

New York City Environmental Quality Review  
**Environmental Assessment Statement and Supplemental Report**

# **LM Plaza Text Amendment**

**Prepared For:**

Lightstone Acquisitions X, LLC  
460 Park Avenue  
New York, NY 10004

**Lead Agency:**

New York City Department of City Planning (DCP)  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

**CEQR Number: 17DCP124M**

March 3, 2017

# LM Plaza Text Amendment

## Environmental Assessment Statement and Supplemental Report

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## 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** LM Plaza Text Amendment

#### 1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)  
17DCP124M

BSA REFERENCE NUMBER (if applicable)  
N/A

ULURP REFERENCE NUMBER (if applicable)  
N170286ZRM

OTHER REFERENCE NUMBER(S) (if applicable)  
(e.g., legislative intro, CAPA) N/A

#### 2a. Lead Agency Information

NAME OF LEAD AGENCY  
New York City Department of City Planning (DCP)

NAME OF LEAD AGENCY CONTACT PERSON  
Robert Dobruskin

ADDRESS 120 Broadway, 31<sup>st</sup> Floor

CITY New York

STATE NY

ZIP 10271

TELEPHONE 212-720-3423

EMAIL  
snourieli@planning.nyc.gov

#### 2b. Applicant Information

NAME OF APPLICANT  
Lightstone Acquisitions X, LLC

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON  
Jodi Stein

ADDRESS 460 Park Avenue

CITY New York

STATE NY

ZIP 10004

TELEPHONE 212-324-0220

EMAIL  
jstein@lightstonegroup.com

#### 3. Action Classification and Type

##### SEQRA Classification

UNLISTED  TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):

**Action Type** (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC

LOCALIZED ACTION, SMALL AREA

GENERIC ACTION

#### 4. Project Description

Lightstone Acquisitions X, LLC (the "Applicant") proposes an amendment to the text of the Zoning Resolution ("ZR") §91-24(a), which pertains to the permitted floor area bonus for public plazas in the Special Lower Manhattan District ("LM District"). As currently drafted, this section does not permit a floor area bonus for public plazas connected to developments or enlargements that are located within 50 feet of a street line of a designated street on which either (i) retail continuity is required pursuant to ZR §91-41 or (ii) streetwall continuity is required, pursuant to the regulations for Type 1 or Type 2A street walls in ZR §91-31. For properties in C6-4 zoning districts, the proposed text amendment would make the 50 foot restriction applicable to the plaza itself, allowing developments or enlargements within such districts to utilize the plaza bonus and to increase the maximum permitted floor area ratio ("FAR") from 10.0 to 12.0. The Applicant also proposes a minor addition to ZR §37-713, which describes locational restrictions for public plaza, which would state that additional locational restrictions for public plazas exist in the LM District and other Special Zoning Districts. The modification to ZR §91-24(a) and addition to ZR §37-713 are collectively known as the "Proposed Action."

The Applicant intends to seek certification, pursuant to ZR §37-78, to permit a floor area bonus for a public plaza in connection with the development of a primarily residential building at 130 William Street (the "Proposed Development") on Block 77, Lot 15 in Community District 1 (CD 1), Manhattan (the "Development Site"). The Development Site is located within a Zoning Lot that includes Lots 24 and 18 in Block 77. The Proposed Action would allow the Proposed Development to utilize the public plaza bonus for additional FAR. The Proposed Development is dependent on the future certification and would contain a total floor area of approximately 443,947 gross square feet (gsf), comprised of 399,871 gsf of residential use on floors 3 through 60, providing 244 dwelling units (DUs) and two levels of recreational space for residents, 20,642 gsf retail uses on the first two levels, and an approximately 5,317 gsf public plaza fronting William Street. The Proposed Development would also utilize the Inclusionary Housing bonus pursuant to ZR §23-154. The 14,246.3 zsf of off-site affordable housing would be provided at 118 Fulton Street (Block 78, Lot 47), an as-of-right (AOR) development under construction, and would generate 49,862.05 sf of residential area bonus for the Proposed Development.

## Additional Information

### **I. OFF-SITE INCLUSIONARY HOUSING**

As described in Attachment A, "Project Description," the Proposed Development would utilize the Inclusionary Housing bonus pursuant to ZR §23-154. The 14,246.3 zoning square feet (zsf)<sup>1</sup> of off-site affordable housing at 118 Fulton Street (Block 78, Lot 47) would generate 49,862.05 zsf of additional residential area bonus.

The 118 Fulton Street development is an as-of-right (AOR) development currently under construction. When completed, it would be a 49-story, mixed commercial and residential building comprised of 49,941 zsf commercial and 470,896 zsf residential space and would provide 483 DUs, 97 DUs of which would be inclusionary housing (73,285.5 zsf). Of the 73,285.5 zsf of inclusionary floor area, 16,780 zsf would be used for the inclusionary bonus on-site and the remainder, 56,505.50 zsf, would be available for transfer to other properties such as the Proposed Development.

#### **No-Action**

The 118 Fulton Street development described above is currently under construction and independent of the Proposed Development. It is not owned or financed by the Applicant. Completion of that project is not dependent on the approval of the Proposed Actions requested by the Applicant or the purchase of its inclusionary housing certificates by the Applicant. Therefore, the 118 Fulton Street development is considered as a No-Action project for purposes of this environmental review.

As described in Attachment A, "Project Description," under the No-Action condition, the Proposed Development would utilize Inclusionary Housing bonus pursuant to ZR §23-154. The 23,361.3 zsf of off-site inclusionary housing at the 118 Fulton Street development, which could yield 27 DUs at an average size of 850 zsf per DU, would generate 81,764.55 zsf of additional residential area bonus. The Inclusionary Housing bonus is as-of-right and does not require any discretionary approvals.

#### **With-Action**

As described in Attachment A, "Project Description," under the With-Action condition, the Proposed Development would utilize the Inclusionary Housing bonus pursuant to ZR §23-154. The 14,246.3 zsf of off-site affordable housing at 118 Fulton Street, which could yield 17 DUs at an average size of 850 zsf per DU, would generate 49,862.05 zsf of additional residential area bonus. The Inclusionary Housing bonus is as-of-right and does not require any discretionary approvals.

Under the With-Action condition, the inclusionary housing floor area at 118 Fulton Street that accounts toward the Inclusionary Housing Bonus at the Proposed Development would decrease by 9,115 zsf (or 10 DUs at an average size of 850 zsf per DU) from the No-Action condition. However, as previously described, the amount of inclusionary housing floor area provided at the 118 Fulton Street development would be the same in the No-Action and With-Action condition, where any remaining inclusionary housing certificates would be purchased by other developments.

#### **CEQR Impacts**

As previously described, the 118 Fulton Street development is an AOR project, currently under construction and independent of the Proposed Development. In both the No-Action and With-Action condition, the project would make available the same amount of inclusionary housing floor area to developments seeking to

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<sup>1</sup> Inclusionary housing bonus floor area calculated in zsf

utilize the Inclusionary Housing Bonus. Therefore, no CEQR-related impacts were identified as a result of the off-site inclusionary housing provided at the 118 Fulton Street development.

### **Conclusion**

As the amount of inclusionary housing floor area provided at the 118 Fulton Street development would be the same in the No-Action and With-Action condition, where any remaining inclusionary housing certificates would be purchased by other developments, there are no significant adverse impacts from the Proposed Action due to the off-site inclusionary housing provided at the 118 Fulton Street development.

<b>Project Location</b>		
BOROUGH Manhattan	COMMUNITY DISTRICT(S) 1	STREET ADDRESS 130 William Street
TAX BLOCK(S) AND LOT(S) Block 77, Lot 15, 18 and 24		ZIP CODE 10038
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Fulton Street to the northwest, Gold Street to the southwest, John Street to the southeast, and William Street to the northeast.		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C6-4, Special Lower Manhattan District		ZONING SECTIONAL MAP NUMBER 12b
<b>5. Required Actions or Approvals</b> (check all that apply)		
<b>City Planning Commission:</b> <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 checked="" type="checkbox"/> ZONING CERTIFICATION <input type="checkbox"/> CONCESSION <input type="checkbox"/> ZONING MAP AMENDMENT <input type="checkbox"/> ZONING AUTHORIZATION <input type="checkbox"/> UDAAP <input checked="" 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 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		
<b>Board of Standards and Appeals:</b> <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		
<b>Department of Environmental Protection:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO    If "yes," specify:		
<b>Other City Approvals Subject to CEQR</b> (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:		
<b>Other City Approvals Not Subject to CEQR</b> (check all that apply)		
<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) <input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL <input type="checkbox"/> OTHER, explain:		
<b>State or Federal Actions/Approvals/Funding:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO    If "yes," specify:		
<b>6. Site Description:</b> <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>		
<b>Graphics:</b> <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 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		
<b>Physical Setting</b> (both developed and undeveloped areas)		
Total directly affected area (sq. ft.): 40,877		Waterbody area (sq. ft.) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): 0		Other, describe (sq. ft.): 0
<b>7. Physical Dimensions and Scale of Project</b> (if the project affects multiple sites, provide the total development facilitated by the action)		
SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 443,947		
NUMBER OF BUILDINGS: 1	GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 443,947	
HEIGHT OF EACH BUILDING (ft.): 706'-11"	NUMBER OF STORIES OF EACH BUILDING: 60	
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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO		

If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: 12,704 sq. ft. (width x length)      VOLUME OF DISTURBANCE: 75,600 cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 12,704 sq. ft. (width x length)

**8. Analysis Year** [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2020

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 35

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE?  YES       NO      IF MULTIPLE PHASES, HOW MANY? One Phase

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

Drilling/excavation /foundation - 10 months

Superstructure - 12 months

Façade - overlapping with Superstructure + 3 months

Interior/ MEPS - overlapping with all activities through month 35

**9. Predominant Land Use in the Vicinity of the Project** (check all that apply)

RESIDENTIAL       MANUFACTURING       COMMERCIAL       PARK/FOREST/OPEN SPACE       OTHER, specify: Mixed-use Residential and Commercial; Public Facilities & Institutions

**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.

	<b>EXISTING CONDITION</b>	<b>NO-ACTION CONDITION</b>	<b>WITH-ACTION CONDITION</b>	<b>INCREMENT</b>
<b>LAND USE</b>				
<b>Residential</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures	Multi-Family Walk-up Residential	Multi-Family Elevator Residential	Multi-Family Elevator Residential	
No. of dwelling units	4 on Development Site and 206 on rest of Zoning Lot	244 (new) on Development Site and 206 (to remain) on rest of Zoning Lot	244 (new) on Development Site and 206 (to remain) on rest of Zoning Lot	0
No. of low- to moderate-income units	0	0	0	
Gross floor area (sq. ft.)	9,030 on Development Site and 162,500 on rest of Zoning Lot	399,871 (new) on Development Site and 162,500 (to remain) on rest of Zoning Lot	399,871 (new) on Development Site and 162,500 (to remain) on rest of Zoning Lot	0
<b>Commercial</b>	<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)	Office and ground floor retail	Ground floor retail	Ground floor retail	
Gross floor area (sq. ft.)	114,384 (101,124 office and 7,000 retail) on Development Site and 9,000 retail on rest of Zoning Lot	20,642 (new) on Development Site and 9,000 (to remain) on rest of Zoning Lot	20,642 (new) on Development Site and 9,000 (to remain) on rest of Zoning Lot	0
<b>Manufacturing/Industrial</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)	0	0	0	0
Open storage area (sq. ft.)	0	0	0	0
If any unenclosed activities, specify:				
<b>Community Facility</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)	0	0	0	0
<b>Vacant Land</b>	<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:				
<b>Publicly Accessible Open Space</b>	<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 type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):			5,317 gsf Public Plaza	+5,317 Public Plaza
<b>Other Land Uses</b>	<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:				
<b>PARKING</b>				
<b>Garages</b>	<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	0	0	0	0
No. of accessory spaces	0	0	0	0
Operating hours				
Attended or non-attended				



	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
<b>Lots</b>	<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	0	0	0	0
No. of accessory spaces	0	0	0	0
Operating hours				
<b>Other</b> (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:				
<b>POPULATION</b>				
<b>Residents</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify number:	9 on Development Site and 431 on rest of Zoning Lot Total = 448	510 (new) from Development Site and 431 (to remain) from rest of Zoning Lot Total = 941	510 (new) from Development Site and 431 (to remain) from rest of Zoning Lot Total = 941	0
Briefly explain how the number of residents was calculated:	All dwelling units on Zoning Lot x 2.09 residents per household (2010-2014 US Census Manhattan)			
<b>Businesses</b>	<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	40 office (all on Development Site) 48 retail workers (21 on Development Site and 27 on rest of Zoning Lot)	89 retail workers (62 new on Development Site and 27 to remain from rest of Zoning Lot)	89 retail workers (62 new on Development Site and 27 to remain from rest of Zoning Lot)	0
No. and type of workers by business				
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:	1 employee per 250 sf office; 3 employees per 1,000 sf retail (DCP, 147 <sup>th</sup> Street Rezoning EAS)			
<b>Other</b> (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:				
<b>ZONING</b>				
Zoning classification	C6-4, Special Lower Manhattan District	C6-4, Special Lower Manhattan District	C6-4, Special Lower Manhattan District	
Maximum amount of floor area that can be developed	12.0 (490,524 sf)	12.0 (490,524 sf)	12.0 (490,524 sf)	0
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	C6-4, C5-5, R8; Commercial, Mixed Commercial/ Residential, Public Facilities & Institutions	C6-4, C5-5, R8; Commercial, Mixed Commercial/ Residential, Public Facilities & Institutions	C6-4, C5-5, R8; Commercial, Mixed Commercial/ Residential, Public Facilities & Institutions	
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

**Part II: TECHNICAL ANALYSIS**

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

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

	YES	NO
<b>1. LAND USE, ZONING, AND PUBLIC POLICY:</b> <a href="#">CEQR Technical Manual Chapter 4</a>		
(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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” complete the <a href="#">Consistency Assessment Form</a> . See Appendix B		
<b>2. SOCIOECONOMIC CONDITIONS:</b> <a href="#">CEQR Technical Manual Chapter 5</a>		
(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.		
<b>i. Direct Residential Displacement</b>		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes,” is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	<input type="checkbox"/>	<input type="checkbox"/>
<b>ii. Indirect Residential Displacement</b>		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes:”		
▪ Would the population of the primary study area increase by more than 10 percent?	<input type="checkbox"/>	<input type="checkbox"/>
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	<input type="checkbox"/>	<input type="checkbox"/>
<b>iii. Direct Business Displacement</b>		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	<input type="checkbox"/>	<input type="checkbox"/>
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	<input type="checkbox"/>	<input type="checkbox"/>


	YES	NO
enhance, or otherwise protect it?		
<b>iv. Indirect Business Displacement</b>		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input type="checkbox"/>
<b>v. Effects on Industry</b>		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. COMMUNITY FACILITIES: <a href="#">CEQR Technical Manual Chapter 6</a></b>		
<b>(a) Direct Effects</b>		
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>(b) Indirect Effects</b>		
<b>i. Child Care Centers</b>		
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 <a href="#">Chapter 6</a> )	<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"/>
<b>ii. Libraries</b>		
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 <a href="#">Chapter 6</a> )	<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"/>
<b>iii. Public Schools</b>		
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 <a href="#">Chapter 6</a> )	<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"/>
<b>iv. Health Care Facilities</b>		
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"/>
<b>v. Fire and Police Protection</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. OPEN SPACE: <a href="#">CEQR Technical Manual Chapter 7</a></b>		
<b>(a)</b> Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b)</b> Is the project located within an under-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(c)</b> If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
<b>(d)</b> Is the project located within a well-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(e)</b> If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
<b>(f)</b> If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(g)</b> If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
percent?		
<ul style="list-style-type: none"> <li>o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered?</li> </ul> Please specify:	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. SHADOWS:</b> <a href="#">CEQR Technical Manual Chapter 8</a>		
(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.		
<b>6. HISTORIC AND CULTURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 9</a>		
(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 <a href="#">GIS System for Archaeology and National Register</a> to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See Attachment C and Appendix C		
<b>7. URBAN DESIGN AND VISUAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 10</a>		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input 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 <a href="#">Chapter 10</a> .		
<b>8. NATURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 11</a>		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of <a href="#">Chapter 11</a> ?	<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 <a href="#">Jamaica Bay Watershed</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the <a href="#">Jamaica Bay Watershed Form</a> and submit according to its <a href="#">instructions</a> .		
<b>9. HAZARDOUS MATERIALS:</b> <a href="#">CEQR Technical Manual Chapter 12</a>		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<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 <a href="#">Appendix 1</a> (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 type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. WATER AND SEWER INFRASTRUCTURE:</b> <a href="#">CEQR Technical Manual Chapter 13</a>		
(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"/>

	YES	NO
(c) If the proposed project located in a <a href="#">separately sewerred area</a> , would it result in the same or greater development than that listed in Table 13-1 in <a href="#">Chapter 13</a> ?	<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 <a href="#">Jamaica Bay Watershed</a> or in certain <a href="#">specific drainage areas</a> , 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 sewerred or currently unsewerred?	<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.		
<b>11. SOLID WASTE AND SANITATION SERVICES:</b> <a href="#">CEQR Technical Manual Chapter 14</a>		
(a) Using Table 14-1 in <a href="#">Chapter 14</a> , the project's projected operational solid waste generation is estimated to be (pounds per week): 28,800.5		
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"/>
<b>12. ENERGY:</b> <a href="#">CEQR Technical Manual Chapter 15</a>		
(a) Using energy modeling or Table 15-1 in <a href="#">Chapter 15</a> , the project's projected energy use is estimated to be (annual BTUs): 55,128,520.3		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. TRANSPORTATION:</b> <a href="#">CEQR Technical Manual Chapter 16</a>		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in <a href="#">Chapter 16</a> ?	<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"/>
o 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 <a href="#">Chapter 16</a> 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"/>
o 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"/>
o 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"/>
<b>14. AIR QUALITY:</b> <a href="#">CEQR Technical Manual Chapter 17</a>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in <a href="#">Chapter 17</a> ?	<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 <a href="#">Chapter 17</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in <a href="#">Chapter 17</a> ? (Attach graph as needed)	<input type="checkbox"/>	<input 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"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
<b>15. GREENHOUSE GAS EMISSIONS:</b> <a href="#">CEQR Technical Manual Chapter 18</a>		
(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 <a href="#">Chapter 18</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See <a href="#">Local Law 22 of 2008</a> ; § 24-	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
803 of the Administrative Code of the City of New York). Please attach supporting documentation.		
<b>16. NOISE:</b> <a href="#">CEQR Technical Manual Chapter 19</a>		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in <a href="#">Chapter 19</a> ) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
<b>17. PUBLIC HEALTH:</b> <a href="#">CEQR Technical Manual Chapter 20</a>		
(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 <a href="#">Chapter 20</a> , "Public Health." Attach a preliminary analysis, if necessary.		
<b>18. NEIGHBORHOOD CHARACTER:</b> <a href="#">CEQR Technical Manual Chapter 21</a>		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in <a href="#">Chapter 21</a> , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
<b>19. CONSTRUCTION:</b> <a href="#">CEQR Technical Manual Chapter 22</a>		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in <a href="#">Chapter 22</a> , "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. As described in Attachment A, "Project Description," the With-Action and No-Action conditions on the Zoning Lot and Development Site would result in the same building envelope, programming, overall bulk, height, and floor area. The increment would be limited to the provision of a public plaza in the With-Action condition, which in the No-Action condition would be the provision of a private plaza for building tenants. As such, identical construction methods would be used for the With-Action and No-Action conditions and the length of construction would be the same. While the construction period is over 24 months, construction would be completed using standard construction techniques commonly used in construction projects in New York City. Any related closing or narrowing of roadway or sidewalks would be temporary and short term. The anticipated construction schedule is provided in Appendix D of this EAS. In addition, because there is a New York City Landmark located on the Zoning Lot and adjacent to the Development Site, the potential for physical disturbance is disclosed and project will comply with the New York City Department of Buildings (DOB) Technical Policy and Procedure Notice (TPPN) #10/88. See Attachment D for additional information.		
<b>20. APPLICANT'S CERTIFICATION</b>		
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	SIGNATURE	DATE
Kovid Saxena, AICP Representative		3/03/2017

