



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 62 Greene Street Special Permit					
1. Reference Numbers					
CEQR REFERENCE NUMBER (to be assigned by lead agency) 17DCP112M			BSA REFERENCE NUMBER (if applicable)		
ULURP REFERENCE NUMBER (if applicable) 170068ZSM			OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA)		
2a. Lead Agency Information			2b. Applicant Information		
NAME OF LEAD AGENCY Department of City Planning			NAME OF APPLICANT 62 Greene Owners Corp		
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Equity Environmental Engineering		
ADDRESS 120 Broadway, 31 st floor			ADDRESS 500 International Drive, Suite 150		
CITY Manhattan	STATE NY	ZIP 10271	CITY Mount Olive	STATE NJ	ZIP 07828
TELEPHONE 212-720-3480	EMAIL rdobrus@planning.nyc.gov		TELEPHONE 9735277451	EMAIL merry.barrieres@equityenvironmental.com	
3. Action Classification and Type					
SEQRA Classification					
<input type="checkbox"/> UNLISTED <input checked="" type="checkbox"/> TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):					
Action Type (refer to Chapter 2 , "Establishing the Analysis Framework" for guidance)					
<input checked="" type="checkbox"/> LOCALIZED ACTION, SITE SPECIFIC <input type="checkbox"/> LOCALIZED ACTION, SMALL AREA <input type="checkbox"/> GENERIC ACTION					
4. Project Description					
The applicant, 62 Greene Owners Corp, seeks a Special Permit pursuant to Zoning Resolution (the 'Z.R.') Section 74-711 to modify the use regulations of Section 42-14(D)(2)(a) of the Zoning Resolution of the City of New York for a project located at 62 Greene Street in Community District 2 of Manhattan. The proposed Special Permit will facilitate a proposal by the Applicant to convert 6,102 gross square feet (gsf) on portions of the ground floor and cellar of an existing 27,412 gsf building to Use Group 6 retail use.					
Project Location					
BOROUGH Manhattan	COMMUNITY DISTRICT(S) 2		STREET ADDRESS 62 Greene Street		
TAX BLOCK(S) AND LOT(S) Block 485 Lot 3			ZIP CODE 10012		
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS East side of Greene Street 175 feet north of Broome Street					
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY M1-5A				ZONING SECTIONAL MAP NUMBER 12C	
5. Required Actions or Approvals (check all that apply)					
City Planning Commission: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNIFORM LAND USE REVIEW PROCEDURE (ULURP)					
<input type="checkbox"/> CITY MAP AMENDMENT	<input type="checkbox"/> ZONING CERTIFICATION	<input type="checkbox"/> CONCESSION			
<input type="checkbox"/> ZONING MAP AMENDMENT	<input type="checkbox"/> ZONING AUTHORIZATION	<input type="checkbox"/> UDAAP			
<input type="checkbox"/> ZONING TEXT AMENDMENT	<input type="checkbox"/> ACQUISITION—REAL PROPERTY	<input type="checkbox"/> REVOCABLE CONSENT			
<input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY	<input type="checkbox"/> DISPOSITION—REAL PROPERTY	<input type="checkbox"/> FRANCHISE			
<input type="checkbox"/> HOUSING PLAN & PROJECT	<input type="checkbox"/> OTHER, explain:				
<input checked="" type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input checked="" type="checkbox"/> other); EXPIRATION DATE:					
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION 42-14(D)(2)(a)					
Board of Standards and Appeals: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
<input type="checkbox"/> VARIANCE (use)					
<input type="checkbox"/> VARIANCE (bulk)					
<input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE:					
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION					
Department of Environmental Protection: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify:					

Other City Approvals Subject to CEQR (check all that apply)

<input type="checkbox"/> LEGISLATION	<input type="checkbox"/> FUNDING OF CONSTRUCTION, specify:
<input type="checkbox"/> RULEMAKING	<input type="checkbox"/> POLICY OR PLAN, specify:
<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES	<input type="checkbox"/> FUNDING OF PROGRAMS, specify:
<input type="checkbox"/> 384(b)(4) APPROVAL	<input checked="" type="checkbox"/> PERMITS, specify: 74-711
<input type="checkbox"/> OTHER, explain:	

Other City Approvals Not Subject to CEQR (check all that apply)

<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)	<input checked="" type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL
	<input type="checkbox"/> OTHER, explain:

State or Federal Actions/Approvals/Funding: YES NO If "yes," specify:

6. Site Description: *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

Graphics: *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

<input checked="" type="checkbox"/> SITE LOCATION MAP	<input checked="" type="checkbox"/> 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		

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 4,800	Waterbody area (sq. ft.) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): 4,800	Other, describe (sq. ft.):

7. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 6,102

NUMBER OF BUILDINGS: 1

HEIGHT OF EACH BUILDING (ft.): 73'8"

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 27,412 of which 6,102 gsf will be affected by the Proposed Action.

NUMBER OF STORIES OF EACH BUILDING: 5

Does the proposed project involve changes in zoning on one or more sites? YES 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? YES NO

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

AREA OF TEMPORARY DISTURBANCE:	sq. ft. (width x length)	VOLUME OF DISTURBANCE:	cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE:	sq. ft. (width x length)		

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

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2018

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 12

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: With the approval of the proposed Special Permit, the ground floor and cellar use would be interior fitted from Use Group 16 Warehouse/Office to Use Group 6 commercial retail (clothing boutiques, hair salons, and art galleries).

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

<input checked="" type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> MANUFACTURING	<input checked="" type="checkbox"/> COMMERCIAL	<input type="checkbox"/> PARK/FOREST/OPEN SPACE	<input type="checkbox"/> OTHER, specify:
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DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

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

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units	0	0	0	0
No. of low- to moderate-income units	0	0	0	0
Gross floor area (sq. ft.)	0	0	0	0
Commercial	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)			Group 6 Commercial	
Gross floor area (sq. ft.)	0	0	6,102	6,102
Manufacturing/Industrial	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use	UG16 Warehouse/Office	UG16 Warehouse/Office		
Gross floor area (sq. ft.)	6,102	6,102	0	-6,102
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
Publicly Accessible Open Space	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
PARKING				
Garages	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
POPULATION				
Residents	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify number:				
Briefly explain how the number of residents				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
was calculated:				
Businesses	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type	1 warehouse/office	1 warehouse/office	1 UG6 retail, clothing boutique	1 UG6 retail
No. and type of workers by business	6 office workers	6 office office workers	8 salesperson	8 salesperson
No. and type of non-residents who are not workers	25	25	25 patrons	25 patrons
Briefly explain how the number of businesses was calculated:				
Other (students, visitors, concert-goers, etc.)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If any, specify type and number:				
Briefly explain how the number was calculated:	1 sales person per 1,000 sf of retail space			
ZONING				
Zoning classification	M1-5A	M1-5A	M1-5A	M1-5A
Maximum amount of floor area that can be developed	24,000	24,000	24,000	24,000
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Commercial and residential	Commercial and residential	Commercial and residential	Commercial and residential
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

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

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

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

	YES	NO
enhance, or otherwise protect it?		
iv. Indirect Business Displacement		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input type="checkbox"/>
v. Effects on Industry		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
i. Child Care Centers		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
ii. Libraries		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
iii. Public Schools		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Health Care Facilities		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
v. Fire and Police Protection		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
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"> o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	<input type="checkbox"/>	<input type="checkbox"/>
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in Chapter 10 .		
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(c) If the proposed project located in a separately sewerred area , would it result in the same or greater development than that listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the proposed project be located in an area that is partially 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.		
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): 632		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): 1,319,862,600		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
<ul style="list-style-type: none"> o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation. 	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input 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.		
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary. The proposed UG6 retail is in character with the surrounding area and would not have an affect on the defining features of the neighborhood.		
19. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. The proposed project would not result in change in bulk or height of the existing building. A plan to restore the exterior of the building has been submitted to Landmarks Preservation for approval.		
20. APPLICANT'S CERTIFICATION		
I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.		
Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.		
APPLICANT/REPRESENTATIVE NAME	SIGNATURE	DATE
Merry Barrieres	<i>Merry Barrieres</i>	March 3, 2017
PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE		

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

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


1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.		Potentially Significant Adverse Impact	
		YES	NO
IMPACT CATEGORY			
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Check determination to be issued by the lead agency:			
<input type="checkbox"/> Positive Declaration: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).			
<input type="checkbox"/> Conditional Negative Declaration: A <i>Conditional Negative Declaration</i> (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.			
<input checked="" type="checkbox"/> Negative Declaration: If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a <i>Negative Declaration</i> . The <i>Negative Declaration</i> may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.			
4. LEAD AGENCY'S CERTIFICATION			
TITLE Deputy Director, Environmental Assessment & Review Division		LEAD AGENCY New York City Department of City Planning	
Olga Abinader		DATE March 3, 2017	
SIGNATURE 			

Figure 1

Land Use/Area Map
 62 Greene Street, Manhattan
 Block 485, Lot 3

Project Information

- 600' Radius
- Development Site
- Zoning Districts
- Special Districts
- Historic Districts

Existing Commercial Overlays

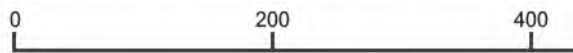
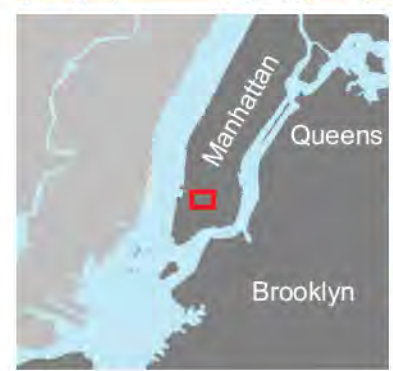
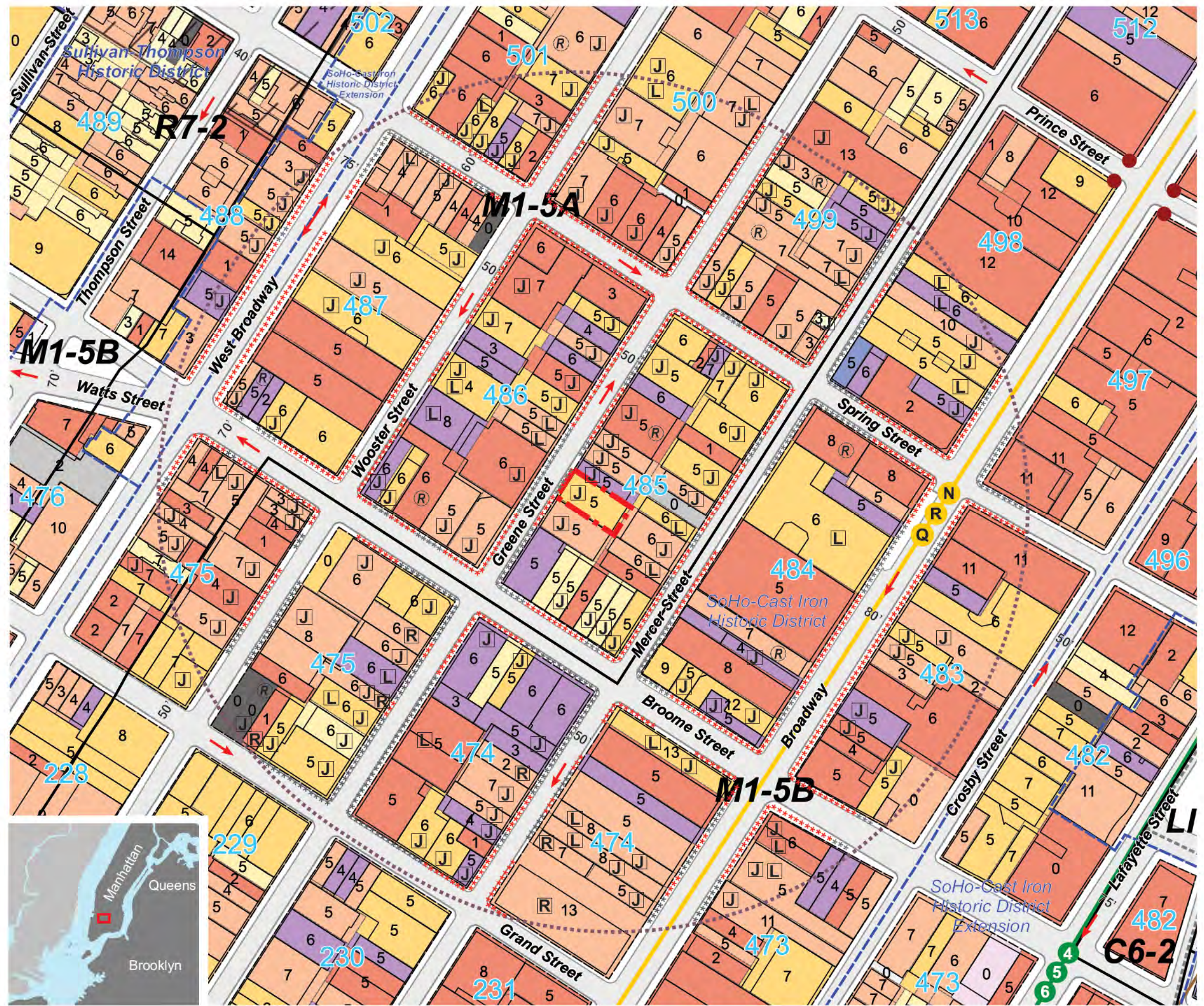
C1-1	C1-2	C1-3	C1-4	C1-5
C2-1	C2-2	C2-3	C2-4	C2-5

- Subway Entries
- 5037 Block Numbers
- Property Lines
- 5 Number of Floors
- Retail Frontage (existing and confirmed*)
- Retail Frontage (existing, unconfirmed*)
- Retail Use (per CO or approval, but not observed*)
- J Building Containing JMWQA (per CO)
- R Building Containing Upper Floor Residential Units (per CO)
- Special Permit Approved, C.O. Pending
- L Building Listed on Loft Board List of Buildings With IMD Status (that have neither JMWQA or upper floor residential units on their CO)

Land Uses

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

*The location of ground floor retail uses was identified by an in-person survey of the area. The ground floor retail uses were researched by reference to Certificates of Occupancy, DCP/CPC Approvals, and BSA Approvals. Where shown by red asterisks, the retail use was confirmed by one of those three sources. Where shown by gray asterisks, the retail use was not shown on one of those sources and may be legally non-conforming or may not be legal. A single black asterisk on a site indicates that our research indicated retail use, but none was observed during our in-person survey of the area.



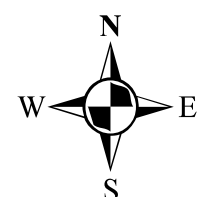
62 Greene St (Block 485, Lot 3) - Digital Tax Map - New York City Dept. of Finance (2/28/2017)



- - Borough Boundary
- Tax Block Boundary
- 5 Tax Block Number
- Tax Lot Boundary
- 50 Tax Lot Number
- 5e- Condo FKA Tax Lot Number
- Approximate 400ft radius
- Project Site

ll:m.m|Condo Units Range Label

Figure 2b - Official Tax Map
62 Greene Street, New York NY



NYC Digital Tax Map

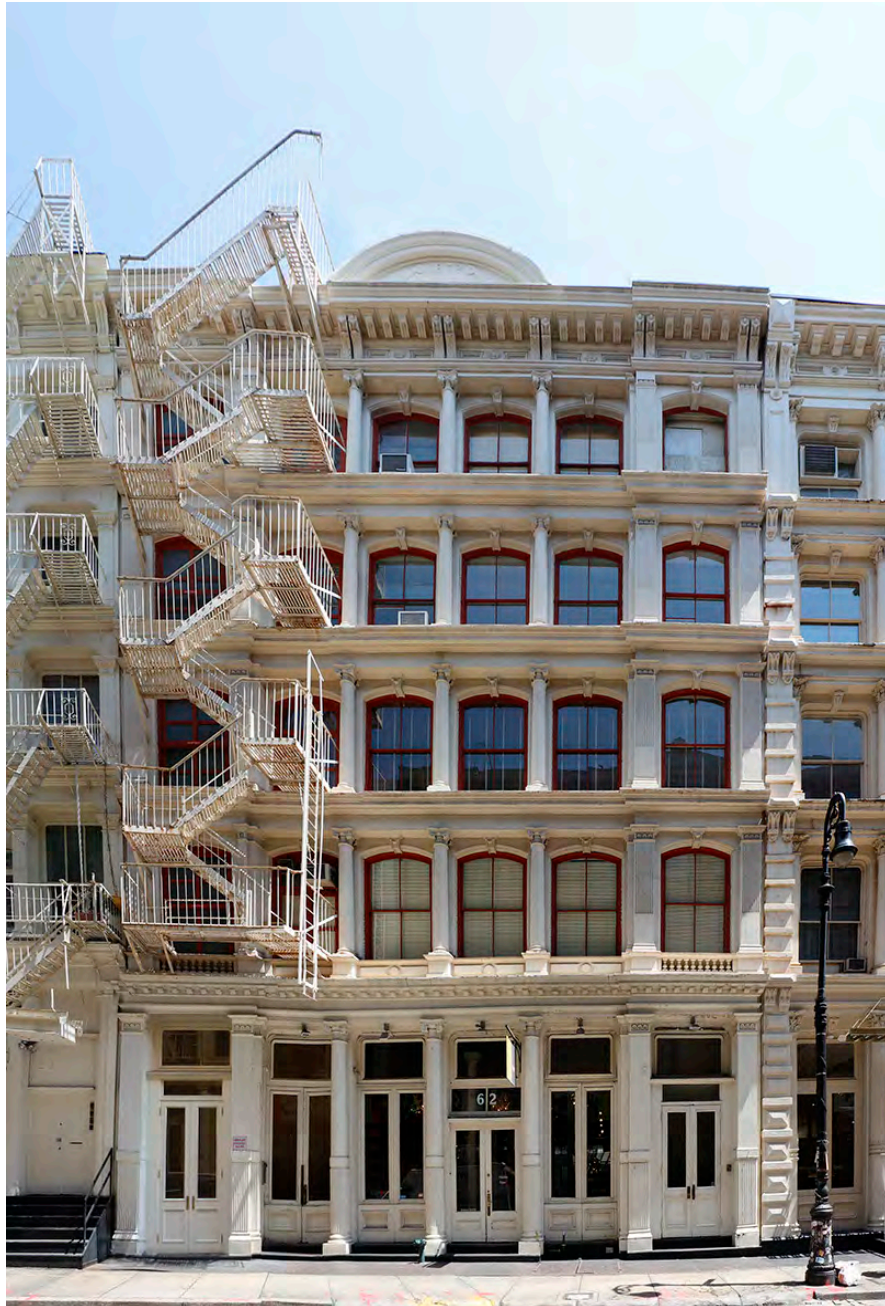
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End Date : Current
Manhattan Block: 485

