



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 40 Wooster Street					
1. Reference Numbers					
CEQR REFERENCE NUMBER (to be assigned by lead agency) 17DCP113M			BSA REFERENCE NUMBER (if applicable)		
ULURP REFERENCE NUMBER (if applicable) 160349ZSM			OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA)		
2a. Lead Agency Information			2b. Applicant Information		
NAME OF LEAD AGENCY NYC Department of City Planning			NAME OF APPLICANT 40 Wooster Restoration LLC		
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin, Director EARD			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Daniel M. Broe, PhD / PlanningWorksNYC, LLC		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 244 Fifth Avenue - 14th Floor		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10037
TELEPHONE 2127203423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE 6312586827	EMAIL dbroe@planningworks.nyc	
3. Action Classification and Type					
SEQRA Classification					
<input type="checkbox"/> UNLISTED <input checked="" type="checkbox"/> TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): In SoHo CI Historic District					
Action Type (refer to Chapter 2 , "Establishing the Analysis Framework" for guidance)					
<input checked="" type="checkbox"/> LOCALIZED ACTION, SITE SPECIFIC <input type="checkbox"/> LOCALIZED ACTION, SMALL AREA <input type="checkbox"/> GENERIC ACTION					
4. Project Description					
<p>The Applicant, 40 Wooster Restoration, LLC seeks a Special Permit pursuant to Zoning Resolution (ZR) Section 74-711 to modify the permitted use provisions in ZR Section 42-00 and 42-14 (the "Proposed Action"). The Proposed Action is site-specific and would affect only the six-story building at 40 Wooster Street (Block 4 75, Lot 34, the "Development Site") located in an M1-5B zoning district, in the SoHo neighborhood of Manhattan's Community District 2. M1-5B zoning districts do not permit Use Group 2 residential uses or ground floor Use Group 6 retail uses as a matter of right. The Proposed Action would allow the conversion of the Development Site, containing Use Group 6 office space, a non-conforming Use Group 10 showroom, a fitness studio, and vacant space (totaling 16,447 gross square feet), to a 16,238 gross square foot mixed use building with 3,074 gross square feet of ground floor Use Group 6 retail space and 13,164 gross square feet (four units) of Use Group 2 residential space on floors two through six. While the affected property itself is not a designated landmark, the property is located within the SoHo Cast Iron Historic District, designated by the NYC Landmarks Preservation Commission in 1971.</p>					
Project Location					
BOROUGH Manhattan	COMMUNITY DISTRICT(S) 2		STREET ADDRESS 40 Wooster Street		
TAX BLOCK(S) AND LOT(S) Block 475/Lot 34			ZIP CODE 10013		
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS East side of Wooster Street between Grand Street and Broome Street					
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY M1-5B in SoHo Cast Iron Historic District.				ZONING SECTIONAL MAP NUMBER 12a	
5. Required Actions or Approvals (check all that apply)					
City Planning Commission: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNIFORM LAND USE REVIEW PROCEDURE (ULURP)					
<input type="checkbox"/> CITY MAP AMENDMENT	<input type="checkbox"/> ZONING CERTIFICATION	<input type="checkbox"/> CONCESSION			
<input type="checkbox"/> ZONING MAP AMENDMENT	<input type="checkbox"/> ZONING AUTHORIZATION	<input type="checkbox"/> UDAAP			
<input type="checkbox"/> ZONING TEXT AMENDMENT	<input type="checkbox"/> ACQUISITION—REAL PROPERTY	<input type="checkbox"/> REVOCABLE CONSENT			
<input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY	<input type="checkbox"/> DISPOSITION—REAL PROPERTY	<input type="checkbox"/> FRANCHISE			
<input type="checkbox"/> HOUSING PLAN & PROJECT	<input type="checkbox"/> OTHER, explain:				
<input checked="" 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		74-711	
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"/> FUNDING OF CONSTRUCTION, specify:		
<input type="checkbox"/> RULEMAKING	<input type="checkbox"/> POLICY OR PLAN, specify:		
<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES	<input type="checkbox"/> FUNDING OF PROGRAMS, specify:		
<input type="checkbox"/> 384(b)(4) APPROVAL	<input type="checkbox"/> PERMITS, specify:		
<input type="checkbox"/> OTHER, explain:			
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: <i>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.</i>			
Graphics: <i>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.</i>			
<input checked="" type="checkbox"/> SITE LOCATION MAP	<input checked="" type="checkbox"/> ZONING MAP	<input checked="" type="checkbox"/> SANBORN OR OTHER LAND USE MAP	
<input checked="" type="checkbox"/> TAX MAP	<input checked="" type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)		
<input checked="" type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP			
Physical Setting (both developed and undeveloped areas)			
Total directly affected area (sq. ft.): 2,553.09		Waterbody area (sq. ft.) and type: 0	
Roads, buildings, and other paved surfaces (sq. ft.): 2,553.09		Other, describe (sq. ft.): 0	
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): 16,238			
NUMBER OF BUILDINGS: 1		GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 16,238	
HEIGHT OF EACH BUILDING (ft.): 94.5 feet		NUMBER OF STORIES OF EACH BUILDING: 6	
Does the proposed project involve changes in zoning on one or more sites? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
If "yes," specify: The total square feet owned or controlled by the applicant:			
The total square feet not owned or controlled by the applicant:			
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: sq. ft. (width x length)		VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)	
AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)			
8. Analysis Year CEQR Technical Manual Chapter 2			
ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2018			
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 12 months			
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: Interior Renovations, New Bulkhead (12 months)			
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 type="checkbox"/> PARK/FOREST/OPEN SPACE <input type="checkbox"/> OTHER, specify:

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 type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures			UG 2 Multi-Family	UG 2 Multi-Family
No. of dwelling units			4	4
No. of low- to moderate-income units			0	0
Gross floor area (sq. ft.)			13,164	+13,164 (1)
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)	Use Group 6 Office	Use Group 6 Office	UG 6 Retail	+3,074 Retail
Gross floor area (sq. ft.)	4,675	11,461	3,074	-11,461 Office (1)
Manufacturing/Industrial	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" 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	UG 10 Showroom	UG 9 Artist Studio		
Gross floor area (sq. ft.)	4986	4986	0	-4,986
Open storage area (sq. ft.)		0		
If any unenclosed activities, specify:	0	0		
Community Facility	<input checked="" type="checkbox"/> YES <input 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 Fitness Studio	Fitness Studio			
Gross floor area (sq. ft.)	2,262			0
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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe: Vacant Space	4,524			
PARKING				
Garages	<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				
No. of accessory spaces				
Operating hours				
Attended or non-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				
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 type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify number:			8	+8

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Briefly explain how the number of residents was calculated:	At 2 per Unit			
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	4 (2 Offices, fitness, shrm	5 Offices , 1 artist studio	1 Retail Store	-5 Offices - 1 showroom + 1 Store
No. and type of workers by business	18 Office Workers; 8 showroom employees; 8 fitness employees	45 Office Workers 8 Artists/Workers	6 Retail Sales	-47 Employees
No. and type of non-residents who are not workers	16 Visitors	16 Office and Fitness Visitors	303 Shopping Patrons	+287 Visitors
Briefly explain how the number of businesses was calculated:	For Existing: 2 offices with 18 office workers (4 office workers/1,000 gsf); 1 showroom with 8 showroom employees (2 per 1,000 gsf); 1 fitness studio with 8 fitness employees (4 per 1,000 gsf).; visitors calculated as office visitors (follows). For No-Action and With-Action, 1 office per floor; 4 office workers/1,000 gsf = 66 office workers; 18 person trips/1,000 gsf office = 295 daily office trips, assume that average office employee makes 4 trips per day (AM IN, PM OUT and MD IN and OUT) yields 264 daily trips associated w/employees, leaves 295 - 264 = 31 trips associated with office visitors, assume 1 visitor = 2 trips (IN and OUT) yields 16 daily office visitors. 1 retail store; 2 retail employees per 1,000 gsf, same methodology as described for office visitors used to determine retail patrons assuming 205 person trips per 1,000 gsf retail space.			
Other (students, visitors, concert-goers, etc.)	<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 any, specify type and number:				
Briefly explain how the number was calculated:				

ZONING

Zoning classification	M1-5B	M1-5B	M1-5B	N/C
Maximum amount of floor area that can be developed	Max FAR in M1-5B is 5.0; the 2,553 sf lot can be developed with a total of 12,765 sf of floor area.	Max FAR in M1-5B is 5.0; the 2,553 sf lot can be developed with a total of 12,765 sf of floor area.	Max FAR in M1-5B is 5.0; the 2,553 sf lot can be developed with a total of 12,765 sf of floor area.	N/C
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	M1-5A, M1-5B and R7-2/C1-5, retail, office, gallery, residential	M1-5A, M1-5B and R7-2/C1-5, retail, office, gallery, residential	M1-5A, M1-5B and R7-2/C1-5, retail, office, gallery, residential	N/C

Attach any additional information that may be needed to describe the project.

NOTE (1):

As shown on the attached floor plans (Appendix 1), and discussed in *Description of the Proposed Development* in the Supplemental Analysis, although the proposed project includes a new +/-477 gross square foot mechanical bulkhead addition, in total, the proposed renovation would result in 16,238 gross square feet of floor area, a net reduction of 209 square feet from the current 16,447 gross square feet of floor area. This reduction in floor area is achieved through interior renovations that include combining the fifth and sixth floors into a single residential unit, and the removal of a portion of the sixth floor to allow for a vaulted ceiling in a portion of the unit's fifth floor.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(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 type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form .		
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 checked="" 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 checked="" 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 checked="" type="checkbox"/>

	YES	NO
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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		

	YES	NO
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. Located within SoHo Cast Iron Historic District - see attached analysis section.		
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? (*PLEASE SEE SUPPORTING STATEMENT IN SUPPLEMENTAL ANALYSIS SECTION*)	<input type="checkbox"/>	<input checked="" 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 .		
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 checked="" type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(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?	<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 checked="" 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): 2800		
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): +/- 12,500,000		
(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 ?	<input type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input 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 type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input 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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
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 a GHG emissions assessment based on guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
○ 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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.		
17. 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.		
18. 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 checked="" type="checkbox"/>	<input 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.		
19. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
○ 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"/>
○ 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"/>
○ The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
○ Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
○ Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
○ Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
○ 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.		
20. APPLICANT'S CERTIFICATION		

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.

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.

APPLICANT/REPRESENTATIVE NAME Daniel M. Broe, PhD	SIGNATURE <i>Daniel M. Broe</i>	DATE 03/03/17
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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	
		YES	NO
IMPACT CATEGORY			
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.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Check determination to be issued by the lead agency:			
<input type="checkbox"/> 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 <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).			
<input type="checkbox"/> Conditional Negative Declaration: A <i>Conditional Negative Declaration</i> (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.			
<input checked="" type="checkbox"/> 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 <i>Negative Declaration</i> . The <i>Negative Declaration</i> 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 Deputy Director, Environmental Assessment & Review Division		LEAD AGENCY New York City Department of City Planning	
Olga Abinader		DATE March 3, 2017	
SIGNATURE 			

Exhibit A:
600-Foot Radius Area Map

40 Wooster Street, Manhattan
Block 475, Lot 34

Project Information

- 600' Radius
- Project Area
- Zoning Districts
- Special Districts

Existing Commercial Overlays

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

● Subway Entries

5037 Block Numbers

Property Lines

5 Number of Floors

Land Uses

- One & Two Family Residential Buildings
- Multi-Family Residential Buildings
- Mixed Residential & Commercial Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land

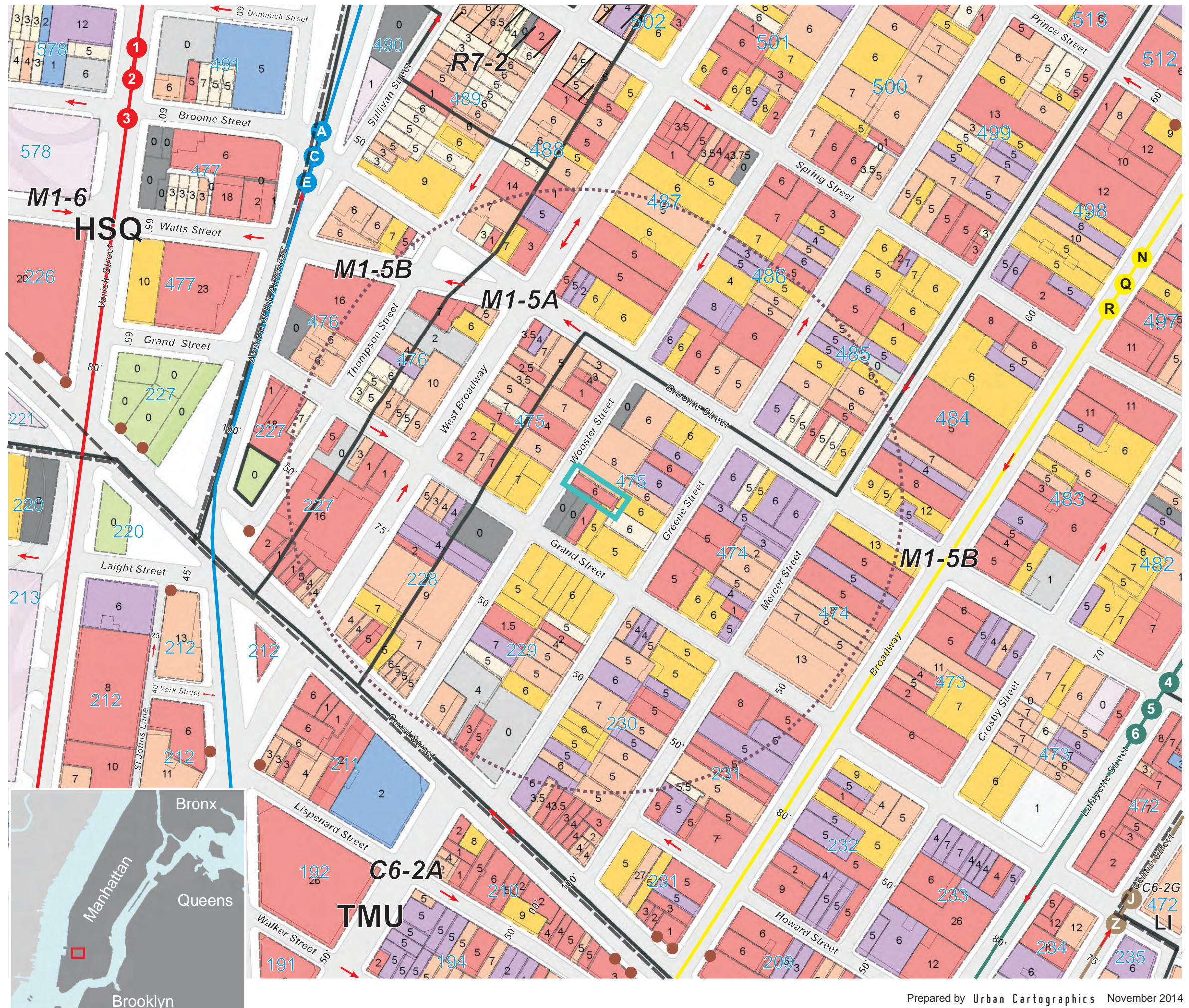


Exhibit B1: NYC Tax Map



NYC Digital Tax Map

Effective Date : 04-09-2014 11:59:12
 End Date : Current
 Manhattan Block: 475

40 Wooster Street, Manhattan

Legend

- Streets
- Miscellaneous Text
- ↓ Possession Hooks
- - - Boundary Lines
- ↑ Lot Face Possession Hooks
- Regular
- Underwater
- Yellow Tax Lot Polygon
- Blue Tax Block Polygon

- - - Development Site



**Exhibit B2:
400-Foot Radius NYC Tax Map**



475: Block Number

34: Tax Lot Number

 : Project Site

400-Foot Radius Tax Map

Exhibit C: Zoning Map
40 Wooster Street, Manhattan



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

03-20-2013 C 120380 ZMM

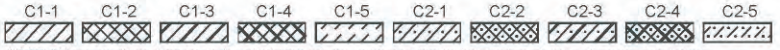
Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
For Inclusionary Housing designated areas on this map, see APPENDIX F.

Proposed Project Area

	8b	8d
	12a	12c
	12b	12d

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NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.

