities. Under the Proposed Project approximately 1,630 sf of arcade area would be infilled by retail used, and the existing plazas would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 14: 200 Water Street

Site 14 (Block 75, Lot 1) is currently occupied by a 31-story converted residential building with luxury condos on upper floors and retail uses on the ground floor. The ground floor of the building along Fulton Street is lined with an approximately 3,222 sf double-height arcade that fronts an approximately 2,600 sf plaza. There are two additional plazas on this site, at the corner of John and Water Streets and the corner of John and Pearl Streets that measure approximately 1,050 sf and 550 sf respectively. There was a previously-approved and implemented design change certification pursuant to Section 37-625 for the plaza on the corner of Water and John Street (N120389ZCM). The Fulton Street plaza contains some fixed seating and remnants of what

were once artwork and a fountain; the plaza at John and Pearl Streets contains no amenities. Under the Proposed Project the arcade area would be eliminated and infilled with retail uses. The existing plaza area totaling approximately 4,200 sf would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 15: 175 Water Street

Site 15 (Block 71, Lot 7501) is currently occupied by a 30-story office building that is lined with an approximately 4,385 sf double-height arcade. There is an “open pedestrian area” (as defined by the site’s restrictive declaration and special permit drawings) located on the corner of Water and Fletcher Streets, and a non-bonused open area located at the corner of John and Front Streets, which contains a grove of trees planted flush-to-grade. Under the Proposed Project approximately 3,242 sf of the arcade area would be infilled by retail uses. No infill would be permitted within the remaining 1,143 sf of arcade along John Street. Since the site has no bonused plazas available for upgrade, the “open pedestrian area” at the corner of Water and Fletcher Street and the non-bonused open area at the corner of John and Fulton Streets would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 16: 85 Broad Street

Site 16 (Block 29, Lot 1) is currently occupied by a 31-story office building that is lined with an approximately 12,930 sf arcade on all sides. The site also includes an approximately 9,500 sf urban plaza on the north of the building adjacent to a cobbled pedestrian pathway (Coenties Alley) that connects Pearl Street to Stone Street. The urban plaza consists of fixed seating and trees within planters, and connects to a non-bonused open area along Pearl Street. Under the Proposed Project the entire arcade area would be eliminated and infilled with retail uses. The urban plaza would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 17: 111 Wall Street

Site 17 (Block 35, Lot 10) is currently occupied by a 24-story office building that is lined with an approximately 4,589 sf arcade along Wall Street and an approximately 11,000 sf plaza that wraps around the building along Front Street, Gouverneur Lane, and South Street. The plaza area includes fixed benches and planters along Front and South Streets, and the Gouverneur Lane portion is mostly occupied by electrical vaults. Under the Proposed Project the entire arcade area would be eliminated and infilled with retail uses. The existing plaza would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 18: 86 Water Street/10 Hanover Square

Site 18 (Block 31, Lot 1) is currently occupied by a 21-story converted mixed residential and commercial building. There are no arcades on the site. The site features an approximately 3,400 sf elevated plaza lined with lobby and retail uses. Under the Proposed Project the plaza would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees,

planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Site 19: 88 Pine Street

Site 19 (Block 38, Lot 17) is currently occupied by a 32-story office building. There are no arcades on the site. The site features an approximately 10,000 sf plaza along Water Street that provides a connection between Water and Front Streets. The plaza contains amenities such as fixed seating, artwork, and a water feature, and is designed to include the plaza area attributable to 100 Wall Street. Under the Proposed Project the plaza would be improved to meet the design standards for new public plazas contained in ZR Section 37-70.

Site 20: 180 Maiden Lane

Site 20 (Block 37, Lot 23) is currently occupied by a 41-story office building that features a glass façade and an approximately 16,000 sf enclosed public space on the ground floor level that is directly accessible from the street. The site also includes a tree-lined non-bonused open area along Front Street that includes fixed benches and trees planted flush-to-grade. There are no arcades on the site. Under the Proposed Project the tree-lined non-bonused open area along Front Street would be improved to meet the design standards for new public plazas contained in ZR Section 37-70. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would be permitted as-of-right.

Indirect Impacts

The development facilitated by the Proposed Action (With-Action Condition), would result in a net increase of 519 workers in comparison to the 2026 No-Action Condition. According to the US Census Bureau 2010 Census, the existing worker population within the 1/4-mile study area is 138,260. As shown in Table D-1, based on approximately 42.5 acres of publicly accessible open space within a 1/4-mile of the Projected Development Sites and a total With-Action worker population of 138,843, the study area would have a With-Action Open Space Ratio (OSR) of 0.3061 acres per 1,000 non-residents. The *CEQR Technical Manual* defines OSR as the amount of open space acreage per 1,000 user population, and an OSR of 0.15 acres per 1,000 non-residents is used as an optimal benchmark for commercial projects. Therefore, the With-Action OSR exceeds the planning goal of 0.15 acres of open space per 1000 non-residents.

Table D-1: Open Space Ratio Calculations

Existing Worker Population within 0.25 mile	138,260
No-Action Worker Population within 0.25 mile	138,324
With-Action Worker Population within 0.25 mile	138,843
Total Open Space within 0.25 mile (Acres)	42.5
No-Action Open Space Ratio (acres per 1000 non-residents)	0.3072
With-Action Open Space Ratio (Acres per 1000 non-residents)	0.3061
Change in Open Space Ratio (%)	-0.37%
Notes:	
(1) Open Space Ratio = Acres of Open Space/ population * 1000	
(2) Existing Population Sources: US Census Bureau, 2010 Census, Population Division – NYC DCP (Selected Census Tract(s): Manhattan 7, 9, 15.01, 15.02, 319)	
(3) Total Open Space Source: <i>MapPluto Data Copyrighted by New York City Department of City Planning</i>	

Furthermore, according to the *CEQR Technical Manual*, a decrease in the OSR of more than 5 percent is generally considered to be a substantial change warranting more detailed analysis. The With-Action Condition would result in a decrease of 0.37 percent in the OSR as compared to the No-Action Condition, and the OSR would remain well above the planning goal of 0.15 acres of open space per 1000 non-residents. Therefore, the Proposed Action would not result in any significant adverse indirect impact on publicly accessible open space in the study area.

CONCLUSION

Based on the CEQR Technical Manual, direct impacts may occur when a proposed project would result in the displacement or physical alteration of an open space. However, direct impacts may not always result in adverse effects to open space. Alterations and reprogramming of open space may be beneficial or may result in beneficial changes to some resources and may or may not have an adverse effect on others. Several sites within the Project Area contain privately owned public spaces (POPS) at the base of existing buildings. The POPS that are associated with the Water Street buildings have generally taken the form of plazas and arcades, which are considered passive open space resources under CEQR. The proposed zoning text amendment would result in the elimination of an approximately 105,411 sf of total arcade area on 17 Projected Development Sites, however the proposed retail infill would bring the ground floor activity closer to the sidewalk and adjacent public spaces to more effectively engage pedestrians and help improve the vitality of the Water Street corridor. Furthermore, the Project Area includes approximately 190,800 sf of plaza area that would be improved with amenities such as seating and planting, and the activation of underutilized plazas and arcades with events, cultural programming, and temporary amenities. Although quantitatively the amount of open space (arcade area) would decrease with the Proposed Action, the functionality of the 190,800 sf of plaza area would improve. Not only would additional amenities be provided but the projected retail infill would activate the plazas. The plaza upgrades facilitated by the Proposed Action would further ensure high visibility and vitality of the adjacent retail spaces, and allow for adequate pedestrian circulation to and from building entrances. Based on this information, the Proposed Project is not anticipated to result in any significant adverse direct open space impacts.

Indirect Impacts

Based on the CEQR Technical Manual, the planning goal of 0.15 acres of open space per 1,000 non-residents represents an area well served by open space. The development in the With-Action Condition would add 519 additional non-residents/workers to the study area as compared to the No-Action Condition. As shown in Table D-1, the OSR in the With-Action Condition would be reduced from 0.3072 to 0.3061, a 0.37 percent decrease. Because the resulting decrease would be less than 5 percent threshold identified in the CEQR Technical Manual guidelines, and the OSR would remain above 0.15 acres per 1,000 non-residents, the Proposed Action would not result in any adverse indirect open space impacts.

ATTACHMENT E. HISTORIC AND CULTURAL RESOURCES

INTRODUCTION

The *CEQR Technical Manual* identifies architectural resources as historically important buildings, structures, objects, sites, and districts. These include designated New York City Landmarks (NYCL); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (LPC); properties listed on the State/National Register of Historic Places (S/NR) or contained within a district listed on or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHL); and properties not identified by one of the programs listed above, but that meet their eligibility requirements.

The *CEQR Technical Manual* states that a historic district is a geographically definable area that possesses a significant concentration of associated buildings, structures, urban landscape features, or archaeological sites, united historically or aesthetically by plan and design or physical development and historical and/or architectural relationships. The U.S. Secretary of the Interior has established eligibility criteria for listing on the National Register of Historic Places, pursuant to 36 CFR Part 60. Accordingly, the criteria considers that the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and (a) that are associated with events that have made a significant contribution to the broad patterns of our history; or (b) that are associated with the lives of persons significant in our history; or (c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or (d) that have yielded, or may be likely to yield, information important in prehistory or history.³⁴

Archaeological resources are defined in the *CEQR Technical Manual* as physical remains, usually subsurface—such as burials, foundations, artifacts, wells, and privies of the prehistoric, Native American, and historic periods.

An assessment of potential impacts on architectural resources is typically required if a proposed project would result in the following:

- New construction, demolition, or significant physical alteration to any building, structure, or object.
- A change of scale, visual prominence, or visual context of an historic resource. The *CEQR Technical Manual* describes visual prominence as generally the way in which a historic resource is viewed. Visual context is the character of the surrounding built or natural environment. This may include architectural components of an area's buildings, streetscapes, skyline, landforms, vegetation, and openness to the sky.
- Construction, including but not limited to, excavating vibration, subsidence, dewatering, and the possibility of falling objects.
- Additions to or significant removal, grading, or replanting of significant historic landscape features.

³⁴ 36 CFR Part 60.4, Criteria for Evaluation

- Screening or elimination of publicly accessible views.
- Introduction of significant new shadows or significant lengthening of the duration of shadows on an historic landscape or on an historic structure if the features that make the structure significant depend on sunlight.

To assess the potential impacts of the Proposed Action on historic resources, an inventory of historic resources within a 400-foot radius from the Project Area (Study Area) was compiled using the New York State Historic Preservation Office's (SHPO) *Cultural Resource Information System (CRIS)* database. The inventory was supported through consultation with LPC, which provided a list of architectural resources in the study area. All correspondence with LPC is included in Appendix E. The historic resources of architectural significance within the Study Area are identified in Table D-1 and shown in Figure 10. Although the Project Area is within an archaeologically sensitive area as identified in CRIS, no archaeological resources were identified in the Project Area by LPC. Therefore, the following assessment only addresses potential impacts on historic architectural resources.

EXISTING CONDITIONS

As identified in Table D-1 and shown in Figure 10, the Study Area contains several designated NYCLs, and/or S/NR listed or eligible historic resources. These historic resources include the Streetplan of New Amsterdam and Colonial New York, three historic lampposts, four historic districts, and several buildings. The Project Area includes two designated NYCL historic districts that are also listed on the S/NR – the Fraunces Tavern Block Historic District, designated in 1978, and the NYCL Stone Street Historic District, designated in 1996. The S/NR Wall Street Historic District, and the NYCL South Street Seaport Historic District, each designated in 2009, are immediately adjacent to the Project Area, along the north and west boundary, respectively.

Table D-1: Historic and Cultural Resources

Map #	Site	Location (New York, NY)	Designation
	Street Plan of New Amsterdam and Colonial New York	<ul style="list-style-type: none"> ▪ Wall Street between Broadway and Pearl Street; ▪ Hanover Street between Wall and Pearl Streets; ▪ Pearl Street between Wall and Whitehall Streets, and Pearl Street between Whitehall Street and Coenties Slip; ▪ Exchange Place between Broadway and Hanover Street; ▪ William Street between Wall and Beaver Streets; ▪ So. William Street Between Broad And Beaver Streets ▪ Beaver Street between Broadway and Pearl Street; ▪ New Street between Wall and Marketfield Street; ▪ Broad Street between Wall and Pearl Streets; ▪ Stone Street between Broadway and Broad Street, and Stone Street between Whitehall and Hanover Square ▪ Broadway between Wall And Beaver Streets; ▪ Broad Street between Wall and Pearl Streets; ▪ Mill Lane between South William and Stone Street; ▪ Bridge Street between Whitehall and Coenties Slip; ▪ Whitehall Street between Beaver and Pearl Streets; 	Designated NYC Scenic Landmark (LP-1235)
	Historic Street Lampposts (Lamppost 1)	Southeast Corner of 1 Battery Park Plaza (State Street and Bridge Street)	Designated NYC Historic District (LP – 1961)
	Historic Street Lampposts (Lamppost 3)	Adjacent to 24 Beaver Street between Broad and New Streets	Designated NYC Historic District (LP – 1961)
	Fraunces Tavern Block Historic District (Lamppost)	Southeast Corner of Broad Street & Pearl Street	Designated NYC Historic District (LP – 0994)

Map #	Site	Location (New York, NY)	Designation
1	Fraunces Tavern Block Historic District	Bounded by Pearl Street, Coenties Slip, Water Street and Broad Street	Designated NYC Historic District (LP – 009945) NR Listed – 04/28/1997 SR Listed – 06/23/1980
2	Stone Street Historic District	Bounded by South William Street, William Street, Pearl Street and Coenties Slip	Designated NYC Historic District (LP – 1938) NR Listed – 11/11/1999 SR Listed – 2/17/1997
3	Wall Street Historic District	Bounded by Maiden Lane, Pearl Street, Bridge Street, Greenwich Street	NR Listed - 02/20/2007 SR Listed – 01/04/2007
4	South Street Seaport Historic District	Bounded by Maiden Lane, Front Street, Fulton Street, Water Street, Dover Street, and FDR Drive	Designated NYC Historic District (LP – 00948) NR Listed – 12/12/1978 SR Listed – 06/23/1980
5	9 Buildings: 132-138 Beekman, 212 Front Street, 213-215	132-138 Beekman, 212 Front Street, 213-215 Water Street	S/NR
6	11 Buildings: 213-219 Front Street, 152 Beekman Street, 146 Beekman Street, 150 Beekman Street, 154 Beekman Street	213-219 Front Street, 152 Beekman Street, 146 Beekman Street, 150 Beekman Street, 154 Beekman Street	S/NR
7	10 Buildings: 211 Water Street, 207 Water Street, 25 Fulton Street, 22 Fulton Street, 21 Fulton Street, 203-207 Front Street	211 Water Street, 207 Water Street, 25 Fulton Street, 22 Fulton Street, 21 Fulton Street, 203-207 Front Street	S/NR
8	3 Buildings: 208-210 Front Street	208-210 Front Street	S/NR
9	13 Buildings: 2 Fulton Street, 4 Fulton Street, 6 Fulton Street, 8 Fulton Street, 10 Fulton Street, 181 Front Street, 189 Front Street, 191 Front Street, 193 Front Street, 195 Front Street, 91 South Street, 92 South Street, 93 South Street	2 Fulton Street, 4 Fulton Street, 6 Fulton Street, 8 Fulton Street, 10 Fulton Street, 181 Front Street, 189 Front Street, 191 Front Street, 193 Front Street, 195 Front Street, 91 South Street, 92 South Street, 93 South Street	S/NR
10	2 Lots	182-184 Front Street, 186-198 Front Street	S/NR
11	John Street Building	170-176 John Street	Designated NYC Landmark (LP-00074) NR Listed – 05/13/1971 SR Listed - 06/23/1980
12	8 Buildings	165 Front Street, 163 Front Street, 82-87 South Street	S/NR
13	2 Buildings	32 Cliff St, 28 Cliff St	S/NR
14	Insurance Company of North America Building	99-101 John Street	Designated NYC Landmark NR Listed – 11/30/1999 SR Listed – 09/22/1999
15	111 John Street	111 John Street	S/NR
16	116 John Street	116 John Street	NR Listed – 06/20/2014 SR Listed – 04/30/2014
17	80 John Street	80 John Street	S/NR
18	3 Buildings	100 Maiden Lane, 90 Maiden Lane, 80 Maiden, 10 Liberty Street,	S/NR
19	56-58 Pine Street Building	56 Pine Street	Designated LPC Landmark (LP-01951)

Map #	Site	Location (New York, NY)	Designation
20	(Former) Bank of New York & Trust Company Building	44 Wall Street	Designated LPC Landmark (LP-02025)
21	Tontine Building	82 Wall Street	S/NR
22	Munson Building	67 Wall Street	S/NR
23	Wall and Hanover Building	67 Wall Street	Designated NYC Historic District NR Listed – 11/16/2005 SR Listed – 09/20/2005
24	Beaver Building	82 Beaver Street	Designated NYC Landmark (LP-01942)
25	First National City Bank	55 Wall Street	Designated NYC Landmark (LP-00040)
26	City Bank-Farmers Trust Company Building	20 Exchange Place	Designated NYC Landmark (LP-01941)
27	New York Cotton Exchange	2 Hanover Square	S/NR
28	J & W Seligman & Company Building	1 William Street	Designated NYC Landmark (LP-01943)
29	Atlantic Insurance Group	45 Wall Street	S/NR
30	Broad Exchange Building	25 Broad Street	Designated NYC Landmark (LP-02074)
31	55 Broad Street	55 Broad Street	S/NR
32	5 Buildings	75 Broad Street, 44 Beaver Street, 48 Beaver Street, 52 Beaver Street, 54 Beaver Street	S/NR
33	Delmonico's Restaurant	44 Beaver Street	Designated NYC Landmark (LP-01944)
34	Federal Commercial Building	71 Pearl Street	S/NR
35	4 Buildings	13 South William Street, 15 South William Street, 17 South William Street, 19 South William Street	S/NR
36	10 Buildings: 44 Stone Street, 46 Stone Street, 48 Stone Street, 50 Stone Street, 52 Stone Street, 54-56 Stone Street, 58 Stone Street, 60 Stone Street	44 Stone Street, 46 Stone Street, 48 Stone Street, 50 Stone Street, 52 Stone Street, 54-56 Stone Street, 58 Stone Street, 60 Stone Street	S/NR
37	60 Broad Street	60 Broad Street	S/NR
38	American Bank Note Company Office Building	70 Broad Street	Designated NYC Landmark (LP-01955)
39	6 Buildings: 16 Beaver Street, 18 Beaver Street, 20 Beaver Street, 22 Beaver Street, 24 Beaver Street, 26 Beaver Street	16 Beaver Street, 18 Beaver Street, 20 Beaver Street, 22 Beaver Street, 24 Beaver Street, 26 Beaver Street	S/NR
40	Maritime Exchange Building	80 Broad Street	S/NR
41	Fraunces Tavern (54 Pearl Street) and 13 buildings	58 Pearl Street, 60 Pearl Street, 62 Pearl Street, 1 Coenties Slip, 34 Water Street, 32 Water Street, 30 Water Street, 28 Water Street, 26 Water Street, 24 Water Street, 105 Broad Street, 101 Broad Street	Designated NYC Landmark NR Listed – 04/28/1997 SR Listed – 06/23/1980
42	James Watson House	7 State Street	Designated NYC Landmark (LP-00036)
43	Battery Maritime Building	Marginal Street	Designated NYC Landmark (LP-00547)
44	First Precinct Police Station	100 Old Slip	Designated NYC Landmark (LP-00968)
45	90 Water Street	90 Water Street	S/NR
46	120 Wall Street Offices	120 Wall Street	S/NR

Source: SHPO's Cultural Resource Information System (CRIS) <https://cris.parks.ny.gov/>. Accessed on 30 June 2015, 12:00 p.m.

*Historic Street Plans and Lampposts*Street Plan of New Amsterdam and Colonial New York

Street Plan of New Amsterdam and Colonial New York, includes all or parts of the street plan of lower Manhattan, south of Wall Street that were designated as a NYCL by LPC in 1983 (LP-1235). These include all or parts of Beaver Street, Bridge Street, Broad Street, Broadway, Exchange Place, Hanover Square, Hanover Street, Marketfield Street, Mill Lane, New Street, Pearl Street, South William Street, Wall Street, Whitehall Street, and William Street. The street plan of lower Manhattan was developed in the 17th Century during the Dutch settlement of Manhattan (known as “New Amsterdam”), and is a reminder of New York’s colonial past and provides virtually the only above-ground physical evidence in Manhattan of the Dutch presence in New York.³⁵ The street pattern of lower Manhattan shows an organic pattern of growth, with irregular, curving and narrow streets. Unlike a formal grid, the street plan was determined by the natural topography of the land and the city’s functions at the time, defense and trade. Only minor alterations have been made to the street plan in the last three centuries.

*Historic Lampposts*Historic Street Lampposts (Lamppost 1 and Lamppost 3)

The two cast-iron lampposts located on the southeast corner of State and Bridge Streets, and adjacent to 24 Beaver Street, were designated NYCLs by LPC in 1997 (LP – 01961). Lamppost 3 is the first type of bishop's crook post, made from a single iron casting up to the crook section, a garland on the fluted shaft and a short ladder rest. Lamppost 1 is a later bishop’s crook variant, and the most common. In the design of Lamppost 3, the garland and ladder rest were eliminated, and lengths of plain iron pipe at the top of the shaft were incorporated. The two lampposts also have other minor decorative and proportional differences.³⁶

Fraunces Tavern Block Historic District Lamppost

The cast-iron lamppost located at the southeast corner of Broad and Pearl Streets was designated a NYCL by LPC in 1978 (LP – 00994) along with the Fraunces Tavern Block Historic District designation. The lamppost is known as a bishop’s crook variant. The garland and ladder rest were eliminated in the design, and lengths of plain iron pipe at the top of the shaft were incorporated.

*Historic Districts**Fraunces Tavern Block Historic District*

The Fraunces Tavern Block Historic District was designated in 1978 by LPC (LP – 009945), and was listed on the NR in 1997 and the SR in 1980. The historic district is bounded by Pearl Street, Coenties Slip, Water Street, and Broad Street. The district is characterized by low-rise commercial buildings built in the 19th century, with the exception of the Fraunces Tavern Museum that dates to the 18th century.

Stone Street Historic District

The Stone Street Historic District was designated in 1996 by LPC (LP – 1938), and was listed on the NR in 1997 and the SR in 1999. The historic district was named after Stone Street, a cobblestone street that cuts

³⁵ LPC Designation List 165, June 14, 1983 (LP-1235)

³⁶ LPC Designation List 282, June 17, 1967 (LP-1961)

across the historic district and is a pedestrian-only street. The historic district is bounded by South William Street, Mill Lane, Hanover Square, Pearl Street, and Coenties Alley. The district is characterized by low-scale buildings built in the late 1830s and sited on narrow winding streets. All the streets within the Stone Street Historic District are part of the Street Plan for New Amsterdam and Colonial New York, which is a designated NYC Scenic Landmark (LP-1235).

Wall Street Historic District

The Wall Street Historic District, listed on the S/NR since 2007, is immediately adjacent to the northwest boundary of the Project Area. It encompasses part of or all of 36 city blocks in the inner core of the NYC's financial district in Lower Manhattan.³⁷ It is roughly bounded by Liberty Street and Maiden Lane on the north, Pearl Street on the east, Bridge and South William Street on the south, and Greenwich Street on the west. The Wall Street Historic District includes several buildings listed on the S/NR.

South Street Seaport Historic District

The South Sea Seaport Historic District was designated in 1977 by LPC (LP-00948) and was added to the S/NR in 1978. It is located immediately adjacent to the northeast boundary of the Project Area, and is roughly bounded by John Street, Front Street, Pearl Street, Dover Street, and the East River waterfront. The South Street Seaport Historic District features some of the oldest architecture in downtown Manhattan, including the largest concentration of restored early 19th century commercial buildings in the city.³⁸

ASSESSMENT

The following section addresses the Proposed Project's potential for adverse direct and indirect effects on the historic resources within the Study Area.

Direct Effects

The Proposed Project involves approximately 145,901 gsf of net new retail infill, approximately 26,967 gsf of net new office space, and approximately 2,016 gsf net new residential space within existing arcades on 17 Projected Development Sites within the Water Street Corridor. As shown in Table A-2, the proposed retail and office infill on the individual sites range from approximately 3,000 gsf to approximately 21,167 gsf. Three of the development sites under the Proposed Project do not have an existing arcade therefore no new construction is proposed. Construction on all the Projected Development Sites would be limited to enlargement of existing structures and renovation of interior existing space, would not involve any subsurface disturbance. Potential impacts of the Proposed Project during construction are described in further detail in Attachment J: Construction.

One site, 85 Broad Street (Site 16), shares the same site as the former Federal Commercial Building at 71 Pearl Street, which was demolished in 1970 and stood on the site once occupied by the Stadt Huis, the original Dutch city hall. 85 Broad Street was constructed in 1983.³⁹ Of the 17 sites to be redeveloped, 10 are within 90 feet of a NYCL and/or S/NR district or property.⁴⁰ These include 4 New York Plaza (Site 3), 7

³⁷ http://architecturaltrust.org/~architec/wp-content/uploads/2013/06/Report_NR_Wall_Street.pdf (accessed 9/23/2015)

³⁸ South Street Seaport Historic District Designation Report, NYC Landmark Preservation Commission, 1977

³⁹ <http://curbed.com/archives/2015/04/29/how-some-of-nycs-first-landmarked-buildings-became-rubble.php> (accessed 9/23/2015)

⁴⁰ Although Site 18 (86 Water Street/Hanover Square) and Site 20 (180 Maiden Lane) are adjacent to historic resources in the Project Area and are within 90 feet of a historic building, these sites do not include existing arcades; therefore no infill construction would occur at these sites.

Hanover Square (Site 4), 55 Water Street (Site 5), 32 Old Slip (Site 7), 75 Wall Street (Site 9), 110 Wall Street (Site 11), 160 Water Street (Site 12), 180 Water Street (Site 13), 200 Water Street (Site 14), and 175 Water Street (Site 15). Construction or demolition of proposed buildings within 90 feet of a historic structure is subject to NYC DOB guidelines and procedures outlined in *Technical Policy and Procedure Notice (PPN) #10/88*, to avoid any damage to historic structures. It is also anticipated that these sites would require the development of a Construction Protection Plan (CPP), approved by LPC, to ensure the protection of adjacent historic structures during construction.

The potential impacts of sites under the Proposed Project on or adjacent to historic resources are described below. The site numbers for resources listed in Table D-1 are indicated in parenthesis.

- Site 3 – 4 New York Plaza: The site is directly south of the Fraunces Tavern Block Historic District (map #1), which contains Fraunces Tavern, a NYCL at 54 Pearl Street, and S/NR listed buildings at 58 Pearl Street, 60 Pearl Street, 62 Pearl Street, 1 Coenties Slip, 34 Water Street, 32 Water Street, 30 Water Street, 28 Water Street, 26 Water Street, 24 Water Street, 105 Broad Street, and 101 Broad Street (map #41). As shown in Figure 4, the construction of approximately 3,124 gsf of new retail infill would occur within the existing arcade west of Site 3, along Broad Street. In addition, there would be approximately 189 gsf of additional enlargement along other building walls on the north façade, along Water Street. All construction activities on Site 3 would follow the guidelines and procedures of the NYC DOB's PPN#10/88 to avoid any damage to any historic structures within 90 feet. Upon completion and during operation of Site 3, the proposed infill would not result in any direct impacts on identified historic resources.
- Site 4 – 7 Hanover Square: The site is across Pearl Street, east of the S/NR buildings at 44 Stone Street, 46 Stone Street, 48 Stone Street, 50 Stone Street, 52 Stone Street, 54-56 Stone Street, 58 Stone Street, and 60 Stone Street (map #36). As shown in Figure 4, the construction of approximately 8,908 gsf of new retail infill and approximately 10,244 gsf of net new office infill would occur within the existing arcade on the north and east facing portions of Site 4. In addition, there would be approximately 622 gsf of additional enlargement along other building walls facing Pearl Street. Although construction would occur across Pearl Street, it is anticipated that during construction the infill work would follow the guidelines and procedures outlined in PPN #10/88 to avoid any damage to the historic structures within 90 feet. Upon completion and during operation of Site 4, the proposed infill would not result in any direct impacts on identified historic resources.
- Site 5 – 55 Water Street: The site is directly south of the NYCL First Precinct Police Station on Old Slip (map #44). As shown in Figure 4, the 10,059 gsf of new retail infill construction would occur within the existing arcade on the southern portion of Site 5, and approximately 569 gsf of additional enlargement would occur along building walls facing Water Street. Therefore no direct impacts would be expected during construction or operation. During construction, it is anticipated that the infill work would follow the guidelines and procedures outlined in PPN #10/88 to avoid any damage to the historic structures within 90 feet. Therefore, no adverse direct impacts on First Precinct Police Station would be anticipated.
- Site 7 – 32 Old Slip: The site is within 90 feet, adjacent north of the NYCL First Precinct Police Station on Old Slip (map #44). As shown in Figure 4, construction of approximately 12,004 gsf of net retail infill would occur within the existing arcade on the north, west and southern portions of

the site. Although infill of the southern portion of the site would face the First Precinct Police Station, it would involve a relatively small area on Site 7 and would not result in a physical change to the First Precinct Police Station during construction or upon completion. Therefore no direct impacts on First Precinct Police Station are anticipated.

- Site 9 – 75 Wall Street: The site is across Pearl Street, east of the NYCL Beaver Building at 82 Beaver Street (map #24) and the S/NR Munson Building at 67 Wall Street (map #22), and south across Wall Street of the S/NR Tontine Building at 82 Wall Street (map #21). The proposed 5,179 gsf of new retail infill would occur within the existing arcade along the perimeter of the site. Although the proposed infill work would occur across the street from the identified historic resources and involve a small area, it is expected that construction activities would follow the guidelines and procedures outlined in PPN #10/88 to avoid any damage to historic structures within 90 feet. Upon completion, no direct adverse impacts would be expected.
- Site 11 – 110 Wall Street: The site is west adjacent to the S/NR 120 Wall Street Offices building (map #46). As shown in Figure 4, the proposed 3,163 gsf of retail infill would occur within the existing arcade on the western and southern areas of the site. Although it would involve a relatively small area, it is anticipated that during construction the proposed infill work would follow the guidelines and procedures outlined in PPN #10/88 to avoid any damage to historic structures within 90 feet. Upon completion of the infill activities, no direct adverse impacts on the 120 Wall Street Offices Building are anticipated.
- Site 12 – 160 Water Street: The site across Pearl Street southwest of the S/NR building at 116 John Street (map #16). As shown in Figure 4, the proposed 2,575 gsf of new retail infill would occur within the existing arcades on Pearl Street and Water Street. In addition, there would be approximately 660 gsf of additional enlargement along the building wall facing Fletcher Street to the south. Although the proposed infill work would occur across the street from 116 John Street, it would involve construction within a very small area. It is expected that construction activities would follow the guidelines and procedures outlined in PPN #10/88 to avoid any damage to historic structures within 90 feet. Upon completion, no direct adverse impacts would be expected.
- Site 13 – 180 Water Street: The site is south of the S/NR building at 116 John Street (map #16) and southwest of the S/NR building at 111 John Street (map #15). As shown in Figure 4, the proposed 1,630 gsf of new retail infill would occur within the existing arcade on John Street. In addition, there would be approximately 775 gsf of additional enlargement along the building wall facing Pearl and John Street. All construction activities on Site 13 would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to any historic structures within 90 feet. Upon completion and during operation, the proposed infill at Site 13 would not result in any direct impacts on identified historic resources.
- Site 14 – 200 Water Street: The site is across Pearl Street, to the south of the S/NR building at 111 John Street (map #15). As shown in Figure 4, the proposed 3,222 gsf of new retail infill would occur within the existing arcade on Fulton Street. In addition, there would be approximately 1,240 gsf of additional enlargement along the building walls facing Pearl and Water Street. Although no construction would occur on the side facing the identified historic resource, all construction activities on Site 14 would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to any historic structures within 90 feet. Upon completion and during operation of Site 14, the proposed infill would not result in any direct impacts on identified historic resources.

- Site 15 – 175 Water Street: The site is across Front Street, west of the S/NR properties 182-184 Front Street and 186-198 Front Street (map #12). As shown in Figure 4, the proposed 3,242 gsf of new retail infill and approximately 3,242 gsf of office infill would occur within the existing arcade on the western portion of the site and across Front Street from the historic resources at Site 12. Upon completion, the infill on Site 15 would not result in any physical alteration to the historic buildings. Therefore no adverse direct impacts on these historic resources would be anticipated.
- Site 16 – 85 Broad Street: The site is the former location of the Federal Commercial Building at 71 Pearl Street (map #34). 71 Pearl Street was a historic resource that was demolished in 1970 and stood on the site once occupied by the Stadt Huis, the original Dutch city hall. Site 16 is north across Broad Street from the S/NR Maritime Exchange Building at 80 Broad Street (map #40) and the S/NR buildings at 16 Beaver Street, 18 Beaver Street, 20 Beaver Street, 22 Beaver Street, 24 Beaver Street, and 26 Beaver Street (map #39); east across William Street from the S/NR buildings at 75 Broad Street, 44 Beaver Street, 48 Beaver Street, 52 Beaver Street, and 54 Beaver Street (map #32); south across Stone Street from the NYCL and S/NR Stone Street Historic District (map #2), the S/NR buildings at 13 South William Street, 15 South William Street, 17 South William Street, and 19 South William Street (map #35) and the S/NR buildings at 44 Stone Street, 46 Stone Street, 48 Stone Street, 50 Stone Street, 52 Stone Street, 54-56 Stone Street, 58 Stone Street, and 60 Stone Street (map #36). Although design plans have not been developed, the proposed 12,930 gsf of retail infill would occur within the existing arcade around the perimeter of the site. As described further in Attachment J: Construction, construction of the proposed retail infill would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to any historic structures within 90 feet.

Indirect Effects

The proposed infill under the Proposed Project would be limited to existing arcades and plazas of the buildings on the identified sites. The infill would not result in changes to any architectural resource that would cause it to become a different visual entity. The proposed infill would not isolate property forms, or alter any historic resource's setting or visual relationship with the streetscape within the Water Street Corridor study area. All work in association with the infill activities would conform to existing streetscapes in terms of height, footprint, and setbacks and would not affect any view corridors. Because the infill would occur on and within existing commercial buildings, the Proposed Project would not introduce incompatible visual, audible, or atmospheric elements to any historic resource's setting in the Project Area. Design of the proposed infill would not attempt to replicate aspects of any particular historic resource so as to create a false historic appearance and would not eliminate or screen publicly accessible views of any historic resource. Because it would not result in a new building or an expansion of an existing building that would exceed 50 feet in height, the Proposed Project would not introduce significant new shadows, or significant lengthening of the duration of existing shadows, over an historic landscape or on an historic structure that contains resources that depend on sunlight.

CONCLUSION

The Proposed Project would not result in any physical changes to any historic resources in the Project Area and would not result in indirect impacts that would affect the visual prominence of any historic resources in the Project Area. The proposed new retail and office infill would be designed to improve the existing POPS, increase pedestrian activity in the Project Area, and create opportunities for activities and events within the Water Street POPS. Consequently, the Proposed Project would enhance the historic resources in the area by increasing pedestrian activity and adding vibrancy in an area characterized by historical districts and buildings



FIGURE 10: HISTORIC & CULTURAL RESOURCES

WATER STREET UPGRADES TEXT AMENDMENT

**FINANCIAL DISTRICT
MANHATTAN, NY**

Map Reference: NYC Dept of City Planning, ESRI Basemap

- Project Area
- Proposed Development Sites
- Study Area (400-foot radius)

- Historic Districts
(Listed on S/NR and LPC Designated)
- Street Plan of New Amsterdam and
Colonial New York (LPC designated)
- Historic Lampposts (SPC designated)

0 250 500 1,000 Feet



LANGAN

ATTACHMENT F. URBAN DESIGN AND VISUAL RESOURCES

INTRODUCTION

The *CEQR Technical Manual* defines the urban design of a neighborhood as the totality of its components including streets, buildings, open spaces, wind, natural resources, and visual resources that may affect a pedestrian's experience of public space. A visual resource is defined as the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources.

According to the *CEQR Technical Manual*, a preliminary analysis of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by the existing zoning, including the following: (1) projects that permit the modification of yard, height, and setback requirements; and (2) projects that result in an increase in built floor area beyond what would be allowed as-of-right or in the No-Action Condition. CEQR requires a detailed analysis for projects that would result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings.

The Proposed Action would facilitate the elimination and infill of existing arcades on 20 Projected Development Sites. Although construction facilitated by the Proposed Project would occur within the existing building envelopes and would not result in an increase in built floor area beyond what is permitted "as-of-right," for the purpose of conservative analysis, a preliminary assessment was conducted to determine how the Proposed Action would alter the pedestrian experience within the Water Street corridor. In accordance with *CEQR Technical Manual* guidelines, this chapter examines the potential impacts of the Proposed Action on urban design and visual resources within the Project Area. This analysis describes existing conditions and compares conditions in the future with and without the Proposed Action to determine potential adverse urban design and visual resource impacts. This preliminary analysis utilizes three-dimensional renderings of potential design changes to illustrate how the proposed zoning text amendment would apply to representative development sites, those that collectively include arcades, mezzanines, and plaza areas.

Based on the guidelines and definitions in the *CEQR Technical Manual*, the assessment of urban design and visual resources considers the effect of the Proposed Action on one or more of the following elements that collectively form an area's urban design:

- 1) Streets— For many neighborhoods streets are the primary component of public space. The arrangement and orientation of streets define the location and flow of activity in an area, set street views, and create the blocks on which buildings and open spaces are organized. The apportionment of street space between cars, bicycles, transit, and sidewalks and the careful design of street furniture, grade, materials used, and permanent fixtures, including plantings, street lights, fire hydrants, curb cuts, or newsstands are critical to making a successful streetscape;
- 2) Buildings— Buildings support streets. A building's streetwall forms the most common backdrop in the city for public space and includes a building's size, shape, setbacks, lot coverage, and placement on the zoning lot and block; the orientation of active uses; and pedestrian and vehicular entrances all play major roles in the vitality of the streetscape. The public realm also extends to building façades and rooftops, offering more opportunity to enrich the visual character of an area.

- 3) Visual Resources— A visual resource is the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources;
- 4) Open Space—For the purpose of urban design, open space includes public and private areas that do not include structures, including parks and other landscaped areas, cemeteries, and parking lots;
- 5) Natural Features— Natural features include vegetation and geologic, topographic, and aquatic features. Rock outcroppings, steep slopes or varied ground elevation, beaches, or wetlands may help define the overall visual character of an area; and
- 6) Wind— Channelized wind pressure from between tall buildings and down-washed wind pressure from parallel tall buildings may cause winds that affect pedestrian comfort and safety. According to the *CEQR Technical Manual*, a study of wind conditions is only warranted for projects involving construction of multiple buildings. Therefore, because no new buildings would be constructed, wind conditions were not analyzed for the Proposed Action.

Based on the methodology outlined above, it is determined that the Proposed Action would affect the following urban design elements: Streets, Buildings, Visual Resources, and Open Space. A preliminary assessment of these urban design elements is provided discussed below.

EXISTING CONDITIONS

The Project Area is centered along Water Street, one of Lower Manhattan's central commercial corridors (Figure 11). The Project Area is generally bound by Fulton Street to the north, South Street to the east, Whitehall Street to the south, and Pearl Street to the west. Water Street is a four-lane north-south thoroughfare with two parking/bus lanes, and is often trafficked by local and express buses. Access to the 1, 2, 3, 4, A, C, N, R, J, and Z trains is within walking distance of the Project Area, and the Fulton Center Transit Hub is further to the northwest at the intersection of Fulton Street and Broadway. To the east of the Project Area, the elevated FDR Drive separates the Project Area from the East River and partially obstructs views to the river from certain development sites.

The Project Area is characterized by a large concentration of high-rise office buildings with retail at the street level on both sides of the street. Lower Manhattan, and more specifically the Water Street corridor, with Water Street as the primary thoroughfare, is categorized by an irregular streetscape that is made up of narrow cobble stone streets containing historic buildings and structures. As shown in Figure 11, the street pattern of the Water Street corridor shows an organic pattern of growth, with irregular, curving and narrow streets. The grid within the Project Area is typically square south of Water Street and is elongated to the north. Streets are fully connected with relatively short distances between and many blocks consist of a single building. The repetition of buildings can be seen along the length of Water Street, and smaller connections that transition into the overall grid of Lower Manhattan to the north.



FIGURE 11: AERIAL MAP

WATER STREET UPGRADES TEXT AMENDMENT

- Project Area
- Proposed Development Sites
- 1 Site No.