Legend

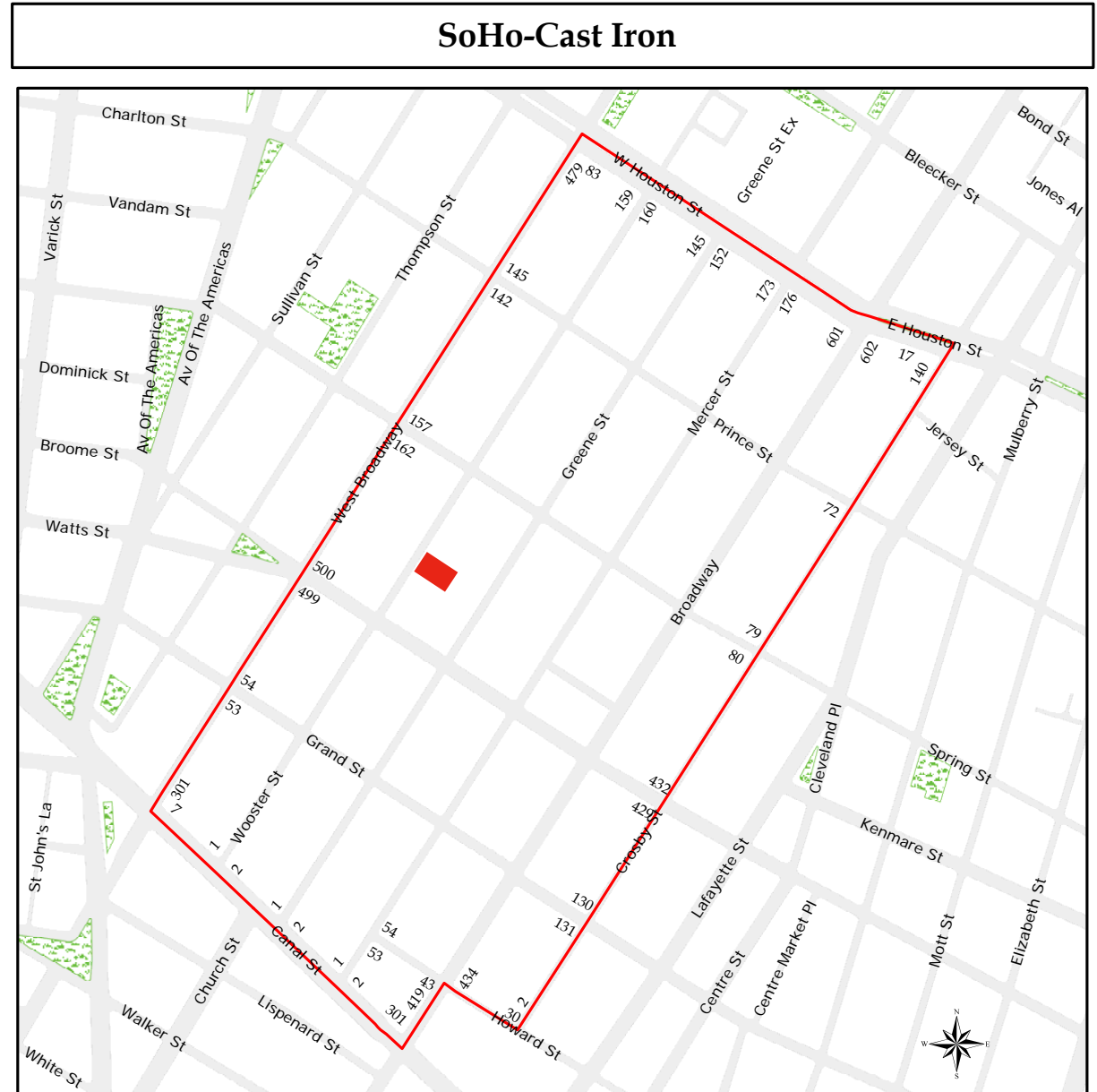
- Streets
- Miscellaneous Text
- ↓ Possession Hooks
- - - Boundary Lines
- ↓ Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon



Figure 3
62 GREENE STREET



ADDRESS: 62 GREENE ST., NEW YORK, NY 10012
MANHATTAN COMMUNITY BOARD: 2
BLOCK: 485
LOT: 3
ZONING: M1-5A



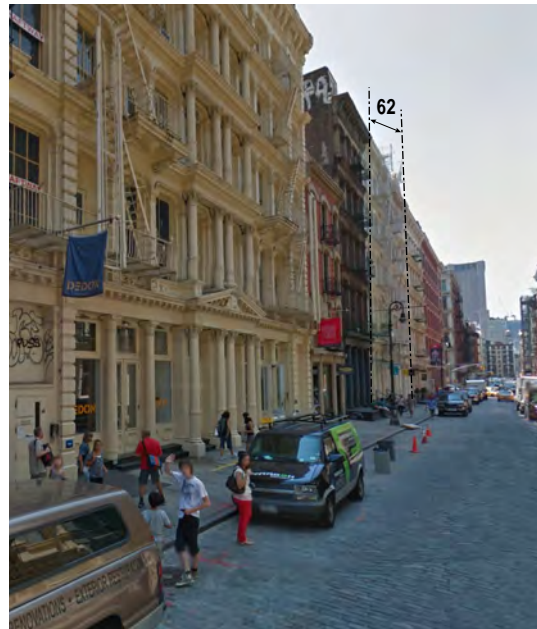
SoHo-Cast Iron
 Historic District
 Manhattan
 Designated: August 14, 1973

Historic District Boundaries





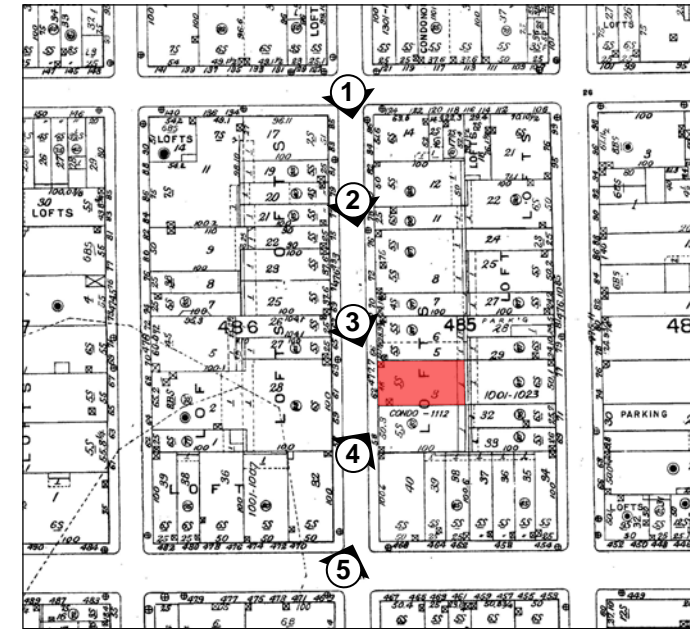
VIEW 1
GREENE STREET LOOKING SOUTH



VIEW 2
GREENE STREET LOOKING SOUTH



VIEW 3
GREENE STREET LOOKING SOUTH



KEY PLAN ■ 62 GREENE STREET



VIEW 4
GREENE STREET LOOKING SOUTH



VIEW 5
GREENE STREET LOOKING SOUTH



GREENE STREET ELEVATION
BETWEEN SPRING STREET AND BROOME STREET

REVISIONS	

SCALE AS NOTED	DATE 8/31/16
-------------------	-----------------

PROJECT NAME 62 GREENE STREET NEW YORK, NY 10012

DRAWING TITLE GREENE STREET VIEWS

ARCHITECT BONE / LEVINE ARCHITECTS 561 BROADWAY, No. 8D NEW YORK, NY 10012 TEL: 212-219-1038 FAX: 212-226-8056

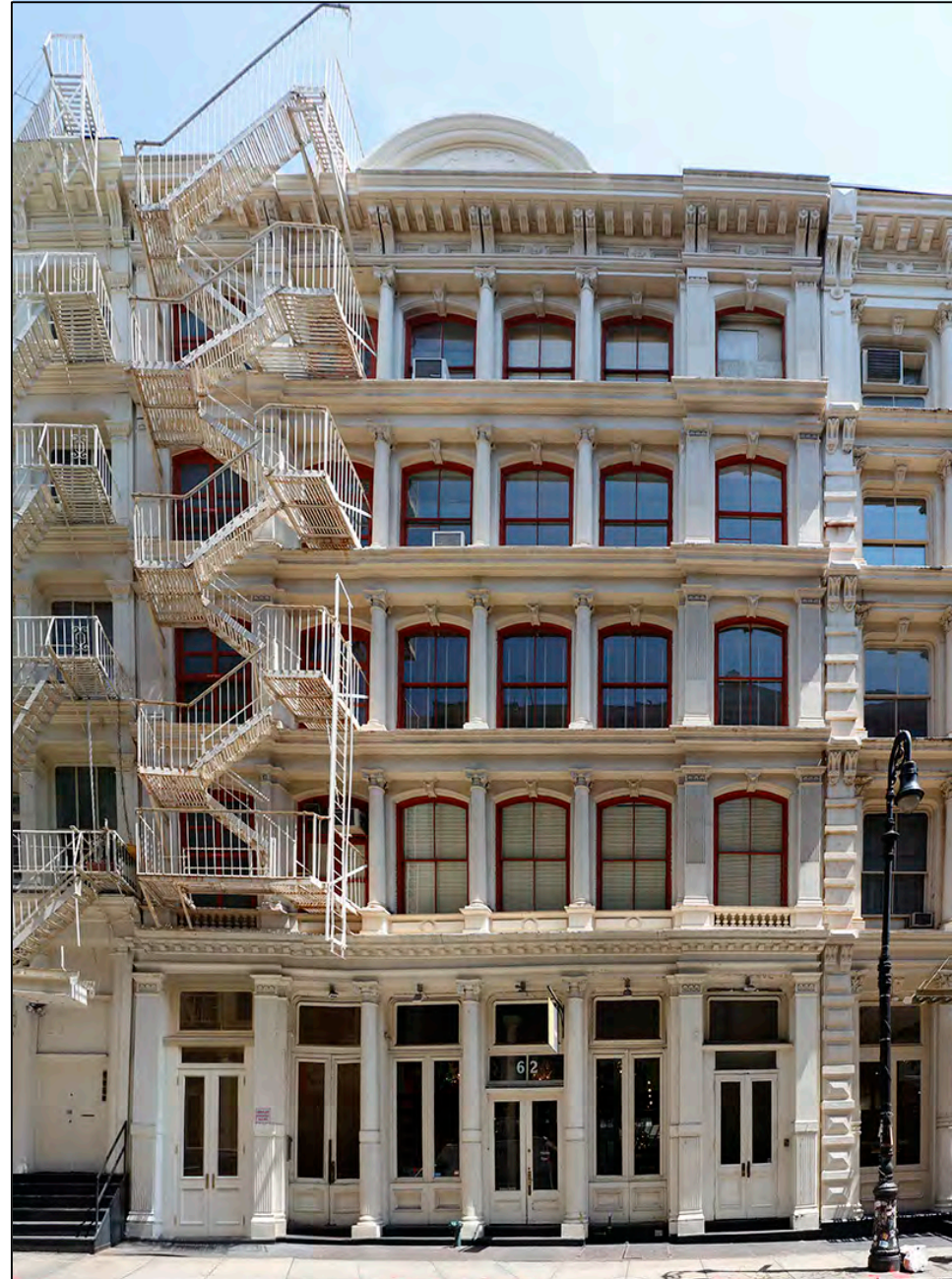
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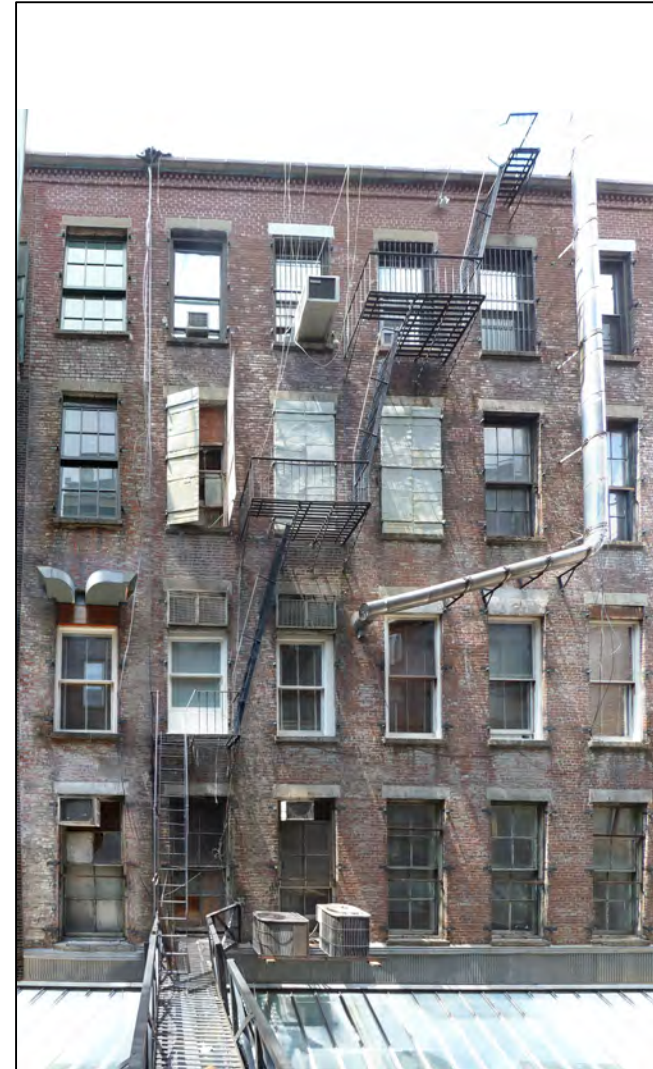
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1 of 1

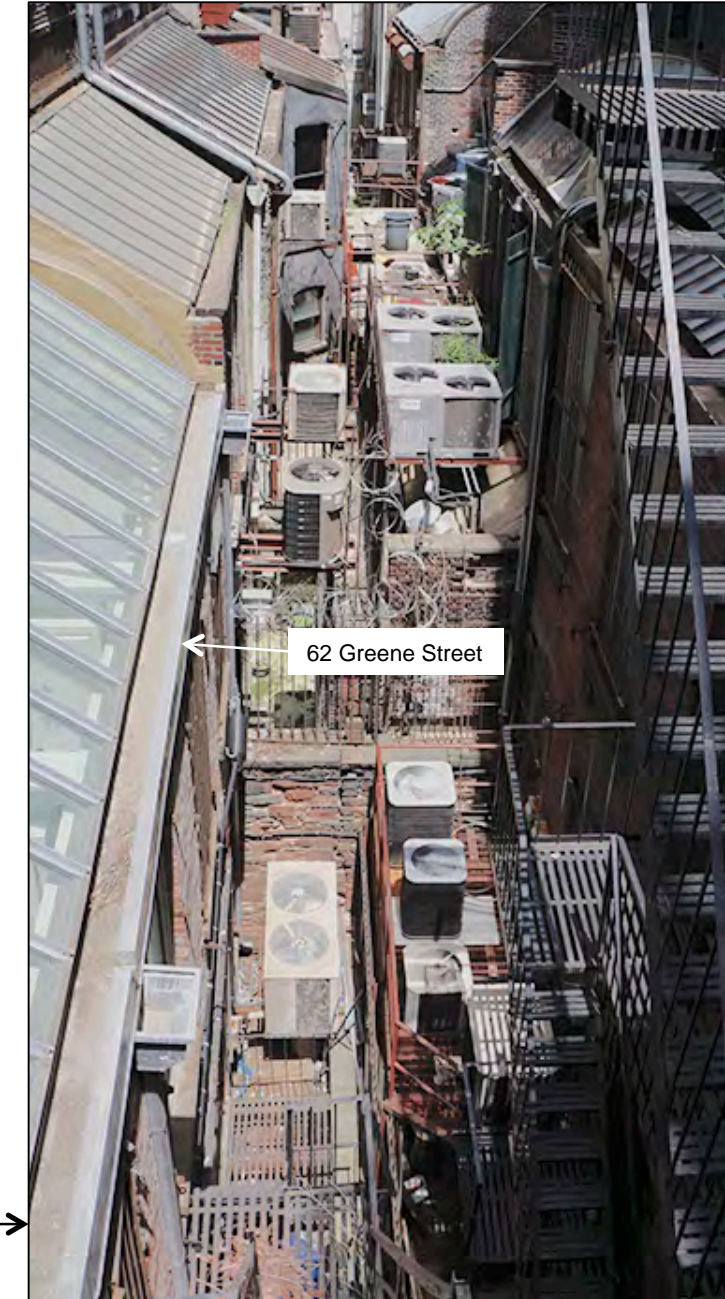
**62 GREENE STREET
EXISTING CONDITIONS**



Present Condition, Street Façade (West)



Present Condition, Rear non-visible Elevation (East)



Present Condition of Rear Yard below setback skylight

NOTE: Restorative work only, there will be no change in bulk.

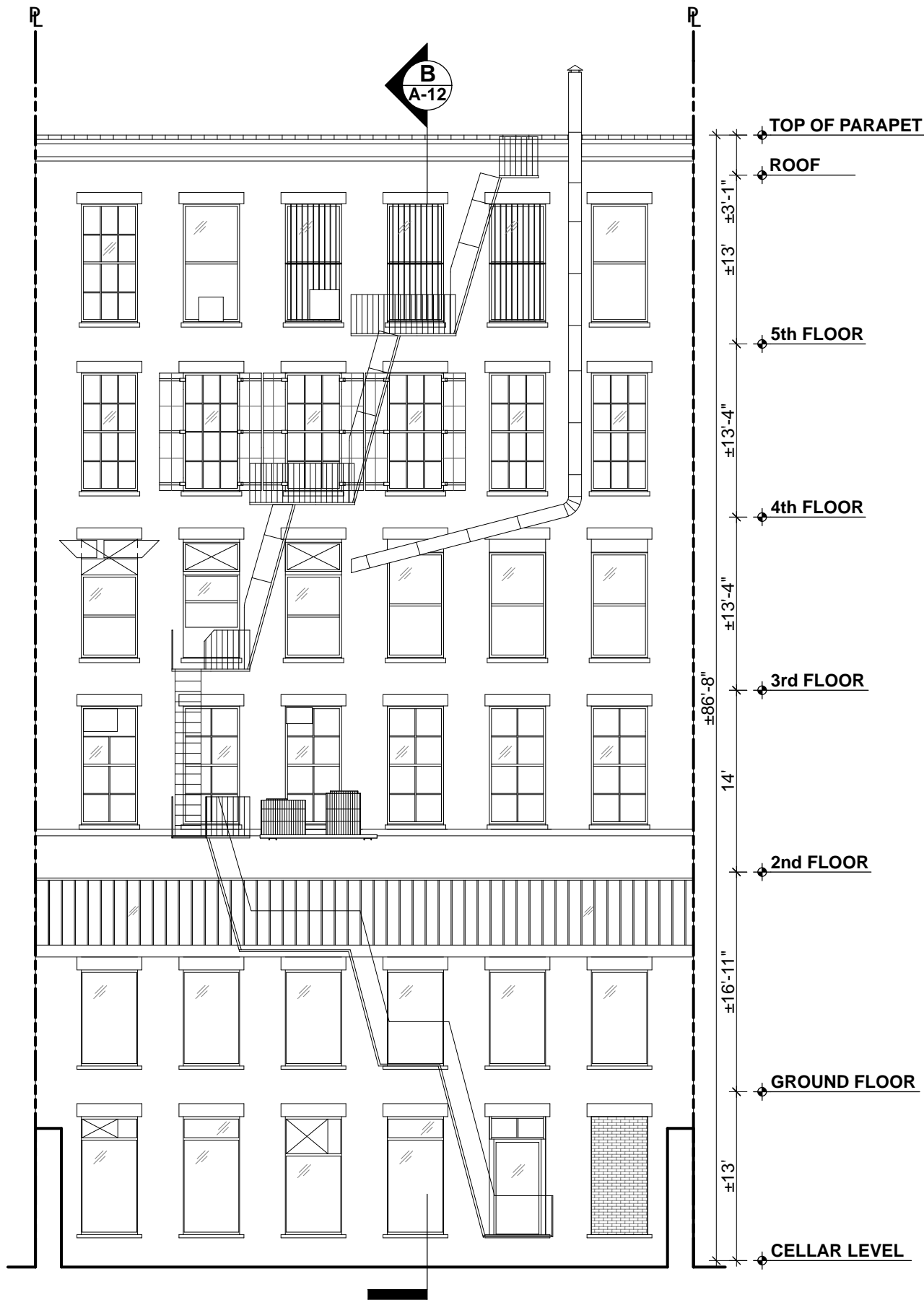
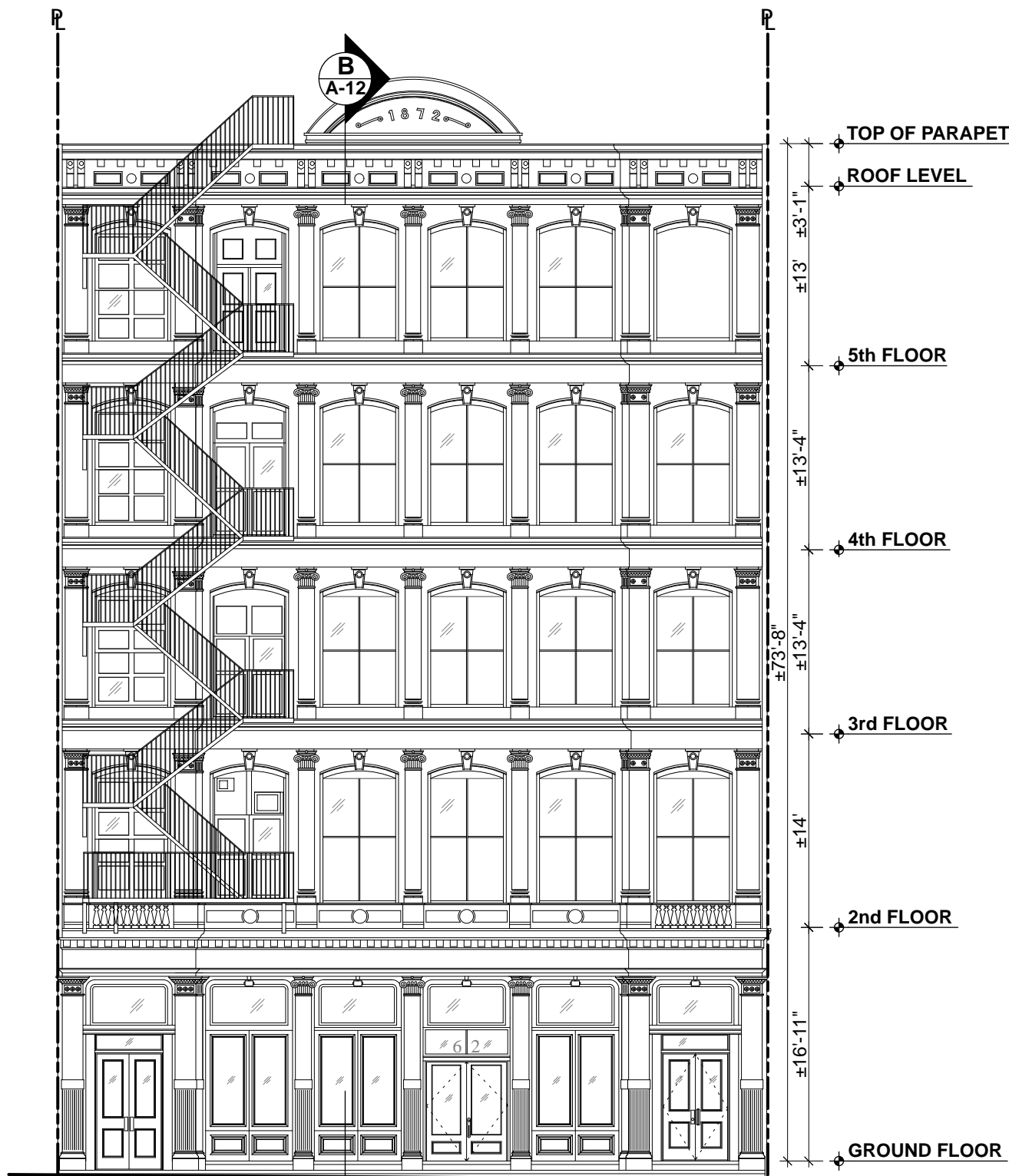
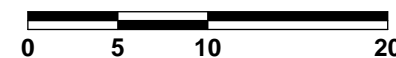