ZONING MAP 12a



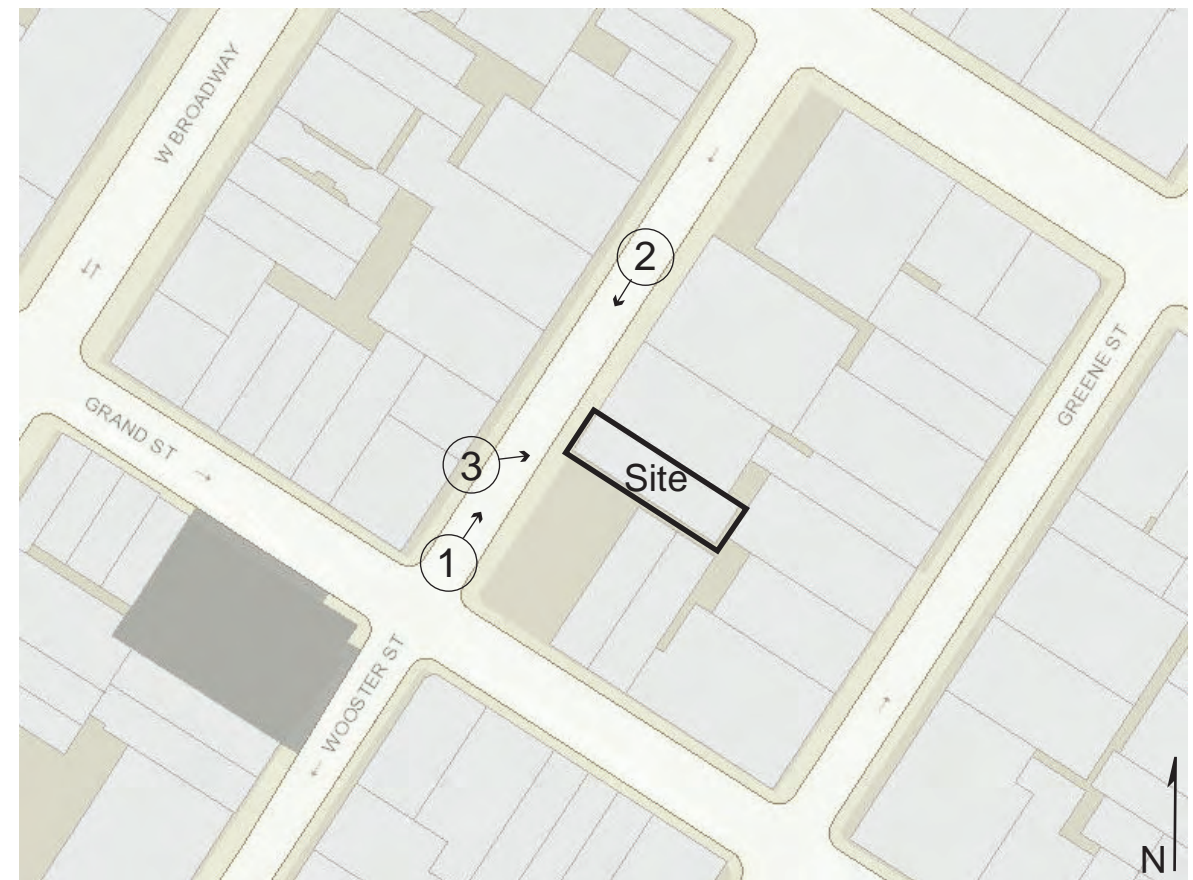
1. View of Wooster Street, facing north from Grand Street (Site at right).



2. View of Wooster Street facing south (Site at left).



3. View of the Site facing northeast from Wooster Street





4. View of the sidewalk along the east side of Wooster Street facing south (Site at left).



5. View of the sidewalk along the east side of Wooster Street facing north (Site at right).



6. View of the Site, facing southeast from Wooster Street.





7. View of the Site, facing east from Wooster Street.



8. View of the side of Wooster Street facing southwest from the Site.



9. View of the side of Wooster Street facing northwest from the Site.





10. View of 44 Wooster Street.



11. View of 42 Wooster Street.

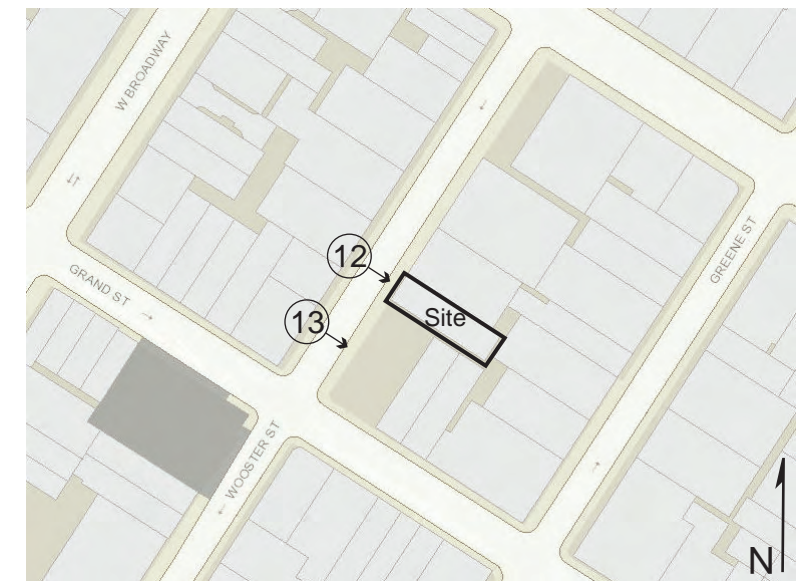




16. View of 40 Wooster Street.



17. View of 38 Wooster Street.



Introduction and Project Description

The Applicant, 40 Wooster Restoration, LLC seeks a Special Permit pursuant to Zoning Resolution (ZR) Section 74-711 to modify the permitted use provisions in ZR Section 42-00 and 42-14 (the “Proposed Action”). The Proposed Action is site-specific and would affect only the six-story building at 40 Wooster Street (Block 475, Lot 34, the “Development Site”) located in an M1-5B zoning district, in the SoHo neighborhood of Manhattan’s Community District 2. The Proposed Action would allow the conversion of the Development Site, currently containing Use Group 6 office space, a non-conforming Use Group 10 showroom/gallery, a fitness studio, and vacant space (totaling 16,447 gross square feet), to a 16,238 gross square foot mixed use building with 3,074 gross square feet of Use Group 6 retail space and 13,164 gross square feet of Use Group 2 residential space. The Development Site is located within the SoHo Cast Iron Historic District.

The ground (first) floor would contain 1,850 gross square feet of Use Group 6 retail floor area and a 538 gross square foot Use Group 2 residential lobby for the residential units on the upper floors. Floors two through six would be converted to four units of Use Group 2 residential use with a total of +/-10,775 gross square feet of floor area. A 1,224 square foot portion of the cellar would be Use Group 6 storage space, accessory to the first floor retail use, and the remaining 1,374 square feet of space in the cellar would be Use Group 2 storage space, accessory to the residential portions of the building. A new rooftop above the sixth floor would have a +/-154 gross square foot Use Group 2 mechanical bulk head and a +/- 373 gross square foot Use Group 2 sitting room addition accessory to the residential portions of the building.

The existing and proposed uses by floor are summarized in the tables below. The project site plans are attached.

Existing Gross Square Feet (GSF)

	Showroom	Fitness Studio	Office	Vacant	Total
Cellar	2,598				2,598
Floor1	2,388				2,388
Floor2		2,262			2,262
Floor3				2,262	2,262
Floor4				2,262	2,262
Floor5			2,262		2,262
Floor6			2,262		2,262
Bulkhead			151		151
Total	4,986	2,262	4,675	4,524	16,447

The proposed development program that includes ground floor retail space and four (4) residential units is defined by the project plans that are included in the proposed Special Permit. While the proposed sizes of the residential units exceed average New York City and Manhattan dwelling unit sizes, they reflect the neighborhood trends. Any changes in the development program would require a new approval of the special permit, and a new environmental review, and therefore the analyses that follow are all based on four (4) proposed dwelling units.

Proposed Gross Square Feet (GSF)

(GSF)	Residential	Retail	Total
Cellar	1,374	1,224	2,598
Floor1	538	1,850	2,388
Floor2	2,262	0	2,262
Floor3	2,262	0	2,262
Floor4	2,262	0	2,262
Floor5	2,262	0	2,262
Floor6	1,727	0	1,727
Bulkhead/Sitting Area	477	0	477
Total	13,164	3,074	16,238

Most of the environmental review categories are based on “gross square feet” of floor area (which are displayed in the table above) rather than “zoning square feet”. Zoning square feet are discussed below in the *Land Use, Zoning and Public Policy* section, and a comparison of the gross square feet and zoning square feet is provided on Drawings A-001.00 and A-002.00 in the plans which are attached.

I. Project Description

a. Actions Necessary to Facilitate the Proposal

The Proposed Action is a site-specific Special Permit pursuant to Zoning Resolution (ZR) Section 74-711 to modify the permitted use provisions in ZR Section 42-00 and 42-14 (the “Proposed Action”). The Proposed Action would allow the conversion of the Development Site, currently containing Use Group 6 office space, a non-conforming Use Group 10 showroom/gallery, a fitness studio, and vacant space (totaling 16,447 gross square feet), to a 16,238 gross square foot mixed use building with 3,074 gross square feet of Use Group 6 retail space and 13,164 gross square feet of Use Group 2 residential space..

A new rooftop above the sixth floor would have a +/-154 gross square foot Use Group 2 mechanical bulk head and a +/- 373 gross square foot Use Group 2 sitting room addition accessory to the residential portions of the building. While the sitting area/bulkhead addition could physically be constructed absent the proposed Special Permit, the Special Permit is required to permit these spaces to be accessory to the residential portion of the building.

The proposed Special Permit would incorporate a preservation and maintenance plan. The project applicant would enter into a Restrictive Declaration, binding the applicant to completion of the work as specified in Certificate of Appropriateness (CofA) 17-2964 and Modification of Use (MOU) 17-2978, upon approval of the Proposed Action. Copies of the LPC CofA and related Certificate of No Effect (CNE), the MOU, and the draft Restrictive Declaration, are attached in the Appendix.

b. Description of the Surrounding Area

The Development Site is located in the SoHo Cast Iron Historic District in Manhattan's Community District 2. Greenwich Village is to the north and west, which contains New York University's main campus. The NoHo neighborhood is located to the north of Houston Street, NoLita is to the east of Broadway, while to the southwest of Canal Street is the Tribeca neighborhood.

The SoHo Cast Iron Historic District ("SoHo Historic District") was established in 1973 by the Landmarks Preservation Commission and included a 26-block area bounded on the north and south between West Houston Street and Canal Street. The SoHo Historic District was designated, in the main, to preserve the neighborhood's large concentration of historic cast iron buildings. The SoHo Historic District was extended in May of 2010 to cover buildings on the fringes of the initial district boundaries.

The SoHo neighborhood is generally developed with five- to six-story cast iron loft buildings. The upper floors in many of these buildings contain offices, art galleries and other commercial uses. The upper floors in other buildings have been converted to dwelling units, including Joint Live Work Quarters for Artists (JLWQA), interim multiple dwellings and Use Group 2 residential units. Ground floor uses in the vicinity primarily consist of a mix of home furnishing stores, clothing stores and restaurants. Broadway is two blocks to the east and contains several large flagship locations for international and national retailers, most of which contain commercial office space above. In addition, there are several retail banks and drugstores in the area.

Broadway, West Broadway, Houston Street and Canal Street are the main thoroughfares of the surrounding area. The remaining streets of the SoHo neighborhood (Greene Street, Wooster Street, Mercer Street, and Crosby Street) are north or south bound one-way streets, some of which are lined with cobblestones. Broome and Canal Streets provide access to the nearby Holland Tunnel. SoHo is well serviced by public transportation with access via nearby stations to 13 different subway lines within the immediate area, including the New York City Transit A, C, E, 1, N, R, Q, B, D, F, M, J and Z subway lines.

c. Description of the Proposed Project Area / Development Site

The Proposed Action affects the single zoning lot at 40 Wooster Street (Block 475, Lot 34) located mid-block on the east side of Wooster Street between Broome Street to the north and Grand Street to the south in an M1-5B zoning district within the SoHo Cast Iron Historic District. M1-5B districts are unique to the SoHo and NoHo areas and include use provisions which differ from M1 zoning districts. While Use Group 6 retail below the second story and Use Group 2 residential uses are not permitted in M1-5B districts, units located in buildings which meet certain criteria may be occupied as joint living-work quarters for artists certified as such by the Department of Cultural Affairs. M1-5B districts permit a maximum FAR of 5.0, a maximum height of 85 feet, all buildings must contain a minimum 20' rear yard, and no parking is required.

The proposed Development Site is the same as the proposed Project Area and is comprised of a single 2,553 square foot zoning lot. The property is currently developed

with a six-story loft building on a 2,553 square foot lot, built to an FAR of 5.37. The building was originally constructed as a six-story loft warehouse structure when it was completed in 1896. The building currently contains Use Group 6 office space, a non-conforming Use Group 10 showroom/gallery, a fitness studio, and vacant space (totaling 16,447 gross square feet). Each of the leases expire in 2017.

d. Description of the Proposed Development

The Proposed Action would allow the conversion of the Development Site, currently containing Use Group 6 office space, a non-conforming Use Group 10 showroom/gallery, a fitness studio, and vacant space (totaling 16,447 gross square feet), to a 16,238 gross square foot mixed use building with 3,074 gross square feet of Use Group 6 retail space and 13,164 gross square feet of Use Group 2 residential space. The ground (first) floor would contain 1,850 gross square feet of Use Group 6 retail floor area and a 538 gross square foot Use Group 2 residential lobby for the residential units on the upper floors. Floors two through six would be converted to four units of Use Group 2 residential use with a total of +/-10,775 gross square feet of floor area. A 1,224 square foot portion of the cellar would be Use Group 6 storage space, accessory to the first floor retail space, and the remaining 1,374 square feet of space in the cellar would be Use Group 2 storage space, accessory to the residential portion of the building. A new rooftop above the sixth floor would have a +/-154 gross square foot Use Group 2 mechanical bulk head and a +/- 373 gross square foot Use Group 2 sitting room addition accessory to the residential portions of the building.

In total, the proposed renovation would result in 16,238 gross square feet of floor area, a net reduction of 209 square feet from the current 16,447 gross square feet of floor area. This reduction in floor area is mostly achieved through interior renovations that include combining the fifth and sixth floors into a single residential unit, and the removal of a portion of the sixth floor to allow for a vaulted ceiling in a portion of the unit's fifth floor, as shown on the attached floor plans. As discussed below in Section VI, the interior renovations associated with the Proposed Action would also result in a reduction in the built FAR associated with those renovations.

The new roof and mechanical bulkhead/sitting area would replace a smaller existing bulkhead and the new permitted rooftop obstruction would increase the overall height of the building (measured from the base elevation) from 75.6 feet (top-of- roof) to 84.9 feet (top-of-bulkhead)¹. The maximum permitted height in the M1-5B zoning district is 85 feet measured against the base elevation. Other than the proposed change in use and the mechanical/sitting area rooftop addition, the proposed action would not modify the height or exterior of the Development Site.

This enlargement and modification of use would be performed pursuant to LPC CofA 17-2964 and MOU 17-2978, issued on June 17, 2015. Upon approval of the Special Permit, the applicant will record a Restrictive Declaration with LPC requiring the owner and any successor to provide for the continuing maintenance of the proposed building. The LPC documents, along with the draft Restrictive Declaration, are in the Appendix.

¹ As indicated on the project plans (Drawing A-002.00), the base elevation is 10.0 feet. Measured from this base elevation, the maximum height of the proposed structure would be 84.9 feet (at an elevation of 94.9 feet above mean sea level).

e. Project Background

The project site at 40 Wooster Street (Block 475 Lot 34) has not been the subject of any previous land use approvals. The proposed project is site-specific and would not affect any other properties or zoning lots. Therefore the analysis presented in the EAS will be limited to the potential environmental effects of the applicant's proposed development program at 40 Wooster Street (Block 475 Lot 34).

II. Build Year

Based on a 12 month environmental and land use review process and a 12 month site construction period the Build year would be 2018.

III. Purpose and Need of the Proposed Action

The Proposed Action is required for the proposed project to proceed. In order to convert the building at 40 Wooster Street to proposed Use Group 6 retail use and Use Group 2 residential units, the applicant is requesting a Special Permit pursuant ZR Sect. 74-711 (Preservation and Development in Historic Districts) to modify the use regulations of Section 42-14D(1)(c), because Use Group 2 residential use and Use Group 6 retail use below the second story are not permitted as-of-right in an M1-5B zoning district. M1-5B districts allow a maximum floor area ratio (FAR) of 5.0 (except for Use Group 4 community facility uses which allow a maximum FAR of 6.5), and permit light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Nearly all industrial uses are allowed in M1-5B districts if they meet the stringent M1 performance standards. Offices and hotels are also permitted. Certain community facilities, such as hospitals, are allowed only by special permit, but houses of worship are allowed as-of-right. In addition, units located in buildings which meet certain criteria may be occupied as joint living-work quarters for artists (JLWQA) certified as such by the Department of Cultural Affairs.

The Special Permit would allow a modification of the use regulations, cited above, pursuant to ZR Sect. 74-711, conditioned upon: 1) That a report is issued from the LPC stating that a program has been established for continuing maintenance that will result in the preservation of the subject Building (the "Report"), and 2) That such use modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose. On April 21, 2015, the LPC unanimously voted its approval to (1) issue the Report to CPC, by letter from LPC to CPC, dated June 17, 2015, and (2) LPC granted a Certificate of Appropriateness (CofA) that the Proposed Action contributes to a Preservation Purpose. In conjunction with the CofA, LPC also issued a Certificate of No Effect (CNE). Copies of each of these documents are attached in the Appendix.