FINANCIAL DISTRICT
MANHATTAN, NY

Map Reference: NYC Dept of City Planning, MapPLUTO Data; ESRI Basemap

LANGAN

The Project Area includes 20 buildings with plazas, urban plazas, and arcades (POPS) that collectively comprise over seven acres of POPS. As discussed in Attachment A, “Project Description,” the POPS were developed between 1969 and 1987 pursuant to 1961 NYC zoning regulations to provide additional light and air, and to improve pedestrian circulation. The 1961 regulations did not require any public amenities, such as trees, plantings, fixed and moveable seating, drinking fountains, lighting, public space signage, and bicycle racks, within the POPS. Consequently, although high concentrations of POPS were constructed along and near Water Street, their particular design and lack of public amenities failed to support an active street life or improve pedestrian circulation. As shown in Photographs F-1 through F-8, due to the lack of public amenities within existing plazas and the prevalence of inactive street-front uses, the Water Street corridor currently lacks the vibrancy that is typical of other commercial corridors in the City. Generally, existing arcades break down the sense of streetwalls with varying setbacks and a lack of active uses along the perimeter. This is noticeable on long stretches on Water Street and key corridors to the waterfront. Wide arcades, such as 200 Water Street, are often underutilized and largely in shadow. Narrow arcades, such as portions along 175 Water Street, 75 Wall Street, and 95 Wall Street, are often unusable and do not support significant pedestrian activity along the street edge.



Photograph F-1: 7 Hanover Square Along Water



Photograph F-2: 7 Hanover Square Through-block



Photograph F-3: 200 Wall Street



Photograph F-4: 175 Water Street



Photograph F-5: 75 Wall Street



Photograph F-6: 95 Wall Street



Photograph F-7: 32 Old Slip



Photograph F-8: 110 Wall Street

Existing building streetwalls within the Project Area are governed by Special Lower Manhattan (LM) District zoning regulations (ZR Section 91-3). Under the existing zoning regulations, all buildings within the Project Area are required to have a minimum base height of 60 feet and a maximum base height of 85 feet or 1.5 times the width of the street. Furthermore, the Project Area includes streets designated under zoning as Type 2A (Wall Street); Type 3 (Maiden Lane, John Street and Fulton Street); and Type 4 (Pearl Street between Whitehall and Wall Streets; Stone Street; and South William). Zoning lots located along these streets are required to have at least 70 percent located on the street line and 30 percent within 10 feet of such a street line. Along a Type 2A Street the entire streetwall height shall be between 85 feet and 150 feet; along a Type 3 Street the entire streetwall should have a minimum height of 60 feet or 1.5 times the width of the street, whichever is greater; and along a Type 4 Street the entire street frontage at a minimum height 100 feet before setting back.

NO-ACTION CONDITION

Absent the Proposed Action, the Project Area would conform to the underlying zoning district and existing POPS regulations, meaning that arcades would remain underutilized and plaza would not contain public amenities (such as tables and chairs). The existing POPS regulations do not permit additional amenities, kiosks and temporary outdoor structures in public plazas and arcades would continue to be not permitted without a Chairperson Certification pursuant to ZR §37-624, §37-625, or §91- 81. The No-Action Condition would be the same as existing conditions pursuant to the underlying zoning regulations, as shown in Figure 11 and Project Site photographs F-1 through F-8. The seasonal events and amenities that were temporarily allowed pursuant to the 2014 Mayoral Zoning Override – Water Street POPS Programming to extend the applicability of the temporary zoning text amendment that allowed events (N130206AZRM) would not take place after December 2015.

ASSESSMENT

The proposed zoning text amendment would facilitate the infill of 17 existing arcades for retail use and enhancements to urban plazas with public amenities such as tables, chairs, and planters that would increase activity at the street level and make the plazas more inviting to pedestrians within the Project Area. The following assessment discusses the effect the Proposed Action would have on the following urban design elements: Streets, Buildings, Visual Resources, and Open Space.

Streets

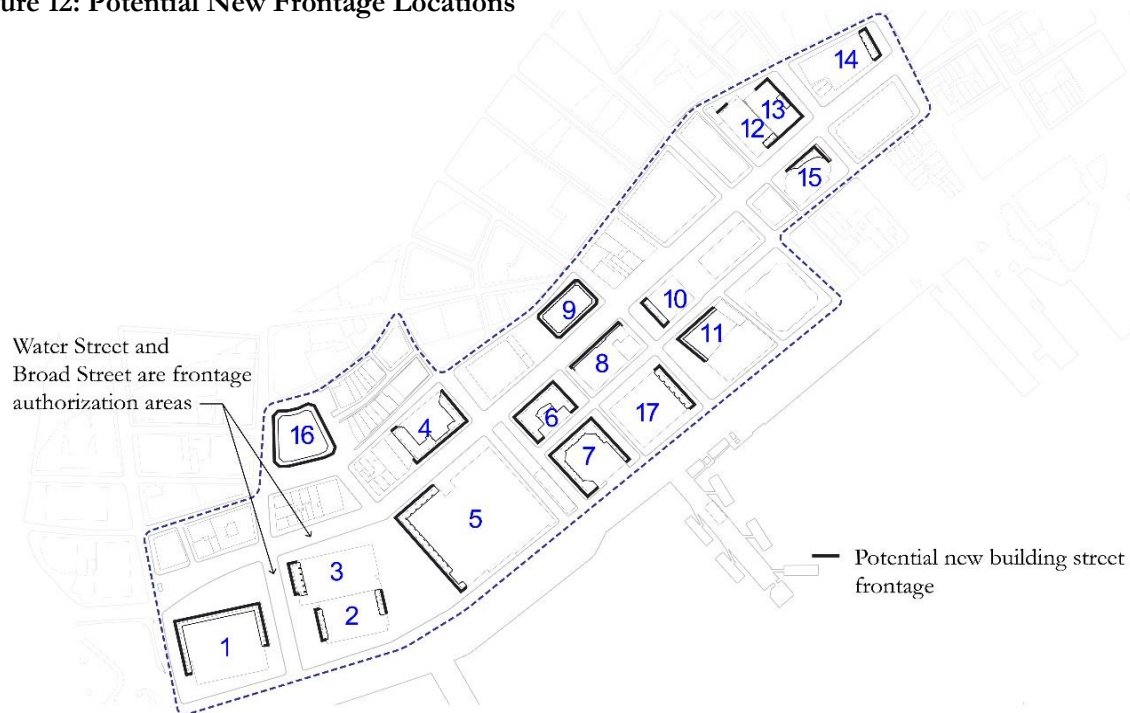
Because the proposed additional development would occur within the existing building footprints on the Project Site the Proposed Action would not alter or disrupt the existing street grid or change the arrangement and orientation of streets in the Project Area. A primary goal of the proposed zoning text amendment is to facilitate active ground floor commercial uses within the arcades along Water Street, which would enhance the pedestrian experience by including public amenities such as trees, plantings, fixed and moveable seating, drinking fountains, lighting, public space signage, and bicycle racks and providing useful service and retail amenities for nearby residents, workers, and visitors. Additionally, under the proposed text amendment, building owners within the Project Area would be required to improve plazas with public amenities such as tables, chairs, and planters. These improvements would also potentially create opportunities for activities and events within the public plazas and attract additional pedestrians and visitors to the area, thereby activating these public spaces.

Because construction under the Proposed Action would occur within existing building envelopes, the Proposed Project would not obstruct view corridors or noticeably change the scale of buildings. As discussed

in “Visual Resources” in this section, although views corridors to the East River are for the most part obstructed by the elevated FDR Drive, arcades that provide potential view corridors to the East River are located adjacent to existing open space resources that would provide adequate visual access to the river.

As shown in Figure 12, infill of the underutilized arcades would expand the respective building footprints at each site closer to the street at the ground floor level, but would not extend any streetwall closer to the street or open space any more than it currently may be located. Currently, the existing ground floor space along Water Street is set back from the sidewalk, a condition which contributes to an inactive streetwall and limited pedestrian activity. The elimination of existing arcades between the respective sidewalks and streetwalls on the Projected Development Sites would result in a ground floor building streetwall that would be closer to the sidewalk, which would extend retail continuity along the corridor by proving new retail and commercial uses and introducing public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks. As a result, the proposed retail infill would enhance the pedestrian experience along Water Street on the 17 Projected Development Sites.

Figure 12: Potential New Frontage Locations



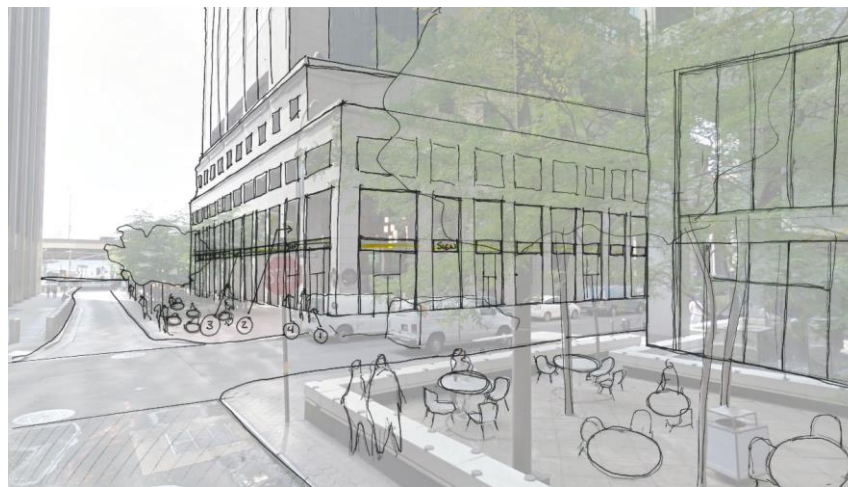
Buildings

The Proposed Action would alter the existing streetwall by providing new retail infill in existing arcades on 20 Projected Development Sites. As discussed in “Existing Conditions,” building streetwalls within the Project Area are governed by Special Lower Manhattan (LM) District zoning regulations (ZR Section 91-3). Typically, all buildings within the Project Area are required to have a minimum base height of 60 feet and a maximum base height of 85 feet or 1.5 times the width of the street. In addition, most buildings located in the Project Area are required to have at least 70 percent of the streetwall located at the street line and 30 percent within 10 feet of such a street line.

The proposed infill would include the public amenities outlined above, which would support pedestrian activity at the ground floor level of the Proposed Development Sites and provide an opportunity to enrich the visual character of the area. The plaza upgrades facilitated by the Proposed Action would also support pedestrian activity near the adjacent retail spaces and allow sufficient pedestrian circulation to and from building entrances.

Figure 13 shows the current and proposed conditions at 32 Old Slip (Site 7), which is an example of how the proposed zoning text amendment would apply to a site that features an existing arcade with a public plaza.

Figure 13: 32 Old Slip Existing and Proposed Conditions



Potential Infill Design Features

1. New corner entrance for building
2. Upper story graphic/ lighting feature at retail units, Extend offices to building face
3. Consistent sign band/ spandrel with integral lighting
4. Resilient flood panel, integrate channels into storefront design and locate

Site 7 includes a 12,004-sf continuous arcade along three sides of the existing building. The arcade is primarily used for individuals entering the building lobby. Infill facilitated by the proposed text amendment would create three potential active retail frontages at Old Slip, Front Street, and Gouvenour Lane. In addition, the tree-lined plaza adjacent to the arcade that currently serves as a pathway connecting Pier 11 to the open space

at 77 Water Street would be redeveloped with tables and chairs, as shown, to enhance the pedestrian experience and increase activity at the street level. As shown in Figure 13, potential infill design features facilitated by the proposed zoning text amendment include (1) a new corner entrance for the building (2) Option 1 – Upper story graphic/lighting feature at the front of retail uses, Option 2 – office uses extended to building face,⁴¹ (3) a consistent sign band/spandrel with integral lighting, (4) a resilient flood panel, channels integrated into storefront design and storefront located close to building face.

As an example of how the proposed zoning text amendment would apply to a site that features mezzanine level space that extends into an existing arcade, Figure 14 shows the current and proposed conditions at 77 Water Street (6). The site currently features a 10,335-sf continuous arcade on three side of the existing building, Old Slip, Water Street and Gouverneur Lane. The arcade is primarily used for individuals entering the building lobby. Infill under the proposed text amendment would facilitate three potential active retail frontages at Old Slip, Water Street, and Gouvenour Lane, including 14,986 gsf of retail infill space on the ground floor⁴² and 4,161 gsf of office space on the mezzanine level. In addition, the tree-lined plaza adjacent to the arcade that currently serves as open space for pedestrians using the ferry and water taxi service at Pier 11 would be redeveloped with street furniture to enhance the pedestrian experience.

Figure 14: 77 Water Street Existing and Proposed Conditions



Potential Infill Design Features

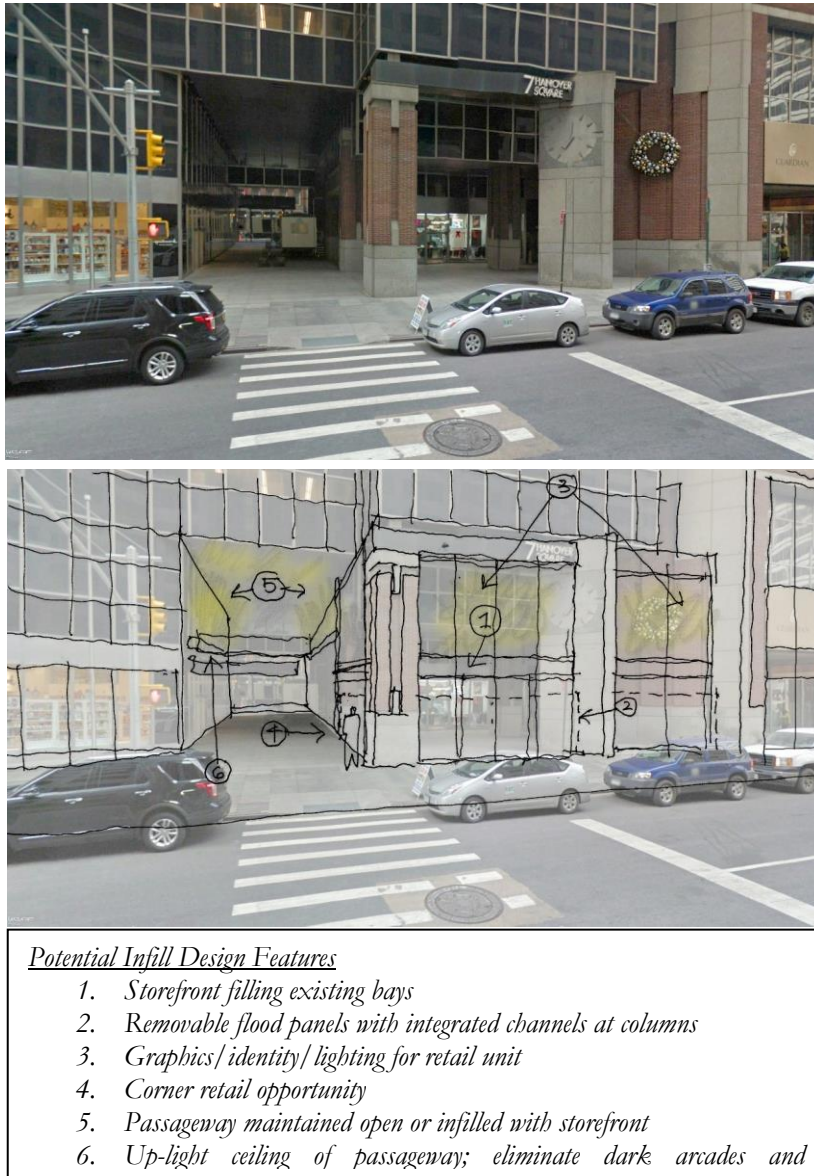
1. Extend and expand office floor to building face to match retail extension
2. New spandrel/sign band
3. Retail graphics per unit, removable
4. Flood panels integrated channels at columns
5. New building entrance on corner, preserve double height interior
6. Integral sign band lighting to counteract "arcade effect"

⁴¹ Office use would not be permitted on the ground floor, except for limited lobby use.

⁴² This includes 3,753 sf of non-bonused covered area between the bonused arcade and building wall that would be permitted to infill by the proposed zoning text.

Figure 15 shows the current and proposed conditions at 7 Hanover Square (4), which is an example of how the proposed text amendment would apply to a site that features a through-block arcade. The existing building is lined with a continuous arcade, totaling 5,349 sf in area, along Water Street and Hanover Square, and a through-block arcade on the south side. The arcade is primarily used for individuals entering the building lobby. Infill under the proposed text amendment would facilitate two potential active retail frontages at Old Slip and Water Street, including 8,908 gsf of retail infill within the existing arcade,⁴³ and approximately 10,244 gsf of office space on the mezzanine level.

Figure 15: 7 Hanover Plaza Existing and Proposed Conditions



⁴³ 3,908 sf of infill would be devoted to an indoor public space maintaining a through block connection between Water and Pearl Streets.

Visual Resources

In terms of historic resources as they relate to visual resources, Site 16 at 85 Broad Street is the only Proposed Development Site that has the potential to affect historic resources. Site 16 is the former location of the Federal Commercial Building, which is an historic resource that was demolished in 1970 and stood on the site once occupied by the Stadt Huis, the original Dutch city hall. The current building at Site 16 is a 30-story office building built in 1983 and has no historic significance. Therefore, the proposed infill under the Proposed Action would not result in any effects to any components of the historic site.

In addition, arcades that provide potential view corridors to the East River are located adjacent to existing open space resources that would provide an adequate view corridor to the river, for example 55 Water Street and 100 Wall Street.

Open Space

As discussed above and in Attachment D, “Open Space,” a primary goal of the proposed zoning text amendment is to facilitate active ground floor commercial uses within the arcades (private open space) along Water Street through the infill of applicable development sites with additional retail space. The proposed infill would enhance the pedestrian experience by activating these underperforming private open spaces. The proposed text amendment would also allow building owners within the Project Area to improve underutilized public plazas (public open space) with public amenities such as tables, chairs, and planters. The improvements to public open space in the Water Street corridor under the proposed text amendment would also create opportunities for activities and events within the public plazas and attract additional pedestrians and visitors to the area, thereby further activating open space in the Project Area.

CONCLUSION

A preliminary analysis was conducted in order to determine how, from a pedestrian’s perspective, the Proposed Action would affect streets, buildings, visual resources, and open space as these components relate to urban design and visual resources. The Proposed Project would not affect the arrangement or orientation of the streets within the Project Area. The retail infill of existing underperforming arcades facilitated by the Proposed Project would activate the Water Street corridor and enhance the pedestrian experience at the street level. The improvement of underutilized plazas in the Water Street corridor with the introduction of public amenities such as tables, chairs and planters would activate underutilized urban plazas and enhance the corridor’s existing streetscape and the pedestrian’s experience within the corridor. The proposed text amendment would not result in any adverse impacts on historic resources as they pertain to visual resources. Furthermore, the proposed text amendment would not adversely affect visual connections to the East River in the Project Area because the existing arcades that provide potential view corridors are adjacent to open space that provide view corridors to the East River. Therefore, the Proposed Action would not result in any adverse impacts on the urban design and visual resources within the Project Area.

ATTACHMENT G. HAZARDOUS MATERIALS

INTRODUCTION

The *CEQR Technical Manual* defines hazardous materials as any substances that pose a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi volatile organic compounds (VOCs, including petroleum constituents and chlorinated solvents, and SVOCs), methane, polychlorinated biphenyls (PCBs), and hazardous wastes (defined as substances that are chemically active, ignitable, corrosive, or toxic).

The potential for significant impacts from hazardous materials occurs when hazardous materials exist on a site and an action would increase pathways to their exposure to humans and the environment, or an action would introduce new activities or processes using hazardous materials. A hazardous materials assessment is warranted if it involves the renovation of interior space on a site with potential vapor intrusion from on-site or off-site sources; compromised indoor air quality; or the presence of asbestos containing materials (ACM), polychlorinated biphenyls (PCBs), mercury or lead-based paint (LBP).

Because the Proposed Project would involve the physical expansion of existing structures and renovation of existing interior space, it has the potential to increase exposure pathways to humans and the environment to hazardous materials. Accordingly, this assessment of hazardous materials involves the review of the sources listed below in “Methodology” to identify existing environmental conditions in the Project Area. The results of which are included in the Environmental Conditions Review Technical Memorandum (Technical Memorandum) included as Appendix C. The findings and conclusions of the Technical Memorandum are summarized in this section.

METHODOLOGY

This assessment included review of the following sources:

1. Previous available environmental investigation reports.
2. Environmental databases maintained by the USEPA, state, and local agencies within the approximate minimum search distance. The environmental database report was provided by Environmental Data Resources, Inc. (EDR);
3. New York City Department of Buildings (NYCDOB) records and a City Planning Commission Zoning Map;
4. New York State Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage (PBS) database;
5. NYSDEC Spills Incidents database;
6. A review of the NYC Zoning Resolution (ZR) Appendix C: City Environmental Review (CEQR) Table 1 – Environmental Requirements for (E) Designations, dated March 30, 2015; and
7. A review and interpretation of aerial photographs, Sanborn Fire Insurance Maps (Sanborn Maps), historical topographic maps, and city directories to identify previous activities on, and in the vicinity.

FINDINGS

The environmental conditions review identified the following potential environmental conditions associated with the Project Area:

Historic Fill

According to the 1865 Viele Map, the original shoreline of the East River was generally configured along the present orientation of Water Street. The shoreline was extended in the late 1800s using imported fill material of unknown origin, creating the land on which the Project Area was built. Historic fill typically includes ash, demolition debris and municipal waste products and may contain several types of contamination at concentrations above current regulatory levels, including semi-volatile organic compounds (SVOCs) and heavy metals.

Historic Use of Project Area

From as early as 1894 through 1950, the Project Area was utilized primarily for industrial and manufacturing purposes. Historic site usage included an auto repair shop (Block 30 Lot 19; 1941, 1977), factory/manufacturing (Block 29, Lot 1; 1920; Block 5, Lot 7501; 1946; Block 75, Lot 1; 1947; Block 35, Lot 10; 1965), gasoline filling station (Block 35, Lot 10; 1940), newspaper and printing factory (Block 75, Lot 1; 1930; Block 71, Lot 7501; 1930; Block 5, Lot 7501; 1954, 1962, 1965), a hospital (Block 5, Lot 7501; 1920), and a heating plant/ factory (Block 38, Lot 17; 1921).

Historic dry cleaning facilities are listed within the Project Area at 1 New York Plaza (Block 4 Lot 7501) and 7 Hanover Square (Block 30, Lot 19) in 2000, 2001, 2010, 2011, 2012, and 2003, 2004, 2005, and 2010, respectively.

Undetected releases of petroleum products and chemicals associated with historical use of these properties may have impacted soil, groundwater and/or soil vapor at the Project Area.

Reported Releases

Twenty-two total spills associated with the Project Area have been reported to NYSDEC. One of the 22 spill cases reported in 2014 (No. 1406978) involved a release of dielectric fluid from a transformer. The spill case remains open. Dielectric fluids may contain polychlorinated biphenyls (PCBs), and the release may have impacted soils beneath 77 Water Street (Block 33, Lot 1 of the Project Area).

Historic Use of Adjoining Properties

Historically, properties adjoining the Project Area to the north included multiple-story residential, industrial and commercial structures circa 1894 through circa 1950. A Consolidated Edison sub-station bisected Site Block 31, Lots 1 and 7501 in the 1923 and 1950 Sanborn Maps. This represents a potential environmental condition as undetected releases of petroleum or chemicals from the sub-station may have impacted subsurface soil, groundwater and/or soil vapor within site Block 31, Lots 1 and 7501.

E-Designated Listings

A review of NYC ZR Appendix C, CEQR Table 1 – Environmental Requirements for (E) Designations (updated July 1, 2015) identifies three of the Project Area properties as having been assigned a restrictive environmental “E” Designation. These properties include the following:

- 75 Wall Street (Block 31, Lot 7501) contains a Hazardous Materials (HAZMAT) restriction E-129 for underground gasoline storage tanks testing protocol.
- 86 Water Street/10 Hanover Square (Block 31, Lot 1) contains an Air Quality and HAZMAT restriction E-231 for fuel oil type, ventilation, and Phase I and II Testing Protocols.
- 55 Water Street (Block 32, Lot 7501) contains a HAZMAT restriction E-129 for underground gasoline storage tanks testing protocol.

If further materials and air quality assessments are required, it is anticipated that they would be conducted through coordination with the Mayor's Office of Environmental Remediation (OER). In order to comply with existing (E) designations, it is anticipated that the applicant would submit all relevant environmental report to OER for review and approval prior to any development under the Proposed Project.

If remediation is necessary based on OER review, it is anticipated that a proposed remediation plan would be submitted to OER for review and approval, and the applicant would complete such remediation as determined necessary by OER. If applicable, the applicant would provide proper documentation that the work has been satisfactorily completed. If required, a construction health and safety plan (CHASP) would be submitted to OER and would be implemented during construction activities to protect workers and the community from potentially significant adverse impacts. If required, this plan would be submitted to OER for approval prior to implementation.

CONCLUSION

Because of the potential presence of ACM, LBP, and PCB-containing materials in some of the buildings in the Project Area, prior to construction, the individual property owners of the sites to be developed should identify whether they have any hazardous materials surveys or reports for building materials and any operations and maintenance (O&M) plans for ACM, LBP and mold. If no survey reports are available, it is recommended at a minimum, that a due diligence asbestos survey is performed to assess the presence and conditions of suspect asbestos containing materials and sampling and analysis of materials that have the potential to significantly affect abatement costs for any planned renovation or demolition.

Additionally, all infill construction under the Proposed Project would be done in conformance with the applicable conditions outlined in the three (E) Designations at 75 Wall Street, 86 Water Street/10 Hanover Square, and 55 Water Street. If required, any further materials and air quality assessments and remediation would be done in coordination with OER.

Based on this information, it is anticipated that the Proposed Project would not result in adverse hazardous materials impacts.

ATTACHMENT H. TRANSPORTATION

INTRODUCTION

The proposed text amendment is not expected to trigger the need for a detailed transportation analysis. The proposed development sites are shown on Figure 16.

Transportation Planning Factors

The transportation planning factors used in forecasting travel demand for the proposed development are shown in Table 1. Trip generation estimates were prepared for one hour within each of the following peak periods:

- Weekday Morning (AM)
- Weekday Midday (MD)
- Weekday Evening (PM)
- Saturday Afternoon (SAT)

Approximately 145,901 square feet (sf) of net new local retail space, approximately 26,967 sf of net new office space, and approximately 2,016 sf of net new residential space is proposed within the Project Area, distributed among 17 development sites. The net new residential space would not result in any new dwelling units and was therefore not considered in this analysis. Similarly, the net new office space would not result in an increased number of employees in the study area and was therefore not considered in this analysis. The weekday and Saturday trip generation estimates and temporal distributions were obtained from the CEQR Technical Manual, Table 16-2. Modal splits, vehicle occupancies, and directional distributions for the retail space were obtained from the Battery Maritime Building Redevelopment EAS.

As described within the project's Purpose and Need, the intent of the Proposed Action would activate the Water Street corridor by providing retail uses for the existing community and local employees. It is very unlikely that the proposed retail development would generate any new trips in the study area because this new space would be local retail, and would be of the same nature as other local retail that exists within the study area (delis, convenience stores, drug stores, banks, etc.). Therefore, for this specific Proposed Action, there would be a very local draw from patrons that are already part of the existing sidewalk population and by taxis/for-hire-vehicles already traveling through the study area. Nevertheless, to be conservative, a 75% pass-by trip reduction was applied to account for pedestrians and taxis already within the study area that are expected to visit the local retail sites.

Trip Generation

The additional local retail space that would be developed as part of the proposed text amendment would generate the greatest number of trips during the Weekday MD peak hour with 38 vehicle trips, 76 subway trips, 76 bus trips, and 1,252 pedestrian trips as summarized in Table 2. Individually, each site would generate at most 6 vehicle trips, 10 subway trips, 10 bus trips, and 166 pedestrian trips.

While the Proposed Action could also potentially increase the frequency of events within the district, events are already taking place by way of special permit and the size of each event can be assumed to remain generally the same. Therefore, it can be assumed that there would be no net increase in event trip generation during any one peak hour.

Vehicle Impacts

Based on the trip generation estimates, the proposed increase in new local retail space would result in fewer than 50 peak hour vehicle trip-ends. Therefore, it is unlikely that the proposed text amendment would result in any vehicle impacts, and a detailed assessment is not required.

Pedestrian Impacts

Based on the trip generation estimates, the proposed text amendment would result in greater than 200 new peak hour pedestrian trips (pedestrian trip totals would also include subway and bus trips). However, given that the pedestrian trips would be distributed among each of the various development sites, pedestrian trips would be dispersed throughout the development area. Pedestrian trips would likely be contained within smaller catchment areas around each development site due to the generally repetitive nature of local retail uses in Manhattan (banks, pharmacies, delis, cafes, etc.). This would limit the number of pedestrians walking longer distances through the development area and reduce overall number of new pedestrian trips on each sidewalk/corner/crosswalk element.

Given the location of the existing arcades where the new local retail uses would be sited and the number of pedestrian trips generated by each site as shown on Figure 2, pedestrian trips are expected to be most concentrated at the intersections of Water Street with Coenties Slip and Hanover Square as this is the location with the highest concentration of new local retail space. As a worst-case scenario, the projected trip increment associated with the Weekday MD peak hour, which is the peak hour with the highest trip rate for the local retail use, was estimated. As shown in Figure 17, the projected trip increment during the Weekday MD peak hour would not result in greater than 200 new pedestrian trips at any pedestrian element. Since fewer than 200 new pedestrian trips would be generated at the two intersections within the area expected to include the greatest number of new pedestrian trips, it is unlikely that the proposed text amendment would result in any pedestrian impacts at any potential study location, and a detailed assessment is not required.

Transit Impacts

Based on the trip generation estimates, the proposed text amendment would result in fewer than 200 new peak hour subway trips during the Weekday MD peak hour. These trips would be distributed among each of the various subway stations and subway lines that serve the area, including the 2 and 3 trains at Wall Street, the J and Z trains at Broad Street, the 1 and R trains at Whitehall Street/South Ferry, and the 4 and 5 train at Bowling Green/Wall Street, subway trips would be dispersed throughout the development area and fewer than 200 trips would be added to any station or line.

The proposed text amendment would result in greater than 50 new peak hour bus trips during the Weekday MD peak hour. However, given that the bus trips would be distributed among each of the various bus routes that serve the area, including the M5, M20, M15, and M15 SBS routes, bus trips would be dispersed throughout the development area and fewer than 50 trips would be added to any bus route on a single line in one direction.

Since fewer than 200 subway trips would be added to any one subway station or line and fewer than 50 trips would be added to any one bus route in one direction, it is unlikely that the proposed text amendment would result in any transit impacts at any potential study location, and a detailed assessment is not required.



FIGURE 16: PROJECTED DEVELOPMENT SITES
WATER STREET UPGRADES TEXT AMENDMENT

- Project Area
- Proposed Development Sites

0 250 500 1,000 Feet

1 Site No.

FINANCIAL DISTRICT
 MANHATTAN, NY

Map Reference: NYC Dept of City Planning, MapPLUTO Data; ESRI Basemap

LANGAN

Table 1: Travel Demand Factors

Land Use:		Local Retail	
	Size Unit	145,901 gsf	
Daily Person Trip Generation	Weekday	(1) 205.0	
	Saturday	240.0	
	Unit	per 1,000 gsf	
Daily Truck Trip Generation	Weekday	(1) 0.35	
	Saturday	0.04	
	Unit	per 1,000 gsf	
Modal Split		Weekday	Saturday
		(2)	
	Auto	0.0%	0.0%
	Taxi	2.0%	2.0%
	Subway	5.0%	5.0%
	Bus	5.0%	5.0%
	Walk/Other	88.0%	88.0%
		100.0%	100.0%
Vehicle Occupancy	Auto	(2) 1.60	
	Taxi	1.20	
Pass-By Trips		75%	75%
Temporal Distribution	AM	(1) 3.0%	
	MD	19.0%	
	PM	10.0%	
	Sat MD	10.0%	
Truck Temporal Distribution	AM	(1) 8.0%	
	MD	11.0%	
	PM	2.0%	
	Sat MD	11.0%	
Directional Distribution		In	Out
		(2)	
	AM	50.0%	50.0%
	MD	50.0%	50.0%
	PM	50.0%	50.0%
	Sat MD	50.0%	50.0%
Truck Directional Distribution	AM	(1) 50.0%	
	MD	50.0%	
	PM	50.0%	
	Sat MD	50.0%	

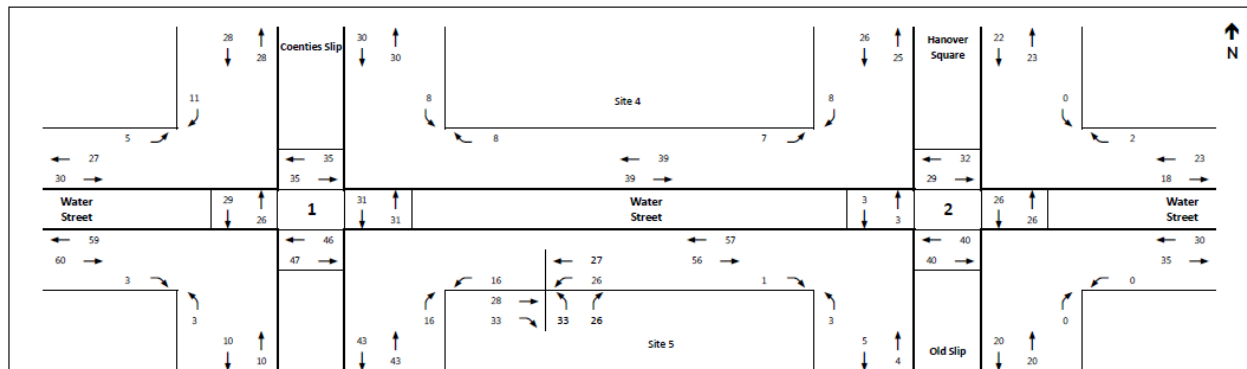
Notes:

1. CEQR Technical Manual (March 2014), Table 16-2.
2. Battery Maritime Building Redevelopment EAS, Table E-1 with DCP modifications.

Table 2: Peak Hour Trip Generation (Weekday Midday)

Site No.	Building Address	Total New Retail (sf)	Total Vehicle Trips (Auto + Taxi + Truck)				Total Walk Trips (Walk Only + Transit Trips)			
			Weekday AM Peak Hour	Weekday MD Peak Hour	Weekday PM Peak Hour	Saturday MD Peak Hour	Weekday AM Peak Hour	Weekday MD Peak Hour	Weekday PM Peak Hour	Saturday MD Peak Hour
1	1 New York Plaza	12,356	0	4	4	4	16	118	64	74
2	2 New York Plaza	13,022	0	4	4	4	22	124	66	76
3	4 New York Plaza	11,044	0	4	4	4	14	108	54	66
4	7 Hanover Square	10,923	0	4	4	4	14	106	54	66
5	55 Water Street	19,327	0	6	4	4	30	186	96	114
6	77 Water Street	14,986	0	4	4	4	24	144	76	88
7	32 Old Slip	15,217	0	4	4	4	24	146	76	88
8	95 Wall Street	3,007	0	0	0	0	4	30	14	16
9	75 Wall Street	6,418	0	4	0	0	8	64	34	38
10	100 Wall Street	3,560	0	0	0	0	4	34	16	22
11	110 Wall Street	4,785	0	0	0	0	6	46	26	30
12	160 Water Street	3,235	0	0	0	0	4	32	14	16
13	180 Water Street	2,405	0	0	0	0	4	24	10	12
14	200 Water Street	4,462	0	0	0	0	6	42	24	28
15	175 Water Street	3,315	0	0	0	0	4	32	14	22
16	85 Broad Street	12,930	0	4	4	4	22	122	66	76
17	111 Wall Street	4,908	0	0	0	0	8	46	26	30
	Total	145,901	0	38	32	32	214	1404	730	862

Figure 17: Weekday Midday Peak Hour Pedestrian Volumes



ATTACHMENT I. AIR QUALITY

INTRODUCTION

According to the *CEQR Technical Manual*, ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources"; by fixed facilities, usually referenced as "stationary sources"; or by a combination of both. An air quality assessment determines both a proposed project's effects on ambient air quality as well as the effects of ambient air quality on the project. A Project may have an effect on air quality, during operation and/or construction.

Projects may result in stationary source air quality impacts when they would 1) create new stationary sources of pollutants that may affect surrounding uses; 2) introduce certain new uses near existing or planned future emissions stacks that may affect the use; or 3) introduce structures near existing or future planned stationary sources that could change the dispersion from stacks of those sources, thereby affecting surrounding sources. The Proposed Project would not introduce any uses or emissions stacks that would require a stationary source analysis. However, based on DCP request, the capacity of the existing Heating, Ventilating, and Air Conditioning (HVAC) equipment was analyzed to determine if it could accommodate future demand resulting from the proposed infill.

According to the *CEQR Technical Manual*, a mobile source analysis is required when a Proposed Project would result in an increase or cause a redistribution of traffic, create any other mobile sources of pollutants (e.g. diesel trains, helicopters, etc.), or add new uses near large parking garages or atypical roadways (e.g. elevated highways and bridges). Specific vehicular screening thresholds are provided in the *CEQR Technical Manual* for autos based on the area in the five boroughs in which the project is located. According to the *CEQR Technical Manual*, a mobile source air quality analysis is required if a project would generate 170 or more auto trips during peak hour. Based on the transportation analysis in Attachment H, "Transportation," the Proposed Project would generate 268 auto trips during peak hour (Weekday MD), therefore an analysis of potential mobile source air quality impacts is required.

ASSESSMENTStationary Source AnalysisHVAC Analysis

As noted in the analysis framework of this document, the Proposed Action would facilitate future residential and commercial uses at up to 20 project sites, as part of infill development programs within existing arcades. The potential additional infill floor area would range from 3,007 gsf to 21,167 gsf as noted in Table 1 below. The affected buildings range between approximately 295,000 gsf to approximately 3.5 million gsf in overall size. As identified in Table 1 below, the incremental floor area that would result from potential arcade infill would represent between 0.5 percent to 4.2 percent of each existing building's gross floor area. The net increase in boiler demand anticipated for each building's potential infill expansion is not expected to affect current boiler usage in a way that would warrant retrofitting of current HVAC systems. The current HVAC systems at the affected properties would be expected to accommodate the future infill expansions, as they are considered minimal in size in comparison to the existing buildings' overall floor area. The proposed action would not introduce any new emissions stacks.

Since the proposed action would not result in the introduction of new emission stacks, no further analysis related to HVAC stationary sources is warranted. No significant adverse impacts related to air quality stationary sources are expected to result from the proposed action.

Table I-1: Projected Development Sites

Site No.	Building Address	Block	Lot	Building Floor Area (gsf)	Total Proposed New Retail (gsf)	Total New Office/ Residential Space on Second Floor (gsf)	Total New Proposed Floor Area (gsf)	Percentage of Increment per Total Floor Area (gsf)
1	1 New York Plaza	4	7501	1,888,126	12,356	-	12,356	0.7%
2	2 New York Plaza	5	7501	1,024,229	13,022	3,656	13,022	1.3%
3	4 New York Plaza	5	10	1,016,406	11,044	-	11,044	1.1%
4	7 Hanover Square	30	19	782,883	10,923	10,244	10,923	1.4%
5	55 Water Street	32	7501	3,583,167	19,327	-	19,327	0.5%
6	77 Water Street	33	1	541,568	14,986	4,161	14,986	2.8%
7	32 Old Slip	35	1	973,587	15,217	-	15,217	1.6%
8	95 Wall Street	33	11	473,460	3,007	-	3,007	0.6%
9	75 Wall Street	31	7501	346,253	6,418	5,179	6,418	1.9%
10	100 Wall Street	38	1	463,664	3,560	-	3,560	0.8%
11	110 Wall Street ³	37	8	295,376	12,285	-	12,285	4.2%
12	160 Water Street ³	70	43	481,858	6,689	-	6,689	1.4%
13	180 Water Street ³	70	32	453,857	12,907	-	12,907	2.8%
14	200 Water Street ⁴	75	1	541,000	4,462	2,016	4,462	0.8%
15	175 Water Street	71	7501	462,377	3,315	3,727	3,315	0.7%
16	85 Broad Street	29	1	993,569	12,930	-	12,930	1.3%
17	111 Wall Street	35	10	990,250	4,908	-	4,908	0.5%
18	86 Water Street / 10 Hanover Square	31	1	-	-	-		
19	88 Pine Street	38	17	-	-	-		
20	180 Maiden Lane	37	23	-	-	-		

Air Toxics Analysis

Based on the Environmental Protection Agency's (EPA's) Envirofacts database⁴⁴, GIS land use mapping, and project site visits, no industrial uses were found within 400-feet of the Project Area⁴⁵ (Figure 5).

