

Chapter 26: Potential Modifications under Consideration by the CPC¹

A. INTRODUCTION

This chapter describes certain potential modifications to the Proposed Action that were under consideration by the City Planning Commission (CPC) as of the time of preparation of this FEIS. The Potential CPC Modifications include adoption of the Applicant's modification to the proposed zoning text amendment, filed under Application N 120381 ZRM(A), in which the Subdistrict B regulations would be eliminated from the proposed Special District zoning text and in their place the general Special District bulk regulations would apply to that portion of the Special District. Additional modifications to the Special District regulations that are under consideration by the CPC are the following: 1) for wide streets, reducing the maximum permitted height from 320 feet to 290 feet and providing an alternative maximum length of street wall above 150 feet of up to 175 feet (as opposed to 150 feet under the Proposed Action) provided that between 30 and 40 percent of the width of the street wall is recessed at least five feet from all adjacent street walls ; and 2) modifications to the text that would allow the proposed One SoHo Square commercial enlargement project to proceed as filed with the Department of Buildings under M1-6 bulk regulations; 3) creation of a special permit that, if granted pursuant to specific subsequent application, would allow maximum building height waivers (up to 210 feet) and rear setback waivers for certain midblock sites (i.e., sites on narrow streets beyond 100 feet of their intersection with a wide street) located on blocks with narrow north-south street-to-street depth (i.e., 180 feet or less). As discussed in more detail below, the elimination of Subdistrict B along with modifications (1) and (2) are collectively referred to as the Modified Action; the special permit (3) is referred to as the Midblock Special Permit.

This chapter examines whether the Potential CPC Modifications (Modified Action and the Midblock Special Permit) would result in significant adverse environmental impacts for each technical area of the Final Environmental Impact Statement (FEIS).

PRINCIPAL CONCLUSIONS

The Potential CPC Modifications (referred to as the Modified Action and Midblock Special Permit) would result in the same significant adverse impacts as the Proposed Action, except in the areas of traffic and transit. In the case of transit, there would be a significant adverse impact to the C/E subway station stairway located on the northwest (NW) corner of Avenue of the Americas and Spring Street. In the case of traffic, there would be additional significant adverse impacts at the intersections of Avenue of the Americas and Charlton Street/Prince Street, Varick Street and Vandam Street, and Varick Street and Spring Street. The Potential CPC Modifications would result in the same significant adverse impacts as under the Proposed Action in the areas of open space; shadows; historic resources; and construction impacts related to transportation (traffic and pedestrians) and would be mitigated to the same extent. As with the Proposed

¹ This chapter is new to the FEIS.

Action, with the Potential CPC Modifications there is the potential for a significant adverse impact to public elementary schools if substantial residential development occurs in the Rezoning Area before the proposed public elementary school on Projected Development Site 1 is constructed. The significant adverse impacts under the Potential CPC Modifications would be the same as the impacts identified for the No Subdistrict B Alternative analyzed in Chapter 21, “Alternatives.”

The elimination of Subdistrict B under the Potential CPC Modifications would increase the development potential within that area, as compared with that of the Proposed Action. The Potential CPC Modifications would result in changes to the anticipated development on Projected Development Sites 5 and 15 and Potential Development Sites 22 and 23 within the Rezoning Area. With the Potential CPC Modifications, the air quality (E) designation for Potential Development Site 22 would still require a restriction on fuel type (natural gas) and the use of low NO_x (30 ppm burners) but would not require a restriction on stack location. The (E) designations for Projected Development Site 5 as specified under the Proposed Action would remain the same. At Projected Development Site 15, the (E) designation would only require the restriction on the use of fuel to natural gas (and no restrictions on stack location or use of a low NO_x burner). At Potential Development Site 23, the (E) designation under the Modified Action would require a different restriction on stack location. With respect to noise, with the modifications, attenuation requirements for Block 578 Lot 71 (a portion of Projected Development Site 15 under the Modified Action) would be 31 dBA on all façades.

B. BACKGROUND

As described and analyzed in the previous chapters of this document, the Applicant is seeking approval of a zoning text amendment to create a new Special Hudson Square District and a zoning map amendment to map the proposed Special District across approximately 18 blocks within Manhattan Community District 2 (collectively, the “Proposed Action”). Through the Proposed Action, the Applicant seeks to activate and enhance the area known as Hudson Square by permitting mixed-use development while preserving the area’s commercial base and existing built character. The Proposed Action would allow new residential development to occur in the Rezoning Area with incentives to provide affordable housing, while instituting provisions to limit conversions of non-residential buildings to residential use and retain certain commercial uses. This chapter focuses on the effects of the Modified Action and the Midblock Special Permit on the reasonable worst-case development scenario (RWCDs) and associated environmental effects.

The CPC issued a Notice of Completion for the Draft Environmental Impact Statement (DEIS) on August 17, 2012, and circulated the DEIS for public review. On November 28, 2012, the CPC held its public hearing on the Proposed Action and the DEIS. In response to the recommendations made by the Manhattan Borough President on November 26, 2012, as well as testimony presented at the public hearing, the CPC was considering as of the time of preparation of this FEIS several modifications to the Proposed Action.

C. POTENTIAL CPC MODIFICATIONS

The Potential CPC Modifications considered in this chapter include adoption of the Applicant’s modification to the proposed zoning text amendment, in which the Subdistrict B regulations would be eliminated from the proposed Special District zoning text and in their place the general Special District bulk regulations would apply to that portion of the Special District, and the

following additional modifications to the Special District regulations: 1) for wide streets, reducing the maximum permitted height from 320 feet to 290 feet and providing an alternative maximum length of street wall above 150 feet of up to 175 feet (as opposed to 150 feet under the Proposed Action) provided that between 30 and 40 percent of the width of the street wall is recessed at least five feet from all adjacent street walls ; and 2) modifications to the text that would allow the proposed One SoHo Square commercial enlargement project to proceed as filed with the Department of Buildings under the M1-6 bulk regulations. These modifications are collectively referred to as the Modified Action.

In addition, the CPC is considering creation of a special permit that, if granted pursuant to specific subsequent application, would allow height waivers (up to 210 feet) and rear setback waivers for certain midblock sites (i.e., sites on narrow streets beyond 100 feet of their intersection with a wide street) located on blocks with narrow north-south street-to-street depth (i.e., 180 feet or less) (the Midblock Special Permit). This is discussed in greater detail in Section E of this chapter.

The proposed special district text including the potential modifications that were under consideration by the CPC as of the time of preparation of this FEIS is presented in **Appendix 9**.

The potential environmental impacts of the Potential CPC Modifications (Modified Action and the Midblock Special Permit) are analyzed below to determine whether there would be any new or different environmental impacts not already identified in the preceding chapters of the FEIS.

The first section below (Section D of this chapter) describes and assesses the potential environmental impacts of the Modified Action, which consists of (1) the elimination of Subdistrict B, (2) the reduction in maximum height and modification to bulk regulations on wide streets, and (3) the modifications to the text that would allow the proposed One SoHo Square commercial enlargement project to proceed as planned. Because the Midblock Special Permit would be subject to the discretionary approval of the CPC, and any environmental impacts associated with such action would be assessed and disclosed to the public pursuant to separate CEQR review, this potential modification is described and assessed in a conceptual analysis separate from the other potential modifications (see Section E of this chapter).

D. MODIFIED ACTION

DESCRIPTION OF MODIFIED ACTION

ELIMINATION OF SUBDISTRICT B

Since the issuance of the DEIS, the Applicant has proposed a modification to the proposed zoning text amendment, pursuant to ULURP No. 120381(A)ZRM. The modified text would eliminate the Subdistrict B regulations from the proposed Special District zoning text and in their place the general Special District bulk regulations would apply. Non-residential uses would be permitted at 10 FAR and residential uses would be permitted at 9 FAR (bonusable to 12 FAR per the Inclusionary Housing Program) compared to the Proposed Action, which would allow non-residential uses at 6.0 FAR (6.5 FAR for community facilities) and residential uses at 5.4 FAR (bonusable to 7.2 FAR per the Inclusionary Housing Program) within Subdistrict B.

In response to the recommendations made by the Manhattan Borough President and Community Board 2, as well as testimony presented at the public hearing, the CPC is considering adoption of the Applicant's modification to the proposed zoning text amendment.

REDUCTION IN MAXIMUM HEIGHT AND MODIFICATION TO BULK REGULATIONS ON WIDE STREETS

In response to the recommendations made by the Manhattan Borough President, as well as testimony presented at the public hearing, the CPC is considering reducing the maximum permitted height on wide streets from 320 feet to 290 feet and providing an alternative maximum length of building wall above 150 feet of up to 175 feet (as opposed to 150 feet under the Proposed Action) provided that between 30 and 40 percent of the width of the street wall is recessed at least five feet from all adjacent street walls. With this modification, portions of the street wall above 150 feet in height would be allowed to widen, in addition to requiring that a minimum of 30 percent and maximum of 40 percent of the width of the street wall be recessed at least five feet from other portions of the street wall, which would create multiple planes to break up the building's mass. Therefore, on wide streets, between 60 and 70 percent of the width of the street wall above a height of 150 feet would be subject to the typical wide street setback requirement of 10 feet and the remaining portion would be subject to a required setback of an additional five feet. **Figure 26-1** illustrates the maximum height reduction and bulk modification with this Potential CPC Modification (maximum zoning bulk envelope shown).¹

