Chapter 1: Project Description

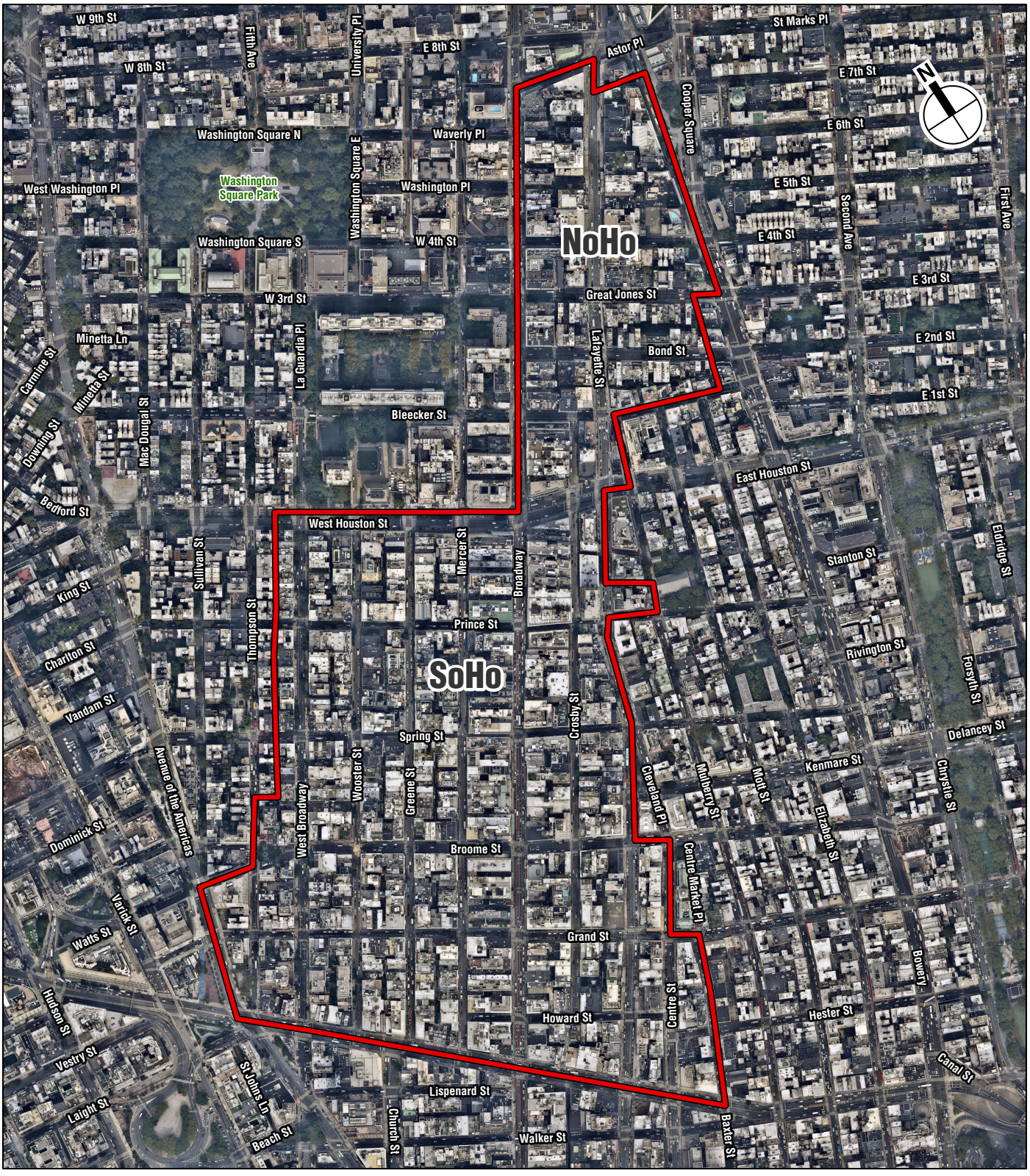
A. INTRODUCTION

The New York City Department of City Planning (DCP) is proposing zoning map and zoning text amendments (the "Proposed Actions") that would apply to an approximately 56-block, 146-acre area (the "Project Area") of the SoHo and NoHo neighborhoods of Manhattan, Community District 2. The Proposed Actions are intended to create opportunities for new housing, including affordable housing, better reflect existing built conditions, strengthen the mixed-use character of the neighborhoods, including office and retail uses, and celebrate the unique architectural and creative legacies of SoHo and NoHo. The Proposed Actions were developed in response to neighborhood-wide planning challenges brought about by changing economic and demographic trends and informed by local and Citywide stakeholders during the Envision SoHo/NoHo process, a public engagement initiative undertaken in 2019 by the Manhattan Borough President, the Council Member for City Council District 1, and DCP.

The Project Area is generally bounded by Astor Place and Houston Street to the north; Bowery, Lafayette Street, and Baxter Street to the east; Canal Street to the south, and Sixth Avenue, West Broadway, and Broadway to the west (see **Figures 1-1 and 1-2**). The Reasonable Worst-Case Development Scenario (RWCDS) for the Proposed Actions identifies 26 projected development sites. On the projected development sites, the Proposed Actions are expected to result in a net increase of approximately 1,829 projected dwelling units (DUs) (including 382 to 573 affordable units); 61,789 gross square feet (gsf) (51,752 zoning square feet [zsf]) of projected retail space (local and destination retail and supermarket space); and 20,778 gsf (18,076 zsf) of projected community facility space. The RWCDS also identifies 58 potential development sites, which are considered less likely to be developed by the analysis year. On the potential development sites, the Proposed Actions may result in a net increase of approximately 1,719 DUs, including 365 to 545 permanently affordable units; 52,360 gsf (46,073 zsf) of potential destination retail space; and 16,272 gsf (14,156 zsf) of potential community facility space. Development on some of these sites, due to the sites' location within New York City-designated historic districts, would be subject to future review and approval by the New York City Landmarks Preservation Commission (LPC) in accordance with the New York City Landmarks Law.