Mobile Sources

Per the *CEQR Technical Manual*, a mobile source air quality analysis would be required if the proposed development would result in 170 or more peak hour auto trips. Based on the analysis provided in the Transportation section of the EAS, it is unlikely that over than 50 vehicle trips would pass through at any given intersection within the Project Area. Therefore, it is unlikely that the Proposed Project would result in any adverse mobile source air quality impacts.

⁴⁴ <http://oaspub.epa.gov/enviro/enviroFACTS> (Accessed 12-1-2015)

⁴⁵ ZOLA lists Block 30 Lot 5; Block 72 Lot 13; Block 97 Lots 10, 13, and 49 as industrial, however based on the Langan Land Use Survey, these sites are no longer industrial uses.

CONCLUSION

It is anticipated that the HVAC capacity of existing buildings at the project site would accommodate future HVAC demand at these sites as affected by the proposed action. There are no industrial uses within 400-feet of the Project Area. Therefore the proposed action would not result in any significant adverse stationary source air quality impacts.

Additionally, based on the transportation analysis, the Proposed Project would not result in 170 or more peak hour auto trips and therefore, a mobile source air quality analysis is not required, as the project would not result in any significant adverse mobile source air quality impacts.

ATTACHMENT J. CONSTRUCTION

INTRODUCTION

According to the *CEQR Technical Manual*, construction activities, although temporary, may sometimes result in significant impacts. Construction duration, which is a critical measure to determine a project's potential for adverse impacts during construction, is categorized as short-term (less than two years) and long-term (two or more years). Where the duration of construction is expected to be short-term, any impacts resulting from the short-term construction generally do not require a detailed assessment. However, there are instances where a potential impact may be of short duration, but nonetheless significant, because it raises specific issues of concern. In addition, there are technical areas such as air quality, where the duration of construction alone is not a sufficient indicator of the need for a detailed assessment, and other factors should be considered.

The Proposed Action would facilitate the elimination and infill of existing arcades for retail use and improvements to existing plazas and urban plazas on 20 Projected Development Sites. The proposed zoning text amendment would also allow temporary outdoor events and the placement of moveable outdoor furniture in public plazas and arcades within the Project Area as-of-right.

It is anticipated that redevelopment of the 20 Projected Development Sites would commence in 2016 and all construction for the individual sites would be completed by 2026. Three development sites do not have existing arcades (86 Water Street/10 Hanover Square, 88 Pine Street, and 180 Maiden Lane), therefore, no construction would occur on these sites and any future redevelopment would only involve plaza upgrades and placement of new moveable furniture. The full build-out of the existing arcades on the remaining 17 development sites would result in approximately 145,901 gsf of net new retail, approximately 26,967 gsf of net new office space, and approximately 2,016 of net new residential space within the Project Area. Individually, 7 Hanover Street (Site 4), at 21,167 gsf, would result in the largest area of new development. New development on ten sites would range from approximately 11,044 to 19,327 gsf – 4 New York Plaza (Site 3), 75 Wall Street (Site 9), 110 Wall Street (Site 11), 1 New York Plaza (Site 1), 180 Water Street (Site 13), 85 Broad Street (Site 16), 32 Old Slip (Site 7), 2 New York Plaza (Site 2), and 77 Water Street (Site 6); new development on six sites would range from approximately 3,007 to 7,042 gsf - 95 Wall Street (Site 8), 100 Wall Street (Site 10), 111 Wall Street (Site 17), 200 Water Street (Site 14), 160 Water Street (Site 12), and 175 Water Street (Site 15).

Construction would be limited to expansions of existing structures with no in-ground excavation or significant structural work. Although the construction duration for each individual site is anticipated to be under a year and the cumulative construction activities anticipated in the event that more than one development site would be under construction at the same time is not expected to exceed two years, the Projected Development Sites are located in a Central Business District and in an area within 400 feet of designated historical resources. Therefore, in accordance with *CEQR Technical Manual* guidelines, a construction analysis is required. Based on CEQR screening of potential construction impacts, this section summarizes construction impacts with regard to historic resources, hazardous materials, transportation, air quality, and noise.

This section also describes the city, state, and federal regulations and policies that govern construction and includes the estimated construction schedule, the types of activities anticipated to occur during construction, types of equipment expected to be utilized during construction, and the number of workers and truck trips expected during construction. Finally, this section identifies and evaluates the potential impacts from

construction activities and discusses methods that may be employed to avoid significant adverse construction-related impacts.

CONSTRUCTION PHASING AND ACTIVITIES – FUTURE WITH THE PROPOSED ACTION

Construction of the sites under the Proposed Project would commence in 2016. Construction on all development sites is anticipated to be completed by 2026. The construction duration for each individual site is anticipated to be under a year. The construction activities on each site would be limited to expansions of existing structures and no extensive in-ground excavation or structural work is expected. In the event that two or multiple sites would be under construction at the same time, based on the relatively minor construction work required, it is not expected that cumulative construction periods would exceed two years. Construction activities would be expected to occur between 7:00 AM and 6:00 PM on weekdays. Most active construction traffic is expected to occur between 7:00 AM and 3:00 PM.

Because the Project Area contains historic resources, protection of these resources during construction is a critical component of the Proposed Project. As described in Attachment E: “Historic and Cultural Resources,” a historical and cultural resource assessment identified 46 NYCL and/or S/NR structures located within 400 feet of the Proposed Project. According to the *CEQR Technical Manual*, construction impacts on historic and cultural resources may occur if in-ground disturbances or vibrations associated with the project construction have the potential to undermine the foundation or structural integrity of nearby resources.

The conceptual construction phasing and schedule for each individual site under the Proposed Project is described below, along with a description of the types of activities likely to occur during construction.

Site 1: 1 New York Plaza

The ground floor of the existing building is lined with arcades, totaling 11,180 sf in area along three sides of the site. Although design plans have not been developed, construction of approximately 8,488 gsf of proposed retail infill within the existing arcade would occur within the existing arcade and would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work would be expected, and construction activities are not expected to exceed one year.

Site 2: 2 New York Plaza

The ground floor of the existing building is lined with two arcades, totaling 3,656 sf in area, along Broad Street and fronting the Vietnam Veterans Memorial Plaza. Although design plans have not been developed, construction on site would include approximately 3,646 gsf of retail infill and 3,656 gsf of office space on the mezzanine level, within the two arcades, and approximately 643 gsf of additional enlargement along other building walls. Construction would be limited to the perimeter of the existing building. Construction is not expected to involve in-ground excavation or significant structural work and construction activities are not expected to exceed one year.

Site 3: 4 New York Plaza

The ground floor of the existing building is lined with an arcade, totaling 3,124 sf in area, along Broad Street. Although design plans have not been developed, construction of approximately 3,124 gsf of proposed retail infill would occur within the existing arcade on Broad Street and approximately 189 gsf of additional enlargement along other building walls. Construction would be limited to the perimeter of the existing

building. No in-ground excavation or significant structural work is expected and construction activities are not expected to exceed one year. As shown on Figure 10, Site 3 is within 90 feet of the Fraunces Tavern Block Historic District (map #1), which contains one NYCL (Fraunces Tavern) and 13 buildings listed on the S/NR (map #41). Therefore, the construction activities would follow the guidelines and procedures of the NYC DOB's *Technical Policy and Procedure Notice (PPN) #10/88* to avoid damage to these historic structures. Under the PPN #10/88, a CPP would be developed in coordination with LPC that would be reviewed and approved prior to construction. The CPP would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings.

Site 4: 7 Hanover Square

The ground floor of the existing building is lined with a continuous arcade along Water Street and Hanover Square that measures approximately 5,349 sf in area, and a through-block arcade connecting Water Street and Pearl Street that measures approximately 7,467 sf in area; the two arcades together total approximately 12,816 sf in area. Although design plans have not been developed, the Proposed Project would include the construction of approximately 8,908 gsf of retail infill and 10,244 gsf of office space within the existing arcades, and approximately 622 gsf of additional enlargement along other building walls. Construction would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities would not be expected to exceed one year. As shown on Figure 10, Site 4 is within 90 feet of the Stone Street Historic District (map #2) that contains one NYCL (India House, former Hanover Bank) and 14 buildings listed on the S/NR (map #35 and #36). Therefore, construction activities would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to these historic structures. Under the PPN #10/88, a CPP would be developed in coordination with LPC and would be reviewed and approved prior to beginning construction. The CPP would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings.

Site 5: 55 Water Street

The ground floor of the existing building is lined with a continuous arcade, totaling 13,794 sf in area, along the south and east sides, Water Street and Coenties Slip respectively. Although design plans have not been developed, the Proposed Project would include the construction of approximately 10,059 gsf of retail infill within the existing arcades on the site and approximately 569 gsf of additional enlargement along other building walls. Construction would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities would not be expected to exceed one year. As shown on Figure 10, Site 5 is within 90 feet of a NYCL (First Precinct Police Station, map #44) that is also listed on the S/NR. Therefore, the construction activities would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to this resource. Under the PPN #10/88, a CPP would be developed in coordination with LPC that would be reviewed and approved prior to construction. The CPP would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings.

Site 6: 77 Water Street

The ground floor of the existing building is lined with a 30-foot deep continuous arcade, totaling 10,335 sf in area along three sides, Old Slip, Water Street, and Gouverneur Lane. Beyond the bonused arcade area is a non-bonused covered area measuring approximately 3,753 that is visually and physically connected to the bonused arcade. Although design plans have not been developed, the Proposed Project would include the

construction of approximately 14,986 gsf of retail infill and 4,161 gsf of office space on the mezzanine level within the existing arcades and would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities would not be expected to exceed one year.

Site 7: 32 Old Slip

The ground floor of the existing building is lined with a continuous arcade, totaling 12,004 sf in area, along three sides, Old Slip, Front Street, and Gouverneur Lane. Although design plans have not been developed, the Proposed Project would include the construction of approximately 12,004 gsf of retail infill within the existing arcades and would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities would not be expected to exceed one year. As shown on Figure 10, Site 7 is within 90 feet of a NYCL (First Precinct Police Station, map #44) that is also listed on the S/NR. Therefore, the construction activities would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to this historic structure. Under the PPN #10/88, a CPP would be developed in coordination with LPC and would be reviewed and approved prior to construction. The CPP would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings.

Site 8: 95 Wall Street

The ground floor of the existing building is lined with a 2,446 sf arcade on the east side along Water Street. Although design plans have not been developed, the Proposed Project would include the construction of approximately 2,446 gsf of retail infill within the existing arcades and approximately 561 gsf of additional enlargement along other building walls. Construction would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities would not be expected to exceed one year.

Site 9: 75 Wall Street

The entire ground floor of the existing building is lined with a 5,179 sf continuous arcade. Although design plans have not been developed, the Proposed Project would include the construction of approximately 5,179 gsf of retail infill and 5,179 gsf of office space on the mezzanine level within the existing arcades and would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities would not be expected to exceed one year. As shown on Figure 10, Site 9 is within 90 feet of the Wall Street Historic District (map #3), the Beaver Building, a NYCL and listed on the S/NR (map #24), and 2 buildings on Beaver Street that are listed on the S/NR (map #24). Therefore, the construction activities would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to these historic structures. Under the PPN# 10/88, a CPP would be developed in coordination with LPC and would be reviewed and approved prior to construction. The CPP would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings.

Site 10: 100 Wall Street

The ground floor of the existing building is lined with a 2,518 sf arcade along Wall Street on the south side of the building that fronts on Manahatta Park. Although design plans have not been developed, the Proposed Project would include the construction of approximately 2,518 gsf of retail infill within the existing arcades and approximately 1,042 gsf of additional enlargement along other building walls. Construction would be

limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities would not be expected to exceed one year.

Site 11: 110 Wall Street

The ground floor of the existing building is lined with a 3,163 sf continuous arcade along the south and west sides of the building, Wall Street and Front Street respectively. Although design plans have not been developed, the Proposed Project would include the construction of approximately 3,163 gsf of retail infill within the existing arcades and would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities would not be expected to exceed one year. As shown on Figure 10, Site 11 is adjacent to 120 Wall Street Offices, a historic building listed on the S/NR (map #46). Therefore, the construction activities would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to this historic structure. Under the PPN #10/88, a CPP would be developed in coordination with LPC that would be reviewed and approved prior to construction. The CPP would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings.

Site 12: 160 Water Street

The ground floor of the existing building is lined with two arcades totaling 2,575 sf in area, located along Water and Pearl Streets. Although design plans have not been developed, the Proposed Project would include the construction of approximately 2,575 gsf of retail infill within the existing arcades and approximately 660 gsf of additional enlargement along other building walls. Construction would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities would not be expected to exceed one year. As shown on Figure 10, Site 12 is within 90 feet of a historic building located on 116 John Street that is listed on the S/NR (map #16). Therefore, the construction activities would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to this historic structure. Under the PPN #10/88, a CPP would be developed in coordination with LPC that would be reviewed and approved prior to beginning construction. The CPP would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings.

Site 13: 180 Water Street

The ground floor of the existing building is lined with two arcades, totaling 2,404 sf in area, located along Water and John Streets. Although design plans have not been developed, the Proposed Project would include the construction of approximately 1,630 gsf of retail infill within the existing arcades and approximately 775 gsf of additional enlargement along other building walls. Construction would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and the construction activities would not be expected to exceed one year. As shown on Figure 10, Site 13 is within 90 feet of a historic building located at 116 John Street that is listed on the S/NR (map #16). Therefore, the construction activities would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to this historic structure. Under the PPN #10/88, a CPP would be developed in coordination with LPC that would be reviewed and approved prior to construction. The CPP would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings.

Site 14: 200 Water Street

The ground floor of the existing building is lined with a 3,222 sf arcade, on the north side along Fulton Street. Although design plans have not been developed, the Proposed Project would include the construction of approximately 3,222 gsf of retail infill and 2,016 of residential space on the mezzanine level within the existing arcades, and approximately 1,240 gsf of additional enlargement along other building walls. Construction would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities would not be expected to exceed one year. As shown on Figure 10, Site 14 is within 90 feet of a historic building located at 111 John Street that is listed on the S/NR (map #15). Therefore, the construction activities would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to this historic structure. Under the PPN #10/88, a CPP would be developed in coordination with LPC that would be reviewed and approved prior to construction. The CPP would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings. Additionally, the proposed infill would also include residential space on the second floor, which would only enlarge the existing dwelling units within the building. No new dwelling units would be created.

Site 15: 175 Water Street

The ground floor of the existing building is lined with a 4,385 sf arcade on the east and north sides. Although design plans have not been developed, the Proposed Project would include the construction of approximately 3,242 gsf of retail infill and 3,727 gsf of office space on the mezzanine level within the existing arcades, and approximately 73 gsf of additional enlargement along other building walls. Construction would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities are not expected to exceed one year. As shown on Figure 10, Site 15 is within 90 feet of the South Street Seaport Historic District (map #4); properties at 182-184 Front Street and 186-198 Front Street that are listed on S/NR (map #10); the John Street Building at 170-176 John Street, a NYCL and listed on S/NR (map #11); and 8 buildings located at 165 Front Street, 163 Front Street, 82-87 South Street that are NYCLs and listed on S/NR (map #12). Therefore, the construction activities would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to these historic structures. Under the PPN #10/88, a CPP would be developed in coordination with LPC that would be reviewed and approved prior to construction. The CPP would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings.

Site 16: 85 Broad Street

The ground floor of the existing building is lined with a 12,930 sf arcade on all sides. Although design plans have not been developed, the Proposed Project would include the construction of approximately 12,930 gsf of retail infill within the existing arcades and would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities would not be expected to exceed one year. As shown on Figure 10, the Federal Commercial Building at 71 Pearl Street, listed on the S/NR, is located on Site 16 (map #34). The existing building on 71 Pearl Street was built on a site once occupied by the Stadt Huis, the original Dutch city hall that was demolished in 1970. Site 16 is within 90 feet of the Fraunces Tavern Block Historic District to the south (map #1), the Stone Street Historic District to the east (map #2), and the Wall Street Historic District to the west and north (map #3). The other historic resources within 90 feet of Site 16 include the S/NR Maritime Exchange Building at 80 Broad Street (map #40), west across from Broad Street; the S/NR buildings at 16 Beaver Street, 18 Beaver Street, 20 Beaver Street, 22 Beaver Street, 24 Beaver Street, and 26 Beaver Street (map #39) to the northwest; the S/NR

buildings at 75 Broad Street, 44 Beaver Street, 48 Beaver Street, 52 Beaver Street, and 54 Beaver Street (map #32), north across Stone Street; the S/NR buildings at 13 South William Street, 15 South William Street, 17 South William Street, and 19 South William Street (map #35) to the northeast; and the S/NR buildings at 44 Stone Street, 46 Stone Street, 48 Stone Street, 50 Stone Street, 52 Stone Street, 54-56 Stone Street, 58 Stone Street, and 60 Stone Street (map #36) to the east. Therefore, the construction activities would follow the guidelines and procedures of the NYC DOB's PPN #10/88 to avoid any damage to these historic structures. Under the PPN #10/88, a CPP would be developed in coordination with LPC and would be reviewed and approved prior construction. The CPP would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings.

Site 17: 111 Wall Street

The ground floor of the existing building is lined with a 4,589 sf arcade on the north side. Although design plans have not been developed, the Proposed Project would include the construction of approximately 4,589 gsf of retail infill within the existing arcades and approximately 319 gsf of additional enlargement along other building walls. Construction would be limited to the perimeter of the existing building. No in-ground excavation or significant structural work is expected and construction activities would not be expected to exceed one year.

ASSESSMENT

Transportation

Based on the anticipated short-term duration of the construction of the development sites, under the Proposed Project, individually and cumulatively, construction-related auto and truck trips are unlikely to exceed 50 vehicle trips or 25 passenger car equivalents (PCEs). Although during construction activities it is expected that temporary construction staging areas would be required on sidewalks at the various development sites, traffic and pedestrian flows are not expected to be affected. Furthermore, construction activities are not expected to result in lane or street closures, affect traffic patterns, create traffic diversions, cause backups, or otherwise cause a significant deterioration in local or regional traffic flow. Therefore, the Proposed Project is not expected to result in any construction transportation impacts and a detailed assessment is not required.

Air Quality

Mobile Source

According to the *CEQR Technical Manual*, construction impacts on air quality may occur because of particulate matter emitted by construction activities, exhaust and emissions from construction equipment, and increased truck traffic to and from the construction sites. Because the project is not expected to result in any lane closures, traffic diversions, disruptions of area traffic flow, or delivery of goods, and vehicular trip generations from construction are not expected to exceed traffic that would result from the development sites under the Proposed Project during operation, a detailed assessment of mobile source air quality impacts is not required.

Stationary Source

Construction of the development sites would primarily involve interior redevelopment and renovation of existing structures. Although no major demolition or foundation work is expected to occur, stationary source emissions of particulate matter would be emitted by construction equipment. Accordingly, construction

activities would be conducted with care and in accordance with New York City Air Pollution Control Code measures which regulate construction-related fugitive dust emissions. These measures may include, but not be limited to, watering down any exposed areas and installing dust covers on trucks and equipment on the development sites. Therefore, no adverse stationary source construction air quality impacts are anticipated.

Noise

Mobile Source

According to the *CEQR Technical Manual*, effects on noise are typically the results of lane closures, traffic diversions, disruptions of area traffic flow, or goods delivery. As discussed in Appendix D: “Transportation CEQR Screening Analysis”, although temporary curb-lane and sidewalk closures are expected to be required adjacent to the Projected Development Sites, the Proposed Project would not result in any lane closures, traffic diversions or disruptions to area traffic flow or the delivery of goods. Therefore, no additional analysis regarding mobile source construction noise impacts is required.

Stationary Source

According to the *CEQR Technical Manual*, stationary source construction noise impacts (i.e., pile driving, blasting, demolition, etc.) are typically analyzed in detail only when a sensitive receptor is affected over a long period of time. Although the individual and potential cumulative construction periods are expected to be short term, the development sites under the Proposed Project would be constructed within 400 feet of historic resources, therefore, a preliminary detailed stationary source analysis is required. The analysis evaluates construction noise generated during specific activities, types of equipment, and duration of activities planned for specific locations and the combined effects of the noise on nearby sensitive receptors.

In the Future With and Without the Proposed Action, the area immediately adjacent to the 17 Projected Development Sites in which construction would occur would experience an increase in noise levels during construction. Construction activities would include minor demolition activities (exterior and interior walls), clearing and construction of walls, which would utilize equipment known to produce high noise levels. Construction would not involve pile driving, blasting, or major demolition. Any equipment used for the proposed construction activities would be required to comply with the New York City Noise Control Code (Local Law No. 113 of 2005); the “Citywide Construction Noise Mitigation” regulations listed under Chapter 28 of Title 15 of the Rules of the City of New York; and the United States Environmental Protection Agency (EPA) noise emission standards. Additionally, excluding special circumstances, construction activities would be expected to occur between 7:00 AM and 6:00 PM on weekdays and construction material would be handled and transported so as not to create unnecessary noise.

Furthermore, if applicable, construction of development sites under the Proposed Project would utilize Construction Noise Mitigation Plans to address construction noise impacts that may include noise barriers, use of low noise emission equipment, locating stationary equipment as far as feasible away from receptors, use of area enclosures, limited duration of activities, use of quiet equipment or substituting diesel equipment with electric-powered equipment, scheduling of activities to minimize impacts (based on either time of day or seasonal considerations), and locating noisy equipment near existing barriers that would shield sensitive receptors.

Based on this information, the Proposed Project is not expected to result in any adverse construction-related stationary source impacts during construction.

Hazardous Materials

Based on the Hazardous Materials evaluation included in Attachment G and the Environmental Conditions Review Technical Memorandum in Appendix C, it is anticipated that ACM, LBP, and PCB-containing materials are likely present in building materials in many of the buildings in the Project Area.

Accordingly, prior to construction, it is recommended that the individual property owners of the Projected Development Sites in the Project Area identify whether they have any hazardous materials surveys or reports for building materials and any operations and maintenance (O&M) plans for ACM, LBP and mold. If no survey reports are available, it is recommended, at a minimum, that a due diligence asbestos survey is performed to assess the presence and conditions of suspect asbestos containing materials and sampling and analysis of materials that have the potential to significantly affect abatement costs for any planned renovation or demolition.

CONCLUSION

The Proposed Project involves redevelopment construction activities of existing arcades on 17 development sites in the Water Street corridor. The proposed redevelopment would commence in 2016, and construction on all applicable sites under the Proposed Project would be completed by 2026. Construction duration for each individual site is expected to be under a year. Construction activities would be limited to expansions of existing structures and no major in-ground excavation or significant structural work is expected. In the event that multiple sites would be under construction at the same time, based on the relatively minor construction work required, the cumulative construction periods would not be expected to exceed two years. Therefore, construction duration would be considered short term.

In the Future With the Proposed Project, special care would be taken during construction to protect the historic resources and pedestrian areas of the Financial District of Lower Manhattan from potential damage due to construction-related activities. It is expected that all construction work would be done under the guidance of LPC, and if applicable, SHPO to ensure that construction activities would not have a physical effect on historic resources in the area. To avoid potential damage to historic structures within 90 feet, construction activities would follow the guidelines and procedures of the NYC DOB's PPN. In addition, CPPs would be developed for each applicable site in coordination with LPC that would be approved prior to construction. The respective CPPs would follow the guidelines set forth in LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings. With these measures in place, no construction-related adverse impacts on historic resources are anticipated to result from the Proposed Project.

Construction activities would be conducted with care and in accordance with New York City Air Pollution Control Code measures which regulate construction-related fugitive dust emissions. These measures may include, but not be limited to, watering down any exposed areas and installing dust covers on construction vehicles and equipment. During construction, standard practices would be followed to ensure safe pedestrian and vehicular access to nearby buildings and along affected streets and sidewalks. Given the relatively small size of the individual project sites and the relatively short construction periods, mobile source emissions are not expected to be significant.

In addition, although the duration is not anticipated to be long-term, construction activities under the Proposed Project may require reductions in curb-lane and sidewalk areas adjacent to the development sites. It is not anticipated that these conditions would have an adverse direct or indirect impact on pedestrian access in the area and to nearby historic resources.

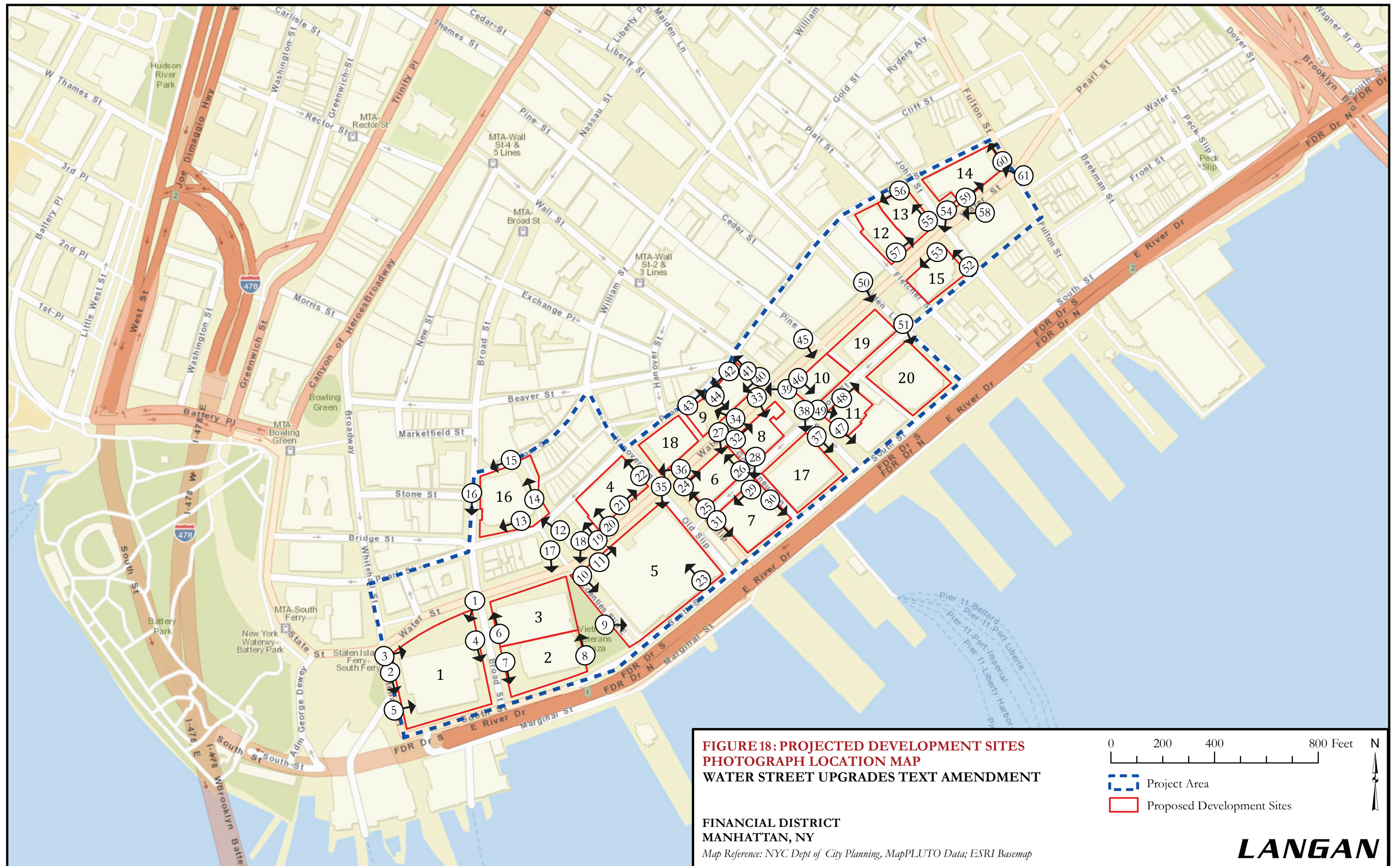
Based on this information, the Proposed Action would not result in significant adverse construction impacts related to transportation, air quality, noise, and hazardous materials.

PART III: APPENDICES

APPENDIX A: PHOTOGRAPHS

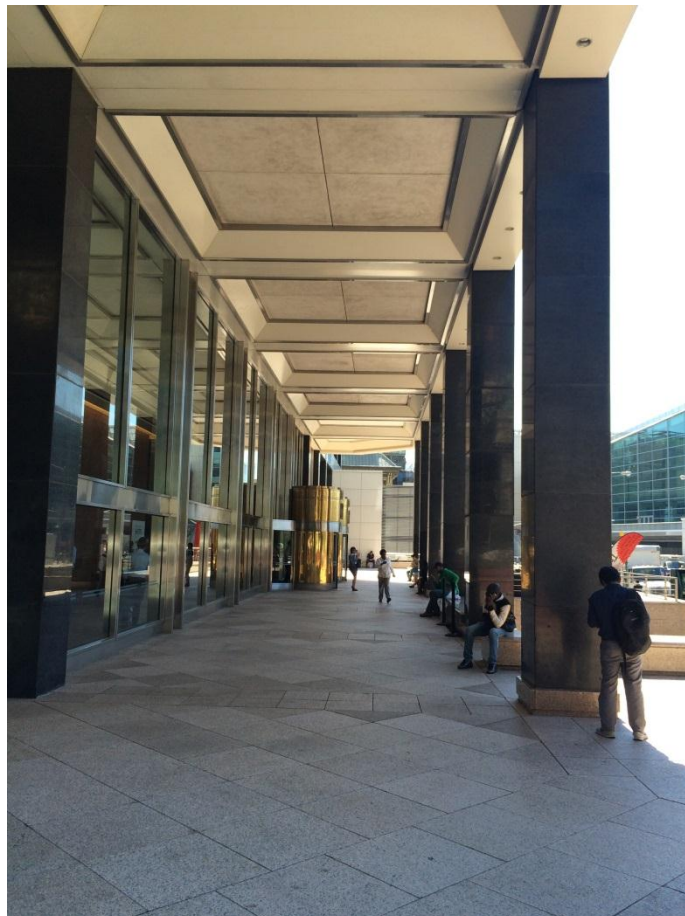
PROJECTED DEVELOPMENT SITE PHOTOGRAPHS

(Photographs Taken September 23, 2015)





Photograph 1: Southeast view of 1 New York Plaza (Project Site 1)
from Water Street and Broad Street



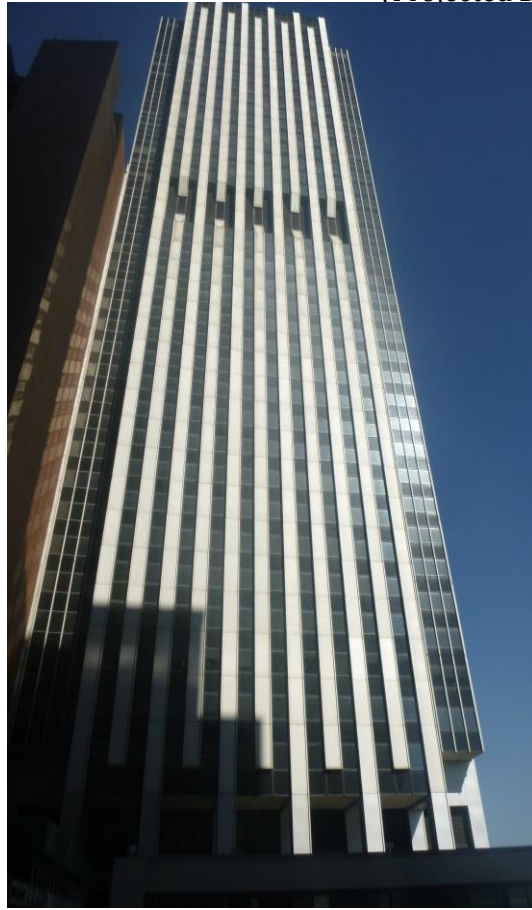
Photograph 2: South view of 1 New York Plaza arcade (Project Site 1)
from corner of Water Street and Whitehall Street



Photograph 3: West view of 1 New York Plaza arcade (Project Site 1) from the corner of Water Street and Whitehall Street



Photograph 4: South view of 1 New York Plaza arcade (Project Site 1) from corner of Water Street and Broad Street



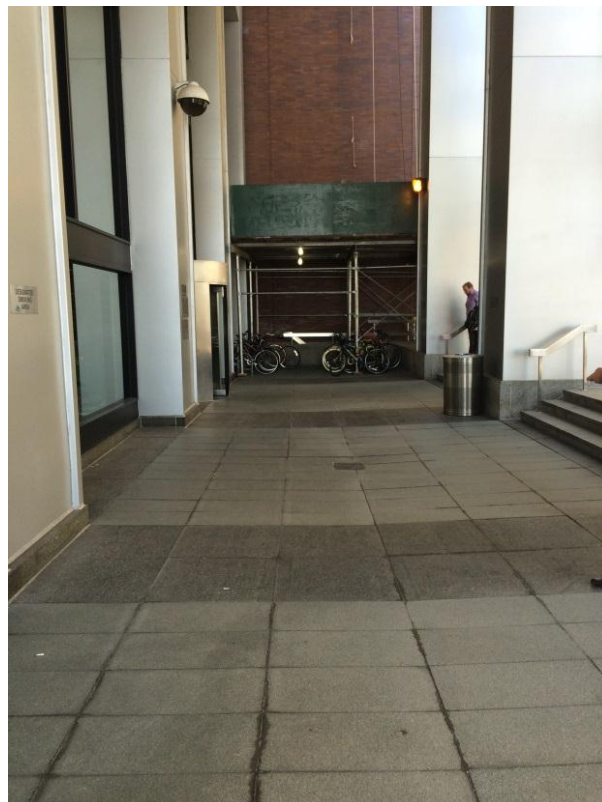
Photograph 5: West view of 1 New York Plaza (Project Site 1) from center of Whitehall Street



Photograph 6: North view of 4 New York Plaza arcade (Project Site 3) from southwest corner of project site on Broad Street



Photograph 7: South view of 2 New York Plaza arcade (Project Site 2) from northeast corner of Project Site



Photograph 8: North view of 2 New York Plaza arcade (Project Site 2) standing on southeast corner



Photograph 9: East view of 55 Water Street (Project Site 5) standing in Vietnam Veterans Plaza



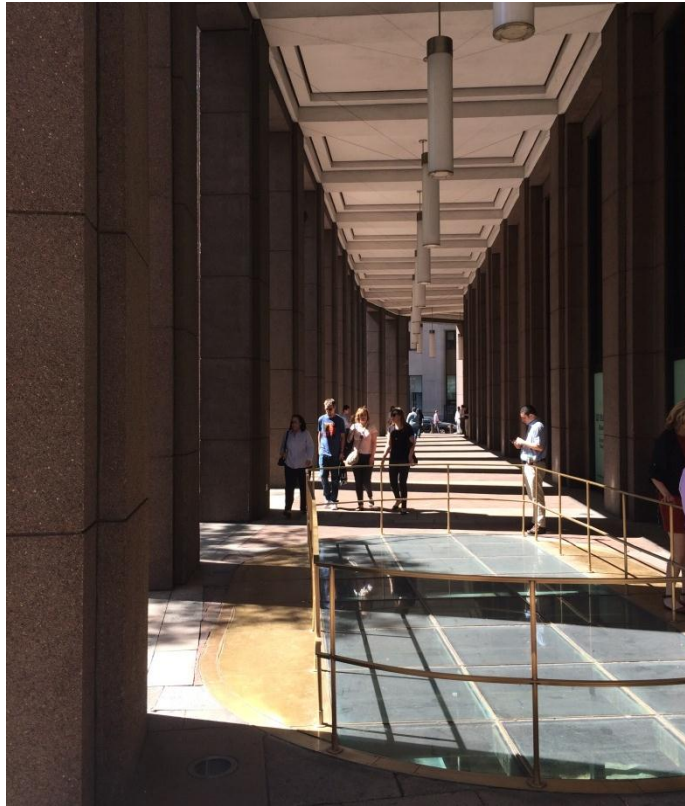
Photograph 10: Southeast view of 55 Water Street arcade (Project Site 5) from the corner of Coenties Slip E and Water Street



Photograph 11: Northeast view of 55 Water Street arcade (Project Site 5) from corner of Coenties Slip E and Water Street



Photograph 12: Northwest view of 85 Broad Street (Project Site 16) from Pearl Street and Coenties Slip E



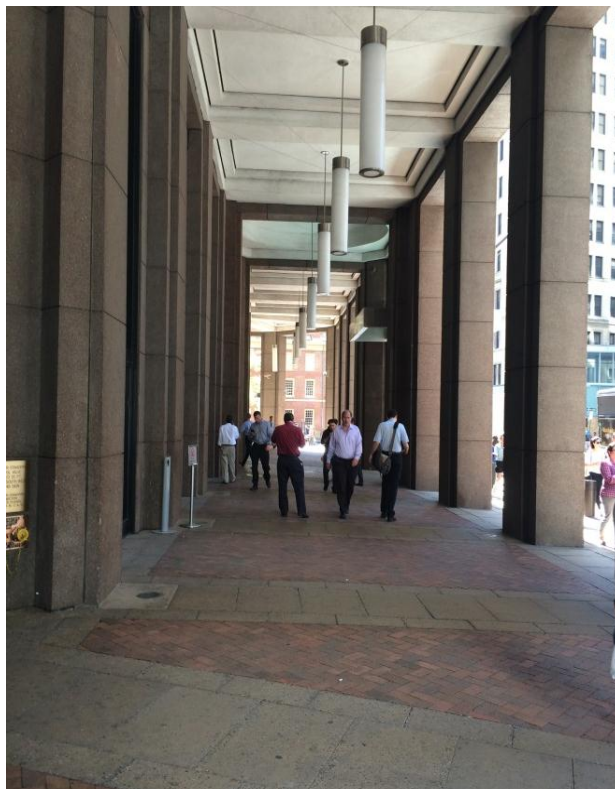
Photograph 13: West view of 85 Broad Street arcade (Project Site 16) from southeast corner of Project Site



Photograph 14: Northwest view of 85 Broad Street arcade (Project Site 16) from southeast corner of Project Site



Photograph 15: West view of 85 Broad Street arcade (Project Site 16) from northeast corner of Project Site



Photograph 16: South view of 85 Broad Street arcade (Project Site 16) from northwest corner of Project Site



Photograph 17: South view of 4 New York Plaza (Project Site 3) from Coenties Slip E and Water Street



Photograph 18: South view of 55 Water Street (Project Site 5) from Water Street



Photograph 19: Northwest view of through-block arcade (Project Site 4) from Water Street



Photograph 20: Northwest view of 7 Hanover Square arcade (Project site 4) from southwest corner of Project Site



Photograph 21: Northeast view of 7 Hanover Square arcade (Project Site 4) from southwest corner of Project Site



Photograph 22: Northwest view of 7 Hanover Square arcade (Project Site 4) from southeast corner of Project Site



Photograph 23: Northwest view of 55 Water Street elevated acre (Project Site 5) from center of site looking north towards Water Street



Photograph 24: Northeast view of 77 Water Street arcade (Project Site 6) from Old Slip and Water Street



Photograph 25: Northwest view of 77 Water Street arcade and sculptures (Project Site 6) from Old Slip and Front Street



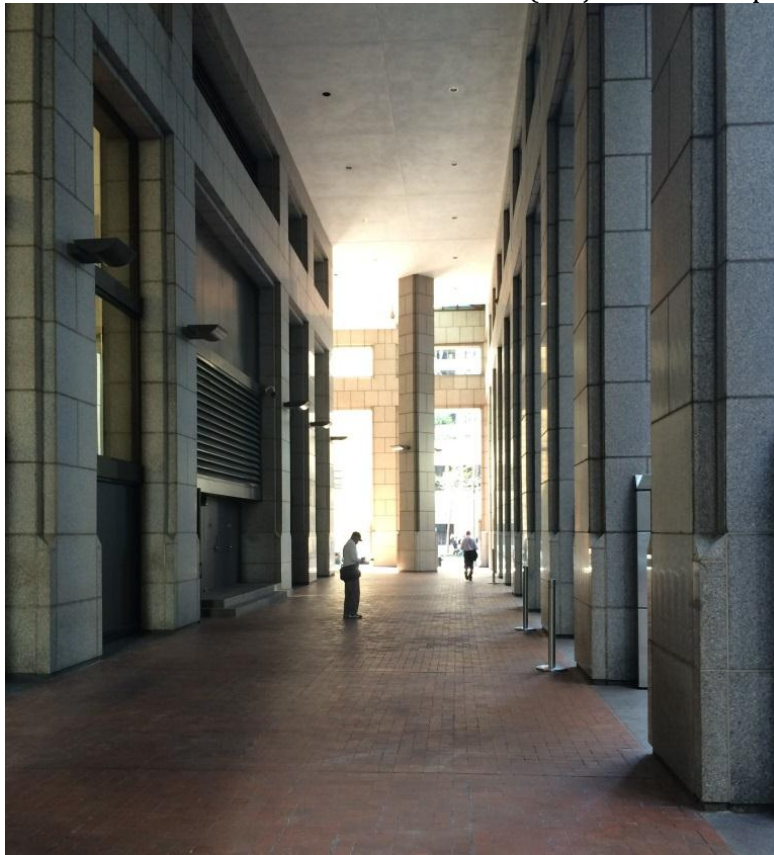
Photograph 26: Northwest view of 77 Water Street arcade (Project Site 6) from Gouverneur Lane and Front Street