Figure 4
62 GREENE STREET
EXISTING CONDITIONS

1 **GREENE STREET - WEST FACADE**
 SCALE: 3/32" = 1' - 0"








2 **EAST (REAR) ELEVATION**
 SCALE: 3/32" = 1' - 0"



PRELIMINARY SET

LEGEND

-  ZONING LOT
-  TAX LOT LINE
-  BUILDING ENTRY @ GRADE
-  BUILDING SECTION
-  BUILDING ELEVATION

REVISIONS	
9/1/16 DCP draft app	

SCALE AS NOTED	DATE 9/1/16
-------------------	----------------

PROJECT NAME 62 GREENE STREET NEW YORK, NY 10012

DRAWING TITLE WEST AND EAST ELEVATIONS

ARCHITECT BONE / LEVINE ARCHITECTS 561 BROADWAY, No. 8D NEW YORK, NY 10012 TEL: 212-219-1038 FAX: 212-226-8056

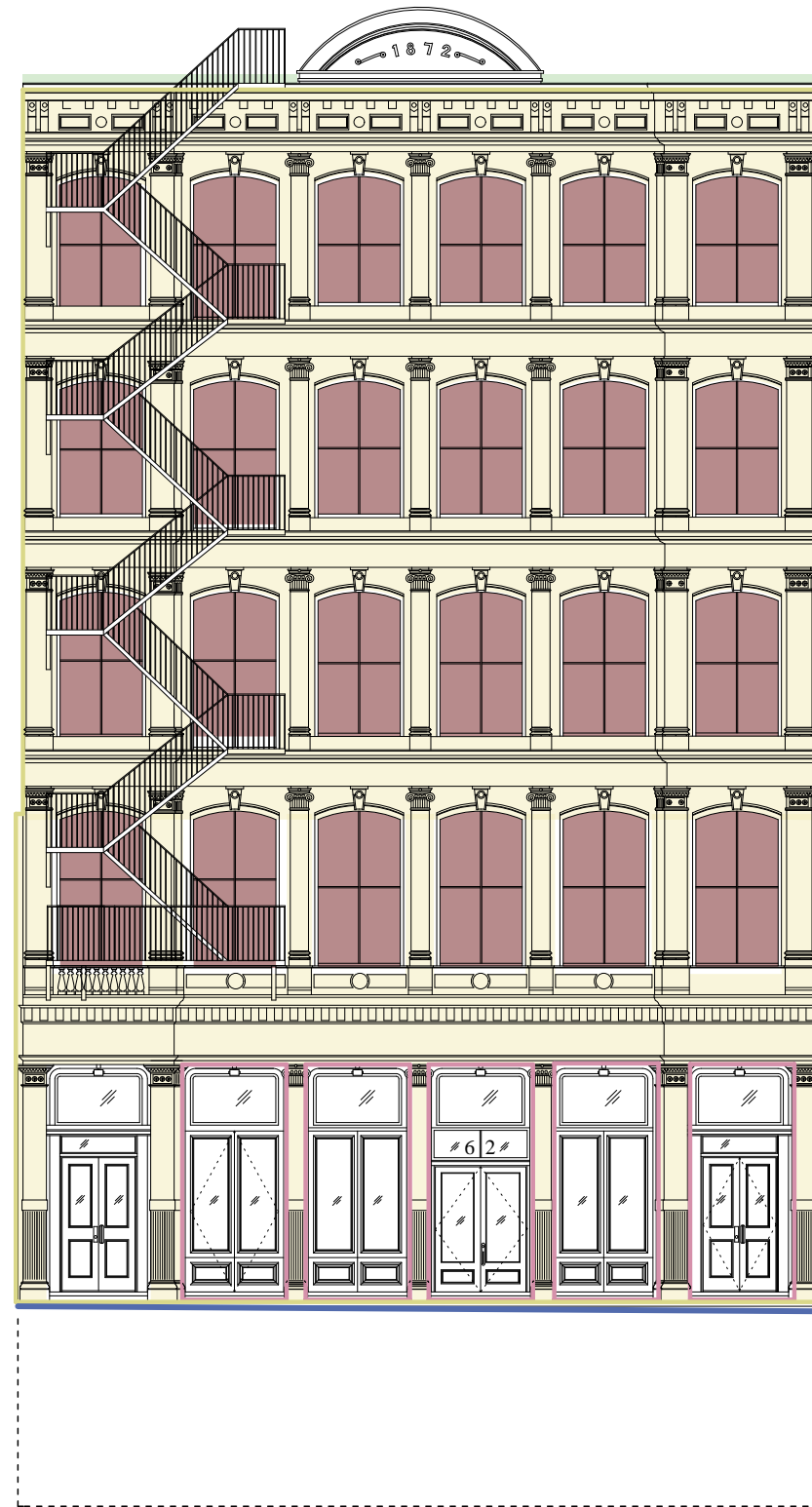
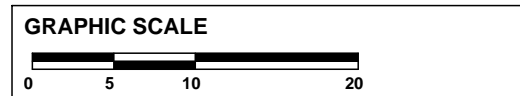
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DRAWING NUMBER: A-09

PAGE: 12 of 14

PROPOSED RESTORATION WORK
With-action Condition

KEY	
	RESTORATION OF CAST IRON FACADE AND APPURTENANCES (INCLUSIVE OF FIRE ESCAPES)
	WINDOW REPLACEMENT PROGRAM
	RESTORATION OF EXISTING STOREFRONT
	RESTORATION OF MASONRY FACADE AND APPURTENANCES
	REPAIR ROOF METAL STRUCTURES AND RAILINGS, AND STAIR BULKHEAD.
	RESTORATION AND CLEANING OF SIDEWALK DIAMOND PLATE AND STONE FLAGS
	RESTORATION OF MASONRY PARTY WALLS, AND CLEANING OF REAR YARD



WEST FACADE - GREENE STREET ELEVATION

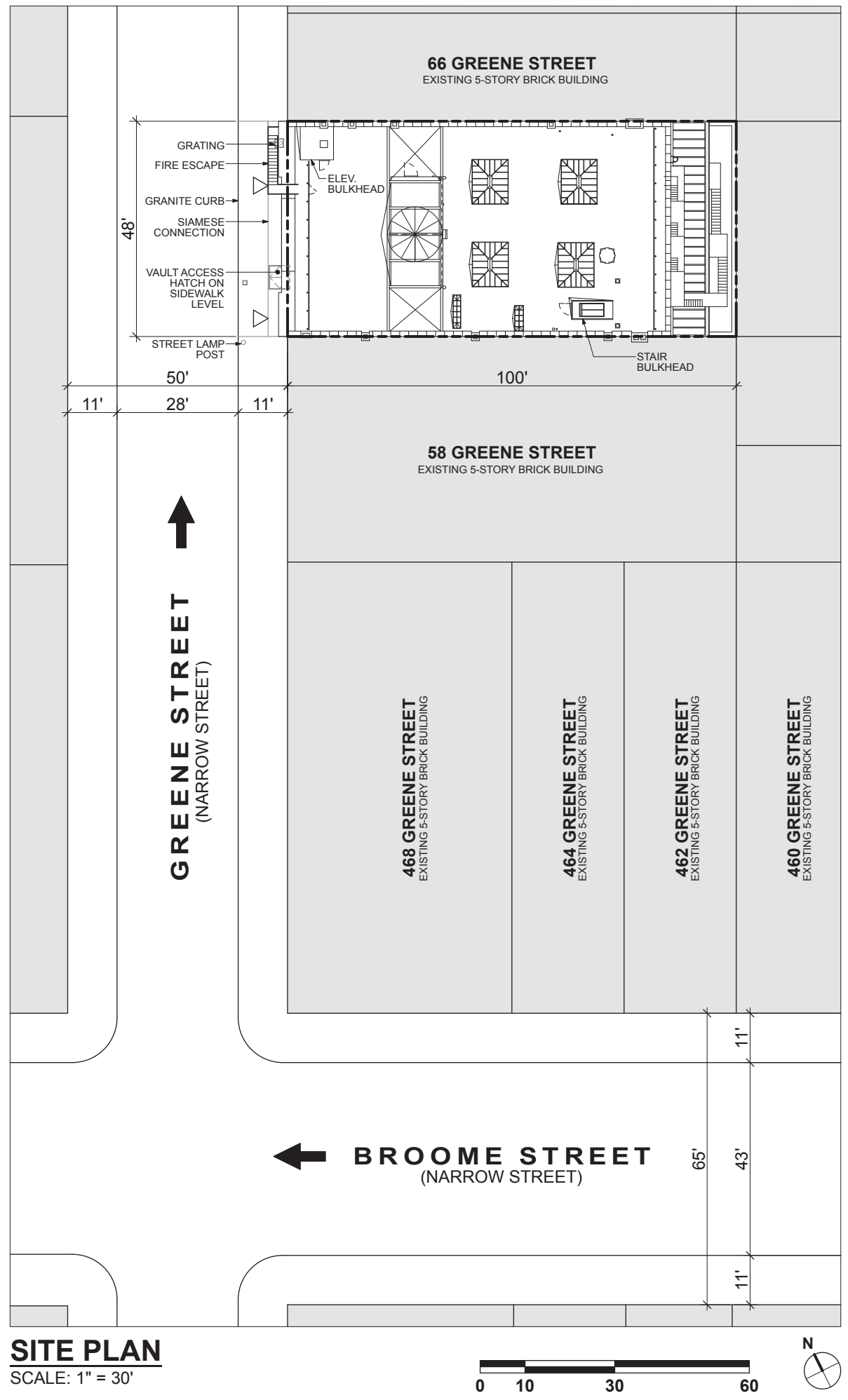


EAST FACADE - REAR YARD NON-VISIBLE ELEVATION

NOTE: Restorative work only, there will be no change in bulk.

Figure 6
62 GREENE STREET
PROPOSED SITE PLAN

DISCLAIMER NOTE
 INFORMATION OUTSIDE OF THE BOUNDARIES OF THE ZONING LOT IS FOR ILLUSTRATIVE PURPOSES ONLY, AND MAY NOT BE EXACT. THE ARCHITECT BEARS NO RESPONSIBILITY FOR INEXACT INFORMATION ON SURROUNDING PROPERTIES.



SITE PLAN
 SCALE: 1" = 30'



PRELIMINARY SET

LEGEND

- ZONING LOT
- TAX LOT LINE
- BUILDING ENTRY @ GRADE
- BUILDING SECTION
- BUILDING ELEVATION






REVISIONS	
9/1/16 DCP draft app	
SCALE AS NOTED	DATE 9/1/16
PROJECT NAME 62 GREENE STREET NEW YORK, NY 10012	
DRAWING TITLE SITE PLAN	
ARCHITECT BONE / LEVINE ARCHITECTS 561 BROADWAY, No. 8D NEW YORK, NY 10012 TEL: 212-219-1038 FAX: 212-226-8056	
SEAL & SIGNATURE:	
DRAWING NUMBER: G-02	
PAGE:	2 of 14

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KEY		
FILL	LABEL	NOTE
	AREA SUBJECT TO SPECIAL PERMIT PURSUANT TO ZR SECTION 74-711 TO ALLOW USE GROUP 6 (COMMERCIAL) IN M1-5A ZONING DISTRICT	2,029 sq ft GROSS FA.
	AREA OF MECHANICAL DEDUCTIONS	N/A

PRELIMINARY SET

LEGEND

-  ZONING LOT
-  TAX LOT LINE
-  BUILDING ENTRY @ GRADE
-  BUILDING SECTION
-  BUILDING ELEVATION

REVISIONS	
9/1/16 DCP draft app	

SCALE AS NOTED	DATE 9/1/16
----------------	-------------

PROJECT NAME
62 GREENE STREET
 NEW YORK, NY 10012

DRAWING TITLE
 CELLAR LEVEL PLAN

ARCHITECT
BONE / LEVINE ARCHITECTS
 561 BROADWAY, No. 8D NEW YORK, NY 10012
 TEL: 212-219-1038 FAX: 212-226-8056

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PAGE:
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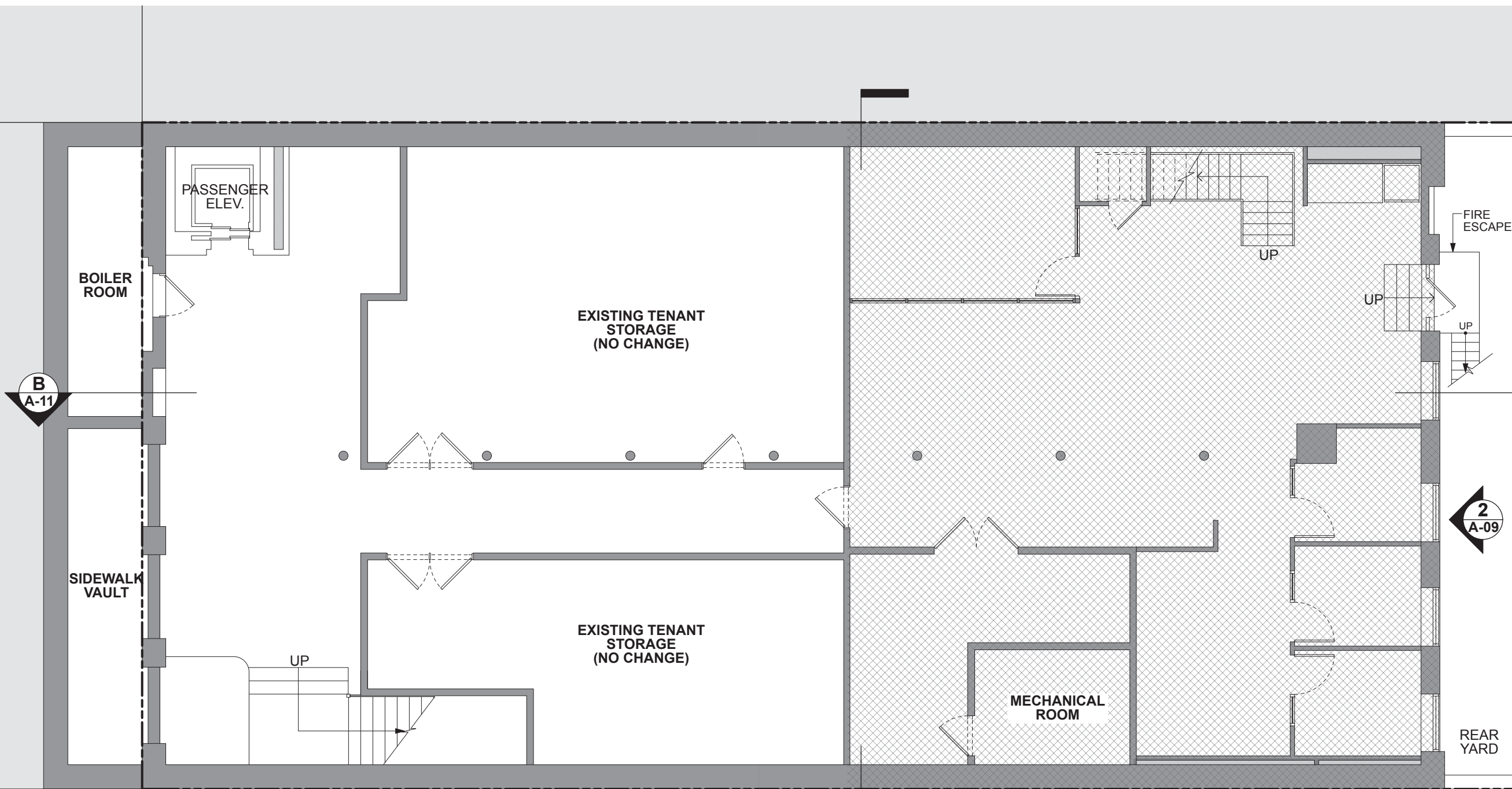


Figure 7
62 GREENE STREET
CELLAR LEVEL PLAN - With Action
 SCALE: 1/8" = 1'-0"



KEY		
FILL	LABEL	NOTE
	AREA SUBJECT TO SPECIAL PERMIT PURSUANT TO ZR SECTION 74-711 Lobby	498 sq ft GROSS FA.
	AREA SUBJECT TO SPECIAL PERMIT PURSUANT TO ZR SECTION 74-711 TO ALLOW USE GROUP 6 (COMMERCIAL) IN M1-5A ZONING DISTRICT	4,073 sq.ft GROSS FA.
	AREA OF MECHANICAL DEDUCTIONS	0 sq ft

PRELIMINARY SET

LEGEND	
	ZONING LOT
	TAX LOT LINE
	BUILDING ENTRY @ GRADE
	BUILDING SECTION
	BUILDING ELEVATION

REVISIONS	
9/1/16 DCP draft app	

SCALE AS NOTED	DATE 9/1/16
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PROJECT NAME	62 GREENE STREET NEW YORK, NY 10012
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DRAWING TITLE	GROUND FLOOR PLAN
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ARCHITECT	BONE / LEVINE ARCHITECTS 561 BROADWAY, No. 8D NEW YORK, NY 10012 TEL: 212-219-1038 FAX: 212-226-8056
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SEAL & SIGNATURE:	
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DRAWING NUMBER:	A-02
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PAGE:	5 of 14
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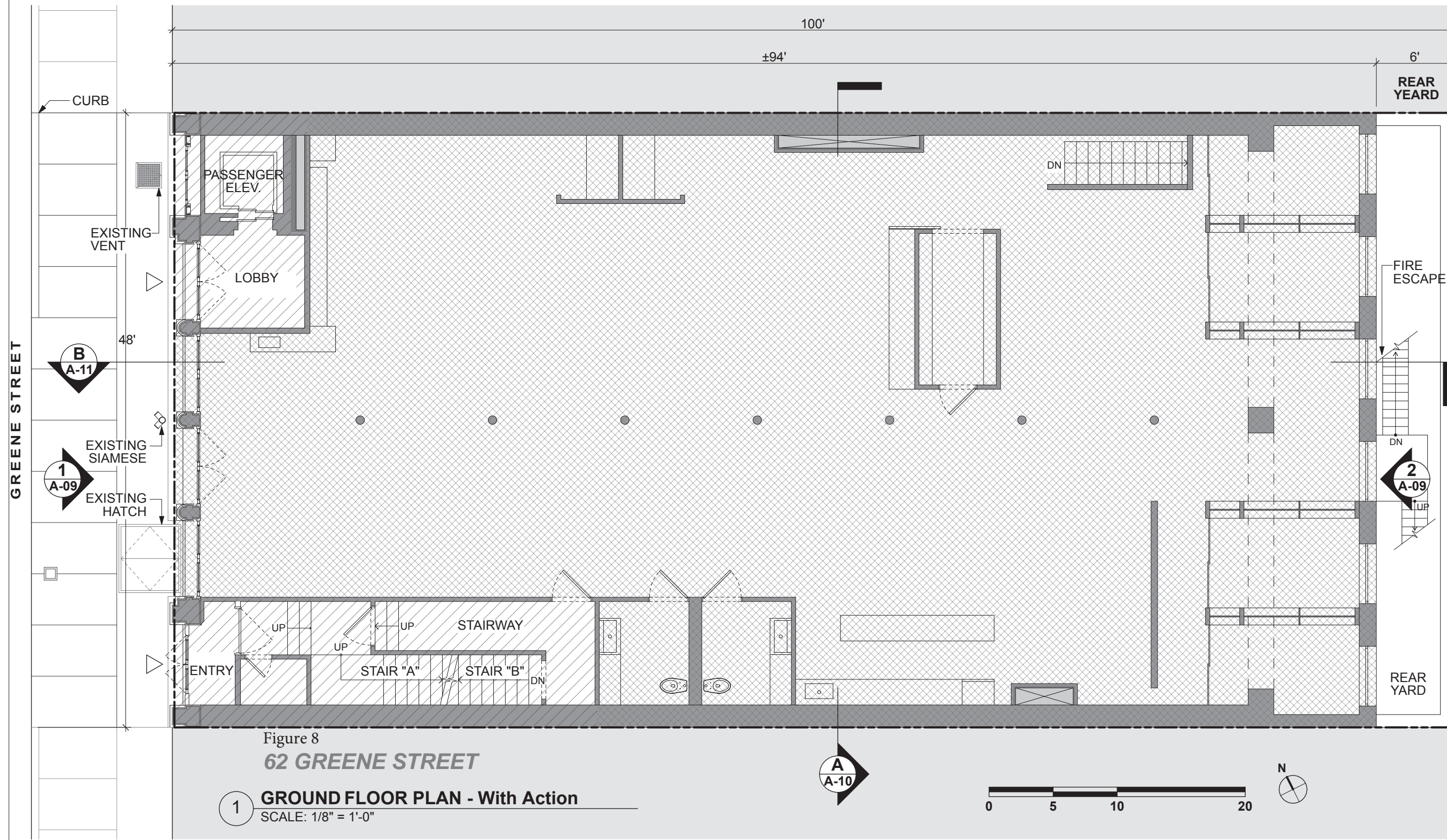


Figure 8
62 GREENE STREET

1 GROUND FLOOR PLAN - With Action
SCALE: 1/8" = 1'-0"

Introduction

The applicant, 62 Greene Owners Corp, seeks approval of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use provisions of Section 42-14(D)(2)(a) of the Zoning Resolution of the City of New York (“Zoning Resolution” or “ZR”). The property is located at 62 Greene Street (Block 485, Lot 3; the “Project Site”), in an M1-5A zoning district within the SoHo-Cast Iron Historic District, Community Board 2 in Manhattan. It is located on the eastern side of Greene Street, a narrow street, between Broome Street, to the south, and Spring Street, to the north. The Project Site is improved with a five-story building (the “Building”) that was constructed in approximately 1872.

