The City of New York
Department of Housing Preservation and Development
Office of Development
100 Gold Street, Room 9G-7
New York, NY 10037

MEMORANDUM

DATE: December 11, 2009

TO: Robert Dobruskin, Department of City Planning

FROM: Shampa Chanda, Department of Housing Preservation and Development

RE: **Proposed Modifications to the East Village/Lower East Side Rezoning**
CEQR No. 07DCP078M
ULURP Nos. C080397ZMM, N080398 ZRM,
C080397ZMM (A), N080398 ZRM (A)
Houston Dee Project

CC: Arthur Huh, DCP
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Attached, please find a Tech Memo associated with the East Village Lower East Side Rezoning FEIS. The Tech Memo assesses the increase of 15 residential units and 1,137 SF of ground floor commercial space on Projected Development Sites 166 and 167, associated with HPD's proposed Houston Dee project. This represents a nominal increase of approximately 1% of the residential units and approximately 2% of the commercial space that was analyzed for the Rezoning area in the 2008 FEIS. The proposed modifications are deemed to be nominal and will not result in significant adverse impacts.

Enc.

TECHNICAL MEMORANDUM

Proposed Modifications to the East Village/Lower East Side Rezoning
CEQR No. 07DCP078M
ULURP Nos. C080397ZMM, N080398 ZRM, C080397ZMM (A), N080398 ZRM (A)

December 10, 2009

The East Village/Lower East Side Rezoning (EVLES) was adopted by the City in 2008. The Rezoning area covers approximately 111 blocks of the East Village and Lower East Side neighborhoods within Manhattan Community Board 3 and is generally bounded by East 13th Street on the north, Avenue D on the east, East Houston, Delancey Street and Grand Street on the south and the Bowery and Third Avenue on the west.

The New York City Department of City Planning (DCP), on behalf of the City Planning Commission (CPC) as lead agency, issued a Notice of Completion for the Final Environmental Impact Statement (FEIS) for the East Village / Lower East Side Rezoning (CEQR No. 07DCP078M) on September 26, 2008. The 2008 FEIS analyzed the amendment of the zoning map along with zoning text modifications. The purpose of the rezoning action is to preserve the low- to mid-rise character of the East Village and Lower East neighborhoods while providing opportunities for new residential development in specific corridors with incentives for affordable housing.

The 2008 FEIS analyzed development over a ten-year period, which included a net increase of 1,383 new residential units, 348 of which would be affordable, and approximately 74,439 SF of new commercial space and identified 205 projected development sites and 565 potential development sites. The FEIS also analyzed the disposition of a City-owned property located at 302 East 2nd Street (Block 372, Lot 49) to facilitate the development of a HPD-sponsored residential project with ground floor retail. The City-owned property would be assembled with adjacent privately-owned parcels located at 5 Avenue D and 306-310 East 2nd Street (Block 372, Lots 43, 44, 47 and 48) and was identified as Projected Development Site 167. The proposed HPD project, as evaluated in the FEIS, included 116 dwelling units, 23 of which would be affordable, and 7,844 SF of ground floor retail space.

At this time, pursuant to the City's Uniform Land Use Review Procedure (ULURP), HPD is seeking approval of an Urban Development Action Area Project (UDAAP) designation and disposition of City-owned property (the "Disposition Area") to facilitate the development of a thirteen-story mixed-use residential building. The proposed project consists of the Disposition Area and eight adjacent privately owned parcels located at 300 and 306 – 314 East 2nd Street and 5 – 13 Avenue D (Block 372, Lots 39, 41, 42, 43, 44, 47, 48, and 51). The proposed HPD project site would now encompass Projected Development Site 167 (Block 372, Lots 43, 44, 47, 48, 49) and an adjacent development site that was identified in the 2008 FEIS as Projected Development Site 166 (Block 372, Lots 41 and 42). According to the 2008 FEIS, the two sites were projected to yield a combined 151 residential units, of which 23 would be affordable, and 7,844 SF of commercial space. In fact, the proposed project will provide approximately 166 housing units, of which 34 will be affordable, and approximately 8,981 square feet of ground floor commercial space. This is made possible by the transfer of development rights from two adjacent privately owned properties (Block 372, Lots 39 and 51), which are five and six story residential buildings with ground floor commercial space. The additional 15,604 SF of development rights or net increase of 15 residential units was not analyzed in the 2008 FEIS.

I. DESCRIPTION OF PROPOSED MODIFICATIONS

HPD is seeking approval for the following City Planning Commission (CPC) actions in connection with Block 372, Lot 49 (part of Project Development Site 167):

- The disposition of City-owned-property located at Block 372, Lot 49; and
- The designation of an Urban Development Action Area Project (UDAAP) for Block 372, Lot 49; and

This technical memorandum assesses the increase in residential units for Projected Development Sites 166 and 167 from 151 residential units, including 23 affordable units, and 7,844 SF of commercial ground floor space as analyzed in the 2008 FEIS to 166 residential units, including 34 affordable units, and 8,981 SF of ground floor commercial space.