Photograph 27: South view of 77 Water Street (Project Site 6) from Water Street



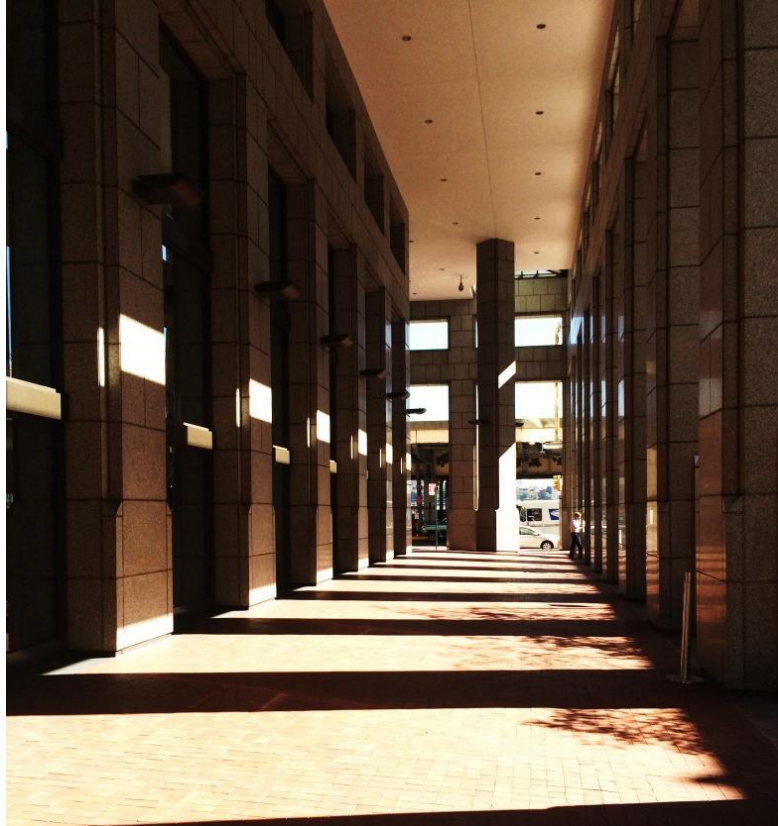
Photograph 28: South view of 32 Old Slip (Project Site 7) from
Gouverneur Lane and Front Street



Photograph 29: Southwest view of 32 Old Slip arcade (Project Site 7) from northeast corner of Project Site



Photograph 30: Southeast view of 32 Old Slip arcade (Project Site 7) from northeast corner of Project Site



Photograph 31: Southeast view of 32 Old Place Slip arcade (Project Site 7) from northwest corner of Project Site



Photograph 32: Northeast view of 95 Wall Street arcade (Project Site 8) from corner of Water Street and Gouverneur Lane



Photograph 33: Southeast view of 85 Wall Street (Project Site 8) from Water Street



Photograph 34: Northwest view of 86 Water Street/10 Hanover Square (Project Site 18) from Water Street



Photograph 35: South view of 55 Water Street (Project Site 5) from Water Street



Photograph 36: West view of 7 Hanover Square (Project Site 4) from Water Street



Photograph 37: Southeast view of 111 Wall Street arcade (Project Site 17) from northeast corner of Project Site



Photograph 38: South view of 111 Wall Street (Project Site 17) from Wall Street and Front Street



Photograph 39: West view of 75 Wall Street (Project Site 9) from Water Street



Photograph 40: Southwest view of 75 Wall Street arcade (Project Site 9) from southeast corner of Project Site



Photograph 41: Northwest view of 75 Wall Street arcade (Project Site 9) from southeast corner of Project Site



Photograph 42: Southwest view of 75 Wall Street arcade (Project Site 9) from northeast corner of Project Site



Photograph 43: Northeast view of 75 Wall Street arcade (Project Site 9) from northwest corner of Project Site



Photograph 44: Southeast view of 75 Wall Street arcade (Project Site 9) from northwest corner of Project Site



Photograph 45: Southeast view of 100 Wall Street (Project Site 10) from Water Street and Pine Street



Photograph 46: Southeast view of 100 Wall Street arcade (Project Site 10) from northwest corner of Project Site



Photograph 47: Southeast view of 110 Wall Street arcade (Project Site 11) from northwest corner of Project Site



Photograph 48: Northeast view of 110 Wall Street arcade (Project Site 11) from northwest corner of Project Site



Photograph 49: Southeast view of 110 Wall Street (Project Site 11) from Wall Street and Front Street



Photograph 50: Southeast view of 88 Pine Street (Project Site 19) from Wall Street



Photograph 51: Southeast view of 180 Maiden Lane (Project Site 20) from Front Street and Maiden Lane



Photograph 52: Northwest view of 175 Water Street arcade (Project Site 15) from southeast corner of Project Site



Photograph 53: Southwest view of 175 Water Street arcade (Project Site 15) from northeast corner of Project Site



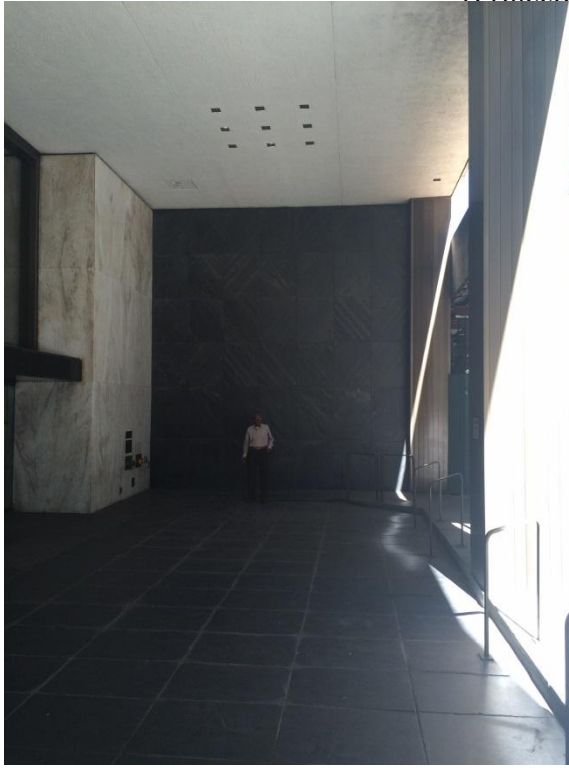
Photograph 54: South view of 175 Water Street (Project Site 15) from Water Street



Photograph 55: Northwest view of 180 Water Street (Project Site 13) from southeast corner of Project Site



Photograph 56: Southwest view of 180 Water Street arcade (Project Site 13) from northeast corner of Project Site



Photograph 57: Northeast view of 180 Water Street arcade (Project Site 13) from southwest corner of Project Site



Photograph 58: West view of 180 Water Street (Project Site 13) from Water Street and John Street



Photograph 59: Northeast view of 200 Water Street (Project Site 14) from southwest corner of Project Site



Photograph 60: Northwest view of 200 Water Street arcade (Project Site 14) from southeast corner of Project Site



Photograph 61: Northwest view of 200 Water Street (Project Site 14) from
Fulton Street and Water Street

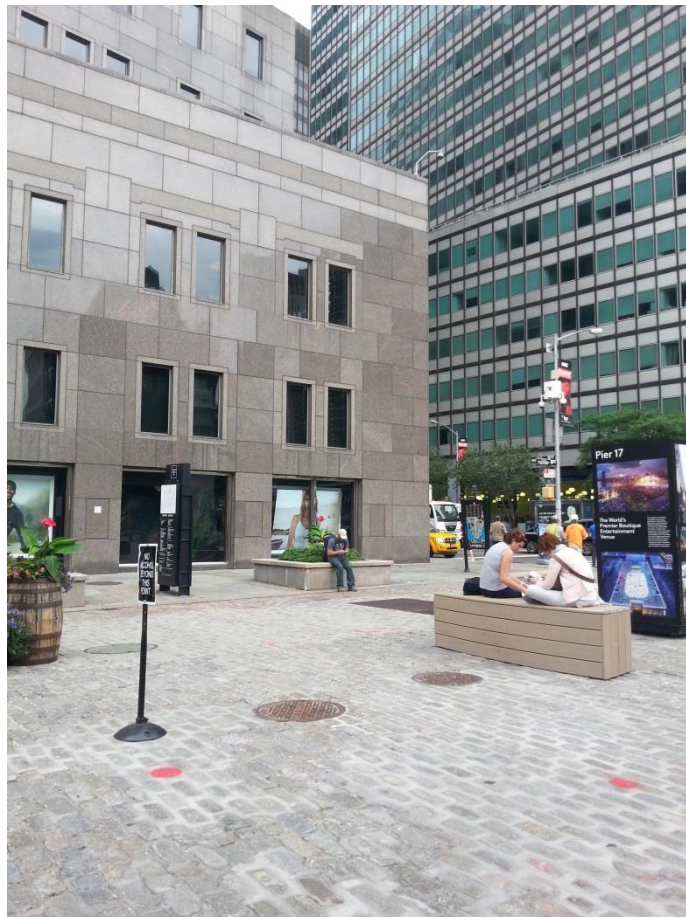
PROJECT AREA PHOTOGRAPHS

(Photographs Taken June 26 & 30, 2015)





Photograph 1: Fulton Street and Water Street (southeast corner)



Photograph 2: Fulton Street and Water Street (southeast corner)



Photograph 3: Water Street between Fulton Street and John Street (Looking at north curb)



Photograph 4: Water Street and John Street (southwest corner)



Photograph 5: Pearl Street and John Street (southeast corner looking east)



Photograph 6: Pearl Street and John Street (southwest corner looking west)



Photograph 7: Southeast view of Pearl Street and Fletcher Street



Photograph 8: Water Street and Fletcher Street (southeast corner looking east)



Photograph 9: Front Street and John Street (south curb)



Photograph 10: Northwest view from South Street and Fulton Street



Photograph 11: 170-176 John Street Building *



Photograph 12: Maiden Lane between South Street and Front Street (looking north)



Photograph 13: Maiden Lane and Front Street (northwest corner looking west)



Photograph 14: Front Street between Maiden Lane and Wall Street (midblock)



Photograph 15: Wall Street and Front Street (northeast corner looking north)



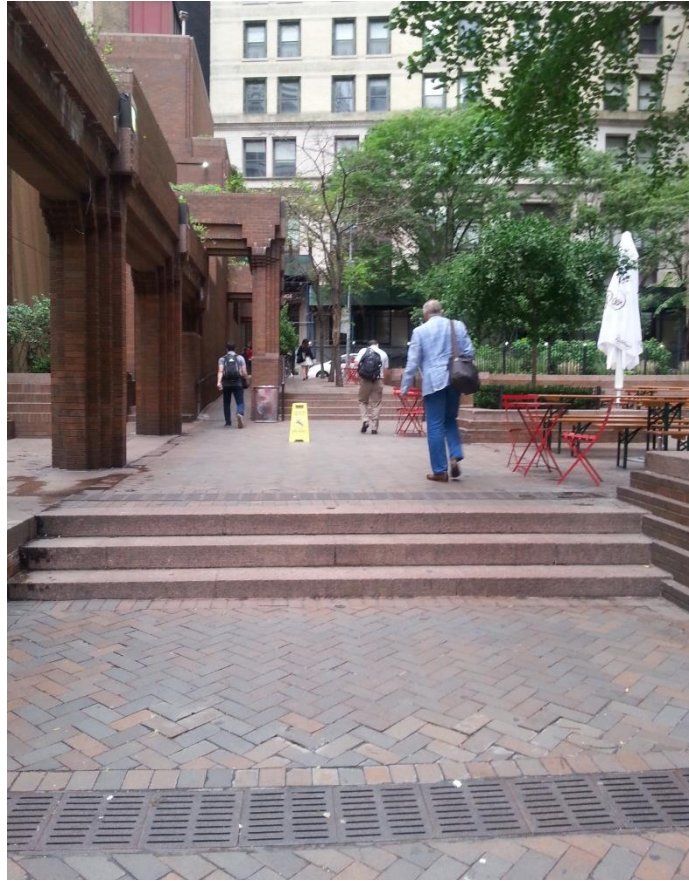
Photograph 16: Wall Street and Front Street (southeast corner)



Photograph 17: Wall Street and Front Street (southwest corner looking west)



Photograph 18: Front Street and Gouverneur Lane (southeast corner looking north)



Photograph 19: Water St and Gouverneur Lane (looking north)



Photograph 20: Water St and Gouverneur Lane (north curb)



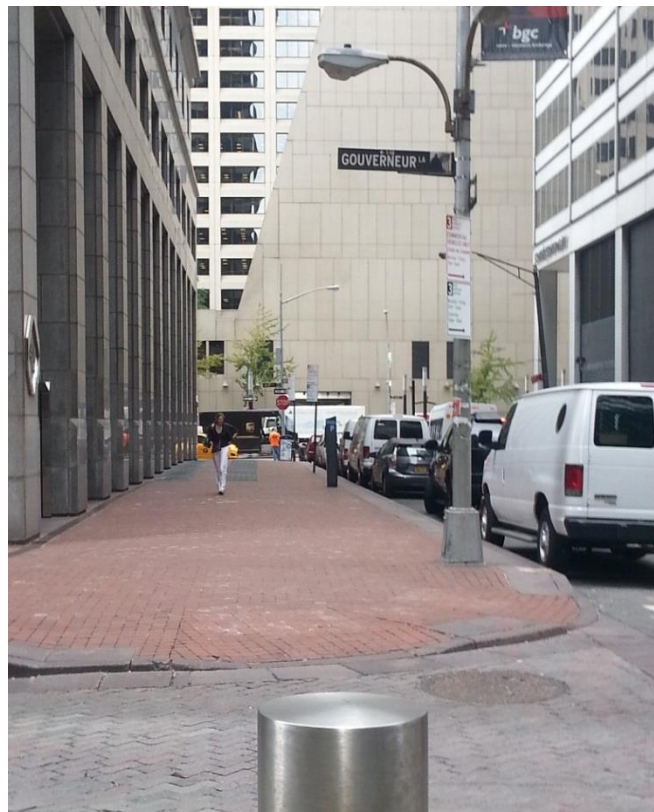
Photograph 21: Front St and Gouveneur Lane (northwest corner)



Photograph 22: Water St and Old Slip (Southeast corner looking south)



Photograph 23: Front St and Old slip (northeast corner looking north)



Photograph 24: Front St and Gouverneur Lane (southeast corner looking west)



Photograph 25: Front St and Gouveneur Lane (southwest corner looking south)



Photograph 26: Front St and Old Slip (Police Museum)



Photograph 27: Water Street and Coenties Slip E (looking east)



Photograph 28: Water Street and Hanover Square (northwest corner looking west)



Photograph 29: India House *



Photograph 30: Pearl and Hanover Square (southeast corner looking south)



Photograph 31: Southwest view of Pearl Street and Hanover Square



Photograph 32: Southwest view of Cobblestone Street between Pearl and South William St



Photograph 33: North view of Beaver Street and Hanover Street



Photograph 34: West view of Beaver Street and William Street



Photograph 35: Delmonico's Building *



Photograph 36: South William Street (85 Broad Street Building)



Photograph 37: South William St and Broad Street (southeast corner looking east)



Photograph 38: West view of Pearl Street & Coenties Slip



Photograph 39: West view of Marketfield Street and Broad Street



Photograph 40: Historic Lamppost (Beaver Street between Broad and New Street)



Photograph 41: Fraunces Tavern *



Photograph 42: Historic Lamppost (Corner of Broad and Pearl Street)



Photograph 43: United States Custom House *



Photograph 44: South view of Pearl Street and Whitehall Street



Photograph 45: Battery Maritime Building *



Photograph 46: James Watson House *



Photograph 47: Northwest view of Water Street & Coenties Slop



Photograph 48: Broad Exchange Building/ Northwest view of William Street & Exchange Place



Photograph 49: Northwest view of Broad Street & Exchange Place



Photograph 50: 90-94 Maiden Lane Building *



Photograph 51: Southeast view of William Street & Wall Street



Photograph 52: North view of Wall Street & Beaver Street



Photograph 53: Northeast view of Pearl Street & Wall Street

APPENDIX B: COASTAL CONSISTENCY FORM (CAF)

For Internal Use Only:

Date Received: _____

WRP no. _____

DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: Alliance for Downtown New York (ADNY) and New York City Economic Development Corporation (NYCEDC)
2. Address: 120 Broadway, New York, NY 10271 and 110 William Street, New York, NY 10038
3. Telephone: 212-312-3834 Fax: _____ E-mail: mlee@edc.nyc
4. Project site owner: N/A

B. PROPOSED ACTIVITY

1. Brief description of activity:

The Proposed Action is a zoning text amendment to the NYC Zoning Resolution (ZR) Section 91-80 regulations requested by the Alliance for Downtown New York (ADNY) and co-applicant New York City Economic Development Corporation (NYCEDC) that would facilitate the elimination and infill of existing arcades for retail use and improvements to existing Privately Owned Public Spaces (POPS) along and near Water Street in Lower Manhattan, Community District 1. The zoning text amendment would also allow a series of public events and programs, publicly-accessible amenities, and retail uses in the POPS within the Project Area. The Proposed Action would affect the regulations governing the POPS located on 20 tax lots on 13 blocks (Proposed Development Sites) within the Project Area. Under the proposed zoning text amendment, temporary outdoor events and the placement of movable outdoor furniture in public plazas and arcades of 20 commercial buildings within the Project Area would be permitted as-of-right. In addition, the uses permitted within the proposed infill would be subject to urban design and architectural standards that would be developed specifically for the Project Area.

2. Purpose of activity:

The requested zoning text amendment (Proposed Action) would allow building owners within the Project Area to improve POPS with public amenities and allow infill of existing arcades for active retail use. These improvements would create opportunities for activities and events within the Water Street POPS, and attract additional pedestrians and visitors to the area, thus improving the vitality of these public spaces. The infill retail uses would further contribute to an active corridor.

3. Location of activity: (street address/borough or site description):

The Project Area is centered along Water Street and is generally bound by Fulton Street to the north, South Street to the east, Whitehall Street to the south, and Pearl Street to the west, in the Financial District of Lower Manhattan. The Proposed Action would affect the regulations governing the POPS located on 20 tax lots on 13 blocks (Proposed Development Sites) within the Project Area.

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

The Proposed Action does not require any federal, state or local permit or license.

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

No State or Federal funding is being used to finance the Proposed Project.

6. Will the proposed project require the preparation of an environmental impact statement?

Yes _____ No ☒ If yes, identify Lead Agency:

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

The Proposed Project requires a zoning text amendment to ZR Section 91-80 regulations requested by ADNY and the NYCEDC.

C. COASTAL ASSESSMENT

Location Questions:

	Yes	No
1. Is the project site on the waterfront or at the water's edge?	_____	<input checked="" type="checkbox"/>
2. Does the proposed project require a waterfront site?	_____	<input checked="" type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	_____	<input checked="" type="checkbox"/>

Policy Questions

Yes No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	_____	<input checked="" type="checkbox"/>
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	<input checked="" type="checkbox"/>	_____
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	_____	<input checked="" type="checkbox"/>

Policy Questions cont'd

	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28. Would the action cause violations of the National or State air quality standards? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd
Yes No

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)

_____ ✓

30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)

_____ ✓

31. Would the proposed action have any effects on surface or ground water supplies? (5.4)

_____ ✓

32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)

✓ _____

33. Would the action result in any construction activities that would lead to erosion? (6)

_____ ✓

34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)

_____ ✓

35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)

_____ ✓

36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)

_____ ✓

37. Would the proposed project affect a non-renewable source of sand? (6.3)

_____ ✓

38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)

_____ ✓

39. Would the action affect any sites that have been used as landfills? (7.1)

_____ ✓

40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)

_____ ✓

41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)

_____ ✓

42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)

✓ _____

43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)

_____ ✓

44. Would the action result in the provision of open space without provision for its maintenance? (8.1)

_____ ✓

45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)

_____ ✓

46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)

_____ ✓

47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)

_____ ✓

48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)

_____ ✓

49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)

_____ ✓

50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)

_____ ✓

Policy Questions cont'd**Yes No**

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

_____ ☒

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

☒ _____

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Alliance for Downtown New York and the NYC Economic Development Corporation

Address: 120 Broadway, NY, NY 10271 and 110 William Street, NY, NY 10038

Telephone 212.312.3703

Applicant/Agent Signature: _____

Marley Lee

Date: _____

Jan 13, 2016

**APPENDIX C: ENVIRONMENTAL CONDITIONS REVIEW TECHNICAL
MEMORANDUM**

Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.
21 Penn Plaza, 360 West 31st Street, 8th Floor New York, NY 10001 T: 212.479.5400 F: 212.479.5444

To: NYCEDC

From: Jason J. Hayes, P.E., LEED AP

Info: file

Date: 23 September 2015

Re: Environmental Regulatory Review for Water Street Corridor Upgrades

This Environmental Regulatory Review memorandum was prepared for the project identified as Water Street Corridor Upgrades in the Lower Manhattan section of New York, New York ("Project Area"). The project involves a zoning text amendment to facilitate the elimination and infill of existing arcades for retail use and improvements to existing Privately Owned Public Spaces (POPS) along and near Water Street in Lower Manhattan, Community District 1.

The Environmental Regulatory Review herein evaluates any existing environmental investigations and assessments conducted in the study area to estimate the magnitude and extent of hazardous materials in close proximity to the Water Street Corridor. This memorandum provides a summary of pertinent environmental documents provided by NYCEDC in addition to a regulatory database search provided by readily available and updated local, state, and federal environmental regulatory agency databases.

SCOPE OF THE ENVIRONMENTAL DUE DILIGENCE REVIEW

The specific scope of this review included the following:

1. A review of previous environmental investigation reports provided to Langan. Copies of the reports are included in Attachment A.
2. A review of environmental databases maintained by the USEPA, state, and local agencies within the approximate minimum search distance. The environmental database report was provided by Environmental Data Resources, Inc. (EDR), and is included in Attachment B.
3. A review of New York City Department of Buildings (NYCDOB) records and a Planning Commission Zoning Map. Available NYCDOB records and the Zoning Map are included in Attachments C and D, respectively.
4. A review of the New York State Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage (PBS) database. Available NYSDEC PBS records are included in Attachment E.
5. A review of the NYSDEC Spills Incidents database. Available NYSDEC Spills records are included in Attachment F.

6. A review of the City of New York: Appendix C, City Environmental Quality Review (CEQR) Table 1 of Environmental Requirements, dated March 30, 2015. Available CEQR records are included in Attachment G.
7. A review and interpretation of aerial photographs, Sanborn Fire Insurance Maps (Sanborn Maps), historical topographic maps, and city directories to identify previous activities on, and in the vicinity of, the Project Area. Copies are included in Attachment H, I, J, and K respectively.

SITE DESCRIPTION

The Project Area is centered along Water Street and is generally bound by Fulton Street to the north, South Street to the east, Whitehall Street to the south, and Pearl Street to the west, in the Financial District of Lower Manhattan. The proposed zoning text amendment would affect the regulations governing the POPS located on 20 tax lots on 13 blocks ("Proposed Development Sites") within the Project Area. A Project Area Location Map is included as Figure 1.

Proposed Development Sites

The Project Area includes the following tax blocks and lots (Figure 4):

- Block 4 Lot 7501
- Block 5 Lots 10 and 7501
- Block 29 Lot 1
- Block 30, Lot 19
- Block 31 Lots 1 and 7501
- Block 32 Lot 7501
- Block 33 Lots 1 and 11
- Block 35 Lots 1 and 10
- Block 37 Lots 8 and 23
- Block 38 Lot 1
- Block 38 Lot 17
- Block 70 Lots 32 and 43
- Block 75 Lot 1
- Block 71 Lot 7501

PREVIOUS ENVIRONMENTAL REPORTS

The below summary of previous environmental investigations conducted within the Project Area, and the extents of those releases. Copies of previous environmental reports are included as Attachment A.

June 14, 2001 Oversight During ACM Removal; Prepared by Detail Associates, Inc.

Detail Associates, Inc. (Detail) performed oversight of asbestos abatement, which took place in the mezzanine level of 77 Water Street from May, 29 2001 to June 02, 2001 (Project Site Block 33 Lot 1). The abatement consisted of the removal of existing asbestos-containing material (ACM) (insulation/fireproofing and flooring) and the application of new spray-on insulation. Detail collected a total of 12 air quality samples during the abatement, and provided daily progress reports. The samples showed a maximum concentration of 0.002 fibers/cubic centimeter which is well below the EPA standard of 0.01 fibers per cubic centimeter.

April 11, 2014 Phase I Environmental Site Assessment, 77 Water Street, New York, New York;
Prepared by Langan

A Phase I Environmental Site Assessment (ESA) was conducted for 77 Water Street, which is included in the Subject Property Block 33 Lot 1. The Phase I ESA was performed in support of the User's due diligence in consideration of a transaction regarding the Subject Property. At the time the Phase I ESA was conducted, the site was occupied by a 26-story commercial/office building, constructed in 1969, with cellar and ground level lobby. The objective of this Phase I ESA was to identify the presence or likely presence, use, or release on the Subject Property of hazardous substances or petroleum products as defined in ASTM E1527-13 as a recognized environmental condition (REC).

RECs, controlled RECs (CRECs) and de minimis conditions were not identified.

The following HRECs were identified:

- HREC 1 - Historic Spills at Subject Property

NYSDEC Spill No. 0106553 was reported on September 23, 2001 when a contractor's trailer spilled approximately 50 gallons of diesel fuel while being transported across the Subject Property. The spill was to asphalt and contained with absorbent pads and quick-dry powder. The database reports that corrective action was taken and the case was closed by the New York State Department of Environmental Conservation (NYSDEC) on September 25, 2001.

- HREC 2 - Historic Spills at 75 Wall Street (Adjoining Property)

The Hakimian Organization, located at 75 Wall Street (adjoins the Subject Property to the northwest – up-gradient) contains two 6,000-gallon diesel USTs which were installed in January 2004. A diesel fuel release was documented in December 2010 at this address (Spill No. 1010054). This incident was closed in January 2011 to the satisfaction of NYSDEC.

Two 6,000-gallon diesel USTs were removed from this adjoining property in April 2003. A diesel fuel release associated with these USTs was documented in February 1999 (Spill No. 9813377). This incident was closed in June 1999 to the satisfaction of NYSDEC.

The following Non- ASTM Environmental Concern was identified at the Subject Property:

- Historic Fill Material

According to the 1865 Viele Map, the original shoreline of the East River was generally configured along the present orientation of Water Street. The shoreline was extended in the late 1800s using imported fill material of unknown origin, creating the land at which the Subject Property was built. Historic fill typically includes ash, demolition debris and municipal waste products and may contain several types of contamination at concentrations above current regulatory levels, including semi-volatile organic compounds (SVOCs) and metals.

REGULATORY DATABASE REVIEW

A regulatory database search was provided by EDR and is included in Attachment B. The EDR report provides a listing of sites identified on select federal and state standard source environmental databases within the approximate search radii. The following Federal and State Databases were researched:

- National Priorities List (NPL)
- Delisted NPL
- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and CERCLIS No Further Remediation Action Planned (NFRAP)
- Resource Conservation and Recovery Act (RCRA) Corrective Reports (CORRACTS)
- RCRA Treatment, Storage, and Disposal Facilities (TSDF)
- RCRA Generators
- Facility Information System (FINDS)
- Environmental Response Notification System (ERNS)
- Engineering Controls (EC) Site Lists
- Institutional Controls (IC) Site Lists
- Inactive Hazardous Waste Disposal Site (SHWS)
- Hazardous Substance Waste Disposal Site Inventory (HSWDS)
- Solid Waste or Landfill Facilities (SWF/LF)
- Leaking Tanks (LTANKS)
- SPILLS Information Database (NY SPILLS)
- Voluntary Cleanup Program (VCP)
- Brownfields
- Underground Storage Tanks (UST) and Aboveground Storage Tanks (AST) Databases
- Chemical Bulk Storage (CBS) UST and AST Databases
- Major Oil Storage Facilities (MOSF) UST and AST Databases
- Registered and Historical Drycleaners
- NY Manifest
- EDR Former Manufactured Gas Plant
- EDR US Historic Auto Stations

Langan reviewed each environmental database on a record-by-record basis to evaluate whether the sites identified represent a potential for environmental impact to the Property Area. A summary of listings identified within the Project Area and adjoining/ vicinity listings that represent potential environmental conditions is presented below:

Spills Database

The Spills database, maintained and updated by NYSDEC, is an inventory of sites where spills have been identified and reported to the NYSDEC. The Project Area was listed in the Spills or historic (HIST) Spills database for 22 cases; however, 21 of the spill incidents were reported as closed, which indicates that they have been remediated to the satisfaction of the NYSDEC. One of the SPILLS was reported as open and is described below:

Site Name: Vault 6536, 6449 and V-S 8557

Site Address: 77 Water Street (Block 33 Lot 1)

Location: Vault 6536, 6449 and V-S 8557

Description: Spill No. 1406978 was reported on October 2, 2014 when approximately 19 gallons of dielectric fluid was released from a transformer. According to the NYSDEC, the spill case remains open, and represents a potential environmental condition.

New York Petroleum Bulk Storage Facilities

The **PBS Facilities** underground storage tank (UST) and above ground storage tank (AST) databases contain records of registered USTs and/or ASTs. A registered PBS UST and/or AST does not constitute an environmental condition in and of itself; however, properties listed on the UST and/or AST databases with a reported leak, spill, or release could constitute an environmental condition with respect to the Project Area.

Based on review of the EDR report and the NYSDEC online PBS database, the Project Area includes the following UST and AST Listings:

Block	Lot	Address	PBS ID No.	Fuel Oil Storage
31	7501	75 Wall Street	2-297836	UST: Closed-Removed 6,000 gallon, diesel fuel, 2 total. UST: In-Service 6,000 gallon, diesel fuel, 2 total.
	1	86 Water Street / 10 Hanover Square	2-605142	AST: In-Service 10,000 gallon diesel fuel, 2 total
75	1	200 Water Street	2-603663	AST: Closed-Removed 5,000 gallon, No. 2 Fuel Oil, 2 total.
4	7501	1 New York Plaza	2-604795	AST: In-Service 5,000 gallon, diesel fuel, 3 total; AST: In-Service 3,000 gallon, diesel fuel, 1 total; AST: In-Service 300 gallon, diesel fuel, 1 total.
5	10	4 New York Plaza	2-089532	UST: In-Service 20,000 gallon, diesel fuel, 1 total; AST: In-Service 3,000 gallon, diesel fuel, 1 total; AST: In-Service 275 gallon diesel fuel, 1 total; AST: In-Service 25 gallon, diesel fuel, 1 total.

MEMO

29	1	85 Broad Street	2-611925	AST: In-Service 5,000 gallon, No. 2 Fuel Oil, 4 total.
32	7501	55 Water Street	2-603130	AST: In-Service 20,000 gallon, No. 2 Fuel Oil, 4 total.
35	1	32 Old Slip	2-054623	UST: Unregulated 5,000 gallon, diesel fuel, 1 total; UST: Unregulated 250 gallon, gasoline, 1 total.
	10	111 Wall Street	2-005363	UST: Closed-In-Place 20,000 gallon, diesel fuel, 1 total; AST: In-Service 275 gallon, diesel fuel, 3 total; AST: In-Service 17,009 gallon, diesel fuel, 1 total.
38	1	100 Wall Street	2-610781	AST: In-Service 250 gallon, diesel fuel, 1 total; AST: In-Service 75 gallon, diesel fuel, 1 total; AST: In-Service 2,000 gallon, diesel fuel, 1 total.
71	7501	175 Water Street	2-600113	UST: In-Service 2,000 gallon, diesel fuel, 1 total; AST: Out of Service 250 gallon, diesel fuel, 1 total; AST: In-Service 275 gallon, diesel fuel, 1 total.

Active spills associated with these PBS listings were not reported active by NYSDEC. However, undetected releases of petroleum products associated with these PBS listings may have impacted soil, groundwater and/or soil vapor at the Project Area.

Adjoining properties are listed as PBS facilities; however the listings were not associated with spills or releases that may have impacted the site subsurface.

U.S. Historical Dry Cleaners

The U.S. Historical Dry Cleaners database is a proprietary database that includes records of historical dry cleaners compiled by EDR. The Project Area was included in the U.S. Historical Dry Cleaners database for two listings described below:

Site Name: One New York Plaza Cleaners Inc.

Site Address: 1 New York Plaza (Block 4 Lot 7501)

Description: This facility was listed as the One New York Plaza Cleaners Inc. in 2000, 2001, 2010, 2011, and 2012. There are no reported spills or violations associated with this listing.

Site Name: L&M Pearl Cleaners Inc.

Site Address: 7 Hanover Square (Block 30 Lot 19)

Description: This facility was listed as the L&M Pearl Cleaners Inc. in 2001, 2003, 2004, 2005, and 2010. There are no reported spills or violations associated with this listing.

Undetected or unreported releases of chlorinated solvents related to the dry cleaning industry may have impacted soil, groundwater and/or soil vapor at the Project Area.

LOCAL REGULATORY AGENCY FINDINGS**Historic Viele Map Review**

According to the 1865 Viele Map, the original shoreline of the East River was generally configured along the present orientation of Water Street. The shoreline was extended in the late 1800s using imported fill material of unknown origin, creating the land at which the Project Area was built. Historic fill typically includes ash, demolition debris and municipal waste products and may contain several types of contamination at concentrations above current regulatory levels, including semi-volatile organic compounds (SVOCs) and metals.

City Environmental Quality Review (CEQR)

City Environmental Quality Review, or CEQR, is the process by which agencies of the City of New York review proposed discretionary actions to identify the effects those actions may have on the environment. A review of the CEQR Table 1 of Environmental Requirements (updated July 1, 2015) identifies three of the Project Area properties have been assigned a restrictive environmental "E" Designation. The CEQR reference document is provided in Attachment G. Identification and descriptions of the E-Designated sites are presented in the below table:

Block	Lot	Address	E-Designation Status	E-Designation Description
31	7501	75 Wall Street	E-129	HAZMAT: Underground Gasoline Storage Tanks Testing Protocol
	1	86 Water Street / 10 Hanover Square	E-231	Air Quality: #2 FO or Nat Gas for heating, ventilating, and AC systems; exhaust stack location limitations; HAZMAT Phase I and II Testing Protocol
32	7501	55 Water Street	E-129	HAZMAT: Underground Gasoline Storage Tanks Testing Protocol

New York City Department of Buildings

Langan conducted a records search through the NYCDOB online query system on June 30 and July 6, 2015. The Project Area is identified as New York City Tax Block 31 Lots 7501 and 1; Block 33 Lots 1 and 11; Block 37 Lots 8 and 23; Block 70 Lots 32 and 43; Block 75 Lot 1; Block 4 Lot 7501; Block 5 Lots 10 and 7501; Block 29 Lot 1; Block 30 Lot 19; Block 32 Lot 7501; Block 35 Lot 1 and 10; Block 38 Lots 1 and 17; and Block 71 Lot 7501.

The below table summarizes site-specific information provided by the NYCDOB and the New York State Department of Finance (DOF):

MEMO

Block	Lot	Address	BIN No.	DOB Designation	DOF Building Classification	Certificates of Occupancy - Use Classifications
31	7501	75 Wall Street	1085950	POPS - Privately Owned Public Spaces	R0 - Condominiums	Factory (1920-1922), Restaurant (1956-70's), Bank, Offices (1950-Present)
	1	86 Water Street / 10 Hanover Square	1000859	POPS - Privately Owned Public Spaces	D6-Elevator Apartment	Restaurant (1930, 1974-75, 1998-2000), Commercial Retail (1952, 1971, 1974, 1975) offices (1971, 1974, 1975, 1986, 1998, 1999, 2000, 2001, 2004, 2011)
33	1	77 Water Street	100863	POPS - Privately Owned Public Spaces	O4-Office Building	Offices (1921, 1939, 1970), Storage & Packing (1939, 1941), Coffee Roasting (1939, 1941), Parking Lot (1963)
	11	95 Wall Street	1000864	POPS - Privately Owned Public Spaces	D5-Elevator Apartment	Offices (1921, 1970, 1996), Mixed Commercial and retail use (2011)
37	8	110 Wall Street	1000872	POPS - Privately Owned Public Spaces	O3-Office Building	Residential (1936), Retail/Offices (1965)
	23	180 Maiden Lane	1000874	POPS - Privately Owned Public Spaces	O4-Office Building	Office (1945, 1946, 1984, 1985, 1986, 1988, 1989, 1991, 2000, 2015) Storage (1962), Coffee Roasting (1964), Parking (1951, 1969, 1970)
70	43	160 Water Street	1001135	POPS - Privately Owned Public Spaces	O4-Office Building	Stores and Restaurant (1928), Parking (1960, 1962), Offices (1970, 1971, 1977, 2013)
	32	180 Water Street	1001134	POPS - Privately Owned Public Spaces	O4-Office Building	Offices (1970, 1984, 2005), Storage (1930)
75	1	200 Water Street	100163	POPS - Privately Owned Public Spaces	D8-Elevator Apartment	Printing and Factory (1930) Parking Lot (1947, 1950, 1958, 1961, 1962), Offices (1965, 1971, 1972, 1976), Restaurant (1976), Light Manufacturing (1947), Residential Apartments (1998, 1999)
4	7501	1 New York Plaza	1000005	POPS - Privately Owned Public Spaces	R0 - Condominiums	Parking (1965, 1966, Bar/Restaurant (1931, 1943, 1944, 1950, 1976, Offices (1948, 1969, 1971, 1977 1978, 1983, 1987, 1995, 2000, 2011, 2013, 2015) Hotel (1950), Retail (1931, 1971, 1977, 1978, 1983, 1987, 1995, 2011, 2013,

MEMO

						2015)
5	7501	2 New York Plaza	1000006	POPS - Privately Owned Public Spaces	R0 - Condominiums	Storage (1922, 1956), Offices (1922, 1947, 1956, 1985, 1989, 1990, 1991, 1992, 19960), Residential (1956) Stores (1947), Hospital (1922, 1929), Manufacturing (1946), Storage warehouse (1946), Parking (1965)
	10	4 New York Plaza	1000007	POPS - Privately Owned Public Spaces	O4-Office Building	Parking (1965) Offices (1920, 1936, 1982, 2014), Warehouse (1920, 1936)
29	1	85 Broad Street	1066031	n/a	O4-Office Building	Parking lot (1972), Newspaper press (1954, 1962, 1965), Storage (1948), restaurant, (1929, 1956), Warehouse (1951, 1958), Factory (1920), Apartments (1993,) Offices (1922, 1929, 1954, 1962, 1965, 1983, 1984, 1985, 1991, 1993, 1994, 1997, 1998, 1999, 2000, 2003)
30	19	7 Hanover Square	1000855	POPS - Privately Owned Public Spaces	O4-Office Building	Parking Lot (1940, 1950), Auto Service (1941), Offices (1958, 1983, 1984, 1985, 1986, 1988 1989, 1999, 2000, 2001), Retail (1985, 1986, 1988)
32	7501	55 Water Street	1083346	POPS - Privately Owned Public Spaces	R0 - Condominiums	Warehouse/ Factory (1943), Parking Lot (1956, 1962, 1963, 1968) Bank & offices (1971, 1972, 1973, 1983, 1986, 1992, 1993, 1994, 1995, 1996, 2002, 2009, 2015)
35	1	32 Old Slip	1000867	POPS - Privately Owned Public Spaces	O4-Office Building	Storage (1927, 1942), Warehouse (1934), Office (1934, 1942, 1988, 1989, 1992, 1994, 1995, 1999, 2001) Firehouse (1987, 1988, 1989, 1990, 1995, 1999, 2001)

MEMO

	10	111 Wall Street	1000868	POPS - Privately Owned Public Spaces	O4-Office Building	Parking (1939, 1965), Light Manufacturing - Laundry (1965), Gasoline Service Station and Auto repair (1940; lot 30-34), Offices (1968, 1975)
38	1	100 Wall Street	1000875	POPS - Privately Owned Public Spaces	O4-Office Building	Offices (1921, 1924, 1953, 1969, 1970, 1997, 2003, 2005) Parking (1947, 1951, 1963, 1967)
	17	88 Pine Street	1000876	POPS - Privately Owned Public Spaces	O3-Office Building	Offices (1930, 1931, 1948, 1972, 1997), Parking (1953, 1963, 1967) Shoe repair (1964), Restaurant (1963, 1967), Heating Plant & Factory (1921)
71	7501	175 Water Street	1001137	POPS - Privately Owned Public Spaces	R0 - Condominiums	Printing (1930), Parking (1961, 1962, 1963, 1964) Office (1983, 1984, 1995, 2015), Apartments (1984)

Certificates of Occupancy (COO) were available for review on the NYCDOB website and are provided as Attachment C. Potential environmental conditions were identified in Project Area Block 75 Lot 1 (printing and factory in 1930, light manufacturing in 1947), Block 5 Lot 7501 (hospital in 1922, manufacturing in 1946), Block 29 Lot 1 (factory in 1920, newspaper press in 1954, 1962, 1965), Block 30 Lot 19 (auto service in 1941), Block 35 Lot 10 (gasoline filling station auto repair in 1940, light manufacturing in 1965), Block 71 Lot 7501 (printing in 1930), and Block 38 Lot 17 (heating plant and factory in 1921). Undetected releases of petroleum products and chemicals associated with historical use of these properties may have impacted soil, groundwater and/or soil vapor at the Project Area.