The Proposed Actions seek to accomplish the following land use and zoning objectives:

- Promote economic recovery, resiliency, and growth by allowing a wider range of commercial, community facility, and light industrial uses.
- Expand housing opportunities by allowing residential use and requiring permanently affordable housing to ensure that the neighborhoods support income diversity and further the City's equity and Fair Housing goals.
- Establish appropriate densities and contextual building envelopes that ensure new development harmonizes with neighborhood context and scale.



3.11.21

Data source: NYC Department of City Planning; Imagery via Nearmap

Project Area / Rezoning Area

0 500 FEET

Aerial

SOHO/NOHO NEIGHBORHOOD PLAN

Figure 1-1



Project Location

SOHO/NOHO NEIGHBORHOOD PLAN

Figure 1-2

- Promote the preservation of historic resources and adaptive reuse of existing buildings by allowing for the conversion of existing buildings.
- Celebrate SoHo/NoHo's evolving role in the City's creative economy by continuing to accommodate and expanding live-work uses and supporting creative, arts, and cultural uses.

B. REQUIRED APPROVALS

The Proposed Actions include discretionary approvals that are subject to review under the Uniform Land Use Review Procedure (ULURP), Section 200 of the City Charter, and City Environmental Quality Review (CEQR) process. The discretionary actions include:

- ***Zoning Map Amendments.*** The Proposed Actions would replace all or portions of existing M1-5A and M1-5B districts with medium- to high-density mixed-use districts, and establish a new Special SoHo/NoHo Mixed-Use District (SNX) in the Project Area.
- ***Zoning Text Amendments.*** The Proposed Actions include amendments to the text of New York City's Zoning Resolution (ZR) to establish regulations for the proposed Special SoHo/NoHo Mixed-Use District and to amend Appendix F of the ZR to apply the Mandatory Inclusionary Housing (MIH) program to the Special District.