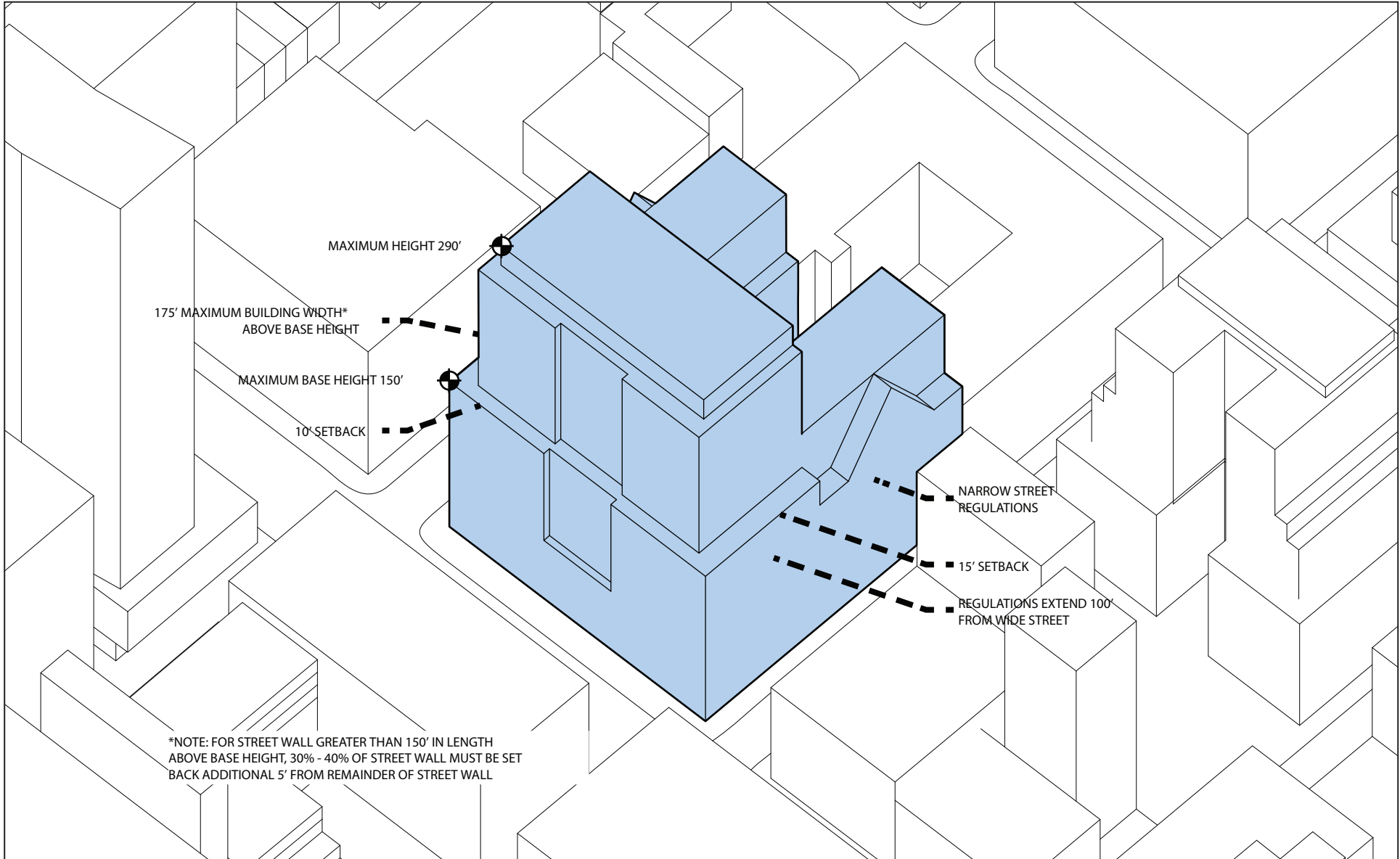
No CPC modifications are currently under consideration for the as-of-right height and bulk requirements that would apply under the Proposed Action on narrow streets (beyond 100 feet of their intersection with a wide street) and within Subdistrict A.

MODIFICATIONS TO CERTAIN STREETWALL REQUIREMENTS

In response to testimony presented at the public hearing and comments received during the comment period, the CPC is considering modifications to the proposed rezoning text that would allow the One SoHo Square project to proceed as planned.

As discussed in the Foreword of the FEIS, the One SoHo Square project is a commercial modernization and enlargement project planned on Lots 31 and 36 in Block 505, a block bounded by Avenue of the Americas, Spring, Varick, and Vandam Streets. The One SoHo Square project would modernize and upgrade two existing office buildings and the ground floor retail space while allowing the existing tenants to remain in place. The project would combine two office buildings located at 161 Avenue of the Americas (a 283,860-gross-square-foot building on Lot 31) and 233 Spring Street (a 249,148-gross-square-foot building on Lot 36) with the construction of a shared core structure (rising up to a height of 265 feet to the top of the mechanical screen wall) on the narrow lot (Lot 35) between the two buildings. The project would also involve the construction of a three-story, 45,000-square foot office enlargement above the existing 233 Spring Street structure (rising up to a height of 175 feet). The project developers plan to utilize the available development rights from Block 505, Lot 16 (Potential Enlargement Site 4) as part of the One SoHo Square project. A light and air easement has been provided by the existing building on that lot; therefore, an enlargement is not expected to occur there in the future.

¹ It is the Applicant's position that reducing the height limit on wide streets to less than 290 feet would prevent the achievement of the goals of the rezoning, including the development of a critical mass of residential use, incentivizing and maximizing the amount of affordable housing provided, and encouraging the development of mixed use buildings (considering that higher floor to floor heights are required for commercial use).



NOTE: For Illustrative Purposes Only

Potential CPC Modification to Height and Bulk Regulations on Wide Streets

The One SoHo Square project complies with the current M1-6 zoning regulations, but the 20-foot wide core structure does not comply with certain height and setback regulations under the proposed zoning text (Section 88-33). If the proposed zoning text is adopted without the requested CPC modification, the One SoHo Square project would not be able to proceed as currently filed with the Department of Buildings resulting in a less efficient design (i.e., the core structure would be split into two sections and would be shorter—approximately 220 feet to the top of the screen wall), but would contain the same 45,000-square foot office expansion. Therefore, at the public hearing on the DEIS held on November 28, 2012, representatives of the property owner requested modifications to the proposed zoning text to allow the project to proceed as planned.

DEVELOPMENT PROGRAM WITH THE MODIFIED ACTION

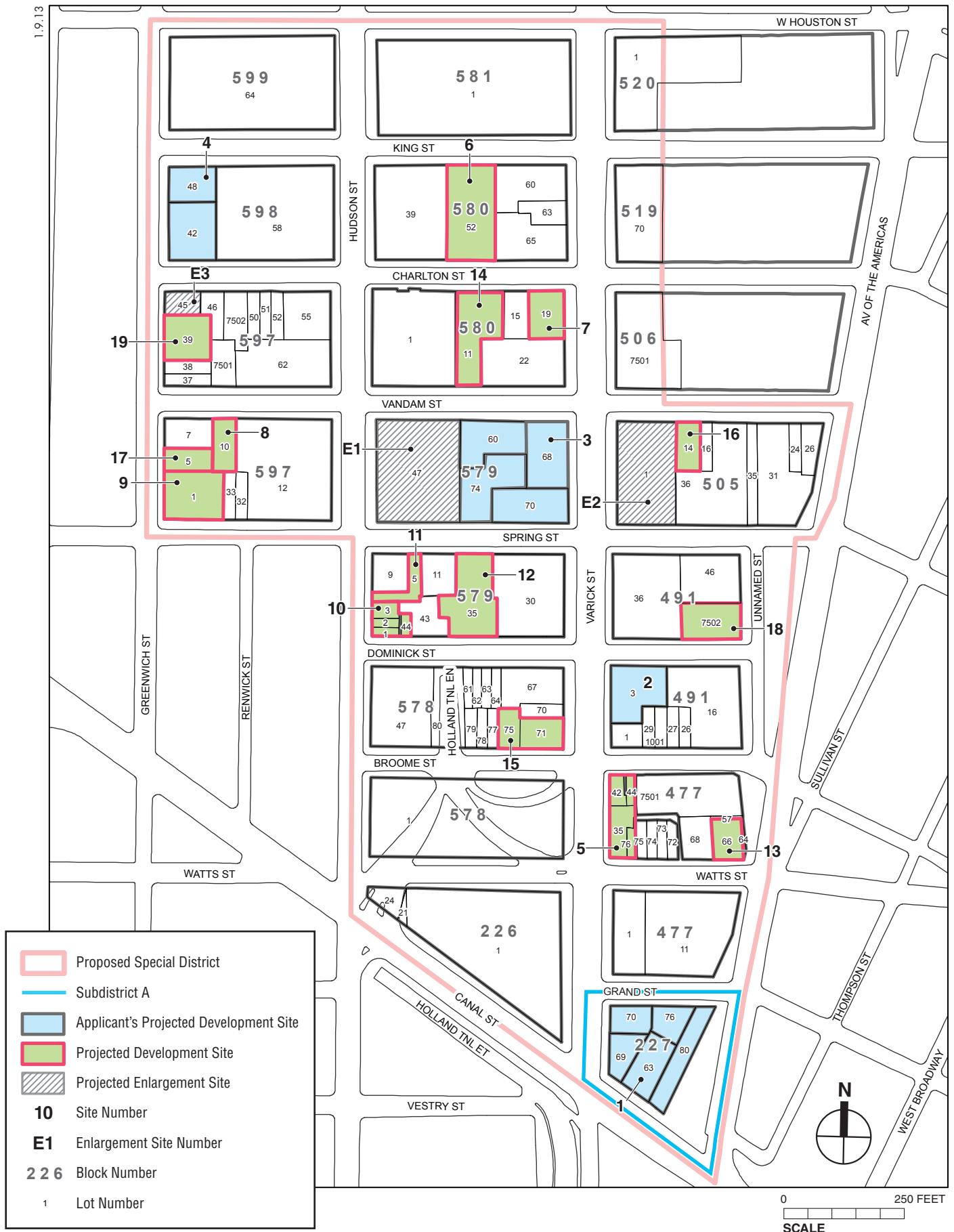
The elimination of Subdistrict B is considered in the Draft and Final EIS in Chapter 21, “Alternatives” (the No Subdistrict B Alternative). This chapter assesses the elimination of Subdistrict B in combination with the other potential CPC modifications defined above as the Modified Action.

The elimination of Subdistrict B would increase the development potential within that area, as compared with the Proposed Action. Applying the same set of specific development site criteria and assumptions as assumed under the RWCDs for the Proposed Action (RWCDs 1 and RWCDs 2 are provided in **Tables 26-1** and **26-2**, and the projected and potential development and enlargement sites are shown in **Figures 26-2** and **26-3**), the elimination of Subdistrict B would result in changes to the anticipated development on Projected Development Sites 5 and 15 and Potential Development Sites 22 and 23 within the Rezoning Area. On Projected Development Site 5 and Potential Development Sites 22 and 23, the increased development potential is attributed to the increased allowable FAR. For Projected Development Site 15, because the built FAR on Block 578, Lot 71 is less than 50 percent of the maximum permitted FAR with the elimination of Subdistrict B, Projected Development Site 15 would consist of an assemblage between Lots 71 and 75 under the Modified Action. Thus, the increased development potential on Projected Development Site 15 is attributed to both the larger development site and increased allowable FAR. On the projected development sites, the elimination of Subdistrict B would result in an increase of 179 residential units, including 42 affordable units; 5,343 gsf of retail use; and 11 accessory parking spaces as compared with the Proposed Action.