Zoning Department

According to the New York City Planning Commission Zoning Map 12b, the Project Area is located in a C5-3, C5-5, and C6-9 – commercial districts. A copy of the zoning map is provided in Attachment D.

HISTORICAL USE INFORMATION

Langan reviewed available historic resources (including aerial photographs, Sanborn and topographic maps, and city directories) dated 1894 to 2013. Findings of the review are presented below.

Aerial Photographs

Langan reviewed aerial photographs of the Project Area and surrounding areas for the years 1924, 1943, 1954, 1966, 1975, 1984, 1994, 1995, 2006, 2008, 2009, 2010, and 2011.

The photographs indicate that the Project Area was located in a densely developed urban area and was improved with several multiple-story buildings as early as 1924. Portions of the Project Area are shown as redeveloped with new multiple-story buildings in the 1954 and 1966 Aerial Images. The 1966 Aerial Images depict parking lots throughout Blocks 4 and 5. The 1975 and 1984 Aerial Images depict multiple high-rise developments within the Project Area and surrounding area, and appear to cover Lots 4 and 5. The East River and piers along the waterfront are depicted south and southeast of the Project Area in Aerial Images dated 1924 through 2011. Copies of aerial photographs are included in Attachment H.

Sanborn Fire Insurance Maps

Langan reviewed Sanborn Maps made available for site Block 30 Lot 19, Block 31 Lot 1, Block 31 Lot 7501, Block 32 Lot 7501, Block 33 Lot 1, Block 33 Lot 11, Block 38 Lot 1, Block 35 Lot 1, Block 35 Lot 10, and Block 37 Lot 8. Sanborn Map coverage for these Project Area lots includes the years 1894, 1913, 1922, 1923, 1928, 1950, 1977, 1978, 1979, 1980, 1981, 1983, 1985, 1987, 1988, 1991, 1992, 1993, 1994, 1995, 1996, 2001, 2002, 2003, 2004, and 2005. Sanborn Maps constitute a database of prior site uses of real property for many cities and towns in the United States.

Langan's Sanborn Map review revealed that the Project Area was occupied by several multi-story developments as early as 1894, designated for commercial and residential use. The 1923 Sanborn Map depicts storage and a meat processing plant in Block 30 Lot 19, offices and garages in Block 31 Lots 1 and 7501, storage and a coffee roasting company in Block 33 Lots 1 and 11, ship-making, storage, and oils in Block 35 Lots 1 and 10, and offices in Block 38 Lot 1 and Block 37 Lot 8. The 1950 Sanborn Map indicates commercial and industrial-use development throughout the Project Area including marine supplies in Block 30 Lot 1 and Block 32 Lot 7501, parking in Block 33 Lot 11 and Block 38 Lot 1, warehouses in Block 32 Lot 7501. The 1977 Sanborn Map depicts a shift from site-wide industrial/ warehousing use to commercial use. Several hi-rise commercial developments are present in Block 32 Lot 7501, Block 31 Lot 1, Block 33 Lots 1 and 11, Block 38 Lot 1, Block 37 Lot 8, and Block 35 Lot 10. An auto repair shop and parking lot are depicted in the 1977 Sanborn Map within Site Block 30 Lot 19. Undetected releases of petroleum products and chemicals associated with historical use of Block 30 Lot 19 may have impacted soil, groundwater and/or soil vapor at the Project Area.

Sanborn Maps dated 1978 through 2005 include hi-rise commercial developments associated with financial institutions including European American Bank and Barclay Bank.

Adjoining and surrounding properties contained multiple-story residential, industrial and commercial structures circa 1894 through circa 1950. A Consolidated Edison sub-station bisects Site Block 31 Lots 1 and 7501 in the 1923 and 1950 Sanborn Maps, representing a potential environmental condition as undetected releases of petroleum or chemicals from the sub-station may have impacted subsurface soil, groundwater and/or soil vapor within site Block 31 Lots 1 and 7501. The north adjoining properties were depicted as a cotton factory in 1894 and 1923, the Coffee Exchange in 1894, 1923, and 1950, offices in 1923 through 2005, The India House and Club and Restaurant from 1923 through 2005, and warehouses from 1894 through 1981. The East River is depicted south/ southeast of the Project Area in all Sanborn Maps. Copies of Sanborn Fire Insurance Maps are included in Attachment I.

Historic USGS Topographic Quadrangles

Langan reviewed historical USGS Topographic Quadrangles obtained from EDR for information regarding past uses of the Project Area. Quadrangle maps were available for the Project Area for the years 1891, 1900, 1905, 1925, 1947, 1955, 1956, 1967, 1979, 1981, and 1995. Based on the review of the historic topographic maps, the Project Area was located in a densely developed area from as early as 1891. Multiple piers and boating routes are depicted south of the Project Area in the 1891, 1900, 1905, 1925, and 1947 Topographic Maps. The Coast Guard Station adjoins the Project Area to the southeast in the 1955 Topographic Map, across from Block 35, Lots 1 and 10. The Brooklyn Battery Tunnel and Battery Park are depicted in the 1947 Topographic Map to the west and southwest of the Project Area. The review of the historic topographic maps did not identify any potential environmental conditions. Copies of the topographic maps are provided in Attachment J.

City Directories

The City Directory Abstract, obtained from EDR, is a review of available business directories, including city, cross-reference, and telephone directories, at approximately five-year intervals for the years spanning 1920 through 2013. The Project Area was listed in the City Directory Abstract under multiple addresses, including 77 Water Street (Block 33 Lot 1), and 86 Water Street (Block 31 Lot 1).

Numerous office listings primarily consisting of attorneys, real estate brokers, and bankers are provided from 1973 to 2013 for 77 Water Street. Listings for a coffee roasting company were provided from 1934 to 1958.

86 Water Street is listed as an olive oil company in 1923 and restaurant/ lunch room in the 1934 City Directory listing. Surrounding property listings included coffee roasting companies, restaurants, bulk food providers, warehouses, and miscellaneous business and residential listings.

A review of the City Directory Abstract did not reveal potential environmental conditions associated with the Project Area. A copy of the City Directory Abstract is provided in Attachment K.

FINDINGS, OPINIONS AND CONCLUSIONS

The environmental due diligence review identified the following potential environmental conditions associated with the Project Area:

Historic Fill

According to the 1865 Viele Map, the original shoreline of the East River was generally configured along the present orientation of Water Street. The shoreline was extended in the late 1800s using imported fill material of unknown origin, creating the land at which the Project Area was built. Historic fill typically includes ash, demolition debris and municipal waste

products and may contain several types of contamination at concentrations above current regulatory levels, including semi-volatile organic compounds (SVOCs) and metals.

Historic Use of Project Area

From as early as 1894 through 1950, the Project Area was utilized primarily for industrial and manufacturing purposes. Historic site usage included an auto repair shop (Block 30 Lot 19; 1941, 1977), factory/ manufacturing (Block 29 Lot 1; 1920; Block 5 Lot 7501; 1946; Block 75 Lot 1; 1947; Block 35 Lot 10; 1965), gasoline filling station (Block 35 Lot 10; 1940), newspaper and printing factory (Block 75 Lot 1; 1930; Block 71 Lot 7501; 1930; Block 5 Lot 7501; 1954, 1962, 1965), a hospital (Block 5 Lot 7501; 1920), and a heating plant/ factory (Block 38 Lot 17; 1921).

Historic dry cleaning facilities are listed within the Project Area at 1 New York Plaza (Block 4 Lot 7501) and 7 Hanover Square (Block 30 Lot 19) in 2000, 2001, 2010, 2011, 2012, and 2003, 2004, 2005, and 2010, respectively.

Undetected releases of petroleum products and chemicals associated with historical use of these properties may have impacted soil, groundwater and/or soil vapor at the Project Area.

Reported Releases

Twenty-two total spills associated with the Project Area have been reported to NYSDEC. One of the 22 spill cases reported in 2014 (No. 1406978) involved a release of dielectric fluid from a transformer. The spill case remains open. Dielectric fluids may contain polychlorinated biphenyls (PCBs), and the release may have impacted soils beneath 77 Water Street (Block 33 Lot 1 of the Project Area).

Historic Use of Adjoining Properties

Historically, properties adjoining the Project Area to the north included multiple-story residential, industrial and commercial structures circa 1894 through circa 1950. A Consolidated Edison sub-station bisected Site Block 31 Lots 1 and 7501 in the 1923 and 1950 Sanborn Maps. This represents a potential environmental condition as undetected releases of petroleum or chemicals from the sub-station may have impacted subsurface soil, groundwater and/or soil vapor within site Block 31 Lots 1 and 7501.

E-Designated Listings

A review of the CEQR Table 1 of Environmental Requirements (updated July 1, 2015) identifies three of the Project Area properties have been assigned a restrictive environmental "E" Designation. 75 Wall Street (Block 31 Lot 7501) contains a Hazardous Materials (HAZMAT) restriction E-129 for underground gasoline storage tanks testing protocol. 86 Water Street/ 10 Hanover Square (Block 31 Lot 1) contains an Air Quality and HAZMAT restriction E-231 for fuel oil type, ventilation, and Phase I and II Testing Protocols. 55 Water Street (Block 32 Lot 7501) contains a HAZMAT restriction for underground gasoline storage tanks testing protocol. These three listings will require further investigation and environmental oversight during redevelopment.

Other Environmental Considerations

Based on the ages of the buildings within the Project Area, Asbestos-Containing Materials (ACM), Lead-Based Paint (LBP), and Polychlorinated Biphenyl- (PCB-) containing materials are likely present in building materials.

We recommend that you enquire with the owners as to whether they have any hazardous materials surveys or reports for building materials and any operations and maintenance (O&M) plans for ACM, LBP and mold. If no survey reports are available, we recommend, at a minimum, performing a due diligence asbestos survey to assess the presence and conditions of suspect asbestos containing materials and sampling and analysis of materials that will significantly impact abatement costs for any planned renovation or demolition.

CLOSURE

Should excavations or alterations of site-wide caps be made throughout the Project Area, we recommend further environmental investigations to determine the existence and/ or extent of subsurface contamination and identify exposure pathways to humans and the environment.

Figure 1 – Project Area Location Map

- Attachment A – Previous Environmental Investigation Report
- Attachment B – EDR Radius Map Report
- Attachment C – NYC Department of Buildings Records
- Attachment D – NYC Zoning Map
- Attachment E – NYC DEP Petroleum Bulk Storage Records
- Attachment F – NYSDEC Spills Records
- Attachment G – CEQR Reference Document
- Attachment H – Aerial Photographs
- Attachment I – Sanborn Fire Insurance Maps
- Attachment J – Historic Topographic Maps
- Attachment K – City Directories

Figures



FIGURE 1: REGIONAL LOCATION MAP
WATER STREET ZONING TEXT AMENDMENT

0 0.5 1 2 Miles

○ Project Location

FINANCIAL DISTRICT
MANHATTAN, NY
Map Reference: ESRI Basemap

LANGAN



FIGURE 2: PROJECT AREA MAP

WATER STREET ZONING TEXT AMENDMENT

- Project Area
- Proposed Development Sites

1 Site No.

**FINANCIAL DISTRICT
MANHATTAN, NY**

Map Reference: NYC Dept of City Planning, MapPLUTO Data; ESRI Basemap

0 250 500 1,000 Feet



LANGAN

APPENDIX D: AGENCY CORRESPONDENCE

ENVIRONMENTAL REVIEW

Project number: ECONOMIC DEVELOPMENT CORP. / LA-CEQR-M
Project: WATER STREET CORRIDOR UPGRADES
Date received: 7/27/2015

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

Table D-1: Historic and Cultural Resources, dated 7/2/15, appears acceptable.

Properties with no Architectural significance:

- 1) ADDRESS: 115 BROAD STREET, BBL: 1000050010
- 2) ADDRESS: 125 BROAD STREET, BBL: 1000057501
- 3) ADDRESS: 55 WATER STREET, BBL: 1000327501
- 4) ADDRESS: 77 WATER STREET, BBL: 1000330001
- 5) ADDRESS: 77 FRONT STREET, BBL: 1000350001
- 6) ADDRESS: 95 WALL STREET, BBL: 1000330011
- 7) ADDRESS: 111 WALL STREET, BBL: 1000350010
- 8) ADDRESS: 100 WALL STREET, BBL: 1000380001
- 9) ADDRESS: 88 PINE STREET, BBL: 1000380017
- 10) ADDRESS: 180 MAIDEN LANE, BBL: 1000370023
- 11) ADDRESS: 175 WATER STREET, BBL: 1000717501
- 12) ADDRESS: 127 JOHN STREET, BBL: 1000750001
- 13) ADDRESS: 180 WATER STREET, BBL: 1000700032
- 14) ADDRESS: 160 WATER STREET, BBL: 1000700043
- 15) ADDRESS: 75 WALL STREET, BBL: 1000317501
- 16) ADDRESS: 10 HANOVER SQUARE, BBL: 1000310001
- 17) ADDRESS: 7 HANOVER SQUARE, BBL: 1000300019
- 18) ADDRESS: 91 BROAD STREET, BBL: 1000290001

Properties with Architectural significance:

- 1) ADDRESS: 110 WALL STREET, BBL: 1000370008, LPC FINDINGS: NO INTEREST, STATE/NATIONAL REGISTER FINDINGS: PROPERTY NATIONAL REGISTER LISTED, COMMENTS: SCHERMERHORN ROW BLOCK



8/3/2015

SIGNATURE _____

DATE _____

Gina Santucci, Environmental Review Coordinator

File Name: 30695_FSO_GS_08032015.doc

2 July 2015

Gina Santucci
Environmental Review Coordinator
NYC Landmarks Preservation Commission
One Centre Street
9th Floor, North
New York, New York 10007

**Re: Water Street Corridor Upgrades Project
Water Street Corridor – Lower Manhattan
New York, New York
Langan Project No.: 170289503**

Dear Ms. Santucci:

On behalf of the Applicant, Alliance for Downtown New York (ADNY), and the co-Applicant, NYC Economic Development Corporation (EDC), Langan Engineering, Environmental, Surveying and Landscape Architecture, DPC (Langan) requests information as to the likelihood that the Water Street Corridor Upgrades Project would result in adverse impacts to archaeological and historic resources in the project area—. This request is made in association with a City Environmental Quality Review (CEQR) Environmental Assessment Statement (EAS).

The Project Area is centered along Water Street and is generally bound by Fulton Street to the north, South Street to the east, Whitehall Street to the south, and Pearl Street to the west, in the Financial District of Lower Manhattan (Figures 1, 2, and 3). Please find the enclosed photographs of the project area.

The proposed project involves a zoning text amendment to NYC Zoning Resolution (ZR) Section 91-80 regulations, to be approved by the City Planning Commission (CPC), which would facilitate the elimination and infill of existing arcades effecting 20 buildings for retail use and improvements to existing plazas and urban plazas. It is anticipated that the proposed zoning text amendment would result in approximately 157,800-sf of net new retail area. The block and lots for the proposed development sites under the project are listed below.

Proposed Development Sites

The Project Area includes the following tax blocks and lots (Figure 4):

- Block 4 Lot 7501
- Block 5 Lots 10 and 7501
- Block 29 Lot 1
- Block 30, Lot 19

- Block 31 Lots 1 and 7501
- Block 32 Lot 7501
- Block 33 Lots 1 and 11
- Block 35 Lots 1 and 10
- Block 37 Lots 8 and 23
- Block 38 Lot 1
- Block 38 Lot 17
- Block 70 Lots 32 and 43
- Block 75 Lot 1
- Block 71 Lot 7501

The goal of the project is to enhance pedestrian activity and add vibrancy to the Water Street corridor. In return for the elimination and infill of existing arcades, the uses permitted within the proposed infill would be subject to urban design and architectural standards that would be developed specifically for this area. Additionally, the Proposed Action would enable a series of public events and programs, publicly-accessible amenities, and retail uses in the Publicly-Owned Private Open Space (POPS) within the Project Area.

In order to assist LPC, Langan has compiled an inventory of architectural and archaeological resources within a 400-foot radius of the Project Area using the *New York State Historic Preservation Office's (SHPO) Cultural Resource Information System (CRIS) database*. The historic and cultural resources within the 400-foot radius are shown in Figure 910: Historic and Cultural Resources, and listed in Table D-1: Historic and Cultural Resources. These include: LPC designated, and/or S/NR listed or eligible resources. Please indicate if there are properties in addition to the ones listed in Table D-1 that have architectural or archaeological significance.

The Project Area also contains two LPC designated historic districts that are listed on the State and National Register of Historic Resources (S/NR) – Stone Street Historic District and Fraunces Tavern Historic District. In addition, the Wall Street and South Street Seaport Historic Districts are within the 400-radius of the Project Area.

It should be noted that the proposed project involves elimination and infill of existing arcades, which would result in renovation of existing arcades and interior spaces. Therefore, the proposed project would not result in any disturbance to a property with architectural or archaeological significance.

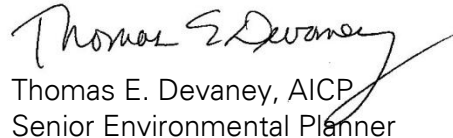
We look forward to your review of the project. If you should have any questions regarding this matter, please do not hesitate to contact Thomas Devaney at (212) 479-5566 or TDevaney@Langan.com.

We look forward to your review of the project. If you should have any questions regarding this matter, please do not hesitate to contact me at (212) 479-5566 or via email at TDevaney@langan.com.

Thank you for your assistance.

Sincerely,

**Langan Engineering, Environmental, Surveying
and Landscape Architecture, D.P.C.**


Thomas E. Devaney, AICP
Senior Environmental Planner

TED/rk

Enclosure(s):

Regional Location Map, Site Location Map, Photograph Location Map, and Site Photographs

cc: Robert Kulikowski – Langan
Marilyn Lee – NYCEDC

APPENDIX E: BIBLIOGRAPHY

- (1) City of New York, City Environmental Quality Review (CEQR) Technical Manual, 2014
- (2) Guide to New York City Landmarks, Third Edition, 2004, New York City Landmarks Preservation Commission
- (3) <http://gis.nyc.gov/doitt/nycitymap/>
- (4) <http://www.nycedc.com/project/water-street-strategy>
- (5) <http://www.nywaterway.com>
- (6) NYC Department of City Planning, NYCEDC, Water Street: Transforming Water Street's Privately Owned Public Spaces (POPS) pp. 2-4
- (7) NYCEDC, Request for Proposals, Water Street Text Amendment Environmental Services, January 7, 2015
- (8) Water Street POPS Programming EAS (14DME011M) 2014.

APPENDIX F: VISUALS FOR 200 WATER STREET (SITE 14)

Appendix F: Visual 1- Fulton Street Plaza, Proposed View





Appendix F: Visual 2- John Street Plaza, Proposed



Appendix F: Visual 3- Fulton Street Plaza, Proposed

APPENDIX G: PROPOSED ZONING TEXT

PROPOSED WATER STREET UPGRADES TEXT AMENDMENT
City Council Modifications
DCP DRAFT
06/13/16

Matter in underline is new, to be added;

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

Matter in ~~**bold double strikeout**~~ is old, deleted by the Council;

Matter in **bold double underline** is new, added by the Council;

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

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

* * *

Article III - Commercial District Regulations

Chapter 7

Special Urban Design Regulations

* * *

37-625

Design changes

Except as otherwise provided in Sections 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions), 91-83 (Retail Uses Within Existing Arcades) and 91-841 (Authorization for retail uses within existing arcades), design changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS), inclusive. The provisions of Section 37-78 (Compliance), other than paragraph (e) (Special regulations for an #urban plaza# in the #Special Lower Manhattan District#), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

* * *

37-73

Kiosks and Open Air Cafes

Kiosks and open air cafes may be placed within a #publicly accessible open area# upon certification, pursuant to this Section. Such features shall be treated as permitted obstructions. Only #uses# permitted by the applicable district regulations may occupy #publicly accessible

open areas# or front on #publicly accessible open areas#.

* * *

(c) Certification

Kiosks and open air cafes may be placed within the area of a #publicly accessible open area# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

- (1) such #use# promotes public use and enjoyment of the #publicly accessible open area#;
- (2) such #use# complements desirable #uses# in the surrounding area;
- (3) the owner of such #use# or the #building# owner shall be responsible for the maintenance of such kiosk or open air cafe, which shall be located within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air cafe outside an area so designated shall be permitted;
- (4) such #use# does not adversely impact visual and physical access to and throughout the #publicly accessible open area#;
- (5) such #use#, when located within a #public plaza#, is provided in accordance with all the requirements set forth in this Section;
- (6) for kiosks and open air cafes located within an existing #publicly accessible open area#, such #use# is proposed as part of a general improvement of the #publicly accessible open area# where necessary, including as much landscaping and public seating as is feasible, in accordance with the standards for #public plazas#;
- (7) a #sign# shall be provided in public view within the cafe area indicating the days and hours of operation of such cafe; and
- (8) for kiosks that are in operation less than 225 days per year, an off-season plan has been submitted to the Chairperson showing that such kiosks will be completely removed from the #publicly accessible open area# when not in operation, that the area previously occupied by the kiosk is returned to public use and such area is in compliance with the applicable #publicly accessible open area# design standards.

* * *

(d) Process

An application for certification shall be filed with the Chairperson of the City Planning Commission, and the Chairperson shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage. The Chairperson will give due consideration to the Community Board's opinion as to the appropriateness of such a facility in the area and shall respond to such application for certification within 60 days of the application's receipt.

The Chairperson shall file any such certification with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such certification. If the Council so resolves, within 50 days of the filing of the Chairperson's certification, the Council shall hold a public hearing and may approve or disapprove such certification. If, within the time periods provided for in this Section, the Council fails to act on the Chairperson's certification, the Council shall be deemed to have approved such certification.

Such certification shall be effective for a period of three years.

All applications for the placement of kiosks or open air cafes shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including the layout and number of tables, chairs, restaurant equipment and heating lamps, as well as the storage location for periods when the kiosk or open air cafe is closed. Where a kiosk or open air cafe is to be located within an existing #publicly accessible open area#, each kiosk or open air cafe application must be accompanied by a compliance report in accordance with the requirements of Section 37-78, paragraph (c).

Where design changes to #publicly accessible open areas# are necessary in order to accommodate such kiosk or open air cafe, or to comply with paragraph (c)(6) of this Section, a certification pursuant to Section 37-625 (Design changes) shall be required, except that within the #Special Lower Manhattan District#, design changes to a #publicly accessible open area# pursuant to the provisions of Section 91-832 (Plaza improvements) as part of a certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades), an authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades), or a certification pursuant to Section 91-837 (~~Additional-Subsequent~~ design changes) may satisfy the requirements in paragraph (c)(6) of this Section.

All such plans for kiosks or open air cafes, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk or open air cafe, pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson, and the filing and recording of such

instrument shall be a precondition for the placement of the kiosk or open air cafe within the #publicly accessible open area#.

* * *

Article IX - Special Purpose Districts

Chapter 1

Special Lower Manhattan District

* * *

91-00

GENERAL PURPOSES

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

- (a) encourage development of a 24-hour community through the conversion of older commercial buildings to residential use;
- (b) facilitate maximum design flexibility of buildings and enhance the distinctive skyline and streetscape of Lower Manhattan;
- (c) improve public use and enjoyment of the East River waterfront by creating a better physical and visual relationship between development along the East River and the waterfront area, public access areas and the adjoining upland community;
- (d) enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities;
- (e) restore, preserve and assure the use of the South Street Seaport Subdistrict as an area of small historic and restored buildings, open to the waterfront and having a high proportion of public spaces and amenities, including a South Street Seaport Environmental Museum, with associated cultural, recreational and retail activities;
- (f) establish the Historic and Commercial Core to protect the existing character of this landmarked area by promoting development that is harmonious with the existing scale and street configuration; ~~and~~
- (g) establish the Water Street Subdistrict to improve the urban design relationship between existing buildings and open areas by promoting retail activities and the enhancement of existing public spaces with new amenities in this area; and

- (h) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

* * *

91-03

District Maps

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

- Map 1. Special Lower Manhattan District
- Map 2. Street Wall Continuity Types 1, 2A, 2B & 3
- Map 3. Street Wall Continuity Types 4 & 5
- Map 4. Designated Retail Streets
- Map 5. Curb Cut Prohibitions
- Map 6. South Street Seaport Subdistrict (Section 91-63)
- Map 7. Subway Station Improvement Areas
- Map 8. Public Access Modification Areas-
- Map 9. Water Street Subdistrict.

* * *

91-80

PUBLIC ACCESS AREAS

**[ALL NEW TEXT (91-80 THROUGH 91-843) FOLLOWS –
DELETED TEXT (91-81 THROUGH 91-821)
IS LOCATED AFTER APPENDIX MAPS]**

The following regulations shall apply to arcades and #publicly accessible open areas# existing on [effective date of amendment] located within the Water Street Subdistrict as shown on Map 8 in

Appendix A of this Chapter except for the #plaza# that was the subject of special permit application CP-20518, approved by the City Planning Commission on November 27, 1968.

For the purposes of this Section, inclusive, “arcade” shall refer to an #arcade# or #through block arcade# provided in accordance with the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES), or any other arcade that generated a #floor area# bonus as evidenced by plans approved by the Department of Buildings.

A horizontal #enlargement# permitted by Section 91-83 (Retail Uses Within Existing Arcades), **inclusive**, or Section 91-841 (Authorization for retail uses within existing arcades) shall not be included as #floor area#, and such additional area shall not result in a reduction of the permitted #floor area#.

No arcade may be eliminated or reduced in size pursuant to paragraphs (a) ~~or (d)~~ of Section 33-124 (Existing public amenities for which floor area bonuses have been received). In lieu thereof, the **following** provisions **shall apply: of** Sections 91-83, ~~and~~ 91-841, **and, as applicable, Section 91-85** shall apply. ~~The provisions of paragraph (d) of Section 33-124 shall be modified to also permit the reduction or elimination of an arcade for which a #floor area# bonus has been utilized pursuant to the provisions of Sections 91-83 or 91-841.~~

For any #zoning lot# that was the subject of application C810325ZSM, C810506ZSM or C841070ZSM, a certification pursuant to Section 91-83 or an authorization pursuant to Section 91-841 shall not result in a departure from the findings and conditions specified in the applicable special permit, and such certification or authorization shall not require modification of the applicable special permit unless such a modification is required pursuant to a related restrictive declaration. For the #zoning lot# that was the subject of application C810325ZSM, the existing #through block arcade# shall not be eliminated, but may be modified in size and configuration provided that the standards for #through block arcades# set forth in Section 12-10 are met.

Public events may take place within a #publicly accessible open area# or arcade pursuant to the provisions of Section 91-81 (Events Within Public Access Areas). Publicly accessible tables, chairs, shade umbrellas and heating lamps may be located within a #publicly accessible open area# or arcade pursuant to the provisions of Section 91-82 (Amenities Within Public Access Areas). An outdoor cafe may be located within an arcade pursuant to Section 91-821 (Certification for outdoor cafes within arcades).

A horizontal #enlargement# of the ground floor and second floor levels may be permitted within arcades, or portions thereof, located within Area A in Map 9 of Appendix A of this Chapter pursuant to the provisions of Section 91-83, and within Area B pursuant to the provisions of Section 91-841. **In addition, a horizontal #enlargement# of 7,500 square feet or greater shall**

also require a special permit pursuant to Section 91-85 (Special Permit for Enlargements of 7,500 Square Feet or Greater). For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to Sections 91-83 and 91-837 (Subsequent design changes) and prior authorizations pursuant to Section 91-841 shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation. In no event shall an #enlargement# be permitted within arcades, or portions thereof, located within Area C on Map 9 in Appendix A of this Chapter.

91-81

Events Within Public Access Areas

The provisions of Article III, Chapter 7 restricting the temporary placement or storage of event-related amenities or equipment within a #publicly accessible open area# or arcade shall be modified by the provisions of this Section. The temporary placement or storage of event-related equipment or amenities in accordance with the provisions of this Section shall not constitute a design change pursuant to the provisions of Sections 37-625 (Design changes) or 91-837 (Subsequent ~~Additional~~ design changes).

Events including, but not limited to, farmers' markets, holiday markets, concerts and performances, art and cultural exhibitions and festivals are permitted within all #publicly accessible open areas# and arcades. The utilization of a #publicly accessible open area# or arcade for the promotion of products or services shall not itself qualify as an event permitted under this Section.

Events shall be open to the public, provide free and unticketed admission and only be permitted to use amplified sound between the hours of 9:00 a.m. and 10:00 p.m. All #publicly accessible open areas# and arcades shall continue to be publicly accessible at all times. Event-related amenities and equipment shall be considered temporary permitted obstructions provided that sufficient circulation space connecting all #streets# and #building# entrances exists. All #publicly accessible open areas# and arcades shall be restored to their approved condition within 24 hours of the conclusion of an event.

The storage of equipment or materials outside of an event's scheduled hours, excluding time required for set up and clean up, shall not be permitted within a #publicly accessible open area# or arcade, except that for events taking place over multiple days or weeks, large temporary equipment that requires assembly and will be actively used during the event, such as stages, kiosks and sound and video entertainment systems, may remain in the #publicly accessible open area# or arcade outside of the event's scheduled hours.

At least 30 days prior to the scheduled date of an event, notification shall be given to the

local Community Board, local Council Member and Borough President of the nature, size and duration of the event.

91-82

Amenities Within Public Access Areas

The provisions of Article III, Chapter 7 restricting the placement of tables, chairs, shade umbrellas and heating lamps within a #publicly accessible open area# or arcade shall be modified by the provisions of this Section. The placement of tables, chairs, shade umbrellas or heating lamps in accordance with the provisions of this Section, inclusive, shall not constitute a design change pursuant to the provisions of Sections 37-625 (Design changes) or 91-837 (Subsequent Additional design changes).

Publicly accessible tables and chairs, as well as shade umbrellas and heating lamps, shall be permitted obstructions within a #publicly accessible open area# or arcade, provided that such obstructions comply with the provisions of Section 91-822 (Requirements for furnishings), as applicable. Tables, chairs, shade umbrellas and heating lamps provided pursuant to this Section may be used by the public without restriction. Outdoor cafes may be placed within an arcade by certification pursuant to Section 91-821 (Certification for outdoor cafes within arcades).

91-821

Certification for outdoor cafes within arcades

An outdoor cafe may be permitted within an arcade upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that, in addition to the provisions of this Section, the provisions of Section 91-822 (Requirements for furnishings) are met. An outdoor cafe that is permitted by this Section shall be a permanently unenclosed restaurant or eating or drinking place, which may have waiter or table service.

No portion of an outdoor cafe that is permitted by this Section may extend into a #publicly accessible open area# except where an open air cafe has been permitted by a certification pursuant to Section 37-73 (Kiosks and Open Air Cafes).

In order to certify that the proposed modification to an existing arcade is consistent with the provisions of this Section, the applicant shall submit to the Chairperson a site plan and other detailed plans demonstrating that the proposed obstructions within the existing arcade and, where applicable, pursuant to paragraph (a)(2) of Section 91-822, the adjacent #publicly accessible open area#, will comply with the provisions of this Section. The placement of publicly accessible tables and chairs within a #publicly accessible open area# pursuant to paragraph (a)(2) of Section 91-822 shall not constitute a design change pursuant to the provisions of Section 37-625 (Design changes).

All plans for arcades or other #publicly accessible open areas# that are the subject of a certification pursuant to this Section shall be filed and duly recorded in the Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the arcade, pursuant to this Section. The filing and recording of such instrument shall be a precondition to certification. The filing and recording information shall be included on **any temporary or final** ~~the~~ certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

91-822

Requirements for furnishings

The following provisions shall apply to all furnishings, including tables, chairs, shade umbrellas and heating lamps, permitted by Section 91-82 (Amenities Within Public Access Areas) and Section 91-821 (Certification for outdoor cafes within arcades).

(a) Size, location and other requirements

(1) Requirements for all furnishings

All furnishings shall be moveable. Permanent fixtures may be installed in the ground of a #publicly accessible open area# or arcade for the purposes of supporting shade umbrellas or heating lamps provided that such fixtures are flush-to-grade.

No furnishings shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths.

(2) Additional requirements for outdoor cafes located within arcades

Where an outdoor cafe is provided pursuant to Section 91-821, a minimum of four tables and 16 chairs shall be provided and made available to the public without restriction, which may be located within an arcade or within a #publicly accessible open area# and shall be outside of the permitted cafe boundary.

Outdoor cafes shall be located at the same elevation as the adjoining sidewalk area or #publicly accessible open area#, except that they may be located no more than six inches below or on a platform no more than six inches above such adjoining sidewalk area or #publicly accessible open area#. The border of the outdoor cafe shall be permanently marked in accordance with the applicable

standards for open air cafes set forth in paragraph (b) of Section 37-73.

Fences, planters, walls, fabric dividers or other barriers that separate outdoor cafe areas from other portions of the arcade, adjacent sidewalks or #publicly accessible open areas# shall be prohibited. No kitchen equipment shall be installed within an outdoor cafe.

Litter receptacles shall be provided in accordance with the standards for #public plazas# set forth in Section 37-744 (Litter receptacles).

(3) Circulation requirements for outdoor cafes located within arcades

For arcades with a depth of ten feet or less, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area# , an unobstructed path not less than three feet wide shall be provided. For arcades with a depth greater than ten feet, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#, such unobstructed pedestrian way shall be increased to at least six feet. For #through block arcades#, an unobstructed pedestrian way, except for approved doorways, of at least eight feet shall be provided connecting each #street# on which the #through block arcade# fronts.

(b) Operation

(1) Requirements for all tables and chairs

Except as otherwise provided in paragraph (b)(2) of this Section, tables, chairs, shade umbrellas and heating lamps may be stored or secured within an arcade between the hours of 9:00 p.m. and 7:00 a.m., but may not be stored or secured within a #publicly accessible open area#.

(2) Additional requirements for outdoor cafes located within arcades

Publicly accessible tables and chairs that are required by paragraph (a)(2) of this Section may not be removed or secured while the cafe is in active use.

All furnishings within the boundary of an outdoor cafe, including tables, chairs, shade umbrellas, bussing stations and heating lamps, shall be completely removed

from the arcade when the outdoor cafe is not in active use, except that tables and chairs may remain in such arcade if they are unsecured and may be used by the public without restriction.

91-83

Retail Uses Within Existing Arcades

A horizontal #enlargement# of the ground floor and second floor levels within an arcade located within Area A on Map 9 in Appendix A of this Chapter may be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that such #enlargement# complies with the provisions of this Section, and the following conditions are met:

- (a) the horizontal #enlargement# meets the requirements of Section 91-831 (Ground floor requirements);
- (b) a compensating amenity is provided pursuant to the provisions of Section 91-832 for plaza improvements, Section 91-834 for indoor public spaces, or Section 91-835 for alternative improvements; and
- (c) the additional requirements of Section 91-836, as applicable.

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section 91-835, an improvement to all #publicly accessible open areas# pursuant to the provisions of Section 91-832 shall be required as the compensating amenity required by condition (b) of this Section, and a certification for design changes pursuant to Section 37-625 (Design changes) shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section 37-625 that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to this Section or a prior authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades) may satisfy the requirements of condition (b) of this Section for a compensating amenity.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an arcade that did not generate a #floor area# bonus prior to [effective date of amendment]. The provisions of Section 91-831 (Ground floor requirements) shall not apply to such portion of the horizontal #enlargement#.

As part of the certification, a horizontal #enlargement# of the ground floor level may be

permitted along existing #building# walls that do not face an arcade, **but such #enlargement# shall not occupy any #publicly accessible open area#.** The locational requirements of paragraph (a)(1) of Section 91-831 and the frontage prohibitions of paragraph (b)(1)(ii) of Section 91-831 shall apply to such #enlargement#. Where an #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply.

For a horizontal #enlargement# of 7,500 square feet or greater, a special permit pursuant to Section 91-85 (Special Permit for Enlargements of 7,500 Square Feet or Greater) shall also be required. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to this Section and Section 91-837 (Subsequent design changes) and prior authorizations pursuant to Section 91-841 shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.

Where any portion of the arcade remains open and accessible, such remaining arcade area shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise. Any non-transparent portion of a #building# wall between columns that fronts on such arcade area shall be treated with artwork, planting or decorative material. Additional requirements for transparency in paragraph (c)(3) of Section 91-831 may apply.

91-831

Ground floor requirements

The provisions of this Section shall apply to the #street wall# of the ground floor and second floor level #enlargement#. For the purposes of this Section, a #building# wall that faces a #publicly accessible open area# or #through block arcade# shall also be considered a #street wall#, and the provisions of this Section for new #building# walls fronting on a #publicly accessible open area# shall also apply to new #building# walls fronting on a #through block arcade#, except as otherwise specified. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

(a) Location of #enlargement#

(1) Location of new #building# walls

All new #building# walls shall extend to the full height of the arcade. New

#building# walls may only be located between the column face closest to an existing #street wall# and the column face furthest from an existing #street wall# or the #street wall# location of the floor above, except that new #building# walls within an existing #through block arcade# that do not face a #street# may extend past the column face furthest from the existing #street wall# provided that the standards for #through block arcades# set forth in Section 12-10 (DEFINITIONS) and all other provisions of this Section are met. New #building# walls within an existing #through block arcade# that do not face a #street# shall not be required to extend for the full height of the #through block arcade#.

(2) Length of new #building# walls

An #enlargement# shall extend for the full length of the #street wall#, except for the locations specified on Map 9 in Appendix A of this Chapter and except if a corner arcade that adjoins the Water Street #street line# and another #street line# or #publicly accessible open area# is provided in accordance with the provisions of paragraph (c) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) which may provide a clear path ten feet wide. However, an #enlargement# shall not be required along the length of the #street wall# occupied by an existing parking or loading entrance. Where an #enlargement# within an arcade extends along two or more #street walls#, the #enlargement# shall also include the area where the arcade areas intersect, except as otherwise provided in this Section, and the location of new #building# walls in such area shall be subject to the provisions of paragraph (a)(1) of this Section.

(b) Permitted #uses# within an #enlargement#

(1) Requirements for all frontages

(i) Retail #uses#

The #street# frontage or frontage along a #publicly accessible open area# of the #enlarged# portion of the ground floor level shall be allocated exclusively **to indoor public spaces that are provided in accordance with the provisions of Section 91-834 to or** the #uses# permitted by Sections **91-111 (Additional uses in C5 Districts) and** 91-12 (Uses on Designated Retail Streets), except that Use Groups 5A, **7A, 7B, 8B, 9A, 10A, 12A, 12B, or 12C** shall not be permitted, ~~or to indoor public spaces that are provided in accordance with the provisions of Section 91-834.~~ **However, bicycle rental or repair shops and studios for art, music,**

dancing or theater shall be permitted. #Residential uses# shall be limited to lobbies permitted by paragraph (c)(2) of this Section.

All #uses# permitted by this paragraph shall occupy a height no less than that of the ground floor level, and shall occupy a depth no less than that of the #enlargement#.

(ii) Parking, loading and mechanical equipment

No garage entrances, driveways, parking spaces or loading berths shall be permitted within an #enlargement#. No exhaust vents or mechanical equipment shall be permitted on any new #building# wall unless such exhaust vents are more than 15 feet above the level of the curb.

(iii) **Maximum #street wall# width**

On the ground floor portion of an #enlargement# for the following Use Group 6 #uses#, the maximum #street wall# width of a bank or loan office shall not exceed 30 feet, and the maximum #street wall# width of a drug store shall not exceed 50 feet.