C. BACKGROUND TO THE PROPOSED ACTIONS

PROJECT AREA HISTORY

THE EARLY HISTORY OF SOHO AND NOHO

The SoHo and NoHo neighborhoods were used as farm and pastureland up to and through the 17th century, including the significant establishment of Manhattan's first free black settlement in SoHo on land granted by the Dutch West India Company. Portions of the Project Area were developed with manufacturing use as early as the late 18th century and the subsequent draining of ponds in the area and transformation of Broadway into a paved thoroughfare initiated the transformation of the area into a desirable residential district. In the mid-19th century, the neighborhoods emerged as an important manufacturing and commercial district, with Broadway becoming a bustling commercial corridor with marquee retail stores, entertainment venues, and hotels. The SoHo/NoHo's resulting iconic cast-iron loft buildings contain large, contiguous floor plates, high ceilings, and sturdy floors that can accommodate a wide range of business activities. This flexibility made them particularly conducive to adaptive reuse in later years.

A DIVERSIFYING ECONOMY AND A GROWING RESIDENTIAL PRESENCE

Starting in the 1860s, fueled by the construction boom of non-residential buildings in Lower Manhattan and an industrializing economy, SoHo shifted from a commercial and entertainment destination to a critical manufacturing and wholesale center for textiles and garments. Other types of industrial businesses—such as wood and metal production, hardware, and paper wholesale—were also present. Post-World War II, influenced by changes within the manufacturing industry, such as transportation and spatial needs, the number of manufacturing and related businesses in SoHo and NoHo contracted significantly in the 1950s through the 1970s. The dramatic decline of manufacturing, wholesale, and related uses in SoHo and NoHo left many former industrial lofts empty, presenting an opportunity for versatile artist live-work spaces.

In 1971, the City amended SoHo/NoHo's basic M1-5 industrial zoning that had been in place since 1961. The 1971 rezoning sought to address the decline in manufacturing uses and recognize the growing presence of an artist community that was drawn to the area's vacant manufacturing loft buildings. In addition to the commercial and light industrial uses already permitted by the M1 zoning, Joint Living-Work Quarters for Artists (JLWQA) was created as a new manufacturing use within zoning Use Group 17 to allow a limited subset of artists and their households to live and practice their craft in such spaces. At first, the use was permitted only in SoHo, within two newly created zoning districts, M1-5A and M1-5B. In 1976, the M1-5B zoning was expanded to NoHo. The M1-5A and M1-5B zoning required that spaces used as JLWQA must be occupied by an artist certified by the Department of Cultural Affairs (DCLA). DCLA established criteria for artist certification based on the limited definition of "artist" in the New York State Multiple Dwelling Law (MDL).

In the following decades, as SoHo and NoHo gained increasing popularity as loft districts, residential occupancies not associated with certified artists and their associated arts production became more prevalent. This trend mirrored changes in manufacturing districts elsewhere in Manhattan, as industrial sectors relocated to buildings and areas that could accommodate modern production and distribution and loft buildings were increasingly occupied with residential uses.

In the early 1980s, the City and State introduced zoning and legislative changes to regulate the conversion of non-residential loft buildings after recognizing a growing trend of illegal residential loft conversions. The MDL was amended by the enactment of Article 7C (also known as the "Loft Law"), which enabled the creation of Interim Multiple Dwellings (IMDs), a temporary legal status conferred upon commercial or manufacturing buildings occupied by three or more families with the ultimate expectation that such buildings be upgraded as permanent housing, and established the New York City Loft Board to regulate such conversions to residential use. At its inception, Article 7C provided that residential conversions were only permitted in areas where zoning allowed residential use as-of-right, which effectively excluded IMDs in SoHo/NoHo. In 1987, Article 7C was amended to allow IMDs in zoning districts where residential use was not permitted as-of-right, opening the doors for non-artist residents in the manufacturing districts of SoHo and NoHo to seek Loft Law coverage.