IV. Development Sites

As discussed above, the Proposed Action affects a single zoning lot (Block 475, Lot 34) in the SoHo neighborhood of Manhattan. No other sites would be affected by the Proposed Action.

V. No-Action Scenario

In the 2018 No-Action condition, the ground floor and cellar containing 4,986 gross square feet would be tenanted with a Use Group 9 artist studio. Floors two through six plus the bulkhead would be tenanted with a total of 11,461 gross square feet of Use Group 6 office space. The total floor area would remain at 16,447 gross square feet.. The No-Action Scenario is summarized in the table below.

No-Action Gross Square Feet (GSF)

	Artist Studio	Fitness Studio	Office	Vacant	Total
Cellar	2,598				2,598
Floor1	2,388				2,388
Floor2			2,262		2,262
Floor3			2,262		2,262
Floor4			2,262		2,262
Floor5			2,262		2,262
Floor6			2,262		2,262
Bulkhead			151		151
Total	4,986	0	11,461	0	16,447

Accounting for cellar and mechanical spaces that do not count toward zoning floor area, the existing building contains a total of 13,703 square feet of zoning floor area, an FAR of 5.37. Use Group 9 showroom space and Use Group 6 office use are permitted uses on all floors in the M1-5B zoning district and while the M1-5B zoning district allows a maximum FAR of 5.0, the existing 5.37 FAR conditions would be permitted to remain because the building was constructed prior to adoption of NYC's Zoning Resolution in 1961.

VI. With-Action Scenario

In the 2018 With-Action condition, the proposed Special Permit pursuant to ZR 74-711 would allow the conversion of a 16,447 gross square foot building to a 16,238 gross square foot mixed use building with 3,074 gross square feet of retail space and 13,164 square feet of residential space. The ground (first) floor would contain 1,850 gross square feet of retail floor area and a 538 gross square foot lobby for the residential units on the upper floors. Floors two through six would be converted to four units of residential use with a total of +/-10,775 gross square feet of floor area. A 1,224 square foot portion of the cellar would be accessory to the first floor retail space, and the remaining 1,374 square feet of space in the cellar would be accessory to the residential portion of the building. A new rooftop above the sixth floor would have a new +/-477 gross square foot siting area plus mechanical bulk head addition accessory to the residential portion of the building. The bulkhead addition could physically be constructed absent the proposed Special Permit, but its use accessory to the residential portion of the building would only be permitted pursuant to the proposed Special Permit.

In total, the proposed renovation would result in 16,238 gross square feet of floor area , a net reduction of 209 square feet from the current 16,447 gross square feet of floor area. This reduction in floor area is mostly achieved through interior renovations that include combining the fifth and sixth floors into a single residential unit, and the removal of a portion of the sixth floor to allow for a vaulted ceiling in a portion of the unit's fifth floor, as shown on the attached floor plans, attached. Accounting for cellar and mechanical spaces that do not count toward zoning floor area, the With- Action building would contain a total of 13,402 square feet of zoning floor area, an FAR of 5.25 and a corresponding reduction in the degree of non-compliance over the existing and No-action conditions FAR of 5.37.

The new roof and mechanical bulkhead/sitting area replacing the smaller existing bulkhead would increase the overall height of the building from 85.6 feet (top-of-roof) to 94.9 feet (top-of-bulkhead). Other than the proposed change in use and the mechanical/sitting area rooftop addition, the proposed action would not modify the height or exterior of the Development Site.

VII. Supplemental Environmental Analyses

The Environmental Assessment Statement (EAS) has been prepared to evaluate the potential for there to be significant environmental impacts associated with the proposed action. The analyses presented throughout this document are based on the guidelines presented in the *CEQR Technical Manual* (revised March, 2014). The EAS concludes that the proposed special permit would not create the potential for significant environmental impacts in any of the CEQR impact categories.

The sections presented below correspond to the sections of the *CEQR Technical Manual* that require additional analysis based on the preliminary information supplied on the EAS Form, and are numbered to coincide with the numbering system on the attached EAS Form.

1. Land Use Zoning and Public Policy

Although the proposed action would not result in a change in land use or zoning that is different from surrounding land uses and zoning, a preliminary assessment of land use, zoning and public policy is generally provided for all projects that would affect land use or would change the zoning on a site. This information can be useful for conducting environmental analyses in other technical areas, and helps provide a baseline for determining whether detailed analysis is appropriate.

According to the *2014 CEQR Technical Manual*, a preliminary land use and zoning assessment includes a description of existing and future land uses and zoning information. The assessment characterizes land use development trends in the area surrounding the project site that might be affected by the proposed action, and determines whether the proposed project is compatible with those trends. For public

policy, the *2014 CEQR Technical Manual* indicates that a preliminary assessment should identify and describe any public policies that could affect the proposed project, and whether the proposed project could alter or conflict with any identified policies.

The following land use, zoning, and public policy assessment provides a description of existing conditions of the project site and surrounding area, followed by an assessment of the future without and with the proposed action.

The land use study area is generally defined as the area within 600 feet of the project site and is shown in Exhibit A. As indicated, the land use study area for this project is generally bounded by Thomas Street to the west, Spring Street to the north, Broadway to the east, and Canal Street to the south. The NYC tax block and lot maps are provided in Exhibits B2 and B3 and the zoning map is shown in Exhibit C.

Land Use

Existing Conditions

The project site is located at 40 Wooster Street in the SoHo neighborhood of Manhattan (Block 475, Lot 34) located mid-block on the east side of Wooster Street between Broome Street to the north and Grand Street to the south. The Project Site currently contains Use Group 6 office space, a non-conforming Use Group 10 showroom/gallery, a fitness studio, and vacant space (totaling 16,447 gross square feet). A photo log of the project site and surrounding area is attached.

The SoHo neighborhood is generally bounded by Houston Street to the north, Canal Street to the south, West Broadway to the west, and Crosby Street to the east. The built environment in the vicinity of the site predominantly contains a mix of 19th and 20th Century cast iron and masonry loft buildings, in addition to apartment buildings.

From the middle to end of the 19th Century (when many of the cast iron buildings in the neighborhood were constructed), through the middle of the 20th Century, the neighborhood was primarily a light industry and manufacturing area. Many of the businesses were involved in the garment industry, and manufactured textiles and fashion accessories, in addition to a variety of household items. For example, the E.V. Haughwout Building (discussed below in the Historic and Cultural Resources section), on the northeast corner of Broadway and Broome Street was a department store on the ground floor, selling porcelains, mirrors, and chandeliers that were manufactured on the upper floors. The original Brooks Brothers was also located on Broadway, with light manufacturing occupying the upper floors, and the retail operation on the ground floor. Other businesses focused on the manufacture of light machinery. The Little Singer Building, at 561 Broadway, housed a showroom for the Singer Sewing Machine Company on the ground floor, while manufacturing uses were located in the upper floors. Many of the other buildings in SoHo were similarly organized – with retail space occupying the ground floor, and light manufacturing uses operating on the upper floors.

By the 1890's retailers had largely moved further uptown and manufacturing uses generally remained through the first half of the 20th Century.

In the early 1960's the proposed Lower Manhattan Expressway would have razed most of the SoHo buildings and created a highway and an urban renewal area linking the Williamsburg Bridge with the Holland Tunnel. The Lower Manhattan Expressway plan was withdrawn in response to a broad coalition that opposed the project in 1962. By that time, the neighborhood had become less attractive for manufacturing and in the 1960's and 1970's began to become occupied by artists who were attracted to the large open layouts that the SoHo lofts offered, and the relatively cheap rents. Many of the artists also began to live in the neighborhood.

In order to legalize the SoHo lofts for residential use, the City Planning Commission (CPC) designated the SoHo neighborhood as a mixed-use zone for artist housing in 1971.

Throughout the 1980's and 1990's, SoHo was a center for art galleries and artist studios that occupied the ground and upper floor spaces of many of the buildings in the neighborhood.

As the commercial and residential real estate market began to peak in the first half of the 2000's, many of the galleries relocated to other sections of the City, including Chelsea in Manhattan, and Williamsburg in Brooklyn. A number of the ground floor spaces became occupied by retail businesses and many of the upper floor spaces trended toward more residential uses.

The boutiques and restaurants, alongside a number of new hotels in the neighborhood, resulted in making the neighborhood more of a center of tourism and destination shopping area.

The SoHo neighborhood accomplished this transformation by adaptive reuse of existing buildings rather than new construction (which has been confined to a handful of previously underdeveloped parking lot sites). Thus, above the ground floor most of SoHo's buildings look physically the same as they did prior to the transition from manufacturing and commercial use, albeit often in a better state of restoration and repair. Many of these buildings have been restored to their historic character.

No-Action Conditions

In the future without the proposed action, land uses in the SoHo neighborhood would continue to be determined by the existing M1-5B zoning regulations along with the SoHo Cast Iron Historic District requirements, and the existing land use trends that have been discussed above. In the 2018 No-Action condition, the ground floor and cellar containing 4,986 gross square feet would be tenanted with a Use Group 9 artist studio. Floors two through six plus the bulkhead would be tenanted with a total of 11,461 gross square feet of Use Group 6 office space. The total floor area would remain at 16,447 gross square feet.

With-Action Conditions

In the future With-Action scenario, the proposed special permit would permit the ground floor of the project site to be used for Use Group 6 retail use and the upper floors of the building would be converted to Use Group 2 residential use. The proposed special permit is site-specific, and would not result in any changes to any of the adjacent or nearby buildings.

According to the *CEQR Technical Manual*, a significant land use impact may occur under the following circumstances:

- If the proposed action would directly displace a land use and such a loss would adversely affect surrounding land uses.
- In general, if an action would generate a land use that would be incompatible with surrounding uses.
- The use changes would accelerate existing and anticipated trends in development for the area that lead to adverse socioeconomic impacts.

The relatively small amount of displaced office space would not adversely affect surrounding land uses.

The proposed retail and residential uses are compatible with the retail and residential spaces located in many of the nearby buildings. The proposed action would not introduce a land use that is incompatible with what exists in the area today.

As discussed above, the land use trends in the neighborhood are well established. The proposed action is relatively small, and is also consistent with established land use patterns. Accordingly, the action would not affect any other land uses in the surrounding area.

The proposed action would not result in any of the conditions described in the *CEQR Technical Manual* and therefore, would not result in significant adverse impacts on the area's land use and no further analysis is warranted.

Zoning

Existing Conditions

As discussed above, the project site is located in an M1-5B zoning district and is within the SoHo Cast Iron Historic District. The zoning district allows manufacturing and commercial uses with limitations on ground floor retail uses, and Use Group 4 community facility uses. In addition to the typical uses found in manufacturing zones in Use Groups 16 and 17, M1-5B districts also permit limited as-of right Joint Living Work

Quarters for Artists (JLWQA) use in buildings with smaller footprints, as well as JLWQA through certifications of the Chair of the City Planning Commission or special permits and special permits by the City Planning Commission in larger footprint buildings, all in buildings erected prior to December 15, 1961. M1-5B districts permit a maximum floor area ratio (FAR) of 5.0 (ZR 43-12) except for community facility uses, which are permitted to a maximum FAR of 6.5 (ZR 43-122). The maximum height permitted in M1-5B zoning districts is 85 feet.

This M1-5B zoning district encompasses an irregular area generally bounded by a line on the east along Center and Baxter Streets and then shifting to Bowery Street. On the north the boundary shifts from Broome Street and then runs northward along Mercer Street to Astor Place. On the west the M1-5B district begins along a line midblock between West Broadway and Thompson Street. The southern boundary is along Canal Street. Other districts in the immediate area include an M1-5A district to the west and an R7-2 district to the north.

The SoHo Cast Iron Historic District is an LPC designated New York City Historic District that is also listed on the New York State and National Registers of Historic Places in 1973. In addition to meeting all of the underlying zoning district regulations, any new or renovated building within the SoHo Cast Iron Historic District requires approval by LPC (discussed below in the Public Policy sections).

The Little Italy Special District, which shares many of the same retail and residential characteristics as the SoHo neighborhood, lies to the east. The Tribeca Mixed Use Special District, which was established to permit a limited amount of residential development in an otherwise industrial area, lies to the west and to the south.

Trinity Real Estate, the major property owner in the Hudson Square neighborhood to the west of SoHo, sponsored the rezoning of 18 blocks in Hudson Square, stretching from Houston to Canal Street, Sixth Avenue and Varick Street to Greenwich and Hudson Streets, along with the establishment of the Special Hudson Square District. The rezoning to an M1-6B district and the establishment of the Special Hudson Square District (HSQ) became effective on March 20, 2013, and aims to preserve the former warehouse and manufacturing district with a concentration of large, industrial buildings while encouraging residential and retail development in a vibrant mixed use district.

No-Action Conditions

There have been ongoing discussions similar to the Hudson Square rezoning and special district described above within the SoHo community, which would seek a rezoning of the area to better accommodate many of the residential uses in the neighborhood. However, there are no formal proposals before the City Planning Commission. Absent the proposed special permit (i.e., the Future No Action Scenario), in the analysis year of 2018, the zoning in the SoHo area would remain as it is today.

With-Action Conditions

The proposed action is a Special Permit pursuant ZR Sect. 74-711 (Preservation and Development in Historic Districts) to modify the use regulations of Section 42-14D(1)(c), because Use Group 2 residential uses and Use Group 6 retail uses are not permitted as-of-right in an M1-5B zoning district. The applicant's proposal that would allow 3,074 gross square feet of Use Group 6 retail space and 13,164 gross square feet of Use Group 2 residential space would not be able to proceed absent the proposed special permit. As noted above, accounting for cellar and mechanical spaces that do not count toward zoning floor area, the With- Action building would measure 84.5 feet in height,, and would contain a total of 13,402 square feet of zoning floor area, an FAR of 5.25 and a corresponding reduction in the degree of non-compliance over the existing and No-action conditions FAR of 5.37.

The Special Permit would allow a modification of the use regulations, cited above, pursuant to ZR Sect. 74-711, conditioned upon: 1) That a report is issued from the LPC stating that a program has been established for continuing maintenance that will result in the preservation of the subject Building (the "Report"), and 2) That such use modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose.

On April 21, 2015, the LPC unanimously voted its approval to (1) issue the Report to CPC, by letter from LPC to CPC, dated June 17, 2015, and (2) LPC granted a Certificate of Appropriateness (CofA) that the Proposed Action contributes to a Preservation Purpose. In conjunction with the CofA, LPC also issued a Certificate of No Effect (CNE). Copies of each of these documents are attached in the Appendix..

The proposed action would not alter the underlying zoning on the project site, or any of the provisions in the zoning resolution that govern development of the project site, or any other areas. Therefore, the proposed action would not result in significant adverse impacts with respect to zoning.

Public Policy

Existing Conditions

The project site is located within the SoHo Cast Iron Historic District and must comply with "Rules of the New York City Landmarks Preservation Commission" (Title 63, Rules of the City of New York) and the Administrative Code of the City of New York (Title 25: Land Use, Chapter 3: Landmarks Preservation and Historic Districts). The project site is not located within an Urban Renewal Area, nor is it located within the Coastal Zone boundary. Public policy for the affected area is embodied in the site's zoning in the context of the SoHo Historic District, and in the zoning special permit that is proposed for the site. Together, these will permit the new retail and residential uses while requiring a continuing maintenance program that contributes to a preservation purpose.

No-Action Conditions

There are no changes proposed to public policy that have been identified that would affect the Development Site in the No-Action build year of 2018.

With-Action Conditions

The NYC Landmarks Preservation Commission has issued a Certificate of No Effect for the proposed renovation and would need to approve any other proposed changes to the building facade. Therefore, the proposed action would conform to the goals and objectives that are embodied in any LPC approval.

As noted above, the project site is not located within an Urban Renewal Area, nor is it located within the Coastal Zone boundary. Public policy for the affected area is embodied in the site's zoning in the context of the SoHo Historic District, and in the zoning special permit that is proposed for the site. Together, these will permit the new retail and residential uses while requiring a continuing maintenance program that contributes to a preservation purpose.

The proposed action is consistent with and would not result in significant adverse impacts to any of the City's public policies.

6. Historic Resources

The term "historic resources" encompasses districts, buildings, structures, sites and objects of historical, aesthetic, cultural, and archaeological significance. For CEQR purposes, this includes architectural and archaeological resources.

Existing Conditions

The project site is located in the SoHo Cast Iron Historic District, and thus the project is categorized as a "Type 1 Action" pursuant to the guidelines presented in the *CEQR Technical Manual*. A 400-foot radius historical resources map is shown in Exhibit 1. The historic Resources map shows the boundaries of the SoHo Cast Iron District along West Broadway to the west and along Crosby Street to the east. The SoHo Cast Iron Historic District Extension lies outside the 400-foot radius of the project site, to the west of West Broadway and to the east of Crosby Street.

The SoHo Cast Iron Historic District is an an LPC designated New York City Historic District that is also listed on the New York State and National Registers of Historic Places. The district, which was designated by LPC in 1973, is bounded by West/East Houston Street on the north, Canal and Howard Streets on the south, West Broadway to the west, and Crosby Street and Broadway to the east.