Table 26-1

Proposed Rezoning Area - Reasonable Worst Case Development Scenario 1 - MODIFIED ACTION

Table with columns: SITE DESCRIPTION, NO-ACTION CONDITION, WITH-ACTION CONDITION, INCREMENT (NO-ACTION TO WITH-ACTION). Major sections include APPLICANT'S PROJECTED DEVELOPMENT SITES, OTHER PROJECTED DEVELOPMENT SITES, PROJECTED ENLARGEMENT SITES, POTENTIAL DEVELOPMENT SITES, and POTENTIAL ENLARGEMENT SITES. Includes a summary row for 'TOTAL: ALL PROJECTED DEVELOPMENT & ENLARGEMENT SITES' and a 'NOTES' section at the bottom.



Modified Action – Projected Development Sites
Figure 26-2



	Proposed Special District
	Subdistrict A
	Potential Development Site
	Potential Enlargement Site
10	Site Number
E1	Enlargement Site Number
2 2 6	Block Number
1	Lot Number

*NOTE: As discussed in the Foreword of the FEIS, since the issuance of the DEIS, a developer has purchased Block 505, Lot 16 (Potential Enlargement Site 4) and intends to utilize the available development rights as part of the adjacent One SoHo Square project. Therefore, an enlargement is not expected to occur there in the future.



Modified Action – Potential Development Sites
Figure 26-3

Hudson Square Rezoning FEIS

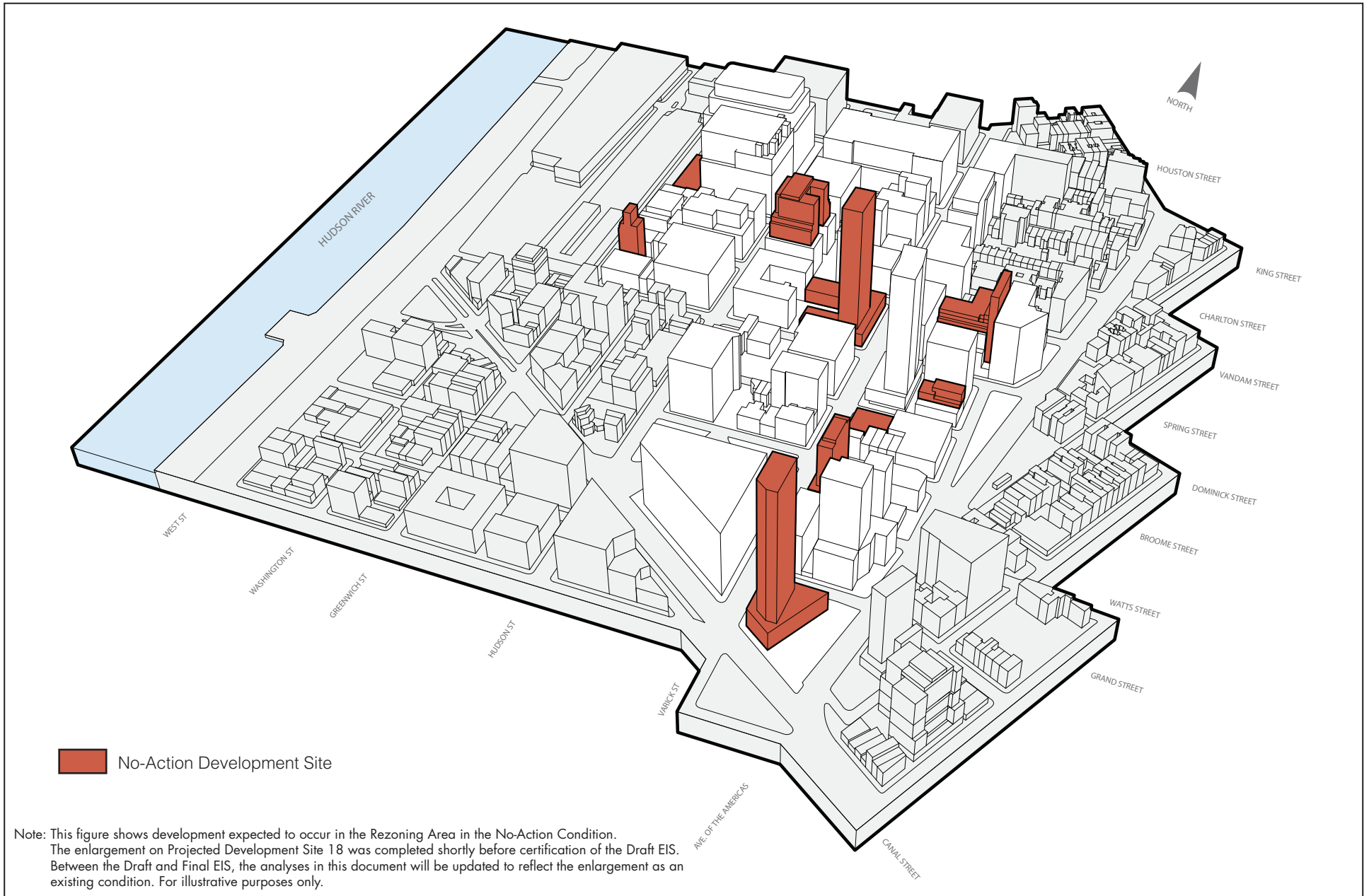
As shown in **Table 26-3**, the elimination of Subdistrict B would also result in additional development on Potential Development Sites 22 and 23. However, consistent with the analysis approach throughout this EIS, potential development sites are assessed for site-specific impacts only, such as those related to shadows, historic and cultural resources, urban design, hazardous materials, air quality (stationary sources), and noise (building attenuation). The analyses of density-related impacts (such as socioeconomic conditions, community facilities, open space, and traffic and parking, and transit and pedestrians) associated with the Modified Action only consider the additional development on Projected Development Sites 5 and 15.

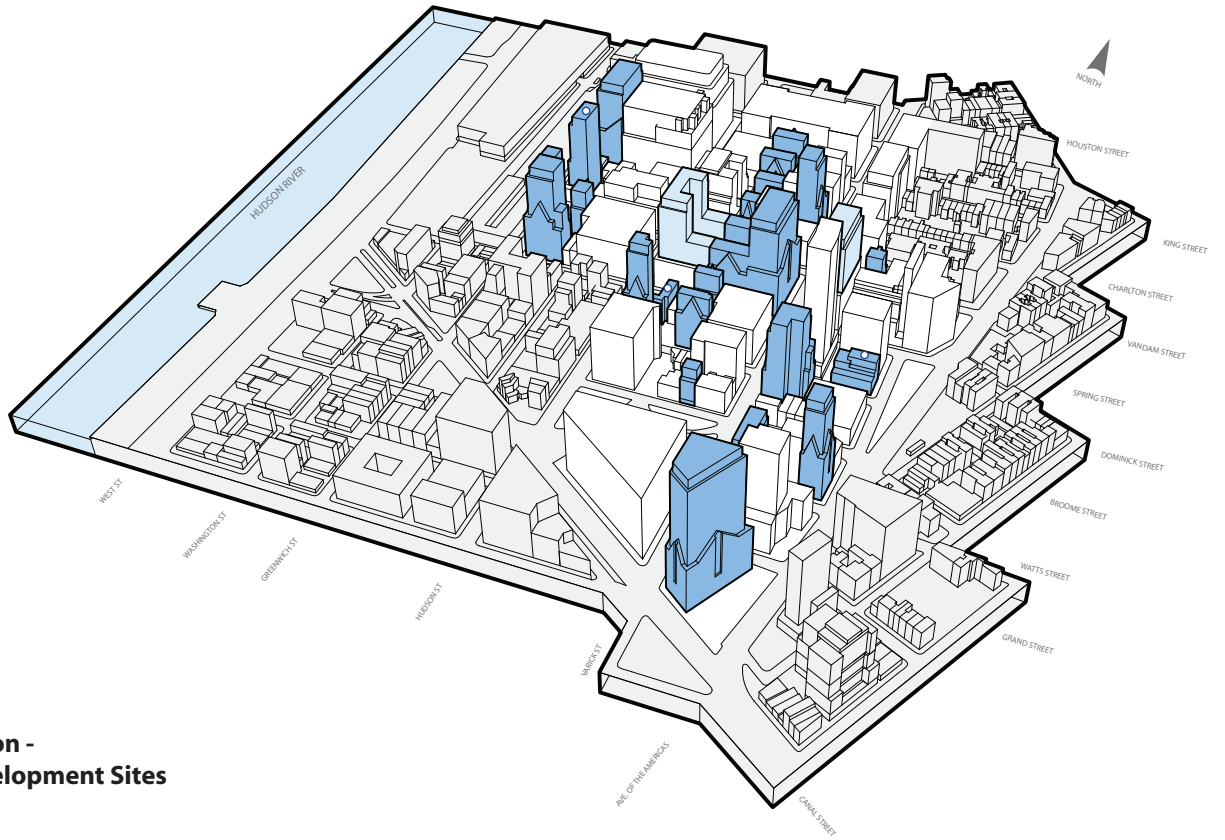
The modification to the height and bulk regulations on wide streets would result in the same projected and potential development, conversion, and enlargement sites as the RWCDs for the Proposed Action. With the reduction in maximum height from 320 feet to 290 feet and widening the maximum length of the street wall above a height of 150 feet from 150 feet to 175 feet, there would be no reduction to the maximum FAR achievable on the projected and potential development and enlargement sites, and therefore no reduction in development program on the projected development and enlargement sites as compared with the two development scenarios (RWCDs 1 and RWCDs 2) analyzed under the Proposed Action.

Since the One SoHo Square project would proceed as filed with the Department of Buildings (which would in effect grandfather the project under the M1-6 bulk regulations) in both the No-Action condition and with the Modified Action, there would be no incremental increase in development and the addition of this project would have a negligible effect on most environmental analyses. However, as discussed in the Foreword of the FEIS, the One SoHo Square enlargement affects the (E) designations specified in the Hazardous Materials, Air Quality, and Noise analyses. Therefore, the (E) designations in the Hazardous Materials, Air Quality, and Noise chapters in the FEIS account for the One SoHo Square enlargement project and the discussion in each of those sections below also assumes the One SoHo Square enlargement project would proceed as planned. As noted above, the One SoHo Square project developers plan to utilize the available development rights from Block 505, Lot 16 (Potential Enlargement Site 4) and a light and air easement has been provided by the existing building on that lot; therefore, an enlargement is not expected to occur there in the future and is no longer considered part of the RWCDs.