The proposed modifications will result in the new construction of one thirteen-story, mixed-use elevator building and that provide approximately 166 housing units including a mix of studios, one and two bedroom units and one unit for the superintendent. With the transfer of development rights from Block 372, Lots 39 and 51, the total floor area of the proposed and existing buildings will be approximately 172,465 SF, and the proposed project will have a floor area of approximately 151,098 SF. The proposed development will provide approximately 8,981 SF of ground floor commercial space. The building will include a fitness room of approximately 1,494 SF and an interior tenant recreation space of approximately 1,120 SF, totaling approximately 2,614 SF, and 850 SF bike storage room that will accommodate 96 bicycles. In addition, there will be rear yard open space of approximately 3,606 SF and a rooftop terrace of approximately 2,961 SF accessible to tenants The project will also incorporate energy efficient elements through New York State's Energy Research and Development Authority (NYSERDA) Energy Smart New Construction Program, as well as several green building features and materials. The building height will be approximately 119 feet and 10 inches with a street wall height of approximately 82 feet 5 inches. The proposed project will be built pursuant to the new R8A district with Inclusionary Housing.

II. POTENTIAL FOR SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS FROM THE PROPOSED MODIFICATIONS

The effects of the proposed modifications to Projected Development Sites 166 and 167 would not result in any significant adverse impacts not already identified in the previous environmental. Although the proposed modifications to Projected Development Sites 166 and 167 produce more floor area than was assessed in the 2008 FEIS, the additional development is nominal. The 2008 FEIS analyzed a net increase of 1,383 residential units, including 348 affordable units, and 74,439 SF of commercial space. The additional 15 residential units and 1,137 SF of commercial space in the proposed project would now result in a total net increase of 1,398 residential units and 75,837 SF of commercial space, which is a 1% and 2% increase respectively in the numbers analyzed in the 2008 FEIS. Therefore, according to the CEQR Technical Manual, no significant adverse impacts associated with the additional floor area would result from the proposed modifications.

A. Land Use, Zoning, and Public Policy

The proposed modifications would not change land uses on Projected Development Sites 166 and 167. With the proposed modifications, residential and retail uses would continue to be allowed on Projected Development Sites 166 and 167. The proposed modifications would be consistent with land use, zoning and public policy and would not result in significant adverse impacts.

B. Socioeconomic Conditions

The proposed modifications would not result in direct or indirect residential, commercial or institutional displacement. Nor would the proposed modifications affect a specific industry. The proposed modifications would not result in any new or different socioeconomic effects that were not already disclosed in the previous environmental review. The minor modification proposed for Projected Development Sites 166 and 167 would not result in significant adverse impacts related to socioeconomic conditions.

C. Community Facilities and Services

The proposed modifications would only result in a minor increase of the overall density of development analyzed in the earlier environmental review. Although more dwelling units would occur than the original number analyzed in the 2008 FEIS, the additional units are nominal. The 2008 FEIS concluded that significant adverse impacts to schools, publicly funded daycare facilities, libraries and outpatient healthcare facilities would not occur. In addition, no significant adverse impacts associated with direct effects to police stations or firehouses were disclosed in the previous review. The proposed modifications would not result in significant adverse impacts related to community facilities.

D. Open Space

The 2008 FEIS disclosed unmitigated significant adverse open space impacts with respect to active open space, specifically the Orchard Alley Garden, located on the block bounded by East 3rd Street and East 4th Streets between Avenues C and D that would have more than four hours of incremental shadows fall on the garden daily throughout the year during mornings and early afternoons. However, the FEIS did not identify any impact attributable to Projected Sites 166 and 167, and therefore the proposed modification will not have any effect on the garden.

In addition, the proposed development would be built pursuant to the *Quality Housing Program*, which provides specific requirements for outdoor plantings and indoor and/or outdoor recreational space for the residents of a building. The proposed development would include an outdoor recreation area for building residents. The outdoor space would include a rear yard open space of approximately 3,606 square feet and a rooftop terrace of approximately 2,961 square feet accessible to tenants.

E. Shadows

The proposed modifications would not result in significant adverse shadow impacts. Projected Development Sites 166 and 167 were analyzed pursuant to the new R8A contextual zoning district which has required street wall heights, setbacks and maximum building heights. The Proposed project will be developed pursuant to the R8A zoning district, therefore the proposed modifications would not alter the conclusions reached in the 2008 FEIS.

F. Historic Resources

The proposed modifications would not result in significant adverse impacts to any identified historic resources. The 2008 FEIS considered potential effects from development on Projected Development Sites 166 and 167 and concluded that no significant adverse impacts would result. The proposed modifications would not result in a direct or indirect effect to historic resources which could be characterized as a significant adverse impact. Therefore, the proposed modifications would not result in any significant adverse impact to historic resources not already identified in the previous environmental review.

G. Urban Design/Visual Resources

The proposed modifications would not result in significant adverse impacts to urban design and visual resources. The proposed development would be constructed pursuant to the new R8A zoning and *Quality Housing* regulations as analyzed in the 2008 FEIS, which concluded that no significant adverse impacts were expected. Therefore, the proposed modifications would not result in significant adverse impacts.