**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
<b>IMPACT CATEGORY</b>		
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"/>
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3. Check determination to be issued by the lead agency:

**Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

**Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

**Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

**4. LEAD AGENCY'S CERTIFICATION**

TITLE Director, Environmental Assessment & Review Division	LEAD AGENCY New York City Department of City Planning
Robert Dobruskin	DATE March 3, 2017
SIGNATURE <i>Robert Dobruskin</i>	



## Attachment A: Project Description

### I. INTRODUCTION

Lightstone Acquisitions X, LLC (the “Applicant”) proposes an amendment to the text of the Zoning Resolution (“ZR”) §91-24(a), which pertains to the permitted floor area bonus for public plazas in the Special Lower Manhattan District (“LM District”). As currently drafted, this section does not permit a floor area bonus for public plazas connected to developments or enlargements that are located within 50 feet of a street line of a designated street on which either (i) retail continuity is required pursuant to ZR §91-41 or (ii) streetwall continuity is required, pursuant to the regulations for Type 1 or Type 2A street walls in ZR §91-31. For properties in C6-4 zoning districts, the proposed text amendment would make the 50-foot restriction applicable to the plaza itself, allowing developments or enlargements within such districts to utilize the plaza bonus and to increase the maximum permitted floor area ratio (“FAR”) from 10.0 to 12.0 (**Figure 1: Affected Sites Analysis**). The Applicant also proposes a minor addition to ZR §37-713, which describes locational restrictions for public plazas, which would state that additional locational restrictions for public plazas exist in the LM District and other Special Zoning Districts. The modification to ZR §91-24(a) and addition to ZR §37-713 are collectively known as the “Proposed Action.”

The Applicant intends to seek certification, pursuant to ZR §37-78, to permit a floor area bonus for a public plaza in connection with the development of a primarily residential building at 130 William Street (the “Proposed Development”) on Block 77, Lot 15 in Community District 1 (CD 1), Manhattan (the “Development Site”). The Development Site is located within a Zoning Lot that includes Lots 24 and 18 in Block 77 (**Figure 2: Site Location Map**). The Proposed Action would allow the Proposed Development to utilize the public plaza bonus for additional FAR. The Proposed Development is dependent on the future certification and would contain a total floor area of approximately 443,947 gross square feet (gsf), comprised of 399,871 gsf of residential use on floors 3 through 60, providing 244 dwelling units (DUs) and two levels of recreational space for residents, 20,642 gsf retail uses on the first two levels, and an approximately 5,317 gsf public plaza fronting William Street (**Figure 3: Proposed Development Site Plan** and **Figure 4: Proposed Plaza Renderings**). The Proposed Development would also utilize the Inclusionary Housing bonus pursuant to ZR §23-154. The 14,246.3 zsf of off-site affordable housing would be provided at 118 Fulton Street (Block 78, Lot 47), an as-of-right (AOR) development under construction, and would generate 49,862.05 sf of residential area bonus for the Proposed Development.

### II. PROPOSED ACTIONS

The Applicant requests a zoning text amendment to modify the language regarding the public plaza bonus text in ZR §91-24, applicable only to C6-4 districts within the LM District. Under the current Zoning Resolution text, ZR paragraph (1) of §91-24 does not permit a floor area bonus for public plazas connected to developments or enlargements that are located within 50 feet of a street line of a designated street on which either (i) retail continuity is required, pursuant to ZR §91-41, or (ii) street wall continuity is required, pursuant to the regulations for Type 1 or Type 2A street walls in ZR §91-31. The revised text would make the 50-foot restriction applicable to the plaza itself, allowing developments or enlargements within 50 feet of a designated retail or streetwall street to benefit from the plaza bonus, provided such plaza is located more than 50 feet from the designated street.

The Applicant is also requesting a minor clarification to the text of ZR §37-713, to specify that additional locational restrictions for public plazas exist in the LM District and other Special Zoning Districts.

The Proposed Action would result in a modest expansion of the applicability of the plaza bonus. The change, however, would have no effect on the streetwall and retail continuity requirements of the LM District. The text modification would continue to require that a plaza be located at least 50 feet away from the streetline of a designated retail and/or Type 1/Type 2A street, which is a sufficient distance so that the break in the streetwall to accommodate a plaza that would not interrupt the streetwall and/or retail character of such streets.

The limited scope of the change reinforces the protections of the LM District's designated streets, by requiring the public plaza to be located beyond 50 feet of the street line of such streets, allowing both the plaza bonus and maintaining retail continuity and streetwall requirements, consistent with other areas of the City such as the Special Midtown District.

The modification to ZR §91-24(a) and addition to ZR §37-713 are the only discretionary approvals the Applicant is seeking and is referred to collectively as the "Proposed Action." See draft zoning text language for the Proposed Action in Appendix A.

The Applicant intends to seek a certification, pursuant to ZR §37-78, to permit a floor area bonus for a public plaza in connection with the development of a primarily residential building at the Development Site. The development would be dependent on the future certification.

### **III. DESCRIPTION OF THE SURROUNDING AREA**

The Development Site is located on Block 77, Lot 15 with frontage along Fulton Street and William Street in Manhattan CD 1. The 400-foot surrounding area (the "study area") is approximately defined as extending out to Beekman Street to the northeast, past Cliff Street to the southeast, Platt Street to the southwest, and Nassau Street to the northwest.

#### **Public Transportation**

The study area is a high-density, commercial and residential neighborhood with abundant access to public transportation. Fulton Street is a major public transportation thoroughfare, connecting the World Trade Center hub to the west along Church Street with the Fulton Center station along Broadway, and extending to Water Street to the east. It is a wide east-west one-way street, with two travel lanes and a parking lane along the south side. Public transportation in the area includes access to the 2, 3, 4, 5, A, C, and E trains via the Fulton Street subway station, with entrances located at the intersections of Fulton Street and William Street (2, 3 trains), Fulton Street and Nassau Street (A, C trains), Nassau and John Street (J, Z train), and Broadway and John Street (4, 5 trains). The Fulton Center, located along Broadway between Fulton Street and John Street, provides underground access to all the above listed trains. In addition, the World Trade Center subway station, located at the intersection of Vesey Street and Church Street, provides access to the E line, and the Cortland Street station provides access to the R and W trains. The nearest bus route is located along Broadway to the west, with access to the M5 (George Washington Bridge – South Ferry), X17 (Staten Island – Manhattan Express via Richmond Av/ Arden Av/ Huguenot Av), X17A (Staten Island – Lower Manhattan Express via Richmond Avenue/ Annandale Road), and X19 (Staten Island – Manhattan Express, via Huguenot Avenue/ Arden Avenue/ West Shore Expressway) buses.

Other major thoroughfares that are outside of the study area but within the vicinity of the Development Site include Broadway to the west and South Street/ FDR Drive to the east. There are also ferry services accessible from Pier 11, the Battery Maritime Building, and the Staten Island Ferry from the Whitehall Terminal.

## Land Use

Existing land uses within the study area consist predominantly of commercial buildings and mixed residential and commercial buildings, interspersed with a few public facilities and institutions (**Figure A-5: Land Use Map**).

Commercial buildings are dispersed throughout the study area and consist of both office-only buildings and office buildings with retail on the ground floor/ground floor and lower levels. Buildings with retail are more prevalent along Fulton and John Streets, although there are some local retailers along William Street within the study area. Commercial buildings range in heights from three stories to 44 stories, with the tallest buildings fronting either Fulton or John Street. Some notable commercial tenants include the U.S. Social Security Administration housed in a 26-story office building located midblock along William Street between Fulton and John Streets and several city departments (including the New York City Finance Department and New York City Children's Services) located at the 44-story office building at the intersection of William Street and John Street.

Mixed commercial and residential buildings occur throughout the study area, with most buildings primarily residential with ground floor retail. Building heights reach up to 29 stories, with the tallest buildings fronting John Street. Previously a dormitory for Pace University, a private university in the New York metropolitan area, a 15-story building along Fulton and Dutch Street is to be converted into rental apartments and maintain the 3,543 sf of retail space on the ground floor.

There are also several public facility/institutional uses in the study area. Pace University operates out of several buildings located in the study area: a 17-story building at the corner of Dutch and John Streets and a 7-story building at the corner of Fulton and William Streets (adjacent to the Development Site). In addition, the John Street Church is located midblock between Nassau and William Streets fronting the south side of John Street. The Wall Street Synagogue fronts the south side of Beekman Street, between William and Gold Streets. Directly to the east of the synagogue is the FDNY Engine 6 station. At the very northeastern corner of the study area is the New York-Presbyterian/ Lower Manhattan Hospital.

Multi-family residential elevator buildings located in the study area include the Southbridge Towers at the intersection of Fulton and Gold Streets and a 17-story residential building fronting Gold Street between Ann and Beekman Streets. A few parking facilities are located at the peripheries of the study area, north of Ann Street and south of Cliff Street. There are two lots with active construction: (1) 118 Fulton Street located at the corner of Fulton and Dutch Streets, and 56 Fulton Street located at the corner of Fulton and Cliff Streets – both of which are described in Section X, "No-Action Condition," below as No-Action development projects.

The John J. Delury Senior Plaza is the only New York City Department of Parks and Recreation- (DPR-) managed open space in the study area, and fronts the Fulton and Gold Streets corner of the Southbridge Towers housing complex. However, the study area also includes plazas and privately owned public spaces (POPS). 33 Maiden Lane, located at the base of the headquarters of the Federal Reserve Bank of New York on the east side of Nassau Street between Maiden Lane and John Street, is a two-level open-air covered pedestrian space. 59 Maiden Lane, located on the northwest corner of William Street and Maiden Lane, is an arcade-type plaza with seating and landscaping. There is a multistory, open-air covered pedestrian space located at 100 William Street on the south side of John Street east of William Street. A plaza is located at 15 Cliff Street on the west side of Cliff Street between John and Fulton Streets. Finally, in association with the John Street Church, located at 44 John Street between Nassau and Dutch Streets, there is a public plaza with seating areas and planters.

## Zoning

The predominant zoning district in the study area is C6-4, which is also mapped over the Development Site (**Figure A-6: Zoning Map**). Additional existing zoning districts within the study area, none of which would

be affected by the Proposed Action, include C5-5, which is mapped south of John Street and west of mid-block between Dutch and Nassau Streets, and the R8 residential zoning district located north of Fulton Street and east of Gold Street.

The study area is within the LM District, which generally covers the area south of Murray Street, City Hall Park and the approaches to the Brooklyn Bridge, excluding Battery Park City. The LM District was established to enhance the vitality of Lower Manhattan, home of the city's oldest central business district and growing residential community. The district regulations allow for the conversion of older commercial buildings to residential use and encourage a dynamic mix of uses in the area while protecting its distinctive skyline and old street patterns. The built character of the area is enhanced by height and setback regulations and limitations on the dimensions of tall buildings. The pedestrian environment is enriched by requirements for retail continuity, pedestrian circulation space and subway station improvements. There are two subareas located with the special district, the South Street Seaport Subdistrict and the Historic and Commercial Core – both of which are not mapped over the study area.

#### **IV. PURPOSE AND NEED OF THE PROPOSED ACTION**

The Proposed Action would clarify the text in ZR §91-24 for the C6-4 district to make it consistent with the intent of the LM District. The LM District was adopted in 1998 with the several intentions, amongst others including the following: to support the continued revitalization of the area, encourage the development of a 24-hour community, to facilitate maximum design flexibility, and to enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities. Design controls were adopted for the district that were intended to facilitate development consistent with the character of existing development in the area, and to allow for the conversion of older commercial office buildings into residential use. These design controls include the establishment of minimum base heights and required street walls on certain streets with a strong, existing street wall character. New developments on streets that are designated as "Type 1" or "Type 2A," such as Broadway and Wall Street, are required to maintain the minimum base height along the entire frontage of the zoning lot, and the streetwall must be located at the street line for at least 70 percent of the zoning lot's frontage. Additionally, certain streets with an existing commercial character, such as Broadway, Fulton Street and John Street, were specified as "designated retail streets," and controls were adopted requiring commercial uses on the ground floor, in order to maintain the active nature of such streets.

The Proposed Action would be consistent with the underlying intent of the LM District (as per ZR §91-00) to encourage the development of a 24-hour community, to facilitate maximum design flexibility, and to enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities. The limited scope of the text reinforces the protections of the LM District's designated streets, by requiring public plazas to be located beyond 50-feet of the street line of such streets, allowing both the plaza bonus and maintaining retail continuity and streetwall requirements, consistent with other areas of the City such as the Special Midtown District (as per ZR §81-23).

The Proposed Action would allow the public plaza amenity on the Development Site to be eligible for the floor area bonus for public plazas, pursuant to ZR §91-24. The Development Site is ineligible for the floor area public plaza bonus under the current text because the Proposed Development fronts onto Fulton Street, a designated retail street, and is providing the required ground floor retail and street wall. However, the Development Site also fronts William Street, which is neither a designated retail street nor a Type 1 or Type 2A street wall street. The Development Site's William Street frontage is located more than 80 feet from the intersection of Fulton Street. The Development Site along William Street also has suitable conditions for public plazas that comply with public plaza design standards pursuant to ZR §37-70. The area surrounding the Development Site is characterized by a lack of open space. In addition, many of the surrounding streets are particularly narrow, contributing to a lack of light and air for residential buildings.

The proposed plaza would provide an open space, which the Applicant believes would provide a much-needed open space amenity for the surrounding neighborhood, as well as additional light and air, to both the Proposed Development and the surrounding buildings. The public plaza bonus has been utilized to bring additional open space amenities in the surrounding neighborhood, including the recent 8 Spruce Street plaza which was provided as part of the “New York by Gehry” development (previously known as the Beekman Tower Building).

## V. AFFECTED AREA

The proposed text amendments would apply to all C6-4 zoning districts in the LM District (the “Project Area”). There are two C6-4 zoning districts mapped within the LM District. The Western district is located to the west of Broadway and is generally bounded by Murray Street on the north, Broadway, Park Place, West Broadway, Greenwich Street, Liberty Street and West Street. It is occupied by the World Trade Center complex at its southern end, including the 104-story One World Trade Center. The northern end of the district, which serves as a transition to the neighborhood of Tribeca, is mixed-use in nature, with office, retail and residential buildings with ground floor retail, ranging in height from 10- to 13-stories. The Eastern C6-4 district is located to the east of Broadway and is generally bounded by Chambers Street, the Brooklyn Bridge on-ramp, Gold Street, Beekman Street, Water Street, John Street, a line 100 feet east of Nassau Street, Park Row and Broadway. The Eastern C6-4 district contains designated streets that would, pursuant to ZR §91-24, limit the applicability of the plaza bonus. The western C6-4 district does not contain any designated retail or Type 1 or 2A streetwall streets. As such, the “Affected Area” is defined as the sites located within the Eastern C6-4 district that are within 50 feet of a designated retail or Type 1 or 2A streetwall streets (see **Figure 1: Affected Sites Analysis**).

## VI. DESCRIPTION OF THE ZONING LOT AND DEVELOPMENT SITE

### Zoning Lot

The Zoning Lot is comprised of Lots 15, 18, and 24 in Manhattan Block 77 (**Figure A-2: Site Location Map**, **Figure A-7: Tax Lot Map** and **Figure A-8: Aerial Map**) and is occupied by a mix of residential and commercial uses, and vacant land (**Table A-1: Existing Conditions on Zoning Lot**). Manhattan Block 77 is bounded by Fulton Street to the northwest, Gold Street to the southwest, John Street to the southeast, and William Street to the northeast. The Zoning Lot is mapped with a C6-4 zoning designation and is located within the LM District (**Figure A-6**). Lot 18 has a lot area of 2,609 sf and is occupied by a six-story, approximately 12,500 sf, multi-family elevator building providing 10 dwelling units (DUs). Lot 24 has a lot area of 20,890 sf and is occupied by two seven and eight-story mixed residential and commercial buildings containing a total of approximately 159,000 sf and providing 196 DUs and 9,000 commercial retail. One of the buildings on Lot 24 is also known as the Excelsior Steam Power Company Building, it was designated as a landmark by the New York City Landmarks Preservation Commission on December 13, 2016. Lot 15 comprises the Development Site, as described below.

## Development Site

The 17,384 sf L-shaped Development Site is located on Block 77, Lot 15, which is an interior lot with 70.33' frontage on Fulton Street (a wide street<sup>1</sup>) and 74' on William Street (a narrow street<sup>2</sup>). The Development Site is currently occupied by two buildings with a total floor area of approximately 117,614 gross square feet (gsf). Located along William Street is a 12-story commercial/office building with approximately 100,124 gsf of office and 7,000 gsf of ground floor retail. Along Fulton Street is a mixed-use six-story, commercial/residential building with approximately 4,390 gsf of residential area providing four residential units and another 6,100 gsf of ground floor retail. The rest of the Development Site along Fulton Street is vacant land. The Development Site has a total existing built FAR of 6.77.

The Development Site and the rest of the Zoning Lot is mapped with a C6-4 zoning designation and is in the LM District. C6-4 districts are commercial districts that are typically mapped within the City's major business districts and have a maximum FAR of 10.0 for all uses, exclusive of any applicable bonus. ZR §91-22 provides that in the C6-4 districts within the LM District, the maximum permitted FAR can be increased to 12.0 either through the public plaza bonus, pursuant to ZR §91-24 and the limitations contained therein, or the Inclusionary Housing bonus, pursuant to ZR §23-90. The public plaza bonus increases the maximum FAR by 2.0 for either commercial or residential use. The Inclusionary Housing bonus increases the maximum FAR by 2.0 for residential uses. Uses permitted in C6-4 districts include residential, community facility uses, and retail and commercial uses.