As the Modified Action would not affect the maximum height or bulk controls within Subdistrict A, Projected Development Site 1 would include construction of a new 444-seat public elementary school, subject to approvals and requirements of the SCA, with either the Proposed Action or the Modified Action.

Figure 26-4 shows a conceptual massing of the anticipated No-Action condition. **Figure 26-5** shows a conceptual massing of the anticipated development on the projected development sites with the Proposed Action, as compared with the anticipated development on the projected development sites with the Modified Action.





**Proposed Action -
Projected Development Sites**

**Modified Action -
Projected Development Sites**



- PROJECTED DEVELOPMENT
- PROJECTED ENLARGEMENT

Note: This figure shows development on projected development and enlargement sites in the RWCDs With-Action Condition. For illustrative purposes only. Maximum zoning bulk envelope shown, except on developments projected to be conversions with penthouse enlargements or only penthouse enlargements.

- Indicates sites that are projected to be conversions or conversions and enlargements of existing buildings in the With-Action condition, rather than new construction.
- Indicates site massings affected by the Modified Action, either due to the reduction of maximum heights on wide streets, the elimination of subdistrict B or both

Conceptual Massing of Anticipated Development -
Proposed Action and Modified Action

Figure 26-5

Table 26-3

Development Program Comparison—Proposed Action and Modified Action

Site	Proposed Action¹	Modified Action (due to elimination of Subdistrict B)¹	Difference (as compared with either RWCDs 1 or RWCDs 2)¹
Projected Development Site 5	62,691 gsf residential; 74 DUs (17 affordable); 8,962 gsf retail; 17 accessory parking spaces	110,079 gsf residential; 132 DUs (31 affordable); 8,962 gsf retail; 28 accessory parking spaces	47,388 gsf residential; 58 DUs (14 affordable); 0 gsf retail; 11 accessory parking spaces
Projected Development Site 15	24,874 gsf residential; 30 DUs (7 affordable); 3,556 gsf retail; 0 accessory parking spaces	126,485 gsf residential; 151 DUs (35 affordable); 8,899 gsf retail; 0 accessory parking spaces	101,611 gsf residential; 121 DUs (28 affordable); 5,343 gsf retail; 0 accessory parking spaces
Difference, Projected Development Sites			148,999 gsf residential; 179 DUs (42 affordable); 5,343 gsf retail; 11 accessory parking spaces
Potential Development Site 22	44,122 gsf residential; 52 DUs (12 affordable); 6,308 gsf retail; 11 accessory parking spaces	77,474 gsf residential; 92 DUs (21 affordable); 6,308 gsf retail; 19 accessory parking spaces	33,352 gsf residential; 40 DUs (9 affordable); 0 gsf retail; 8 accessory parking spaces
Potential Development Site 23 ²	37,255 gsf residential; 44 DUs (10 affordable); 5,326 gsf retail; 10 accessory parking spaces	57,555 gsf residential; 69 DUs (16 affordable); 5,326 gsf retail; 15 accessory parking spaces	20,300 gsf residential; 25 DUs (6 affordable); 0 gsf retail; 5 accessory parking spaces
Difference, Potential Development Sites			53,652 gsf residential; 65 DUs (15 affordable); 0 gsf retail; 13 accessory parking spaces
Notes: DU = Dwelling unit 1. On Projected Development Sites 5 and 15 and Potential Development Sites 22 and 23, there is no difference between RWCDs 1 and RWCDs 2. 2. With the elimination of Subdistrict B, Potential Site 23 would not be able to maximize its FAR under the narrow streets bulk regulations and is therefore assumed to be built to a lower FAR.			

EFFECT ON ENVIRONMENTAL ANALYSES

As described above, the Modified Action would result in an increase of 179 residential units, including 42 affordable units; 5,343 gsf of retail use; and 11 accessory parking spaces on the projected development sites as compared with the Proposed Action. In addition, Projected Development Site 15 would consist of an assemblage of Block 578, Lots 71 and 75 under the Modified Action. This increase in residential and retail use and the additional lot incorporated into Projected Development Site 15 would be the same as under the No Subdistrict B Alternative analyzed in Chapter 21, “Alternatives.” Therefore, the Modified Action would result in the same environmental impacts as the No Subdistrict B Alternative in the areas of socioeconomic conditions, community facilities and services, open space, water and sewer infrastructure, solid waste and sanitation services, energy, transportation, and greenhouse gas emissions. The reduction in maximum height and modification to bulk regulations on wide streets and the modifications with respect to One SoHo Square would not have the potential to affect the analyses in these technical areas. The Modified Action would result in the same significant adverse impacts with respect to open space; shadows; historic resources; and construction impacts related to transportation (traffic and pedestrians) as under the Proposed Action and would be mitigated to the same extent. With respect to transportation, the Modified Action would result in the same significant adverse impacts as the No Subdistrict B Alternative analyzed in Chapter 21, “Alternatives.” As with the Proposed Action, with the Modified Action

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there is the potential for a significant adverse impact to public elementary schools if substantial residential development occurs in the Rezoning Area before the proposed public elementary school on Projected Development Site 1 is constructed. Measures to mitigate the significant adverse impacts of the Modified Action are discussed in the “Mitigation” section below.

With respect to hazardous materials and noise, the Modified Action would require the same (E) designations as specified in Chapter 9, “Hazardous Materials,” and Chapter 16, “Noise,” with the additional (E) designation for Block 578, Lot 71 as specified in the No Subdistrict B Alternative in Chapter 21, “Alternatives.”

As the environmental effects of the potential CPC modification relating to height and bulk on the wide streets was not previously considered, the potential environmental impacts associated with the Modified Action are analyzed below for the following areas: land use, zoning, and public policy; shadows; historic and cultural resources; urban design and visual resources; air quality; neighborhood character; construction; and public health.

LAND USE, ZONING, AND PUBLIC POLICY

The Modified Action would result in additional residential development and small amount of additional retail use on the projected development sites, compared with the Proposed Action. The Modified Action would not affect the overall land uses within the Rezoning Area, and the additional development and modified height and bulk restrictions (both within the former Subdistrict B and along the wide streets) would be consistent with the surrounding area. Furthermore, the grandfathering of M1-6 bulk requirements to allow the One SoHo Square enlargement to proceed as planned would not adversely affect land use, zoning, or public policy. Therefore, the Modified Action, like the Proposed Action, would not result in any significant adverse impacts to land use, zoning, or public policy.

Instead, the Modified Action would result in a modestly higher residential population with commercial uses that would further the Proposed Action’s goal of creating an active mixed-use neighborhood, while preserving its existing built context and commercial uses. As with the Proposed Action, the Modified Action would: incentivize the development of new affordable housing; allow a greater range of cultural and community facility uses; result in a new public school; and implement specific provisions regulating demolition and conversions of existing buildings, as well as height limits as appropriate, to preserve the essential character of the neighborhood.

SHADOWS

The RWCDS that was analyzed in Chapter 6, “Shadows” of the FEIS included the maximum zoning envelopes for all projected and potential development and enlargement sites. The Modified Action would result in the following changes relative to the Proposed Action: (1) the maximum zoning envelopes on the wide streets, including Projected Sites 2 and 13, which the analysis showed would cast the most incremental shadow on sensitive resources, would be reduced from a maximum height of 320 feet to 290 feet, and (2) Subdistrict B would be eliminated, increasing the height of those maximum zoning envelopes of the development sites within that area.

Like the Proposed Action, the Modified Action would result in significant adverse shadow impacts on two publicly accessible open spaces, Trump SoHo Plaza and SoHo Square, although there would be less incremental shadow with the Modified Action because the maximum zoning

envelopes on the wide streets, in particular Sites 2 and 13, would be 290 feet instead of 320 feet. Measures to mitigate this significant adverse impact would be the same as those described for the Proposed Action. Likewise, the projected development sites along the east side of Greenwich Street between Spring and King Streets would cast less shadow on Hudson River Park and the river in the mornings under the Modified Action compared to the Proposed Action.

With the Modified Action, the anticipated development at Projected Development Sites 5 and 15 and Potential Development Sites 22 and 23 would be taller than with the Proposed Action due to the elimination of Subdistrict B; however, they would not result in substantially more shadows on any nearby open spaces or other sun-sensitive resources on any of the representative analysis days.

No new shadow from the One SoHo Square enlargement would fall on Trump SoHo Plaza, SoHo Square, or any other sun-sensitive resource, and thus the project would not alter the extent or duration of incremental shadow due to the Proposed Action. Therefore, the One SoHo Square enlargement would not affect the conclusions of shadows analysis.

Overall, the Modified Action would not result in any additional significant adverse shadow impacts as compared with the Proposed Action.

HISTORIC RESOURCES

Archaeological Resources

Like the Proposed Action, the Modified Action would result in development on six potential and projected development sites identified as archaeologically sensitive. As with the Proposed Action, development of these six sites under the Modified Action could result in unavoidable significant adverse impacts on archaeological resources. The Modified Action also projects development on Block 578, Lot 71 as part of Projected Development Site 15. The redevelopment of Block 578, Lot 71 is not projected to occur under the Proposed Action. However, in a comment letter dated December 16, 2008, the New York City Landmarks Preservation Commission (LPC) determined that this lot has no archaeological sensitivity. Therefore, the Modified Action would result in the same significant adverse impacts to archaeological resources as the Proposed Action. In a letter dated January 9, 2013, LPC concurred with this finding.

Architectural Resources

Under the Modified Action, as with the Proposed Action, construction on projected and potential development and enlargement sites not controlled by the Applicant could result in significant adverse construction-related impacts on up to **one known resource and** potential architectural resources due to their locations within 90 feet of sites that may be developed under the either the Modified Action or the Proposed Action. Like the Proposed Action, the Modified Action would not result in any significant adverse visual or contextual impacts to historic and cultural resources. As noted above, the Modified Action also projects development on Block 578, Lot 71 as part of Projected Development Site 15. In a letter dated May 7, 2012, LPC determined that the building located on Block 578, Lot 71 does not appear to be a potential architectural resource. There would be no construction-related impacts to potential architectural resources located within 90 feet of Block 578, Lot 71 as a result of development on that parcel. With respect to the enlargement at One SoHo Square, the properties that comprise that development were not identified by the Landmarks Preservation Commission as having architectural or archaeological

significance and therefore the development of this site would have no effect on the Historic and Cultural Resources analysis.