(2) Additional #use# requirement for a #publicly accessible open area# or #through block arcade#

At least 50 percent of the total frontage of all new #building# walls fronting on a #publicly accessible open area# or #through block arcade#, excluding such frontage occupied by #building# lobbies, shall be occupied by retail or service establishments permitted by paragraph (b)(1) of this Section. As an alternative, the amount of frontage required by this paragraph for occupancy by retail or service establishments may be partially or fully located along existing #building# walls fronting on the #publicly accessible open area# or #through block arcade# and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage.

Libraries, museums and art galleries are permitted #uses# that may front on a #publicly accessible open area#. Banks shall not be a permitted #use# on any #publicly accessible open area# or #through block arcade#. #Uses# required by this paragraph shall be directly accessible from the #publicly accessible open area# or #through block arcade#.

(c) Frontage

(1) Number of establishments

Along the longest #street wall# of the ground floor level #enlargement#, at least two establishments permitted by paragraph (b) of this Section shall be provided on the ground floor level. Frontage that is solely dedicated to access a #use# on a level other than the ground floor level shall not constitute an establishment for the purposes of this paragraph.

(2) Access, entrances and lobbies

The #street wall# frontage of an #enlarged# portion of the ground floor level may be occupied by the #primary entrance# for the principal #use# of the #building#, provided that such #primary entrance# shall not exceed a #street wall# width of 50 feet along Water Street, or, along other #streets#, a #street wall# width of 40 feet, or 25 percent of the #aggregate width of street wall# along such #street# frontage, whichever is less.

For a #primary entrance# that fronts on a #publicly accessible open area#, such entrance shall occupy a minimum frontage length of 20 feet or a length equal to the distance between the two closest columns adjacent to the #publicly accessible open area#, whichever is less. A #primary entrance# for the principal #use# of the #building# may be located along a #through block arcade# or indoor public space provided in accordance with Section 91-834 (Indoor public spaces), but may only occupy a maximum frontage length of 25 feet.

Where more than 50 percent of the length of the #enlargement# is occupied by a #primary entrance# permitted by this paragraph, retail or service establishments with an aggregate frontage length equal to at least 50 percent of the length of the #enlargement# shall be required along new or existing #building# walls along the same #street# frontage as the #enlargement#, and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage along existing #building# walls.

(3) Transparency and flood resilience

The ground floor level #street wall# between existing columns shall be glazed with transparent materials, which may include #show windows#, transom windows or glazed portions of doors, except for certain #uses# set forth in Section 37-31 (Applicability). Such transparent materials shall occupy at least 70 percent of the surface area of such ground floor level #street wall# between a height

above grade of two feet and 14 feet or the height of the ground floor ceiling, whichever is lower.

Where the #use# located within the ground floor level #enlargement# fronts on an arcade that remains open and accessible, the length of such frontage shall be glazed with transparent materials in accordance with the provisions of this paragraph.

Permanent fixtures for temporary flood control devices and associated emergency egress systems that are assembled prior to a storm and removed thereafter and are affixed to a column may obstruct any transparent portion of a new #building# wall. Such permanent fixtures may be considered a transparent portion of a new #building# wall. Additionally, such permanent fixtures shall be encased in a decorative material. Temporary flood control devices and associated emergency egress systems shall be permitted in front of any new #building# wall for a reasonable period of time prior to and after a storm event, as determined by the Department of Buildings.

91-832

Plaza improvements

A #publicly accessible open area# shall be improved in full accordance with the provisions of Section 37-70 (PUBLIC PLAZAS) as modified by this Section, and as further modified by Section 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# with a maximum depth of less than 40 feet, as measured perpendicular to any #street line#. Subsequent design changes to any #publicly accessible open area# improved pursuant to the provisions of such Sections may only be permitted pursuant to Section 91-837 (~~Additional~~ **Subsequent** design changes). The City Planning Commission may authorize a modification of the provisions of this Section and Section 91-833 pursuant to Section 91-842 (Authorization to modify design requirements).

- (a) For the purposes of applying the provisions of this Section, any portion of the #publicly accessible open area# occupied by a garage entrance, driveway, loading berth or gratings for electrical vaults may be excluded from the calculation of the total area or total #street# frontage of the #publicly accessible open area#. Such area shall remain open and accessible to the public at all times.
- (b) The area dimension requirements of Section 37-712, the locational restrictions of Section 37-713, the orientation restrictions of Section 37-714 and the requirements for major and minor portions of #public plazas# set forth in Sections 37-715 and 37-716, respectively,

shall not apply.

- (c) The #through block public plaza# provisions of Section 37-717 that require a setback along any #building# wall or walls that adjoin a #through block public plaza# or through #block# portion of a #publicly accessible open area# shall not apply.
- (d) The sidewalk frontage provisions of Section 37-721 shall be modified as follows:
 - (1) The requirements of paragraph (a) may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain, provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#, arcade or other portion of the #publicly accessible open area#.
 - (2) Paragraph (b) shall be modified to allow planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of this Section to be located in such area.
 - (3) For #corner public plazas#, where there is a change in elevation permitted by paragraph (e) of this Section 91-832 for the area within 15 feet of the intersection of any two or more #streets# on which the #publicly accessible open area# fronts, such area shall not be required to be at the same elevation as the adjoining public sidewalk, but must be free of obstructions except as may otherwise be provided in paragraph (d)(1) of this Section.
- (e) The provisions of Section 37-722 (Level of plaza) shall be modified to permit any elevation of the #publicly accessible open area# existing on [effective date of amendment] to remain.
- (f) The provisions of Section 37-726 (Permitted obstructions) shall be modified as follows:
 - (1) Paragraph (c) shall allow awnings above retail and service establishments that do not project into the #publicly accessible open area# more than three feet when measured perpendicular to the #building# facade. There shall be no limitation on the area or height of an awning, but in no event shall an awning for a retail or service establishment contain vertical supports.
 - (2) Paragraph (d) shall allow garage entrances, driveways or loading berths fronting on a #publicly accessible open area# and existing on [effective date of

amendment] to remain, provided that they are separated from the remainder of the #publicly accessible open area# by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #publicly accessible open area#. A #building# trash storage facility may be accessed or serviced through the portion of a #publicly accessible open area# that is occupied by a garage entrance, driveway or loading berth.

- (g) The provisions of Section 37-742 (Planting and trees) may be modified where the Chairperson of the City Planning Commission has been ~~furnished~~ **provided** with ~~materials~~ **documentation** sufficient to establish that subsurface conditions do not allow the required soil depth for shrubs or trees to be provided below grade or within a planter with bounding walls no higher than 18 inches in height above an adjacent walking surface or the highest adjacent surface where the bounding wall of such planter adjoins two or more walking surfaces with different elevations. A raised planter may be provided with bounding walls up to three feet for shrubs, or three feet six inches for trees, provided that fixed seating with backs is integrated into the planter for at least 50 percent of the perimeter of the planter that is adjacent to a walking surface. If such planter, or any portion thereof, is located within ten feet of a #street line#, fixed seating with backs shall be integrated into at least 75 percent of the perimeter of the planter that is adjacent to a walking surface. Where it is demonstrated that no required trees can be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, the Chairperson may allow all trees to be planted within raised planters.
- (h) The calculation of the minimum number of entry plaques required by paragraph (a) of Section 37-751 (Public space signage systems) may be modified for #publicly accessible open areas# that occupy more than one #street# frontage to alternatively require a minimum of one entry plaque at each #street# frontage of the #publicly accessible open area#, and to further require one additional entry plaque at each #street# frontage that measures 80 feet or more in length.
- (i) The provisions of paragraphs (a) and (d) of Section 37-753 (Accessory signs) shall not apply. Each establishment fronting on the #publicly accessible open area# shall be permitted to have one or more #signs# with an aggregate area not to exceed the product of 12 square feet and the length of the establishment along the #publicly accessible open area# in linear feet, divided by 40 linear feet. In no event shall a #sign# exceed 16 square feet in area. #Signs# may be affixed to the #building# wall or to awnings, or may project no more than 18 inches when measured perpendicular to the #building# façade, provided that such #sign# is located a minimum of ten feet above the level of the #publicly accessible open area#.

(j) The provisions of paragraphs (a) and (b) of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses) shall not apply. The provisions of Section 91-831 (Ground floor requirements) shall apply to all new #building# walls fronting on the #publicly accessible open area#, and the following shall also apply:

(1) The #use# requirements of paragraph (b)(1) of Section 91-831 shall apply to all new establishments located along existing #building# walls fronting on a #publicly accessible open area#; and

(2) The provisions of paragraph (c) of Section 37-76 for existing #building# walls that are non-transparent shall apply except for frontage occupied by active loading and parking entrances.

(k) The provisions of ~~paragraphs (a) and (b) of~~ Section 37-78 (Compliance) shall ~~not apply~~ be modified as follows:

(1) Paragraph (a) shall be modified to provide that no permit shall be issued by the Department of Buildings for any change to a #publicly accessible open area# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of this Section 91-832; and Section 91-833 or Section 91-837, as applicable; and

(2) Paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section 37-70 as modified by this Section and, as applicable, Section 91-833, and that such report shall also be provided to the local Council Member.

91-833

Special regulations for plazas less than 40 feet in depth

A #publicly accessible open area# with a maximum depth less than 40 feet measured perpendicular to any #street line# shall be improved in full accordance with the provisions of Section 37-70 (PUBLIC PLAZAS) as modified by Section 91-832 (Plaza improvements) and as further modified by this Section. Where a #publicly accessible open area# may be considered a #corner public plaza#, the maximum depth shall be measured from a #street line# to a #street wall#. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

(a) The provisions of Section 37-721 (Sidewalk frontage) shall not apply. In lieu thereof, the provisions of this paragraph (a) shall apply to the area of the #publicly accessible open

area# located within ten feet of a #street line# or sidewalk widening line:

(1) At least 40 percent of such area shall be free of obstructions, and, in addition:

- (i) to facilitate pedestrian access at least 40 percent of the frontage along each #street line# or sidewalk widening line of the #publicly accessible open area# shall be free of obstructions; and
- (ii) such unobstructed access area shall extend to a depth of ten feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.

The requirement of this paragraph for unobstructed access may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#, arcade or other portion of the #publicly accessible open area#.

(2) In the remaining 60 percent or more of such area, the provisions of paragraph (b) of Section 37-721 shall apply, except that no more than 40 continuous linear feet of any #street# frontage occupied by a #publicly accessible open area# may be obstructed. Furthermore, planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of Section 91-832 may be located in such area.

(3) For #corner public plazas#, the requirements of this paragraph (a) shall apply separately to each #street# frontage, and the area within ten feet of the intersection of any #street# and Water Street or Wall Street shall be at the same elevation as the adjoining public sidewalk, except where there is a change in elevation permitted by paragraph (e) of Section 91-832, and such area shall be free of obstructions except as may otherwise be provided in paragraph (a)(1) of this Section.

(b) The provisions of Section 37-723 (Circulation paths) shall be modified so that the required circulation path of at least eight feet clear width shall be located adjacent to the #street wall# and shall extend for at least 80 percent of the length of such #street wall#.

Where there are multiple #street walls#, the provisions of this paragraph shall apply separately to each frontage. In addition to the obstructions that are permitted within circulation paths, moveable tables and chairs, fixed seating and planting beds not exceeding six inches above any adjacent walking surface shall also be considered permitted obstructions provided that an unobstructed path of at least five feet wide is provided.

Where an open air cafe pursuant to Section 37-73 (Kiosks and Open Air Cafes) is provided adjacent to a #building# wall, such open air cafe may occupy a portion of the required circulation path provided that there is an unobstructed clear path of at least six feet wide between the #building# wall and any furnishings of the open air cafe. The unobstructed path shall be included in the calculation of the area occupied by the open air cafe.

- (c) The provisions of Section 37-741 (Seating) that require seating within 15 feet of the #street line# shall not apply to #street# frontages that measure less than 40 feet in length.
- (d) The provisions of Section 37-742 (Planting and trees) shall be further modified as follows:
 - (1) For #publicly accessible open areas# with an area less than 2,000 square feet, the number of required trees shall be reduced to two, and only one tree shall be required to be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, except as may be modified by paragraph (g) of Section 91-832.
 - (2) The total area of required planting beds may not be concentrated within one continuous planter or planting bed, except when a #publicly accessible open area# has an area of 1,000 square feet or less.
- (e) The provisions of Section 37-746 (Drinking fountains) shall be modified to require only #publicly accessible open areas# containing an area of 2,000 square feet or more to provide a minimum of one drinking fountain.

91-834

Indoor public spaces

Indoor public spaces are enclosed, climate-controlled areas on a #zoning lot# intended for public use and enjoyment. The standards contained within this Section are intended to serve the same purposes outlined for #public plazas# in Section 37-70. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842

(Authorization to modify design requirements).

- (a) Indoor public spaces shall contain an area of not less than 2,000 square feet and have a minimum width and depth, at any point, of 20 feet. Indoor public spaces shall be located on the ground floor level, shall be directly accessible from all #streets# or #publicly accessible open areas# that the space fronts, and shall extend, at a minimum, for the full height of the ground floor level.
- (b) Indoor public spaces shall be fully enclosed, and the transparency requirements of paragraph (c) of Section 91-831 (Ground floor requirements) shall apply to all #street walls# or #building# walls facing a #publicly accessible open area#. The space shall be heated or air-conditioned, and the standards for heating, ventilating and air-conditioning shall be at least equal to those of the lobby for the principal #use# of the #building#.
- (c) Public access to the indoor public space shall be provided, at a minimum, between the hours of 6:00 a.m. to 12:00 a.m. The hours of access shall be included on all required entry plaques and information plaques in accordance with the provisions of Section 37-751 (Public space signage systems) and paragraph (i) of this Section.
- (d) The provisions of Sections 37-718 (Paving), 37-722 (Level of plaza), 37-728 (Standards of accessibility for persons with disabilities), 37-744 (Litter receptacles), 37-745 (Bicycle parking), 37-746 (Drinking fountains), 37-748 (Additional amenities), 37-752 (Prohibition signs), 37-753 (Accessory signs) and 37-77 (Maintenance) shall apply.
- (e) The provisions of Section 37-723 (Circulation paths) for #through block public plazas# shall apply to #through block arcades# except as otherwise provided in Section 91-821 (Certification for outdoor cafes within arcades) when a cafe is provided. Trees planted flush-to-grade that measure less than four caliper inches at the time of planting, as permitted by paragraph (h) of this Section, shall not be considered permitted obstructions within circulation paths.
- (f) The provisions of paragraphs (a) and (b) of Section 37-726 (Permitted obstructions) shall apply. A kiosk shall be a permitted obstruction provided that the requirements of paragraph (a) of Section 37-73 (Kiosks and Open Air Cafes) are met. A certification pursuant to Section 37-73 shall not be required to locate a kiosk within an indoor public space. A cafe permitted by certification pursuant to Section 91-821 shall be considered a permitted obstruction within an indoor public space and may not occupy more than 20 percent of the indoor public space area.
- (g) The provisions of Section 37-741 for seating shall apply, except as modified as follows:

- (1) The requirements for seating within 15 feet of a #street line# shall not apply.
- (2) All of the linear seating capacity may be in moveable seats. Any moveable seats that are provided must remain in the indoor public space during the hours of operation.
- (3) The requirement that seats that face walls must be a minimum of six feet from such wall shall only apply to fixed seating.
- (h) The requirements of Section 37-742 for planting and trees shall apply, except that the surface area of any vertical planting may be included in the calculation of the total area of planting beds that are provided, and trees shall not be required.
- (i) Public space signage shall be provided in accordance with the provisions of Section 37-751, except as modified as follows:
 - (1) An information plaque shall be provided at each point of pedestrian entry to the indoor public space. Information plaques for #through block arcades# shall also include lettering stating "PUBLIC ACCESS TO ____ STREET" indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol. Furthermore, a minimum of one additional information plaque shall be provided within the indoor public space.
 - (2) Paragraph (c) shall not apply.
- (j) All indoor public spaces shall be illuminated with a minimum level of illumination of not less than five horizontal foot candles (lumens per foot) throughout the space. The requirements of Section 37-743 for a lighting schedule, a diagram of light level distribution and electrical power shall apply.
- (k) The #use# requirements of paragraph (b) and the lobby requirements of paragraph (c)(2) of Section 91-831 shall apply to all #building# walls fronting on an indoor public space that do not face a #street# or #publicly accessible open area#. The provisions of paragraph (c) of Section 37-76 for new or existing #building# walls that are non-transparent _____ shall _____ apply.
- (l) The provisions of ~~paragraphs (a) and (b)~~ of Section 37-78 (Compliance) shall ~~not~~ **apply** be modified as follows:

- (1) Paragraph (a) shall not apply; and
- (2) Paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section 37-70 as modified by this Section, and that such report shall also be provided to the local Council Member.

Subsequent design changes to any indoor public space that was subject to the provisions of this Section may only be permitted pursuant to Section 91-837 (~~Subsequent~~ ~~Additional~~ design changes).

91-835

Alternative improvements

A permanent amenity other than the improvement of an existing #publicly accessible open area# pursuant to the provisions of Section 91-832 or the provision of an indoor public space pursuant to the provisions of Section 91-834 may be provided for the properties listed in this Section. The City Planning Commission may authorize an improvement not listed in this Section pursuant to Section 91-843 (Authorization to modify requirements for alternative improvements).

<u>Building Address</u>	<u>Required Alternative Improvement</u>
<u>175 Water Street</u>	<u>Area C on Map 9 in Appendix A of this Chapter, the open area along John Street and the open area along Front Street with a minimum depth of 15 feet measured perpendicular to the Front Street #street line# shall be improved in accordance with the provisions of Sections 91-832 and 91-833. Such open area and remaining arcade area shall be considered one contiguous public space and shall be accessible to the public at all times.</u>
<u>100 Wall Street</u>	<u>Maintenance of Manahatta Park between Water Street and Front Street for the life of the #building#.</u>
<u>110 Wall Street</u>	<u>Maintenance of Manahatta Park between Front Street and South Street for the life of the #building#.</u>

91-836

Additional requirements

(a) Legal requirements

All plans for arcades, #publicly accessible open areas#, required open areas, and indoor public spaces that are the subject of a certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades) shall be filed and duly recorded in the New York County Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson of the City Planning Commission, providing notice of the certification pursuant to Section 91-83. The filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Where compensating amenity required by condition (b) of Section 91-83 is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for such #enlargement# until the compensating amenity has been substantially completed in accordance with the approved plans, as certified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section 91-835 (Alternative improvements), the commitment to provide or maintain such compensating amenity shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form and content of the legal instrument shall be satisfactory to the Chairperson, and the filing of such instrument in the New York County Office of the City Register shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Modifications to the declaration required by this paragraph may only be allowed upon approval by the Chairperson.

(b) Existing approvals by the Board of Standards and Appeals

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the application pursuant to Section 91-83 shall be referred for thirty (30) days to the Board of Standards and Appeals who shall certify to the Department of City Planning whether such application would not result in a departure

from the findings and conditions specified in the original approval.

(c) Community Board review

No earlier than the date on which the application for certification pursuant to Section 91-83 is filed, a copy of the application shall be submitted by the applicant to the affected Community Board **and local Council Member for,** ~~which shall have~~ 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted to the Chairperson comments regarding such proposal or informed the Chairperson that the Community Board has no comments.

91-837

Subsequent ~~Additional~~ design changes

Design changes to any #publicly accessible open area#, required open area or indoor public space **previously** improved pursuant to the provisions of Sections 91-832 (Plaza improvements) or 91-834 (Indoor public spaces) may only be made upon certification by the Chairperson of the City Planning Commission that such changes would result in a #publicly accessible open area# or indoor public space that is compliant with the Section under which it was previously approved. As part of the certification, a horizontal #enlargement# on the ground floor level may be permitted along existing #building# walls that face the #publicly accessible open area# and do not face an arcade, **but such #enlargement# shall not occupy any #publicly accessible open area#.** The locational requirements of paragraph (a)(1) of Section 91-831 (Ground floor requirements) and the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply. The legal requirements of paragraph (a) of Section 91-836 shall apply.

91-84

Authorizations

91-841

Authorization for retail uses within existing arcades

The City Planning Commission may authorize a horizontal #enlargement# of the ground floor and second floor levels within an arcade located within Area B on Map 9 in Appendix A of this Chapter. In order to grant an authorization, the Commission shall find that:

- (a) the requirements of Section 91-831 (Ground floor requirements) are met;

- (b) a compensating amenity is provided pursuant to the provisions of Section 91-832 for plazas, Section 91-834 for indoor public spaces or Section 91-835 for alternative improvements;
- (c) sufficient unobstructed space exists adjacent to the proposed #enlargement# to facilitate pedestrian circulation; and
- (d) the #enlargement# will maintain a visual or physical connection to Water Street from another #street#, #public park# or #publicly accessible open area#.

As part of the authorization, the Commission may modify the requirements for the location of new #building# walls of paragraph (a) of Section 91-831 (Ground floor requirements).

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section 91-835, an improvement to all #publicly accessible open areas# pursuant to the provisions of Section 91-832 shall be required as the compensating amenity required by finding (b) of this Section, and a certification for design changes pursuant to Section 37-625 (Design changes) shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section 37-625 that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades) or a prior authorization pursuant to this Section may satisfy the requirement of finding (b) of this Section for a compensating amenity.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an arcade that did not generate a #floor area# bonus prior to [effective date of amendment]. The provisions of Section 91-831 (Ground floor requirements) shall not apply to such portion of the horizontal #enlargement#.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an arcade. The locational requirements of paragraph (a)(1) of Section 91-831 and the frontage prohibitions of paragraph (b)(1)(ii) of Section 91-831 shall apply to such #enlargement#. Where the #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply.

For a horizontal #enlargement# of 7,500 square feet or greater, a special permit pursuant to Section 91-85 (Special Permit for Enlargements of 7,500 Square Feet or Greater) shall

also be required. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to Sections 91-83 and 91-837 (Subsequent design changes) and prior authorizations pursuant to this Section shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.

Where any portion of the arcade remains open and accessible, such remaining arcade area shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise. Any non-transparent portion of a #building# wall between columns that fronts on such arcade area shall be treated with artwork, planting or decorative material. Additional requirements for transparency in paragraph (c)(3) of Section 91-831 may apply.

All plans for arcades, #publicly accessible open areas#, required open areas and indoor public spaces, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Commission, providing notice of the authorization pursuant to this Section. The filing and recording of such instrument shall be a precondition to the issuance of a building permit. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Where a compensating amenity required by condition (b) of Section 91-83 is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for any #enlargement# unless and until the compensating amenity has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section 91-835 (Alternative improvements), the applicable legal requirements of Section 91-836 (Additional requirements) shall apply.

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the requirements of paragraph (b) Section 91-836 shall apply.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-842

Authorization to modify design requirements

The City Planning Commission may authorize a modification of the requirements of Section 91-831 (Ground floor requirements), the provisions of Sections 91-832 (Plaza improvements) and 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# and the provisions of Section 91-834 for indoor public spaces. In no event shall an #enlargement# be permitted within a #publicly accessible open area# or other required open area unless specified on Map 9 of Appendix A of this Chapter.

In order to grant such authorization, the Commission shall find:

- (a) the location, #use#, access, size, and treatment of the #enlargement# would result in a superior urban design relationship with the surrounding #streets#, #buildings# and open areas; ~~and~~
- (b) the usefulness and attractiveness of the #publicly accessible open area#, required open area or indoor public space will be assured by the proposed layout and design, and that such modification will result in a superior urban design relationship with surrounding #streets#, #buildings# and ~~public~~ open areas; ~~and~~
- (c) **any waiver of required amenities and circulation paths is the minimum necessary to create a better site plan.**

The Commission may prescribe appropriate conditions and controls to enhance the relationship between the #enlargement#, #publicly accessible open area#, required open area or indoor public space and the surrounding #streets#, #buildings# and open areas.

91-843

Authorization to modify requirements for alternative improvements

The City Planning Commission may authorize an alternative improvement not listed in Section 91-835 provided that the Commission finds that the new amenity will better serve the purpose of the Water Street Subdistrict described in Section 91-00 (GENERAL PURPOSES).

As a condition of the authorization, for a compensating amenity that is located within a #street# or #public park#, the commitment to provide or maintain such compensating amenity shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form and content of the legal instrument shall be satisfactory to the Commission.

and the filing of such instrument in the New York County Office of the City Register shall be a precondition to the issuance of a building permit. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-85

Special Permit for Enlargements of 7,500 Square Feet or Greater

In addition to any certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades), inclusive, or an authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades), the City Planning Commission may permit a horizontal #enlargement# of 7,500 square feet or greater within Areas A or B on Map 9 in Appendix A of this Chapter, provided that the Commission finds that the public amenity or improvement that is provided on the #zoning lot# is of equal or greater benefit to the public than the arcade to be eliminated or reduced.

For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by any prior certification pursuant to Section 91-83, inclusive, and prior authorizations pursuant to Section 91-841 shall be included in such calculation, except the area of an indoor public space provided in accordance with the provision of Section 91-834 (Indoor public spaces) shall be excluded from such calculation.

As part of the special permit, the Commission may modify the requirements of Sections 91-831 (Ground floor requirements), the provisions of Sections 91-832 (Plaza improvements) and 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# and the provisions of Section 91-834 for indoor public spaces. In no event shall an #enlargement# be permitted within a #publicly accessible open area# or other required open area unless specified on Map 9 in Appendix A of this Chapter.

The Commission may prescribe additional conditions and safeguards to enhance the relationship between the #enlargement# and the surrounding #streets#, #buildings# and public open areas.

* * *

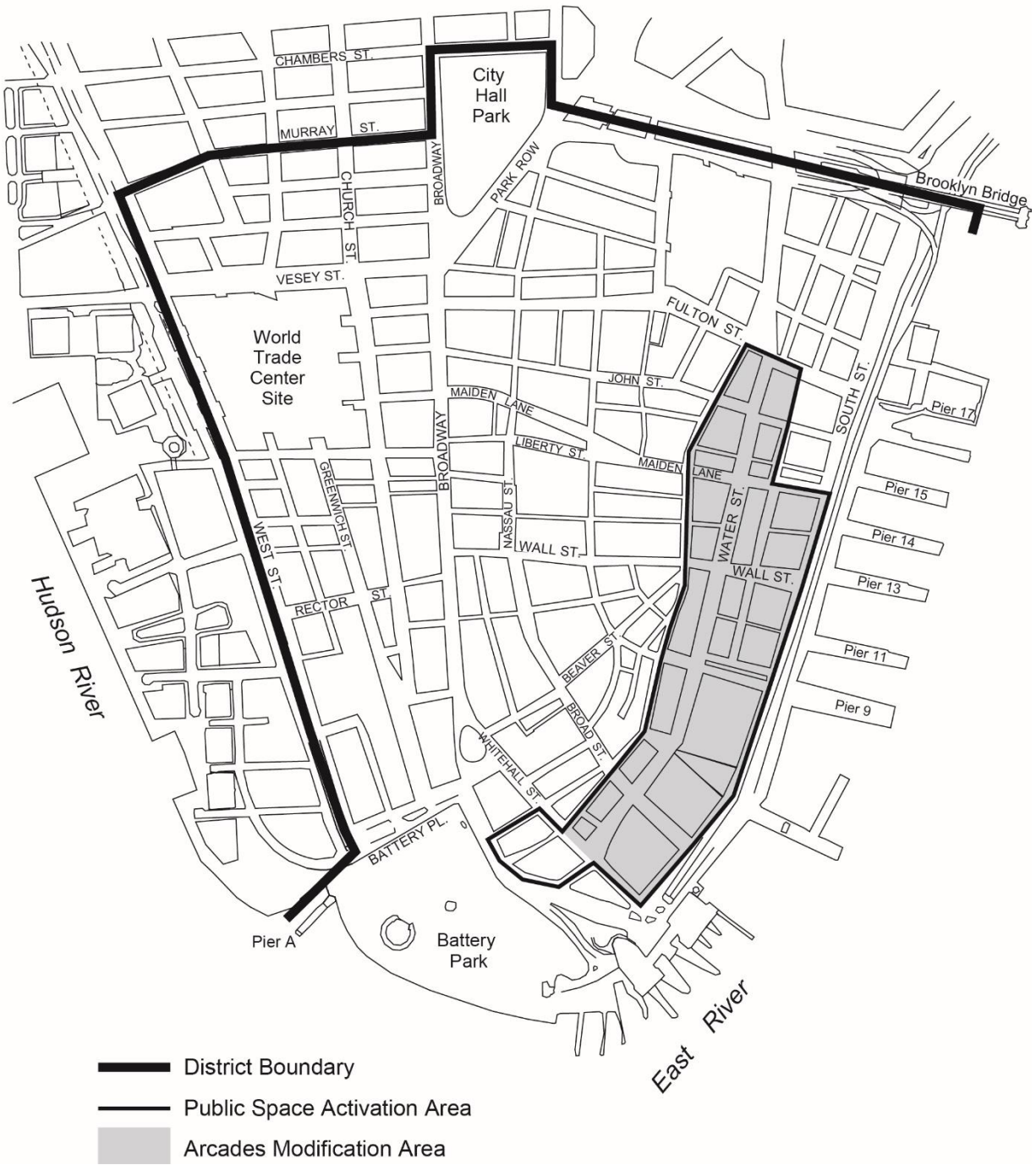
Appendix A

Lower Manhattan District Plan Maps

* * *

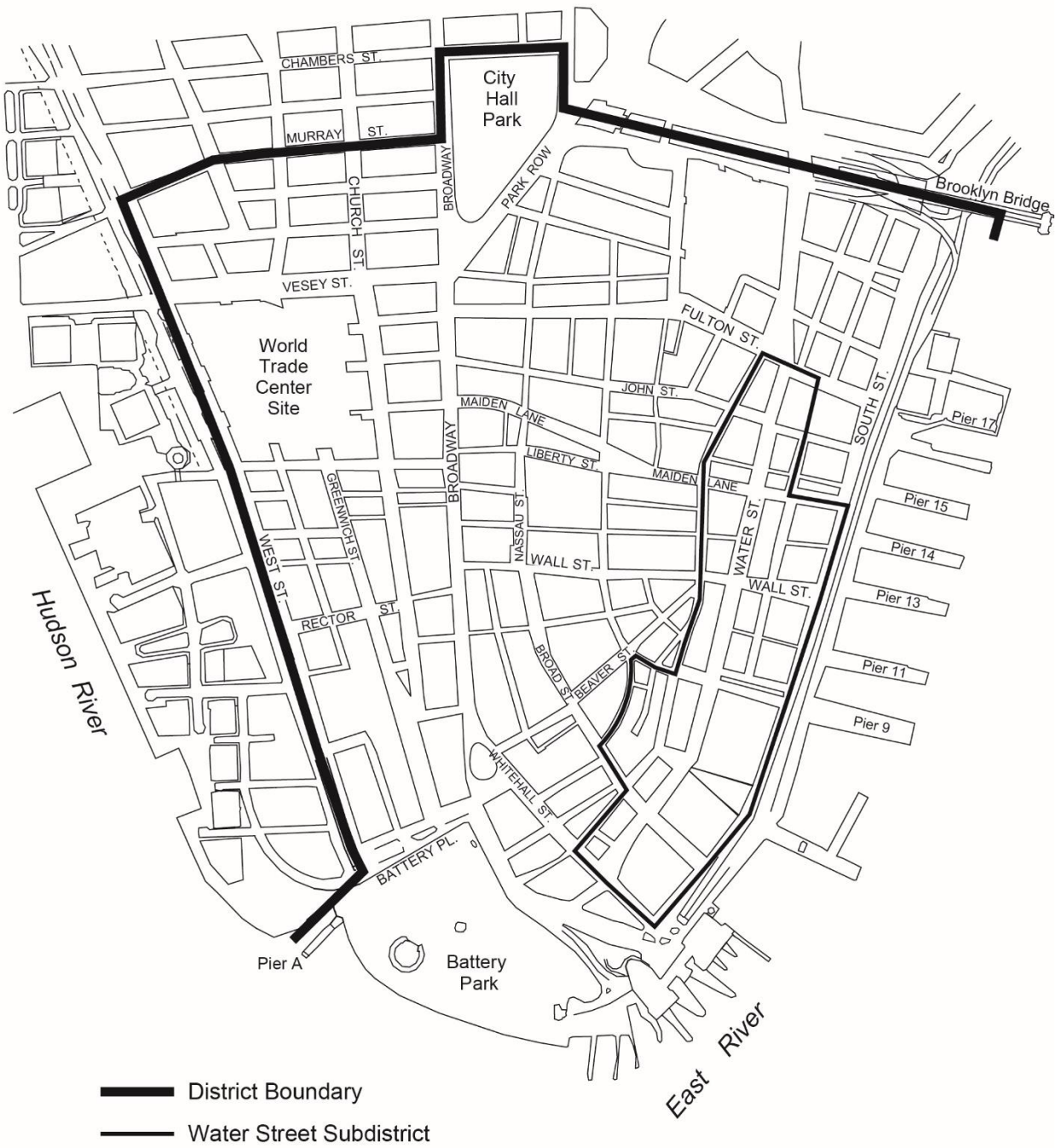
Map 8. Public Access Modification Areas

[MAP TO BE DELETED]



Map 8. Public Access Modification Areas

[MAP TO BE ADDED]



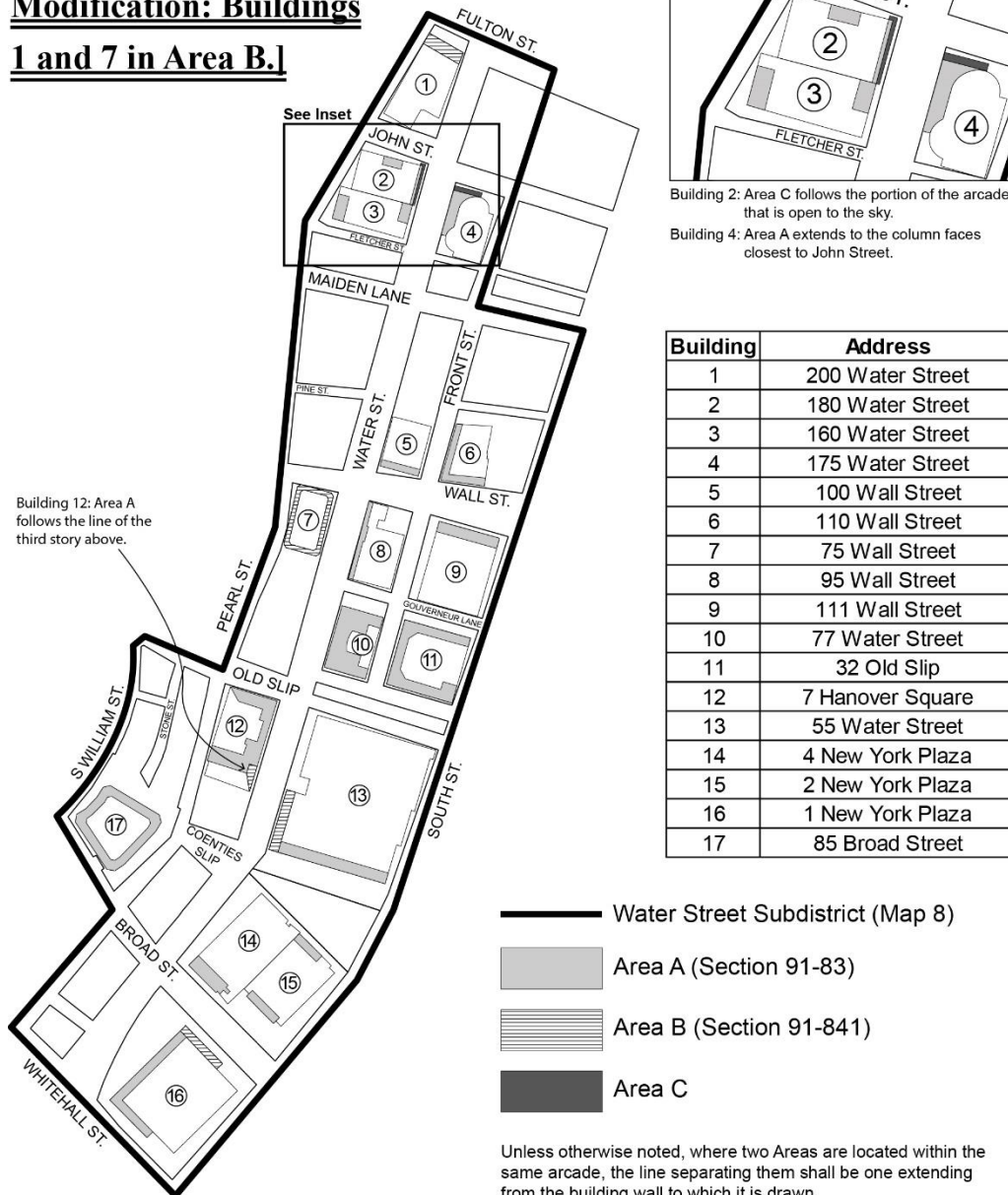
Map 9. Water Street Subdistrict

[MAP TO BE ADDED]

[City Council

Modification: Buildings

1 and 7 in Area B.]



End Text

91-80

PUBLIC ACCESS AREAS

91-81

Certification to Modify Existing Arcades in Certain Areas

For the purposes of this Section, “arcade” shall refer to an ~~#arcade#~~ or ~~#through block arcade#~~ provided in accordance with the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES); or an arcade provided in accordance with paragraph (a) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces); or an open space provided on a ~~#zoning lot#~~ between the ~~#building street wall#~~ and the ~~#street line#~~ where tables and chairs would otherwise not be allowed as permitted obstructions.

The provisions of this Section shall apply to existing ~~#buildings#~~ providing an arcade within the boundary designated by Map 8 in Appendix A of this Chapter.

Any underlying provisions restricting the placement of tables and chairs within such arcades may be modified where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such modifications are consistent with the provisions of this Section, as follows:

(a) — Tables and chairs

—— Publicly accessible tables and chairs and outdoor cafes, as well as shade umbrellas and other furnishings, shall be permitted obstructions within an arcade, provided that such obstructions comply with the provisions listed in paragraphs (a) and (b) of this Section, as applicable.

—— Tables or chairs provided within an arcade shall be moveable and shall not contain any plastic material.

—— Where an outdoor cafe is provided, it shall be a permanently unenclosed establishment and may have waiter or table service.

(1) — Number and size of tables and chairs

—— A minimum of four tables and sixteen chairs shall be provided within an arcade.