ZR §91-22 sets forth the maximum FAR and bonuses for all zoning districts in the LM District, including C6-4 districts. In the LM District, the maximum FAR for C6-4 development sites is 12.0 using as-of-right bonuses (public plaza and inclusionary housing, or a combination of both) and/or discretionary special permits (for subway station improvements and covered pedestrian spaces), or a combination of both. Further, a maximum FAR of 14.0 (containing no more than 12.0 residential FAR) could be permitted by a discretionary special permit allowing the transfer of unused development rights from a zoning lot containing a designated landmark pursuant to ZR §74-79. While Lot 24, Block 77 is an adjacent lot with a designated Landmark site, it is located within the same zoning lot as the Development Site and unused development rights from the landmarked site have already been purchased by the Applicant and as such, no additional development rights are available. Therefore, the maximum FAR that can be achieved on the Development Site is 12.0.

**Table A-1: Existing Conditions on the Zoning Lot**

Zoning Lot	Block 777, Lot 15 (Development Site)	Block 777, Lot 18	Block 777, Lot 24
<b>Existing Zoning</b>	C6-4	C6-4	C6-4
<b>Maximum Permitted FAR (exclusive of any bonuses)</b>	10.0	10.0	10.0
<b>Maximum Permitted FAR with bonus derived from either public plaza bonus or Inclusionary Housing Bonus</b>	12.0	12.0	12.0
<b>Lot Area</b>	17,384	2,609	20,890
<b>Existing Built Floor Area</b>	117,614 sf (to be demolished)	12,500 sf	159,000 sf
<b>Land Use</b>	Commercial and Residential	Residential	Commercial and Residential
<b>Total FAR</b>	6.77 FAR	4.79 FAR	7.61 FAR

<sup>1</sup> A wide street is a street that is 75 feet or more in width.

<sup>2</sup> A narrow street is a street that is less than 75' wide.

## VII. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development would include an approximately 443,947 gsf (337,396 zoning square feet), 60-story (plus cellar) primarily residential building with two levels of retail and a public plaza on the Development Site. The development would be comprised of 20,642 gsf (15,374 zsf) retail use on the first and second floors; 399,871 gsf (322,022 zsf) of residential use on floors 3 through 60, providing 244 DUs and two levels of recreational space for residents; and an approximately 5,317 gsf public plaza fronting William Street<sup>3</sup>. As part of the Proposed Development, the Applicant would also provide 14,246.3 square feet (sf)<sup>4</sup> of off-site inclusionary housing at Fulton Street (Block 78, Lot 45), further described in Section X, "No-Action Condition," below as a No-Action development.

The Proposed Development would have a base height of 62'-5" and rise to a maximum height of 706'-11" (750'-3" to the elevator machine room). The first floor would comprise the entire footprint of the building, which would cover the remainder of the Development Site that is not allocated for the public plaza fronting William Street (**Figure A-3** and **Figure A-4**). The second floor would have a 20' setback from the southern lot line of the Development Site; the third floor set back another 10' from the southern lot line; and the fourth through 60<sup>th</sup> floors set back 20' from Fulton Street.

The Proposed Development would provide 244 DUs which would have an average unit size of 1,266 gsf. The apartment count and mix provided in the Proposed Development is typical of average unit sizes for home ownership units and responds to current market and sales demand and would include a range of apartment types.

The residential recreational space would be provided on the third and fourth floors, pursuant to the Quality Housing regulations for residential recreational amenities. Amenities would include lounge, pool, exercise equipment, and playrooms. The proposed public plaza would extend along the Development Site's 74'1" William Street frontage and have a maximum depth of 72'2" and follow the guidelines provided in public plaza design standards pursuant to ZR §37-70. The public plaza would also satisfy the requirements for pedestrian circulation space. The proposed public plaza would contain a total of 5,317 square feet and generate a bonus at a ratio of 6 to 1. A residential entrance to the Proposed Development and an entrance to the ground floor retail would open onto the public plaza.

In order to achieve the above-described programming on the Development Site, the Proposed Development would utilize unused development rights from Block 77, Lots 18 and 24 located on the Zoning Lot, as well as both the public plaza and Inclusionary Housing bonus. The total area of the Zoning Lot is 40,877 sf, which would result in a maximum zoning square feet (zsf) of 408,771 sf at 10.0 FAR. With the 2.0 FAR bonus derived either from the public plaza bonus or Inclusionary Housing bonus, the maximum zsf for the Zoning Lot would be 490,525 sf. The Zoning Lot has an existing 152,183 sf of built area on Lots 18 and 24, which would remain (3.72 FAR). This would provide a total of 338,342 sf<sup>5</sup> zsf (additional 8.28 FAR) available for development on the Zoning Lot with the additional 2.0 FAR bonus.

The Proposed Development would utilize both the public plaza and Inclusionary Housing bonus resulting in a total zsf of 337,396 sf<sup>6</sup>. Pursuant to ZR §91-24, the 5,317-sf public plaza proposed would generate a bonus of 31,902 sf for commercial uses. Pursuant to ZR §23-154, the 14,246.3 sf of off-site affordable housing provided at the 118 Fulton Street development, which could yield 17 DUs at an average size of 850 zsf per DU, would generate 49,862.05 sf of additional residential area bonus, based on the 3.5 multiplier for new construction of affordable housing without public funding. With development of the Proposed

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<sup>3</sup> The remaining 23,434 gsf of the total floor area would be for mechanical uses.

<sup>4</sup> The anticipated number of dwelling units is unknown; however, 118 Fulton Street will provide 97 inclusionary housing units within 73,285.5 sf of affordable housing floor area

<sup>5</sup> 256,588 sf at 10.0 FAR, without any FAR bonus

<sup>6</sup> Zoning square feet for the Proposed Development equals the gross square footage (443,947 gsf) minus deductions (106,552 gsf), which include: mechanical/below grade, exterior wall deductions, stair width, and Quality Housing deductions.

Development, the Development Site, along with Lots 24 and 18, would have an overall FAR of 11.98, with approximately 0.78 FAR of bonus coming from the plaza and approximately 1.22 FAR coming from the Inclusionary Housing bonus. The Proposed Development's frontage on Fulton Street would be occupied primarily by retail uses (and a door that accesses a building service corridor), in compliance with the requirements of ZR §91-41 for designated retail streets. The main residential entrance for the building would be located off the proposed plaza on William Street.

No off-street parking would be provided within the Proposed Development; as the Development Site is located within the Manhattan Core, no off-street parking is required. Constructing a below-grade parking structure would not be cost-efficient given the difficult soil and adjacent property conditions of the Development Site, and a garage entrance to a below-grade parking structure would disrupt and detract from the public plaza along William Street. In addition, the Development Site is extremely well served by public transit options creating little demand for residential off-street parking at this location.

## VIII. BUILD YEAR

The Proposed Development is anticipated to be completed and ready for occupancy in 2020. The anticipated construction schedule is attached in Appendix B.

## IX. RWCDs METHODOLOGY

A Reasonable Worst Case Development Scenario (RWCDs) establishes the appropriate framework for analysis to allow the lead agency to make reasonable conclusions with regard to a proposal's likely environmental effects. The RWCDs focuses on the increment between potential development permitted with and without the proposed action(s). The RWCDs for the Proposed Action analyzed the increment between the No-Action and With-Action on future development sites in the Affected Area.

Future development sites would be limited to those located within the Affected Area, which as described previously, is defined as lots within the Eastern C6-4 zoning district in the LM District that currently do not meet the requirements for the floor area bonus for public plazas due to the development's location within 50 feet of a designated retail or Type1 or Type 2A street wall street, but would be eligible for a public plaza upon approval of the Proposed Action, provided that the public plaza is more than 50 feet away from such designated streets. In addition, as already addressed in existing zoning, future development sites would not include developments or enlargements that are located within the Historic and Commercial Core and the South Street Seaport Subdistrict. There are no parts of the Affected Area that are located within either Subdistrict (**Figure A-1: Affected Sites Analysis**).

To determine future development sites, all lots within the Affected Area were considered, and then assessed based on the several criteria. Lots that did not meet one or more of the following criteria were excluded from the RWCDs (**Table A-2: Affected Sites Analysis**).

- 1) Public plazas on future development sites are subject to the area, locational, orientation, and dimensional restrictions pursuant to ZR §37-71:
  - 1.1 **Dimensional restrictions (ZR §37-715, 37-716, 37-717)**. To ensure spaces of adequate size are provided to serve the public and accommodate the required amenities, the minimum area for public plazas is 2,000 square feet (sf) and the minimum average width and depth is 40 feet.
  - 1.2 **Locational restrictions (ZR §37-713)**. To ensure continuity of building street walls, public plazas may not be located within 175 feet of other plazas or parks. It should be noted that locational restrictions can be waived by Chairperson certification.



- 1.3 **Restrictions on orientation (ZR §37-714).** To ensure adequate access to light and air, public plazas are required to face certain directions depending on the zoning lot's street frontage(s), but plazas are in no cases permitted to be only north-facing.
- 2) In addition, standard guidance in the *CEQR Technical Manual* was used to further assess future development sites. The *CEQR Technical Manual* identifies two factors that should be considered when evaluating whether development can reasonably be expected to occur on a site:
- 2.1 **The uses and bulk allowed.** Buildings built to substantially less than the maximum allowable floor area ratio (FAR) under zoning, since there would likely be sufficient incentive to develop in the future. Land uses such as vacant or underutilized lots such as open parking facilities can also be an indicator for potential developments in the future; and
- 2.2 **Size of the development site.** Lots must be large enough to be considered "soft". Generally, lots with a small lot size (5,000 sf or less) are not considered likely to be redeveloped, even if currently built to substantially less than the maximum allowable FAR.
- 3) Both of the above criteria need to be satisfied for a site to be considered as a soft site. For sites that meet both these criteria, the likelihood that a site would be developed in the future was determined by considering:
- The amount and type of recent as-of-right development in the area
  - Recent real estate trends in the area
  - Recent and expected future change in residential population and employment in the study area
  - Government policies or plans, such as a building on site being identified for a landmark designation that may affect the development potential of a site or sites
  - Site specific conditions that make development difficult
  - Issues relating to site control or site assemblage that may affect redevelopment potential.

Based on the above described *CEQR* criteria, the two additional factors were also considered when evaluating whether development can reasonably be expected to occur on a site:

- 3.1 **Landmarked buildings and public buildings.** Landmarked buildings are unlikely be future development sites given their governing regulations for development and modifications. Public buildings are unlikely due to their current uses and ownership.
- 3.2 **Recent as-of-right development.** Sites that are currently undergoing or that have recently completed new development would also be unlikely as a future development site. AOR development was determined through review of permits filed with the New York City Department of Buildings (DOB) and verified through site visits to determine that construction was underway<sup>7</sup>.
- 4) Finally, all lots adjacent to the Affected Area were evaluated using the above criteria but assuming the potential for assemblage that could reasonably occur and create conditions suitable for a public plaza (lots marked in purple as 'Future Development Sites with Assemblage' in **Figure A-1**).

Based on these criteria, only one future development site was identified in the Affected Area for the RWCDs, defined as the Development Site and associated Zoning Lot, which are described in Section VI, "Description of The Zoning Lot and Development Site," above. All other sites in the Affected Area were determined to not be a future development site, based on one or more of the four criteria listed above.

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<sup>7</sup> Confirmed through field visit January 4, 2017

**Table A-2: Affected Sites Analysis**

	Block	Lot	Address	Criteria for Exclusion as a Future Development Site
Within Affected Area	75	1	127 John Street	1.2 (200 Water Street POPS), 2.1
	75	8	135 John Street	1.2 (200 Water Street POPS)
	75	9	133 John Street	1.2 (200 Water Street POPS)
	75	21	40 Fulton Street	1.2 (200 Water Street POPS), 2.1
	75	30	111 John Street	1.2 (200 Water Street POPS and 15 Cliff Street POPS)
	75	46	32 Cliff Street	1.2 (Cliff Street POPS)
	75	48	34 Cliff Street	1.2 (Cliff Street POPS)
	75	7501	46 Fulton Street	1.2 (Cliff Street POPS)
	76	1	64 Fulton Street	1.1, 2.1
	76	6	56 Fulton Street	1.1, 1.2 (Cliff Street POPS, 3.2
	76	28	70 Fulton Street	1.1
	76	7502	99 John Street	2.1
	77	1	87 John Street	2.1
	77	8	110 William Street	2.1
	77	15	130 William Street*	None
	77	18	136 William Street**	None
	77	20	138 William Street	1.1
	77	24	82 Fulton Street**	None
	78	1	135 William Street	2.1
	78	11	55 John Street	3.2 (AOR development 118 Fulton using most development rights)
	78	20	106 Fulton Street	3.2 (AOR development 118 Fulton using most development rights)
	78	47	114 Fulton Street	3.2 (AOR development 118 Fulton under construction)
	78	7502	41 John Street	3.2 (AOR development 118 Fulton using most development rights)
	78	7506	102 Fulton Street	3.2 (AOR development 118 Fulton using most development rights)
	78	7507	59 John Street	3.2 (AOR development 118 Fulton using most development rights)
	78	7508	45 John Street	1.2 (100 William Covered Pedestrian Space), 3.2 (AOR development 118 Fulton using most development rights)
	78	7510	110 Fulton Street	3.2 (AOR development 118 Fulton using most development rights)
	91	9	121 Fulton Street	1.3, 2.3
	91	11	125 Fulton Street	1.3, 2.3
	91	7501	119 Fulton Street	1.3, 2.3
	91	7502	111 Fulton Street	3.2
	93	1	81 Fulton	2.1
	94	1	80 Gold Street	1.2 (Delury Square)
95	27	49 Fulton Street	1.2, 1.3	
100	26	138 Nassau Street	2.1, 3.1	
100	7501	150 Nassau Street	2.1	
101	1	36 Park Row	2.1, 3.1	
101	2	39 Park Row	2.1, 3.1	
Potential for Assemblage	75	35	248 Pearl Street	1.2 (200 Water Street POPS and 15 Cliff Street POPS)
	75	43	26 Cliff Street	1.2 (Cliff Street POPS)
	75	7502	28 Cliff Street	1.2 (Cliff Street POPS)
	75	7503	30 Cliff Street	1.2 (Cliff Street POPS)
	76	7	27 Cliff Street	2.1, 1.2 (Cliff Street POPS)
	76	8	25 Cliff Street	1.2 (Cliff Street POPS)
	76	23	38 Gold Street	2.1
	76	24	40 Gold Street	2.1
	76	7501	15 Cliff Street	2.1
	78	4	123 William Street	2.1
	78	7504	9 Dutch Street	3.2 (AOR development 118 Fulton using most development rights)
	78	7509	7 Dutch Street	3.2 (AOR development 118 Fulton using most development rights)
	93	30	49 Beekman Street	3.1
	93	34	57 Beekman Street	2.1
	94	25	100 Gold Street	3.1
95	43	46 Cliff Street	3.1	

\*Development Site  
\*\*Part of Zoning Lot

## **X. NO-ACTION CONDITION**

In the future absent the Proposed Action (the “No-Action condition”) the text in ZR §91-24(a) and ZR §37-713 would remain as currently drafted. The Development Site would be developed as described in Section VI above; however, the additional 0.78 FAR derived from the public plaza bonus would need to be derived instead through the Inclusionary Housing bonus. The publicly accessible open space would not be provided.

The Inclusionary Housing bonus would be maximized to 2.0 FAR, versus 1.22 as described in the Proposed Development, and would be achieved through 23,361.3 sf of off-site inclusionary housing located at 118 Fulton Street, which could yield 27 DUs at an average size of 850 zsf per DU, for a total bonus of 81,764.55 sf. Per ZR §23-154, for each square foot of low-income housing, a bonus is generated at a rate of 3.5 square feet for the Development Site (which is in a C6-4 (R10 equivalent) zoning district, since 118 Fulton Street is not a recipient of public funding). The Inclusionary Housing bonus is as-of-right and does not require any discretionary actions. The total floor area and programming for the No-Action condition would otherwise be identical to that as described above for the Proposed Development.

The No-Action condition for the Development Site was determined reasonable as there is sufficient off-site inclusionary housing bonus generated by the No-Action development located at 118 Fulton Street, which could be used on the Development Site to achieve a full 2.0 additional FAR through Inclusionary Housing Bonus only. 118 Fulton Street would include 470,896 residential sf, of which 73,285.5 would be inclusionary floor area. Of this, 16,780 sf would be used for the inclusionary bonus on-site and the remainder, 56,505.50 sf, would be available for transfer to other properties. The 56,505.5 sf of inclusionary floor area available at 118 Fulton Street would be able to accommodate the 23,361.3 sf of inclusionary housing floor area required for a 2.0 FAR bonus at the Development Site.

Based on coordination with the Manhattan Office of the New York City Department of City Planning (DCP) and the New York City Department of Buildings (DOB), two ongoing or proposed developments were identified within the Project Area: 1) 118 Fulton Street, which would be completed by the 2019 build year; and 2) 56 Fulton Street which is anticipated to be complete by spring 2017 (**Figure A-2**). The 118 Fulton Street development is proposed to be a 49-story, mixed commercial and residential building comprised of 49,941 sf commercial and 470,896 sf residential space providing 483 dwelling units. The development at 56 Fulton Street would be a 23-story, approximately 101,542 sf mixed commercial and residential building comprised of 95,677 sf residential space providing 120 DUs and 5,865 first floor commercial.

## **XI. WITH-ACTION CONDITION**

In the future with the Proposed Action (the “With-Action” condition), ZR §91-24(a) and ZR §37-713 would be modified. The Proposed Development on the Development Site would occur as described in Section VII of this attachment. As described previously, the Proposed Development would derive a residential or commercial bonus of 31,902 square feet from the plaza bonus and a residential bonus of 49,862.05 square feet from Inclusionary Housing bonus. The 14,246.3 zsf of off-site affordable housing at 118 Fulton Street, which could yield 17 DUs at an average size of 850 zs per DU, would generate 49,862.05 zsf of additional residential area bonus. With development of the Proposed Development, the Development Site, along with Lots 24 and 18, would have an overall FAR of 11.98, with approximately 0.78 FAR of bonus coming from the plaza and approximately 1.22 FAR coming from the Inclusionary Housing bonus.

The Proposed Development was determined to be the RWCDs for the With-Action Condition given the market and development trends for the area, as described below. All applicable uses were considered for the Development Site, including various hotel types (long-term stay, pod, luxury), rental apartments, condominium apartments, retail use, and office space. Given the dimensions of the Development Site floorplate, the light and air restrictions, and the zoning-dictated massing of the building, a hotel and office

use was not justified, as described below. The Proposed Development's footprint and building layout lends itself best for residential use, and the building core, views and programming is best suited for condominiums due to the Development Site's dimensions, location and context. Given the unavailability of the 421a tax abatement for the Development Site, rental units were also not justified. Condominiums were determined to be the most risk-adverse, while providing a return on investment sufficient to achieve viability for the uses contained in the Proposed Development.