Therefore, the Modified Action would result in the same significant adverse impacts to architectural resources as the Proposed Action. In a letter dated January 9, 2013, LPC concurred with this finding.

URBAN DESIGN AND VISUAL RESOURCES

Similar to the Proposed Action, the Modified Action would introduce limits on building height, while also establishing contextual streetwall and setback requirements and reduced height limits on the midblocks. However, by eliminating Subdistrict B, this would allow maximum building heights in the lower scale area bounded by Watts, Hudson, and Dominick streets and Avenue of the Americas that would be the same as those throughout the entire proposed Rezoning Area. The increase in height in the former Subdistrict B and the decrease in height along wide streets with the Modified Action would not adversely affect the pedestrian experience in the Rezoning Area. **Figures 26-6** and **26-7** illustrate the effect of the lower wide street heights along Varick and Greenwich Streets. In addition, the grandfathering of M1-6 bulk requirements for One SoHo Square would have a negligible effect on the pedestrian experience near that site and would not affect the conclusions of the Urban Design and Visual Resources analysis for the Rezoning Area as a whole.

Therefore, neither the Proposed Action nor the Modified Action would result in a significant adverse impact on the urban design character of the neighborhood.

AIR QUALITY

Mobile Sources

With respect to mobile source air quality, the Modified Action would generate slightly higher vehicular trips than the Proposed Action. However, it is not expected that the additional traffic would result in a significant air quality impact given that maximum predicted concentrations with the Proposed Action are well below applicable air quality standards.

Stationary Sources—Industrial Sources

The emissions from existing industrial sources would be the same with the Modified Action. Therefore, as with the Proposed Action, the Modified Action would not result in any significant adverse air quality impacts from industrial sources.

Stationary Sources—Heat and Hot Water Systems

With the Modified Action, Projected Development Sites 5 and 15 and Potential Development Sites 22 and 23 would be taller due to the elimination of Subdistrict B. In other cases, the reduction in maximum height and modification to bulk regulations on wide streets would reduce the maximum height of development and enlargement sites along wide streets from 320 feet to 290 feet. Therefore, an air quality analysis was undertaken to determine if these sites would impact other proposed developments or if other proposed developments would impact these sites.

As discussed in Chapter 14, “Air Quality,” the grandfathering of M1-6 bulk requirements to allow the One SoHo Square office enlargement to proceed as planned would have potential significant adverse air quality impacts on development that would occur with both the Proposed

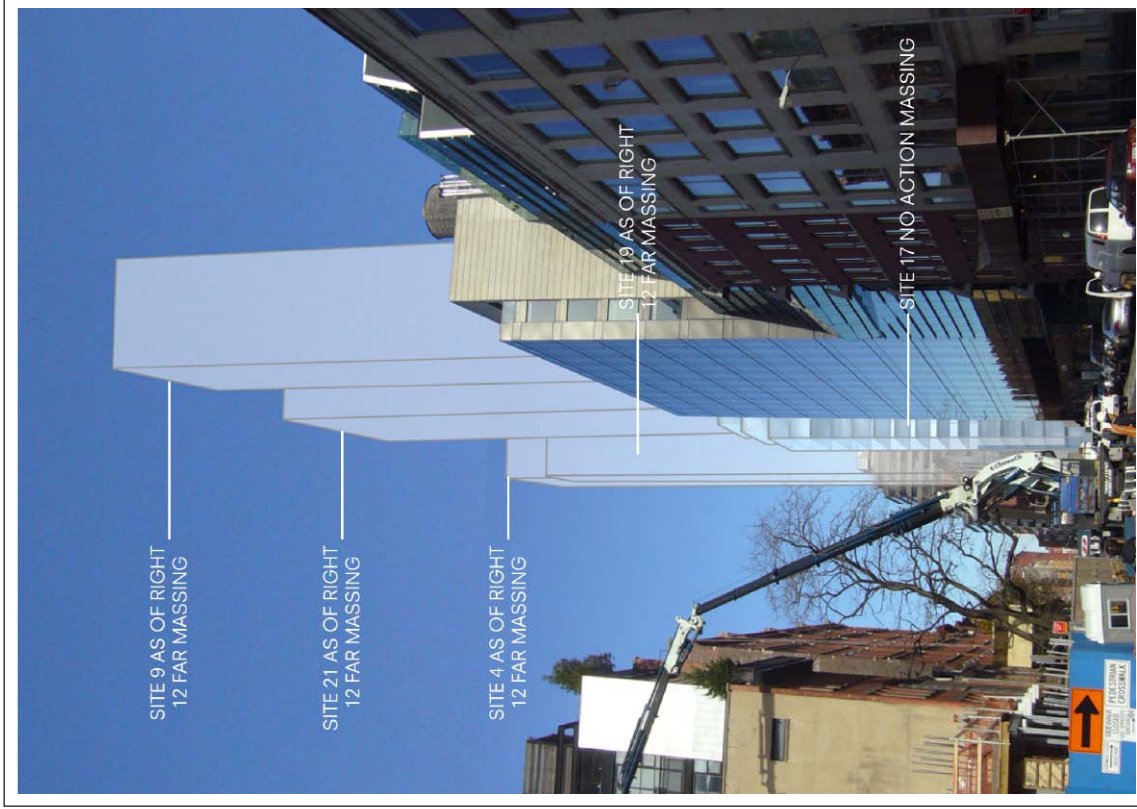


No-Action Condition **A**



With-Action Condition **B**

Modified Action-View South from Varick and West Houston Street Renderings



No-Action Condition **A**



With-Action Condition **B**

Modified Action-View north from Greenwich and Canal Streets
Renderings
Figure 26-7

Action and the Modified Action based on its potential emissions (this enlargement would include 233 Spring Street, which was analyzed as an existing emission source in the DEIS for air quality impacts on proposed developments under the Proposed Action).

Based on the analysis, it was determined that under the Modified Action, at Projected Development Site 15, the (E) designation under the Modified Action would still require a restriction on fuel type (natural gas) but would not require a restriction on stack location and the use of low NO_x (30ppm) burners; at Potential Development Site 22, the (E) designation under the Modified Action would still require a restriction on fuel type (natural gas) and the use of low NO_x (30ppm) burners but would not require a restriction on stack location; and at Potential Development Site 23, the (E) designation under the Modified Action would require a different restriction on stack location. In addition, at Projected Development Site 19, which is affected by the existing emissions source at 345 Hudson Street, the portion of the site where no operable windows or air intakes would be permitted would be less under the Modified Action since the building height would be reduced from 320 feet to 290 feet. None of the other projected developments in the modified program under the Modified Action would be affected by existing large sources and commercial, institutional and large scale residential developments. Therefore, the conclusions regarding these existing sources would remain the same under the Modified Action.

As with the Proposed Action, the One SoHo Square enlargement was determined to result in a potential significant adverse impact on Projected Enlargement Site 2; therefore, an (E) designation would be assigned to this site requiring no operable windows or air intakes on a portion of the site. Because the excess development rights are being transferred to One SoHo Square, Potential Enlargement Site 4 is no longer considered as an enlargement site under either the Proposed Action or the Modified Action and therefore no (E) designation would be required for that property.

Proposed (E) Designation Requirements

At affected projected and potential development sites and enlargement sites under the Modified Action, the proposed (E) designation would specify the type of fuel to be used (or would alternately specify the use of Con Edison steam), whether low NO_x burners are required, and/or the distance that the vent stack on the building roof must be from its lot line(s). In addition, at certain development sites, the proposed (E) designation would restrict the placement of operable windows and air intakes. A summary of the proposed (E) designations is presented in **Table 26-4**.

The text of the proposed air quality (E) designations under the Modified Action is set forth in **Appendix 5**.

NEIGHBORHOOD CHARACTER

The Modified Action would result in similar effects to neighborhood character compared with the Proposed Action, and, like the Proposed Action, would create a vibrant, mixed-use neighborhood in Hudson Square while preserving its essential character. The Modified Action would result in a greater increase in the residential population in the study area than the Proposed Action. Like the Proposed Action, with the Modified Action, this population would be served by retail and community facility uses, and would enliven the streetscape of the area. As

**Table 26-4
Proposed (E) Designations
Modified Action**

Site	Block	Lot(s)	Proposed Restriction
Projected Development Site 1	226 227	63, 69, 70, 76, 80	No operable windows or air intakes on the northern, western, and southern facades between a height of 265 feet and 290 feet above grade
Projected Development Site 2	491	23	Natural gas, stack location and low NO _x burners
Projected Development Site 3	579	60, 68, 70, 74	Con Edison Steam
Projected Development Site 4	598	42, 48	Natural gas ; no operable windows or air intakes on the northern, eastern, and southern facades between a height of 255 feet and 290 feet above grade
Projected Development Site 5	477	35, 42, 44, 76	Natural gas and low NO _x burners
Projected Development Site 6	580	52	Con Edison Steam; no operable windows or air intakes on the northern, eastern, and western facades above a height of 160 feet above grade
Projected Development Site 8	597	10	Con Edison Steam
Projected Development Site 11	579	5	Natural gas, stack location and low NO _x burners
Projected Development Site 12	579	35	Natural gas, stack location and low NO _x burners
Projected Development Site 14	580	11	Con Edison Steam
Projected Development Site 15	578	75	Natural gas
Projected Development Site 16	505	14	Natural gas, stack location and low NO _x burners
Projected Development Site 18	491	7502	Natural gas
Projected Development Site 19	598 597	58 39	No operable windows or air intakes on the northern, eastern, and western facades between a height of 265 feet and 280 feet above grade
Potential Development Site 20	597	46	Natural gas, stack location and low NO _x burners
Potential Development Site 22	477	72 to 75	Natural gas and low NO _x burners
Potential Development Site 23	578	77 to 79	Natural gas, stack location and low NO _x burners
Potential Development Site 24	580	60	No operable windows or air intakes on the northern, eastern, and western facades between a height of 160 and 260 feet above grade
Projected Enlargement Site 1	579	47	Natural gas
Projected Enlargement Site 2	505	1	Natural gas, stack location and low NO _x burners; no operable windows or air intakes on the northern, eastern, and southern facades between a height of 260/245 and 290 feet above grade
Projected Enlargement Site 3	597	45	Natural gas, stack location and low NO _x burners
Potential Enlargement Site 5	505	26	Natural gas, stack location and low NO _x burners
Potential Enlargement Site 6	597	32	Stack must meet DOB Code restrictions on placement
Potential Enlargement Site 7	597	33	Stack must meet DOB Code restrictions on placement
Potential Enlargement Site 8	597	50	Stack must meet DOB Code restrictions on placement
Potential Enlargement Site 9	597	52	Stack must meet DOB Code restrictions on placement ; no operable lot line windows on the western façade
Potential Enlargement Site 10	597	51	Natural gas, stack location and low NO _x burners
Potential Enlargement Site 11	491	1	Natural gas, stack location and low NO _x burners
Potential Enlargement Site 12	491	26	Natural gas and stack location
Potential Enlargement Site 13	491	27	Natural gas, stack location and low NO _x burners
Potential Enlargement Site 14	578	70	Natural gas, stack location and low NO _x burners
Potential Enlargement Site 15	597	37	Natural gas and low NO _x burners; no operable lot line windows on the eastern façade

discussed above, the modifications under the Modified Action would be consistent with land use zoning, and public policy, and would not adversely affect urban design and visual resources or the overall the pedestrian experience in the Rezoning Area. Therefore, like the Proposed Action, the Modified Action would not result in any significant adverse impacts to neighborhood character.