The LPC Designation Report for the SoHo - Cast Iron Historic District states, in part, that SoHo (from "south of Houston") is a commercial district, primarily developed in the

mid- to late 19th century to serve the wholesale dry goods trade. The district contains the world’s largest collection of buildings with cast-iron fronts. The District also contains some of the City’s most interesting extant examples of brick, stone, and mixed iron-and-masonry commercial construction of the post-Civil War period.

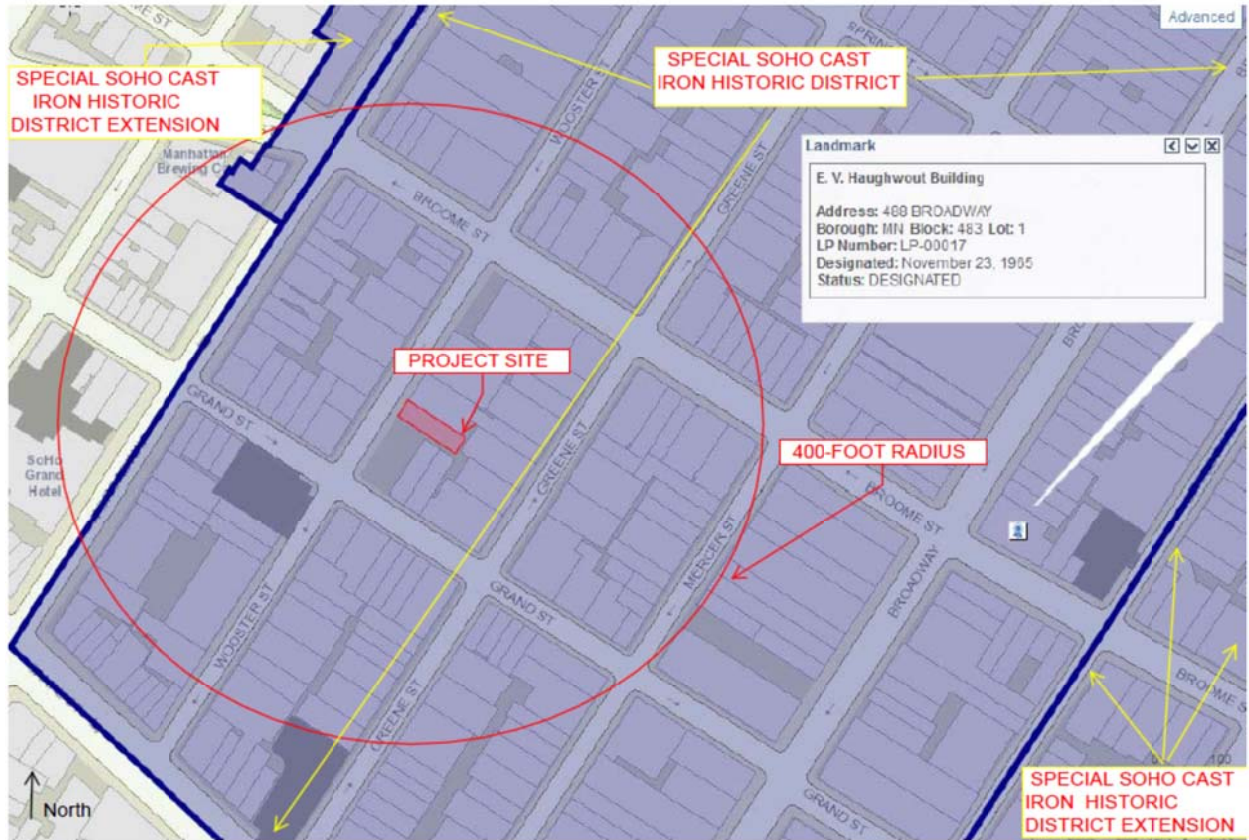


Exhibit 1: 400-Foot Historic Resources Map

The LPC Designation Report notes that the property was constructed between October 1895 and June 1896, originally as a store. The existing structure on the project site is not an individually designated historic structure or a “contributing” building to the SoHo Cast Iron Historic District.

As indicated in Exhibit 1, the nearest designated historic landmark – the E. V. Haughwout Building at 488 Broadway/440 Broome Street – is located outside the 400-foot radius of the project site. This structure was erected in in 1857, and is the earliest example of a complete cast-iron façade in the Historic District. This building, which has an elegant full Venetian Renaissance façade, also housed one of the first major department stores in the District.

No-Action Conditions

There are no changes proposed to the SoHo Cast Iron Historic District that have been identified that would affect the Development Site in the No-Action build year of 2018.

With-Action Conditions

The proposed action would facilitate only interior renovations and a new roof-top addition replacing the smaller existing bulkhead. The Special Permit would allow a modification of the use regulations, cited above, pursuant to ZR Sect. 74-711, conditioned upon: 1) That a report is issued from the LPC stating that a program has been established for continuing maintenance that will result in the preservation of the subject Building (the “Report”), and 2) That such use modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose. On April 21, 2015, the LPC unanimously voted its approval to (1) issue the Report to CPC, by letter from LPC to CPC, dated June 17, 2015, and (2) LPC granted a Certificate of Appropriateness that the Proposed Action contributes to a Preservation Purpose. In conjunction with the CofA, LPC also issued a Certificate of No Effect (CNE). Copies of each of these documents, along with the LPC determination, are attached in the Appendix. The project applicant would enter into a Restrictive Declaration, binding the applicant to completion of the work and continued maintenance. The relevant LPC documents and the draft Restrictive Declaration, are included in the Appendix. Based on the information presented above, including the LPC determination, there is no potential for the project-related development to result in significant adverse impacts on any historic resources. The proposed action would not result in any new ground disturbance, so there is no potential to disturb any archaeological resources that may be present on the site. Therefore, no further assessment is warranted.

7. Urban Design and Visual Resources

In an urban design assessment under CEQR, one considers whether and how a project may change the experience of a pedestrian in the project area. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance, and functionality of the built environment.

The proposed Special Permit would allow a modification of the use regulations, pursuant to ZR Sect. 74-711. The proposed project would not introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape in the vicinity of the proposed project that is not currently allowed by existing zoning.

As discussed in the Project Description section above, although a new +/-477 gross square foot roof-top addition would replace a smaller existing bulkhead, the new roof-top space is a permitted rooftop obstruction that could be constructed as a matter of right absent the proposed Special Permit. Other than the rooftop addition, the proposed action would not modify the height or exterior of the Development Site.

Approval of the proposed action is also contingent on a continuing maintenance program, contributing to a preservation purpose. As discussed in the Historic and Cultural Resources section, on April 21, 2015, the LPC unanimously voted its approval to (1) issue the Report to CPC, by letter from LPC to CPC, dated June 17, 2015, and

(2) LPC granted a Certificate of Appropriateness that the Proposed Action contributes to a Preservation Purpose (both attached in the Appendix).

Based on the information presented above, and the information provided in Part II Items 7(a) and 7(b) of the EAS Form, there is no potential for Urban Design and Visual Resources impacts and a detailed assessment is not required.

9. Hazardous Materials

According to the CEQR Technical Manual, the potential for significant impacts from hazardous materials can occur when: (a) hazardous material exists on a site, and (b) an action would increase pathways to their exposure, or (c) an action would introduce new activities or processes using hazardous materials. Since the proposed action would allow new development for residential and local retail use, no new activities or processes using hazardous materials would be introduced to the site or increase pathways to a hazardous materials exposure.

The hazardous materials assessment generally begins with a Phase 1 Environmental Site Assessment (Phase I ESA), which is an evaluation of the environmental conditions present at a site, based on a review of available information site observations, and interviews. The Phase 1 ESA determine whether the site may contain contamination from either past or present activities on the site, and if there is potential for impacts on the project site as a result of activities on adjacent or nearby properties.

Existing Conditions

A Phase I ESA was prepared by Partner Assessment Corporation in March 2014. The report revealed that historical on-site and surrounding area land uses consisted of a variety of residential and commercial uses including commercial offices, residences, storage & trucking. According to the March 2014 Partner Assessment Corporation Report, no Recognized Environmental Conditions were identified at the site or in its immediate vicinity that could adversely impact upon its environment quality. No releases of chemicals were noted during the site inspection, nor were any documented releases identified in records maintained by any public agencies having jurisdiction over the subject property.

No Action Conditions

Absent the proposed Special Permit pursuant to ZR 74-711, the building at 40 Wooster Street would remain substantially in the same condition as it exists today. There would be no renovations to the building and no changes would occur at the subject building or to the surrounding area that would affect the conclusions presented in the 2014 Phase I ESA.

With Action Conditions

As discussed above, physical alternations to the existing building pursuant to the proposed action would be limited to interior renovations and a new roof-top addition replacing the smaller existing bulkhead. The Special Permit would also allow the ground floor and cellar to be used as Use Group 6 retail space, and the upper floors would be converted to Use Group 2 residential uses.

Based upon a review of the March 2014 Phase I ESA) prepared by Partner Assessment Corporation, the New York City Department of Environmental Protection, Bureau of Sustainability (DEP) issued the following comments and recommendations (January 18, 2017 DEP letter attached in Appendix):

- The applicant should prepare a Construction Health and Safety Plan to be submitted to DEP for review and approval for the proposed project.
- Based on the age of the subject building, lead based paint (LBP) and asbestos containing materials (ACM) may be present in the on-site building. These materials should be removed and or managed in accordance with all federal, state, and local regulations.

A Construction Health and Safety Plan was prepared and submitted on January 31, 2017. Based upon a review of the Construction Health and Safety Plan , DEP has concluded that with the implementation of the CHASP, the proposed renovation/ construction work will be protective of the on-site workers, the surrounding community, and the environment (February 21, 2017 DEP letter attached in Appendix)².

All construction activities would be performed in accordance to current federal, state, and local regulations, including those pertaining to the removal and management of LBP and ACM. Based on the scope of the proposed renovation, the results if the Phase I ESA, and the recommendations by NYCDEP, there is no potential for significant hazardous materials impacts and no further analysis is warranted.

14. Air Quality

Stationary Sources

Based on the 2014 CEQR Technical Manual, Section 220, projects that would use fossil fuels for heating/hot water have the potential to create significant impacts with respect to air quality stationary sources. The Proposed Action would allow the conversion of the Development Site to a 16,238 gross square foot mixed use building with 3,074 gross square feet of Use Group 6 retail space and 13,164 gross square feet of Use Group 2 residential space. The proposed site plans are attached. The

² The February 21, 2017 DEP conclusion is contingent on the inclusion of an Accident and Injury Report Form into the CHASP. The OSHA Accident and Injury Report Form has been included in Appendix A of the Final CHASP (https://www.osha.gov/dte/grant_materials/.../3_Accident_Investigation_Form.pdf).

renovated building would be heated using electrically powered heat pump roof mounted HVAC units.

The converted building and the proposed rooftop addition at 40 Wooster Street would be heated and cooled with air source heat pumps and heat recovery heat pumps (“heat pump systems”). The proposed heat pump systems are electrically driven and do not burn any fossil fuels for heating or cooling. The proposed heat pump systems would therefore not result in any combustion gases or discharges. As a result, an HVAC screening analysis pursuant to the 2014 CEQR Technical Manual is not warranted., and the choice of heat pump systems for 40 Wooster Street would not result in any significant adverse air quality impacts.

To ensure the implementation of the heat pump systems described above, an (E) designation for air quality would be required for the project site (Block 475, Lot 34), specifying that the heating and cooling systems for the building at 40 Wooster Street would run on electricity. The text for the (E) designation (E-416) for the project site is as follows:

To ensure that there will be no impacts related to air quality, future residential uses must use heating and cooling systems with no venting or stacks, powered by electricity only.

Air Toxics

An air toxics permit search was performed for all the industrial uses within 400 feet of the project site. As indicated in Exhibit 2, there are a number of properties within the 400-foot radius study area that are shown as Industrial/Manufacturing land uses. The results of the field inventory covering these properties is provided in Exhibit 3. The information presented in Exhibits 2 and 3 shows that the ground floor uses at these properties are limited to apparel, furniture, showroom, and miscellaneous retail and restaurant uses and the upper floors are all residential uses.

Exhibit 2 also shows two properties that were found to have expired permits for leather finishing operations (43 Wooster Street) and paper and printing operations (42 Greene Street). The results of a NYC Department of Environmental Protection (NYCDEP) field inspection of these properties concluded that these uses are no longer operating at these addresses and no potential for air toxics were identified at these locations. Based on the field inventory, and the inspection performed by NYCDEP, no properties were identified within the 400-foot air-toxics study area that could negatively affect the project site. Therefore there is no potential for surrounding development to create significant air toxics impacts on the proposed project, and no further analysis is warranted.

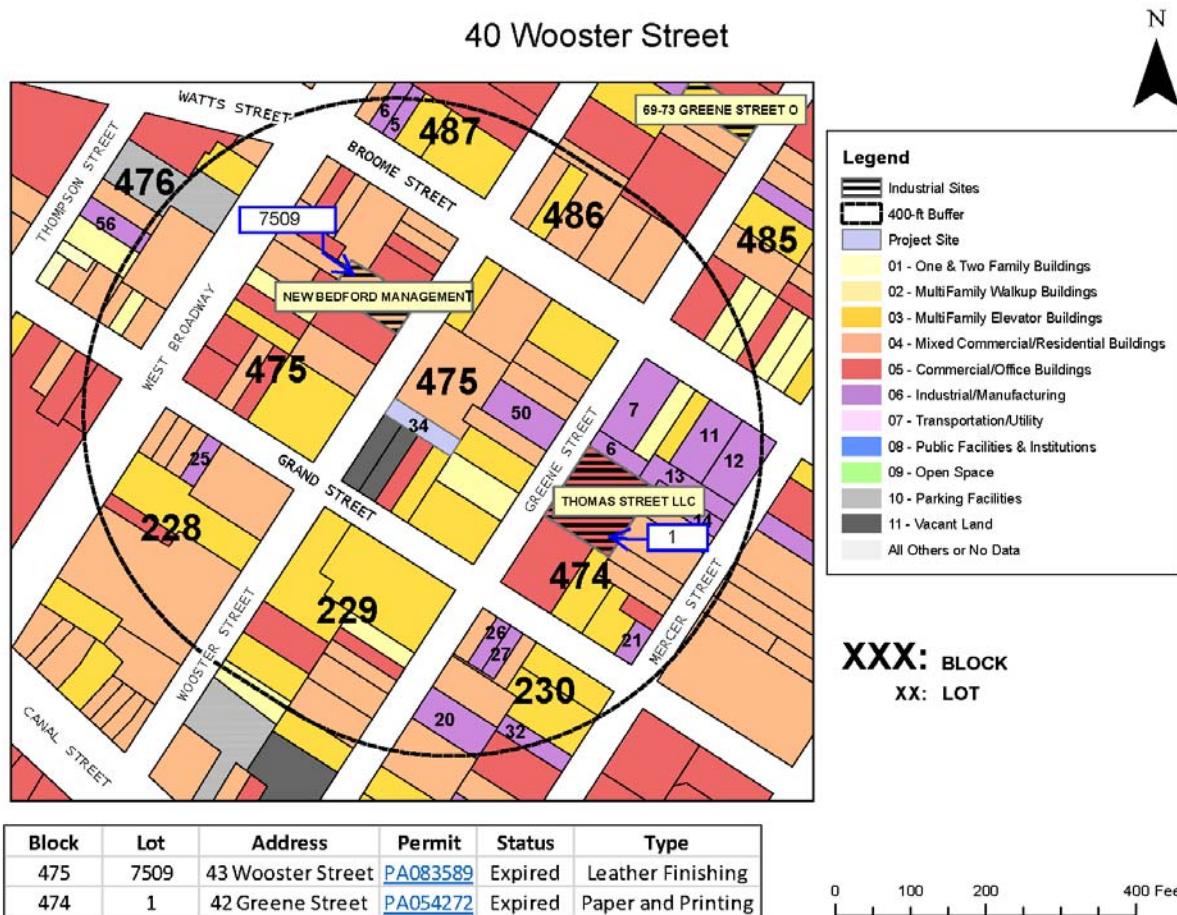


Exhibit 2: 400-Foot Radius Potential Air toxics Sites (Industrial/Manufacturing)

Block	Lot	Address	Ground Floor	Upper Floors
228	25	59 Grand Street	Lucky Strike Restaurant and Bar	Residential
230	20	28 Greene Street	USM Furniture	Residential
	26	91 Grand Street	MM6 Apparel	Residential
	27	93 Grand Street	Vans DQM Apparel	Residential
	32	29 Mercer Street	Vacant	Residential
474	6	52 Greene Street	Furniture Showroom	Residential
	7	54 Greene Street	Animazing Gallery	Residential
	11	457 Broome Street	Lazaro Accessories	Residential
	12	453 Broome Street	Suitsupply Apparel	Residential
	13	55 Mercer Street	Zimmermann Apparel	Residential
	14	53 Mercer Street	Vacant	Residential
	21	104 Grand Street	Kaneko Eye Glasses	Residential
475	50	47 Greene Street	Assorted Retail/Restaurant	Residential
476	56	30 Thompson Street	Vacant	Residential
487	5	496 Broome Street	Vacant	Residential
	6	498 Broome Street	Airweave Mattress Store	Residential

Exhibit 3: Key to Potential Air toxics Sites (Industrial/Manufacturing)

16. Noise

Two types of potential noise impacts are considered under CEQR. These are potential mobile source and stationary source noise impacts. Mobile source impacts are those which could result from a proposed action adding a substantial amount of traffic to an area. Potential stationary source noise impacts are considered when a proposed action would cause a stationary noise source to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor, if a proposed action would include unenclosed mechanical equipment for building ventilation purposes, or if the proposed action would introduce receptors into an area with high ambient noise levels. The March 2014 CEQR Technical Manual requires an assessment of a proposed action's potential effects on sensitive noise receptors, including in this instance, the effects on the interior noise levels of the new residential uses on the first floor in the subject building.