Regarding retail development, the LM District, including the Financial District, continues to undergo significant redevelopment renaissance, including One World Trade Center (WTC) and other WTC buildings to the west, along with the redevelopment and revitalization of the South Street Seaport to the East. The center of the Financial District is a rapidly growing destination for new residents, as well as tourists, retailers and transient workers. Given the vast amount of new retail in the surrounding area, including the Fulton Center, Brookfield Place, World Trade Center Transportation Hub and the South Street Seaport, it was determined there was no demand for another large-scale retail venue. The proposed two stories of retail are reasonable, given the Development Site's location at a pivotal point along Fulton Street, a main commercial artery of the Financial District.

Office uses were also determined to be infeasible. While existing office and hotel valuations in the area remain high, both office rents and hotel rate and occupancies in relation to land and construction costs do not substantiate a viable risk/reward paradigm for developers engaged in ground-up new construction, due to the recent and continuing large influx of office space, the bulk of which is yet to be leased at the WTC, and which must be absorbed into the area. This creates uncertainty going forward for non-core office locations (e.g., the Development Site).

Regarding hotel development, the Financial District remains one of the lowest average daily rate, occupancy and revenue per room (ADR/Occupancy/RevPAR) submarkets within Manhattan. A hotel development at the Development Site would fuel and exacerbate a potential oversupply of rooms, making the ADR/Occupancy/RevPAR conditions worse, and in turn, making such a development too risky.

A mixed-use development on the Development Site (i.e., more than two stories of commercial use along with residential use) would likewise not be feasible, given its relatively small size. Mixed residential and commercial uses require duplicitous building systems, separate points of entry and multiple lobbies, leading to inefficiency in layouts on smaller sites. This would further exacerbate the increased project costs against projected revenues.

## **XII. INCREMENT**

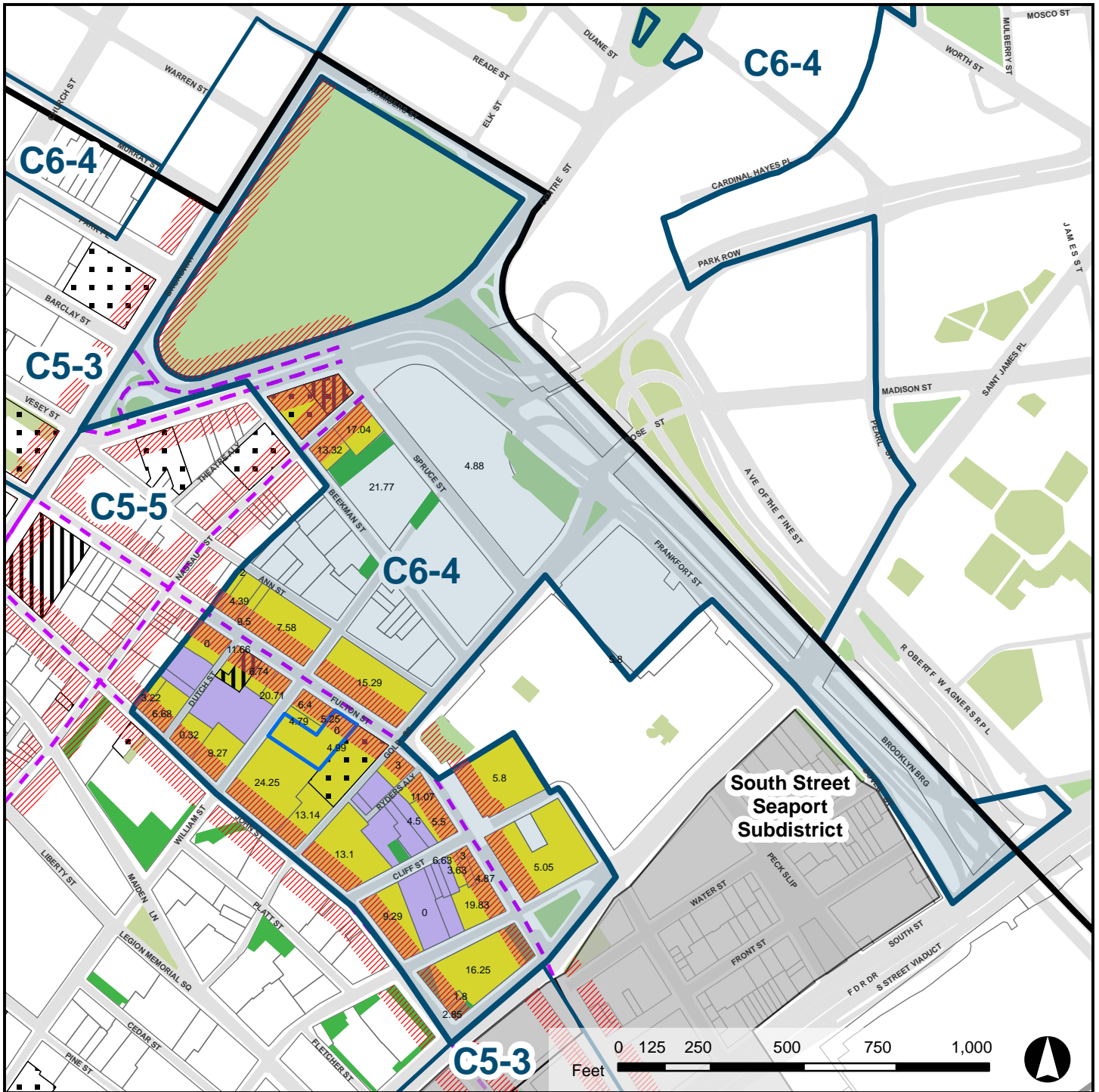
Based on the criteria for future development sites, the Applicant's Development Site was the only future development site identified that would be affected by the Proposed Action, as described in Section IX, RWCDs Methodology." Although the 2.0 FAR bonus is achieved differently, the total floor area and development program would be same under both With-Action and No-Action conditions (**Table A-3: FAR Bonus in No- and With-Action Condition for the Development Site**). However, in the No-Action condition the public plaza would be exclusively for tenants (private-use only) and publicly accessible in the With-Action condition. Thus, the net increment for purposes of the CEQR assessment would be limited to the provision of a publicly accessible plaza on the Zoning Lot.

In both the With-Action and No-Action conditions, the Development Site would apply the Inclusionary Housing bonus pursuant to ZR §23-154 by utilizing off-site inclusionary floor area available at the 118 Fulton Street development, as described in the "Off-Site Inclusionary Housing" section of the EAS form. The 118 Fulton Street development is an AOR project, currently under construction and independent of the Proposed Development. In both the No-Action and With-Action condition, the project would make available

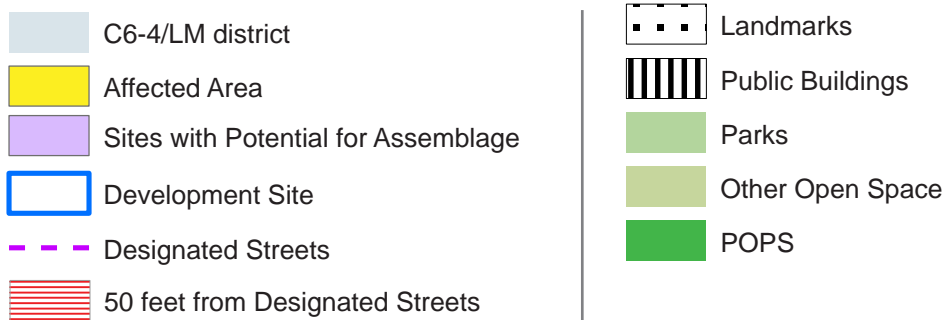
the same amount of inclusionary housing floor area to developments seeking to utilize the Inclusionary Housing Bonus.

**Table A-3: FAR Bonus in the No- and With-Action Condition for the Development Site**

	No-Action	With-Action
Bonus FAR Derived from Inclusionary Housing Bonus	2.0 FAR	1.22 FAR
Bonus FAR Derived from Public Plaza Bonus	0 FAR	0.78 FAR
Total Bonus	2.0 FAR	2.0 FAR
Total Development gsf	443,947 gsf	443,947 gsf

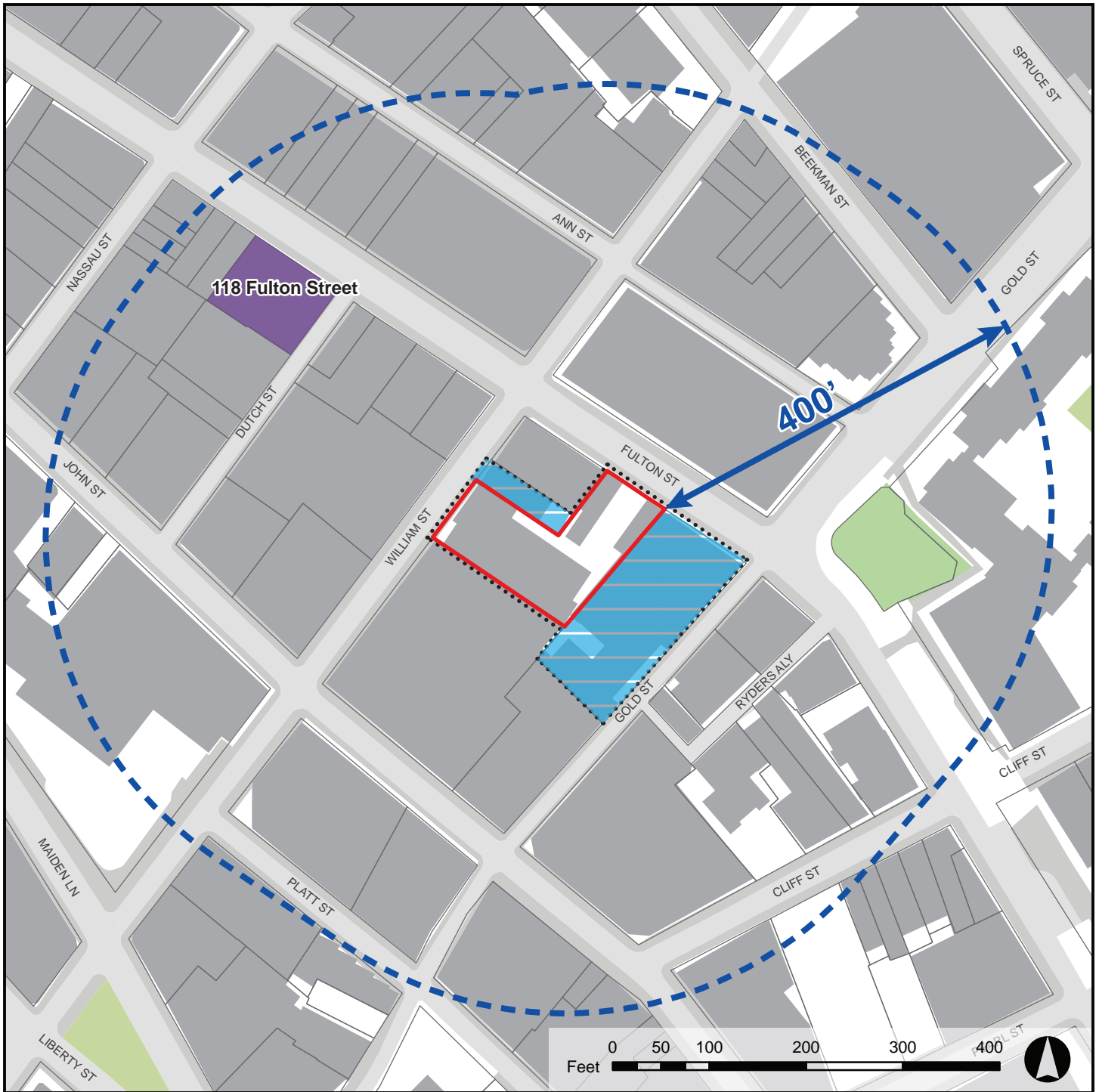


Source: 2015 PLUTO, MAS (POPS), and Field visit January 2017



## AFFECTED SITES ANALYSIS

Figure A-1



Source: 2016 PLUTO, NYCDP

- Development Site
  - Zoning Lot
  - 400-foot Study Area
- Lots with transfer of floor area applied to Development Site
  - 118 Fulton Street (Development with off-site Inclusionary Housing)