CONSTRUCTION

The Modified Action would result in additional development and taller buildings on Projected Development Sites 5 and 15. Potential Development Sites 22 and 23 could also result in

additional, taller development. This additional development could result in slightly longer construction duration for these sites. Nonetheless, because the Proposed Action and the Modified Action could result in the same amount of floor area on all sites in the Rezoning Area except for those within Subdistrict B, it is expected that the overall construction activities and conceptual schedule would be similar. The reduction in maximum height and modification to bulk regulations on wide streets would not materially affect the overall construction activities and schedule, as those changes would not reduce the amount of floor area that could be developed on development and enlargement sites along wide streets.

Both the Modified Action and the Proposed Action could result in significant adverse construction impacts related to transportation (traffic and pedestrians) and historic architectural and archaeological resources. With respect to traffic, the construction traffic analysis provided in Chapter 18, "Construction," examines two peak years, 2016 and 2019. As discussed above, the Modified Action would result in additional development and taller buildings on Projected Development Sites 5 and 15 (The construction analysis provided in Chapter 18, "Construction," assesses the effects of construction activities on projected development and enlargement sites).

According to the conceptual construction schedule described in Chapter 18, Projected Development Site 5 would be under construction from 2015 to 2016 and Projected Development Site 15 would be under construction in 2021; thus, only Projected Development Site 5 would be under construction during one of the peak construction years analyzed (2016).

Under the Modified Action, Projected Development Site 5 would have the same footprint but would result in an additional 58 dwelling units (approximately 47,000 square feet of floor area) as compared with the Proposed Action. Although this development site could be somewhat larger under the Modified Action, overall construction activity at this site would be substantially similar to the Proposed Action, and the additional floor area would not result in a substantial increase in peak hour construction vehicle trips. As noted in Table 18-15 of Chapter 18, with the Proposed Action, there would be approximately 161 construction trips in 2016 as compared to 374 operational trips in 2022. Under the Modified Action, the number of construction trips and operational trips would both increase slightly, but the modest increase in the size of Projected Development Site 5 would not increase the number of construction trips in 2016 such that it would exceed the number of operational trips in 2022. Therefore, with the nominal increase that would result under the Modified Action the conclusion remains the same as with the Proposed Action—the construction trips would be less than the overall operational trips and therefore the potential traffic impacts during peak construction with the Modified Action would be within the envelope of significant adverse traffic impacts identified for the With-Action condition in the transportation analysis.

As with the Proposed Action, under the Modified Action the Applicant would prepare and implement a CPP for the one known resource and potential architectural resources within 90 feet of its projected development and enlargement sites. However, as with the Proposed Action, construction under the Modified Action on sites not controlled by the Applicant could result in significant adverse construction-related impacts on up to 6 potential architectural resources due to their locations within 90 feet of sites that may be developed under the either the Modified Action or the Proposed Action.

As with the Proposed Action, the Modified Action would not result in significant adverse construction impacts with respect to air quality, noise, hazardous materials, transit, open space, socioeconomic conditions, community facilities, and land use and neighborhood character. For the Applicant's projected development and enlargement sites, the Modified Action would

include the use of equipment with the same extensive emission controls and noise abatement measures that would be provided with the Proposed Action.

PUBLIC HEALTH

The Modified Action, like the Proposed Action, would not result in any significant adverse public health impacts associated with construction or operation of the new development on any development sites.

MITIGATION

As noted above, the Modified Action would result in the same significant adverse impacts with respect to open space; shadows; historic resources; and construction impacts related to transportation (traffic and pedestrians) as under the Proposed Action and would be mitigated to the same extent. With respect to transportation, the Modified Action would result in the same significant adverse impacts as the No Subdistrict B Alternative analyzed in Chapter 21, “Alternatives.” The potential mitigation measures for the Modified Action are as follows:

- *Community Facilities*—There is the potential for a significant adverse impact to public elementary schools if substantial residential development occurs in the Rezoning Area before the proposed public elementary school on Projected Development Site 1 is constructed. In order to address the Proposed Action’s potential significant adverse impact on elementary schools, the Applicant will enter into Restrictive Declarations, recorded against the development sites it owns or controls, pursuant to which the Applicant would agree that it would not apply for building permits with respect to any such development sites prior to the development of Projected Development Site 1, unless, at the time a building permit is sought for a building on one of the Applicant-owned or controlled development sites, the total number of residential units built, under construction, or the subject of a pending or issued building permit, inclusive of the units proposed for such development site, falls below a unit count set forth in the Restrictive Declaration. For this purpose, the unit count would be sufficiently low to minimize the potential for an impact on public elementary schools to occur prior to the development of Projected Development Site 1.
- *Open Space*— Both the Proposed Action and Modified Action would result in a significant adverse impact to open space in the residential study area as a result of the decrease in the total open space ratio and active open space ratio. The significant adverse impact on open space would be partially mitigated by means of restrictive declarations requiring a financial contribution by the Applicant towards the improvement of active open space, with a principal focus upon improvements to the Tony Dapolito Recreation Center operated by DPR that would enhance its ability to attract additional members from the community and increase its potential utilization. The scope of those and/or other improvements to open space would be developed by DPR in consultation with the community.
- *Shadows*—No feasible mitigation measures for the significant adverse shadow impacts on Trump SoHo Plaza and SoHo Square were identified; therefore, these impacts would unmitigated.
- *Historic and Cultural Resources (Archaeological Resources)*—Since none of the six potential and projected development sites identified as archaeologically sensitive are under the Applicant’s control, future development on these properties would be as-of-right development, and there are no mechanisms available through CEQR to require that such development undertake archaeological field testing to determine the presence of

- archaeological resources (i.e., Phase 1B testing) or mitigation for any identified significant resources through avoidance or excavation and data recovery (i.e., Phase 2 or Phase 3 archaeological testing). As-of-right development that is anticipated to occur as a result of either the Proposed Action or Modified Action on properties not controlled by the Applicant could result in unmitigated significant adverse impacts on archaeological resources.
- *Historic and Cultural Resources (Architectural Resources)*—Construction of projected and potential development and enlargement sites not controlled by the Applicant could potentially result in construction-related impacts to 6 potential architectural resources due to their location within 90 feet of such development and enlargement sites. As-of-right development that is anticipated to occur as a result of either the Proposed Action or Modified Action on properties not controlled by the Applicant could result in unmitigated significant adverse construction-related impacts on architectural resources.
 - *Transportation (Traffic)*—The Modified Action would have the potential for significant adverse impacts at 20 intersections. Fourteen of the 20 intersections would be impacted during the weekday AM peak hour, 3 of the 20 intersections during the weekday midday peak hour, 15 of the 20 intersections during the PM peak hour, and 6 of the 20 intersections during the Saturday midday peak hour. Standard mitigation measures (including primarily signal timing changes and daylighting) would fully mitigate most significant adverse traffic impacts. Out of the 20 impacted traffic intersections, impacts at 11 intersections could not be fully mitigated during one or more analysis peak hours, including 2 intersections during the weekday AM peak hour, 10 intersections during the weekday PM peak hour, and 6 intersections during the Saturday midday peak hour.
 - *Transportation (Transit)*—The Modified Action would result in a significant adverse impact at the C/E train Spring Street (unmarked) stairway on the northwest (NW) corner of Avenue of the Americas and Spring Street during the weekday AM peak period. Potential mitigation measures to address this impact would be to widen the NW stairway to an effective width of 90 inches from its current effective width of 48 inches, or to construct a splayed staircase on the northwest corner of Spring and Avenue of the Americas or on the south side of Spring Street. Each of these potential mitigation measures would also need to be accompanied by an Americans with Disabilities Act-compliant elevator. The cost of implementing the stairway and elevator mitigation measure is estimated at approximately between 5 and 10 million dollars. Considering the extent of the impact in relation to the adverse effects the mitigation options may have on traffic and pedestrian operations, as well as on public open space, implementing the mitigation measures described above has been determined to be not practicable; hence, the projected impact for this stairway would be unmitigated.
 - *Transportation (Pedestrian)*—The Modified Action would have the potential for significant adverse impacts at the north crosswalk of Avenue of the Americas and Spring Street during the PM peak hour and the north crosswalk of Varick Street and Spring Street during the AM and PM peak hours. These significant adverse impacts could be fully mitigated with the following: widening of the north crosswalk of Avenue of the Americas and Spring Street from the existing 15 feet to 18 feet; widening of the north crosswalk of Varick Street and Spring Street from the existing 14 feet to 18.5 feet.
 - *Construction (Traffic and Pedestrians)*—The cumulative operational and peak construction traffic increments would be lower than the full operational traffic increments associated with the Modified Action in 2022. Nonetheless, because existing and No-Action traffic conditions at some of the study area intersections through which construction-related traffic would also travel were determined to operate at unacceptable levels during commuter peak

hours, it is possible that significant adverse traffic impacts could occur at some or many of these locations during construction. The construction traffic impacts could be mitigated with the same measures recommended to mitigate impacts associated with the operational traffic. However, there is potential for the same unmitigated adverse traffic impacts during construction as with the operation traffic (i.e., 2 intersections during the weekday AM peak hour, 10 intersections during the weekday PM peak hour, and 6 intersections during the Saturday midday peak hour). With respect to pedestrians, because the full build-out of the Modified Action is expected to result in crosswalk impacts at two intersections—north crosswalk of Avenue of the Americas and Spring Street and north crosswalk of Varick Street and Spring Street, as discussed above, the same or lesser significant adverse pedestrian impacts could occur during construction prior to the full build-out of the Modified Action. Accordingly, the same crosswalk widenings recommended to mitigate the pedestrian impacts for the Modified Action could be advanced to mitigate the same impacts during construction.