(i) — Publicly accessible tables and chairs

~~Publicly accessible tables, and related chairs, shall constitute a minimum of 40 percent of the total number of tables provided within an arcade. Fractions equal to or greater than one half resulting from such calculation shall result in one additional table. Every publicly accessible table required by such calculation shall be required to have four chairs.~~

~~All tables shall have a minimum diameter of two feet. All publicly accessible chairs shall have seat backs, and the seats shall have a minimum depth of 12 inches and a maximum depth of 20 inches.~~

~~(ii) Outdoor cafe~~

~~Outdoor cafe tables, and related chairs, shall constitute a maximum of 60 percent of the total number of tables provided within an arcade. Fractions equal to or greater than one half resulting from such calculation shall result in one additional table.~~

~~(2) Location restrictions and other prohibitions~~

~~Tables or chairs shall not be permitted within five feet of any #building# entrance. For arcades with a depth of ten feet or less, as measured from the column face furthest from the #street line# to the #street wall#, a clear pedestrian circulation pathway not less than three feet shall be provided. For arcades with a depth greater than ten feet, such required clear pedestrian pathway shall be increased to at least six feet. In addition, for #through block arcades#, a continuous clear path of ten feet shall be provided, connecting each #street# on which the public access area fronts.~~

~~(i) Publicly accessible tables and chairs~~

~~For arcades located on a #zoning lot# with frontage along Water Street, at least half of all publicly accessible tables and chairs shall be located within 25 feet of the Water Street #street line#.~~

~~(ii) Outdoor cafe~~

~~Outdoor cafes shall be located at the same elevation as the adjoining sidewalk area or #publicly accessible open area#, except that platforms that do not exceed a height of six inches may be provided.~~

~~Fences, planters, walls, fabric dividers or other barriers that separate outdoor cafe areas from other portions of the arcade or adjacent sidewalks or #publicly accessible open areas# shall be prohibited. No kitchen equipment shall be installed within an outdoor cafe.~~

~~(3) Hours of operation~~

~~(i) Publicly accessible tables and chairs~~

~~Tables and chairs shall not be chained, fixed or otherwise secured during the hours of 7:00 am to 9:00 pm. However, during the hours of 9:00 pm to 7:00 am, such tables and chairs may be removed or secured within the arcade.~~

~~Where publicly accessible tables and chairs and outdoor cafes are provided within an arcade, such publicly accessible tables and chairs shall be subject to the hours of operation of an outdoor cafe, as set forth in paragraph (a)(3)(ii) of this Section.~~

~~(ii) Outdoor cafe~~

~~Outdoor cafes must be in operation and provide service a minimum of 225 days per year.~~

~~All furnishings of an outdoor cafe, including tables, chairs, bussing stations and heating lamps, shall be completely removed from the arcade when the outdoor cafe is not in active use, except that tables and chairs may remain in such arcade if they are unsecured and may be used by the public without restriction.~~

~~(4) Locating publicly accessible tables and chairs within an adjacent #publicly accessible open area#~~

~~Where tables and chairs are provided in an arcade located on the same #zoning lot# as an existing #publicly accessible open area# that fronts upon Water Street, the Chairperson of the City Planning Commission may certify that publicly accessible tables and chairs, provided pursuant to paragraph (a)(2)(i) of this Section, may be located within such a #publicly accessible open area#.~~

~~The area within such #publicly accessible open area# occupied by publicly~~

~~accessible tables and chairs provided pursuant to this paragraph, (a)(4), shall not be included in calculating the maximum #lot coverage# which permitted obstructions may occupy within such #publicly accessible open area#, where applicable.~~

~~— Such publicly accessible tables and chairs shall not constitute a design change pursuant to the provisions of Section 37-62 (Changes to Existing Publicly Accessible Open Areas), provided the Chairperson finds that:~~

- ~~(i) — no more than 50 percent of the publicly accessible tables and chairs required to be within 25 feet of the Water Street #street line#, pursuant to paragraph (a)(2)(i), shall be located within such #publicly accessible open area#. However, where the entirety of an arcade is located beyond 25 feet of the Water Street #street line#, the entirety of the publicly accessible tables and chairs required to be within 25 feet of such #street line#, pursuant to paragraph (a)(2)(i), may be located within such #publicly accessible open area#;~~
- ~~(ii) — such publicly accessible tables and chairs shall in no event constitute required seating for such existing #publicly accessible open area#; and~~
- ~~(iii) — such publicly accessible tables and chairs comply with the hours of operation provisions of paragraph (a)(3) of this Section.~~

~~Any proposed design change to an existing #publicly accessible open area# beyond the findings permitted in this Section shall be subject to the requirements of Section 37-62.~~

~~(b) — Litter receptacles~~

~~Litter receptacles shall be permitted obstructions within an arcade pursuant to the provisions set forth in Section 37-744.~~

~~In order to certify that the proposed modification to an existing arcade is consistent with the provisions of this Section, the applicant shall submit, to the Chairperson, a site plan demonstrating the proposed obstructions within the existing arcade and, where applicable, the adjacent #publicly accessible open area#, and a detailed seating plan illustrating compliance with paragraph (a) of this Section.~~

~~All plans for arcades or other #publicly accessible open areas# that are the subject of a~~

~~certification pursuant to this Section shall be filed and duly recorded in the Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the arcade, pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.~~

91-82

Existing Publicly Accessible Open Areas

~~The purpose of this Section is to facilitate temporary programmatic changes to existing public spaces to:~~

- ~~(a) — help address the short term challenges facing the Water Street corridor as a result of Hurricane Sandy by encouraging increased economic activity, reinforcing community connections, creating a lively and engaging experience and improving the corridor's pedestrian environment; and~~
- ~~(b) explore new types of #uses# and amenities within public spaces intended to draw residents, workers and visitors, thereby increasing the utilization and activation of the existing public spaces.~~

~~This Section, inclusive, shall be effective until January 1, 2014, at which time the provisions of this Section shall automatically expire and all #publicly accessible open areas#, as defined in Section 91-821, shall be returned to their compliant state and all temporary obstructions shall be removed.~~

91-821

Special provisions for publicly accessible open areas

~~For the purposes of this Section, the definition of #publicly accessible open area# shall also include any #arcade#, #through block arcade#, or other public amenity, open or enclosed, for which a #floor area# bonus has been granted.~~

~~The provisions of this Section shall apply to all #publicly accessible open areas# existing on June 12, 2013, within the area designated as a public space activation area on Map 8 (Public Access Modification Areas) in Appendix A of this Chapter.~~

~~Any underlying provisions, including Section 91-81 of this Chapter, restricting the placement of obstructions within #publicly accessible open areas# or restricting their use for events may be modified, as follows:~~

~~(a) Temporary permitted obstructions~~

~~_____ Amenities that shall be considered temporary permitted obstructions for cultural, entertainment and #commercial uses# including, but not limited to, tables, chairs, moveable planters, stages, kiosks, food trucks, artwork, and shade structures are allowed, provided that they:~~

- ~~(1) _____ are not permanently affixed to the ground and do not cause damage to any surface of the #publicly accessible open area#;~~
- ~~(2) _____ are not located within five feet of any #building# entrance; and~~
- ~~(3) _____ do not, in combination, occupy more than 60 percent of the #publicly accessible open area#.~~

~~(b) Events~~

~~_____ Events including, but not limited to, farmers markets, holiday markets, concerts and performances, art and cultural exhibitions, and festivals are permitted. Such events may be sponsored by non-profit or for-profit entities, without limitation, and may include the sale of food, refreshments and other event-related items, for the benefit or enjoyment of event participants. The use of a #publicly accessible open area# for the promotion of products or services shall not itself qualify as an event permitted under this Section. Such events shall:~~

- ~~(1) be open to the public; and~~
- ~~(2) only be permitted to use amplified sound between the hours of 9:00 am and 10:00 pm.~~

~~Nothing herein shall authorize the use of city #streets# or sidewalks in connection with an event permitted under this Section, and any such use shall be subject to all applicable provisions of law and regulation governing the use of city #streets# or sidewalks including, where applicable, the requirement to obtain a street activity permit from the Street Activity Permit Office of the Office of Citywide Events Coordination and Management. No event shall be permitted pursuant to this Section unless, no later than fourteen (14) days prior to the scheduled date, the sponsor notifies~~

~~the Street Activity Permit Office of the nature, size and location of the event upon a form prescribed by the Street Activity Permit Office for such purpose.~~

PROPOSED WATER STREET UPGRADES

TEXT AMENDMENT

04/18/16 – Post Referral

04.18.16 – ZD

04/20/16 – Additional RS + ZD Comments

04/21/16 – Addition of UG mod

Matter in underline is new, to be added;

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

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

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

Article III - Commercial District Regulations

Chapter 7

Special Urban Design Regulations

* * *

37-625

Design changes

Except as otherwise provided in Sections 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions), 91-83 (Retail Uses Within Existing Arcades) and 91-841 (Authorization for retail uses within existing arcades), design changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS), inclusive. The provisions of Section 37-78 (Compliance), other than paragraph (e) (Special regulations for an #urban plaza# in the #Special Lower Manhattan District#), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

* * *

37-73

Kiosks and Open Air Cafes

Kiosks and open air cafes may be placed within a #publicly accessible open area# upon certification, pursuant to this Section. Such features shall be treated as permitted obstructions. Only #uses# permitted by the applicable district regulations may occupy #publicly accessible open areas# or front on #publicly accessible open areas#.

* * *

(c) Certification

Kiosks and open air cafes may be placed within the area of a #publicly accessible open area# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

- (1) such #use# promotes public use and enjoyment of the #publicly accessible open area#;
- (2) such #use# complements desirable #uses# in the surrounding area;
- (3) the owner of such #use# or the #building# owner shall be responsible for the maintenance of such kiosk or open air cafe, which shall be located within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air cafe outside an area so designated shall be permitted;
- (4) such #use# does not adversely impact visual and physical access to and throughout the #publicly accessible open area#;
- (5) such #use#, when located within a #public plaza#, is provided in accordance with all the requirements set forth in this Section;
- (6) for kiosks and open air cafes located within an existing #publicly accessible open area#, such #use# is proposed as part of a general improvement of the #publicly accessible open area# where necessary, including as much landscaping and public seating as is feasible, in accordance with the standards for #public plazas#;
- (7) a #sign# shall be provided in public view within the cafe area indicating the days and hours of operation of such cafe; and
- (8) for kiosks that are in operation less than 225 days per year, an off-season plan has been submitted to the Chairperson showing that such kiosks will be completely removed from the #publicly accessible open area# when not in operation, that the area previously occupied by the kiosk is returned to public use and such area is in compliance with the applicable #publicly accessible open area# design standards.

* * *

(d) Process

An application for certification shall be filed with the Chairperson of the City Planning

Commission, and the Chairperson shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage. The Chairperson will give due consideration to the Community Board's opinion as to the appropriateness of such a facility in the area and shall respond to such application for certification within 60 days of the application's receipt.

The Chairperson shall file any such certification with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such certification. If the Council so resolves, within 50 days of the filing of the Chairperson's certification, the Council shall hold a public hearing and may approve or disapprove such certification. If, within the time periods provided for in this Section, the Council fails to act on the Chairperson's certification, the Council shall be deemed to have approved such certification.

Such certification shall be effective for a period of three years.

All applications for the placement of kiosks or open air cafes shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including the layout and number of tables, chairs, restaurant equipment and heating lamps, as well as the storage location for periods when the kiosk or open air cafe is closed. Where a kiosk or open air cafe is to be located within an existing #publicly accessible open area#, each kiosk or open air cafe application must be accompanied by a compliance report in accordance with the requirements of Section 37-78, paragraph (c).

Where design changes to #publicly accessible open areas# are necessary in order to accommodate such kiosk or open air cafe, or to comply with paragraph (c)(6) of this Section, a certification pursuant to Section 37-625 (Design changes) shall be required, except that within the #Special Lower Manhattan District#, design changes to a #publicly accessible open area# pursuant to the provisions of Section 91-832 (Plaza improvements) as part of a certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades), an authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades), or a certification pursuant to Section 91-837 (Additional design changes) may satisfy the requirements in paragraph (c)(6) of this Section.

All such plans for kiosks or open air cafes, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk or open air cafe, pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson, and the filing and recording of such instrument shall be a precondition for the placement of the kiosk or open air cafe within

the #publicly accessible open area#.

* * *

Article IX - Special Purpose Districts

Chapter 1

Special Lower Manhattan District

* * *

91-00

GENERAL PURPOSES

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

- (a) encourage development of a 24-hour community through the conversion of older commercial buildings to residential use;
- (b) facilitate maximum design flexibility of buildings and enhance the distinctive skyline and streetscape of Lower Manhattan;
- (c) improve public use and enjoyment of the East River waterfront by creating a better physical and visual relationship between development along the East River and the waterfront area, public access areas and the adjoining upland community;
- (d) enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities;
- (e) restore, preserve and assure the use of the South Street Seaport Subdistrict as an area of small historic and restored buildings, open to the waterfront and having a high proportion of public spaces and amenities, including a South Street Seaport Environmental Museum, with associated cultural, recreational and retail activities;
- (f) establish the Historic and Commercial Core to protect the existing character of this landmarked area by promoting development that is harmonious with the existing scale and street configuration; ~~and~~
- (g) establish the Water Street Subdistrict to improve the urban design relationship between existing buildings and open areas by promoting retail activities and the enhancement of existing public spaces with new amenities in this area; and
- (h) promote the most desirable use of land and thus conserve and enhance the value of land

and buildings, and thereby protect the City's tax revenues.

* * *

91-03

District Maps

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

- Map 1. Special Lower Manhattan District
- Map 2. Street Wall Continuity Types 1, 2A, 2B & 3
- Map 3. Street Wall Continuity Types 4 & 5
- Map 4. Designated Retail Streets
- Map 5. Curb Cut Prohibitions
- Map 6. South Street Seaport Subdistrict (Section 91-63)
- Map 7. Subway Station Improvement Areas
- Map 8. Public Access Modification Areas-
- Map 9. Water Street Subdistrict.

* * *

91-80

PUBLIC ACCESS AREAS

**[ALL NEW TEXT (91-80 THROUGH 91-843) FOLLOWS –
DELETED TEXT (91-81 THROUGH 91-821)
IS LOCATED AFTER APPENDIX MAPS]**

The following regulations shall apply to arcades and #publicly accessible open areas# existing on [effective date of amendment] located within the Water Street Subdistrict as shown on Map 8 in Appendix A of this Chapter except for the #plaza# that was the subject of special permit

application CP-20518, approved by the City Planning Commission on November 27, 1968.

For the purposes of this Section, inclusive, “arcade” shall refer to an #arcade# or #through block arcade# provided in accordance with the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES), or any other arcade that generated a #floor area# bonus as evidenced by plans approved by the Department of Buildings.

A horizontal #enlargement# permitted by Section 91-83 (Retail Uses Within Existing Arcades) or Section 91-841 (Authorization for retail uses within existing arcades) shall not be included as #floor area#, and such additional area shall not result in a reduction of the permitted floor area.

No arcade may be eliminated or reduced in size pursuant to paragraph (a) of Section 33-124 (Existing public amenities for which floor area bonuses have been received). In lieu thereof, the provisions of Sections 91-83 and 91-841 shall apply. The provisions of paragraph (d) of Section 33-124 shall be modified to also permit the reduction or elimination of an arcade for which a #floor area# bonus has been utilized pursuant to the provisions of Sections 91-83 or 91-841.

For any #zoning lot# that was the subject of application C810325ZSM, C810506ZSM or C841070ZSM, a certification pursuant to Section 91-83 or an authorization pursuant to Section 91-841 shall not result in a departure from the findings and conditions specified in the applicable special permit, and such certification or authorization shall not require modification of the applicable special permit unless such a modification is required pursuant to a related restrictive declaration. For the #zoning lot# that was the subject of application C810325ZSM, the existing #through block arcade# shall not be eliminated, but may be modified in size and configuration provided that the standards for #through block arcades# set forth in Section 12-10 are met.

Public events may take place within a #publicly accessible open area# or arcade pursuant to the provisions of Section 91-81 (Events Within Public Access Areas). Publicly accessible tables, chairs, shade umbrellas and heating lamps may be located within a #publicly accessible open area# or arcade pursuant to the provisions of Section 91-82 (Amenities Within Public Access Areas). An outdoor cafe may be located within an arcade pursuant to Section 91-821 (Certification for outdoor cafes within arcades). A horizontal #enlargement# of the ground floor and second floor levels may be permitted within arcades, or portions thereof, located within Area A in Map 9 of Appendix A of this Chapter pursuant to the provisions of Section 91-83, and within Area B pursuant to the provisions of Section 91-841. In no event shall an #enlargement# be permitted within arcades, or portions thereof, located within Area C on Map 9 in Appendix A of this Chapter.

91-81

Events Within Public Access Areas

The provisions of Article III, Chapter 7 restricting the temporary placement or storage of event-related amenities or equipment within a #publicly accessible open area# or arcade shall be modified by the provisions of this Section. The temporary placement or storage of event-related equipment or amenities in accordance with the provisions of this Section shall not constitute a design change pursuant to the provisions of Sections 37-625 (Design changes) or 91-837 (Additional design changes).

Events including, but not limited to, farmers' markets, holiday markets, concerts and performances, art and cultural exhibitions and festivals are permitted within all #publicly accessible open areas# and arcades. The utilization of a #publicly accessible open area# or arcade for the promotion of products or services shall not itself qualify as an event permitted under this Section.

Events shall be open to the public, provide free and unticketed admission and only be permitted to use amplified sound between the hours of 9:00 a.m. and 10:00 p.m. All #publicly accessible open areas# and arcades shall continue to be publicly accessible at all times. Event-related amenities and equipment shall be considered temporary permitted obstructions provided that sufficient circulation space connecting all #streets# and #building# entrances exists. All #publicly accessible open areas# and arcades shall be restored to their approved condition within 24 hours of the conclusion of an event.

The storage of equipment or materials outside of an event's scheduled hours, excluding time required for set up and clean up, shall not be permitted within a #publicly accessible open area# or arcade, except that for events taking place over multiple days or weeks, large temporary equipment that requires assembly and will be actively used during the event, such as stages, kiosks and sound and video entertainment systems, may remain in the #publicly accessible open area# or arcade outside of the event's scheduled hours.

91-82

Amenities Within Public Access Areas

The provisions of Article III, Chapter 7 restricting the placement of tables, chairs, shade umbrellas and heating lamps within a #publicly accessible open area# or arcade shall be modified by the provisions of this Section. The placement of tables, chairs, shade umbrellas or heating lamps in accordance with the provisions of this Section, inclusive, shall not constitute a design change pursuant to the provisions of Sections 37-625 (Design changes) or 91-837 (Additional design changes).

Publicly accessible tables and chairs, as well as shade umbrellas and heating lamps, shall be permitted obstructions within a #publicly accessible open area# or arcade, provided that such

obstructions comply with the provisions of Section 91-822 (Requirements for furnishings), as applicable. Tables, chairs, shade umbrellas and heating lamps provided pursuant to this Section may be used by the public without restriction. Outdoor cafes may be placed within an arcade by certification pursuant to Section 91-821 (Certification for outdoor cafes within arcades).

91-821

Certification for outdoor cafes within arcades

An outdoor cafe may be permitted within an arcade upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that, in addition to the provisions of this Section, the provisions of Section 91-822 (Requirements for furnishings) are met. An outdoor cafe that is permitted by this Section shall be a permanently unenclosed restaurant or eating or drinking place, which may have waiter or table service.

No portion of an outdoor cafe that is permitted by this Section may extend into a #publicly accessible open area# except where an open air cafe has been permitted by a certification pursuant to Section 37-73 (Kiosks and Open Air Cafes).

In order to certify that the proposed modification to an existing arcade is consistent with the provisions of this Section, the applicant shall submit to the Chairperson a site plan and other detailed plans demonstrating that the proposed obstructions within the existing arcade and, where applicable, pursuant to paragraph (a)(2) of Section 91-822, the adjacent #publicly accessible open area#, will comply with the provisions of this Section. The placement of publicly accessible tables and chairs within a #publicly accessible open area# pursuant to paragraph (a)(2) of Section 91-822 shall not constitute a design change pursuant to the provisions of Section 37-625 (Design changes).

All plans for arcades or other #publicly accessible open areas# that are the subject of a certification pursuant to this Section shall be filed and duly recorded in the Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the arcade, pursuant to this Section. The filing and recording of such instrument shall be a precondition to certification. The filing and recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

91-822

Requirements for furnishings

The following provisions shall apply to all furnishings, including tables, chairs, shade umbrellas

and heating lamps, permitted by Section 91-82 (Amenities Within Public Access Areas) and Section 91-821 (Certification for outdoor cafes within arcades).

(a) Size, location and other requirements

(1) Requirements for all furnishings

All furnishings shall be moveable. Permanent fixtures may be installed in the ground of a #publicly accessible open area# or arcade for the purposes of supporting shade umbrellas or heating lamps provided that such fixtures are flush-to-grade.

No furnishings shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths.

(2) Additional requirements for outdoor cafes located within arcades

Where an outdoor cafe is provided pursuant to Section 91-821, a minimum of four tables and 16 chairs shall be provided and made available to the public without restriction, which may be located within an arcade or within a #publicly accessible open area# and shall be outside of the permitted cafe boundary.

Outdoor cafes shall be located at the same elevation as the adjoining sidewalk area or #publicly accessible open area#, except that they may be located no more than six inches below or on a platform no more than six inches above such adjoining sidewalk area or #publicly accessible open area#. The border of the outdoor cafe shall be permanently marked in accordance with the applicable standards for open air cafes set forth in paragraph (b) of Section 37-73.

Fences, planters, walls, fabric dividers or other barriers that separate outdoor cafe areas from other portions of the arcade, adjacent sidewalks or #publicly accessible open areas# shall be prohibited. No kitchen equipment shall be installed within an outdoor cafe.

Litter receptacles shall be provided in accordance with the standards for #public plazas# set forth in Section 37-744 (Litter receptacles).

(3) Circulation requirements for outdoor cafes located within arcades

For arcades with a depth of ten feet or less, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building#

wall fronting on such #street line# or #publicly accessible open area# , an unobstructed path not less than three feet wide shall be provided. For arcades with a depth greater than ten feet, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#, such unobstructed pedestrian way shall be increased to at least six feet. For #through block arcades#, an unobstructed pedestrian way, except for approved doorways, of at least eight feet shall be provided connecting each #street# on which the #through block arcade# fronts.

(b) Operation

(1) Requirements for all tables and chairs

Except as otherwise provided in paragraph (b)(2) of this Section, tables, chairs, shade umbrellas and heating lamps may be stored or secured within an arcade between the hours of 9:00 p.m. and 7:00 a.m., but may not be stored or secured within a #publicly accessible open area#.

(2) Additional requirements for outdoor cafes located within arcades

Publicly accessible tables and chairs that are required by paragraph (a)(2) of this Section may not be removed or secured while the cafe is in active use.

All furnishings within the boundary of an outdoor cafe, including tables, chairs, shade umbrellas, bussing stations and heating lamps, shall be completely removed from the arcade when the outdoor cafe is not in active use, except that tables and chairs may remain in such arcade if they are unsecured and may be used by the public without restriction.

91-83

Retail Uses Within Existing Arcades

A horizontal #enlargement# of the ground floor and second floor levels within an arcade located within Area A on Map 9 in Appendix A of this Chapter may be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that such #enlargement# complies with the provisions of this Section, and the following conditions are met:

(a) the horizontal #enlargement# meets the requirements of Section 91-831 (Ground floor

requirements);

- (b) a compensating amenity is provided pursuant to the provisions of Section 91-832 for plaza improvements, Section 91-834 for indoor public spaces, or Section 91-835 for alternative improvements; and
- (c) the additional requirements of Section 91-836, as applicable.

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section 91-835, an improvement to all #publicly accessible open areas# pursuant to the provisions of Section 91-832 shall be required as the compensating amenity required by condition (b) of this Section, and a certification for design changes pursuant to Section 37-625 (Design changes) shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section 37-625 that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to this Section or a prior authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades) may satisfy the requirements of condition (b) of this Section for a compensating amenity.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an arcade that did not generate a #floor area# bonus prior to [effective date of amendment]. The provisions of Section 91-831 (Ground floor requirements) shall not apply to such portion of the horizontal #enlargement#.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an arcade. The locational requirements of paragraph (a)(1) of Section 91-831 and the frontage prohibitions of paragraph (b)(1)(ii) of Section 91-831 shall apply to such #enlargement#. Where an #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply.

91-831

Ground floor requirements

The provisions of this Section shall apply to the #street wall# of the ground floor and second floor level #enlargement#. For the purposes of this Section, a #building# wall that faces a #publicly accessible open area# or #through block arcade# shall also be considered a #street wall#, and the provisions of this Section for new #building# walls fronting on a #publicly accessible open area# shall also apply to new #building# walls fronting on a #through block

arcade#, except as otherwise specified. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

(a) Location of #enlargement#

(1) Location of new #building# walls

All new #building# walls shall extend to the full height of the arcade. New #building# walls may only be located between the column face closest to an existing #street wall# and the column face furthest from an existing #street wall# or the #street wall# location of the floor above, except that new #building# walls within an existing #through block arcade# that do not face a #street# may extend past the column face furthest from the existing #street wall# provided that the standards for #through block arcades# set forth in Section 12-10 (DEFINITIONS) and all other provisions of this Section are met. New #building# walls within an existing #through block arcade# that do not face a #street# shall not be required to extend for the full height of the #through block arcade#.

(2) Length of new #building# walls

An #enlargement# shall extend for the full length of the #street wall#, except for the locations specified on Map 9 in Appendix A of this Chapter and except if a corner arcade that adjoins the Water Street #street line# and another #street line# or #publicly accessible open area# is provided in accordance with the provisions of paragraph (c) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) which may provide a clear path ten feet wide. However, an #enlargement# shall not be required along the length of the #street wall# occupied by an existing parking or loading entrance. Where an #enlargement# within an arcade extends along two or more #street walls#, the #enlargement# shall also include the area where the arcade areas intersect, except as otherwise provided in this Section, and the location of new #building# walls in such area shall be subject to the provisions of paragraph (a)(1) of this Section.

(b) Permitted #uses# within an #enlargement#

(1) Requirements for all frontages

(i) Retail #uses#

The #street# frontage or frontage along a #publicly accessible open area# of the #enlarged# portion of the ground floor level shall be allocated exclusively to the #uses# permitted by Section 91-12 (Uses on Designated Retail Streets), except that Use Group 5A shall not be permitted, or to indoor public spaces that are provided in accordance with the provisions of Section 91-834. #Residential uses# shall be limited to lobbies permitted by paragraph (c)(2) of this Section.

All #uses# permitted by this paragraph shall occupy a height no less than that of the ground floor level, and shall occupy a depth no less than that of the #enlargement#.

(ii) Parking, loading and mechanical equipment

No garage entrances, driveways, parking spaces or loading berths shall be permitted within an #enlargement#. No exhaust vents or mechanical equipment shall be permitted on any new #building# wall unless such exhaust vents are more than 15 feet above the level of the curb.

(2) Additional #use# requirement for a #publicly accessible open area# or #through block arcade#

At least 50 percent of the total frontage of all new #building# walls fronting on a #publicly accessible open area# or #through block arcade#, excluding such frontage occupied by #building# lobbies, shall be occupied by retail or service establishments permitted by paragraph (b)(1) of this Section. As an alternative, the amount of frontage required by this paragraph for occupancy by retail or service establishments may be partially or fully located along existing #building# walls fronting on the #publicly accessible open area# or #through block arcade# and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage.

Libraries, museums and art galleries are permitted #uses# that may front on a #publicly accessible open area#. Banks shall not be a permitted #use# on any #publicly accessible open area# or #through block arcade#. #Uses# required by this paragraph shall be directly accessible from the #publicly accessible open area# or #through block arcade#.

(c) Frontage

(1) Number of establishments

Along the longest #street wall# of the ground floor level #enlargement#, at least two establishments permitted by paragraph (b) of this Section shall be provided on the ground floor level. Frontage that is solely dedicated to access a #use# on a level other than the ground floor level shall not constitute an establishment for the purposes of this paragraph.

(2) Access, entrances and lobbies

The #street wall# frontage of an #enlarged# portion of the ground floor level may be occupied by the #primary entrance# for the principal #use# of the #building#, provided that such #primary entrance# shall not exceed a #street wall# width of 50 feet along Water Street, or, along other #streets#, a #street wall# width of 40 feet, or 25 percent of the #aggregate width of street wall# along such #street# frontage, whichever is less.

For a #primary entrance# that fronts on a #publicly accessible open area#, such entrance shall occupy a minimum frontage length of 20 feet or a length equal to the distance between the two closest columns adjacent to the #publicly accessible open area#, whichever is less. A #primary entrance# for the principal #use# of the #building# may be located along a #through block arcade# or indoor public space provided in accordance with Section 91-834 (Indoor public spaces), but may only occupy a maximum frontage length of 25 feet.

Where more than 50 percent of the length of the #enlargement# is occupied by a #primary entrance# permitted by this paragraph, retail or service establishments with an aggregate frontage length equal to at least 50 percent of the length of the #enlargement# shall be required along new or existing #building# walls along the same #street# frontage as the #enlargement#, and the transparency requirements of paragraph (c)(3) of this Section shall apply to such frontage along existing #building# walls.

(3) Transparency and flood resilience

The ground floor level #street wall# between existing columns shall be glazed with transparent materials, which may include #show windows#, transom windows or glazed portions of doors, except for certain #uses# set forth in Section 37-31 (Applicability). Such transparent materials shall occupy at least 70 percent of the surface area of such ground floor level #street wall# between a height above grade of two feet and 14 feet or the height of the ground floor ceiling, whichever is lower.

Permanent fixtures for temporary flood control devices and associated emergency egress systems that are assembled prior to a storm and removed thereafter and are affixed to a column may obstruct any transparent portion of a new #building# wall. Such permanent fixtures may be considered a transparent portion of a new #building# wall. Additionally, such permanent fixtures shall be encased in a decorative material. Temporary flood control devices and associated emergency egress systems shall be permitted in front of any new #building# wall for a reasonable period of time prior to and after a storm event, as determined by the Department of Buildings.

91-832

Plaza improvements

A #publicly accessible open area# shall be improved in full accordance with the provisions of Section 37-70 (PUBLIC PLAZAS) as modified by this Section, and as further modified by Section 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# with a maximum depth of less than 40 feet, as measured perpendicular to any #street line#. Subsequent design changes to any #publicly accessible open area# improved pursuant to the provisions of such Sections may only be permitted pursuant to Section 91-837 (Additional design changes). The City Planning Commission may authorize a modification of the provisions of this Section and Section 91-833 pursuant to Section 91-842 (Authorization to modify design requirements).

- (a) For the purposes of applying the provisions of this Section, any portion of the #publicly accessible open area# occupied by a garage entrance, driveway, loading berth or gratings for electrical vaults may be excluded from the calculation of the total area or total #street# frontage of the #publicly accessible open area#. Such area shall remain open and accessible to the public at all times.
- (b) The area dimension requirements of Section 37-712, the locational restrictions of Section 37-713, the orientation restrictions of Section 37-714 and the requirements for major and minor portions of #public plazas# set forth in Sections 37-715 and 37-716, respectively, shall not apply.
- (c) The #through block public plaza# provisions of Section 37-717 that require a setback along any #building# wall or walls that adjoin a #through block public plaza# or through #block# portion of a #publicly accessible open area# shall not apply.
- (d) The sidewalk frontage provisions of Section 37-721 shall be modified as follows:

- (1) The requirements of paragraph (a) may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain, provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#, arcade or other portion of the #publicly accessible open area#.
- (2) Paragraph (b) shall be modified to allow planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of this Section to be located in such area.
- (3) For #corner public plazas#, where there is a change in elevation permitted by paragraph (e) of this Section 91-832 for the area within 15 feet of the intersection of any two or more #streets# on which the #publicly accessible open area# fronts, such area shall not be required to be at the same elevation as the adjoining public sidewalk, but must be free of obstructions except as may otherwise be provided in paragraph (d)(1) of this Section.
- (e) The provisions of Section 37-722 (Level of plaza) shall be modified to permit any elevation of the #publicly accessible open area# existing on [effective date of amendment] to remain.
- (f) The provisions of Section 37-726 (Permitted obstructions) shall be modified as follows:

 - (1) Paragraph (c) shall allow awnings above retail and service establishments that do not project into the #publicly accessible open area# more than three feet when measured perpendicular to the #building# facade. There shall be no limitation on the area or height of an awning, but in no event shall an awning for a retail or service establishment contain vertical supports.
 - (2) Paragraph (d) shall allow garage entrances, driveways or loading berths fronting on a #publicly accessible open area# and existing on [effective date of amendment] to remain, provided that they are separated from the remainder of the #publicly accessible open area# by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #publicly accessible open area#. A #building# trash storage facility may be accessed or serviced through the portion of a #publicly accessible open area# that is occupied by a garage entrance, driveway or loading berth.

- (g) The provisions of Section 37-742 (Planting and trees) may be modified where the Chairperson of the City Planning Commission has been furnished with materials sufficient to establish that subsurface conditions do not allow the required soil depth for shrubs or trees to be provided below grade or within a planter with bounding walls no higher than 18 inches in height above an adjacent walking surface or the highest adjacent surface where the bounding wall of such planter adjoins two or more walking surfaces with different elevations. A raised planter may be provided with bounding walls up to three feet for shrubs, or three feet six inches for trees, provided that fixed seating with backs is integrated into the planter for at least 50 percent of the perimeter of the planter that is adjacent to a walking surface. If such planter, or any portion thereof, is located within ten feet of a #street line#, fixed seating with backs shall be integrated into at least 75 percent of the perimeter of the planter that is adjacent to a walking surface. Where it is demonstrated that no required trees can be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, the Chairperson may allow all trees to be planted within raised planters.
- (h) The calculation of the minimum number of entry plaques required by paragraph (a) of Section 37-751 (Public space signage systems) may be modified for #publicly accessible open areas# that occupy more than one #street# frontage to alternatively require a minimum of one entry plaque at each #street# frontage of the #publicly accessible open area#, and to further require one additional entry plaque at each #street# frontage that measures 80 feet or more in length.
- (i) The provisions of paragraphs (a) and (d) of Section 37-753 (Accessory signs) shall not apply. Each establishment fronting on the #publicly accessible open area# shall be permitted to have one or more #signs# with an aggregate area not to exceed the product of 12 square feet and the length of the establishment along the #publicly accessible open area# in linear feet, divided by 40 linear feet. In no event shall a #sign# exceed 16 square feet in area. #Signs# may be affixed to the #building# wall or to awnings, or may project no more than 18 inches when measured perpendicular to the #building# façade, provided that such #sign# is located a minimum of ten feet above the level of the #publicly accessible open area#.
- (j) The provisions of paragraphs (a) and (b) of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses) shall not apply. The provisions of Section 91-831 (Ground floor requirements) shall apply to all new #building# walls fronting on the #publicly accessible open area#, and the following shall also apply:
- (1) The #use# requirements of paragraph (b)(1) of Section 91-831 shall apply to all new establishments located along existing #building# walls fronting on a

#publicly accessible open area#; and

- (2) The provisions of paragraph (c) of Section 37-76 for existing #building# walls that are non-transparent shall apply except for frontage occupied by active loading and parking entrances.

- (k) The provisions of paragraphs (a) and (b) of Section 37-78 (Compliance) shall not apply.

91-833

Special regulations for plazas less than 40 feet in depth

A #publicly accessible open area# with a maximum depth less than 40 feet measured perpendicular to any #street line# shall be improved in full accordance with the provisions of Section 37-70 (PUBLIC PLAZAS) as modified by Section 91-832 (Plaza improvements) and as further modified by this Section. Where a #publicly accessible open area# may be considered a #corner public plaza#, the maximum depth shall be measured from a #street line# to a #street wall#. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

- (a) The provisions of Section 37-721 (Sidewalk frontage) shall not apply. In lieu thereof, the provisions of this paragraph (a) shall apply to the area of the #publicly accessible open area# located within ten feet of a #street line# or sidewalk widening line:

- (1) At least 40 percent of such area shall be free of obstructions, and, in addition:

- (i) to facilitate pedestrian access at least 40 percent of the frontage along each #street line# or sidewalk widening line of the #publicly accessible open area# shall be free of obstructions; and
- (ii) such unobstructed access area shall extend to a depth of ten feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.

The requirement of this paragraph for unobstructed access may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain provided that such walls or structures do not increase in height or length

along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#, arcade or other portion of the #publicly accessible open area#.

- (2) In the remaining 60 percent or more of such area, the provisions of paragraph (b) of Section 37-721 shall apply, except that no more than 40 continuous linear feet of any #street# frontage occupied by a #publicly accessible open area# may be obstructed. Furthermore, planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of Section 91-832 may be located in such area.
- (3) For #corner public plazas#, the requirements of this paragraph (a) shall apply separately to each #street# frontage, and the area within ten feet of the intersection of any #street# and Water Street or Wall Street shall be at the same elevation as the adjoining public sidewalk, except where there is a change in elevation permitted by paragraph (e) of Section 91-832, and such area shall be free of obstructions except as may otherwise be provided in paragraph (a)(1) of this Section.
- (b) The provisions of Section 37-723 (Circulation paths) shall be modified so that the required circulation path of at least eight feet clear width shall be located adjacent to the #street wall# and shall extend for at least 80 percent of the length of such #street wall#. Where there are multiple #street walls#, the provisions of this paragraph shall apply separately to each frontage. In addition to the obstructions that are permitted within circulation paths, moveable tables and chairs, fixed seating and planting beds not exceeding six inches above any adjacent walking surface shall also be considered permitted obstructions provided that an unobstructed path of at least five feet wide is provided.

Where an open air cafe pursuant to Section 37-73 (Kiosks and Open Air Cafes) is provided adjacent to a #building# wall, such open air cafe may occupy a portion of the required circulation path provided that there is an unobstructed clear path of at least six feet wide between the #building# wall and any furnishings of the open air cafe. The unobstructed path shall be included in the calculation of the area occupied by the open air cafe.
- (c) The provisions of Section 37-741 (Seating) that require seating within 15 feet of the #street line# shall not apply to #street# frontages that measure less than 40 feet in length.
- (d) The provisions of Section 37-742 (Planting and trees) shall be further modified as

follows:

- (1) For #publicly accessible open areas# with an area less than 2,000 square feet, the number of required trees shall be reduced to two, and only one tree shall be required to be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, except as may be modified by paragraph (g) of Section 91-832.
- (2) The total area of required planting beds may not be concentrated within one continuous planter or planting bed, except when a #publicly accessible open area# has an area of 1,000 square feet or less.
- (e) The provisions of Section 37-746 (Drinking fountains) shall be modified to require only #publicly accessible open areas# containing an area of 2,000 square feet or more to provide a minimum of one drinking fountain.

91-834

Indoor public spaces

Indoor public spaces are enclosed, climate-controlled areas on a #zoning lot# intended for public use and enjoyment. The standards contained within this Section are intended to serve the same purposes outlined for #public plazas# in Section 37-70. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

- (a) Indoor public spaces shall contain an area of not less than 2,000 square feet and have a minimum width and depth, at any point, of 20 feet. Indoor public spaces shall be located on the ground floor level, shall be directly accessible from all #streets# or #publicly accessible open areas# that the space fronts, and shall extend, at a minimum, for the full height of the ground floor level.
- (b) Indoor public spaces shall be fully enclosed, and the transparency requirements of paragraph (c) of Section 91-831 (Ground floor requirements) shall apply to all #street walls# or #building# walls facing a #publicly accessible open area#. The space shall be heated or air-conditioned, and the standards for heating, ventilating and air-conditioning shall be at least equal to those of the lobby for the principal #use# of the #building#.
- (c) Public access to the indoor public space shall be provided, at a minimum, between the hours of 6:00 a.m. to 12:00 a.m. The hours of access shall be included on all required entry plaques and information plaques in accordance with the provisions of Section 37-751 (Public space signage systems) and paragraph (i) of this Section.

- (d) The provisions of Sections 37-718 (Paving), 37-722 (Level of plaza), 37-728 (Standards of accessibility for persons with disabilities), 37-744 (Litter receptacles), 37-745 (Bicycle parking), 37-746 (Drinking fountains), 37-748 (Additional amenities), 37-752 (Prohibition signs), 37-753 (Accessory signs) and 37-77 (Maintenance) shall apply.
- (e) The provisions of Section 37-723 (Circulation paths) for #through block public plazas# shall apply to #through block arcades# except as otherwise provided in Section 91-821 (Certification for outdoor cafes within arcades) when a cafe is provided. Trees planted flush-to-grade that measure less than four caliper inches at the time of planting, as permitted by paragraph (h) of this Section, shall not be considered permitted obstructions within circulation paths.
- (f) The provisions of paragraphs (a) and (b) of Section 37-726 (Permitted obstructions) shall apply. A kiosk shall be a permitted obstruction provided that the requirements of paragraph (a) of Section 37-73 (Kiosks and Open Air Cafes) are met. A certification pursuant to Section 37-73 shall not be required to locate a kiosk within an indoor public space. A cafe permitted by certification pursuant to Section 91-821 shall be considered a permitted obstruction within an indoor public space and may not occupy more than 20 percent of the indoor public space area.
- (g) The provisions of Section 37-741 for seating shall apply, except as modified as follows:
 - (1) The requirements for seating within 15 feet of a #street line# shall not apply.
 - (2) All of the linear seating capacity may be in moveable seats. Any moveable seats that are provided must remain in the indoor public space during the hours of operation.
 - (3) The requirement that seats that face walls must be a minimum of six feet from such wall shall only apply to fixed seating.
- (h) The requirements of Section 37-742 for planting and trees shall apply, except that the surface area of any vertical planting may be included in the calculation of the total area of planting beds that are provided, and trees shall not be required.
- (i) Public space signage shall be provided in accordance with the provisions of Section 37-751, except as modified as follows:
 - (1) An information plaque shall be provided at each point of pedestrian entry to the

indoor public space. Information plaques for #through block arcades# shall also include lettering stating "PUBLIC ACCESS TO _____ STREET" indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol. Furthermore, a minimum of one additional information plaque shall be provided within the indoor public space.

(2) Paragraph (c) shall not apply.

(j) All indoor public spaces shall be illuminated with a minimum level of illumination of not less than five horizontal foot candles (lumens per foot) throughout the space. The requirements of Section 37-743 for a lighting schedule, a diagram of light level distribution and electrical power shall apply.

(k) The #use# requirements of paragraph (b) and the lobby requirements of paragraph (c)(2) of Section 91-831 shall apply to all #building# walls fronting on an indoor public space that do not face a #street# or #publicly accessible open area#. The provisions of paragraph (c) of Section 37-76 for new or existing #building# walls that are non-transparent _____ shall _____ apply.

(l) The provisions of paragraphs (a) and (b) of Section 37-78 (Compliance) shall not apply.

Subsequent design changes to any indoor public space that was subject to the provisions of this Section may only be permitted pursuant to Section 91-837 (Additional design changes).