Proposed Action

The applicant is requesting a Special Permit pursuant to Zoning Resolution (the ‘Z.R.’) section 74-711 to modify the use regulations of Section 42-10 to allow 6,102 GSF of retail Use Group 6 (UG 6) on the ground floor and cellar of an existing building located at 62 Greene Street in the SoHo section of Manhattan Community District 2. In addition to the modification of use, the applicant intends to repair the exterior cast-iron street façade and rear nonvisible masonry façade, and restore the storefronts. The windows of the upper stories will be changed to uniform, historic two over two; the ground floor is to be restored; the rear facade, windows and metal shutters will be repaired and cleaned and the windows will be replaced as required, and mechanical equipment will be removed; and the sidewalk will be restored and cleaned. The building restoration is shown in Figure 5 above.

Description of Surrounding Area

The area within a radius of 600 feet of the Project Site (the “Surrounding Area”) falls entirely within the SoHo-Cast Iron Historic District (designated August 14, 1973) and the SoHo-Cast Iron Historic District Extension (designated May 11, 2010; both districts collectively, “SoHo”). SoHo contains a concentration of historically significant cast-iron buildings from the 19th-century that generally housed mercantile and dry goods (textiles) manufacturing. Today, shoe, clothing and jewelry boutiques, art galleries, restaurants, national and international chain stores, and lighting and furniture showrooms and shops populate the ground floors of the buildings in the Surrounding Area. Greene Street, from Grand Street to Prince Street, contains a significant number of ground floor retail use, shoes, clothing and jewelry stores. Many of these buildings have dwelling units on the upper floors including: Joint Living-Work Quarters for Artists (“JLWQA”), residential units (UG 2), and Interim Multiple Dwellings (“IMDs”) and legalized lofts pursuant to Article 7C of the Multiple Dwelling Law. The remaining buildings contain commercial office and light manufacturing uses on their upper floors, at least according to their certificates of occupancy and the PLUTO Map. Figure 1 above contains a land use map for the surrounding area.

The scale of the construction in the Surrounding Area is predominantly composed of 5- and 6-story cast iron elevator buildings, clad in stone or brick, as well as a few 3- and 4-story brick walk-up apartment buildings. However, to the east of the Project Site within the Surrounding Area along Broadway, lots are developed with 10-story or taller residential and commercial buildings.

The surrounding area is transit-rich, with multiple subway and bus transit lines accessible to the Project Site. The N, Q, and R subway lines run under Broadway with a stop on Prince Street, two blocks east of the Project Site. In addition, the M5 bus line runs south on Broadway and north on Avenue of the Americas, with multiple stops near and through the Surrounding Area.

Within the surrounding area, there is no new development in progress. However, since the year 2000, the City Planning Commission (CPC) has granted 27 special permits for conversions to retail and/or residential uses with the surrounding area¹. In the same time period of time, the Board of Standards and Appeals granted nine variances that have allowed a conversion to retail and/or residential uses.

Description of the Project Site:

The Project Site is 48 feet x100 feet, located on the eastern side of Greene Street, between Broome and Spring Streets (Figure 1). The official City Map of the City of New York indicates Greene Street has a width of 50 feet, a narrow street as defined by the Zoning Resolution.

The Project Site is improved with a five-story building that was constructed in approximately 1872. The latest Certificate of Occupancy (#82026) dated January 3, 1982, lists a boiler room and storage in the cellar, a warehouse and office in the first floor, and Joint Living Work Quarters for Artists (JLWQA) on floors two through five. The Building is 27,412 GSF, with a zoning square footage (ZSF) of 22,843 and has a FAR of 4.76. The five-story building is 73 feet, 8 inches tall, built to party walls, and has a non-conforming rear yard that is approximately 5-feet deep to the rear lot line at the ground levels and approximately 15 feet deep above the first floor. The Project Site has approximately 229 square feet of open space. The Building's footprint at the ground floor is approximately 4,512 square feet. Figure 4 shows the existing building's front and rear elevations.

The maximum permitted FAR in a M1-5A district is 5.0 with permitted use groups of Use Groups 4-13, 16 and 17. Pursuant to ZR Section 42-14-D(2), in buildings occupying more than 3,600 square feet of lot area, ground floor uses are limited to Use Groups 7, 9, 11, 16, 17A, 17B, 17C, or 17E. The Building contains approximately 4,073 square feet of zoning floor area of building materials sales space (the "Retail Unit") on the ground floor. The Applicant owns the Retail Unit. It has been leased for the last eight years to Trespa North America ("Tenant") for the sale of architectural building materials (UG 16). The lease expires September 2017 and the Tenant has informed the Applicant that it does not intend to renew its lease.

Until December 1981, the Building had manufacturing uses on the upper floors. The upper floors of the Building were converted to JLWQA in 1981, with four (4) JLWQA units, which are not subject to the Proposed Action. All four of the artists who participated in that conversion remain tenants in the Existing Building and are the shareholders of the Applicant.

The subject property is located in the SoHo Cast Iron Historic District section of Manhattan Community District 2 within an M1-5A zoning district. The M1-5A zones mapped in the SoHo Cast Iron District contain special provisions relating to the conversion of manufacturing uses to

¹ Building conversions have been extracted from documents available on the Department of Building's website, LUCATS, and online BSA decisions.

retail uses below the second story of a building with a footprint greater than 3,600 square feet and JLWQA on or above the second story. The zones were established in order to protect light manufacturing uses and to encourage stability and growth in appropriate mixed use areas. However, manufacturing uses have declined substantially and the area is now developed predominantly with 5- to 7-story loft buildings which have been converted to residential use or contain JLWQA, with ground floor retail including clothing boutiques, art and home décor galleries, and furniture showrooms. There is no major new development in progress, however several special permits have been granted for conversions to retail, 640 Broadway (CEQR# 16DCP087M), 323 Canal Street (CEQR# 16DCP027M), and 130 Prince Street (CEQR# 14DCP151M) to name a few.

Floor	Existing Use Group	Existing Gross Floor Area	Mechanical Deductions (SF)	Existing Zoning Floor Area	Proposed Use Group	Proposed Gross Floor Area	Mechanical Deductions (SF)	Proposed Zoning Floor Area
Cellar	16; building materials sales	2,029	0	0	6; Retail	2,029	0	0
	Storage	2,540	0	0	Storage	2,540	0	0
1ST Floor	16; building materials sales	4,073	0	4,073	6; Retail	4,073	0	4,073
	17; JLWQA (Lobby)	498	0	498	17; JLWQA (Lobby)	498	0	498
2 nd Floor	17; JLWQA	4,179	0	4,179	17; JLWQA	4,179	0	4,179
2 nd Floor Mezzanine	17; JLWQA	1,558	0	1,558	17; JLWQA	1,558	0	1,558
3 rd Floor	17; JLWQA	4,179	0	4,179	17; JLWQA	4,179	0	4,179
4 th Floor	17; JLWQA	4,179	0	4,179	17; JLWQA	4,179	0	4,179
5 th Floor	17; JLWQA	4,177	0	4,177	17; JLWQA	4,177	0	4,177
Total		27,412	0	22,843		27,412	0	22,843

NOTE: Floors 2 through 5 are not part of the proposed action

Description of the Proposed Project:

The Applicant seeks a Special Permit to facilitate the conversion of the ground floor and portion of the cellar of an existing building from Use Group (UG) 16 retail (buildings materials sales) to UG 6 retail use. The UG 6 retail uses are not permitted as-of-right below the level of the second floor in buildings with lot coverage over 3,600 square feet. No bulk modifications are proposed as part of the special permit application. Therefore, the proposed project will remain a FAR of 4.7, including 6,102 GSF (4,073 ZSF) of UG 6 retail use in the cellar and on the ground floor (1.2 FAR).

This modification of use would be performed pursuant to an approved Landmarks Preservation Commission (LPC) Certificate of No Effect (CNE) 19-5859 dated December 9, 2016 and Modification of Use (MOU), 19-5877 approved by the LPC at its November 1, 2016 public hearing. Although the MOU also authorized conversion of the 2nd – 5th stores to residential (UG 2) use, the Applicant is only seeking retail use on the ground floor and cellar. The proposed modifications will have minimal effects on the conforming uses in the building and uses in the

surrounding area. The Applicant is seeking to convert portions of the existing ground floor and cellar to a UG 6 commercial retail space to facilitate its marketability. The upper floors will remain as JLWQA (UG17D) and will continue to be occupied by their respective owners and are not subject to the proposed action. The SoHo-Cast Iron Historic District has transformed from a light manufacturing district to an area with a mix of retail, offices, JLWQAs, IMDs and residential uses. Little or no manufacturing uses remain in the area. Ground floor uses in the surrounding area are typically retail, restaurants or art galleries. The upper floor uses are predominantly residential. The proposed uses in the subject building will be consistent with the surrounding area and will not have an adverse impact on the existing uses.

The Building features a cast-iron clad street facade designed by Henry Fernbach and constructed in 1881. The Applicant intends to repair the street façade, restore the storefront, and perform maintenance on the rear nonvisible masonry façade. The windows of the upper stories will be changed to uniform, historic two over two; the ground floor storefront will be restored; the rear facade, windows and metal shutters will be repaired and cleaned and the windows will be replaced as required, and mechanical equipment will be removed; and the sidewalk will be restored and cleaned. The proposed restoration work that would occur under the proposed action is shown in Figure 5 above. The Landmarks Preservation Commission (“LPC”) found that the restorative work is appropriate pursuant to Certificate of No Effect 19-5859 (LPC 19-0785), dated December 9, 2016. Upon approval of the Special Permit, the applicant will record a Restrictive Declaration with LPC requiring the owner and any successor in interest to provide for the continuing maintenance of the proposed building resulting in its preservation in perpetuity.

Purpose and Need:

The proposed ground floor commercial retail use is not permitted as of right in M1-5A districts. The applicant is requesting a Special Permit pursuant to Zoning Resolution (the ‘Z.R.’) section 74-711 to modify the use regulations of Section 42-14(D)(2)(a) to allow 6,102 GSF of retail use (UG 6) on the ground floor and cellar of an existing building located at 62 Greene Street in the SoHo section of Manhattan Community District 2. The existing JLWQA units are currently occupied by artists and their families and will remain. Once characterized primarily by manufacturing uses, the surrounding SoHo and Tribeca neighborhoods have evolved into mixed-use districts. The predominant uses within these districts are ground floor commercial or retail with offices and/or dwelling units above, including JLWQA and Interim Multiple Dwellings (IMDs). The modification of use on the ground floor and cellar to UG 6 would allow for the space to be leased out and provide additional income to help fund the upkeep of the co-op. The proposed modification of use would result in a design that is compatible with the surrounding development, and has been determined by the LPC to be appropriate for its location within the SoHo Cast Iron Historic District. The Special Permit would incorporate a preservation and maintenance plan that would ensure that the building is maintained in a sound, first class condition. It is the intent of the applicant that the conversion of the ground floor to commercial retail use would be consistent with surrounding land use patterns and would provide a viable development that would be able to support the ongoing maintenance of this structure.

Build Year:

The proposed action would allow for the change of use and an interior fit out of ground floor retail. Factoring the ULURP process, the projected build year will be 2018.

Analysis Framework

This environmental assessment considers the potential effects of the proposed action compared to future conditions without the approvals sought by the project sponsor.

Existing Conditions

The site, measuring about 4,800 square feet of lot area, is improved with a five-story, 73 foot 8-inch tall cast iron building that was constructed in 1872. The building contains approximately 27,412 GSF (22,843 ZSF) and has an FAR of 4.7. The maximum permitted FAR in a M1-5A district is 5.0 with permitted use groups of UG 4 through 13 plus 16 and 17. The building has a non-conforming rear yard that is approximately 5-feet deep to the rear lot line at the ground levels and approximately 15 feet deep above the first floor.

Once an industrial building, the existing building was converted to contain Joint Living-Work Quarters for Artists (JLWQA) in 1981. The Certificate of Occupancy (1982) documents UG 17D JLWQA on the 2nd through 5th floors (four units) and UG 16 warehouse and office use on the ground floor. The Applicant is the artist cooperative that consists of the current shareholders of the existing building, all of whom are certified artists. Additionally, the ground floor has been leased to conforming tenant Trespa North America for the sale of architectural building materials.

No-Action Condition

The proposed uses are not permitted as of right in M1-5A districts. In the no action scenario, UG 16 building supplies sales on the ground floor would remain with a total of 27,412 GSF of manufacturing use. The existing Joint Living-Work Quarters for Artists (JLWQA) on the 2nd through 5th floors (four units) would remain unchanged and are not part of the proposed action.

With-Action Condition

With the approval of the proposed Special Permit, the building at 62 Greene Street the ground floor use would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries). The Building is 27,412 GSF, with a zoning square footage of 22,843 and has a FAR of 4.76. The zoning analysis for the proposed building indicates that 4,073 GSF of commercial retail use would occupy the ground floor and 2,029 GSF commercial retail would occupy the cellar. There would be no change in bulk and the building would maintain its existing height of 73 foot 8-inch and FAR of 4.7. Figure 6 above shows the proposed site plan, Figure 7 shows the proposed cellar plan, and Figure 8 shows the proposed ground floor plan.

Summary of Environmental Assessment

Based on the answers to the questions contained in the attached Environmental Assessment Statement (EAS) Form, the following issues were found to require additional information and analysis:

- **Land Use, Zoning, and Public Policy:** The proposed addition is within the applicable zoning envelope which is governed by the maximum base height and applicable sky exposure planes. The surrounding area is a mix of lower and medium-density residential, commercial and institutional uses. The

introduction of a mixed-use building with commercial retail uses would serve local residents. The proposed action would not create a significant adverse impact.

- **Open Space:** The Project Site is located within an under-served area of Manhattan. The approval of the proposed action would introduce new commercial retail uses into the area; however the incremental difference between the No-Action and With-Action scenarios does not exceed the threshold defined in *2014 CEQR Technical Manual*. Therefore, the proposed action would not create a significant adverse impact.
- **Historic and Cultural Resources:** The proposed building is located within the SoHo Historic District. The changes requested support and are warranted by the significant restorative and historic preservation work that has been approved the Landmarks Preservation Commission. The Applicant has received a CNE dated December 9, 2016 and an approved Modification of Use letter from LPC dated December 7, 2016; therefore no significant adverse impacts are anticipated on Historic Resources.
- **Hazardous Materials:** The proposed modification of use would convert existing UG16 building materials sales space on the ground floor of an existing building to UG6 commercial retail use. The approval of the proposed action would not introduce any new sensitive resources to the area or increase exposure pathways, therefore no significant adverse impacts are anticipated for Hazardous Materials.
- **Noise:** The proposed modification of use would introduce new workers and patrons into the area. The introduction of workers and patrons will not cause traffic to double and therefore will not increase the noise levels in the area. Therefore, no significant adverse impacts are anticipated for noise.
- **Neighborhood Character:** The proposed action would not create significant impacts to any of the aspects of the environment that contribute to Neighborhood Character such that, alone or cumulatively, they would result in significant adverse impacts to Neighborhood Character.
- **Construction:** Construction from the proposed action would be limited to interior renovations and would not last longer than one year or occur in a Central Business District or on a major arterial, or result in narrowing or obstructing of pedestrian or vehicular routes in proximity to critical land uses. No significant adverse impacts would result from the approval of the proposed project.

Conclusion

In conclusion, the Proposed Project, facilitated through the action contemplated by this Application, is consistent with the character of the Surrounding Area and would enable the Applicant to restore the Existing Building to exceptional landmark quality. This Application is therefore worthy of the City Planning Commission's consideration and approval.

Land Use, Zoning, and Public Policy

This analysis of land use, zoning, and public policy follows the guidelines set forth in the City Environmental Quality Review (CEQR) Technical Manual (2014 Edition). It characterizes the existing conditions in the area surrounding the project site and addresses potential impacts to land use, zoning, and public policy that would be associated with the proposed action.

Methodology

According to the 2014 CEQR Technical Manual, a preliminary land use and zoning assessment includes a basic description of existing and future land uses and zoning information, and describes any changes in zoning that could cause changes in land use. It also characterizes the land use development trends in the area surrounding the project site that might be affected by the proposed action, and determines whether the proposed project is compatible with those trends or may affect them. This preliminary assessment includes a basic description of the proposed project that would be facilitated by the proposed action in order to determine whether a more detailed assessment would be appropriate.

For public policy, the 2014 CEQR Technical Manual stipulates that a preliminary assessment should identify and describe any public policies (formal plans, published reports) that pertain to the study area, and should determine whether the proposed project could alter or conflict with identified policies. If so, a detailed assessment should be conducted. Otherwise no further assessment is needed.

The following land use, zoning, and public policy assessment follows this guidance and provides a description of existing conditions of the project site and surrounding area. This is followed by an assessment of the future without and with the proposed action (future No-Action and With-Action conditions, respectively), and a determination that no further analysis is needed.

The land use study area is typically defined as the area within 600 feet of the project site which, for this project, is generally bounded by Greene Street to the west, Spring Street to the north, Mercer Street to the east, and Broome Street to the south (Figure 1). This is the area in which the proposed action would be most likely to have effects in terms of land use, zoning, or public policy.

Land Use

With the approval of the proposed Special Permit, the ground floor and cellar use at 62 Greene Street would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries).

The subject property is located within the SoHo- Cast Iron Historic District. The area contains one of the largest collections of cast-iron buildings. The area is designated as manufacturing but in fact has very few industrial or manufacturing uses. The buildings are mainly mixed use with ground floor retail use predominantly occupied by clothing, home furnishings, and decorative arts retailers. Residential and JLWQA uses, as well as commercial offices and studios, are found on upper floors of buildings within the study area including those on the subject block. SoHo is known for its variety of commercial retail shops ranging from boutiques to national chain store outlets.