Potential Impacts of the Proposed Action on Surrounding Development

Mobile Sources

A mobile source noise analysis would only be required if a proposed action would at least double existing passenger car equivalent (PCE) traffic volumes along a street on which a sensitive noise receptor (such as a residence, a park, a school, etc.) is located. Retail, residential, and JLWQA uses are located along Spring and Mercer Streets providing vehicular access to the Project Site, and this would therefore be of concern relative to mobile source noise impacts. In addition, the proposed new residential uses on the Project Site would be a sensitive use relative to noise impacts.

A detailed mobile source analysis is typically conducted when PCE values are at least doubled between the No-Action and the With-Action conditions during the worst case expected hour at receptors most likely to be affected by the Proposed Action. The subject property is located on the southwest corner of the intersection of Spring Street and Mercer Street, each of which streets are moderately trafficked. PCE values on Spring Street and Mercer Street or other area roadways would not be doubled due to the addition of the four new residential units, and therefore a detailed mobile source analysis is not warranted.

Therefore, the proposed project will not create the potential for significant noise impacts and no further assessment is warranted.

Stationary Sources

The Proposed Action would not include any unenclosed mechanical equipment for building ventilation purposes, and would not include any active outdoor recreational space that could result in stationary source noise impacts to the surrounding area. Any new mechanical equipment would be located either inside the building or would be enclosed on the roof of the structure.

Therefore, the Proposed Action would not result in potential stationary source noise impacts to any other buildings in the vicinity of the Project Site.

Potential Impacts of Surrounding Development on the Proposed Project

In accordance with the guidelines established within the March 2014 CEQR Technical Manual, a noise analysis was performed to identify the potential noise impact to the Project Site from the existing noise environment.

The Proposed Action's residential use would be considered to be a noise sensitive use could potentially be adversely affected by existing ambient noise in the surrounding area. Representative noise level readings were taken from the 150 Wooster Street EAS (CEQR No. 12DCP111M). The receptor location at the 150 Wooster Street location is a comparable worst-case to that of the 40 Wooster Street Project Site. As indicated in Table E-3 of that document, the maximum noise measurement was 71.7 dBA. At this level, standard building materials provide sufficient noise attenuation to maintain an indoor noise level of 45 dBA., which according to the criteria in the *2014 CEQR Technical Manual*, is an acceptable level of indoor noise for both commercial and residential uses. Therefore there is no potential for surrounding development to create significant noise impacts on the proposed project, and no further analysis is warranted.

18: Neighborhood Character

Neighborhood character is defined in the CEQR Technical Manual an amalgam of various elements that give neighborhoods their distinct "personality." These elements may include a neighborhood's land use, urban design, visual resources, historic resources, socioeconomics, traffic, and/or noise. An assessment of neighborhood character is generally needed when a proposed project has the potential to result in significant adverse impacts, or when the project may have moderate effects on several of the elements that define a neighborhood's character.

The elements of the CEQR assessment that would have potential effects on the neighborhood character in the vicinity of the project site include the following:

- Land Use: The proposed use is consistent with the surrounding land use pattern of mixed use commercial and residential uses. The introduction of additional residential and commercial uses would not create conflicts with existing land uses, and would not alter the overall land use pattern in the area..
- Zoning: No zoning changes are anticipated in the project vicinity under the Future with Action Condition. The approval of the proposed Special Permit will not have a significant adverse impact on Zoning.

- Air Quality and Noise: As discussed above, the project site is not located near any major noise sources, nor would the proposed project introduce any significant noise generating activities. The (E) designation (E-416) for air quality would requiring future residential uses to use heating and cooling systems with no venting or stacks, powered by electricity only, will ensure that there will be no impacts related to air quality,
- Historic & Cultural Resources: The SoHo Cast Iron Historic District is located in lower Manhattan and has been in transition from its historic industrial/manufacturing origins to a residential community as well as a shopping and sightseeing destination and an emerging business center. The district consists of about 26 blocks and approximately 500 buildings with cast iron facades. Many of the buildings in the area are Joint Living-Work Quarters for Artists or have residential occupancy on the upper floors. Retail and commercial uses on the ground floors area common and may include furniture showrooms, wine shops, clothing shops and art galleries.

SoHo was designated as an Historic District by the New York City Landmarks Preservation commission in 1973 and extended in 2010. The SoHo Cast Iron Historic District was listed on the National Register of Historic Places in 1978. Based on the scope, size and location of the proposed project, there would not be any changes in any of the distinctive features of the Historic District. The restoration and roof top addition of the building pursuant to the Certificate of Appropriateness issued by the Landmarks Preservation Commission would enhance the streetscape. The introduction of residential units above the ground floor would be similar to surrounding buildings and would be compatible with surrounding land use patterns in this mixed commercial, retail, and residential area.

The CEQR Technical Manual notes that neighborhood character impacts are rare. Only under unusual circumstances would a combination of moderate effects to the neighborhood result in an impact to neighborhood character, in the absence of an impact in any of the relevant technical areas. A 'moderate' effect is generally defined as an effect that is reasonably close to the significant adverse impact threshold for a particular technical analysis area. As described elsewhere in this document, no significant adverse impacts or moderate effects related to these aspects of the environment are anticipated.

Based on the information presented above and the supplemental analyses that are attached, no significant adverse impacts or moderate effects related to any of the analysis areas are anticipated. Therefore, no impacts are anticipated and a detailed analysis of neighborhood character is not warranted.

19. Construction

According to the *2014 CEQR Technical Manual*, Construction impacts may be analyzed for any project that involves construction or could induce construction. For construction activities not related to in-ground disturbance, short-term construction generally does not warrant a detailed construction analysis. For example, the use of a property for construction staging activities is likely to only warrant analysis if this activity continues for a period of several years.

A preliminary assessment is generally not needed unless are met:

- Construction activities are considered long-term (Last longer than two years),
- Short term construction activities would directly affect a technical area of analysis,
- Construction results in the closing, narrowing, impeding of traffic, transit, or obstruction of pedestrian or vehicular routes in proximity to critical land uses,
- Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out,
- The operation of several pieces of diesel equipment in a single location at peak construction,
- Closure of a community facility or disruption in its services,
- Disturbance of a site containing or adjacent to a site containing natural resources, and
- 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.

The proposed action would result in activities within a designated historic district. Construction activities would be confined to the subject property, and all activities would be managed to ensure that there will not be any impact or physical damage created from falling objects from the proposed construction site. The proposed project is not located within 400 feet of a historic or cultural resource that is NYC-landmark eligible, eligible for the State and National Register of Historic Places. Approval of the proposed action, will not have any significant adverse impacts, therefore no further analysis is warranted.

APPENDIX

NYC LPC Documents

1. Certificate of Appropriateness and Certificate of No Effect
2. Modification of Use
3. Environmental Review Determination
4. Draft Restrictive Declaration

NYC DEP Correspondence

1. Comment Letter (January 18, 2017)
2. Comment Letter (February 21, 2017)



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
 TEL: 212 669-7700 FAX: 212 669-7730



PERMIT CERTIFICATE OF APPROPRIATENESS

ISSUE DATE: 06/17/15	EXPIRATION DATE: 4/21/2021	DOCKET #: 161235	COFA #: COFA 17-2964
ADDRESS: 40 WOOSTER STREET <u>HISTORIC DISTRICT</u> SOHO-CAST IRON		BOROUGH: MANHATTAN	BLOCK/LOT: 475 / 34

Display This Permit While Work Is In Progress

ISSUED TO:

Ran Eliasaf
40 Wooster Restoration LLC
260 Madison Avenue, Ste #204
New York, NY 10016

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of April 21, 2015, following the Public Hearing of the same date, voted to grant a Certificate of Appropriateness for the proposed work at the subject premises, as put forward in your application completed on March 26, 2015.

The proposed work, as approved, consists of demolishing the existing stair and elevator bulkheads; constructing a new metal clad bulkhead, with a gray finish; and installing HVAC units at the roof. The work was shown in a digital slide presentation, consisting of 14 slides numbered A-1 to A-10, and Appendix-1 to Appendix-4; dated April 7, 2015; and including drawings, photographs, and photomontages, all prepared by Easton Architects, and presented at the Public Hearing and Public Meeting.

In reviewing this proposal, the Commission noted that the SoHo-Cast Iron Historic District Designation Report describes 40 Wooster Street as a store building, designed by Buchman & Deisler, and built in 1895-96; and that the building's style, scale, materials, and details are among the features that contribute to the special architectural and historic character of the SoHo-Cast Iron Historic District.

With regard to this proposal, the Commission found that no significant architectural features of the building will be eliminated or altered by the construction of the bulkhead; that the presence of a moderately sized rooftop bulkhead, visible within incidental views from public thoroughfares, will be in keeping with rooftop accretions typically found at industrial buildings throughout this historic district; that the bulkhead will only


be visible from public thoroughfares from limited vantage points at a distance, over a secondary façade of the building within the context of taller secondary facades of neighboring buildings and a variety of rooftop accretions; that the metal cladding material, neutral gray finish, regular rectangular form and simple design of the bulkhead will be in keeping with the utilitarian character of rooftop accretions throughout this district and will help the bulkhead remain a discreet secondary presence; and that the HVAC units will only be minimally visible from select vantage points along a public thoroughfare, in the context of other rooftop accretions. Based on these findings, the Commission determined the work to be appropriate to the building and the historic district and voted to approve the application.

PLEASE NOTE: This permit is being issued for work subject to the review of the Department of City Planning for a modification of use, pursuant to Section 74-711; and this permit is issued contingent upon the Commission's review and approval of the final Department of Building filing set of drawings. No work can begin until the final drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal. Please submit these drawings to the Landmarks Preservation Commission staff as soon as they become available.

This permit is being issued in conjunction with Certificate of No Effect 17-2966 (LPC 16-7730), issued June 17, 2015, for restorative work at the facades of 40 Wooster Street, as well as the fire escape and sidewalk.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The work is limited to what is contained in the perforated document. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fine. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Emma Waterloo.


Meenakshi Srinivasan
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Xiong Jian Shi, BMB Building Consulting

cc: B. Artus, Deputy Director of Preservation/LPC



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
 TEL: 212 669-7766 FAX: 212 669-7780



PERMIT

CERTIFICATE OF NO EFFECT

ISSUE DATE: 06/17/15	EXPIRATION DATE: 6/17/2019	DOCKET #: 167730	CNE #: CNE 17-2966
ADDRESS: 40 WOOSTER STREET HISTORIC DISTRICT SOHO-CAST IRON		BOROUGH: MANHATTAN	BLOCK/LOT: 475 / 34

Display This Permit While Work Is In Progress

ISSUED TO:

Ran Eliasaf
Northwind RE, LLP
40 Wooster Restoration LLC
66 Pearl Street, Suite 405
New York, NY 10004

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on June 16, 2015.

The approved work consists of exterior alterations throughout the west (Wooster Street), south (lot line), and east (rear) facades, including replacing modern storefront infill at the first floor of the west façade with new light beige painted wood infill, featuring paneled bulkheads, fixed display windows, transoms, and paired wood and glass doors; replacing sashes at twelve wood and metal one-over-one, double-hung windows at the second third and sixth floors with twelve wood one-over-one, double-hung windows; replacing sashes two wood window assemblies consisting of a pair of arch-headed, two-light casement windows and multi-light fixed windows, surrounding the casement windows, within an arched masonry opening in-kind at the fifth floor; repairing and repainting the remaining wood brickmolds at the windows, which will have the sashes replaced, and the brickmolds and sashes of eight existing historic wood windows to remain, including the second floor transoms and the fourth floor one-over-one, double-hung windows, matching the historic finish; replacing fifty-one one-over-one and two-over-two, double-hung wood and metal windows with fifty-one two-over-two, double-hung metal windows throughout the south and east facades; repairing deteriorated masonry units throughout the west, south, and east facades utilizing a patching compound; repointing deteriorated masonry joints throughout the west and south facades; selectively replacing deteriorated brickwork at the west and south facades; cleaning throughout the south and west facades utilizing a chemical cleaner and low pressure water rinses; and scraping and repainting the cornice and cast iron elements at the

west façade golden beige (Sherwin Williams SW 6375 or equivalent) and the fire escape and pintels at the east façade black, as well as cleaning the concrete sidewalk paving adjacent to the west façade utilizing a detergent and water rinses, as described and shown in an existing conditions assessment, dated February 17, 2015; a specifications report, dated May 22, 2015, and prepared by Easton Architects, LLP; a windows condition assessment, dated June 16, 2015, and prepared by Easton Architects, LLP; and on sheets consisting of drawings, photographs, and photomontages, labeled A-1 to A-10, and Appendix-1 to Appendix-4; dated April 7, 2015, and prepared by Easton Architects, LLP, all submitted as components of the application.

In reviewing this proposal, the Commission notes that the SoHo-Cast Iron Historic District Designation Report describes 40 Wooster Street as a store building, designed by Buchman & Deisler, and built in 1895-96; and that the building's style, scale, materials, and details are among the features that contribute to the special architectural and historic character of the SoHo-Cast Iron Historic District.

With regard to this proposal, the Commission finds that the work is restorative in nature; that, in accordance with the provisions set forth in Title 63 of the Rules of the City of New York, Section 2-17, the restoration of the storefront will not cause the removal of any significant historic fabric; that the authenticity of the storefront design is based on photographic evidence; that the installation of the proposed storefront will restore the building façade closer to its historic appearance; that, in accordance with the provisions set forth in Title 63 of the Rules of the City of New York, Section 3-04, the historic sashes and windows to be replaced have deteriorated to a point precluding reasonable repair, rehabilitation or restoration; that the historic wood window frames at the front façade windows will be retained and repaired; that the proposed replacement sashes at the front façade will match the historic windows in terms of configuration, operation, details, and material; that the repair of the historic windows at the front façade will help return these features to a sound, operable condition; that the proposed replacement windows at the secondary facades will match the historic windows in terms of configuration; that all of the replacement windows will be installing within existing window openings; that the proposed finishes for the storefront infill, windows, cornice, and decorative cast iron will be finished to match the historic finishes, as determined by a historic finish analysis; that the black finish at the fire escape and pintels will be in keeping with finishes historically used at utilitarian metal elements of buildings of this type, style, and age; that the proposed masonry patching will match the historic masonry in terms of color, profiles, texture, details, and finish and will be compatible with the masonry in terms of composition; that the proposed mortar will match the historic mortar in terms of color, profile, texture, and tooling, and will be compatible with the masonry in terms of composition; that the vertical joints will be raked by hand; that the use of motorize grinders will be limited to the cutting of horizontal joints in locations in which this can be done without chipping, cutting, or otherwise damaging the masonry; that the replacement of the damaged brickwork is warranted by its deteriorated condition; that the proposed brickwork will match the historic brickwork in terms of placement, material, profiles, details, texture, finish, dimensions, and bonding pattern; that the proposed cleaning will be undertaken utilizing the gentlest method possible, without damaging the masonry facades or sidewalk; and that the cumulative effect of the proposed work will support the long term preservation of the building. Therefore, the work is approved.

PLEASE NOTE: This permit is issued contingent upon the Commission's review and approval of the final Department of Building filing set of drawings; shop drawings for the storefront work; and fully dimensioned section and elevation drawings for the front façade windows. This permit is also contingent upon the Commission's review and approval of results of the mortar and finish analysis; repair specifications for the wood windows; samples of the proposed repointing mortar, patching, masonry units, paint, and cutting of mortar joints prior to the commencement of work. Please contact the Commission's staff once samples and drawings are available for review. This permit is further contingent on the understanding that the work will

be performed by hand and when the temperature remains a constant 45 degrees Fahrenheit or above for a 72 hour period from the commencement of the work.

PLEASE ALSO NOTE: this permit is being issued in conjunction with Certificate of Appropriateness 17-2964 (LPC 16-1235), issued June 17, 2015, for work including the construction of a rooftop bulkheads.

The Commission has reviewed the application and these drawings and finds that the work will have no effect on significant protected features of the building.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The work is limited to what is contained in the perforated document. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fine. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Emma Waterloo.