## SITE LOCATION MAP

Figure A-2



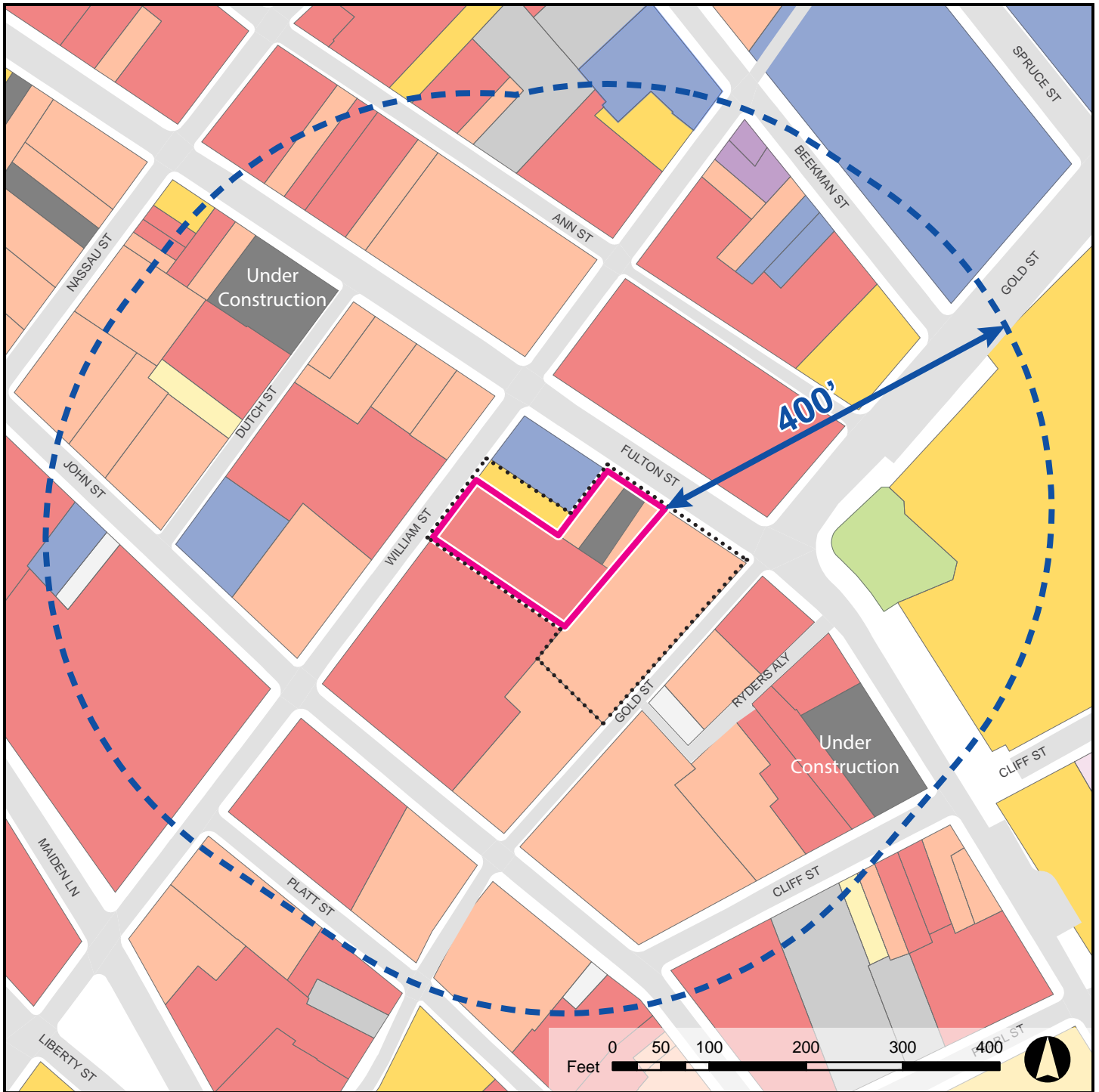




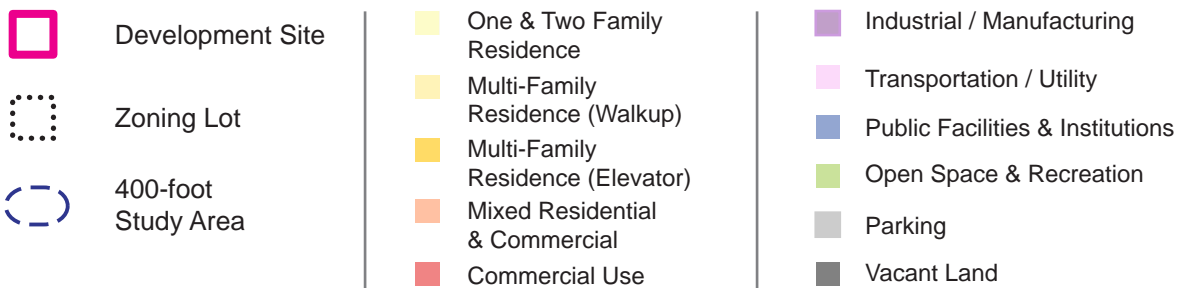
**PROPOSED  
PLAZA  
RENDERINGS**

Figure A-4

LM Plaza Text  
Amendment

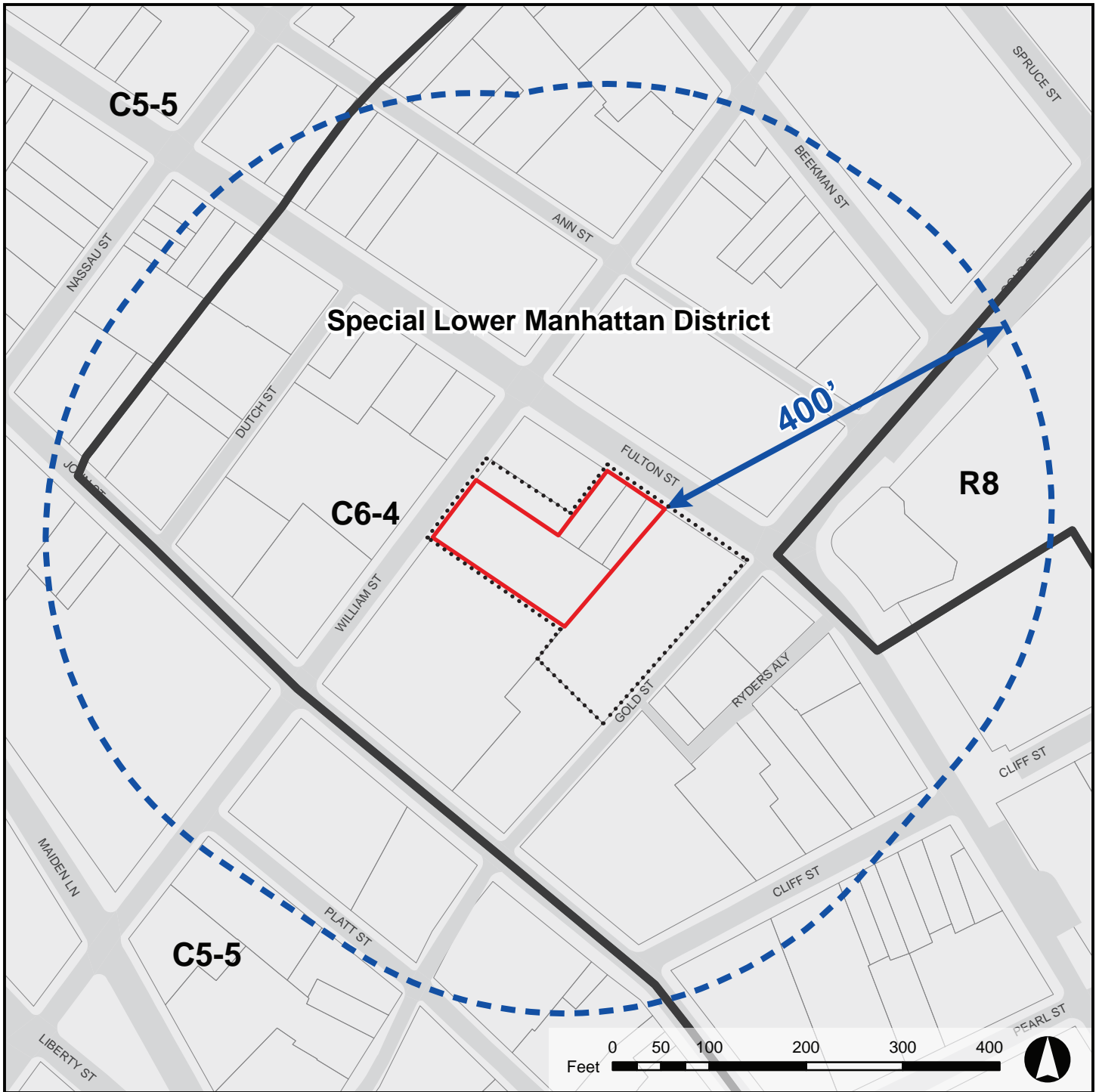


Source: 2016 PLUTO, NYCDPC and field visit January 2017



# LAND USE MAP

Figure A-5

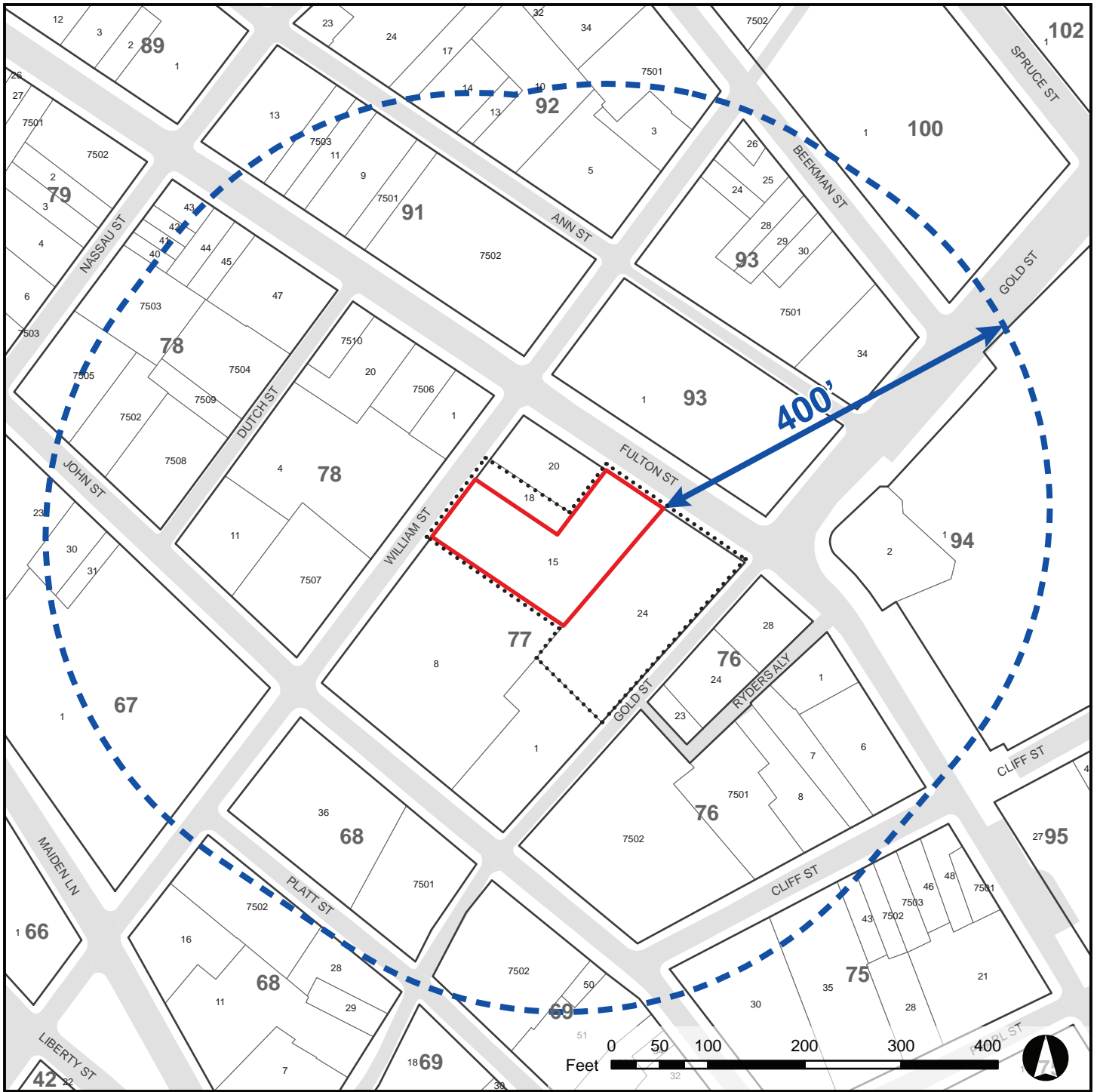


Source: 2016 PLUTO, NYCDPC, Zoning Map 12b, NYCPC

- |  |                     |   |                      |
|--|---------------------|---|----------------------|
|  | Development Site    |  | Residential District |
|  | Zoning Lot          |  | Commercial District  |
|  | 400-foot Study Area |  | Special District     |

## ZONING MAP

Figure A-6



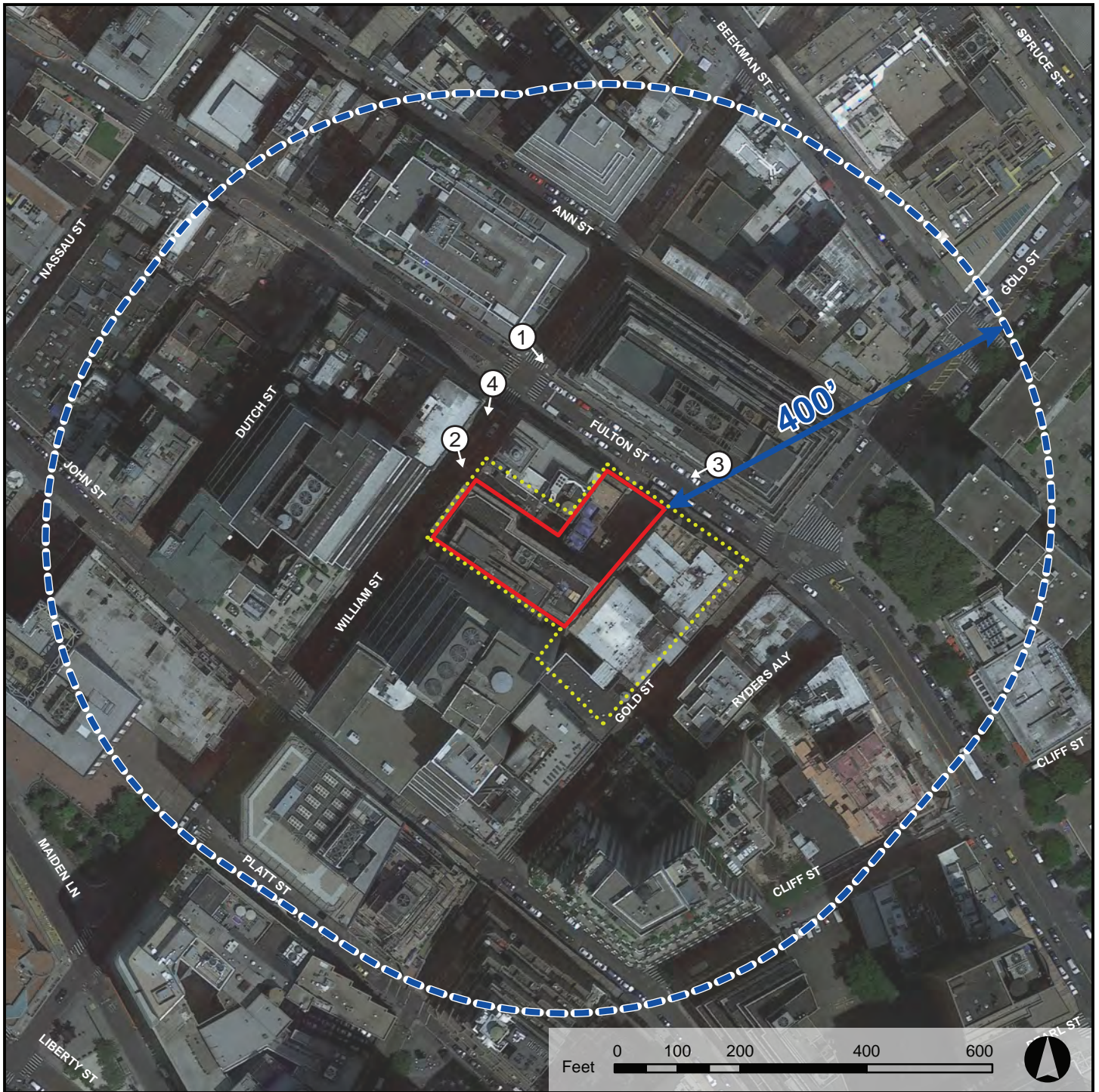
Source: 2016 PLUTO, NYDCDP, Digital Tax Map, NYCDOF

- Development Site
- Zoning Lot
- 400-foot Study Area

77 Block Number  
15 Lot Number

# TAX LOT MAP

Figure A-7



Source: Google Earth Pro, Imagery Date: 06/25/2016

-  Development Site
-  Zoning Lot
-  400-foot Study Area

 Photograph Location

## AERIAL MAP

Figure A-8

# PHOTOGRAPHS A-1 THROUGH A-2

Figure A-1: Development Site from NE corner of Fulton St and William St, looking west



Figure A-2: Development Site front on William St



# PHOTOGRAPHS A-3 THROUGH A-4

Figure A-3: Development Site front on Fulton St



Figure A-4: Development Site SE corner of Fulton St. and William Street, looking south



## Attachment B: Land Use, Zoning, and Public Policy

### **I. INTRODUCTION**

This chapter assesses the potential impact of the Proposed Action on land use, zoning and public policy. As described in Section 210 of Chapter 4 of the *City Environmental Quality Review (CEQR) Technical Manual*, the Land Use, Zoning, and Public Policy assessment evaluates the uses and development trends in the area and considers whether a proposed project is compatible with those conditions or may affect them, and considers the project's compliance with, and effect on, the area's zoning and other applicable public policies.

As described in Attachment A, "Project Description," the Proposed Action is a proposed text amendment to modify the language regarding the public plaza bonus in Zoning Resolution (ZR) §91-24 for C6-4 zoning districts in the Special Lower Manhattan District (the "LM District"). While the Proposed Action would apply to all C6-4 zoning districts in the LM District, the sites that would be affected by the Proposed Action are defined only as the sites located within a C6-4/ LM District that are within 50 feet of a designated retail or Type 1 or 2A streetwall streets (the "Affected Area"). The Affected Area is comprised of 10 tax blocks, with a small area generally bounded by Park Row, Spruce Street, Beekman Street and extending slightly past Nassau Street and a larger area generally bounded by Nassau Street, Ann Street, John Street, and Water Street.

As determined in development of the Reasonable Worst Case Scenario (RWCDs) analysis, only one future development site was identified in the Affected Area, which is the Development Site (Block 77, Lot 15) and its associated Zoning Lot (Block 77, Lots 15, 18, and 24).

As prescribed in guidance in the *CEQR Technical Manual*, a preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. *CEQR Technical Manual* guidance also require a detailed assessment of land use conditions if a detailed assessment is required in other technical areas, or if the preliminary assessment cannot sufficiently describe land use conditions. Since the Proposed Action is an area-wide action, a detailed analysis of potential land use, zoning and public policy impacts was prepared. The detailed analysis describes existing (2017), future (2020) No-Action and future (2020) With-Action conditions related to land use, zoning and public policy for the Affected Area and within a 400-foot land use study area. Changes that would occur between the No-Action and With-Action conditions are disclosed.

### **II. PRINCIPAL CONCLUSIONS**

No significant adverse impacts on land use, zoning, or public policy, as defined by guidance for determining impact in the *CEQR Technical Manual*, would occur in the future with the Proposed Action in both the Affected Area and 400-foot land use study area. The Proposed Action would be consistent with the underlying intent of the LM District (as per ZR §91-00) to encourage the development of a 24-hour community, to facilitate maximum design flexibility, and to enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities. Development on the Development Site would be compatible with and supportive of existing land uses and development trends, and would be consistent with established public policies for the Affected Area. Therefore, the Proposed Action would not result in any significant adverse impacts related to land use, zoning, and public policy.



### III. METHODOLOGY

As described in Attachment A, “Project Description,” the Proposed Action would apply to all C6-4 zoning districts within the LM District, which include the (1) Western District, which is generally bounded by Murray Street on the north, Broadway, Park Place, West Broadway, Greenwich Street, Liberty Street and West Street, and (2) the Eastern District, which is generally bounded by Chambers Street, the Brooklyn Bridge on-ramp, Gold Street, Beekman Street, Water Street, John Street, a line 100 feet east of Nassau Street, Park Row and Broadway. The Eastern C6-4 district contains designated streets that would, pursuant to ZR §91-24, limit the applicability of the plaza bonus. The western C6-4 district does not contain any designated retail or Type 1 or 2A streetwall streets. As such, the “Affected Area” is defined as the sites located within the Eastern C6-4 district that are within 50 feet of a designated retail or Type 1 or 2A streetwall streets. As determined by the Reasonable Worst Case Scenario (RWCDs) analysis, only one future development site was identified in the Affected Area, which is the Development Site (Block 77, Lot 15) and its associated Zoning Lot, which also includes Lots 24 and 18 in Block 77.

The Land Use, Zoning, and Public Policy assessment was prepared for the Affected Area, Development Site and Zoning Lot, and the surrounding 400-foot study area.

Existing land uses were identified through the New York City Zoning and Land Use database and PLUTO™ 16v1 shapefiles, and verified through field visits during January 2017. New York City Zoning Maps and the Zoning Resolution of the City of New York were consulted to describe existing zoning districts in the land use study area, and provided the basis for the zoning evaluation of the future No-Action and With-Action Conditions. Research was conducted to identify relevant public policies recognized by the New York City Department of City Planning (DCP) and other city agencies. Land use, zoning, and public policy are addressed and analyzed for a land use study area that extends approximately 400-feet from the boundary of the Affected Area and encompasses areas most likely to experience indirect impacts due to the Proposed Action. The land use study area is approximately bounded by Liberty Street/ Legion Memorial Square to the south, slightly past Front Street to the east, Frankfort Street to the north, and Broadway to the west. The land use study area has been established in accordance with guidelines set forth in the *CEQR Technical Manual* and is depicted in **Figure B-1: Land Use** and **Figure B-2: Zoning**.

### IV. EXISTING CONDITIONS

#### Land Use

##### ***Affected Area***

The Affected Area is comprised of 37 full tax lots and one partial (p/o) tax lot, and encompasses 10 tax blocks, half of which are multi-part blocks. There are two general clusters of lots within the Affected Area, a smaller cluster to the north generally bounded by Park Row, Spruce Street, Beekman Street and extending slightly past Nassau Street, and a larger area to the south, generally bound by Nassau Street, Ann Street, John Street, and Water Street. Existing land uses within the Affected Area consist predominantly of commercial buildings, and mixed residential and commercial buildings, interspersed with public facilities and institutions.

Commercial buildings are dispersed throughout the Affected Area and consist of both office-only buildings and office buildings with retail on the ground floor/ground floor and lower levels. Buildings with retail are more prevalent along Fulton and John Streets, although there are some local retailers along William Street within the study area. Commercial buildings range in heights from three stories to 31 stories, with the tallest buildings fronting either Fulton or John Street. Some notable commercial tenants include the NYC Administration for Children’s services, which operates out of a 20-story building along Fulton Street, between William Street and Gold Street.

Mixed commercial and residential buildings occur throughout the Affected Area, with most buildings primarily residential with ground floor retail. Building heights reach up to 29 stories, with the tallest buildings fronting John Street. Previously a dormitory for Pace University, a private university with campuses in Lower Manhattan and Westchester,, a 15-story building along Fulton and Dutch Street is to be converted into rental apartments and maintain the 3,543 sf of retail space on the ground floor. A 23-story mixed-use building is located at the corner of Nassau Street and Spruce Street.

There are also a few multi-family residential elevator buildings located in the Affected Area. The partial lot in the Affected Area is a part of the lot containing the Southbridge Towers residential towers, which are located at the intersection of Fulton and Gold Streets. There is also a 31-story multi-family residential building with ground floor retail located on a block bound by Water Street, John Street, Pearl Street, and Fulton Street. To the north, there are two additional multi-family elevator buildings north of Beekman Street on both sides of Nassau Street.

There are several public facility/institutional uses in the Affected Area. Pace University operates out of several buildings located in the Affected Area: a 16-story building on the corner of Park Row and Spruce Street used for the Dyson College of Arts & Sciences, a 17-story building at the corner of Dutch and John Streets used for a residence hall, and a 7-story building at the corner of Fulton and William Streets used for Pace Performing Arts (adjacent to the Development Site).

The only open space amenity located within the Affected Area is the 200 Water Street privately owned public space (POPS). Located on the east side of Pearl Street and north of John Street, the space includes both a 4,010 sf plaza and 3,222 sf arcade.