Recognizing that artists' occupations and circumstances could change, and that many residents did not qualify for artist certification, the City later granted blanket amnesties for residents other than certified artists in SoHo/NoHo, allowing units previously restricted to certified artists to be legally occupied by a full range of residents. A 1983 occupancy survey showed that only approximately one third of households in SoHo and NoHo were occupied by a DCLA-certified artist, despite the restrictive zoning in place. Familial successions of JLWQA by non-artists, sales and leasing of units to non-artists, as well as Use Group 2 residential conversions and new construction via zoning variances and special permits contributed to SoHo/NoHo's shift from a limited artist community to a broader residential demographic with people engaged in a variety of professions. While DCLA routinely certified hundreds of artists per year throughout the 1970s and 1980s, that number dwindled to fewer than 10 per year in the latter half of the 2010s.With a population approaching 8,000 according to the 2010 US Census, SoHo/NoHo has a much more significant residential presence than typical manufacturing districts across the City.

Although the area's land use regulations have changed very little since the existing manufacturing zoning was enacted in the 1970s, SoHo/NoHo has transformed dramatically from a manufacturing center and post-industrial artist haven to one of the most exclusive, sought-after residential enclaves in the City and a magnet for retail and services – becoming, in the process, increasingly

inaccessible to most New Yorkers, including many who have called SoHo and NoHo home for decades. At the same time, SoHo and NoHo have seen the dramatic growth in office uses, including a burgeoning creative sector with sound recording studios, creative services firms, and other professional offices that have helped bring over 52,000 jobs to the two neighborhoods. Alongside these changes, office workers, local visitors, and tourists have brought increasing dynamism and foot traffic to the neighborhoods' bustling streets. While the COVID-19 pandemic has impacted office occupancy and retail and hospitality activity, with particular severity in SoHo and NoHo, the neighborhoods' central location, easy transit accessibility, world-class historic architecture, and unique mixed-use character will continue to be valuable assets contributing to the desirability and ongoing recovery of the area. In light of these changes and pressing challenges, a more modern land use regulatory framework is needed to preserve what makes SoHo/NoHo successful while also creating a more integrated, equitable, and resilient community.

HOUSING STOCK

Neighborhood residents own or rent units that fall into three general categories: (1) JLWQA—which is considered a manufacturing use in zoning and requires the presence of an artist certified by DCLA; (2) Loft Buildings, such as IMDs and former IMDs that have been fully legalized under the State Loft Law (also known as Article 7C of the New York State MDL); and (3) converted or newly constructed residential units approved by CPC special permits or New York City Board of Standards and appeals (BSA) variances. Some residents in the Project Area live in older residential buildings, such as tenements, that pre-dated the manufacturing zoning. While the exact number is difficult to estimate, the share of certified artist residents in the Project Area today is likely small. The number of artist certifications issued by DCLA has declined significantly in recent decades: since 2015, fewer than 10 certifications were issued annually. According to the New York City Department of Housing Preservation and Development (HPD), while SoHo/NoHo has some rent-regulated and stabilized units mostly by way of the Loft Law, the neighborhoods have no government assisted housing or other types of income-restricted units.

COMMUNITY ENGAGEMENT AND INTERAGENCY PARTICIPATION

ENVISION SOHO/NOHO

The impetus for the SoHo/NoHo planning process began in 2015 with a joint letter to DCP from the Manhattan Borough President and the local City Council Member noting, among other matters, the high volume of site-specific land use actions (e.g., special permits and zoning variances) being processed for the neighborhoods, outdated zoning, and the lack of a holistic planning strategy. The letter called for the creation of a new planning framework informed by "a robust public neighborhood process" to strengthen the varied retail character of the area, promote a diversity of uses and employment base, recognize the arts and creative foundation of the neighborhoods, and encourage the development and preservation of affordable housing. The letter also identified three key issues to be examined: 1) the utility and functionality of the JLWQA use category vis-à-vis trends in today's creative sector; 2) retail regulations, including size restrictions and the clarity, predictability, and enforceability of rules, and; 3) a potential zoning structure that contributes to the creation or preservation of affordable housing.