No-Action Condition

In the no action scenario, UG 16 building materials sales use on the ground floor would remain with a total of 27,412 GSF of manufacturing use.

With-Action Condition

With the approval of the proposed Special Permit, the building at 62 Greene Street the ground floor use would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries). The Building is 27,412 GSF, with a zoning square footage of 22,843 and has a FAR of 4.76. The zoning analysis for the proposed building indicates that 4,073 GSF of commercial retail use would occupy the ground floor and 2,029 GSF commercial retail would occupy the cellar. There would be no change in bulk and the building would maintain its existing height of 73 foot 8-inch and FAR of 4.7.

Retail uses occupy many ground floor spaces in the study area, and contribute to the area's vitality and pedestrian ambience. The SoHo area has gradually changed from a manufacturing district to a mixed-use district. As the manufacturing activities declined the buildings have been converted for retail use with upper floor residential or JLQWA. The proposed ground floor retail and upper JLQWA would be consistent with established and ongoing land use patterns in SoHo and would not result in adverse impacts on Land Use.

Zoning

The proposed action would modify use regulations of the Zoning Resolution to allow retail use (UG 6) on the ground floor and cellar of an existing building. Such use is permitted pursuant to ZR 74-711 subject to conditions that the proposed modifications of use, along with a continuing maintenance program, would serve a preservation purpose, and that the use modification would have minimal adverse effects on conforming uses within the building and the surrounding area.

The project site is located in a M1-5A zoning district (Figure 1). M1-5A districts have a maximum FAR of 5.0; building heights cannot penetrate the sky exposure (85 feet), and have a minimum rear yard requirement of 20 feet. Zoning regulations allow UG 4 -13, (community facilities, transient hotels, retail and service establishments, home maintenance and repair, amusement establishments, services to business, large retail, custom manufacturing, large entertainment facilities, low coverage or open uses and facilities for boating related activities), 16 (semi-industrial uses) and 17 (light industrial uses) with limitations on UG 6 on the ground floor of a building with JLWQ on upper floors. The proposed commercial uses are not permitted below the second floor in the M1-5A zoning district. The approval of the Special Permit would vary the use regulations to allow UG 6 retail on the ground floor and cellar. There are no parking requirements in the M1-5A zoning district.

No-Action Condition

In the no action scenario UG 16 building materials sales use on the ground floor would remain with a total of 27,412 GSF of manufacturing use.

With-Action Condition

With the approval of the proposed Special Permit, the building at 62 Greene Street the ground floor use would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries). The Building is 27,412 GSF, with a zoning square footage of 22,843 and has a FAR of 4.76. The zoning analysis for the proposed building indicates that 4,073 GSF of commercial retail use would occupy the ground floor and 2,029 GSF commercial retail would occupy the cellar. There would be no change in bulk and the building would maintain its existing height of 73 foot 8-inch and FAR of 4.7.

Conclusion

The proposed project would meet the requirements of the Special Permit. It would not create a conflict with established zoning patterns or the intent of the zoning resolution, and would not adversely affect surrounding uses. A significant adverse zoning impact would not occur with the approval of the Special Permit.

Public Policy

Public policy for the subject site is defined by both the NYC Zoning Resolution and the NYC Landmarks Regulations. Public policy includes the ability of the City Planning Commission to grant modifications of use regulations under ZR 74-711 where conditions are met with regard to LPC approval of the proposed modifications and the establishment of a maintenance program for the historic resource, and findings are met with regard to effect on surrounding uses.

No-Action Condition

In the no action scenario UG 16 building materials sales use on the ground floor would remain with a total of 27,412 GSF of manufacturing use.

With-Action Condition

With the approval of the proposed Special Permit, the building at 62 Greene Street the ground floor use would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries). The Building is 27,412 GSF, with a zoning square footage of 22,843 and has a FAR of 4.76. The zoning analysis for the proposed building indicates that 4,073 GSF of commercial retail use would occupy the ground floor and 2,029 GSF commercial retail would occupy the cellar. There would be no change in bulk and the building would maintain its existing height of 73 foot 8-inch and FAR of 4.7.

Conclusion

Modification of the site's use regulations under this section would not create conflicts with surrounding land uses, and would ensure the construction of the building's upper floors and the permanent maintenance of this historic structure. The LPC has determined that the proposed development would be appropriate for its location within the SoHo Cast Iron Historic District and would be consistent with the goals and intent of the historic district designation. Therefore, the proposed action would be consistent with public policy, and would not result in significant adverse impacts related to land use, zoning, and public policy..

Open Space

An open space assessment is generally required if the proposed action would have a direct or indirect effect on open space resources. Direct effects would occur if the proposed action would result in the physical loss of a public open space; change of use of an open space so that it no longer serves the same user population; limit public access to an open space; or cause increased noise or air pollutant emissions, odors, or shadows on public open space that would affect its usefulness, whether temporary or permanent.

Methodology

This preliminary analysis of open space policy follows the guidelines set forth in the 2014 CEQR Technical Manual for a preliminary assessment (Section 320). According to the 2014 CEQR Technical Manual, a preliminary open space assessment includes determining if the proposed project will have a direct effect, indirect effect on open space or alienate any parkland. The preliminary assessment is started by defining and mapping the study area and identifying all open space in that area that falls within a ½ mile of the subject property. The percentage of change in total population relative to total open space in the area determines whether the elimination of open space and/or increase in user population would significantly reduce the amount of available open space for area's population. If the open space ratio would increase or remain substantially the same in the With-Action condition compared to the No-Action condition, no further analysis is required. Decreases in the open space ration would generally warrant a more detailed analysis.

The following open space assessment follows this guidance and provides a description of existing conditions of the project site and surrounding area. This is followed by an assessment of the future without and with the proposed action (future No-Action and With-Action conditions, respectively), and a determination that no further analysis is needed.

Analysis

No-Action Condition

In the no action scenario UG 16 building materials sales use on the ground floor would remain with a total of 27,412 GSF of manufacturing use.

With-Action Condition

With the approval of the proposed Special Permit, the building at 62 Greene Street the ground floor use would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries). The Building is 27,412 GSF, with a zoning square footage of 22,843 and has a FAR of 4.76. The zoning analysis for the proposed building indicates that 4,073 GSF of commercial retail use would occupy the ground floor and 2,029 GSF commercial retail would occupy the cellar. There would be no change in bulk and the building would maintain its existing height of 73 foot 8-inch and FAR of 4.7.

The approval of the Special Permit would allow for a modification of use with no change to bulk or height of the existing building. There would be no physical loss or change in open space as a

result of this development. The approval of the proposed action would have no direct effect on open space.

Conclusion

The subject property is located in an area considered underserved by open space. Therefore, the indirect effects the proposed action would have on open space must be considered. The approval of the proposed action would allow for the modification of Use Group 16 building materials sales floor area to Use Group 16 retail uses. There will be 8 new workers introduced which would not exceed the thresholds outlined in *2014 CEQR Technical Manual*. Therefore, no significant adverse impacts on open space would occur and no further assessment is warranted.

Historic and Cultural Resources

According to the *2014 CEQR Technical Manual*, significant adverse impacts to historic and cultural resources could potentially result if a proposed action affects those characteristics that make a resource eligible for LPC designation or State/National Register listing. The assessment would determine (a) whether there would be a physical change to any designated resource or its setting, and (b) if so, is the change likely to diminish the qualities of the resource that make it important (including non-physical changes such as context or visual prominence). The subject property is located within a So-Ho Historic District. Therefore, further analysis is required.

Methodology

In general, potential impacts to architectural resources can include both direct, physical impacts and indirect, contextual impacts. Direct impacts include demolition of a resource and alterations to a resource that cause it to become a different visual entity. Contextual impacts can include the isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric elements that are out of character with a property or that alter its setting. The study area for architectural resources is, therefore, larger than the archaeological resources study area to account for any potential impacts that may occur where proposed activities could physically alter architectural resources or be close enough to them to potentially cause physical damage or visual or contextual impacts.

Following the guidelines of the 2014 CEQR Technical Manual, the architectural resources study area for this project is defined as being within an approximately 400-foot radius of the project site. The study area includes the SoHo Cast Iron Historic District. Within the study area, architectural resources that were analyzed include known architectural resources, defined as National Historic Landmarks (NHLs); properties listed in the State or National Register of Historic Places (S/NR) or determined eligible for such listing (S/NR-eligible); and New York City Landmarks (NYCLs), Interior Landmarks, Scenic Landmarks, Historic Districts, and properties calendared for landmark designation by the LPC.

Analysis

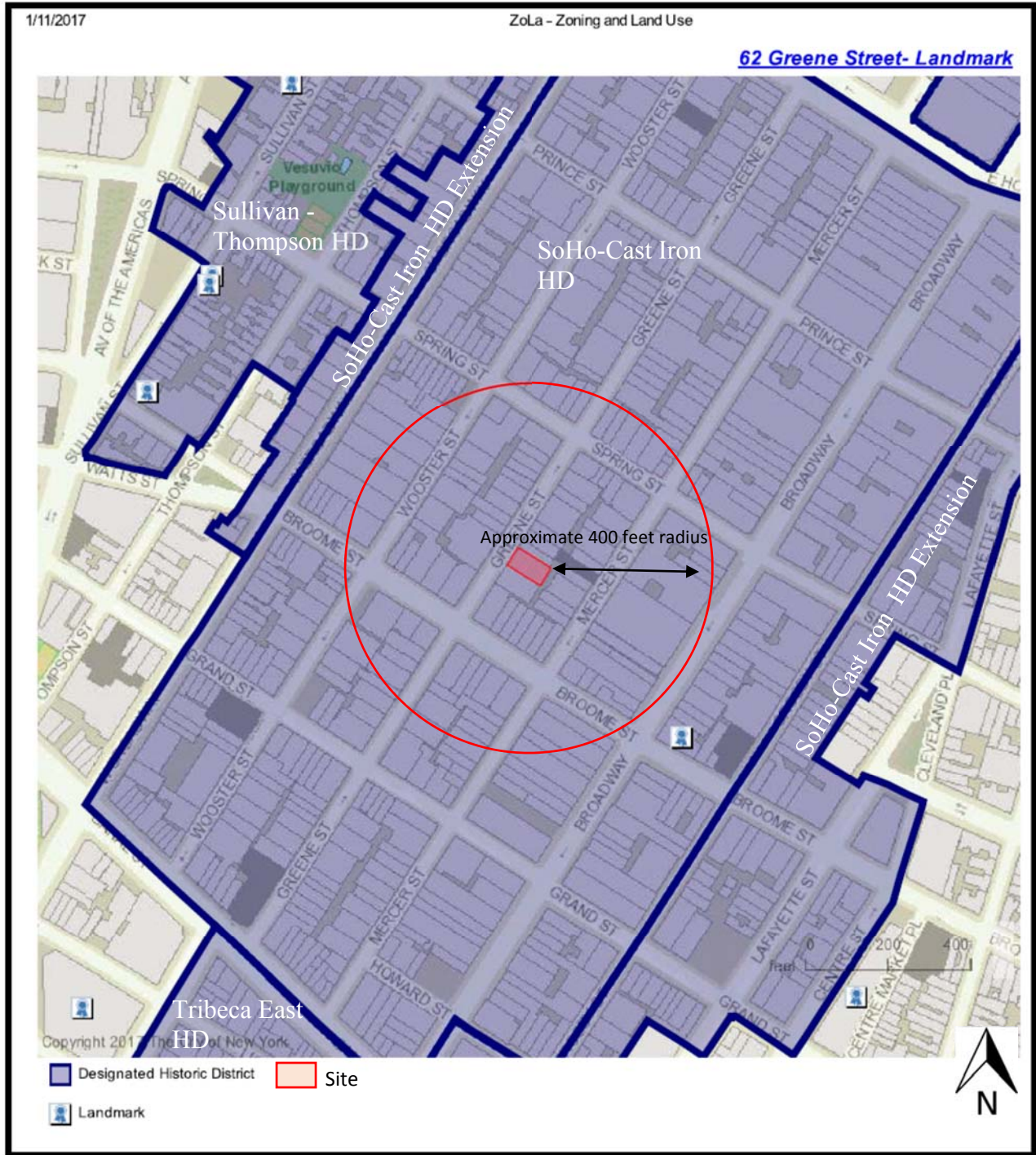
No-Action Condition

In the no action scenario UG 16 building materials sales use on the ground floor would remain with a total of 27,412 GSF of manufacturing use.

With-Action Condition

With the approval of the proposed Special Permit, the building at 62 Greene Street the ground floor use would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries). The Building is 27,412 GSF, with a zoning square footage of 22,843 and has a FAR of 4.76. The zoning analysis for the proposed building indicates that 4,073 GSF of commercial retail use would occupy the ground floor and 2,029 GSF commercial retail would occupy the cellar. There would be no change in bulk and the building would maintain its existing height of 73 foot 8-inch and FAR of 4.7.

Figure 9- Landmark Map



The Project Site is located within the SoHo Cast Iron Historic District, designated in 1973 by the New York City LPC, which is also listed on the National Register of Historic Places. SoHo is an area of Manhattan bounded by Houston Street on the northern side, Canal Street on the south side, Crosby Street on the east side and Sixth Avenue to the west. The area was rural until the 1850s when it grew into a fashionable district lined with stores, theaters and posh hotels. By 1870s, factories replaced the entertainment. As the industries declined the area became filled with empty industrial buildings. In the 1960s, artists began to take over the industrial lofts and converted them into studios. Gentrification soon followed and the neighborhood is now populated with luxury condos, high-end retailers, art galleries and popular restaurants.

The Applicant seeks a Special Permit to facilitate the conversion of the ground floor and portion of the cellar of an existing building to UG 6 retail use. The UG 6 retail uses are not permitted as-of-right below the level of the second floor in buildings with a lot coverage over 3,600 square feet. No bulk modifications are proposed as part of the special permit application. Therefore, the proposed project will remain a FAR of 4.7, including 6,102 GSF of UG 6 retail use in the cellar and on the ground floor (1.2 FAR).

This modification of use would be performed pursuant to an approved LPC Certificate of No Effect 19-5859 and MOU 19-5877 (Appendix A). Although the MOU also authorized conversion of the 2nd – 5th stores to residential (UG2) use, the Applicant is only seeking retail use on the ground floor and cellar. The proposed modifications will have minimal effects on the conforming uses in the building and uses in the surrounding area. The Applicant is seeking to convert portions of the existing ground floor and cellar to a UG 6 commercial retail space to facilitate its marketability. The upper floors will remain as JLWQA (UG17D) and will continue to be occupied by their respective owners. The SoHo-Cast Iron Historic District has transformed from a light manufacturing district to an area with a mix of retail, offices, JLWQAs, IMDs and residential uses. Little or no manufacturing uses remain in the area. Ground floor uses in the surrounding area are typically retail, restaurants or art galleries. The upper floor uses are predominantly residential. The proposed uses in the subject building will be consistent with the surrounding area and will not have an adverse impact on the existing uses.

In addition to the modification of use, the applicant intends to repair the exterior cast-iron street façade and rear nonvisible masonry façade, and restore the storefronts. The windows of the upper stories will be changed to uniform, historic two over two; the ground floor is to be restored; the rear facade, windows and metal shutters will be repaired and cleaned and the windows will be replaced as required, and mechanical equipment will be removed; and the sidewalk will be restored and cleaned. Upon approval of the Special Permit, the applicant will record a Restrictive Declaration with LPC requiring the owner and any successor in interest to provide for the continuing maintenance of the proposed building resulting in its preservation in perpetuity and will provide a plan (the ‘Plan’) for the same (Appendix B).

Archaeological Resources

Archeological resources are physical remains, usually buried, of past activities on a site. The *CEQR Technical Manual* requires an evaluation of an action’s potential for impacts on archaeological resources if it would result in a new or additional in-ground disturbance to an area.

For any actions that would result in new ground disturbance, assessment of both prehistoric and historic archaeological resources is generally appropriate.

No-Action Condition

In the no action scenario UG 16 building materials sales use on the ground floor would remain with a total of 27,412 GSF of manufacturing use.

With-Action Condition

With the approval of the proposed Special Permit, the building at 62 Greene Street the ground floor use would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries). The Building is 27,412 GSF, with a zoning square footage of 22,843 and has a FAR of 4.76. The zoning analysis for the proposed building indicates that 4,073 GSF of commercial retail use would occupy the ground floor and 2,029 GSF commercial retail would occupy the cellar. There would be no change in bulk and the building would maintain its existing height of 73 foot 8-inch and FAR of 4.7.

The subject property is located on a site that is already currently developed with a building. No further ground disturbance will be taking place in the no-action and with-action scenarios since the amount of lot coverage would remain the same. It is assumed that the proposed development would have no archaeological remains as the lot had been previously excavated to build the currently existing building. A request for an environmental review was sent to LPC and a determination of “acceptable for historic and cultural resources” was returned (Appendix A). Therefore, the proposed action is not expected to result in significant adverse archaeological impacts.

Architectural Resources

Historic resources could be directly affected by physical destruction, demolition, damage, alteration, or neglect. The proposed action would allow for the change of use and an interior fit out of ground floor retail.

There are no landmarked buildings adjacent to or within the project area; however the subject site is within the SoHo Cast Iron Historic District, designated in 1973 by the New York City LPC, which is also listed on the National Register of Historic Places. The area is characterized by loft-style buildings typically built to a height of five to twelve stories, covering the entire lot width and with a cast iron façade. Development of the district began in the late 18th century as a few businesses and wealthy residents moved in. The latter half of the 19th century saw the district evolve into a center of commerce and entertainment, and the majority of the cast-iron buildings were constructed during this period. The use of cast-iron allowed for ornate facades that were much cheaper alternative to granite and marble. The district began to decline in early 20th century leaving many of the industrial spaces vacant for decades. In the late 1960s, artists became attracted to the area because the large, unoccupied loft spaces made affordable studios. Many of those who moved into the area lived in their workspaces. The area has become a model for repurposing an industrial district for mixed use, both commercial and residential, while preserving much of the existing structural integrity. It is known for its unique cast-iron architecture, desirable loft living and upscale boutiques.

The Applicant proposes to convert the ground floor to UG 6 retail use. No bulk modifications are proposed as part of the special permit application. Therefore, the proposed project will remain a FAR of 4.7, including 6,102 GSF of UG 6 retail use in the cellar and on the ground floor (1.2 FAR).

This modification of use would be performed pursuant to amended LPC Certificate of No Effect 19-5859 and MOU 19-5877 (Appendix A). Upon approval of the Special Permit, the applicant will record a Restrictive Declaration with LPC requiring the owner and any successor in interest to provide for the continuing maintenance of the proposed building, resulting in its preservation in perpetuity and will provide a plan (the 'Plan') for the same.

Conclusion

Because the proposed action has been reviewed by the LPC which has issued a Certificate of No Effect, there is no potential for significant adverse impacts related to historic and cultural resources and no further assessment is warranted.

Hazardous Materials

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

Methodology

The potential for significant impacts related to hazardous materials can occur when: a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposure; b) the project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or c) the project would introduce a population to potential human or environmental exposure from off-site sources. If all these elements can be ruled out, then no further analysis is necessary.

Analysis

No-Action Condition

In the no action scenario UG 16 building materials sales use on the ground floor would remain with a total of 27,412 GSF of manufacturing use.

With-Action Condition

With the approval of the proposed Special Permit, the building at 62 Greene Street the ground floor use would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries). The Building is 27,412 GSF, with a zoning square footage of 22,843 and has a FAR of 4.76. The zoning analysis for the proposed building indicates that 4,073 GSF of commercial retail use would occupy the ground floor and 2,029 GSF commercial retail would occupy the cellar. There would be no change in bulk and the building would maintain its existing height of 73 foot 8-inch and FAR of 4.7.

The approval of the Special Permit would result in modification of conforming building materials sales space to non-conforming commercial retail space on the ground floor and cellar of an existing building located in a manufacturing zoning district. The modification of use would introduce 8 workers to the area and approximately 25 patrons.

Conclusion

The potential for significant impacts related to hazardous materials was assessed. The proposed construction would entail interior fitting for retail use but would not require any soil disturbance. The existing building materials sales use is not substantially different than the proposed commercial retail use in population, the incremental difference of 2 workers the number of patrons would remain the same. The proposed action would not introduce sensitive population to potential exposure. No new activities using hazardous materials will be introduced and there would be no increase in pathways to environmental exposure. Therefore, no significant adverse impacts from hazardous materials are anticipated and no further analysis is warranted.

Air Quality

Air quality impacts can be either direct or indirect. Direct impacts are impacts that result from emissions generated by stationary sources at a development site, or emissions from parking garage ventilation systems. Indirect impacts are caused by emissions from nearby existing stationary sources or from on-road vehicle trips generated by an action or other changes to future traffic conditions due to the action.