As described in Section V, "Future without Proposed Action," two lots are under construction, one at 118 Fulton Street, located at the corner of Fulton and Dutch Streets, and one at 56 Fulton Street, located at the corner of Fulton and Cliff Streets.

### ***Zoning Lot and Development Site***

The Zoning Lot is comprised of Lots 15, 18, and 24 in Manhattan Block 77 and is occupied by a mix of residential and commercial uses, and vacant land. Manhattan Block 77 is bounded by Fulton Street to the northwest, Gold Street to the southwest, John Street to the southeast, and William Street to the northeast. Lot 18 has a lot area of 2,609 sf and is occupied by a six-story, approximately 12,500 sf, multi-family elevator building providing 10 dwelling units (DUs). Lot 24 has a lot area of 20,890 sf and is occupied by two seven and eight-story mixed residential and commercial buildings containing a total of approximately 159,000 sf and providing 196 DUs and 9,000 commercial retail. One of the buildings on Lot 24 is known as the Excelsior Steam Power Company Building, and was designated as a landmark by the New York City Landmarks Preservation Commission on December 13, 2016. Lot 15 comprises the Development Site, as described below.

The 17,384 sf L-shaped Development Site is comprised of Block 77, Lot 15, which is an interior lot with 70.33' frontage on Fulton Street (a wide street<sup>1</sup>) and 74' William Street (a narrow street<sup>2</sup>). The Development Site is currently occupied by two buildings with a total gross floor area of approximately 117,614 gsf. Along William Street is a 12-story commercial/office building with approximately 100,124 gsf of office and 7,000 gsf of ground floor retail. Along Fulton Street is a mixed-use six-story, commercial/residential building with approximately 4,390 gsf of residential area providing four residential units and another 6,100 gsf of ground floor retail. The rest of the Development Site along Fulton Street is vacant land. The Development Site has a total existing built FAR of 6.77.

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<sup>1</sup> A wide street is a street that is 75 feet or more in width.

<sup>2</sup> A narrow street is a street that is less than 75' wide.

## **Study Area**

Existing land uses within the study area are similar to those found in the Affected Area and consist predominantly of commercial buildings, and mixed residential and commercial buildings, interspersed with public facilities and institutions (**Figure B-1**).

Commercial buildings are dispersed throughout the study area and include office-only buildings, office buildings with retail on the ground floor/ground floor and lower levels, and hotels. Buildings with ground floor retail are more prevalent along Fulton, John, and Beekman Streets, although there are some local retailers along William Street within the study area. Commercial buildings range in heights from three stories to 44 stories, with the tallest buildings fronting either Fulton or John Street. Some notable commercial tenants include the U.S. Social Security Administration housed in a 26-story office building located midblock along William Street between Fulton and John Streets and several city departments (including the New York City Finance Department) located at the 44-story office building at the intersection of William Street and John Street. On the eastern side of Water Street between Fletcher and Fulton Streets are two commercial buildings over 30 stories in height. There are also a number of hotels distributed across the study area, including the recently completed Aloft Manhattan, located on Ann Street between Nassau and William Streets, and The Beekman, located at the corner of Beekman and Nassau Streets.

Mixed commercial and residential buildings occur throughout the study area, most of which are primarily residential with ground floor retail. The tallest building in the study area is the 76-story mixed-use “New York by Gehry” building (previously known as the Beekman Tower building), located at the north of the study area, between Spruce and Beekman Streets, west of Nassau Street. Outside the Affected Area, mixed commercial and residential buildings are primarily found along Nassau Street and south of John Street.

There are also a few multi-family residential elevator buildings located in the study area. The Southbridge towers, part of which is located within the Affected Area, is a large private cooperative that is part of the New York State Mitchell-Lama affordable housing program. There is also a large 51-story residential tower located on Platt Street, between Gold and Pearl Street.

There are several public facility/institutional uses in the study area in addition to those found in the Affected Area. There is an additional PACE University building, One Pace Plaza, which houses the Lubin School of Business and the Henry Birnbaum Library, in addition to other programs and services. One Pace Plaza is bound by Spruce Street, Nassau Street, Frankfort Street, and Gold Street, and is located at the very north of the study area. In addition, there are several community facility and institutional uses in the study area. These include the John Street Church, which is located midblock between Nassau and William Streets fronting the south side of John Street, and the Wall Street Synagogue, which is located fronting the south side of Beekman Street, between William and Gold Streets. Directly to the east of the synagogue is the FDNY Engine 6 station. At the very northeastern corner of the study area is the New York-Presbyterian/Lower Manhattan Hospital. Along Water Street, between Peck Slip and Beekman Street, is an independent school offering pre-primary, primary, and middle school education.

There are also several public open spaces in the study area, including City-owned parks and privately-owned public open spaces (POPS). City Hall Park, an approximately 8.8-acre neighborhood park located at the very north of the study area, houses numerous monuments, the New York City Hall, and the Tweed Courthouse. The John J. Delury Senior Plaza is a public open space that fronts the Fulton and Gold Streets corner of the Southbridge Towers housing complex. The Louise Nevelson Plaza is a triangle plaza bound by William Street, Liberty Street, and Maiden Lane at the southern end of the study area. Over ten POPS are located within the study area, POPS within close vicinity to the Affected area include 33 Maiden Lane, 59 Maiden Lane, 100 William Street, 15 Cliff Street, and 8 Spruce Street/Beekman Plaza. 33 Maiden Lane, located at the base of the headquarters of the Federal Reserve Bank of New York on the east side of Nassau Street between Maiden Lane and John Street, is a two-level open-air covered pedestrian space.

59 Maiden Lane, located on the northwest corner of William Street and Maiden Lane, is an arcade-type plaza with seating and landscaping. A multistory, open-air covered pedestrian space is located at 100 William Street on the south side of John Street east of William Street, and an urban plaza is located at 15 Cliff Street on the west side of Cliff Street between John and Fulton Streets. The recently completed 8 Spruce Street/ Beekman plaza includes public plazas on the east and west sides of the building.

## **Zoning**

### ***Affected Area***

The Affected Area is mapped entirely within a C6-4 zoning designation and is located within the LM District.

The LM District generally covers the area south of Murray Street, City Hall Park and the approaches to the Brooklyn Bridge, excluding Battery Park City. The LM District was established to enhance the vitality of Lower Manhattan, home to the city's oldest central business district and growing residential community. The district regulations allow for the conversion of older commercial buildings to residential use and encourage a dynamic mix of uses in the area while protecting its distinctive skyline and old street patterns. The built character of the area is enhanced by height and setback regulations and limitations on the dimensions of tall buildings. The pedestrian environment is enriched by requirements for retail continuity, pedestrian circulation space and subway station improvements. There are two subareas located within the LM District, the South Street Seaport Subdistrict and the Historic and Commercial Core—both of which, by definition, is not mapped over the any part of the Affected Area.

C6-4 districts are commercial districts that are typically mapped within the city's major business districts and have a maximum FAR of 10.0 for all uses, exclusive of any applicable bonus. ZR §91-22 provides that in the C6-4 districts within the LM District, the maximum permitted FAR can be increased to 12.0 either through the public plaza bonus, pursuant to ZR §91-24 and the limitations contained therein, or the Inclusionary Housing bonus, pursuant to ZR §23-90. The public plaza bonus increases the maximum FAR by 2.0 for either commercial or residential use. The Inclusionary Housing bonus increases the maximum FAR by 2.0 for residential uses. Uses permitted in C6-4 districts include residential, community facility uses, and retail and commercial uses.

ZR §91-22 sets forth the maximum FAR and bonuses for all zoning districts in the LM District, including C6-4 districts. In the LM District, the maximum FAR for C6-4 development sites is 12.0, which can be gained through application of as-of right bonuses (public plaza and inclusionary housing, or a combination of both) and/or discretionary special permits (for subway station improvements and covered pedestrian spaces), or a combination of both. Further, a maximum FAR of 14.0 (containing no more than 12.0 residential FAR) could be permitted by a discretionary special permit allowing the transfer of unused development rights from a zoning lot containing a designated to an eligible Landmark sites pursuant to ZR §74-79.

### ***Zoning Lot and Development Site***

The Zoning Lot and Development Site are also mapped within a C6-4 zoning designation and located within the LM District.

As described above, a maximum FAR of 14.0 (containing no more than 12.0 residential FAR) could be permitted by a discretionary special permit allowing the transfer of unused development rights from a zoning lot containing a designated to an eligible Landmark sites pursuant to ZR §74-79. However, while Lot Block 77, Lot 24 is an adjacent lot with a designated New York City Landmark, with respect to the Development Site, no unused development rights from the landmarked site are available, and, consequently, the maximum FAR for the Development Site is 12.0.

## **Study Area**

The predominant zoning district in the study area is C6-4, which is also mapped over the Development Site (**Figure 4**). Additional existing zoning districts within the study area, none of which would be affected by the Proposed Action, include the C5-5 zoning district, which is mapped south of John Street and west of mid-block between Dutch and Nassau Streets, the C5-3 zoning district located to the east of Water Street and south of Fulton Street, the C6-2A zoning district located to the east of Water Street and north of Fulton Street, and the R8 zoning district located north of Fulton Street and east of Gold Street.

The C5-5 zoning district is a central commercial district with continuous retail frontage intended for offices and retail establishments that serve the entire metropolitan region. The maximum commercial FAR is 15.0 and the maximum residential FAR is 10.0 (R10 residential equivalent) for C6-5 districts. The commercial FAR can be increased to 18.0 FAR outside of the Historic and Commercial Core of the LM District for through the public plaza bonus. All commercial uses are exempt from off-street parking requirements due to the ease of accessibility of public transportation.

The C5-3 and C6-2A zoning districts are also located within the South Street Seaport Subdistrict. The South Street Seaport Subdistrict protects the scale and character of 18<sup>th</sup> and 19<sup>th</sup> century mercantile buildings by allowing the transfer of development rights to designated receiving lots.

The C5-3 zoning district is a central commercial district with continuous retail frontage intended for offices and retail establishments that serve the entire metropolitan region. The maximum commercial FAR is 15.0 and the maximum residential FAR is 10.0 (R10 residential equivalent) for C6-5 districts. Within the South Seaport Subdistrict, as-of-right and special permit floor area bonuses do not apply. However, the FAR can be increased to 21.6 FAR pursuant to the Regulations for the South Street Seaport Subdistrict (ZR §91-60). All commercial uses are exempt from off-street parking requirements due to the ease of accessibility of public transportation.

The C6-2A zoning district permits a wide range of high-bulk commercial uses requiring a central location. The maximum commercial FAR is 6.0 and maximum residential FAR is 6.02, with a residential district equivalent of R8. The Inclusionary Housing bonus does not apply within the South Street Seaport Subdistrict. C6-2A is a contextual district with maximum building heights. As they are well served by mass transit, off-street parking is not required in C6-2A districts.

The R8 zoning district is a residential district that can either be governed by height factor regulations or quality housing regulations. In the LM District, outside the Historic & Commercial Core and the South Street Seaport Subdistrict, the basic maximum residential FAR is 6.02 and 6.5 FAR for community facility use. The building height is governed by the sky exposure plane under height factor regulations, or can rise to a maximum building height of 105 feet, with a base height minimum/ maximum of 60-80 feet, under quality housing regulations. Parking is required for 40% of dwelling units under both set of regulations.

## **Public Policy**

### ***Affected Area, Zoning Lot and Development Site, and Study Area***

Applicable public policies for the Affected Area, Zoning Lot and Development Site, and the 400-foot study area include *One New York: The Plan for a Strong and Just City (OneNYC)*, the Alliance for Downtown New York Business Improvement District, and the Waterfront Revitalization Program.

### **One New York: The Plan for a Strong and Just City (OneNYC)**

*OneNYC* is the City's long-term sustainability plan that applies to the City's land use, open space, brownfields, energy use and infrastructure, transportation systems, water quality and infrastructure, and air quality, as well as makes the City more resilient to projected climate change impacts. Originally adopted in

2007, and updated in 2011 and 2015, the plan is divided into four visions for a stronger, more equitable, more sustainable, and more resilient New York City, and includes over 200 new initiatives, with over 80 specific new metrics and targets. *OneNYC* represents a unified vision for a sustainable, resilient, and equitable city. The *CEQR Technical Manual* requires the evaluation of large publicly sponsored zonings to ensure the proposed action(s) align with the broad goals of *OneNYC*.

### Downtown-Lower Manhattan New York Business Improvement District (BID)

The majority of the Affected Area and study area are located within the Downtown-Lower Manhattan New York BID. Business Improvement Districts (BIDs) are a private/public partnership in which property owners pay a collective assessment used for maintenance, development, and promotion of their commercial district. The Downtown Alliance manages the Downtown-Lower Manhattan BID, which was established in January of 1995 and serves an area roughly from City Hall to the Battery, from the East River to West Street. The BID covers 450 block faces and 1,062 ground floor retail businesses. The BID provides the following:

- Supplemental security and sanitation
- Free transportation in Lower Manhattan
- Streetscape and design services
- Economic development advocacy
- Comprehensive research about Lower Manhattan
- Marketing and communication
- Special event programming

### Waterfront Revitalization Program (WRP)

While the Zoning Lot and Development Site are not located with the City's Coastal Zone boundaries (CZB), there are eastern portions of the Affected Area and the surrounding study area that are. New York City's Waterfront Revitalization Program (WRP) is the City's principal Coastal Zone management tool. The WRP establishes the City's policies for waterfront planning, preservation and development projects to ensure consistency over the long term. The goal of the program is to maximize the benefits derived from economic development, environmental conservation and public use of the waterfront, while minimizing any potential conflicts among these objectives. The WRP is authorized by New York State's Waterfront Revitalization of Coastal Areas and Inland Waterways Act, which was enacted in response to the Federal Coastal Zone Management Act, and allows municipalities to participate in the State's Coastal Management Program by creating their own local Waterfront Revitalization Program.

## **V. FUTURE WITHOUT PROPOSED ACTION**

### **Land Use and Zoning**

#### ***Affected Area***

In the future without the Proposed Action (the "No-Action" condition) the text in ZR §91-24(a) and ZR §37-713 would remain unchanged. As such, the sites in the Affected Area would continue to not be eligible for a public plaza bonus.

Based on coordination with the DCP Manhattan Office and the New York City Department of Buildings (DOB), two ongoing development projects were identified within the Affected Area: 1) 118 Fulton Street, which would be completed by the 2020 build year; and 2) 56 Fulton Street, which is anticipated to be complete by spring 2017. The 118 Fulton Street development is proposed to be a 49-story, mixed commercial and residential building comprised of 49,941 sf commercial and 470,896 sf residential space providing 483 dwelling units. The development at 56 Fulton Street would be a 23-story, approximately

101,542 sf mixed commercial and residential building comprised of 95,677 sf residential space providing 120 DUs and 5,865 first floor commercial.

In the No-Action condition, the zoning in the Affected Area are expected to remain as described in existing conditions.

### ***Zoning Lot and Development Site***

The Development Site would be developed with an approximately 443,947 gsf (322,022 zsf), 60-story (plus cellar) primarily residential building with two levels of retail and a 5,317 gsf/zsf private plaza, fronting William Street. The plaza would not be publicly accessible and provided only for the tenants of the new development. The remainder of the Zoning Lot would remain as described in existing conditions.

In the No-Action condition, the new development on the Development Site would utilize the unused development rights from the rest of the Zoning Lot (Block 77, Lots 18 and 24), which equals 256,588 zoning square feet (zsf) at 10.0 FAR and can be increased to 338,342 zsf with a maximum 2.0 FAR bonus. To achieve the additional 2.0 FAR bonus, the Inclusionary Housing bonus would be maximized to 2.0 FAR, which would be derived through 23,361.3 zsf of off-site inclusionary housing provided at the 118 Fulton Street development, described above, for a total bonus of 81,764.55 zsf of residential floor area.

In the No-Action condition, the zoning for the Zoning Lot and Development Site are expected to remain as described in existing conditions.

### ***Study Area***

In the No-Action condition, the study area would remain as described in existing conditions. No changes to land use or zoning are expected by the 2020 build year in the No-Action condition.

### ***Public Policy***

#### ***Affected Area, Zoning Lot and Development Site, and Study Area***

In the No-Action condition, public policies applicable to the affected area, Zoning Lot and Development Site, and study area would remain as described in existing conditions.

## **IV. FUTURE WITH PROPOSED ACTION**

### **Land Use and Zoning**

#### ***Affected Area***

In the future with the Proposed Action (the “With-Action” condition), the language in ZR §91-24(a) and ZR §37-713 pertaining to permitted floor area bonus for public plazas in the LM District would be modified. For lots within the Affected Area, the proposed text amendment would make the 50-foot restriction applicable to the plaza itself, allowing developments or enlargements within the Affected Area to benefit from the plaza bonus and to increase the maximum permitted FAR from 10.0 to 12.0, provided that the public plaza is located more than 50 feet from a designated retail street or a Type 1 or 2A streetwall street, and such public plaza meets the requirements of ZR §37-70.

The Proposed Action would be consistent with the underlying intent of the LM District (as per ZR §91-00) to encourage the development of a 24-hour community, to facilitate maximum design flexibility, and to enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities. The limited scope of the text reinforces the protections of the LM District’s designated streets, by requiring public plazas to be located beyond 50-feet of the street line of such streets, allowing both the plaza bonus and maintaining retail continuity and streetwall requirements, consistent with other areas of the City such as the Special Midtown District (as per ZR §81-23).

#### ***Zoning Lot and Development Site***

The Development Site would be developed with an approximately 443,947 gsf (322,022 zsf), 60-story (plus cellar) primarily residential building with two levels of retail and a 5,317 gsf/zsf public plaza, fronting William Street. The plaza would be publicly accessible from William Street. The rest of the Zoning Lot would remain as described in existing conditions.

In the With-Action condition, the new development on the Development Site would utilize the unused development rights from the rest of the Zoning Lot (Block 77, Lots 18 and 24), which equal 256,588 zoning square feet (zsf) at 10.0 FAR and can be increased to 338,342 zsf with a maximum 2.0 FAR bonus. To achieve the additional 2.0 FAR bonus, both the public plaza bonus and the Inclusionary Housing bonus would be utilized. Pursuant to the Proposed Action, the public plaza bonus would be utilized to achieve a 0.78 FAR bonus, which would be derived through the 5,317 gsf/zsf plaza for a total bonus of 31,902 zsf. Pursuant to ZR §23-154, the Inclusionary Housing bonus would be utilized to achieve 1.22 FAR bonus, which would be derived through the 14,246.3 zsf of off-site affordable housing at 118 Fulton Street development, for a total bonus of 49,862.05 zsf of additional residential area.