DCP, working in concert with the Manhattan Borough President and local City Council Member, began a series of technical studies that set a baseline for the community planning process to follow. The studies' findings provided specific data confirming the mismatch between existing zoning, longstanding perceptions of the nature of the SoHo and NoHo neighborhoods, and actual land use

realities. In January 2019, DCP, alongside local elected officials, initiated the six-month Envision SoHo/NoHo public engagement process to examine key land use and zoning issues in the two neighborhoods, share with the public the results of the technical analysis, and seek community input to develop strategies to both honor SoHo/NoHo's history and ensure the continued vitality of the neighborhoods moving forward.

Guided by an 18-member stakeholder advisory group consisting of residents, business owners, elected officials, City agencies, and other advocacy organizations, the Envision SoHo/NoHo engagement process gathered local input on a range of topics, including housing, jobs, arts and culture, historic preservation, retail, quality of life, and creative industries. The process included over 40 meetings, including six public meetings/workshops, 17 advisory group meetings, and eight focus group meetings with various resident and stakeholder groups, as well as numerous other individual meetings with key stakeholders.

In November 2019, DCP, the Manhattan Borough President, and Council Member, in consultation with the stakeholder advisory group, issued a final report, *Envision SoHo/NoHo: A Summary of Findings and Recommendations* (the "Report"), which synthesized the comments and discussions from the public and stakeholder engagement process and provided a series of zoning, land use, and other recommendations and priorities. The report concluded that the current zoning and other land use controls fall short of producing the vision for a vibrant, mixed-use neighborhood. The report articulated the following broad goals to facilitate a successful, diverse, and inclusive community:

- Promote mixed-use development in ways that respect and support neighborhood diversity and character;
- Foster the small business community of SoHo and NoHo by reducing regulatory barriers and providing supportive resources;
- Create housing and live-work opportunities on underused land in ways that respect and support neighborhood diversity and character;
- Maintain, enforce and strengthen existing protections for residents including renters and those in rent-regulated units;
- Support and promote the artist and maker communities while allowing people to live in SoHo and NoHo without artist certification;
- Preserve, promote, and create more spaces and uses for arts, maker uses, and cultural uses; and
- Improve quality of life of residents and workers in the SoHo and NoHo mixed-use environment.

Building on Envision SoHo/NoHo's public engagement, DCP continued to work with the community to further refine the neighborhood plan and keep stakeholders informed throughout the process. On October 26, 2020, over 500 New Yorkers attended a virtual public information session on how to participate in the upcoming public review process for the SoHo/NoHo Neighborhood Plan. The two-hour event included a presentation by DCP staff and a question-and-answer session. Over the next several months DCP, in coordination with HPD, DCLA, the New York City Department of Transportation (DOT), and the New York City Department of Sanitation (DSNY), hosted three additional information sessions focused on Housing, Mixed-Use and the Public Realm, and Arts and Culture.

Grounded in research and engagement with local and citywide stakeholders, DCP established a set of neighborhood planning goals that identify a long-term vision for a balanced, coordinated approach to neighborhood planning. These goals prioritize the preservation of neighborhood character, residential growth, and expansion of locations for job-generating commercial uses (discussed in greater detail in Section E, "Purpose and Need of the Proposed Actions," and Section F, "Description of the Proposed Actions"). The vision for the future of SoHo and NoHo recognizes the area's varied context and aims to meet multiple planning objectives. As the City proactively plans for the future of SoHo/NoHo, the Neighborhood Plan also seeks to meet citywide goals of increasing housing production, including affordable housing, and directing growth to appropriate locations.

PROJECT AREA

The Proposed Actions would affect an approximately 56-block, 146-acre area of the SoHo and NoHo neighborhoods of Manhattan, Community District 2. The Project Area is generally bounded by Astor Place and Houston Street to the north; Bowery, Lafayette Street, and Baxter Street to the east; Canal Street to the south; and Sixth Avenue, West Broadway, and Broadway to the west. Canal Street is the gateway to the SoHo neighborhood and Houston Street is the major artery separating NoHo to the north from SoHo to the south. Broadway is the primary north-south corridor that extends the entire length of the Project Area. Other secondary corridors within the Project Area include West Broadway, Lafayette Street, and Broome Street. The Project Area consists of distinct subareas of historic corridors and residential blocks, with differing building typologies and character. Most of the Project Area is located within the SoHo–Cast Iron Historic District and its extension, the NoHo Historic District and its extension, and the NoHo East Historic District.