- *Conceptual Analysis (Traffic)*—New hotel construction that could occur as-of-right after the “residential development goal” is met could result in unmitigated significant adverse traffic impacts. Under the hotel development scenario, the impacts identified at study area intersections along the Varick Street corridor would worsen (with those at Charlton, Vandam, Spring, and Dominick Streets likely realizing the greatest effects), and the impacts identified at three intersections along Hudson Street (at Canal, Charlton, and King Streets) would worsen. For intersections farther away from the sites selected for the hotel development scenario, the projected traffic increases would be more dispersed and would have lesser effects on the operating levels of these intersections.

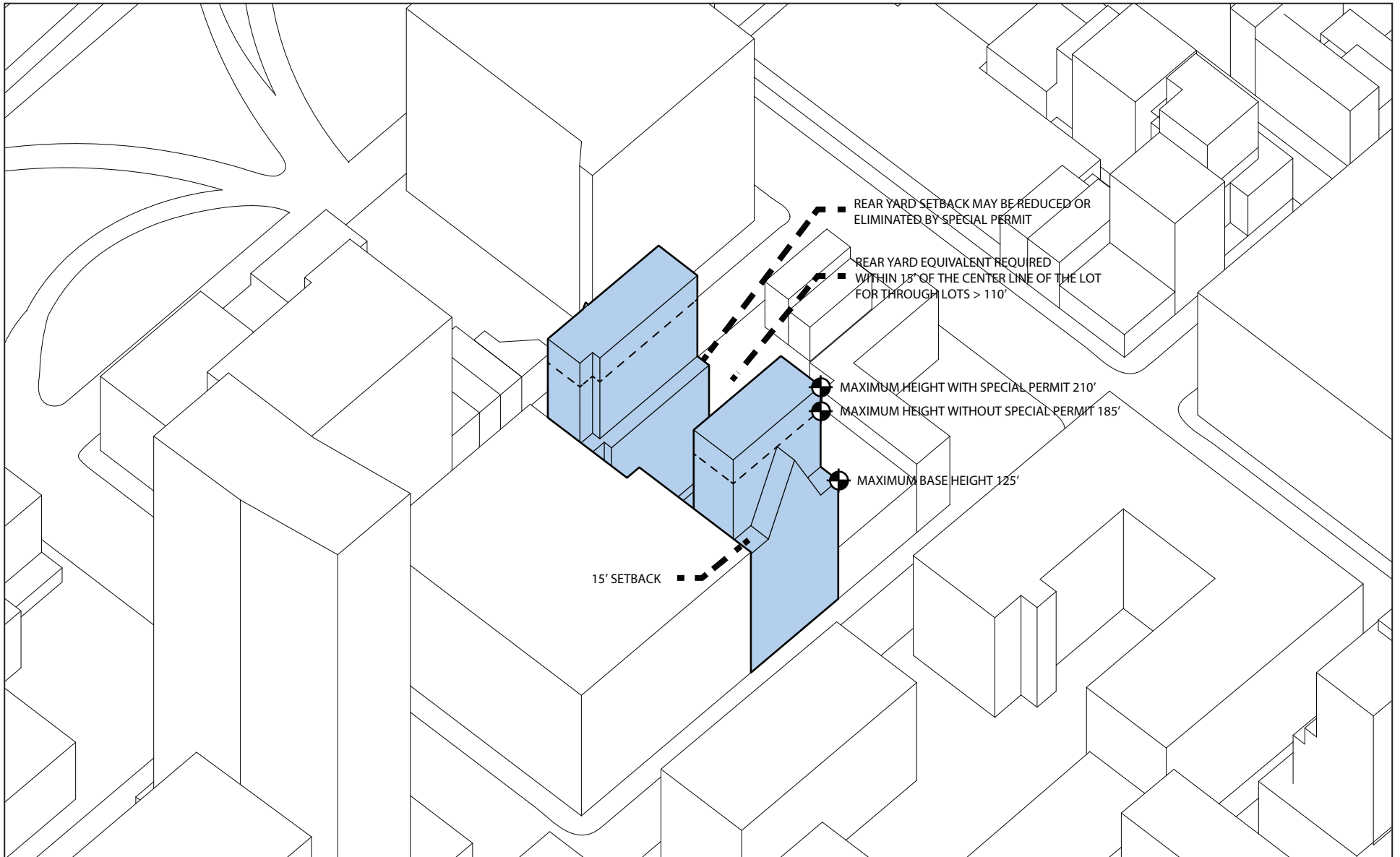
E. SPECIAL PERMIT TO ALLOW HEIGHT AND SETBACK WAIVERS ON CERTAIN NARROW STREETS

DESCRIPTION OF SPECIAL PERMIT

In response to the recommendations made by the Manhattan Borough President, as well as testimony presented at the public hearing, the CPC is considering creation of a special permit to allow height and setback waivers for certain midblock sites (i.e., portions of zoning lots beyond 100 feet of a wide street) located on blocks with narrow north-south street-to-street depth (i.e., 180 feet or less). All blocks south of Spring Street in the Rezoning Area (Blocks 226, 227, 477, 491, 578, and 579) have a narrow north-south street-to-street depth. The special permit would allow waivers of maximum building height and rear setback regulations only and would require that the street wall be provided along 100 percent of the lot line; there would be no change to the permitted uses, permitted maximum FAR, or rear yard requirements in the proposed Special District text.

The special permit would allow a modification of building height, but such waiver would not allow buildings taller than 210 feet and would require a minimum base height of 60 feet street wall required to be located at the street line for the entire width of the zoning lot. In addition, the required rear yard setback of 10 feet could be waived. **Figure 26-8** illustrates the height and bulk modifications that could potentially be permitted subject to this special permit (maximum zoning bulk envelope shown).

Application for the special permit would be subject to discretionary approval of the CPC, and any environmental impacts associated with such action would be assessed and disclosed to the public pursuant to separate CEQR review. Nevertheless, this analysis generically assesses the potential



NOTE: For Illustrative Purposes - Maximum Zoning Bulk Envelope

environmental impacts that could result from the use of this special permit within the Rezoning Area.

DEVELOPMENT PROGRAM WITH MODIFIED ACTION AND MIDBLOCK SPECIAL PERMIT

The special permit currently under consideration by the CPC is considered in the Draft and Final EIS in Chapter 21, “Alternatives.” That chapter includes an analysis of the special permit with the inclusion of Subdistrict B (“Midblock Special Permit Alternative”) and with the elimination of Subdistrict B (“No Subdistrict B with Midblock Special Permit Alternative”). This section assesses the inclusion of a Midblock Special Permit in combination with the other potential CPC modifications (referred to as the “Midblock Special Permit with Modified Action”).

As discussed in the preceding section, the elimination of Subdistrict B would increase the development potential within that area and result in changes to the anticipated development on Projected Development Sites 5 and 15 and Potential Development Sites 22 and 23 within the Rezoning Area. The midblock special permit could facilitate different building heights and a reduced or eliminated rear setback on certain projected and potential development and enlargement sites than what has been assessed for the Proposed Action. It is assumed that the special permit would be pursued by any projected or potential development or enlargement site that meets the following criteria: (1) is located on the midblock of Block 226, 227, 477, 491, 578, or 579, (2) is not located within Subdistrict A, and (3) is projected to be developed with new construction or enlargement of more than a 1- to 2-story penthouse addition.

Based on these criteria, only Projected Development Site 12 and Potential Development Site 23 would be expected to utilize the special permit. Under the RWCDS for the Proposed Action, Projected Development Site 12 is not expected to be able to develop the full 12.0 FAR under the narrow street bulk regulations and is instead expected to be developed to 10.8 FAR. With the Midblock Special Permit with Modified Action, Projected Development Site 12 could utilize the special permit waiver for certain height and setback rules to construct a building or buildings up to 210 feet in height and achieve the full 12.0 FAR on the site. Likewise, Potential Development Site 23, which is not expected to be able to develop the full 12.0 FAR under the narrow street bulk regulations without Subdistrict B, could utilize the special permit waiver for building height and rear setback to construct a building up to 210 feet in height and achieve the full 12.0 FAR on the site.

Overall, the Midblock Special Permit with Modified Action would result in changes to the development program of Projected Development Sites 5, 12, and 15 and Potential Development Sites 22 and 23 (see **Table 26-5**). The development programs of Projected Development Sites 5 and 15 and Potential Development Site 22 would change due only to the elimination of Subdistrict B. The development program of Projected Development Site 12 would change due to the assumption that it would pursue development under the midblock special permit. The development program of Potential Development Site 23 would change due to both the elimination of Subdistrict B and the assumption that it would pursue development under the midblock special permit.