#### ***Study Area***

In the With-Action condition, only the sites in the Affected Area would be affected by the Proposed Action. The Proposed Action would not be applicable to the rest of the sites within the remainder of the study area. The existing provisions for the public plaza bonus in ZR §91-24 would continue to apply to all sites located in the study area. As such, the rest of the study area would remain as described in existing conditions. No changes to land use, zoning, or public policy are expected by the 2020 build year as a result of the Proposed Action.



## **Public Policy**

### ***Affected Area, Zoning Lot and Development Site, and Study Area***

#### One New York: The Plan for a Strong and Just City (*OneNYC*)

The Proposed Action would be consistent with *OneNYC*, specifically Initiative 2 for Healthy Neighborhoods and Active Living under, “Vision 2: Our Just and Equitable City” and Initiative 4 for Parks and Natural Resources under, “Vision 3: Our Sustainable City.”

The Proposed Action would facilitate an approximately 5,317 gsf/zsf public plaza that would bring an open space to the surrounding neighborhood, as well as bring additional light and air to both the Proposed Development and the surrounding buildings. The Proposed Action would help achieve goals of Vision 2, Initiative 2 for Healthy Neighborhoods and Active Living, which aspires to, “Create environments that encourage New Yorkers to be physically active regardless of age.” In addition, the Proposed Action would support the goals for Vision 3, Initiative 4 for Parks and Natural Resources, which aspires to, “Expand the use of our streets as places to play, congregate, and be together.”

#### Downtown-Lower Manhattan New York Business Improvement District (BID)

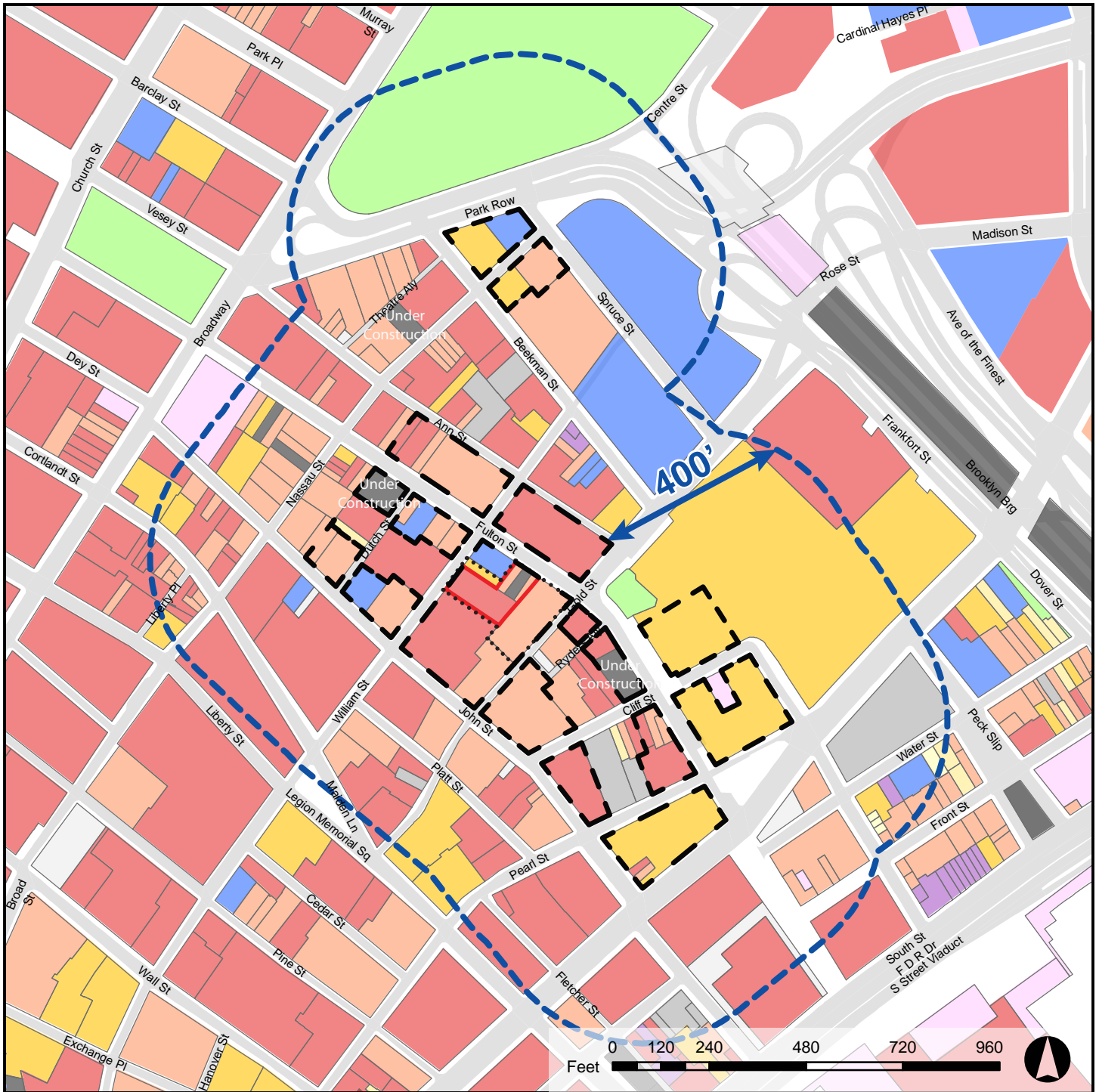
The Proposed Action would provide 20,642 gsf of retail uses on the first two levels, which would be consistent with the general goals of the Downtown-Lower Manhattan New York BID.

#### Waterfront Revitalization Program (WRP)

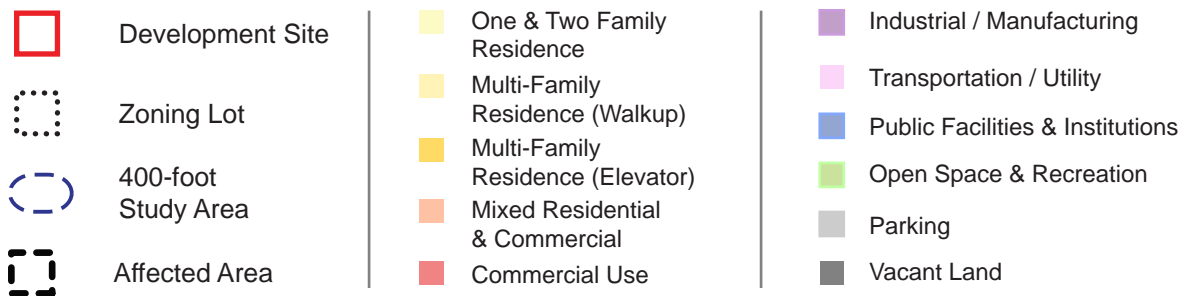
While the Zoning Lot and Development Site are not located with the CZB, there are eastern portions of the Affected Area are within the CZB. Therefore, a WRP Consistency Assessment was prepared (see **Appendix B**). As described in the WRP Consistency Assessment Form, the Proposed Action would not conflict with any of the WRP policies.

## **V. CONCLUSION**

The Proposed Action would be consistent with the underlying intent of the LM District (as per ZR §91-00) to encourage the development of a 24-hour community, to facilitate maximum design flexibility, and to enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities. Development on the Development Site would be compatible with and supportive of existing land uses, and current development trends and consistent with public policy. Therefore, there would be no significant adverse impacts related to land use, zoning, and public policy.

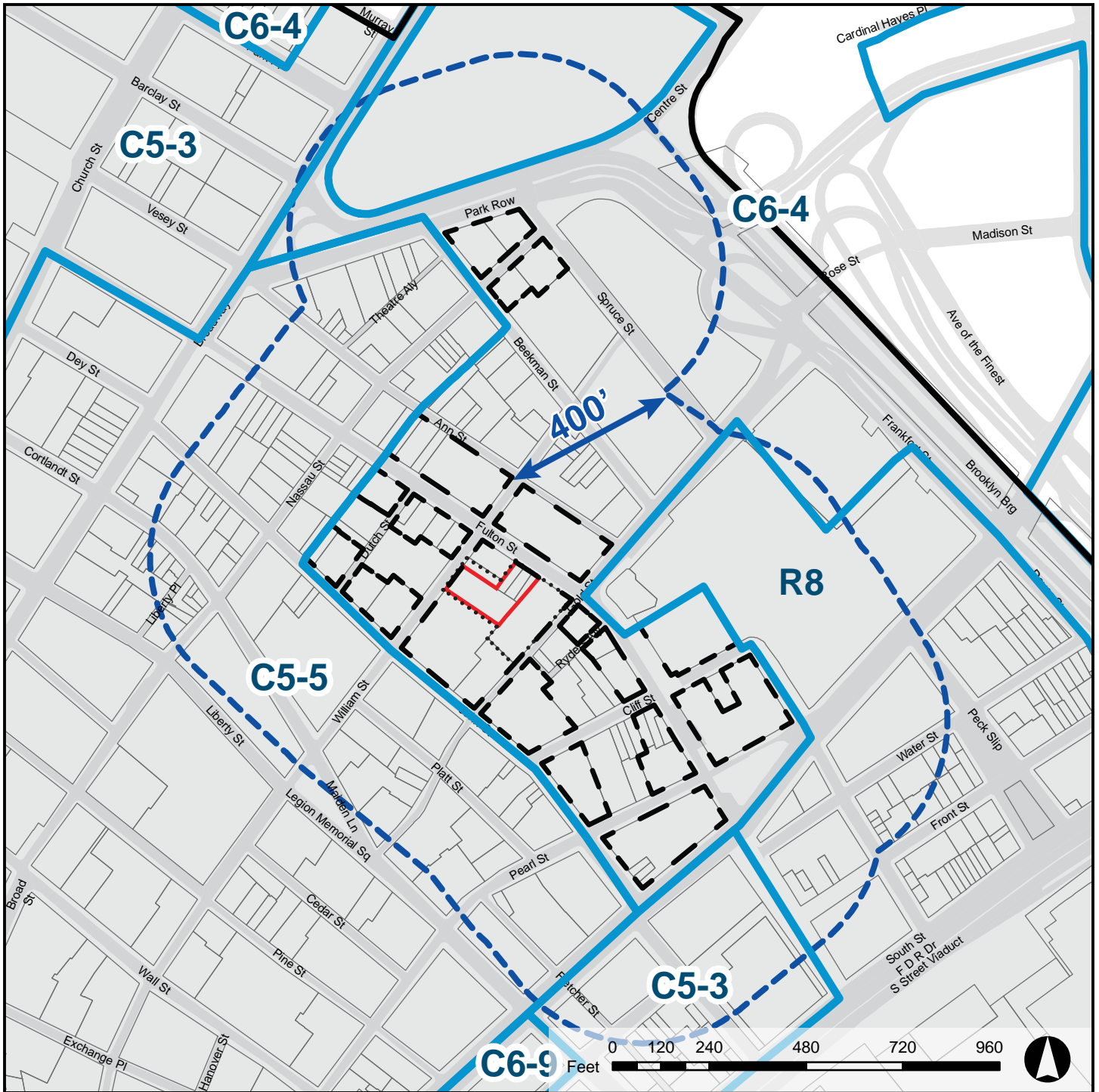


Source: 2016 PLUTO, NYCDPC and field visit January 2017



# LAND USE MAP

Figure B-2



Source: 2016 PLUTO, NYCDPC, Zoning Map 12b, NYCPC

- |  |                     |   |                                  |
|--|---------------------|---|----------------------------------|
|  | Development Site    |  | Residential District             |
|  | Zoning Lot          |  | Commercial District              |
|  | 400-foot Study Area |  | Special Lower Manhattan District |
|  | Affected Area       |   |                                  |

## ZONING MAP

Figure B-2

## Attachment C: Historic and Cultural Resources

As indicated in Chapter 9 of the *CEQR Technical Manual*, an assessment of archaeological resources is usually needed for projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated.

As indicated in Chapter 9 of the *CEQR Technical Manual*, an assessment of architectural resources is needed if the proposed project would result in new construction, demolition, or significant alteration to any building, structure, or object; change in scale, visual prominence, or visual context of a building; construction activities; additions to or significant removal, grading, or replanting of significant historic landscape features; screening or elimination of publicly accessible views; or significant new shadows on a historic structure in which the features that make the structure significant depend on sunlight.

### **Archaeological Resources**

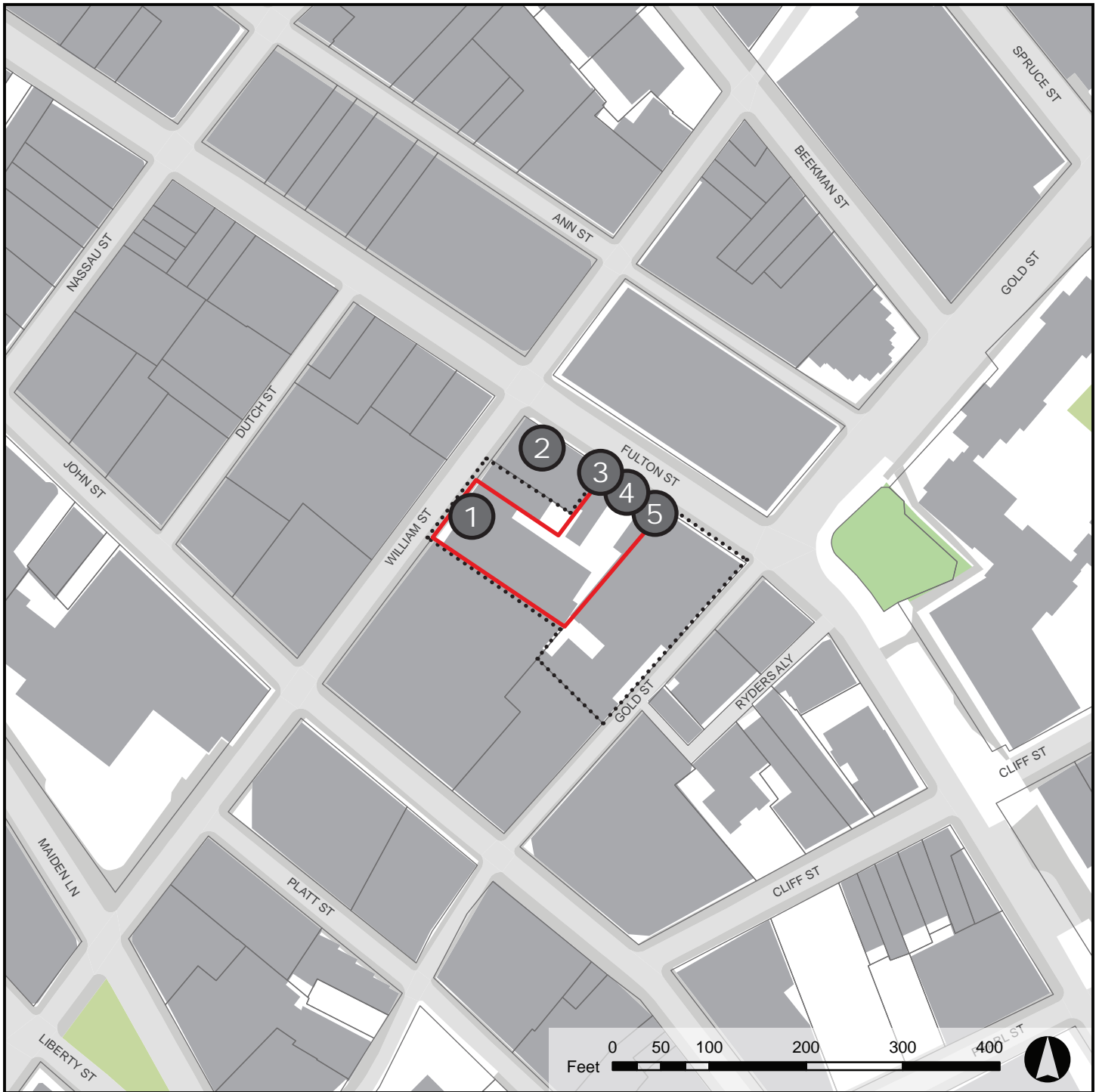
The Development Site has previously been disturbed and improved with a six-story building and a twelve-story building. In both the No-Action and With-Action conditions, the two buildings that have occupied the Development Site would be demolished, and the Development Site would be redeveloped with a new residential building with retail use on the first and second floors, as described in Attachment A, "Project Description." It is expected that the area of temporary and permanent disturbance on the Development Site would be approximately 12,704 square feet, and the volume of disturbance would be approximately 75,600 cubic square feet. In comment letters dated February 22, 2017 and February 23, 2017, LPC determined that there are four properties on the Zoning Lot that have archeological significance: 130 William Street, 94 Fulton Street, 92 Fulton Street, and 90 Fulton Street (see **Figure C-1: Archeological and Architectural Resources** and **Appendix C**). However, as described in Attachment A, "Project Description," the new development on the Development Site would be the same in the With-Action and No-Action condition. Because there would be no increase in ground disturbance, the Proposed Action would not result in significant adverse impacts related to archeological resources.

### **Architectural Resources**



The Development Site is directly adjacent to the Excelsior Steam Power Company. The Excelsior Steam Power Company Building is immediately south of the Development Site and within the same the Zoning Lot, and is the oldest-known purpose-built commercial generating station standing in Manhattan and one of the few major structures remaining from Manhattan's pioneering era for electric lighting and power. The Excelsior Steam Power Company Building received NYCL designation on December 13, 2016. The second-story bracket lamp on the building, installed circa 1913, was designated as part of the New York City Landmarks Preservation Commission's (LPC's) designation of more than 100 historic street lamps in 1997. Because the building is within 90 feet of the Development Site, a Construction Protection Plan (CPP), which is required by the New York City Department of Buildings (DOB), would be developed in consultation with LPC and implemented prior to construction to avoid inadvertent construction-related damage to this historic architectural resource. The CPP would comply with the procedures set forth in the DOB's *Technical Policy and Procedure Notice* (TPPN) #10/88. The CPP would also follow the guidelines set forth in section 523 of the *CEQR Technical Manual*, including conformance with LPC's *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark* and *Protection Programs for Landmark Buildings*. With the implementation of the CPP, the Proposed Action would not result in a significant adverse impact related to architectural resources.

## **Conclusion**

As the new development that would occur on the Development Site would be the same in the With-Action and No-Action condition, the Proposed Action would not result in significant adverse impacts related to archeological resources. As described above, with implementation of the CPP, the Proposed Action would not result in a significant adverse impact related to architectural resources. Therefore, the Proposed Action would not result in significant adverse impacts related to related historic and cultural resources.



Source: NYC Landmarks Preservation Commission

-  Development Site
-  Zoning Lot

-  130 William St.- Architectural & Archeological Significance
-  138 William St.- Architectural Significance
-  94 Fulton St.- Archeological Significance
-  92 Fulton St.- Archeological Significance
-  90 Fulton St.- Architectural & Archeological Significance

## ARCHITECTURAL AND ARCHEOLOGICAL RESOURCES

Figure C-1

## Attachment D: Construction

Construction activities, although temporary in nature, can sometimes result in significant adverse impacts. According to Chapter 22 of the *2014 CEQR Technical Manual*, a construction assessment should be conducted if, based on factors such as a project's location and setting in relation to other uses and the intensity of construction activities (such as in-ground disturbance), a project involves construction or could induce construction. Determination of the significance of construction impacts and need for mitigation is generally based on the duration and magnitude of the impacts, with a construction duration of less than 24 months general assumed not to result in significant adverse impacts.