Methodology

In accordance with the guidance provided in the *2014 CEQR Technical Manual*, the first step in performing air quality analyses is to determine the appropriate study area. The study area encompasses the region or locations where there is the potential for a significant air quality impact resulting directly or indirectly from the project. Thus, the extent of the study area depends on the project proposed and the pollutants of concern. When a proposed project would result in a new stationary source, the following general guidelines may apply:

- If a project would result in a single building that would use fossil fuels for heating/hot water, ventilation, and air conditioning systems, first performs the screening analysis presented in Subsection 322.1 of the *2014 CEQR Technical Manual* to determine whether further analyses are required. If required, the study area should generally include nearby buildings with heights similar to or greater than the stack.
- If a project would include operation of manufacturing or processing facilities, or medical, chemical, or research labs, the area within at least a 400-foot radius from the emission source should be included in the analysis.

Generally, a preliminary analysis is performed for the locations chosen using the above criteria. If significant impacts are predicted at all it may be appropriate to expand the study area to determine whether potential significant impacts may also occur at more distant locations.

Analysis

No-Action Condition

In the no action scenario UG 16 building supplies sales use on the ground floor would remain with a total of 27,412 GSF of manufacturing use.

With-Action Condition

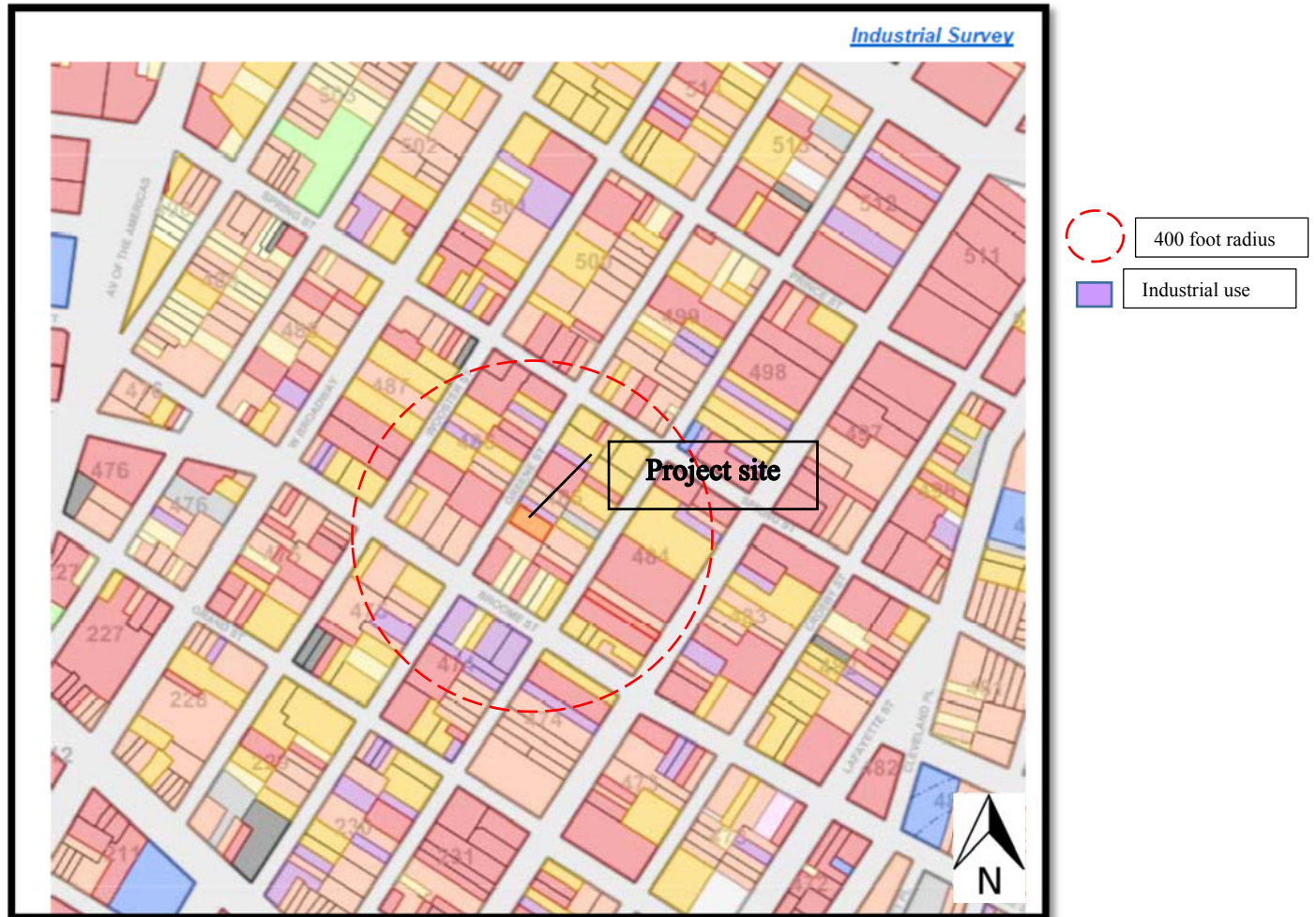
With the approval of the proposed Special Permit, the building at 62 Greene Street the ground floor use would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries). The Building is 27,412 GSF, with a zoning square footage of 22,843 and has a FAR of 4.76. The zoning analysis for the proposed building indicates that 4,073 GSF of commercial retail use would occupy the ground floor and 2,029 GSF commercial retail would occupy the cellar. There would be no change in bulk and the building would maintain its existing height of 73 foot 8-inch and FAR of 4.7.

The approval of the proposed modification of use would allow for the ground floor and cellar of the existing building to be converted from UG 16 building materials sales use to UG 6 commercial retail use. The use modification would not result in any HVAC or owner

improvement to the ground floor commercial space (Appendix C). The change of use would introduce a small commercial population to the area. Therefore, the potential that nearby emission sources could affect the population must be considered.

A study area of 400 feet surrounding the subject property was established. Using the NYC Zoning and Land Use map, all manufacturing uses were identified (Figure 10).

Figure 10- Industrial Use Survey



Research of the identified sites revealed the buildings are no longer used for manufacturing but have followed the gentrification trend of the SoHo area and are now occupied with ground floor commercial uses and artist galleries or residential on the upper floors. A list of the identified properties and the current use is provided in the following table.

Table 1- Property Current Use

Block	Lot	Address	Current Use
485	3	68 Greene Street	Mixed use – ground floor retail, residential on upper floors
	11	78 Greene Street	Mixed use – ground floor retail, residential on upper floors
	17	118 Spring Street	Mixed use – ground floor retail, residential on upper floors
486	39	482 Broome Street	Mixed use – ground floor retail, residential on upper floors
	2	64 Wooster St	Commercial
	7	74 Wooster St	Artist galleries
	20	79 Greene St	Commercial, JLWQA
	22	75 Greene St	Commercial, JLWQA
475	50	47 Greene St	Mixed use – ground floor retail, residential on upper floors
474	7	465 Broome St	Mixed use – ground floor retail, residential on upper floors
	6	52 Greene St	Mixed use – ground floor retail, residential on upper floors
	11	457 Broome St	Mixed use – ground floor retail, residential on upper floors
	12	453 Broome St	Mixed use – ground floor retail, residential on upper floors

Block	Lot	Address	Current Use
	13	55 Mercer St	Mixed use – ground floor retail, residential on upper floors
	14	53 Mercer ST	Mixed use – ground floor retail, residential on upper floors
	32	481 Broadway	Mixed use – ground floor retail, residential on upper floors
484	28	489 Broadway	Mixed use – ground floor retail, residential on upper floors
	23	499 Broadway	Mixed use – ground floor retail, residential on upper floors

Conclusion

As determined, the study area for the project site has no identified manufacturing uses and no emission sources that would affect the project site. Therefore, there would be no significant adverse impacts related to air quality and no further analysis is warranted.

Noise

According to the *2014 CEQR Technical Manual*, the goal of CEQR is to determine both (1) a proposed project's potential effects on sensitive noise receptors, including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable), and at open spaces, and (2) the effects of ambient noise levels on new sensitive uses introduced by the proposed project. If significant adverse impacts are identified, CEQR requires such impacts to be mitigated or avoided to the greatest extent practicable.

Methodology

The initial impact screening considers whether the project would generate any mobile or stationary sources of noise; and/or be located in area with existing high ambient noise levels, which would typically include those near highly-trafficked thoroughfares, airports, rail or other loud activities. The initial impact screening noise analysis identifies whether the potential exists for the project to generate a significant noise impact at a receptor or be significantly affected by high ambient noise levels. If the basic analysis does not identify the potential for significant impacts, no further noise analysis is necessary and it may be stated that the proposed project would not result in a significant noise impact.

Analysis

No-Action Condition

In the no action scenario UG 16 building materials sales use on the ground floor would remain with a total of 27,412 GSF of manufacturing use.

With-Action Condition

With the approval of the proposed Special Permit, the building at 62 Greene Street the ground floor use would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries). The Building is 27,412 GSF, with a zoning square footage of 22,843 and has a FAR of 4.76. The zoning analysis for the proposed building indicates that 4,073 GSF of commercial retail use would occupy the ground floor and 2,029 GSF commercial retail would occupy the cellar. There would be no change in bulk and the building would maintain its existing height of 73 foot 8-inch and FAR of 4.7.

The proposed project is located at 62 Greene Street in the SoHo Cast Iron Historic District of Manhattan. The project site is not located near a heavily trafficked thoroughfare, nor is it within one mile of an existing flight path. There is no existing rail activity located within 1,500 feet of the subject property and no direct line of site to a receptor. The modification of use would not introduce a new sensitive use or receptor to an area with high ambient noise levels.

Conclusion

The proposed modification of use would convert existing building materials sales use to commercial retail use, introducing 8 retail workers and approximately 25 patrons to the area. The new workers and potential patrons would not result in the doubling of traffic over current levels which is the change in traffic that results in perceptible change to noise levels and therefore is the threshold for performing a quantified noise analysis. No changes in noise levels at the project site are anticipated and no significant adverse impacts related to noise would occur.

Neighborhood Character

According to the *2014 CEQR Technical Manual*, a neighborhood character assessment considers how elements of the environment combine to create the context and feeling of a neighborhood and how a project may affect that context and feeling. Thus, to determine a project's effects on neighborhood character, the elements that contribute to a neighborhood's context and feeling are considered together. These elements may include land use, zoning, public policy, socioeconomic conditions, open space, historic and cultural resources, urban design, visual resources, shadows, transportation, and noise.

Methodology

According to the 2014 CEQR Technical Manual, the study area for a preliminary analysis of neighborhood character is typically consistent with the study areas of the relevant technical areas assessed under CEQR that contribute to the defining elements of the neighborhood. The study area should generally include at least the project site and the area within 400 feet of the project site boundaries.

A preliminary assessment determines whether changes expected in other technical areas may affect a contributing element of neighborhood character. The assessment should answer the following two questions:

1. What are the defining features of the neighborhood?
2. Does the project have the potential to affect the defining features of the neighborhood, either through the potential for a significant adverse impact or a combination of moderate effects in relevant technical areas?

Because a neighborhood's character is the result of the combination of various contributing elements, the salient features of the neighborhood should be identified. The major characteristics of the neighborhood and how they related to the area's overall character should be discussed. After the defining features of a neighborhood are identified, the potential for the project to affect the defining features should be examined.

Analysis

No-Action Condition

In the no action scenario UG 16 building materials sales use on the ground floor would remain with a total of 27,412 GSF of manufacturing use.

With-Action Condition

With the approval of the proposed Special Permit, the building at 62 Greene Street the ground floor use would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries). The Building is 27,412 GSF, with a zoning square footage of 22,843 and has a FAR of 4.76. The zoning analysis for the proposed building indicates that 4,073 GSF of commercial retail use would occupy the ground floor and 2,029 GSF commercial retail would occupy the cellar. There would be no change in bulk and the building would maintain its existing height of 73 foot 8-inch and FAR of 4.7.

The following elements of the CEQR assessment would have potential effects on the neighborhood character:

- **Land Use:** The proposed use is consistent with the surrounding land use pattern of high-density residences. The introduction of commercial uses would not create conflicts with existing land uses, and would not alter the overall land use pattern in the area.
- **Zoning:** No zoning changes are anticipated in the zoning pattern in the project vicinity for the With Action Condition. The approval of the proposed Special Permit will not have a significant adverse impact on Zoning
- **Open Space:** The project site is located in an underserved area of Manhattan, but will introduce a small number of workers, well below the CEQR assessment threshold, therefore would have no impact on open space of the study area.
- **Historic & Cultural Resources:** The site is located within the SoHo-Cast Iron Historic District, but as part of the review process LPC has made a determination and issued a Certificate of No Effect, therefore no impact is anticipated.

The SoHo Cast Iron Historic District is located in lower Manhattan and has been in transition from its historic industrial/manufacturing origins to a residential community as well as a shopping and sightseeing destination and an emerging business center. The district consists of about 26 blocks and approximately 500 buildings with cast iron facades. Many of the buildings in the area are JLVQA or have residential occupancy on the upper floors. Retail and commercial uses on the ground floors are common and may include furniture showrooms, wine shops, clothing shops and art galleries.

SoHo was designated as an Historic District by the New York City Landmarks Preservation Commission in 1973 and extended in 2010. The SoHo Cast Iron Historic District was listed on the National Register of Historic Places in 1978.

The scope, size and location of the proposed project would not create a significant adverse change in any of the distinctive features noted above. The restoration of the building pursuant to the CNE issued by the LPC would enhance the streetscape. The introduction of commercial retail on the ground floor would be similar in occupancy to surrounding buildings and would be compatible with surrounding land use patterns in this mixed commercial, retail, and residential area. No significant adverse neighborhood character impacts are anticipated and additional assessments are required at this time.

Conclusion

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

Construction

According to the *2014 CEQR Technical Manual*, Construction impacts may be analyzed for any project that involves construction or could induce construction. For construction activities not related to in-ground disturbance, short-term construction generally does not warrant a detailed construction analysis.

Methodology

Consideration of several factors, including the location and setting of the project in relation to other uses and intensity of construction activities are used to determine if a project's construction activities warrant analysis in one or more of the following technical areas:

- Transportation
- Air Quality or Noise
- Historic and Cultural Resources
- Hazardous Materials
- Natural Resources
- Open Space
- Socioeconomic Conditions
- Community Facilities
- Land Use and Public Policy
- Neighborhood Character
- Infrastructure

A preliminary assessment is generally not needed for these technical areas unless

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

Analysis

No-Action Condition

In the no action scenario UG 16 building materials sales use on the ground floor would remain with a total of 27,412 GSF of manufacturing use.

With-Action Condition

With the approval of the proposed Special Permit, the building at 62 Greene Street the ground floor use would be modified to UG 6 commercial retail (clothing boutiques, hair salons, and art galleries). The Building is 27,412 GSF, with a zoning square footage of 22,843 and has a FAR of

4.76. The zoning analysis for the proposed building indicates that 4,073 GSF of commercial retail use would occupy the ground floor and 2,029 GSF commercial retail would occupy the cellar. There would be no change in bulk and the building would maintain its existing height of 73 foot 8-inch and FAR of 4.7.

Conclusion

The proposed action would result in activities within a designated historic district. Construction activities would be confined to the subject property, and all activities would be managed to ensure that there will not be any impact or physical damage created from falling objects from the proposed construction site. The proposed project is not located within 400 feet of a historic or cultural resource that is NYC-landmark eligible, eligible for the State and National Register of Historic Places.

Approval of the proposed action will not result in significant adverse impacts related to construction activities, therefore no further analysis is warranted.

Appendix A

Landmarks Preservation Commission

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-M
Project:
Address: 62 GREENE STREET, **BBL:** 1004850003
Date Received: 8/24/2016

No architectural significance

No archaeological significance

Designated New York City Landmark or Within Designated Historic District

Listed on National Register of Historic Places

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

May be archaeologically significant; requesting additional materials

Comments:

This action is for the approval of a 74-11 Special Permit.

As such, above cited property is within the LPC and S/NR Soho Cast Iron Historic District. Therefore this action requires permits from the LPC Preservation department under the NYC LPC law. This environmental review signoff is not an LPC permit.

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.

All LPC permits shall be appended to the final EAS.



8/24/2016

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 31739_FSO_GS_08242016.doc



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
TEL: 212 669-7700 FAX: 212 669-7780



December 7, 2016

ISSUED TO:

Alice Aycock
62 Greene Owners Corp.
62 Greene Street
New York, NY 10012

Re: LPC - 190354
MOU 19-5877
62 GREENE STREET
HISTORIC DISTRICT
SOHO-CAST IRON
Borough of Manhattan
Block/Lot: 485 / 3

At the Public Meeting of November 1, 2016, following the Public Hearing of the same date, the Landmarks Preservation Commission ("LPC") voted to issue a report to the City Planning Commission ("CPC") in support of an application for the issuance of a Special Permit, pursuant to Section 74-711 of the Zoning Resolution to permit the Modification of Use for the building on Block 485, Lot 3, as put forward in your application completed on October 6, 2016.

In reviewing this proposal, the LPC noted that 62 Greene Street, the "Designated Building," is a stylized Classical style store building designed by Henry Fernbach and built in 1881-82; and the building's style, scale, and materials are among the features which contribute to the special architectural and historic character of the SoHo-Cast Iron Historic District. The Commission also noted that Certificate of No Effect 05-1438 was issued on August 20, 2004 for repairing and reinforcing the metal cornice, sills and projecting bands; repainting metalwork and woodwork; rebuilding parapets, repointing masonry, replacing masonry lintels, windows, and roofing membranes; and recladding the water tower and bulkheads; Certificate of No Effect 05-3833 was issued on November 29, 2004 for replacing diamond plate and granite sidewalk paving; and structural repairs to the vaults; and Certificate of No Effect 16-3164 was issued on September 29, 2014 for replacement of the ground floor infill; and that this work has already been completed.

In voting to issue the report, the LPC found that the applicant has agreed to undertake work to restore the Designated Building and bring it up to a sound, first class condition, including restorative work at the front, rear, and lot line facades, a fire escape and the sidewalk; that the applicant has agreed to establish and maintain a program for continuing maintenance to ensure that the Designated Building is maintained in a

sound, first-class condition; and that a restrictive Declaration ("Declaration") will be filed against the property which will bind the applicants and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity.

Specifically, the applicant also agreed to perform restorative work, as described in Certificate of No Effect 19-5859 (LPC 19-0785), including repairing metalwork at the west façade and fire escape by welding cracks, patching any small holes with a patching compound, and replacing missing and severely deteriorated units with new metal units, match the historic elements; temporarily removing and reinstalling a section of skyward facing metalwork ("probe") at the projecting band course at each floor at the west façade to provide temporary access for the inspection of concealed armature; scraping, priming and repainting the west façade and fire escape, matching the historic finishes; replacing deteriorated and modern sashes at wood two-over-two and metal four-over-four, double-hung windows with wood two-over-two sashes throughout the second through fifth floors at the west façade, including installing sashes with frosted glazing at the northernmost bay; replacing the metal doors at the window openings, adjacent to the fire escape, with wood two-over-two, double-hung sashes at the second through fifth floors of the west façade; repairing the historic wood brickmolds to remain utilizing wood consolidant and replacing missing and deteriorated brickmolds with new wood brickmolds, as needed, throughout the second through fifth floors at the west façade; restoration work at the ground floor infill at the west façade, including replacing deteriorated wood units in-kind, realigning the doors to be square in their openings, reglazing doors and transoms, replacing sealant, and scraping and repainting the wood and metalwork; cleaning throughout the east façade and rear extension utilizing a chemical cleaner and low pressure water rinses; repointing masonry throughout the east façade and rear extension; replacing select deteriorated bluestone window lintels and sills at the east facade with cast stone lintels and sills; replacing seventeen six-over-six, one-over-one, and four-over-four, double-hung windows with seventeen one-over-one, double-hung windows at the second through fourth floors of the east façade; scraping, priming, and repainting black the existing fire shutters and pintels throughout the east façade; replacing a door and two-light transom in-kind at the basement level of the rear extension; removing abandoned HVAC equipment, conduit, and ductwork at the east façade and rear yard; replacing flashing at through-the-wall equipment throughout the east façade; installing brackets at existing through-the-window HVAC units at the east façade; replacing deteriorated brickwork with new brickwork at the north and south walls at the perimeter of the rear yard; scraping and repainting black the diamond plate vault covers at the sidewalk; cleaning the sidewalk utilizing a detergent and low pressure water rinses; replacing a concrete patch with a granite Dutchman unit at the sidewalk; replacing two deteriorated granite flags with new granite flags at the sidewalk; repairing flashing at the roof; and scraping and repainting black painted dunnage and railings at the roof.