Table 26-5

Development Program Comparison—Proposed Action and Midblock Special Permit with Modified Action

Site	Reason for change to development program	Proposed Action ¹	Midblock Special Permit with Modified Action ¹	Difference (as compared with either RWCDs 1 or RWCDs 2) ¹
Projected Development Site 5	Elimination of Subdistrict B	62,691 gsf residential; 74 DUs (17 affordable); 8,962 gsf retail; 17 accessory parking spaces	110,079 gsf residential; 132 DUs (31 affordable); 8,962 gsf retail; 28 accessory parking spaces	47,388 gsf residential; 58 DUs (14 affordable); 0 gsf retail; 11 accessory parking spaces
Projected Development Site 12 ²	Assumed to pursue midblock special permit	165,802 gsf residential; 198 DUs (46 affordable); 15,175 gsf retail; 43 accessory parking spaces	186,393 gsf residential; 222 DUs (52 affordable); 15,175 gsf retail; 47 accessory parking spaces	20,591 gsf residential; 24 DUs (6 affordable); 0 gsf retail; 4 accessory parking spaces
Projected Development Site 15	Elimination of Subdistrict B	24,874 gsf residential; 30 DUs (7 affordable); 3,556 gsf retail; 0 accessory parking spaces	126,485 gsf residential; 151 DUs (35 affordable); 8,899 gsf retail; 0 accessory parking spaces	101,611 gsf residential; 121 DUs (28 affordable); 5,343 gsf retail; 0 accessory parking spaces
Difference, Projected Development Sites				169,590 gsf residential; 203 DUs (48 affordable); 5,343 gsf retail; 15 accessory parking spaces
Potential Development Site 22	Elimination of Subdistrict B	44,122 gsf residential; 52 DUs (12 affordable); 6,308 gsf retail; 11 accessory parking spaces	77,474 gsf residential; 92 DUs (21 affordable); 6,308 gsf retail; 19 accessory parking spaces	33,352 gsf residential; 40 DUs (9 affordable); 0 gsf retail; 8 accessory parking spaces
Potential Development Site 23 ²	Elimination of Subdistrict B and assumed to pursue midblock special permit	37,255 gsf residential; 44 DUs (10 affordable); 5,326 gsf retail; 10 accessory parking spaces	65,416 gsf residential; 78 DUs (18 affordable); 5,326 gsf retail; 17 accessory parking spaces	28,161 gsf residential; 34 DUs (8 affordable); 0 gsf retail; 7 accessory parking spaces
Difference, Potential Development Sites				61,513 gsf residential; 74 DUs (17 affordable); 0 gsf retail; 15 accessory parking spaces
Notes: DU = Dwelling unit				
1. Under the Proposed Action and the Midblock Special Permit with Modified Action, there is no difference between RWCDs 1 and RWCDs 2 on Projected Development Sites 5, 12, and 15 and Potential Development Sites 22 and 23.				
2. If Projected Development Site 12 and Potential Development Site 23 pursue the midblock special permit, it is assumed that they could be up to 210 feet in height.				

Consistent with the analysis approach throughout this EIS, potential development sites are assessed for site-specific impacts only, such as those related to shadows, historic and cultural resources, urban design, hazardous materials, air quality (stationary sources), and noise (building attenuation). The analyses of density-related impacts (such as socioeconomic conditions, community facilities, open space, and traffic and parking, and transit and pedestrians) associated with the Midblock Special Permit with Modified Action only considers the additional development on Projected Development Sites 5, 12, and 15.

On the projected development sites, the Midblock Special Permit with Modified Action would result in an increase of 203 residential units, including 48 affordable units; 5,343 gsf of retail use; and 15 accessory parking spaces as compared with the Proposed Action. It should be noted that 24 units, including 6 affordable units, would be achievable only with the utilization of special permit, which would be subject to a separate environmental review.

EFFECT ON ENVIRONMENTAL ANALYSES

Application for the special permit would be subject to discretionary approval of the CPC, and any environmental impacts associated with such action would be assessed and disclosed to the public

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pursuant to separate CEQR review. Nevertheless, the potential environmental impacts that could result from the use of this special permit within the Rezoning Area are generically assessed below.

As described above, the Midblock Special Permit with Modified Action would result in an increase of 203 residential units, including 48 affordable units; 5,343 gsf of retail use; and 15 accessory parking spaces on the projected development sites as compared with the Proposed Action. In addition, Projected Development Site 15 would consist of an assemblage of Block 578, Lots 71 and 75 under the Midblock Special Permit with Modified Action. This increase in residential and retail use and the additional lot incorporated into Projected Development Site 15 would be the same as under the No Subdistrict B with Midblock Special Permit Alternative analyzed in Chapter 21, “Alternatives.” Therefore, the Midblock Special Permit with Modified Action would result in the same environmental impacts as the No Subdistrict B with Midblock Special Permit Alternative in the areas of socioeconomic conditions, community facilities and services, open space, water and sewer infrastructure, solid waste and sanitation services, energy, transportation, and greenhouse gas emissions. With respect to construction, the Midblock Special Permit with Modified Action would result in the same impacts as the Modified Action described above, as the modest increase in development on Projected Development Site 12 pursuant to the midblock special permit would not materially affect the overall construction schedule or activities.

The reduction in maximum height and modification to bulk regulations on wide streets and the modifications to certain streetwall requirements would not have the potential to affect the analyses in these technical areas. The Midblock Special Permit with Modified Action would result in significant adverse impacts with respect to open space; shadows; historic resources; transportation (traffic, transit, and pedestrians); and construction impacts related to transportation (traffic and pedestrians). As with the Proposed Action, there is the potential for a significant adverse impact to public elementary schools if substantial residential development occurs in the Rezoning Area before the proposed public elementary school on Projected Development Site 1 is constructed. With respect to open space; shadows; historic resources; and construction impacts related to transportation (traffic and pedestrians), measures to mitigate the significant adverse impacts of the Midblock Special Permit with Modified Action would be the same as those described for the Proposed Action. With respect to transportation, the Midblock Special Permit with Modified Action would result in the same significant adverse impacts as the No Subdistrict B Alternative analyzed in Chapter 21, “Alternatives.” The potential mitigation measures for the Midblock Special Permit with Modified Action are listed in the “Mitigation” discussion in Section D above.

With respect to hazardous materials and noise, the Midblock Special Permit with Modified Action would require the same (E) designations as specified in Chapter 9, “Hazardous Materials,” and Chapter 16, “Noise,” with the additional (E) designation for Block 578, Lot 71 as specified in the No Subdistrict B with Midblock Special Permit Alternative in Chapter 21, “Alternatives.”

As the environmental effects of the potential CPC modification relating to height and bulk on the wide streets was not previously considered, the potential environmental impacts associated with the Midblock Special Permit with Modified Action are analyzed below for the following areas: land use, zoning, and public policy; shadows; historic and cultural resources; urban design and visual resources; air quality; neighborhood character; and public health.

LAND USE, ZONING, AND PUBLIC POLICY

The conclusions of the land use, zoning, and public policy analysis would be the same for the Midblock Special Permit with Modified Action as for the Modified Action described above. With the Midblock Special Permit, it is assumed that Projected Development Site 12 and Potential Development Site 23 could pursue a special permit to allow an increase in maximum height from 185 feet to up to 210 feet. As with the Proposed Action, the Midblock Special Permit with Modified Action would not introduce land uses that would be incompatible with land uses, zoning, or public policy in either the primary or the secondary study areas

Because the use of the midblock special permit for height and setback waivers would require review by the CPC, adverse impacts on land use, zoning, and public policy that could result from a specific development proposal would be assessed and disclosed to the public under and pursuant to a separate environmental review. Additional analyses would be conducted at the time that any site-specific application for a special permit is made.

SHADOWS

The conclusions of the shadows analysis would be the same for the Midblock Special Permit with Modified Action as for the Modified Action described above. With the Midblock Special Permit, Projected Development Site 12 and Potential Development Site 23 could pursue a special permit to allow an increase in maximum height from 185 feet to up to 210 feet in height.

While the anticipated development at Projected Development Site 12 and Potential Development Site 23 would be up to 25 feet taller as a result of the Midblock Special Permit, this would not result in substantially more shadows on any nearby open spaces or other sun-sensitive resources on any of the representative analysis days. Overall, the Midblock Special Permit with Modified Action would not result in any additional significant adverse shadow impacts as compared with the Proposed Action.

HISTORIC AND CULTURAL RESOURCES

The conclusion for the historic and cultural resources analysis would be the same for the Midblock Special Permit with Modified Action as for the Modified Action described above. With respect to archaeological resources, as noted in Chapter 7, "Historic and Cultural Resources," Projected Development Site 12 (Block 579, Lot 11) and Potential Development Site 23 (Block 578, Lots 77 and 79) were identified as archaeologically sensitive. If Projected Development Site 12 and Potential Development Site 23 were developed pursuant to a special permit, this would be a discretionary action requiring a separate environmental review, which would ensure that any additional archaeological investigations or mitigation for any identified significant resources through avoidance or excavation and data recovery requested by the Landmarks Preservation Committee be completed.

With respect to architectural resources, if Projected Development Site 12 and Potential Development Site 23 were developed pursuant to a special permit, this would be a discretionary action requiring a separate environmental review. Through the CEQR process, the preparation and implementation of a Construction Protection Plan (CPP) would be required for any architectural resource located within 90 feet, and there would be no significant adverse construction-related impacts on historic resources due to the construction of Projected Development Site 12 and Potential Development Site 23 pursuant to a special permit. Therefore, the construction of Projected Development Site 12 would not have the potential to result in a

significant adverse construction-related impact on the potential architectural resource at 278 Spring Street. However, the construction of other projected development and enlargement sites would have the potential to result in significant adverse construction-related impacts to this potential resource. In a letter dated January 9, 2013, LPC concurred with this finding.

URBAN DESIGN AND VISUAL RESOURCES

The conclusion for the urban design and visual resources analysis would be the same for the Midblock Special Permit with Modified Action as for the Modified Action described above. With the Midblock Special Permit, it is assumed that Projected Development Site 12 and Potential Development Site 23 could pursue a special permit to allow an increase in maximum height from 185 feet to up to 210 feet. Because the use of the midblock special permit for height and setback waivers would require review by the CPC, any adverse impacts on urban design and visual resources that could result from a specific development proposal would be assessed and disclosed to the public under and pursuant to a separate environmental review. Additional analyses would be conducted at the time that any site-specific application for a special permit is made.

AIR QUALITY

The conclusions of the air quality analysis would be the same for the Midblock Special Permit with Modified Action as for the Modified Action described above. If the Midblock Special Permit is adopted, certain developments (Projected Development Site 12 and Potential Development Site 23) would be taller and the maximum allowable development sizes at these sites would also be slightly larger. However, a refined air quality analysis was undertaken and determined that these changes would not alter the (E) designations as specified under the Modified Action without the Midblock Special Permit.

NEIGHBORHOOD CHARACTER

The conclusion for the neighborhood character analysis would be the same for the Midblock Special Permit with Modified Action as for the Modified Action described above. With the Midblock Special Permit, it is assumed that Projected Development Site 12 and Potential Development Site 23 could pursue a special permit to allow an increase in maximum height from 185 feet to up to 210 feet. This would result in similar effects to neighborhood character compared with the Proposed Action, and, like the Proposed Action, would create a vibrant, mixed-use neighborhood in Hudson Square while preserving its essential character. Therefore, like the Proposed Action, the Midblock Special Permit with Modified Action would not result in any significant adverse impacts to neighborhood character.

PUBLIC HEALTH

The Midblock Special Permit with Modified Action, like the Proposed Action, would not result in any significant adverse public health impacts associated with construction or operation of the new development on any development sites. *