HISTORIC DISTRICTS

Over 80 percent of the Project Area is within City-designated historic districts. Proposed development projects in City-designated historic districts, including those in the Project Area in SoHo and NoHo, are subject to LPC review and approval in accordance with the New York City Landmarks Law, inclusive of any alteration, reconstruction, demolition or new construction affecting buildings. Areas outside of historic districts (for example, in the southeast and southwest corners of SoHo, and certain areas along Bowery) are generally transitional areas, and possess a different built character compared to the historic cores of SoHo and NoHo, where cast-iron loft buildings are concentrated.

The SoHo–Cast Iron Historic District was designated by LPC in 1973, and listed on the National Register of Historic Places and declared a National Historic Landmark in 1978. The district is bounded by Canal Street, Broadway, Howard Street, Crosby Street, East Houston Street, West Houston Street, and West Broadway, and consists of 26 blocks and contains approximately 500 individual buildings. The SoHo–Cast Iron Historic District Extension, designated in 2010, consists of approximately 135 properties located on the blocks immediately adjacent to the east and west sides of the SoHo–Cast Iron Historic District. The SoHo–Cast Iron Historic District and Extension are significant not only for their historic role in the commercial development of New York City, but also for the survival of the largest concentration of full and partial cast-iron façades anywhere in the world.[1]

[1] SoHo–Cast Iron Historic District Designation Report. NYC Landmarks Preservation Commission, August 14, 1973.

The NoHo Historic District, designated by LPC in 1999, consists mainly of the blocks east and west of Broadway between Houston Street and 9th Street, and comprises approximately 125 buildings. The NoHo Historic District represents the period of New York City's commercial history from the early 1850s to the 1910s, when the area prospered as one of the city's major retail and wholesale dry goods centers. Today, the historic district is distinguished by unifying streetscapes of marble, cast iron, limestone, brick, and terra-cotta façades.[2] The NoHo Historic District was further extended to the east in 2008 as the NoHo Historic District Extension.

In 2003, LPC designated the NoHo East Historic District, which is centered on Bleecker Street between the Bowery and Lafayette Street, and consists of 42 buildings constructed between the early 19th and the early 20th centuries. The district's low-scale, early-19th century houses on Bleecker and Elizabeth Streets are reminders of the area's early residential history, while the larger store and loft buildings testify to the New York's growing importance as a hub of commercial activity. Today, this diversity of small dwellings, apartment buildings, factories, lofts, and stables represent an intact and unusual historic mixed-use neighborhood in lower Manhattan.[3]

A small portion of the Project Area is within the Sullivan-Thompson Historic District. Designated by LPC in 2016, the historic district is characterized by a diversity of row houses, tenements, commercial structures, and institutional buildings that developed in the early 19th century.[4]

NEIGHBORHOOD CONTEXT

The SoHo and NoHo neighborhoods are unique in that they are almost uniformly mixed-use. Unlike most other neighborhoods in Manhattan and elsewhere that have commercial uses concentrated on avenues and wide streets and predominantly residential use in the midblock and along side streets, SoHo and NoHo have various uses side-by-side—and, in many cases, above and below within individual buildings—on nearly every street. This pervasive mixed-use character contributes to the charm and vibrancy of SoHo and NoHo and presents unique conditions related to zoning, land use, and quality of life. While largely within historic districts and featuring cast-iron lofts, the Project Area's historic corridors have distinct land use and built characters. Within SoHo and NoHo, built conditions, area context, and existing use patterns combine to form several distinct subareas, as detailed below.