In reaching a decision to issue a favorable report to the CPC, the LPC found that the restorative work to be approved pursuant to Certificate of No Effect 19-5859 (LPC 19-0785), will return the building closer to its historic appearance; that the restorative work will reinforce the architectural and historic character of the building and the historic district; that the restorative work will bring the building up to sound first class condition and aid in its long term preservation; that the implementation of a cyclical maintenance plan will ensure the continued maintenance of the building, in a sound, first-class condition; and that the owners of the designated building, have committed themselves to establishing a cyclical maintenance plan that will be legally enforceable by the Landmarks Preservation Commission under the provisions of a Restrictive Declaration, which will bind all heirs, successors and assigns, and which will be recorded at the New York County Registrar's Office.

The Declaration requires the Declarant to hire a qualified preservation professional, whose credentials are to be approved by LPC, to undertake comprehensive inspections every five years of the Designated Building's exterior and such portions of the interior which, if not properly maintained, would cause the Designated

Building to deteriorate. The Declarant is required to perform all work identified in the resulting professional reports as being necessary to maintain the Designated Building in sound, first-class condition within stated time periods.

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



Meenakshi Srinivasan
Chair

cc: B. Artus, Deputy Director of Preservation/LPC; John Weiss, Deputy Counsel/LPC; Joseph Levine/Bone/Levine Architects



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
 TEL: 212 669-7700 FAX: 212 669-7780



PERMIT CERTIFICATE OF NO EFFECT

ISSUE DATE: 12/09/16	EXPIRATION DATE: 12/9/2020	DOCKET #: 190785	CNE #: CNE 19-5859
ADDRESS: 62 GREENE STREET HISTORIC DISTRICT SOHO-CAST IRON		BOROUGH: MANHATTAN	BLOCK/LOT: 485 / 3

Display This Permit While Work Is In Progress

ISSUED TO:

Alice Aycock
62 Greene Owners Corp.
62 Greene Street
New York, NY 10012

**NOT ORIGINAL
 COMPUTER-GENERATED COPY**

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on November 21, 2016.

The approved work consists of exterior alterations throughout the west (Greene Street) façade, east (rear) façade, rear yard, sidewalk and roof, including repairing metalwork at the west façade and fire escape by welding cracks, patching any small holes with a patching compound, and replacing missing and severely deteriorated units with new metal units, match the historic elements; temporarily removing and reinstalling a section of skyward facing metalwork ("probe") at the projecting band course at each floor at the west façade to provide temporary access for the inspection of concealed armature; scraping, priming and repainting the west façade and fire escape, matching the historic finishes; replacing deteriorated and modern sashes at wood two-over-two and metal four-over-four, double-hung windows with wood two-over-two sashes throughout the second through fifth floors at the west façade, including installing sashes with frosted glazing at the northernmost bay; replacing the metal doors at the window openings, adjacent to the fire escape, with wood two-over-two, double-hung sashes at the second through fifth floors of the west façade; repairing the historic wood brickmolds to remain utilizing wood consolidant and replacing missing and deteriorated brickmolds with new wood brickmolds, as needed, throughout the second through fifth floors at the west façade; restoration work at the ground floor infill at the west façade, including replacing deteriorated wood units in-kind, realigning the doors to be square in their openings, reglazing doors and transoms, replacing sealant, and scraping and repainting the wood and metalwork; cleaning throughout the east façade and rear

extension utilizing a chemical cleaner and low pressure water rinses; repointing masonry throughout the east façade and rear extension; replacing select deteriorated bluestone window lintels and sills at the east facade with cast stone lintels and sills; replacing seventeen six-over-six, one-over-one, and four-over-four, double-hung windows with seventeen one-over-one, double-hung windows at the second through fourth floors of the east façade; scraping, priming, and repainting black the existing fire shutters and pintels throughout the east façade; replacing a door and two-light transom in-kind at the basement level of the rear extension; removing abandoned HVAC equipment, conduit, and ductwork at the east façade and rear yard; replacing flashing at through-the-wall equipment throughout the east façade; installing brackets at existing through-the-window HVAC units at the east façade; replacing deteriorated brickwork with new brickwork at the north and south walls at the perimeter of the rear yard; scraping and repainting black the diamond plate vault covers at the sidewalk; cleaning the sidewalk utilizing a detergent and low pressure water rinses; replacing a concrete patch with a granite Dutchman unit at the sidewalk; replacing two deteriorated granite flags with new granite flags at the sidewalk; repairing flashing at the roof; and scraping and repainting black painted dunnage and railings at the roof, as described and shown in written specifications, dated (received) November 2, 2016; November 17, 2016, and November 21, 2016; and on sheets consisting of drawings and photographs, labeled 1 to 35; dated (presented) November 1, 2016; and prepared by Bone/Levine Architects, all submitted as components of the application. Additionally, the scope of work notes inspecting the fire escape at the east facade to provide information on its condition and use.

In reviewing this proposal, the Commission notes that the SoHo-Cast Iron Historic District Designation Report describes 62 Greene Street as a stylized Classical style store building designed by Henry Fernbach and built in 1881-82; and that the building's style, scale, materials, and details are among the features that contribute to the special architectural and historic character of the SoHo-Cast Iron Historic District.

With regard to this proposal, the Commission finds that the work is restorative in nature; that the proposed repairs to the metalwork will return the west facade and the fire escape at the front facade to a sound, watertight condition and will be compatible with the material in terms of method and composition; that the proposed replacement metal units will match the historic metal units in terms of placement, material, dimensions, details, and design; that the probes will help provide information on existing concealed conditions without destroying any significant architectural fabric; that the proposed finishes for the windows, cornice, and cast iron will match the historic finishes, as determined by a historic finish analysis; that, in accordance with the provisions set forth in Title 63 of the Rules of the City of New York, Section 3-04, the historic window sashes to be replaced have deteriorated to a point precluding reasonable repair, rehabilitation or restoration; that the proposed replacement window sashes at the front façade will match the historic windows in terms of configuration, operation, details, and material; that the sound historic brickmolds will be retained and restored; that any replacement brickmolds will match the historic brickmolds in terms of placement, material, dimensions, and details; that all of the replacement windows and sashes will be installing within existing window openings; that the windows at the east façade will not be visible from public thoroughfares or replace a "special" window, as defined by the Commission's Rules; that the work at the ground floor infill will return the existing infill to a sound, plumb condition; that the doors, HVAC equipment, conduit, and ductwork to be removed are not significant features of the building, site, or historic district; that the limited installation of frosted glazing at one vertical row of windows, which aligns with the elevator shaft, will not significantly diminish the building's overall amount of transparency; that the proposed cleaning will be undertaken utilizing the gentlest method possible, without damaging the masonry facades or sidewalk; that the proposed mortar will match the historic mortar in terms of color, profile, texture, and tooling, and composition, determined in conjunction with the results of a historic mortar analysis; that the vertical joints will be raked by hand; that the use of motorize grinders will be limited to the cutting of horizontal joints in locations in which this can be done without chipping, cutting, or otherwise damaging the masonry; that the proposed masonry units will match the historic masonry units in terms of placement, profiles, details, texture, finish, dimensions, and bonding pattern; that the black finish at the fire

shutters, pintels, diamond plate, dunnage, and railings will be in keeping with finishes historically used at utilitarian metal elements of buildings of this type, style, and age; that the replacement flashing will help protect the building from damage due to water infiltration; that the Dutchman units will be tightly installed, with narrow, neat joints, minimizing their perceptibility; that the granite flags to be replaced have been modified over time and do not replicate their historic condition; that the new granite will match the historic granite in terms of material, pattern, dimensions, and finish; and that the cumulative effect of the proposed work will support the long term preservation of the building. Therefore, the work is approved.

PLEASE NOTE: This permit is issued contingent upon the understanding that the masonry work will be performed by hand and when the temperature remains a constant 45 degrees Fahrenheit or above for a 72 hour period from the commencement of the work and the Commission's review and approval of the final Department of Building filing set of drawings; fully dimensioned section and elevation drawings of the existing and proposed front façade windows; the results of the mortar and finish analysis; all specifications for all proposed work at the building, including but not limited to patching, pointing, and cleaning; an illustration with dimensions of the brackets for the through-the-wall HVAC units; and samples of the proposed repointing mortar, patching, masonry units, paint, and cutting of mortar joints, all prior to the commencement of work. Please contact the Commission's staff once these materials are available for review.

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

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

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

Meenakshi Srinivasan
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Joseph Levine, Bone/Levine Architects

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

Appendix B

Restrictive Declaration

62 GREENE STREET
NEW YORK, NY

DECLARATION OF PRESERVATION, REPAIR AND MAINTENANCE

Dated: ,2016

Location: Block 485, Lot 3
New York County, New York

Record and Return to:

GoldmanHarris LLC
475 Park Avenue South
New York, New York 10016
Attn: Caroline G. Harris, Esq.

This DECLARATION made as of the [REDACTED] day of [REDACTED], 2016 by 62 Greene Owners Corp. (the “Declarant”) having an address at 2121 Quaker Hill Road, Jefferson, NY 12093 (“Declarant”).

WITNESSETH:

WHEREAS, Declarant is the owner in fee simple of certain real property located in the Borough of Manhattan, City, County and State of New York, which property is designated as Block 485, Lot 3 on the Tax Map of the City of New York and by the street address 62 Greene Street, and is more particularly described on Exhibit A attached hereto (the “Subject Property”) and on which is located a five-story building containing a cellar (the “Designated Structure”), retail use on the ground floor, and residential use on the upper floors; and

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

WHEREAS, Declarant proposes to renovate, enlarge, and change the use of a portion of the Subject Property; and

WHEREAS, [REDACTED], a title company licensed in the State of New York, (“Title Company”) has certified as of [REDACTED], 2016, that Declarant and [“BANK”] (“[REDACTED]”) are the sole parties-in-interest (each, a “Party-in-Interest”, collectively “Parties-In-Interest”), as that term is defined in the zoning lot definition in Section 12-10 of the Zoning Resolution of the City of New York (the “Zoning Resolution”), to the Subject Premises as of the date hereof, a copy of which certification is attached hereto as Exhibit B; and

WHEREAS, all Parties-in-Interest to the Subject Premises have either executed this Declaration or waived their right to execute, and subordinated their interest in the Subject Premises

to, this Declaration by written instrument annexed hereto as Exhibit C and made a part hereof, which instrument is intended to be recorded simultaneously with this Declaration; and

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

WHEREAS, pursuant to the provisions of Section 3020 of the New York City Charter and Title 25, Chapter 3 of the Administrative Code of the City of New York (the “Landmark Preservation Law”), the Landmarks Preservation Commission (the “LPC”) has designated an area which includes the Designated Structure as the SoHo-Cast Iron Historic District because of its special character or historical or aesthetic interest or value; and

WHEREAS, pursuant to Application No. [REDACTED] ZSM, dated [REDACTED] (the “Application”), Declarant has applied to the CPC for a special permit pursuant to Section 74-711 of the Zoning Resolution (the “Special Permit”) to (a) modify the use regulations of Section 42-10 of the Zoning Resolution to allow Use Group 2 residential use within floors 2 through 5, with accessory residential uses on a portion of the ground floor of the Designated Structure, and (b) the use regulations of Section 42-14(D)(2)(a) to allow Use Group 6 commercial use within a portion of the ground floor and the cellar of the Designated Structure; and any other uses permitted on an as-of-right basis at the Subject Premises; and

WHEREAS, Section 74-711 of the Zoning Resolution requires, inter alia, that a program has been established for continuing maintenance (the “Continuing Maintenance Program”) that will result in preservation of the Designated Structure by Declarant; and

WHEREAS, Declarant has agreed to certain obligations and restrictions contained in this Declaration for the protection, preservation, repair and maintenance of the Designated Structure; and

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

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

NOW, THEREFORE, Declarant does hereby declare and agree that the Subject Premises shall be held, sold, transferred, conveyed and occupied subject to the following restrictions, covenants, obligations, easements, and agreements, all of which are for the purpose of protecting the Subject Premises, which shall inure to the benefit of the City of New York, and which shall run with the Subject Premises and bind Declarant and its heirs, successors and assigns so long as they have a right, title or interest in the Subject Premises or any part thereof.

ARTICLE I. DEFINITIONS

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

1.1 “Application” shall mean the application to the City Planning Commission for the Special Permit.

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

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

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

1.5 “City” shall mean the City of New York.

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

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

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

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

1.10 “Designated Structure” shall mean the structure located on Tax Block 485, Lot 3 in Manhattan, which is a contributing structure in the SoHo-Cast Iron Historic District.

1.11 “Effective Date” is defined in Section 4.1(a) hereof.

1.12 “Force Majeure” shall mean: strike, lockout or labor dispute(s); inability to obtain materials or reasonable substitutes therefore unless due to any act or failure to act by Declarant; acts of God; unforeseen governmental restrictions, regulations, omissions or controls; enemy or hostile government actions; civil commotion, insurrection, revolution or sabotage; fire or other casualty; inclement weather of such a nature as to make performance or completion of the Landmark Work (hereinafter defined) not feasible unless due to any act or failure to act by Declarant; any damage to the Subject Premises of such a nature as to make completion of the Landmark Work not feasible; a taking of the Subject Premises, or a portion thereof, by condemnation or eminent domain; failure of a public utility to provide power, heat or light; unusual delay in transportation; material delays by the City, State or United States Government, or any agency or instrumentality thereof, in the performance of any work or processing or approval of any applications required in order to permit Declarant to carry out its obligations pursuant to this Declaration unless due to any act or failure to act by Declarant; denial to Declarant by any owner of an enforceable interest in adjoining real property, including any private fee owner or ground lessee of adjoining real property, or any agency of the City or State having an enforceable interest in adjoining real property, including sidewalk or streets, of a right to access to such adjoining real property, if such access is required to accomplish the obligations of the Declarant pursuant to this Declaration; the pendency of a litigation not initiated by Declarant or similar proceeding which suspends or materially and adversely affects the ability of the Declarant to accomplish the obligations of the Declarant pursuant to this Declaration; or other conditions similar in character

to the foregoing which are beyond the control of Declarant. No event shall constitute a Force Majeure unless Declarant complies with the procedures set forth in Sections 2.1 and 6.2 hereof.

1.13 “Landmark Work” shall refer to the restoration work on the Designated Structure as described in the Certificate of No Effect (“CNE”), attached hereto as Exhibit H;

1.14 “LPC” shall mean the Landmarks Preservation Commission of New York City or any successor to the jurisdiction thereof.

1.15 “Mortgagee” shall mean (a) the institutional first mortgagee of all or substantially all of the Subject Premises who has given written notice of its name and address to the CPC or the LPC, or (b) the first mortgagee of a condominium unit within the Designated Structure.

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

1.17 “PCO” is defined in Section 2.1(b) hereof.

1.18 “Special Permit” shall mean the special permit described in the eighth “Whereas” clause above.

1.19 “Special Permit Use” shall mean residential use (Use Group 2) on floors 2 through 5, with accessory residential uses on a portion of the ground floor and commercial use (Use Group 6), on a portion of the ground floor and the cellar. Notwithstanding the foregoing, no use shall be deemed a Special Permit Use if it is permitted as-of-right within the Subject Premises by the terms of the Zoning Resolution then in effect.

1.20 “TCO” is defined in Section 2.1(b) hereof.

1.21 “Zoning Resolution” shall mean the Zoning Resolution of the City of New York.

ARTICLE II. DEVELOPMENT, PRESERVATION, REPAIR AND MAINTENANCE OF
THE DESIGNATED STRUCTURE

2.1 Certificate of Occupancy.

(a) The issuance of the Special Permit is premised on, inter alia, the performance of the construction of the following restoration work on the Designated Structure in conformity with the CNE, as amended, and/or other approvals by the LPC and the requirements thereof (which restoration work shall be referred to as the “Landmark Work”):

STREET FAÇADE

1. Remove all coatings on cast iron façade and steel fire escape. Repair corroded components. Prepare all surfaces for repainting per paint manufacturer’s recommendations. Prime and paint. All painting shall be consistent with paint analysis where applicable.
2. Clean and prepare sheet metal cornice and pediment for repainting.
3. Examine fasteners, structural connections, and fire escape components upon removal of coatings. Repair/replace deteriorated or failed items as required.
4. Examine water table armature at each floor. Lift top plate at one or two locations per floor, review conditions and make necessary repairs.
5. Replace sheet metal double hung windows at northernmost bay. Sheet metal windows do not appear to be original. Windows to be replaced with LPC approved units.

6. Replace sheet metal double doors along fire escape. Sheet metal doors do not appear to be original. Doors to be replaced with fire-protected, LPC approved units.
7. Replace existing window sashes on floors 4 and 5, bays 3 through 6. Existing wood double hung windows appear to be in poor condition from the exterior. Replace wood frame in-kind if deteriorated beyond repair.
8. Service 2nd and 3rd floor windows, bays 3 through 6. Prepare wood surfaces for repainting per paint manufacturer's recommendations. Replace perimeter caulking.
Alternate: replace with insulated units.

STOREFRONT

1. Comprehensive painting of all wood frame, sash, and jamb components.
2. Re-glazing of doors and transoms, and perimeter sealant and weather-stripping.
3. Various operable doorframe members require Refastening of wood joints and connections and restoration of hardware including realignment of hinges and door closers on various operable doorframe member, as necessary.
4. Replace overhead lights with LPC approved fixtures.

REAR COURTYARD ELEVATION

1. Clean masonry elevation; power wash.
2. Repoint all masonry joints. Replace cracked and spalled brickwork.
3. Replace delaminated stone sills w/cast stone units.
4. Sound all lintels. Repair/replace as required.

5. Replace windows deteriorated beyond repair, or of inappropriate size. Install code compliant units. Coordinate opening sizes and muntin configurations. Replace perimeter sealant at windows to remain.
6. Repair shutters and hinges: scrape, prime, and paint. Replace fasteners as required.
7. Clean rear courtyard floor. Remove accumulated debris, abandoned mechanical equipment, etc.
8. Repair and/or reconstruct south party wall (basement level).
9. Remove abandoned cables, pipes, ductwork, mechanical equipment, and dunnage.
10. [Removal of fire escape [if said fire escape is not a required means of egress]].
[Replacement of the double-rod ladder rungs, installation of a second mid-rail at ladders, repair/replacement of corroded components, and repainting [if the fire escape is a required means of egress]].
11. Review openings for mechanical equipment, flash as required.

ROOF

1. Service the existing roof membrane under warranty.
2. Repair dunnage and railings: scrape, prime, and paint.

SIDEWALK

1. Replace two deteriorated granite flags with new granite flags.
2. Scrape and clean diamond plate. Prime and paint to match existing.
3. Patch existing cement infill at retired lamp post penetration with granite dutchman matching existing
4. Clean granite sidewalk flags, and caulk all joints.

(b) The Declarant shall provide written notice to the Chair of the LPC seven (7) days prior to applying to the Buildings Department for a temporary certificate of occupancy (“TCO”) or permanent certificate of occupancy (“PCO”) for the Special Permit Use. No TCO or PCO for the Special Permit Use shall be granted by the Buildings Department or accepted by Declarant until the Chairperson of the LPC shall have given written notice to the Buildings Department that the Landmark Work has been satisfactorily completed by Declarant or the Chairperson of the LPC has certified in writing, as provided in Section 2.1(d) hereof, that (a) a Force Majeure has occurred and (b) the Chairperson of the LPC has no objection to the issuance of a TCO or PCO for, as appropriate, all or part of the Subject Premises. The Chairperson of the LPC shall issue said notice in the exercise of his or her reasonable judgment and reasonably promptly after Declarant has made written request to the Chairperson of the LPC and has provided documentation to support such request, and the Chairperson of the LPC shall in all events endeavor to issue such written notice to the Buildings Department, or inform Declarant in writing of the reason for not issuing said notice, within fourteen (14) calendar days after Declarant has requested such written notice. Upon receipt of the written notice from the Chairperson of the LPC that (i) the Landmark Work has been satisfactorily completed or (ii) the Chairperson of the LPC has certified that a Force Majeure has occurred and that the Chairperson of the LPC has no objection to the issuance of a TCO or PCO, the Buildings Department may grant, and Declarant may accept, a TCO or PCO for the Designated Structure. In the event that the Buildings Department shall grant to Declarant, or Declarant shall accept, a TCO or PCO for the Designated Structure in violation of the terms of this Declaration, the Declarant shall, at the request of the Chair of the LPC, immediately relinquish and forfeit such TCO or PCO. Notwithstanding anything to the contrary contained herein, the Chairperson of the LPC shall declare that the Landmark Work has been satisfactorily completed

notwithstanding that minor and insubstantial details of construction or mechanical adjustment remain to be performed.