Meenakshi Srinivasan
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Yosef Melamed, RA, Melamed Architect, PC

cc: B. Artus, Deputy Director of Preservation/LPC; Lisa Easton/Easton Architects



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET, 9TH FLOOR NORTH NEW YORK NY 10007
 TEL: 212-569-7700 FAX: 212-569-7780



June 17, 2015

ISSUED TO:

Carl Weisbrod, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: LPC - 168529
 MOU 17-2978
 40 WOOSTER STREET
HISTORIC DISTRICT
 SOHO-CAST IRON
 Borough of Manhattan
 Block/Lot: 475 / 34

At the Public Meeting of April 21, 2015, following the Public Hearing of the same date, the Landmarks Preservation Commission ("LPC") voted to issue a report to the City Planning Commission ("CPC") in support of an application for the issuance of a Special Permit, pursuant to Section 74-711 of the Zoning Resolution to permit the Modification of Use and Bulk for the building on Block 475, Lot 34, as put forward in your application completed on March 26, 2015. In reviewing this proposal, the LPC noted that 40 Wooster Street, the "Designated Building" located on lot 34, is a store building, designed by Buchman & Deisler, and built in 1895-96; and the building's style, scale, and materials are among the features which contribute to the special architectural and historic character of the SoHo-Cast Iron Historic District.

In voting to issue the report, the LPC found that the applicant has agreed to undertake work to restore the Designated Building and bring it up to a sound, first class condition, including restorative work at the front, rear, and lot line facades, a fire escape and the sidewalk; that the applicant has agreed to establish and maintain a program for continuing maintenance to ensure that the Designated Building is maintained in a sound, first-class condition; and that a restrictive Declaration ("Declaration") will be filed against the property which will bind the applicants and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity.

Specifically, at the Public Meeting of April 21, 2015, following the Public Hearing of the same date, the Commission approved a proposal for demolishing the existing stair and elevator bulkheads, constructing a new metal-clad bulkhead, and installing HVAC units.

The applicant also agreed to perform restorative work as described in Certificate of No Effect 17-2966 (LPC 16-7730), issued June 17, 2015, including replacing modern storefront infill at the first floor of the west façade with new light beige painted wood infill; replacing window sashes and restoring wood windows at the west façade; replacing windows throughout the south and east façades; patching, repointing, and replacing deteriorated masonry units throughout the west, east, and south façades; cleaning throughout the south and west façades and sidewalk; scraping and repainting metalwork at the west and east façades and the fire escape.

In reaching a decision to grant a Certificate of Appropriateness, the Commission reviewed the proposed work and found that no significant architectural features of the building will be eliminated or altered by the construction of the bulkhead; that the presence of a moderately sized rooftop bulkhead, visible within incidental views from public thoroughfares, will be in keeping with rooftop accretions typically found at industrial buildings throughout this historic district; that the bulkhead will only be visible from public thoroughfares from limited vantage points at a distance, over a secondary façade of the building within the context of taller secondary façades of neighboring buildings and a variety of rooftop accretions; and that the metal cladding material, neutral gray finish, regular rectangular form and simple design of the bulkhead will be in keeping with the utilitarian character of rooftop accretions throughout this district and will help the bulkhead remain a discreet secondary presence. Based on these findings, the Commission determined the work to be appropriate to the building and the historic district and voted to approve the application.

In reaching a decision to issue a favorable report to the CPC, the LPC found that the restorative work to be approved pursuant to LPC 16-7730, including replacing storefront infill and windows, as well as masonry repointing, patching, and cleaning, and painting the metalwork based on historic documentation, will return the building closer to its historic appearance; that the restorative work will reinforce the architectural and historic character of the building and the historic district; that the restorative work will bring the building up to a sound first-class condition and aid in its long term preservation; that the implementation of a cyclical maintenance plan will ensure the continued maintenance of the building, in a sound, first-class condition; and that the owners of the designated building have committed themselves to establishing a cyclical maintenance plan that will be legally enforceable by the Landmarks Preservation Commission under the provisions of a Restrictive Declaration, which will bind all heirs, successors and assigns, and which will be recorded at the New York County Registrar's Office.

The Declaration requires the Declarant to hire a qualified preservation professional, whose credentials are to be approved by LPC, to undertake comprehensive inspections every five years of the Designated Building's exterior and such portions of the interior which, if not properly maintained, would cause the Designated Building to deteriorate. The Declarant is required to perform all work identified in the resulting professional reports as being necessary to maintain the Designated Building in sound, first-class condition within stated time periods.

The staff of the Commission is available to assist you with these matters. Please direct inquiries to Emma Waterloo.



Meenakshi Srinivasan

Chair

cc: B. Artus, Deputy Director of Preservation/LPC; John Weiss, Deputy Counsel/LPC; Ran Eliasaf/Northwind RE, LLP; Yosef Melamed/Melamed Architect, PC; Lisa Easton/Easton Architects, LLP

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 77DCP291M

Project:

Address: 40 WOOSTER STREET, **BBL:** 1004750034

Date Received: 7/11/2016

No architectural significance

No archaeological significance

Designated New York City Landmark or Within Designated Historic District

Listed on National Register of Historic Places

Appears to be eligible for National Register Listing and/or New York City Landmark Designation

May be archaeologically significant; requesting additional materials

Comments: The LPC is in receipt of the EAS of 7/11/16. The final LPC permits for this action should be appended to the EAS.

Gina Santucci

7/15/2016

SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

File Name: 31627_FSO_GS_07152016.doc

40 WOOSTER RESTORATION LLC

RESTRICTIVE DECLARATION

Dated: _____, 2017

Location: Block 475, Lot 34

New York County, New York

Record& Return to:

DeCampo, Diamond, and Ash
747 Third Avenue, Suite 33A
New York, New York 10017
Attention: Francis R. Angelino, Esq.

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- 6.3 Indemnification
- 6.4 Enforcement

DECLARATION made as of the ____ day of _____, 2017, by 40 Wooster Restoration LLC, a New York limited liability company, with an address c/o Northwind Group, 240 Madison Avenue, Suite 204, New York, NY 10016, attn: Mr. Ran Eliasef (the "Declarant"):

WITNESSETH:

WHEREAS, Declarant is the owner in fee simple of certain real property located in the Borough of Manhattan, City, County and State of New York, which property is designated as Block 475, Lot 34 on the Tax Map of the City of New York and by the street address 40 Wooster Street, and is more particularly described on Exhibit A attached hereto (the "Subject Property"); and

WHEREAS, the Subject Property is improved by a six-story building with commercial uses on floors 1 through 6 (the "Designated Structure"). The Subject Property is located in an M1-5B zoning district; and

WHEREAS, pursuant to the provisions of Section 3020 of the New York City Charter and Title 25, Chapter 3 of the Administrative Code of the City of New York (the "Landmark Preservation Law"), the Landmarks Preservation Commission (the "LPC") has designated an area which includes the Designated Structure as the Soho-Cast Iron Historic District; and

WHEREAS, the Subject Property together with the Designated Structure constitutes the Subject Premises (the "Subject Premises"); and

WHEREAS, _____ TITLE INSURANCE CO. ("TITLE CO"), a title company, has certified as of _____, 2017, and acknowledged as of _____, 2017, that Declarant, as

fee owner, and A10 CAPITAL, as mortgagee (“BANK”), are the parties in interest (“Parties in Interest”), as that term is defined in the zoning lot definition in Section 12-10 of the Zoning Resolution, to the Subject Premises, a copy of which certification is attached hereto as Exhibit B; and

WHEREAS, BANK has waived its right to execute this Declaration, a copy of which waiver is attached hereto as Exhibit C; and

WHEREAS, all Parties in Interest to the Subject Property have executed this Declaration or waived their rights to execute this Declaration; and

WHEREAS, as of the date hereof, TITLE CO. has determined there has been no change in the certification attached as Exhibit B and Declarant represents and warrants that the Parties in Interest listed in Exhibit B are the only known Parties in Interest in the Subject Premises as of the date hereof; and

WHEREAS, pursuant to Application No. 160349 ZSM, dated May 19, 2016 (the “Application”), Declarant applied to the City Planning Commission of the City of New York (the “CPC”) for a special permit (the “Special Permit”) pursuant to 74-711 ZR to permit a change of use from: conforming Use Group 6 office and Use Group 10 showroom use to Use Group 6, retail use, on the ground floor and cellar, and to Use Group 2, residential use, on the second through 6th floors; and

WHEREAS, Declarant at the public hearing on April 21, 2015, requested the LPC issue a report (the “Report”) to the CPC for the Application; and

WHEREAS, at the public hearing on April 21, 2015, the LPC voted to issue the Report to the CPC as requested for the Application, and to grant a Certificate of Appropriateness (the “C of A”), which allows for the alteration of the Designated Structure in the Soho-Cast Iron Historic

District in accordance with Section 25-307 of the Administrative Code of the City of New York. A copy of the C of A, which was issued on June 17, 2015, is annexed hereto as Exhibit D; and

WHEREAS, on June 17, 2015, the LPC, issued a Certificate of No Effect (the “CNE”), approving the scope of the preservation work pursuant to a preservation purpose under 74-711 ZR; and

WHEREAS, Declarant has agreed to certain obligations and restrictions contained in this Declaration for the protection, preservation, repair and maintenance of the Designated Structure in accordance with the Landmark Work and Continuing Maintenance Program, as set forth in Article II of this Declaration; and

WHEREAS, Declarant has agreed to restrict the manner in which the Subject Premises may be developed, restored and operated and shall inure to the benefit of all the land, including City-owned land, lying within one-half (½) mile of the Subject Premises; and

WHEREAS, Declarant has agreed to restrict the manner in which the Subject Premises may be developed, restored, and operated in order to assure the protection, repair and maintenance of the Designated Structure; and

WHEREAS, Declarant represents and warrants that there are no restrictions, liens, obligations, covenants, easements, limitations or encumbrances of any kind, the requirements of which have not been waived or subordinated or made subject to this Declaration, which would prevent or preclude, presently or potentially, the imposition of the restrictions, covenants, obligations, easements and agreements of this Declaration;

NOW, THEREFORE, Declarant does hereby declare and agree that the Subject Premises shall be held, sold, transferred, conveyed and occupied subject to the following restrictions, covenants, obligations, easements, and agreements, all of which are for the purpose of protecting

the Subject Premises, which shall inure to the benefit of the City of New York, and which shall run with the Subject Premises and bind Declarant and its heirs, successors and assigns so long as they have a right, title or interest in the Subject Premises or any part thereof.

ARTICLE I

DEFINITIONS

The following words, when used in this Declaration, shall have the following meanings:

1.1 "Application" shall mean the application to the City Planning Commission for the Special Permit, as defined herein.

1.2 "Buildings Department" shall mean the New York City Department of Buildings, or any successor to the jurisdiction thereof.

1.3 "Chairperson of the CPC" shall mean the Chairperson of the City Planning Commission of the City of New York or any successor to the jurisdiction thereof.

1.4 "Chairperson of the LPC" shall mean the Chairperson of the Landmarks Preservation Commission of the City of New York or any successor to the jurisdiction thereof.

1.5 "City" shall mean the City of New York.

1.6 "City Council" shall mean the New York City Council or any successor to the jurisdiction thereof.

1.7 "CPC" shall mean the New York City Planning Commission, or any successor to the jurisdiction thereof.

1.8 "Declarant" shall mean the named Declarant and the heirs, successors and assigns of the named Declarant, including, without limitation, any owner of a condominium unit within the Designated Structure, except that Declarant shall not be deemed to include (i) a mortgagee of all or any portion of the Subject Property until it succeeds to the interest or obligation of Declarant by purchase, assignment, foreclosure or otherwise, or (ii) a tenant of the Subject Premises, unless such tenant holds a lease to all or substantially all of the Subject Premises.

1.9 "DCP" shall mean the New York City Department of City Planning or any successor to the jurisdiction thereof.

1.10 "Designated Structure" shall mean the six-story designated structure, located at 40 Wooster Street on Tax Block 475, Lot 34 in Manhattan, which is a contributing structure in the Soho-Cast Iron Historic District.

1.11 "Force Majeure" shall mean: strike, lockout or labor dispute(s); inability to obtain materials or reasonable substitutes therefor unless due to any act or failure to act by Declarant; acts of God; acts of terrorism; unforeseen governmental restrictions, regulations, omissions or controls; enemy or hostile government actions; civil commotion, insurrection, revolution or sabotage; fire or other casualty; inclement weather of such a nature as to make performance or completion of the Landmark Work not feasible unless due to any act or failure to act by Declarant; any damage to the Subject Premises of such a nature as to make completion of the Landmark Work not feasible; a taking of the Subject Premises, or a portion thereof, by condemnation or eminent domain; failure of a public utility to provide power, heat or light; unusual delay in transportation; material delays by the City, State or United States Government, or any agency or instrumentality thereof, in the performance of any work or processing or approval of any applications required in order to permit Declarant to carry out its obligations pursuant to this Declaration unless due to any act or failure to act by Declarant; denial to Declarant by any owner of an enforceable interest in adjoining real property, including any

private fee owner or ground lessee of adjoining real property, or any agency of the City or State having an enforceable interest in adjoining real property, including sidewalk or streets, of a right to access to such adjoining real property, if such access is required to accomplish the obligations of the Declarant pursuant to this Declaration; the pendency of a litigation not initiated by Declarant or similar proceeding which suspends or materially and adversely affects the ability of the Declarant to accomplish the obligations of the Declarant pursuant to this Declaration; or other conditions similar in character to the foregoing which are beyond the control of Declarant. No event shall constitute a Force Majeure unless Declarant complies with the procedures set forth in Sections 2.2 and 6.2 hereof.

1.12 "Landmark Work" shall mean the restoration work described in Section 2.1(a) herein.

1.13 "LPC" shall mean the Landmarks Preservation Commission of New York City or any successor to the jurisdiction thereof.

1.14 "Mortgagee" shall mean (a) the institutional first mortgagee of all or substantially all of the Subject Premises listed in Exhibit B or (b) the first mortgagee of a condominium unit within the Designated Structure.

1.15 "Party(ies) in Interest" shall mean any party-in-interest listed in Exhibit B and any other party-in-interest to the Subject Premises who has given written notice of its name and address to the CPC and the LPC.

1.16 "Special Permit Use" shall mean residential use or retail use. Notwithstanding the foregoing, no use shall be deemed a Special Permit Use if it is permitted as-of-right within the Subject Premises by the terms of the Zoning Resolution then in effect.

1.17 "Zoning Resolution" shall mean the Zoning Resolution of the City of New York.

ARTICLE II

DEVELOPMENT, PRESERVATION, REPAIR AND MAINTENANCE

2.1 Certificate of No Effect. If Declarant elects to alter and improve the Designated Structure in accordance with the approved Special Permit, such improvements and alterations shall be in conformance with the CNE, as may be amended or modified from time to time in accordance with its terms.

2.2 Landmark Work and Certificate of Occupancy. (a) The issuance of the Special Permit is premised on, inter alia, the performance of the following restoration work on the Designated Structure in conformity with the C of A and the requirements thereof (which restoration work shall be referred to as the "Landmark Work"):

Masonry: Brick

- Repoint 100% of the brick on the west and south facades
- Select area brick replacement on the south façade
- Select area crack repairs on the west and south facades
- Composite patch repair in areas of previous anchor attachments
- Remove graffiti from the south façade
- Clean 100% of the west and south facades

Masonry: Terra Cotta

- Repoint of 100% the terra cotta ornament, ashlar and projecting water table fascia and moldings on the west facade
- Select area crack repairs on the terra cotta water table fascia
- Clean the terra cotta on the west façade

Cast Iron & Metals

- Scrape, prime and paint metal cornice; color based on historic documentation
- Scrape, prime and paint cast iron columns, capitals and friezes; colors based on historic documentation

- Scrape, prime and paint metal fire escape; colors based on historic documentation
- Scrape, prime and paint steel lintels; colors based on historic documentation

Windows & Door

- Introduce new storefront based on historic documentation
- Replicate wood windows to match the original configuration of the windows on the west façade; paint color based on historic documentation
- Restore the existing wood windows on the east façade; paint color based on historic documentation
- Replace the existing windows, which are a combination of wood and steel windows, with aluminum and fire-rated steel lot line windows to match the original configuration

Concrete Sidewalks

- Clean existing concrete flags

Special Permit Drawings. Declarant covenants and agrees to develop the Subject Property substantially in accordance with the following drawings prepared by Easton Architects LLP, attached hereto as Exhibit E:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
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(b) Written notice that the Declarant is seeking a temporary certificate of occupancy ("TCO") or permanent certificate of occupancy ("PCO") shall be provided to the LPC 20 days prior to the Declarant applying for a TCO or PCO. No TCO or PCO which permits a Special Permit Use shall be granted by the Buildings Department or accepted by Declarant until the Chairperson of the LPC shall have given written notice to the Buildings Department that the Landmark Work has been satisfactorily completed by Declarant (the "Notice of Compliance") or the Chairperson of the LPC has certified in writing, as provided in Section 2.2(d) hereof, that (i)

a Force Majeure has occurred and (ii) the Chairperson of the LPC has no objection to the issuance of a TCO or PCO for, as appropriate, all or part of the Subject Property. The Chairperson of the LPC shall issue said notice reasonably promptly after Declarant has made written request to the Chairperson of the LPC and has provided documentation to support such request, and the Chairperson of the LPC shall in all events endeavor to issue such written notice to the Buildings Department, or inform Declarant in writing of the reason for not issuing said notice, within twenty-one (21) calendar days after Declarant has requested such written notice. Upon receipt of the written notice from the Chairperson of the LPC that (A) the Landmark Work has been satisfactorily completed or (B) the Chairperson of the LPC has certified that a Force Majeure has occurred and that the Chairperson of the LPC has no objection to the issuance of a TCO or PCO, the Buildings Department may grant, and Declarant may accept, a TCO or PCO for the Designated Structure.