As described in Attachment A, "Project Description," the With-Action and No-Action conditions on the Zoning Lot and Development Site would result in the same building envelope, programming, overall bulk, height, and floor area. The net increment would be limited to the provision of a public plaza in the With-Action condition, which in the No-Action condition would be the provision of a private plaza for building tenants. As such, identical construction methods would be used for the With-Action and No-Action conditions and the length of construction would be the same. While the construction period is over 24 months, construction would be completed using standard construction techniques commonly used in construction projects in New York City. Any related closing or narrowing of roadway or sidewalks would be temporary and short term. The anticipated construction schedule is provided in **Appendix B** of this EAS.

In addition, the Excelsior Steam Power Company Building is immediately south of the Development Site and within the same the Zoning Lot, and is the oldest-known purpose-built commercial generating station standing in Manhattan and one of the few major structures remaining from Manhattan's pioneering era for electric lighting and power. The Excelsior Steam Power Company Building received NYCL designation on December 13, 2016. The second-story bracket lamp on the building, installed circa 1913, was designated as part of the New York City Landmarks Preservation Commission's (LPC's) designation of more than 100 historic street lamps in 1997.

Because the building is within 90 feet of the Development Site, a Construction Protection Plan (CPP) would be developed in consultation with LPC and implemented prior to construction to avoid inadvertent construction-related damage to this historic architectural resource. The CPP would comply with the procedures set forth in the New York City Department of Building (DOB)'s *Technical Policy and Procedure Notice* (TPPN) #10/88. TPPN #10/88 was issued by DOB on June 6, 1988 to supplement the Building Code regulations with regards to historic structures. TPPN #10/88 outlines procedures for the avoidance of damage to historic structures resulting from adjacent construction, defined as construction within a lateral distance of 90 feet from a historic resource. The CPP would also follow the guidelines set forth in section 523 of the *CEQR Technical Manual*, including conformance with LPC's *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark* and *Protection Programs for Landmark Buildings*. With the implementation of the CPP, the Proposed Action would not result in a significant adverse impact related to construction activities.

### **Conclusion**

The new development on the Development Site would be the same in the With-Action and No-Action condition. As described above, with the implementation of the CPP, the Proposed Action would not result in a significant adverse impact related to construction activities.

LM Plaza Text Amendment  
CEQR No: 17DCP124M

## Appendix A: Draft Zoning Text



**PROPOSED LOWER MANHATTAN PUBLIC PLAZA APPLICABILITY  
TEXT AMENDMENT  
DRAFT 01/27/17**

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

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

**Article III - Commercial District Regulations**

**Chapter 7**

**Special Urban Design Regulations**

\* \* \*

**37-713**

**Locational restrictions**

No #public plaza#, or portion thereof, shall be located within 175 feet of an existing #publicly accessible open area# or #public park# as measured along the #street line# on which the existing amenity fronts if the #public plaza# is to be located on the same side of the #street#, or as measured along the directly opposite #street line# if the #public plaza# is to be located on the other side of the #street#. Such distance shall include the width of any #street# that intersects the #street# on which the amenity fronts. However, such location restriction may be waived if the #public plaza# is located directly across the #street# from the existing #publicly accessible open area# or #public park# and if the Chairperson of the City Planning Commission finds that the location of the #public plaza# at such location would create or contribute to a pedestrian circulation network connecting the two or more open areas.

Additional provisions regarding the location of a #public plaza# are set forth in the #Special Midtown District#, the #Special Lower Manhattan District#, and the #Special Downtown Brooklyn District#.

\* \* \*

**Article IX - Special Purpose Districts**

**Chapter 1**

**Special Lower Manhattan District**

\* \* \*

## 91-24

### Floor Area Bonus for Public Plazas

The maximum permitted #floor area# on a #zoning lot# may be increased, in accordance with the following regulations, where a #public plaza# is provided that meets the requirements of Section 37-70 (PUBLIC PLAZAS):

- (a) A #floor area# bonus for a #public plaza# shall ~~not~~ only be permitted for ~~any~~ a #development# or #enlargement# that is located ~~within~~:
  - (1) outside the Historic and Commercial Core;
  - (2) outside the South Street Seaport Subdistrict; or
  - (3) beyond 50 feet of a #street line# of a designated #street#, except in C6-4 Districts, on which:
    - (i) retail continuity is required, pursuant to Section 91-41 (Regulations for Designated Retail Streets); or
    - (ii) #street wall# continuity is required, pursuant to the regulations for Type 1 or Type 2A #street walls# pursuant to Section 91-31 (Street Wall Regulations).
- (b) Within a C6-4 District, paragraph (a)(3) of this Section shall not apply to the location of a #development# or #enlargement#; however, a #floor area# bonus for a #public plaza# shall be permitted, provided that such #public plaza# is located beyond 50 feet of the designated #streets# referenced in paragraph (a)(3) of this Section.
- ~~(b)~~(c) For each square foot of a #public plaza#, the basic maximum #floor area# permitted by Section 91-22 (Floor Area Increase Regulations) may be increased, in C6-4 Districts, by six square feet, to a maximum #floor area# ratio of 12.0 and, in C5-3, C5-5 and C6-9 Districts, by ten square feet, to a maximum #floor area# ratio of 18.0.
- ~~(c)~~(d) When a #public plaza# that meets the requirements for a #floor area# bonus is located on a #zoning lot# divided by a district boundary, the bonusable #floor area# may be credited to either portion of the #zoning lot#, notwithstanding the location of the #public plaza# or the date of the creation of the #zoning lot#. The amount of bonusable #floor area# permitted on either portion of the #zoning lot# shall not exceed the maximum amount of #floor area# permitted on such portion if it were a separate #zoning lot# subject to all other provisions of Article VII, Chapter 7.

## Appendix B: Waterfront Revitalization Consistency Assessment Form

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the [New York City Waterfront Revitalization Program](#) (WRP) which has been approved as part of the State's Coastal Management Program.

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

### A. APPLICANT INFORMATION

Name of Applicant: Lightstone Acquisitions X, LLC

Name of Applicant Representative: Jodi Stein

Address: 460 Park Avenue, New York, NY 10004

Telephone: (212) 324-0220 Email: jstein@lightstonegroup.com

Project site owner (if different than above): N/A

### B. PROPOSED ACTIVITY

*If more space is needed, include as an attachment.*

#### I. Brief description of activity

See Attached

#### 2. Purpose of activity

See Attached

**C. PROJECT LOCATION**

Borough: Manhattan Tax Block/Lot(s): Block 77, Lots 15, 18 and 24

Street Address: 130 William Street, New York, NY 10038

Name of water body (if located on the waterfront): N/A

**D. REQUIRED ACTIONS OR APPROVALS**

*Check all that apply.*

**City Actions/Approvals/Funding**

**City Planning Commission**       Yes     No

<input type="checkbox"/> City Map Amendment	<input checked="" type="checkbox"/> Zoning Certification	<input type="checkbox"/> Concession
<input type="checkbox"/> Zoning Map Amendment	<input type="checkbox"/> Zoning Authorizations	<input type="checkbox"/> UDAAP
<input checked="" 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 type="checkbox"/> Special Permit		

(if appropriate, specify type:  Modification  Renewal  other) Expiration Date: \_\_\_\_\_

**Board of Standards and Appeals**     Yes     No

<input type="checkbox"/> Variance (use)	
<input type="checkbox"/> Variance (bulk)	
<input type="checkbox"/> Special Permit	

(if appropriate, specify type:  Modification  Renewal  other) Expiration Date: \_\_\_\_\_

**Other City Approvals**

<input type="checkbox"/> Legislation	<input type="checkbox"/> Funding for 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 Program, specify: _____
<input type="checkbox"/> 384 (b) (4) Approval	<input type="checkbox"/> Permits, specify: _____
<input type="checkbox"/> Other, explain: _____	

**State Actions/Approvals/Funding**

<input type="checkbox"/> State permit or license, specify Agency: _____	Permit type and number: _____
<input type="checkbox"/> Funding for Construction, specify: _____	
<input type="checkbox"/> Funding of a Program, specify: _____	
<input type="checkbox"/> Other, explain: _____	

**Federal Actions/Approvals/Funding**

<input type="checkbox"/> Federal permit or license, specify Agency: _____	Permit type and number: _____
<input type="checkbox"/> Funding for Construction, specify: _____	
<input type="checkbox"/> Funding of a Program, specify: _____	
<input type="checkbox"/> Other, explain: _____	

Is this being reviewed in conjunction with a [Joint Application for Permits?](#)     Yes     No

## E. LOCATION QUESTIONS

1. Does the project require a waterfront site?  Yes  No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters?  Yes  No
3. Is the project located on publicly owned land or receiving public assistance?  Yes  No
4. Is the project located within a FEMA 1% annual chance floodplain? (6.2)  Yes  No
5. Is the project located within a FEMA 0.2% annual chance floodplain? (6.2)  Yes  No
6. Is the project located adjacent to or within a special area designation? See [Maps – Part III](#) of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).
  - Significant Maritime and Industrial Area (SMIA) (2.1)
  - Special Natural Waterfront Area (SNWA) (4.1)
  - Priority Martine Activity Zone (PMAZ) (3.5)
  - Recognized Ecological Complex (REC) (4.4)
  - West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (2.2, 4.2)

## F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder or Not Applicable (N/A). For more information about consistency review process and determination, see **Part I** of the [NYC Waterfront Revitalization Program](#). When assessing each policy, review the full policy language, including all sub-policies, contained within **Part II** of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).

For those policies checked Promote or Hinder, provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.

		Promote	Hinder	N/A
<b>I</b>	<b>Support and facilitate commercial and residential redevelopment in areas well-suited to such development.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
<b>2</b>	<b>Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3</b>	<b>Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.1.	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4</b>	<b>Protect and restore the quality and function of ecological systems within the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
<b>5</b>	<b>Protect and improve water quality in the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1	Manage direct or indirect discharges to waterbodies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6</b>	<b>Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i> ) into the planning and design of projects in the city's Coastal Zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7</b>	<b>Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.2	Prevent and remediate discharge of petroleum products.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8</b>	<b>Provide public access to, from, and along New York City's coastal waters.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.3	Provide visual access to the waterfront where physically practical.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>9</b>	<b>Protect scenic resources that contribute to the visual quality of the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.2	Protect and enhance scenic values associated with natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10</b>	<b>Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.2	Protect and preserve archaeological resources and artifacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## G. CERTIFICATION

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

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

Applicant/Agent's Name: Kovid Saxena

Address: 322 Eight Avenue, 5th Floor, New York, NY 10001

Telephone: (212) 598-9010 x157

Email: ksaxena@samschwartz.com

Applicant/Agent's Signature: 

Date: 3/3/2017

## New York City Waterfront Revitalization Program Consistency Assessment Form

### **B. PROPOSED ACTIVITY**

#### **I. Brief description of Activity**

Lightstone Acquisitions X, LLC (the “Applicant”) proposes an amendment to the text of the Zoning Resolution (“ZR”) §91-24(a), which pertains to the permitted floor area bonus for public plazas in the Special Lower Manhattan District (“LM District”). As currently drafted, this section does not permit, in districts in which a floor area bonus for a public plaza is permitted by ZR §91-22, a floor area bonus for public plazas connected to developments or enlargements that are located within 50 feet of a street line of a designated street on which either (i) retail continuity is required pursuant to ZR §91-41 or (ii) streetwall continuity is required, pursuant to the regulations for Type 1 or Type 2A street walls in ZR §91-31. The proposed text amendment would make, only in C6-4 zoning districts with the LM District, the 50-foot restriction applicable to the plaza itself, not the development, and would maintain all other existing conditions currently present in ZR §91-22 for the public plaza bonus. The Applicant also proposes a minor addition to ZR §37-713, to clarify that additional locational restrictions for public plazas exist in the LM District and other Special Zoning Districts. The modification to ZR §91-24(a) and addition to ZR §37-713 are collectively known as the “Proposed Action.”

While the Proposed Action would apply to all C6-4 zoning districts in the LM District, the sites that would be affected by the Proposed Action are defined only as the sites located within a C6-4/ LM District that are within 50 feet of a designated retail or Type 1 or 2A streetwall streets (the “Affected Area”). The Affected Area is comprised of 10 tax blocks, with a small area generally bounded by Park Row, Spruce Street, Beekman Street and extending slightly past Nassau Street and a larger area generally bounded by Nassau Street, Ann Street, John Street, and Water Street. Three of the tax blocks within the Affected Area (Block 75, 94, and 95) are also located within the City’s Coastal Zone Boundary (CZB).

In accordance with the Reasonable Worst Case Scenario (RWCDs) analysis established by the New York City Department of City Planning (DCP), only one future development site was identified in the Affected Area, which is a site located at Block 77, Lots 15, 18, and 24. The identified future development site is not located within the CZB.

#### **II. Purpose of Activity**

The Proposed Action would clarify the text in ZR §91-24 for the C6-4 district to make it consistent with the intent of the LM District. The LM District was adopted in 1998 with the several intentions, amongst others including the following: to support the continued revitalization of the area, encourage the development of a 24-hour community, to facilitate maximum design flexibility, and to enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities. Design controls were adopted for the district that were intended to facilitate development consistent with the character of existing development in the area, and to allow for the conversion of older commercial office buildings into residential use. These design controls include the establishment of minimum base heights and required street walls on certain streets with a strong, existing street wall character. New developments on streets that are designated as “Type 1” or “Type 2A,” such as Broadway and Wall Street, are required to maintain the minimum base height along the entire frontage of the zoning lot, and the streetwall must be located at the street line for at least 70 percent of the zoning lot’s frontage. Additionally, certain streets with an existing commercial character, such as Broadway, Fulton Street and John Street, were specified as “designated retail streets,”

LM Plaza Text Amendment  
CEQR No: 17DCP124M

and controls were adopted requiring commercial uses on the ground floor, in order to maintain the active nature of such streets.

The Proposed Action would be consistent with the underlying intent of the LM District (as per ZR §91-00) to encourage the development of a 24-hour community, to facilitate maximum design flexibility, and to enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities. The limited scope of the text reinforces the protections of the LM District's designated streets, by requiring public plazas to be located beyond 50-feet of the street line of such streets, allowing both the plaza bonus and maintaining retail continuity and streetwall requirements, consistent with other areas of the City such as the Special Midtown District (as per ZR §81-23).

## **WRP POLICY ASSESSMENT**

### **Consistency Assessment for Policy 1.1**

#### ***1.1 Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.***

As described in Attachment A, "Project Description," the Proposed Action would allow development within the Affected Area to utilize the plaza bonus for additional FAR, pursuant to ZR §91-24. A portion of the Affected Area is located within the Coastal Zone Boundary, which included all lots of multi-part Block 75, Lot 27 of Block 95, and partial Lot 1 of Block 94. The Proposed Action could facilitate additional development on sites in the Affected Area, but such development would be consistent with the surrounding land uses and building typologies, which are primarily high density residential, commercial, and mixed-use buildings. As a result of the Proposed Action, the proposed development on the Development Site, which is located within the Affected Area and immediately outside the Coastal Zone Boundary, would be able to utilize the plaza bonus. Therefore, the Proposed Action would promote Policy 1.1.

### **Consistency Assessment for Policy 6.1 and 6.2**

***6.1 Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of property to be protected, and the surrounding area.***

***6.2 Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the City's Coastal Zone.***

The Proposed Action would not introduce new vulnerable, critical, or hazardous uses to the current or 2050s 1% annual chance floodplain. Any buildings or enlargements within the Affected Area that utilize the plaza bonus would be built in compliance with Appendix G of the NYC Building Code or could be retrofitted in the future as the floodplain expands. The Proposed Development facilitated by the Proposed Action is outside of the current and future floodplain. Therefore, the Proposed Action would promote Policies 6.1 and 6.2

## Appendix C: LPC Correspondence

## ARCHAEOLOGY

**Project number:** DEPARTMENT OF CITY PLANNING / 77DCP434M

**Project:**

**Date received:** 2/3/2017

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**This document only contains Archaeological review findings. Regarding Architecture review, the findings from that review will come in a separate document.**

**Properties with Archaeological significance:**

- 1) ADDRESS: 130 WILLIAM STREET, BBL: 1000770015
- 2) ADDRESS: 94 FULTON STREET, BBL: 1000770021
- 3) ADDRESS: 92 FULTON STREET, BBL: 1000770022
- 4) ADDRESS: 90 FULTON STREET, BBL: 1000770023

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from Colonial and 19th Century occupation on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).



2/22/2017

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SIGNATURE

Amanda Sutphin, Director of Archaeology

DATE

**File Name:** 32108\_FSO\_GS\_02222017.doc

## ENVIRONMENTAL REVIEW

**Project number:** DEPARTMENT OF CITY PLANNING / 77DCP434M  
**Project:**  
**Date received:** 2/6/2017

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

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**Properties with no Architectural or Archaeological significance:**

- 1) ADDRESS: 94 FULTON STREET, BBL: 1000770021
- 2) ADDRESS: 92 FULTON STREET, BBL: 1000770022

**Properties with Architectural significance:**

- 1) ADDRESS: 130 WILLIAM STREET, BBL: 1000770015, LPC FINDINGS: ADJACENT DESIGNATED LANDMARK, STATE/NATIONAL REGISTER FINDINGS: NO INTEREST
- 2) ADDRESS: 90 FULTON STREET, BBL: 1000770023, LPC FINDINGS: NO INTEREST, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE FOR NATIONAL REGISTER LIST
- 3) ADDRESS: 138 WILLIAM STREET AKA 96 FULTON STREET, BBL: 1000770020, PROPERTY NAME: 96 FULTON STREET, LPC FINDINGS: NO INTEREST, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE FOR NATIONAL REGISTER LIST

**Comments:**

The project site is directly adjacent to the Excelsior Steam Power Co. at 33-43 Gold St., which is LPC designated and S/NR eligible. Lamp 93, an LPC landmark, is mounted on the building as well.

**Archaeological comments:**

**Properties with Archaeological significance:**

- 1) ADDRESS: 130 WILLIAM STREET, BBL: 1000770015
- 2) ADDRESS: 94 FULTON STREET, BBL: 1000770021
- 3) ADDRESS: 92 FULTON STREET, BBL: 1000770022
- 4) ADDRESS: 90 FULTON STREET, BBL: 1000770023

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from Colonial and 19th Century occupation on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).



2/23/2017

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SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

**File Name:** 32108\_FSO\_GS\_02232017.doc

## Appendix D: Anticipated Construction Schedule