(c) Declarant shall permit inspection of the Designated Structure by the Chairperson of the LPC and representatives designated by the Chairperson of the LPC in connection with the notice described in Section 2.1(b) hereof.

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

(e) In the event that Declarant reasonably believes that full performance of its obligations to complete the Landmark Work has been delayed as a result of a Force Majeure, Declarant shall so notify the Chairperson of the LPC as soon as Declarant learns of such circumstances. Declarant's written notice shall include a description of the condition or event, its cause (if known to Declarant), its probable duration, and in Declarant's reasonable judgment, the impact it is reasonably anticipated to have on the completion of the Landmark Work. The Chairperson of the LPC shall, within fourteen (14) calendar days of its receipt of Declarant's written notice, (A) certify in writing that a Force Majeure has occurred, including a determination of the expected duration of such delay (the "Delay Notice"), and grant Declarant appropriate relief for such delay, including certifying in writing to the Buildings Department that the Chairperson of the LPC has no objection to the issuance of a TCO or PCO for, as appropriate, all or part of the Subject Premises, or (B) notify Declarant that it does not reasonably believe a Force Majeure has occurred. With respect to any claim that a Force Majeure has delayed the Declarant's performance

or completion of the Landmark Work, the LPC may require that Declarant post a bond or other security in a form and amount acceptable to the Chairperson of the LPC in order to ensure that the Landmark Work is completed. Such alternative security could include, without limitation, alternative or additional conditions on the issuance of any PCO or TCO. Any delay caused as the result of a Force Majeure shall be deemed to continue only as long as the Declarant shall be using reasonable efforts to minimize the effects thereof. Upon cessation of the events causing such delay, the Declarant shall promptly recommence the Landmark Work.

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

2.2 Preservation, Repair and Maintenance. Declarant hereby covenants and agrees to preserve, repair and maintain the Designated Structure in sound first-class condition, at its own cost and expense, in accordance with this Declaration, the CofA (as amended) and the Landmarks Preservation Law. It is understood that certain obligations and duties set forth in this Declaration are above and beyond the requirements of the Landmarks Preservation Law and do not in any way diminish Declarant's obligation and responsibility to comply with all provisions of the Landmarks Preservation Law.

2.3 Continuing Maintenance Program. Declarant shall comply with the obligations and restrictions of the continuing maintenance program (the “Continuing Maintenance Program”) as set forth below:

(a) Periodic Inspections. Declarant shall establish and carry out a cyclical inspection and maintenance program for the Designated Structure which shall include, without limitation, the following:

- (1) At Declarant’s expense, an inspection (the “Periodic Inspection”) shall be made every five years, on or within thirty (30) days of the anniversary of the issuance by the LPC of the Notice of Compliance pursuant to the CofA, and thereafter, shall be made on or within thirty (30) days of the fifth anniversary of the date of such initial or subsequent inspection. In the event that Declarant has accepted a TCO or a PCO that permits a Special Permit Use without having first received the Notice of Compliance, the first periodic inspection shall be made on or within thirty (30) days of the fifth anniversary date of the issuance of such TCO or PCO and every five years thereafter. The Periodic Inspection shall be done by a preservation architect, engineer or other qualified person knowledgeable about the preservation of historic structures (the “Preservation Architect”) selected by Declarant from a list prepared by Declarant and approved by the Chairperson of the LPC as to their credentials, which approval shall not be unreasonably withheld or delayed. Declarant shall update such listing upon the request of the Chairperson of the LPC. In addition, Declarant may periodically supplement the list of Preservation Architects, subject to the

reasonable approval of the Chairperson of the LPC as to their credentials. The Preservation Architect shall make a thorough inspection of the exterior of the Designated Structure and those portions of the interior, which, if not properly maintained, could affect the condition of the exterior, including, but not limited to, interior systems such as heating, plumbing and air conditioning. The Periodic Inspection shall include (but not be limited to) the following portions of the Designated Structure: all exterior portions of the Designated Structure including masonry, bays and storefronts, windows, cornice and roof, and mechanical systems.

- (2) The Preservation Architect shall, at the expense of Declarant, submit a report on each Periodic Inspection (the "Periodic Report") to Declarant and the LPC within forty-five (45) days after each Periodic Inspection. The Periodic Report shall outline the existing conditions of the Designated Structure and detail the work which should be performed in order to maintain the Designated Structure, including all architectural features and elements, in a sound first-class condition, including but not limited to caulking, painting, cleaning, repair of architectural features and elements, checking for rust and repointing of masonry.
- (3) Submission of Local Law 10 & 11 Facade Inspection Report. If the Designated Structure is subject to the Facade Inspection Report requirements of Title 1 RCNY §32-03 et seq., a copy of any such Facade Inspection Report which is submitted to the Buildings Department, shall also be provided at the same time to the LPC. In the event that the building

is found to be unsafe pursuant to such inspection, the Declarant shall notify the LPC simultaneously with the Buildings Department, pursuant to Title 1 RCNY §32-03(b)(2)(vii).

(4) Except as set forth below, Declarant shall perform all work which a Periodic Report, Facade Inspection Report or Emergency Incident Report (as defined below) identifies as necessary to maintain the Designated Structure, including architectural features and elements, in sound first-class condition. No work shall be performed except pursuant to a permit from the LPC if a permit is required under the Landmarks Preservation Law. If the LPC determines that a specific item of work or method of work as set forth in a Periodic Report, Facade Inspection Report or Emergency Incident Report would be inappropriate or inadequate, the determination of the LPC shall control and Declarant need not and shall not have such specific item performed. Declarant shall have the right to contest in a hearing before the LPC any work called for in a Periodic Report or Emergency Incident Report. Declarant's obligation to perform such contested work or to perform it by a method acceptable to the LPC shall be stayed pending a decision in any such proceeding at the LPC. Declarant shall proceed with all work that is uncontested during the stay pursuant to a permit.

(5) Unless Declarant has notified the LPC in writing that it contests any work as set forth in the preceding paragraph, Declarant shall apply for all necessary permits or certificates from the LPC within 45 days of receiving the completed report from the Preservation Architect. Declarant shall use

its best efforts to assure that all repairs, rehabilitation, repointing and restoration work detailed in the Periodic Report or Emergency Incident Report shall be completed at the earliest possible date, but no later than within nine (9) months of the date of issue of the certificate or permit from the LPC, or, if no such certificate or permit is required, within nine months of the date of the Periodic Report or Emergency Incident Report. If for reasons beyond Declarant's control, as determined by the Chairperson of the LPC, in the exercise of his or her reasonable judgment, such work cannot be completed within nine months, Declarant shall apply to the LPC for an extension of time within which to complete such work. Such extensions shall be for a stated additional period of time to be related to the period of delay and shall not be unreasonably withheld.

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

- (1) If a fire, the elements or any other cause whatsoever damages or destroys the Designated Structure or any part thereof (the "Emergency Incident"), Declarant shall use all reasonable means to save, protect and preserve the Designated Structure at the time of and following the Emergency Incident, including, but not limited to, acting with an approval from the Chairperson of the LPC or his or her designated representatives to stabilize and prevent further damage to or deterioration of the structure, and to secure the Subject Premises from unauthorized access. Declarant shall not remove from the

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

- (2) Declarant shall give immediate written notice of such Emergency Incident to the LPC. Declarant shall also give timely notice to the LPC of the time or times when the New York City Departments of Buildings, Health and Fire will inspect the Subject Premises following the Emergency Incident, in order that the LPC may have a representative present during such inspections.
- (3) Within sixty (60) days of such Emergency Incident, a Preservation Architect shall, at the expense of Declarant, make a thorough inspection of the Designated Structure and submit a report (an "Emergency Incident Report") to Declarant and to the LPC outlining the condition of the Designated Structure, assessing the extent of damage, and recommending (A) work, if any, which must be undertaken immediately, upon receipt of proper permits, in order to stabilize and prevent further damage to the Designated Structure, and (B) work that should be performed to repair and restore the Designated Structure to a sound, first-class condition or, alternatively to (A) and (B), that Declarant make an application to the LPC

for permission to demolish the remaining portions of the Designated Structure.

- (4) With regard to the work to be performed pursuant to subparagraph (3)(A), Declarant shall immediately upon receipt of the Emergency Incident Report request and vigorously pursue all necessary permits and upon their issuance, shall undertake all such work with alacrity. If no permits are required, work shall be undertaken as soon as possible after receipt of the Emergency Incident Report.

- (5) With regard to the work to be performed pursuant to subparagraph (3)(B), within ninety (90) days of receiving the report of the Preservation Architect, Declarant shall apply for all necessary permits and certificates from the LPC to repair and restore or to demolish. No work on the exterior of the Designated Structure, and no work on the interior of the Designated Structure which would affect the exterior or which would require the issuance of a permit from the Buildings Department shall be performed except pursuant to a permit from the LPC. If the LPC determines that a recommendation to demolish or to perform a specific item of work or method of work set forth in the report would be inappropriate, using the criteria set forth in the Landmarks Preservation Law, the determination of the LPC shall control and the Declarant shall not have such specific work performed or be entitled to have the Designated Structure demolished unless Declarant is obligated to perform such work or demolish the structure in accordance with an “Unsafe Building Notice” [“Immediate Emergency

Declaration”] issued by the Buildings Department. All repair, restoration, rehabilitation, repointing, and other work provided for in a certificate or permit shall be completed within nine (9) months of the date of issue of such certificate or permit by the LPC. If such work cannot be completed within nine months for reasons beyond Declarant’s control, as determined by the Chairperson of the LPC in the exercise of his or her reasonable judgment, Declarant shall apply in writing to the LPC for an extension of time within which to complete such work. Such extensions shall be for a stated additional period of time that is related to the period of the delay and shall not be unreasonably withheld.

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

Failure to Perform. In the event that the preservation, repair, or maintenance of the Designated Structure is not performed in accordance with the provisions of this Article, the LPC shall give written notice of such failure to perform to the Declarant. Subject to the provisions of Section 4.4 hereof, in the event that Declarant, its successors or assigns, fails after sixty (60) days from receipt of written notice from the LPC to perform, or shall commence to perform but fail diligently to prosecute to completion, any such repair and/or maintenance, or any obligations of Declarant set forth in this Declaration, the City of New

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

ARTICLE III. CONDOMINIUM BOARD

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

3.2 Board. The Board shall require that each owner of a condominium unit (the “Unit Owner”) appoint the Board as his Attorney-in-Fact with respect to modification, amendment, or cancellation of the Declaration, and to carry out all of Declarant’s obligations and to exercise all of Declarant’s rights under this Declaration.

3.3 Condominium Deed and By-Laws. Every deed conveying title to, or a partial interest in, the Subject Premises and every lease of all or substantially all of the Subject Premises shall contain a recital that the grantee is bound by the terms of the Condominium Declaration and the By-laws of the Condominium, which shall incorporate an obligation by the Board to comply with the provisions of Article 3 of this Declaration. Every deed conveying title shall explicitly state that the grantee shall comply with the obligations and restrictions of the Continuing Maintenance Program, as provided in Section 2.3 herein.

ARTICLE IV. EFFECT AND ENFORCEMENT

4.1 Effective Date.

(a) This Declaration shall have no force and effect unless and until the occurrence of one of the following, to be referred to as the “Effective Date”: (i) the expiration of 21 days after the Special Permit has been approved if no review is undertaken by the City Council pursuant to Section 197-d of the New York City Charter, or (ii) final approval of the Special Permit pursuant to Section 197-d of the New York City Charter. The Declaration shall become immediately effective upon the Effective Date. If, before the Effective Date, Declarant requests or causes the application for the Special Permit to be withdrawn or abandoned, or if final action has been taken having the effect of denying the Special Permit, then, upon notice to CPC and LPC, this

Declaration shall not become effective, shall be automatically canceled and shall be of no force and effect.

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

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

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

4.4 Notice and Cure.

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

condominium board and to any owner of space occupied by retail uses in the Designated Structure; provided that the LPC has received notice by said parties in accordance with Section 6.2.

(b) If after due notice as set forth in this Section 4.4, Declarant fails to cure such alleged violations, the City may exercise any and all of its rights, including those delineated in this Section and may disapprove any amendment, modification, or cancellation of this Declaration on the sole grounds that Declarant is in default of any material obligation under this Declaration.

4.5 Acknowledgement of Covenants.

(a) If Declarant fails to observe any of the terms or conditions of this Declaration, and the Declarant fails to cure such violation within the applicable grace period provided in subparagraph 4.4(a) of this Declaration, then prior to the institution by any agency or department of the City of any action, proceeding, or proceedings against Declarant in connection with such failure, a Mortgagee who has given written notice of its name and address to the CPC and the LPC shall be given thirty (30) days written notice of such alleged violation, during which period such Mortgagee shall have the opportunity to effect a cure of such alleged violation. If such Mortgagee commences to effect a cure during such thirty (30) day period and proceeds diligently towards the effectuation of such cure, the aforesaid thirty (30) day period shall be extended for so long as such Mortgagee continues to proceed diligently with the effectuation of such cure.

(b) If after due notice as set forth in this Section 4.5(a), Declarant and the Mortgagee fail to cure such alleged violations, the City may exercise any and all of its rights, including those delineated in this Section and may disapprove any amendment, modification, or cancellation of

this Declaration on the sole grounds that Declarant is in default of any material obligation under this Declaration.

(c) Declarant acknowledges that the restrictions, covenants, easements, obligations and agreements in this Declaration, which are an integral part of the Special Permit, will protect the value and desirability of the Subject Premises as well as benefit the City of New York and all property owners within a one-half mile radius of the Subject Premises. Those restrictions, covenants, easements, obligations and agreements shall be covenants running with the land, and shall bind Declarant and its successors, legal representatives, and assigns.

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

4.7 Governance. This Declaration shall be governed by and construed in accordance with the laws of the State of New York.

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

4.9 Applicability to other City Agencies. Declarant covenants to include a copy of this Declaration as part of any application submitted to the LPC, CPC, Buildings Department, Board of Standards and Appeals (“BSA”), New York State Attorney General (in the event of a proposed conversion of the Designated Structure to condominium ownership) or any agency succeeding to their respective jurisdictions. The restrictions and obligations contained herein are a condition of any permit or Certificate of Occupancy to be issued by the Buildings Department and Declarant will take all reasonable steps to ensure that they are so listed. Failure to carry out such obligation beyond any applicable grace period shall constitute sufficient cause for the Commissioner of the Buildings Department to revoke any permit issued by the Buildings Department, including any building permit issued pursuant to the Special Permit, or to apply to the BSA or to a court of competent jurisdiction for revocation of the Certificate of Occupancy.

4.10 Limitation of Liability.

(a) Declarant shall be liable in the performance of any term, provision or covenant in this Declaration, subject to the following sentences and subject to Section 4.12 below. Notwithstanding anything to the contrary contained in this Declaration, the City and any other party or person relying on the Declaration will look solely to the fee estate and interest of Declarant in the Subject Property, on an in rem basis only, for the collection of any money judgment recovered against Declarant, and no other property of Declarant shall be subject to levy, execution or other enforcement procedure for the satisfaction of the remedies of the City or any other person or entity with respect to this Declaration, and Declarant shall have no personal liability under this Declaration. The liability of any Unit Owner under this Declaration shall be limited to the amount of such Unit Owner’s prorated share, based on such Unit Owner’s interest in the common elements of the Condominium, of the costs of compliance with this Declaration. For the purposes of this

Section 4.10, "Declarant" shall mean "Declarant" as defined in Article I hereof, as well as any principals, disclosed or undisclosed, partners, affiliates, officers, employees, shareholders or directors of Declarant.

(b) The restrictions, covenants and agreements set forth in this Declaration shall be binding upon Declarant, and any successors-in-interest thereto (including, without limitation, any mortgagee that acquires title to the Subject Premises by foreclosure or deed-in-lieu thereof) only for the period during which such party is the holder of a fee interest in or is a party in interest of the Subject Premises and only to the extent of such fee interest or the interest rendering such party a party in interest. At such time as Declarant has no further fee interest in the Subject Premises and is no longer a party in interest of the Subject Premises, such party's obligations and liability with respect to this Declaration shall wholly cease and terminate from and after the conveyance of such party's interest and such party's successors-in-interest in the Subject Premises by acceptance of such conveyance automatically shall be deemed to assume such party's obligations and liabilities hereunder to the extent of such successor-in-interest's interest.

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

4.12 Right to Convey. Nothing contained herein shall be construed as requiring the consent of the CPC, the LPC, the City, any agency thereof or any other person or entity to any

sale, transfer, conveyance, mortgage, lease or assignment of any interest in the Subject Property or the Designated Structure.

ARTICLE V. AMENDMENTS, MODIFICATIONS AND CANCELLATIONS

5.1 Amendment or Cancellation. Except as provided in paragraph 4.1 above, this Declaration may be amended or canceled only upon application by the LPC on behalf of Declarant and only with the express written approval of the CPC and of the City Council, but only in the event that the City Council reviewed the Special Permit pursuant to Section 197-d, and no other approval or consent shall be required from any public body, private person or legal entity of any kind; provided, however, that no such approval shall be required in the case of any cancellation pursuant to paragraph 5.4.

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

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

5.4 Surrender or Nullification. Notwithstanding the provisions of Section 4.1(a) and 4.1(b), in the event that Declarant does not use the Subject Premises pursuant to the Special Permit, Declarant may surrender the Special Permit to the CPC and proceed with any use permitted by the Zoning Resolution and in accordance with the Landmarks Preservation Law as if such Special Permit had not been granted. This Declaration shall be rendered null and void upon recordation of an instrument filed by Declarant discharging it of record, with copies to LPC and CPC, the recordation of which instrument shall constitute a waiver of the right to use the Subject Premises pursuant to the Special Permit.

ARTICLE VI. MISCELLANEOUS

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

6.2 Notices.

(a) All notices, demands, requests, consents, waivers, approvals and other communications which may be or are permitted, desirable or required to be given, served or deemed to have been given or sent hereunder shall be in writing and shall be sent, as follows:

(1) If intended for 62 Greene Owners Corp, to:

62 Greene Owners Corp.
2121 Quaker Hill RoadJefferson, NY 12093
Attn: Ms. Liz Searles, Treasurer

With a copy to:

GoldmanHarris LLC
475 Park Avenue South, 28th Floor
New York, NY 10010
Attn: Caroline G. Harris, Esq.

- (2) If intended for the CPC, to:

New York City Department of City Planning
22 Reade Street
New York, NY 10007 (or then-official address)
Attn: Chairperson

- (3) If intended for the LPC, to:

Landmarks Preservation Commission
Municipal Building, 1 Centre Street, 9th Floor,
New York, NY 10007 (or then-official address),
Attn: Chairperson

- (4) If intended for the City Council, to:

City Council at the Office of the Speaker,
City Council
City Hall, New York, NY 10007

- (5) If intended for, to:

(b) Declarant, or its representatives, by notice given as provided in this paragraph 6.2, may change any address for the purposes of this Declaration. Each notice, demand, request, consent, approval or other communication shall be either sent by registered or certified mail, postage prepaid, or delivered by hand, and shall be deemed sufficiently given, served or sent for all purposes hereunder five (5) business days after it shall be mailed, or, if delivered by hand, when actually received.

6.3 Indemnification. Provided that Declarant is found by a court of competent jurisdiction to have been in default in the performance of its obligations under this Declaration after having received written notice of such default and opportunity to cure as provided above, and such finding is upheld on final appeal, or the time for further review of such finding on appeal or by other proceeding has lapsed, Declarant shall indemnify and hold harmless the City from and against all of its reasonable legal and administrative expenses arising out of or in connection with the City's enforcement of Declarant's obligations under this Declaration.

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

62 GREENE OWNERS CORP.

By: _____
Name:
Title:

Appendix C

Engineer's Certification

**BONE/LEVINE
ARCHITECTS**

561 BROADWAY, NO. 80
NEW YORK, NY 10012
TEL 212 219 1038
FAX 212 226 8058

February 13, 2017

BY EMAIL AND HAND DELIVERY

Samuel Nouriel
NYC Dept. of City Planning
Environmental Assessment & Review Division
120 Broadway, 31st Floor
New York, NY 10271

Re: 62 Greene Street
New York, NY
DCP Project No. P2015M0282
Draft EAS Application (the "Application")

Dear Mr. Nouriel:

I, Joe Levine, an architect licensed in the State of New York, Principal of the firm of Bone/Levine Architects, certify that the existing Heating, Ventilation and Air Conditioning ("HVAC") systems serving the property located at 62 Greene Street, New York, New York, Block 485, Lot 3 (the "Building") are not being replaced with new HVAC systems under this Application. As shown on our plans, our scope of work includes the removal of abandoned-in-place HVAC equipment at the rear of the Building with existing HVAC systems to remain in place.



Joe Levine, RA, AIA
Principal
Bone/Levine Architects

Dated: February 13, 2017