(c) Declarant shall permit inspection of the Designated Structure by the Chairperson of the LPC and representatives designated by the Chairperson of the LPC in connection with the notice described in Section 2.2(b) hereof.

(d) Upon application by Declarant, notwithstanding anything contained in any other provision of this Declaration, the Chairperson of the LPC, in the exercise of his or her reasonable judgment, may certify that the performance or completion of the Landmark Work is delayed due to a Force Majeure as provided in paragraph (e) below.

(e) In the event that Declarant reasonably believes that full performance of its obligations to complete the Landmark Work has been delayed as a result of a Force Majeure, Declarant shall so notify the Chairperson of the LPC as soon as Declarant learns of such circumstances. Declarant's written notice shall include a description of the condition or event, its cause (if known to Declarant), its probable duration, and in Declarant's reasonable judgment, the impact it is reasonably anticipated to have on the completion of the Landmark Work. The Chairperson of

the LPC shall, within twenty-one (21) calendar days of its receipt of Declarant's written notice, (A) certify in writing that a Force Majeure has occurred, including a determination of the expected duration of such delay (the "Delay Notice"), and grant Declarant appropriate relief for such delay, including certifying in writing to the Buildings Department that the Chairperson of the LPC has no objection to the issuance of a TCO or PCO for, as appropriate, all or part of the Subject Property, or (B) notify Declarant that it does not reasonably believe a Force Majeure has occurred. With respect to any claim that a Force Majeure has delayed the Declarant's performance or completion of the Landmark Work, the LPC may require that Declarant post a bond or other security in a form and amount acceptable to the Chairperson of the LPC in order to ensure that the Landmark Work is completed. Such alternative security could include, without limitation, alternative or additional conditions on the issuance of any PCO or TCO. Any delay caused as the result of a Force Majeure shall be deemed to continue only as long as the Declarant shall be using reasonable efforts to minimize the effects thereof. Upon cessation of the events causing such delay, the Declarant shall promptly recommence the Landmark Work.

(f) Notwithstanding anything else to the contrary contained herein, this Declaration shall not be deemed to prohibit or restrict Declarant from (i) applying for or receiving a TCO or a PCO for any floor area in the Designated Structures which is not to be used for a Special Permit Use; or (ii) obtaining permits or building notices from the Building's Department to perform work, including tenant work, in the Designated Structures prior to the completion of the Landmark Work; or entering into agreements affecting all or any portions of the space in the Designated Structures prior to completion of the Landmark Work.

2.3 Preservation, Repair and Maintenance. Declarant hereby covenants and agrees to preserve, repair and maintain the Designated Structure in sound first-class condition, at its own expense, in accordance with this Declaration, the CNE, and the Landmarks Preservation Law. It is understood that certain obligations and duties set forth in this Declaration are above and

beyond the requirements of the Landmarks Preservation Law and do not in any way diminish Declarant's obligations and responsibility to comply with all provisions of the Landmarks Preservation Law.

2.4 Continuing Maintenance Program. Declarant shall establish and carry out a cyclical preservation and maintenance program for the Designated Structures (the "Continuing Maintenance Program"). Such Continuing Maintenance Program shall include at the minimum the following:

A. At Declarant's expense, an inspection (the "Periodic Inspection") shall be made every five years, on or within two weeks of the anniversary of the issuance by LPC of the Notice of Compliance pursuant to the CNE, and thereafter, shall be made on or within every five years from the date of such initial inspection. In the event that Declarant has accepted a TCO or a PCO that permits a Special Permit Use without having first received the Notice of Compliance, the first periodic inspection shall be made on or within the fifth anniversary date of the issuance of such TCO or PCO and every five years thereafter. The Periodic Inspection shall be done by a preservation architect, engineer or other qualified person knowledgeable about the preservation of historic structures (the "Preservation Architect") selected by Declarant from a list prepared by Declarant and approved by the Chairperson of LPC as to their credentials, which approval shall not be unreasonably withheld or delayed. Declarant shall update such listing upon the request of the Chairperson of LPC. In addition, Declarant may periodically supplement the list of Preservation Architects, subject to the approval of the Chairperson of LPC as to their credentials. The Preservation Architect shall make a thorough inspection of the exterior of the Designated Structure and those portions of the interior, as well as those portions of the mechanical systems that are accessible to and under the control of building management, which, if not properly maintained, could affect the condition of the exterior. The Periodic Inspection

shall include, but not be limited to:

- 1) All masonry portions of the building, including but not limited to:
 - a) All walls;
 - b) Foundations;
 - c) All brick, and mortar joints;
 - d) Stone sills;
 - e) Paved areas, sidewalks, entrance areaway;
 - f) Parapet, coping and corbelling;
 - g) All chimneys and flues;
 - h) Stonework (existing and new):
 - i) Caulking where necessary, with particular reference to joints between terra cotta and ironwork;
- 2) All metal work;
- 3) All areas of the roof, flashing, drainage and rainwater systems;
- 4) All skylights;
- 5) All mechanical systems and equipment, including but not limited to:
 - a) Plumbing;
 - b) Electrical and lighting fixtures;
 - c) Heating and air conditioning;
 - d) Sprinkler system; and
 - e) Elevators.

B. The Preservation Architect shall, at the expense of Declarant, submit a report on each Periodic Inspection (the "Periodic Report") to the Declarant and the LPC within 45 days after each periodic inspection. The Preservation Architect shall outline the existing conditions of the Designated Structure and detail the work which should be performed on the Designated Structure in order to maintain the structure, including all of its architectural features and elements, in sound, first-class condition and shall address all types of work including but not limited to:

1. Painting;
2. Cleaning;
3. Repair of architectural features and elements; and
4. Resurfacing of walls, repointing of masonry and waterproofing.

C. Submission of Local Law 10 & 11 Facade Inspection Report. If the Designated Structure is subject to the Facade Inspection Report requirements of Title 1 RCNY § 32-03 et seq., a copy of any such Facade Inspection Report which is submitted to the New York City Department of Buildings shall also be provided at the same time to the LPC. In the event that the building is found to be unsafe pursuant to such inspection, the Declarant shall notify the LPC simultaneously with the owner and the Department of Buildings, pursuant to Title 1 RCNY § 32-03(b)(2)(vii).

D. Except as set forth below, Declarant shall perform all work which a Periodic Report, Facade Inspection Report or Emergency Incident Report (as defined below) identifies as necessary to maintain the Designated Structure, including its architectural features and elements, in sound first-class condition. No work shall be performed except pursuant to a permit from the LPC if a permit is required under the Landmarks Preservation Law. If the LPC determines that a specific item of work or method of work as set forth in a Periodic Report, Facade Inspection Report or Emergency Incident Report would be inappropriate or inadequate,

the determination of the LPC shall control and Declarant need not and shall not have such specific items performed. Declarant shall have the right to contest in a hearing before the LPC any work called for in a Periodic Report or Emergency Incident Report. Declarant's obligation to perform such contested work or to perform it by a method acceptable to the LPC shall be stayed pending a decision in any such proceeding at the LPC. Declarant shall proceed with all work which is uncontested during the stay pursuant to a permit.

E. Unless Declarant has notified the LPC in writing that it contests any work as set forth in the preceding paragraph, Declarant shall apply for all necessary permits or certificates from the LPC within 45 days of receiving the completed report from the Preservation Architect. Declarant shall use its best efforts to assure that all repairs, rehabilitation, repointing, repainting and restoration work detailed in a Periodic Report or Emergency Incident Report (see below) shall be completed at the earliest possible date, but no later than within nine months of the date of issue of the certificate or permit from the LPC, or, if no such certificate or permit is required, within nine months of the date of the Periodic Report. If, for reasons beyond Declarant's control, as determined by the Chairperson of the LPC, such work cannot be completed within nine months, Declarant shall apply to the LPC for an extension of time within which to complete such work. Such extensions shall be for a stated additional period of time to be related to the period of delay and shall not be unreasonably withheld.

2.5 Emergency Protection Program. Declarant shall establish and be prepared to carry out an emergency protection program for the Designated Structure which shall include at the minimum, the following:

1. If a fire, the elements or any other cause whatsoever damages or destroys the Designated Structure or any part thereof (the "Emergency Incident"), Declarant shall use all reasonable means to save, protect and preserve the Designated Structure at the time of and following the Emergency Incident, including, but not limited to, acting with an approval from the

Chairperson of the LPC or his or her designated representatives to stabilize and prevent further damage to or deterioration of the Designated Structure, and to secure the Subject Premises from unauthorized access. Declarant shall not remove from the Subject Premises any debris consisting of exterior features of the Designated Structure without an approval from the Chairperson of the LPC or his or her designated representative. Unless necessitated as a safety precaution as ordered by the Departments of Buildings, Health, Fire or Police, or as an action taken in response to a life-threatening situation, the Declarant shall not remove any other debris or otherwise clear the Subject Premises without the approval of the LPC or its Chairperson.

2. Declarant shall give immediate written notice of such Emergency Incident to the LPC. Declarant shall also give timely notice to the LPC of the time or times when the New York City Departments of Buildings, Health and Fire will inspect the Subject Premises following the Emergency Incident, in order that the LPC may have a representative present during such inspections.

3. Within 60 days of such Emergency Incident, a Preservation Architect shall, at the expense of Declarant, make a thorough inspection of the Designated Structure and submit a report (an "Emergency Incident Report") to Declarant and to the LPC outlining the condition of the Designated Structure, assessing the extent of damage, and recommending (A) work, if any, which must be undertaken immediately, upon receipt of proper permits, in order to stabilize and prevent further damage to the Designated Structure, and (B) work that should be performed to repair and restore the Designated Structure to a sound, first-class condition or, alternatively to (A) and (B), that Declarant make an application to the LPC for permission to demolish the remaining portions of the Designated Structures.

4. With regard to the work to be performed pursuant to subparagraph 3(A), Declarant shall immediately upon receipt of the Emergency Incident Report request and vigorously pursue all necessary permits and, upon their issuance, shall undertake all such work

with alacrity. If no permits are required, work shall be undertaken as soon as possible after receipt of the Emergency Incident Report.

5. With regard to the work to be performed pursuant to subparagraph 3(B), within 90 days of receiving the report of the Preservation Architect, Declarant shall apply for all necessary permits and certificates from the LPC to repair and restore or to demolish the Designated Structure. No work on the exterior of the Designated Structure, and no work on the interior of the Designated Structure which would affect the exterior or which would require the issuance of a permit from the Department of Buildings shall be performed except pursuant to a permit from the LPC. If the LPC determines that a recommendation to demolish or to perform a specific item of work or method of work set forth in the report would be inappropriate, using the criteria set forth in the Landmarks Preservation Law, the determination of the LPC shall control and the Declarant shall not have such specific work performed or be entitled to have the Designated Structure demolished unless Declarant is obligated to perform such work or demolish the structure in accordance with an "Unsafe Building Notice" issued by the Department of Buildings. All repair, restoration, rehabilitation, repointing, and other work provided for in a certificate or permit shall be completed within nine months of the date of issue of such certificate or permit by the LPC. If such work cannot be completed within nine months for reasons beyond Declarant's control, as determined by the Chairperson of the LPC, Declarant shall apply in writing to the LPC for an extension of time within which to complete such work. Such extensions shall be for a stated additional period of time which is related to the period of the delay and shall not be unreasonably withheld.

2.6 Failure to Perform. In the event that the preservation, repair, or maintenance of the Designated Structure is not performed in accordance with the provisions of this Article, the LPC shall give written notice of such failure to perform to the Declarant. In the event that Declarant, its successors or assigns, fails after sixty days from receipt of written notice from the

LPC to perform or shall commence to perform but fail diligently to prosecute to completion, any such repair and/or maintenance, or any obligations of Declarant set forth in this Declaration, the City of New York may perform all of the necessary work at the sole cost and expense of the Declarant and shall have the right to enter onto the Subject Property and to charge said Declarant for all the actual cost of such work, together with actual administrative and legal fees incurred in the collection thereof. Such actual costs shall include, but not be limited to, payments by the City of New York to any lawyers, consultants, contractors, painters, engineers, architects and skilled artisans required to be hired to perform or supervise such work. To the extent such actual costs are expended by the City of New York, the LPC shall have a lien on the Subject Premises as if a lien had been filed, perfected and enforced for materials and labor under Article 2 of the Lien Law of the State of New York. Notwithstanding the foregoing, in the event that the Designated Structure is converted to a condominium, Declarant's right to notice and cure provided in this subsection shall apply only to the condominium board and to any owner of space occupied by retail uses in the Designated Structure; provided that the LPC has received notice by said parties in accordance with Section 6.2.

2.7 Access to Designated Structure. Declarant agrees to provide access to the Designated Structure to the LPC and its designated representatives at reasonable times and upon reasonable written notice, except in cases of emergency, in which event the LPC or its representatives shall have access, if feasible, immediately and without notice, in order to insure that the preservation, repair and maintenance of the Designated Structure is carried out in accordance with this Declaration.

ARTICLE III

CONDOMINIUM BOARD

3.1 General. In the event that the Designated Structure is converted to a condominium in accordance with Article 9B of the New York State Real Property Law ("RPL"), the condominium board (the "Board") shall have the responsibility to carry out all of Declarant's obligations and the authority to exercise all of Declarant's rights under this Declaration and upon such assumption, 40 Wooster Restoration LLC shall be released from its liability thereunder. The following provisions of this Article 3 shall be operative only in the event that the Board is formed as described in this Section 3.1.

3.2 Board. The Board shall require that each owner of a condominium unit (the "Unit Owner") appoint the Board as his Attorney-in-Fact with respect to modification, amendment, or cancellation of the Declaration.

3.3 Condominium Declaration. Every deed conveying title to, or a partial interest in, the Subject Premises and every lease of all or substantially all of the Subject Premises shall contain a recital that the grantee is bound by the terms of the Condominium Declaration and By-laws which shall incorporate an obligation by the Board to comply with the provisions of Article 3 of this Declaration. In addition, every deed, lease, the offering plan, and by-laws shall include the following language: This building is obligated by a restrictive declaration to be maintained in a sound, first-class condition in perpetuity. This obligation includes a thorough inspection of the building every five years and the preparation of an existing conditions report that shall be submitted to the LPC. All work identified in the existing conditions report as necessary to maintain this building in a sound, first-class condition must be expeditiously undertaken.

ARTICLE IV

EFFECT AND ENFORCEMENT

4.1 Effective Date and Cancellation. (a) This Declaration shall have no force and effect unless and until the occurrence of one of the following, to be referred to as the "Effective

Date": (a) the expiration of 21 days after the Special Permit has been approved if no review is undertaken by the City Council pursuant to Section 197-d of the New York City Charter or (b) final approval of the Special Permit pursuant to Section 197-d of the New York City Charter. The Declaration shall become immediately effective upon the Effective Date. If, before the Effective Date, Declarant requests or causes the application for the Special Permit to be withdrawn or abandoned, or if final action has been taken having the effect of denying the Special Permit, then, upon notice to CPC and LPC, this Declaration shall not become effective, shall be automatically canceled and shall be of no force and effect.

(b) If the Special Permit is at any time declared invalid or is otherwise voided by final judgment of any court of competent jurisdiction from which no appeal can be taken or for which no appeal has been taken within the applicable statutory period provided for such appeal, then, upon entry of said judgment or the expiration of the applicable statutory period for such entry, as the case may be, this Declaration shall be automatically canceled without further action by Declarant and shall be of no further force or effect and the CPC shall, if requested by Declarant, provide Declarant with a letter in recordable form stating that the Declaration has been so canceled and is of no further force and effect. In the event that Declarant has obtained a certificate of occupancy allowing any Special Permit Use in the Designated Structure, Declarant shall promptly, after receipt of such letter, obtain a revised certificate of occupancy from the Buildings Department reflecting the cessation of any such Special Permit Use in the Designated Structure.

4.2 Filing and Recording. Declarant shall file and record, at its sole cost and expense, this Declaration in the City's Register's Office, indexing it against the Subject Property, immediately upon the Effective Date. Declarant shall promptly deliver to the CPC and the LPC duplicate executed originals, promptly following the Effective Date and, following recordation, a true copy of this Declaration as recorded, as certified by the Register. If Declarant fails to so

record this Declaration, the City may record this Declaration, at the sole cost and expense of Declarant, who shall promptly pay to the City such costs together with fees for purchase of a reasonable number of certified copies of the recorded Declaration.