91-835
Alternative improvements

A permanent amenity other than the improvement of an existing #publicly accessible open area# pursuant to the provisions of Section 91-832 or the provision of an indoor public space pursuant to the provisions of Section 91-834 may be provided for the properties listed in this Section. The City Planning Commission may authorize an improvement not listed in this Section pursuant to Section 91-843 (Authorization to modify requirements for alternative improvements).

<u>Building Address</u>	<u>Required Alternative Improvement</u>
<u>175 Water Street</u>	<u>Area C on Map 9 in Appendix A of this Chapter, the open area along John Street and the open area along Front Street with a minimum depth of 15 feet measured perpendicular to the Front Street #street line#</u>

	<u>shall be improved in accordance with the provisions of Sections 91-832 and 91-833. Such open area and remaining arcade area shall be considered one contiguous public space and shall be accessible to the public at all times.</u>
<u>100 Wall Street</u>	<u>Maintenance of Manahatta Park between Water Street and Front Street for the life of the #building#.</u>
<u>110 Wall Street</u>	<u>Maintenance of Manahatta Park between Front Street and South Street for the life of the #building#.</u>

91-836

Additional requirements

(a) Legal requirements

All plans for arcades, #publicly accessible open areas#, required open areas, and indoor public spaces that are the subject of a certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades) shall be filed and duly recorded in the New York County Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson of the City Planning Commission, providing notice of the certification pursuant to Section 91-83. The filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Where compensating amenity required by condition (b) of Section 91-83 is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for such #enlargement# until the compensating amenity has been substantially completed in accordance with the approved plans, as certified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section 91-835 (Alternative improvements), the commitment to provide or maintain such compensating amenity shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form

and content of the legal instrument shall be satisfactory to the Chairperson, and the filing of such instrument in the New York County Office of the City Register shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Modifications to the declaration required by this paragraph may only be allowed upon approval by the Chairperson.

(b) Existing approvals by the Board of Standards and Appeals

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the application pursuant to Section 91-83 shall be referred for thirty (30) days to the Board of Standards and Appeals who shall certify to the Department of City Planning whether such application would not result in a departure from the findings and conditions specified in the original approval.

(c) Community Board review

No earlier than the date on which the application for certification pursuant to Section 91-83 is filed, a copy of the application shall be submitted by the applicant to the affected Community Board, which shall have 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted to the Chairperson comments regarding such proposal or informed the Chairperson that the Community Board has no comments.

91-837

Additional design changes

Design changes to any #publicly accessible open area#, required open area or indoor public space improved pursuant to the provisions of Sections 91-832 (Plaza improvements) or 91-834 (Indoor public spaces) may only be made upon certification by the Chairperson of the City Planning Commission that such changes would result in a #publicly accessible open area# or indoor public space that is compliant with the Section under which it was previously approved. As part of the certification, a horizontal #enlargement# on the ground floor level may be permitted along existing #building# walls that face the #publicly accessible open area# and do not face an arcade. The locational requirements of paragraph (a)(1) of Section 91-831 (Ground floor requirements) and the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply. The legal requirements of paragraph (a) of Section 91-836 shall apply.

91-84

Authorizations

91-841

Authorization for retail uses within existing arcades

The City Planning Commission may authorize a horizontal #enlargement# of the ground floor and second floor levels within an arcade located within Area B on Map 9 in Appendix A of this Chapter. In order to grant an authorization, the Commission shall find that:

- (a) the requirements of Section 91-831 (Ground floor requirements) are met;
- (b) a compensating amenity is provided pursuant to the provisions of Section 91-832 for plazas, Section 91-834 for indoor public spaces or Section 91-835 for alternative improvements;
- (c) sufficient unobstructed space exists adjacent to the proposed #enlargement# to facilitate pedestrian circulation; and
- (d) the #enlargement# will maintain a visual or physical connection to Water Street from another #street#, #public park# or #publicly accessible open area#.

As part of the authorization, the Commission may modify the requirements for the location of new #building# walls of paragraph (a) of Section 91-831 (Ground floor requirements).

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section 91-835, an improvement to all #publicly accessible open areas# pursuant to the provisions of Section 91-832 shall be required as the compensating amenity required by finding (b) of this Section, and a certification for design changes pursuant to Section 37-625 (Design changes) shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section 37-625 that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades) or a prior authorization pursuant to this Section may satisfy the requirement of finding (b) of this Section for a compensating amenity.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an arcade that did not generate a #floor

area# bonus prior to [effective date of amendment]. The provisions of Section 91-831 (Ground floor requirements) shall not apply to such portion of the horizontal #enlargement#.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an arcade. The locational requirements of paragraph (a)(1) of Section 91-831 and the frontage prohibitions of paragraph (b)(1)(ii) of Section 91-831 shall apply to such #enlargement#. Where the #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply.

All plans for arcades, #publicly accessible open areas#, required open areas and indoor public spaces, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Commission, providing notice of the authorization pursuant to this Section. The filing and recording of such instrument shall be a precondition to the issuance of a building permit. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Where a compensating amenity required by condition (b) of Section 91-83 is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for any #enlargement# unless and until the compensating amenity has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section 91-835 (Alternative improvements), the applicable legal requirements of Section 91-836 (Additional requirements) shall apply.

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the requirements of paragraph (b) Section 91-836 shall apply.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-842

Authorization to modify design requirements

The City Planning Commission may authorize a modification of the requirements of Section 91-831 (Ground floor requirements), the provisions of Sections 91-832 (Plaza improvements) and 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# and the provisions of Section 91-834 for indoor public spaces. In no event shall an

#enlargement# be permitted within a #publicly accessible open area# or other required open area unless specified on Map 9 of Appendix A of this Chapter.

In order to grant such authorization, the Commission shall find:

- (a) the location, #use#, access, size, and treatment of the #enlargement# would result in a superior urban design relationship with the surrounding #streets#, #buildings# and open areas; and
- (b) the usefulness and attractiveness of the #publicly accessible open area#, required open area or indoor public space will be assured by the proposed layout and design, and that such modification will result in a superior urban design relationship with surrounding #streets#, #buildings# and open areas.

The Commission may prescribe appropriate conditions and controls to enhance the relationship between the #enlargement#, #publicly accessible open area#, required open area or indoor public space and the surrounding #streets#, #buildings# and open areas.

91-843

Authorization to modify requirements for alternative improvements

The City Planning Commission may authorize an alternative improvement not listed in Section 91-835 provided that the Commission finds that the new amenity will better serve the purpose of the Water Street Subdistrict described in Section 91-00 (GENERAL PURPOSES).

As a condition of the authorization, for a compensating amenity that is located within a #street# or #public park#, the commitment to provide or maintain such compensating amenity shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form and content of the legal instrument shall be satisfactory to the Commission, and the filing of such instrument in the New York County Office of the City Register shall be a precondition to the issuance of a building permit. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

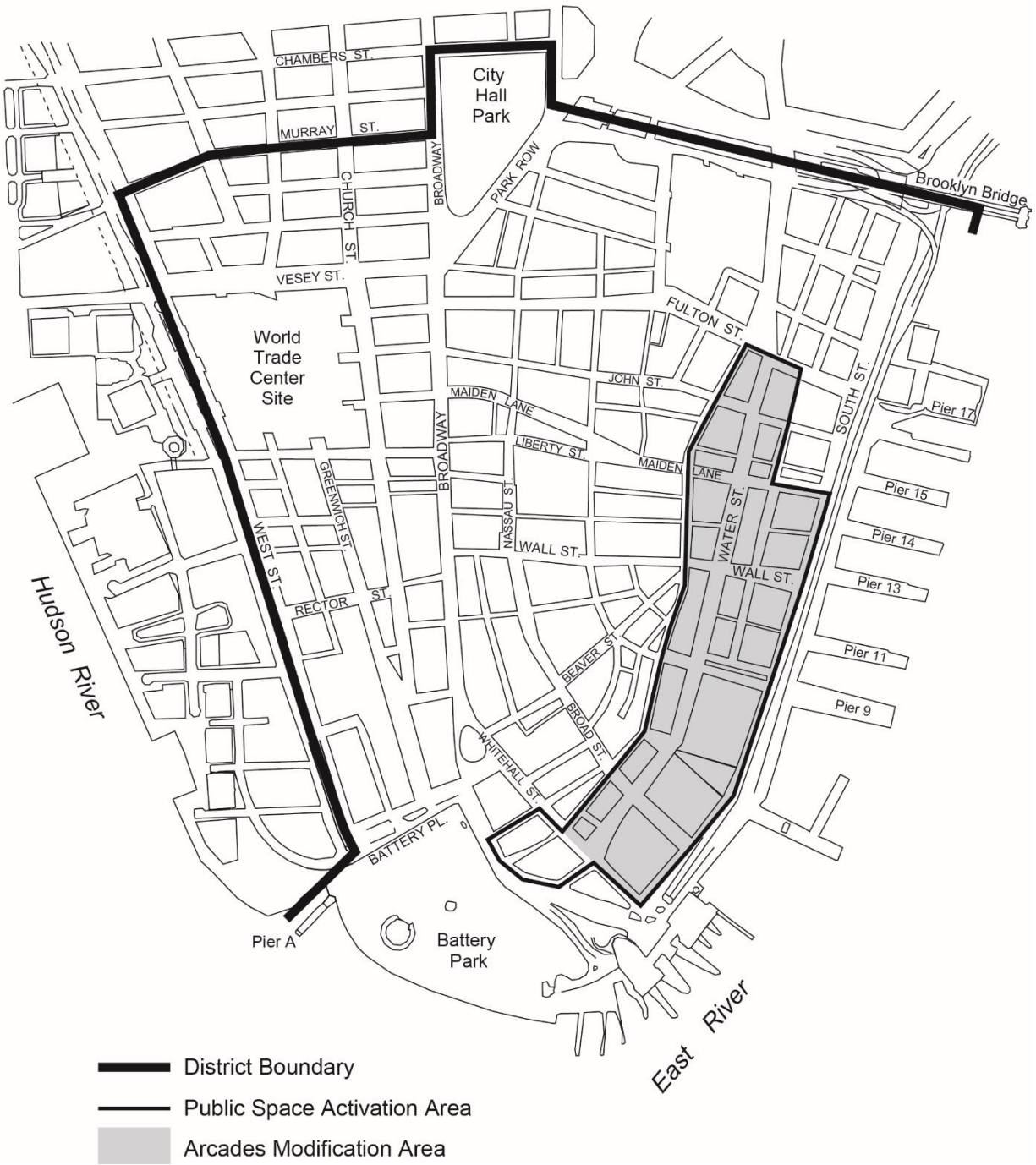
* * *

Appendix A
Lower Manhattan District Plan Maps

* * *

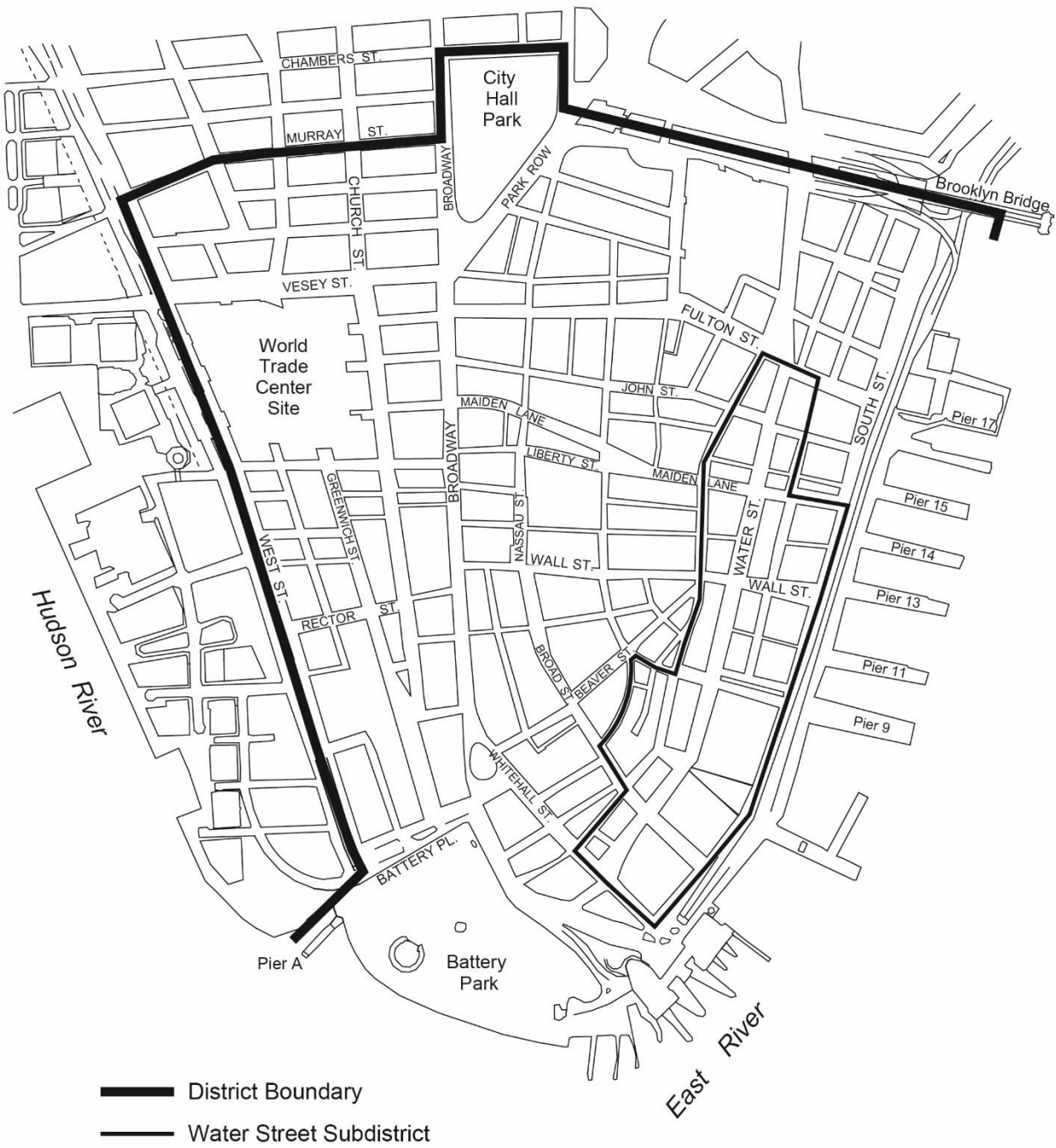
Map 8. Public Access Modification Areas

[MAP TO BE DELETED]



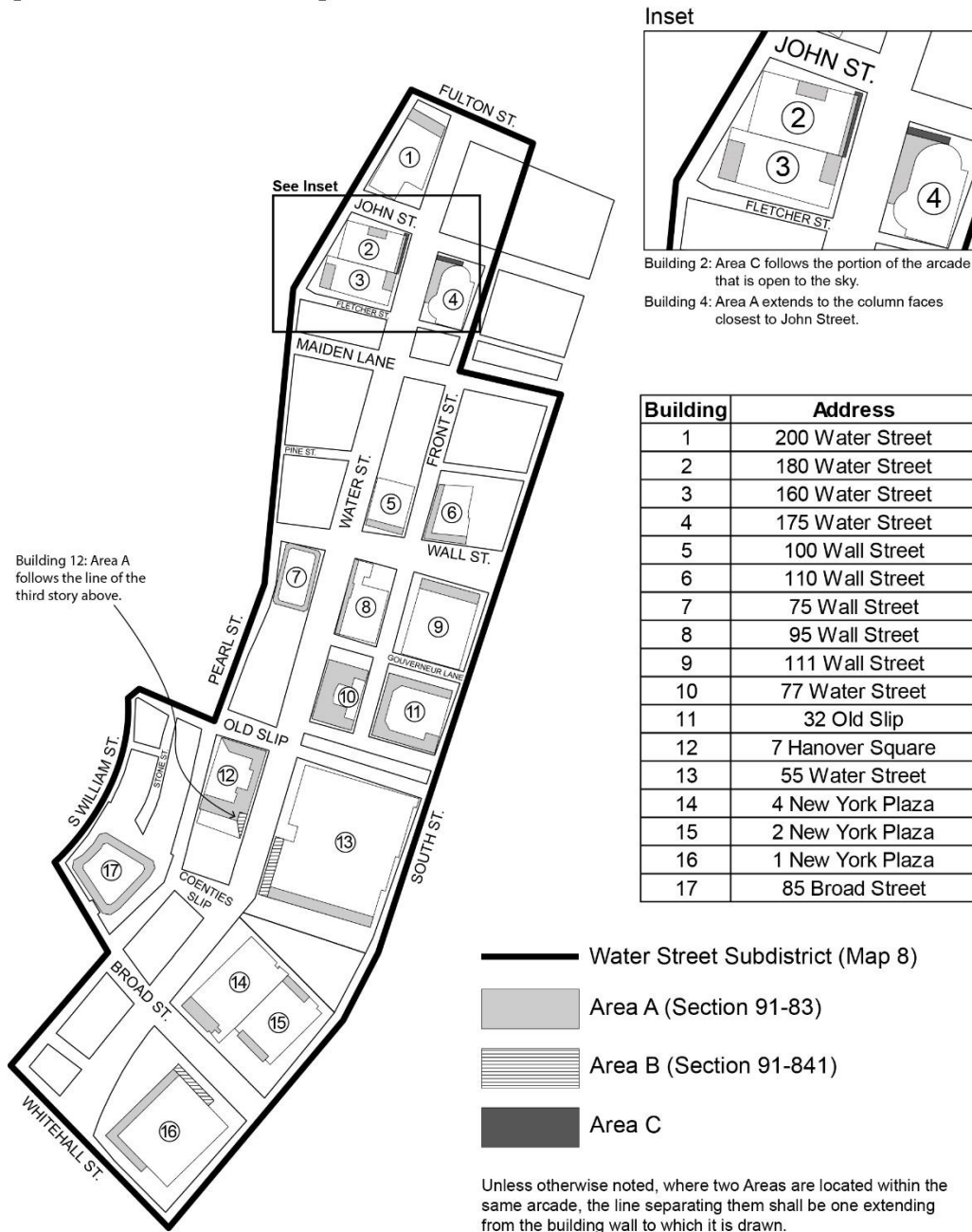
Map 8. Public Access Modification Areas

[MAP TO BE ADDED]



Map 9. Water Street Subdistrict

[MAP TO BE ADDED]



End Text

91-80

PUBLIC ACCESS AREAS

91-81

Certification to Modify Existing Arcades in Certain Areas

For the purposes of this Section, “arcade” shall refer to an ~~#arcade#~~ or ~~#through block arcade#~~ provided in accordance with the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES); or an arcade provided in accordance with paragraph (a) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces); or an open space provided on a ~~#zoning lot#~~ between the ~~#building street wall#~~ and the ~~#street line#~~ where tables and chairs would otherwise not be allowed as permitted obstructions.

The provisions of this Section shall apply to existing ~~#buildings#~~ providing an arcade within the boundary designated by Map 8 in Appendix A of this Chapter.

Any underlying provisions restricting the placement of tables and chairs within such arcades may be modified where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such modifications are consistent with the provisions of this Section, as follows:

(a) — Tables and chairs

—— Publicly accessible tables and chairs and outdoor cafes, as well as shade umbrellas and other furnishings, shall be permitted obstructions within an arcade, provided that such obstructions comply with the provisions listed in paragraphs (a) and (b) of this Section, as applicable.

—— Tables or chairs provided within an arcade shall be moveable and shall not contain any plastic material.

—— Where an outdoor cafe is provided, it shall be a permanently unenclosed establishment and may have waiter or table service.

(1) — Number and size of tables and chairs

—— A minimum of four tables and sixteen chairs shall be provided within an arcade.

(i) — Publicly accessible tables and chairs

~~Publicly accessible tables, and related chairs, shall constitute a minimum of 40 percent of the total number of tables provided within an arcade. Fractions equal to or greater than one half resulting from such calculation shall result in one additional table. Every publicly accessible table required by such calculation shall be required to have four chairs.~~

~~All tables shall have a minimum diameter of two feet. All publicly accessible chairs shall have seat backs, and the seats shall have a minimum depth of 12 inches and a maximum depth of 20 inches.~~

~~(ii) Outdoor cafe~~

~~Outdoor cafe tables, and related chairs, shall constitute a maximum of 60 percent of the total number of tables provided within an arcade. Fractions equal to or greater than one half resulting from such calculation shall result in one additional table.~~

~~(2) Location restrictions and other prohibitions~~

~~Tables or chairs shall not be permitted within five feet of any #building# entrance. For arcades with a depth of ten feet or less, as measured from the column face furthest from the #street line# to the #street wall#, a clear pedestrian circulation pathway not less than three feet shall be provided. For arcades with a depth greater than ten feet, such required clear pedestrian pathway shall be increased to at least six feet. In addition, for #through block arcades#, a continuous clear path of ten feet shall be provided, connecting each #street# on which the public access area fronts.~~

~~(i) Publicly accessible tables and chairs~~

~~For arcades located on a #zoning lot# with frontage along Water Street, at least half of all publicly accessible tables and chairs shall be located within 25 feet of the Water Street #street line#.~~

~~(ii) Outdoor cafe~~

~~Outdoor cafes shall be located at the same elevation as the adjoining sidewalk area or #publicly accessible open area#, except that platforms that do not exceed a height of six inches may be provided.~~

~~Fences, planters, walls, fabric dividers or other barriers that separate outdoor cafe areas from other portions of the arcade or adjacent sidewalks or #publicly accessible open areas# shall be prohibited. No kitchen equipment shall be installed within an outdoor cafe.~~

~~(3) Hours of operation~~

~~(i) Publicly accessible tables and chairs~~

~~Tables and chairs shall not be chained, fixed or otherwise secured during the hours of 7:00 am to 9:00 pm. However, during the hours of 9:00 pm to 7:00 am, such tables and chairs may be removed or secured within the arcade.~~

~~Where publicly accessible tables and chairs and outdoor cafes are provided within an arcade, such publicly accessible tables and chairs shall be subject to the hours of operation of an outdoor cafe, as set forth in paragraph (a)(3)(ii) of this Section.~~

~~(ii) Outdoor cafe~~

~~Outdoor cafes must be in operation and provide service a minimum of 225 days per year.~~

~~All furnishings of an outdoor cafe, including tables, chairs, bussing stations and heating lamps, shall be completely removed from the arcade when the outdoor cafe is not in active use, except that tables and chairs may remain in such arcade if they are unsecured and may be used by the public without restriction.~~

~~(4) Locating publicly accessible tables and chairs within an adjacent #publicly accessible open area#~~

~~Where tables and chairs are provided in an arcade located on the same #zoning lot# as an existing #publicly accessible open area# that fronts upon Water Street, the Chairperson of the City Planning Commission may certify that publicly accessible tables and chairs, provided pursuant to paragraph (a)(2)(i) of this Section, may be located within such a #publicly accessible open area#.~~

~~The area within such #publicly accessible open area# occupied by publicly~~

~~accessible tables and chairs provided pursuant to this paragraph, (a)(4), shall not be included in calculating the maximum #lot coverage# which permitted obstructions may occupy within such #publicly accessible open area#, where applicable.~~

~~— Such publicly accessible tables and chairs shall not constitute a design change pursuant to the provisions of Section 37-62 (Changes to Existing Publicly Accessible Open Areas), provided the Chairperson finds that:~~

- ~~(i) — no more than 50 percent of the publicly accessible tables and chairs required to be within 25 feet of the Water Street #street line#, pursuant to paragraph (a)(2)(i), shall be located within such #publicly accessible open area#. However, where the entirety of an arcade is located beyond 25 feet of the Water Street #street line#, the entirety of the publicly accessible tables and chairs required to be within 25 feet of such #street line#, pursuant to paragraph (a)(2)(i), may be located within such #publicly accessible open area#;~~
- ~~(ii) — such publicly accessible tables and chairs shall in no event constitute required seating for such existing #publicly accessible open area#; and~~
- ~~(iii) — such publicly accessible tables and chairs comply with the hours of operation provisions of paragraph (a)(3) of this Section.~~

~~Any proposed design change to an existing #publicly accessible open area# beyond the findings permitted in this Section shall be subject to the requirements of Section 37-62.~~

~~(b) — Litter receptacles~~

~~Litter receptacles shall be permitted obstructions within an arcade pursuant to the provisions set forth in Section 37-744.~~

~~In order to certify that the proposed modification to an existing arcade is consistent with the provisions of this Section, the applicant shall submit, to the Chairperson, a site plan demonstrating the proposed obstructions within the existing arcade and, where applicable, the adjacent #publicly accessible open area#, and a detailed seating plan illustrating compliance with paragraph (a) of this Section.~~

~~All plans for arcades or other #publicly accessible open areas# that are the subject of a~~

~~certification pursuant to this Section shall be filed and duly recorded in the Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the arcade, pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.~~

91-82

Existing Publicly Accessible Open Areas

~~The purpose of this Section is to facilitate temporary programmatic changes to existing public spaces to:~~

- ~~(a) — help address the short term challenges facing the Water Street corridor as a result of Hurricane Sandy by encouraging increased economic activity, reinforcing community connections, creating a lively and engaging experience and improving the corridor's pedestrian environment; and~~
- ~~(b) explore new types of #uses# and amenities within public spaces intended to draw residents, workers and visitors, thereby increasing the utilization and activation of the existing public spaces.~~

~~This Section, inclusive, shall be effective until January 1, 2014, at which time the provisions of this Section shall automatically expire and all #publicly accessible open areas#, as defined in Section 91-821, shall be returned to their compliant state and all temporary obstructions shall be removed.~~

91-821

Special provisions for publicly accessible open areas

~~For the purposes of this Section, the definition of #publicly accessible open area# shall also include any #arcade#, #through block arcade#, or other public amenity, open or enclosed, for which a #floor area# bonus has been granted.~~

~~The provisions of this Section shall apply to all #publicly accessible open areas# existing on June 12, 2013, within the area designated as a public space activation area on Map 8 (Public Access Modification Areas) in Appendix A of this Chapter.~~

~~Any underlying provisions, including Section 91-81 of this Chapter, restricting the placement of obstructions within #publicly accessible open areas# or restricting their use for events may be modified, as follows:~~

~~(a) Temporary permitted obstructions~~

~~_____ Amenities that shall be considered temporary permitted obstructions for cultural, entertainment and #commercial uses# including, but not limited to, tables, chairs, moveable planters, stages, kiosks, food trucks, artwork, and shade structures are allowed, provided that they:~~

- ~~(1) _____ are not permanently affixed to the ground and do not cause damage to any surface of the #publicly accessible open area#;~~
- ~~(2) _____ are not located within five feet of any #building# entrance; and~~
- ~~(3) _____ do not, in combination, occupy more than 60 percent of the #publicly accessible open area#.~~

~~(b) Events~~

~~_____ Events including, but not limited to, farmers markets, holiday markets, concerts and performances, art and cultural exhibitions, and festivals are permitted. Such events may be sponsored by non-profit or for-profit entities, without limitation, and may include the sale of food, refreshments and other event-related items, for the benefit or enjoyment of event participants. The use of a #publicly accessible open area# for the promotion of products or services shall not itself qualify as an event permitted under this Section. Such events shall:~~

- ~~(1) be open to the public; and~~
- ~~(2) only be permitted to use amplified sound between the hours of 9:00 am and 10:00 pm.~~

~~Nothing herein shall authorize the use of city #streets# or sidewalks in connection with an event permitted under this Section, and any such use shall be subject to all applicable provisions of law and regulation governing the use of city #streets# or sidewalks including, where applicable, the requirement to obtain a street activity permit from the Street Activity Permit Office of the Office of Citywide Events Coordination and Management. No event shall be permitted pursuant to this Section unless, no later than fourteen (14) days prior to the scheduled date, the sponsor notifies~~

~~the Street Activity Permit Office of the nature, size and location of the event upon a form prescribed by the Street Activity Permit Office for such purpose.~~

APPENDIX H: TECHNICAL MEMORANDUMS

TECHNICAL MEMORANDUM 001
WATER STREET UPGRADES TEXT AMENDMENT
CEQR No. 16DCP084M

April 22, 2016

A. INTRODUCTION

The New York City Economic Development Corporation (NYC EDC), the Alliance for Downtown New York (ADNY), and the New York City Department of City (NYC DCP) propose a zoning text amendment to Section 91-80 (Public Access Areas) and Appendix A of the Special Lower Manhattan District, Section 37-625 (Design changes), and Section 37-73 (Kiosks and Open Air Cafes) of the New York City Zoning Resolution. The proposed action would facilitate the infill of existing arcades for retail use and the improvement of existing plazas by CPC certification and authorization in the Water Street commercial corridor in Community District 1, Manhattan. The directly affected area is comprised of portions of 13 blocks located in C6-9, C5-3, C5-5, and C6-4 zoning districts within the Special Lower Manhattan District (SLMD.) The directly affected area contains two designated New York City historic districts that are also listed on the State and National Register of Historic Places — the Fraunces Tavern Block Historic District and the Stone Street Historic District. The directly affected area is also contiguous to the State and National Register listed Wall Street Historic District and the New York City designated South Street Seaport Historic District.

An Environmental Assessment Statement (EAS) for the proposed zoning text amendment was completed on January 18, 2016 and a Negative Declaration was issued on January 19, 2016. A Revised EAS, completed on April 22, 2016, considered further City Planning Commission (CPC) modifications to the proposed zoning text amendment. These modifications to the proposed zoning text amendment are detailed and analyzed in Section B below.

B. DESCRIPTION OF THE POTENTIAL MODIFICATIONS AND ANALYSIS

The potential CPC Modifications consist of changes in the following areas: 1) Clarifying edits to the language and wording throughout the proposal 2) Addition of a community board referral for certifications 3) Clarification that permitted residential uses on the ground floor are limited to lobbies 4) Clarification of the periodic compliance reporting requirement for plazas 5) Clarification of the signage requirements for indoor public spaces 6) Expansion of the requirement for multiple establishments for the longest frontage of infill to apply to all arcades 7) Removal of Use Group 5A (hotel rooms) from the uses permitted within arcade infill. Each of these is described below.

1) CLARIFYING EDITS TO THE LANGUAGE AND WORDING THROUGHOUT THE PROPOSED ZONING TEXT AMENDMENT

Various text edits are proposed throughout the zoning text amendment. These text edits are not substantive in nature and would not have the potential to result in environmental impacts.

2) ADDITION OF A COMMUNITY BOARD REFERRAL FOR CERTIFICATIONS

Per the proposed zoning text, all Chairperson certification applications will be submitted to and reviewed by the affected Community Board for a maximum period of 45 days. The CPC Chairperson shall not issue a certification for the application during the Community Board review period, unless the Community Board has submitted to the CPC Chairperson comments regarding such proposal or informed the Chairperson that the Community Board has no comments.

This change is procedural in nature and would not have the potential to result in environmental impacts.

3) CLARIFICATION THAT PERMITTED RESIDENTIAL USES ON THE GROUND FLOOR ARE LIMITED TO LOBBIES

This change clarifies that residential uses on the ground floor are limited to lobbies. In the environmental assessment, no new dwelling units were assumed; only the expansion of existing dwelling units on the second level of one site were considered. This change would not impact the amount of residential space in either the No Action or With Action Scenario.

4) CLARIFICATION OF THE PERIODIC COMPLIANCE REPORTING REQUIREMENT FOR PLAZAS

This is procedural and would not have the potential to cause environmental impacts.

5) CLARIFICATION OF THE SIGNAGE REQUIREMENTS FOR INDOOR PUBLIC SPACES

Under the revised text, public space signage for through block arcades will include the name of the street to which the through block connection passes.

This change to the proposed zoning text would not have the potential to cause environmental impacts.

6) EXPANSION OF THE REQUIREMENT FOR MULTIPLE ESTABLISHMENTS TO APPLY TO ALL ENLARGEMENTS AND EXCLUSION OF USE GROUP 5A FROM LOCATING WITHIN INFILL.

The expanded requirement for multiple establishments to apply to all enlargements would require more than one establishment and would encourage the creation of smaller stores. The environmental assessment assumed that new retail would not be destination retail and would serve the surrounding community; further clarifying this assumption in the zoning text amendment would not have the potential to result in environmental impacts.

7) REMOVAL OF USE GROUP 5A (HOTEL ROOMS) FROM THE USES PERMITTED WITHIN ARCADE INFILL.

The proposed zoning text would exclude Use Groups 5A (but would continue to allow Use Group 5B) from locating within infill.

The location of hotel rooms on the ground floor was considered highly unlikely and therefore was not analyzed in the environmental assessment. Therefore, this text clarification further supports this assumption and would not have the potential to result in environmental impacts.

C. CONCLUSION

The Potential CPC Modifications to the proposed zoning text would not result in any new or different environmental impacts than those disclosed in the EAS.

TECHNICAL MEMORANDUM 002
WATER STREET UPGRADES TEXT AMENDMENT
CEQR No. 16DCP084M

June 17, 2016

A. INTRODUCTION

The New York City Economic Development Corporation (NYC EDC), the Alliance for Downtown New York (ADNY), and the New York City Department of City Planning (DCP) propose a zoning text amendment to Section 91-80 (Public Access Areas) and Appendix A of the Special Lower Manhattan District, Section 37-625 (Design changes), and Section 37-73 (Kiosks and Open Air Cafes) of the New York City Zoning Resolution (ZR). The proposed action would facilitate the infill of existing arcades for retail use and the improvement of existing plazas by City Planning Commission (CPC) certification and authorization in the Water Street commercial corridor in Community District 1, Manhattan. The directly affected area is comprised of portions of 13 blocks located in C6-9, C5-3, C5-5, and C6-4 zoning districts within the Special Lower Manhattan District (SLMD). The directly affected area contains two designated New York City historic districts that are also listed on the State and National Register of Historic Places — the Fraunces Tavern Block Historic District and the Stone Street Historic District. The directly affected area is also contiguous to the State and National Register listed Wall Street Historic District and the New York City designated South Street Seaport Historic District.

An Environmental Assessment Statement (EAS) for the proposed zoning text amendment was completed on January 18, 2016 and a Negative Declaration was issued on January 19, 2016. A Revised EAS, completed on April 22, 2016, considered CPC modifications to the proposed zoning text amendment. The modifications proposed by the CPC were analyzed in Technical Memorandum 001, dated April 22, 2016, and were not found to result in any new or different environmental impacts than those disclosed in the January 18, 2016 EAS. On June 15, 2016, the New York City Council (the Council) proposed additional modifications to the adopted text amendment which were analyzed in a Revised Environmental Assessment dated June 17, 2016. These proposed modifications are described below in Section B.

B. DESCRIPTION OF THE POTENTIAL MODIFICATIONS AND ANALYSIS

The proposed Council modifications consist of changes in the following areas: (i) minor clarifying edits to the language and wording throughout the proposal; (ii) addition of a special permit requirement for infill of 7,500 or more square feet; (iii) additional requirement that the community board, borough president, and council member be notified of events at least thirty (30) days prior to the event; (iv) exclusion of additional uses from those permitted within infill and establishment of frontage restrictions for banks and drug stores; (v) reinstatement of the periodic compliance reporting requirement and providing such report be provided to the council member; and (vi) modification to the proposed Map 9 of Appendix A to reflect a change of permitted infill approval at 200 Water Street and 75 Wall Street from approval by certification to approval by authorization.

Each of these is described below.

1. MINOR CLARIFYING EDITS TO THE LANGUAGE AND WORDING THROUGHOUT THE PROPOSED ZONING TEXT AMENDMENT, INCLUDING A CHANGE IN TITLE OF SECTION 91-837

Various text edits are proposed throughout the zoning text amendment. These text edits are not substantive in nature and would not have the potential to result in environmental impacts.

2. ADDITION OF A SPECIAL PERMIT REQUIREMENT FOR INFILL OF 7,500 OR MORE SQUARE FEET [ZR 91-85]

This proposed modification would require a special permit from the CPC for approval of enlargements that are 7,500 or more square feet, exclusive of any area occupied by indoor public spaces, that are provided in accordance with the provisions of proposed Section 91-834, in addition to any required certification or authorization.

This is an additional procedural requirement and is more conservative in nature than what previously existed; it would not affect the conclusions of any technical area analyzed in either the original or Revised EAS. Since the issuance of a special permit by CPC is a discretionary action, each application for a special permit would be subject to review pursuant to CEQR on a case-by-case basis. There would be no additional effects of the special permit requirement that would have the potential to result in environmental impacts.

3. ADDITION OF A NOTIFICATION REQUIREMENT TO THE COMMUNITY BOARD, BOROUGH PRESIDENT, AND COUNCIL MEMBER AT LEAST THIRTY (30) DAYS PRIOR TO THE SCHEDULED DATE OF AN EVENT [ZR 91-81]

This proposed modification to the adopted zoning text is procedural in nature and, therefore, would not have the potential to result in environmental impacts.

4. ADDITIONAL OF USES EXCLUDED FROM INFILL AND FRONTAGE RESTRICTIONS FOR BANKS AND DRUG STORES [ZR 91-831]

In addition to Use Group 5A (Transient hotels), the proposed Council modification to the adopted zoning text would include Use Groups 7A (Transient Accommodations), 7B (Retail or Service Establishments), 8B (Retail or Service Establishments), 9A (Retail or Service Establishments), 10A (Retail or Service Establishments), 12A (Amusements), 12B (Retail Establishments), or 12C (Public Service Establishments), except that studios for art, music, dancing, or theater (Use Group 9A) and bicycle rental or repair shops (Use Group 7B) would be permitted. Furthermore, permitted banks are limited to 30 feet of frontage and drug stores are limited to 50 feet of frontage

Excluding these Use Groups further supports the intent of the proposed actions to be focused on the retail needs of area workers and residents. Further, restriction of these uses would not affect the conclusions of the Revised Negative Declaration dated April 22, 2016 as the exclusion of these Use Groups is more conservative than what was analyzed in the Revised EAS dated April 22, 2016. Consequentially, this proposed modification would not have the potential to result in environmental impacts.

5. RESTORATION OF THE PERIODIC COMPLIANCE REPORTING REQUIREMENT AND AN ADDITIONAL REQUIREMENT THAT REPORTS BE TRANSMITTED TO THE COUNCIL MEMBER [ZR 91-832, 91-834]

This proposed modification is procedural in nature and would not have the potential to result in environmental impacts.

6. MODIFICATION TO MAP 9 OF APPENDIX A TO REFLECT A CHANGE IN THE APPROVAL PROCESS FOR PERMITTED INFILL AT 200 WATER STREET AND 75 WALL STREET FROM APPROVAL BY CERTIFICATION TO APPROVAL BY AUTHORIZATION [ARTICLE IX, CHAPTER 1, APPENDIX A]

This proposed modification would change the approval process for two sites from approval by certification to approval by authorization. Not only is this change procedural in nature, but it is a change from a non- discretionary (certification) action to discretionary (authorization), which is more conservative in nature. Therefore, this proposed modification would not have the potential to result in environmental impacts.

7. ADDITION OF REFERRAL TO THE COUNCIL MEMBER FOR CERTIFICATIONS, IN ADDITION TO REFERRAL TO THE COMMUNITY BOARD

In addition to submission to the community board, applications for certifications would also be sent to the council member who would have the same 45 day to review. This change is procedural in nature and would not have the potential to result in environmental impacts.

8. ADDED REQUIREMENT THAT LIGHTING, TRANSPARENCY, AND BUILDING WALL TREATMENT REQUIREMENTS APPLY TO BUILDINGS WITH MULTIPLE ARCADE FRONTAGES IF ANY PORTION OF THE ARCADE REMAINS OPEN

Although an added requirement, the transparency requirements were previously applied elsewhere in the proposed Zoning Text Amendment- for all new building walls; this proposed modification expands the applicability of that requirement. The requirement to treat non-transparent walls also existed for such walls facing a plaza. The lighting requirement is new, but is identical to an existing requirement for arcades that also satisfy requirements for pedestrian circulation space (see Section 37-53(a)(5)).

As these types of requirements for lighting, transparency, and building wall treatment previously existed elsewhere in the study area- they were considered in earlier versions of the EAS. Consequentially, these changes do not have the potential to result in new environmental impacts.

9. ADDITION OF A FINDING TO THE AUTHORIZATION TO MODIFY DESIGN REQUIREMENTS [SECTION 91-842]

With respect to the findings required for the CPC to modify design requirements, the proposed Council modification would add an additional finding that would require that any waiver of required amenities and circulation paths would be the minimum required to create a better site plan. This additional finding would not have the potential to result in any new significant impacts.

In conclusion, none of the proposed Council modifications to the ZR text amendment adopted by the CPC on April 25, 2016, would have the potential to result in any new or different environmental impacts than those disclosed in the Revised Negative Declaration dated April 25, 2016 and the Revised Environmental Assessment dated April 22, 2016.