H. Neighborhood Character

The proposed modifications would not result in any significant adverse impacts not already identified in the previous environmental review to land use, urban design/visual resources, historic resources, socioeconomic conditions, traffic, and noise. Therefore, the proposed modifications would not result in significant adverse impacts to neighborhood character and, as analyzed in the 2008 FEIS, would result in an overall improvement to neighborhood character.

I. Hazardous Materials

The proposed modifications would not result in significant adverse impacts related to hazardous materials. The proposed project will be built pursuant to construction health and safety plans in accordance with DEP approved site specific Sampling and Remediation Work Plan. Therefore, the proposed modifications would not result in significant adverse impacts to hazardous materials.

J. Natural Resources

Projected Development Sites 166 and 167 are located in an urban area completely devoid of natural resources. Significant adverse impacts would not result from the proposed modifications.

K. Waterfront Revitalization Program

Projected Development Sites 166 and 167 is not located within the City's Coastal Zone. Therefore, a review for consistency with the policies of the City's Waterfront Revitalization Program is not required.

L. Infrastructure

The proposed modifications would not result in significant adverse impacts on existing infrastructure systems. As discussed in the 2008 FEIS, the existing city infrastructure has sufficient capacity to accommodate development from the Rezoning and it would not result in any significant adverse impacts to the existing water supply, sewage treatment (wastewater), and stormwater discharge systems.

M. Solid Waste and Sanitation Services

The proposed modifications would not result in significant adverse impacts related to solid waste and sanitation services. The 2008 FEIS conclude that the anticipated development within the Rezoning area would not result in any significant adverse impacts to the existing solid waste collection and disposal systems. Solid waste generated by commercial developments is typically hauled away by private carters; solid waste generated by residences and some community facilities are handled by the New York City Department of Sanitation (DSNY). Overall, the proposed modifications would not alter the conclusions of the previous environmental review.

N. Energy

The proposed modifications would not result in development that was not already assessed in earlier environmental reviews. Therefore, the proposed modifications would not result in significant adverse energy impacts.

O. Traffic and Parking

The proposed modifications would not significantly affect density and result in new or significantly different amounts of floor area within the Rezoning area and Projected Development Sites 166 and 167 that was not already assessed. In addition, the proposed project will not include a vehicular parking garage. Therefore, the net vehicle trips and parking demand generated under the modifications would be the same as under the previous environmental reviews. Furthermore, there would be no change to traffic patterns or circulation that was not already assessed in the earlier environmental review. Therefore, the proposed modifications would not result in any significant adverse impacts to traffic and parking not already identified in the 2008 FEIS.

P. Transit and Pedestrians

The proposed modifications would not affect overall density, and therefore would not change the net subway, bus, and pedestrian trips which were already assessed. With the proposed modifications, the same significant adverse impacts to pedestrian conditions (crosswalk) and bus service disclosed in the 2008 FEIS would occur. The proposed modifications would not alter the conclusions reached in the earlier environmental review.

Q. Air Quality

As noted above, the proposed modifications would not significantly affect the density and projected floor area within the Rezoning Area and development from Projected Development Sites 166 and 167, and therefore would not change the net vehicle trips assessed in the 2008 FEIS. The effects on emissions from mobile and stationary sources analyzed in those would be not be affected by the proposed modifications. Therefore, the proposed modifications would not result in any significant adverse air quality impacts not already identified.

R. Noise

As part of the original zoning map amendment approved in 2008, Projected Development Sites 166 and 167 were mapped with (E) designations requiring window-wall attenuation for Site 166 (30 dBA) and Site 167 (35 dBA). With the merging of the lots into a single zoning lot, the (E) designation would be extended to all lots and the required window-wall attenuation would be 35 dBA. The proposed modifications would not alter the conclusions reached in the 2008 FEIS.

S. Construction Impacts

The proposed modifications would not result in significant adverse construction-related impacts. The construction effects with the proposed modifications would be the same as what was assessed in the earlier 2008 FEIS. As the changes would not significantly change the nature of site construction, the proposed modifications would not result in any significant adverse construction impacts not already identified in the previous environmental review.

T. Public Health

The proposed modifications would not result in significant adverse public health impacts, as they would not significantly impact the various technical areas that comprise public health, namely, air quality, hazardous

materials, solid waste management, and noise. With the proposed modifications, the window-wall attenuation requirements of the (E) designation mapped in connection with 2008 zoning map amendment would be implemented to ensure a maximum interior noise environment of 45 dBA.

U. Mitigation

As the proposed modifications would not result in significant adverse impacts not already identified in the 2008 FEIS, the same mitigation measures proposed in the FEIS would apply to the proposed modifications, as warranted.

V. Unavoidable Adverse Impacts

The proposed modifications would not alter the conclusions reached in the 2008 FEIS regarding unavoidable adverse impacts. The same unavoidable adverse impacts concerning open space, archaeological resources, and architectural resources identified in the 2008 FEIS would remain. These unavoidable adverse impacts were not attributable to development on Projected Development Sites 166 and 167.