4.3 Additional Remedies. Declarant acknowledges that the City is an interested party to this Declaration, and consents to enforcement by the City, administratively or at law or equity, of the restrictions, covenants, easements, obligations and agreements contained herein. Declarant also acknowledges that the remedies set forth in this Declaration are not exclusive, and that the City and any agency thereof may pursue other remedies not specifically set forth herein including, but not limited to, the seeking of a mandatory injunction compelling Declarant, its heirs, successors or assigns, to comply with any provision, whether major or minor, of this Declaration.

4.4 Copies. Declarant covenants to include a copy of this Declaration as part of any application submitted to the LPC, CPC, Buildings Department, Board of Standards and Appeals ("BSA"), New York State Attorney General (in the event of a proposed conversion of the Designated Structure to condominium ownership) or any agency succeeding to their respective jurisdictions.

4.5 Applicability to Permits and Certificate of Occupancy. The restrictions and obligations contained herein are a condition of any permit or Certificate of Occupancy to be issued by the Building Department and Declarant will take all reasonable steps to ensure that they are so listed. Failure to carry out such obligation beyond any applicable grace period shall constitute sufficient cause for the Commissioner of the Buildings Department to revoke any building permit issued pursuant to the Special Permit or to apply to the BSA or to a court of competent jurisdiction for revocation of the Certificate of Occupancy or any permit issued by the Buildings Department.

4.6 Subordination. Declarant shall cause every individual, business organization or other entity (including another mortgagee) that between the date hereof and the date of recordation of this Declaration becomes a Party-in-Interest to the Subject Property, to execute this Declaration or to subordinate such interest to the Declaration and waive its right to execution. Any mortgage or other lien encumbering the Subject Property after the recording date of this Declaration shall be subject and subordinate hereto.

4.7 Acknowledgement of Covenants. Declarant acknowledges that the restrictions, covenants, easements, obligations and agreements in this Declaration, which are an integral part of the Special Permit, will protect the value and desirability of the Subject Premises as well as benefit the City of New York and all property owners within a one-half mile radius of the Subject Premises. Those restrictions, covenants, obligations, easements and liens contained in this Declaration that pertain to or affect the Subject Premises or portions thereof shall be considered covenants running with the Subject Premises, and shall inure to the benefit of the City of New York and be binding upon Declarant and all of its heirs, successors, legal representatives, mortgagees in possession, and assigns.

4.8 Choice of Law. This Declaration shall be governed by and construed in accordance with the laws of the State of New York.

4.9 Severability. In the event that any provision of this Declaration shall be deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction and the judgment of such court shall be upheld on final appeal, or the time for further review of such judgment on appeal or by other proceeding has lapsed, such provision shall be severable, and the remainder of this Declaration shall continue to be of full force and effect.

4.10 Notice of Violation and Cure by Declarant. Before any agency, department, commission or other subdivision of the City of New York institutes any proceeding or proceedings to enforce the terms or conditions of this Declaration because of any violation hereof, it shall give Declarant forty-five (45) days written notice of such alleged violation, during which period Declarant shall have the opportunity to effect a cure of such alleged violation. If Declarant commences to effect a cure during such forty-five (45) day period and proceeds diligently towards the effectuation of such cure, the aforesaid forty-five (45) day period shall be extended for so long as Declarant continues to proceed diligently with the effectuation of such cure. In the event that title to the Subject Premises, or any part thereof, shall become vested in more than one party, the right to notice and cure provided in this subsection shall apply equally to all parties with a fee interest in the Subject Property, or any part thereof, including ground lessees; provided the LPC has received notice by said parties in accordance with Section 6.2. Notwithstanding the foregoing, in the event that the Designated Structure is converted to a condominium, the right to notice and cure provided in this subsection shall apply only to the Board and to any owner of space occupied by retail uses in the Designated Structure; provided that the LPC has received notice by said parties in accordance with Section 6.2

4.11 Notice of Violation and Cure by Mortgagee. If Declarant fails to observe any of the terms or conditions of this Declaration, and the Declarant fails to cure such violation within the applicable grace period provided in Section 4.10 of this Declaration, then prior to the institution by any agency or department of the City of any action, proceeding, or proceedings against Declarant in connection with such failure, a Mortgagee who has given written notice of its name and address to the CPC and the LPC shall be given thirty (30) days written notice of such alleged violation, during which period such Mortgagee shall have the opportunity to effect a cure of such alleged violation. If such Mortgagee commences to effect a cure during such thirty (30) day period and proceeds diligently towards the effectuation of such cure, the aforesaid thirty

(30) day period shall be extended for so long as such Mortgagee continues to proceed diligently with the effectuation of such cure.

4.12 Failure to Cure. If after due notice as set forth in Sections 4.10 and 4.11, Declarant and the Mortgagee fail to cure such alleged violations, the City may exercise any and all of its rights, including those delineated in this Section and may disapprove any amendment, modification, or cancellation of this Declaration on the sole grounds that Declarant is in default of any material obligation under this Declaration.

4.13 No Other Enforceable Restrictions. Declarant represents and warrants that there are no enforceable restrictions of record on the use of the Subject Property or the Designated Structure, nor any present or presently existing future estate or interests in the Subject Property or the Designated Structure, nor any lien, obligation, enforceable covenant, limitation or encumbrance of any kind which precludes, directly or indirectly, imposition on the Subject Premises of the restrictions, covenants, easements and obligations of this Declaration.

4.14 Limitation of Liability. Declarant shall be liable in the performance of any term, provision or covenant in this Declaration, subject to the following sentences and subject to Section 4.15 below. Notwithstanding anything to the contrary contained in this Declaration, the City and any other party or person relying on the Declaration will look solely to the fee estate and interest of Declarant in the Subject Property, on an in rem basis only, for the collection of any money judgment recovered against Declarant, and no other property of Declarant shall be subject to levy, execution or other enforcement procedure for the satisfaction of the remedies of the City or any other person or entity with respect to this Declaration, and Declarant shall have no personal liability under this Declaration. Notwithstanding the foregoing, nothing in this Section 4.14 shall be deemed to preclude, qualify, limit or prevent any of the City's governmental rights, powers or remedies, including without limitation, with respect to satisfaction of the remedies of the City, under any laws, statutes, codes or ordinances. The

liability of any Unit Owner under this Declaration shall be limited to the amount of such Unit Owner's prorated share, based on such Unit Owner's interest in the common elements of the condominium, of the costs of compliance with this Declaration. For the purposes of this Section, "Declarant" shall mean "Declarant" as defined in Article I hereof, as well as any principals, disclosed or undisclosed, partners, affiliates, officers, employees, shareholders or directors of Declarant.

4.15 Further Limitation of Liability. The restrictions, covenants and agreements set forth in this Declaration shall be binding upon the Declarant and any successor-in-interest only for the period during which Declarant and any successor-in-interest is the holder of a fee interest in or is a Party in Interest of the Subject Premises and only to the extent of such fee interest or the interest rendering Declarant a Party in Interest. At such time as the named Declarant has no further fee interest in the Subject Premises and is no longer a Party in Interest of the Subject Premises, Declarant's obligations and liability with respect to this Declaration shall wholly cease and terminate from and after the conveyance of Declarant's interest and Declarant's successors-in-interest in the Subject Premises, by acceptance of such conveyance, automatically shall be deemed to assume Declarant's obligations and liabilities hereunder to the extent of such successor-in-interest's interest.

4.16 Right to Convey. Nothing contained herein shall be construed as requiring the consent of the CPC, the LPC, the City, any agency thereof or any other person or entity to any sale, transfer, conveyance, mortgage, lease or assignment of any interest in the Subject Property or the Designated Structure.

ARTICLE V

AMENDMENTS, MODIFICATIONS AND CANCELLATIONS

5.1 Amendment or Cancellation. Except as provided in paragraph 4.1 above, this Declaration may be amended or canceled only upon application by LPC on behalf of Declarant and only with the express written approval of the CPC and no other approval or consent shall be required from any public body, private person or legal entity of any kind; provided, however, that no such approval shall be required in the case of any cancellation pursuant to paragraph 5.4.

5.2 Minor Modifications. The Chairperson of the LPC and the Chairperson of the CPC may, by express written consent, administratively approve modifications to the Declaration that the CPC has determined to be minor. Such minor modifications shall not be deemed amendments requiring the approval of the CPC, the LPC, the City Council or any other agency or department of the City of New York.

5.3 Recording of Amendments. Any modification, amendment or cancellation of this Declaration, except pursuant to paragraph 5.4, shall be executed and recorded in the same manner as this Declaration. Following any modification, amendment or cancellation, Declarant shall immediately record it and provide one executed and certified true copy thereof to each of the CPC and the LPC and upon failure to so record, permit its recording by the CPC or the LPC at the cost and expense of Declarant.

5.4 Surrender or Nullification. In the event that Declarant does not use the Designated Structure pursuant to the Special Permit, Declarant may surrender the Special Permit to the CPC and proceed with any use permitted by the Zoning Resolution and in accordance with the Landmarks Preservation Law as if such Special Permit had not been granted. This Declaration shall be rendered null and void upon recordation of an instrument filed by Declarant discharging it of record, with copies to LPC and CPC, the recordation of which instrument shall constitute a waiver of the right to use the Subject Property pursuant to the Special Permit.

ARTICLE VI

MISCELLANEOUS

6.1 Exhibits. Any and all exhibits, appendices, or attachments referred to herein are hereby incorporated fully and made an integral part of this Declaration by reference.

6.2 Notices. All notices, demands, requests, consents, waivers, approvals and other communications (each of which shall hereafter be referred to as a “notice”) which may be or are permitted, desirable or required to be given, served or deemed to have been given or sent hereunder shall be in writing and shall be sent, if intended for Declarant, to 40 Wooster Restoration LLC, c/o Northwind Group, 260 Madison Avenue, Suite 204, New York, NY 10016, attn: Mr. Ran Eliasef, with a copy to Francis R. Angelino, Esq., c/o DeCampo, Diamond & Ash, 747 Third Avenue, Suite 33A, New York, NY 10017; if intended for the CPC, to the CPC at 120 Broadway, 31st Floor, New York, NY 10271 (or its then-official address), Attn: Chairperson; if intended for the LPC, to the LPC at One Centre Street, 9th floor, New York, NY 10007 (or its then-official address), Attn: Chairperson; and, if intended for the City Council, to the City Council at the Office of the Speaker, City Council, City Hall, New York, New York 10007 (or its then-official address). Declarant, or its representatives, by notice given as provided in this paragraph 6.2, may change any address for the purposes of this Declaration. Each notice, demand, request, consent, approval or other communication shall be sent either by registered or certified mail, postage prepaid, or delivered by hand, and shall be deemed sufficiently given, served or sent for all purposes hereunder five (5) business days after it shall be mailed, or, if delivered by hand, when actually received.

6.3 Indemnification. Provided that Declarant is found by a court of competent jurisdiction to have been in default in the performance of its obligations under this Declaration after having received written notice of such default and opportunity to cure as provided above,

and such finding is upheld on final appeal, or the time for further review of such finding on appeal or by other proceeding has lapsed, Declarant shall indemnify and hold harmless the City from and against all of its reasonable legal and administrative expenses arising out of or in connection with the City's enforcement of Declarant's obligations under this Declaration.

6.4 Enforcement. Declarant acknowledges that the City of New York is an interested party to this Declaration and consents to enforcement solely by the City of New York, and by no other party, administratively, or at law or equity, of the restrictions, covenants, obligations, easements and agreements contained herein.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.

40 WOOSTER RESTORATION LLC

By: _____
Name: Ran Eliasef
Title: Member/Manager

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

On the ____ day of _____, 20____, before me personally came _____, to me known or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, who being by me duly sworn, did depose and say that (s)he resides at _____; that (s)he is the _____ of 40 Wooster Restoration LLC, described in and which executed the foregoing instrument; that (s)he had authority to sign same; and (s)he acknowledged to me that (s)he executed the same as the act and deed of said corporation for the use and purposes herein mentioned.

Notary Public



January 18, 2017

Robert Dobruskin
Director, Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Vincent Sapienza, P.E.
Acting Commissioner

**Re: 40 Wooster Street Special Permit
Block 475, Lot 34
CEQR # 77DCP291M
New York, New York**

Angela Licata
*Deputy Commissioner of
Sustainability*

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
Fax (718) 595-4479
alicata@dep.nyc.gov

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the March 2016 Environmental Assessment Statement prepared by PlanningWorksNYC, LLC and the March 2014 Phase I Environmental Site Assessment Report (Phase I) prepared by Partner Assessment Corporation for the above referenced project. It is our understanding that 40 Wooster Restoration LLC (applicant) is seeking a Special Permit from the New York City Department of City Planning (DCP) pursuant to Zoning Resolution (ZR) Section 74-711 to modify the permitted use provisions in ZR Section 42-00 and 42-14 to allow the conversion of the six-story building located at 40 Wooster Street in an M1-5B zoning district, in the SoHo neighborhood of Manhattan Community District 2 currently containing a total of 16,447 gross square feet of Use Group 6 office space, to a 16,238 gross square foot mixed use building with 3,074 gross square feet of Use Group 6 retail space and 13,164 gross square feet of Use Group 2 residential space. The proposed action would not require soil disturbance and would facilitate only interior renovations that include combining the fifth and sixth floors into a single residential unit and a new roof and mechanical bulkhead replacing the smaller existing bulkhead.

The March 2014 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential and commercial uses including commercial offices, residences, storage & trucking, American Metal Bed Co., American Metal Co Ltd NY, art galleries, commercial business Eller Steph H Progressive Color & Chemical Co, Roelly Chemical Co NY, Schpeiser & Friedman Printers and Appell Trucking Co, machinists, Topps Offset & Printing Co, TWI-AQ Chemical Co Inc., Garage and Performance Group, TWI-Laq Chemical Inc., etc. Two 275-gallon aboveground storage tanks (ASTs) with #2 fuel oil are located in the basement of the subject property. Based on the age of the subject building, lead based paint (LBP) and asbestos containing materials (ACM) may be present in the on-site structure. The New York State Department of Environmental Conservation database identified 103 LTANKS

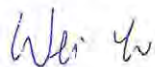
(leaking storage tanks) sites, 1 NY MOSF (major oil storage facilities) site, 4 NY Brownfields, and 1 US Brownfields site within half a mile and 1 NY TANKS, 21 NY UST (underground storage tank) sites, 136 NY AST sites and 10 NY HIST (historical) UST sites within approximately 0.25 miles of the subject property.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- DCP should inform the applicant that a Construction Health and Safety Plan should be submitted to DEP for review and approval for the proposed project.
- DCP should inform the applicant suspected LBP and ACM containing materials may be present in the on-site building. These materials should be removed and or managed in accordance with all federal, state, and local regulations.

Future correspondence and submittals related to this project should include the following CEQR number **77DCP291M**. If you have any questions, you may contact Mohammad Khaja-Moinuddin at (718) 595-4445.

Sincerely,



Wei Yu
Acting Deputy Director, Hazardous Materials

c: R. Weissbard
M. Khaja-Moinuddin
T. Estes
M. Wimbish
O. Abinader – DCP
S. Nourieli – DCP



**Environmental
Protection**

Vincent Sapienza, P.E.
Acting Commissioner

Angela Licata
*Deputy Commissioner of
Sustainability*

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
Fax (718) 595-4479
alicata@dep.nyc.gov

February 21, 2017

Robert Dobruskin
Director, Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

**Re: 40 Wooster Street
Block 475, Lot 34
CEQR # 17DCP113M
New York, NY**

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the January 2017 Construction Health and Safety Plan (CHASP) prepared by PlanningWorksNYC, LLC on behalf of 40 Wooster Restoration LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking a Special Permit from the New York City Department of City Planning (DCP) pursuant to Zoning Resolution (ZR) Section 74-711 to modify the permitted use provisions in ZR Section 42-00 and 42-14 to allow the conversion of the six-story building located at 40 Wooster Street in an M1-5B zoning district, in the SoHo neighborhood of Manhattan Community District 2 currently containing a total of 16,447 gross square feet of Use Group 6 office space, to a 16,238 gross square foot mixed use building with 3,074 gross square feet of Use Group 6 retail space and 13,164 gross square feet of Use Group 2 residential space. The proposed action would not require soil disturbance and would facilitate only interior renovations that include combining the fifth and sixth floors into a single residential unit and a new roof and mechanical bulkhead replacing the smaller existing bulkhead.

Based on our review of the submitted documentation, we have the following comments and recommendations to DCP:

- DCP should instruct the applicant to include an Accident and Injury Report Form.

DEP finds the January 2017 CHASP for the proposed project acceptable as long as the aforementioned information is incorporated into the CHASP. DEP has concluded that with the implementation of the CHASP for the proposed project, the proposed renovation/construction work will be protective of the on-site workers, the surrounding community and the environment. Therefore, DEP has no additional requirements for this project and will have no objection to the issuance of any permits, including the Certificate of Occupancy by the New York City Department of Buildings at the completion of the project.

Future correspondence and submittals related to this project should include the following CEQR number **17DCP113M**. If you have any questions, you may contact Mohammad Khaja-Moinuddin at (718) 595-4445.

Sincerely,



Wei Yu
Acting Deputy Director, Hazardous Materials

c: R. Weissbard
M. Khaja-Moinuddin
T. Estes
M. Wimbish
S. Nourieli – DCP
O. Abinader – DCP