SoHo East and SoHo West

The areas along the periphery of the Project Area, including the area generally south of Grand Street and east of Crosby Street and the area generally south of Watt Street and west of West Broadway, are mostly outside of the historic districts. West Broadway and Watts Street anchor the SoHo West subarea. Subway access is provided at the Canal Street station for the A/C/E trains at Canal Street and Sixth Avenue. Lafayette Street, a 80-foot-wide street, and Centre Street anchor the SoHo East subarea. Subway access is provided by the J/Z and 6 lines at Canal Street.

These areas tend to contain a high concentration of low-intensity uses relative to other parts of the Project Area, including tenement-style buildings, low-rise industrial buildings, parking lots and

[2] NoHo Historic District Designation Report. NYC Landmarks Preservation Commission, June 29, 1999.

[3] NoHo East Historic District Designation Report. NYC Landmarks Preservation Commission, June 24, 2003.

[4] Sullivan-Thompson Historic District Designation Report. NYC Landmarks Preservation Commission, December 13, 2016.

garages, and one-story eating and drinking establishments. FARs in the area generally range from 3.0 to 6.5, though some of the older commercial office buildings can far exceed this range and can reach up to 12 stories.

Recently, a number of large hotels ranging between 16 and 26 stories have located in the area. While framed by major wide streets, these areas are generally less residential and less built up than the other areas described above. SoHo West serves as a transitional area between the SoHo Historic Core and Hudson Square to the west. Hudson Square is known as a high-density mixed-use district characterized by high lot coverage, large office buildings and new residential development. SoHo East, framed by multiple wide streets, is a transitional area where SoHo, Little Italy, Chinatown, and the Lower Manhattan Central Business District converge.

Bowery Corridor

The Bowery, a major commercial corridor and a 120-foot-wide street, is located at the northeast corner of the Project Area in NoHo between Great Jones Street and Astor Place. Bowery separates the Project Area from the East Village to the east. The stretch north of 4th Street is characterized primarily by mixed residential and commercial buildings and a large institutional presence, with heights ranging from four to 16 stories and FARs generally between 5.0 and 9.0. In the area outside of the historic district, along and south of East 4th Street, there are a number of underbuilt sites, including vacant land, low-rise tenements, and single-story semi-industrial or formerly industrial buildings that have been converted to eating and drinking establishments. Ground-floor retail is more common south of East 4th Street than the area to the north.

Canal Street Corridor

The Project Area includes Canal Street, a 100-foot-wide thoroughfare that is renowned as a discount shopping corridor. Canal Street is characterized by a mix of tenements, federal-style rowhouses, historic cast-iron lofts, newly constructed residential buildings, low-rise retail stores, and some low-intensity semi-industrial businesses and parking garages. As potential development sites become increasingly scarce in the SoHo core, interest in the Canal Street Corridor has grown. New residential development projects are transforming the corridor by replacing low-intensity uses, such as single-story discount retail buildings and parking lots. 341 Canal and 419 Broadway, at six and eight stories respectively, are establishing Canal Street as a gateway to the neighborhood and serve as a transition between SoHo and the taller commercial buildings south of Canal.

Broadway and Houston Street Corridors

Broadway is a major commercial corridor and at 80 feet, a wide thoroughfare that runs through SoHo and NoHo, and also separates the Project Area from Greenwich Village and the New York University (NYU) campus to the west. Houston Street, at approximately 125 feet wide, is the primary east—west artery that separates SoHo to the south from NoHo to the north. The N/Q/R/W subway lines run below Broadway and include stations at Canal, Prince, and 8th Streets. The B/D/F/M subway lines run under Houston Street with a major transit node at Broadway-Lafayette that connects to the 6 line at the Bleecker Street station.

Buildings along Broadway, between Crosby and Mercer Street in SoHo, and along the adjacent Lafayette Street in NoHo, are generally taller and bulkier than those in the neighborhood cores: between six and 12 stories tall with FARs often exceeding 10.0— and consist of a mix of older loft buildings and more recent construction. The Broadway corridor contains the Project Area's largest floorplates, with a high concentration of commercial uses, particularly offices and destination retail. The corridor is a major employment hub. The Broadway corridor north of 4th

Street in NoHo has a relatively high concentration of institutional uses, interspersed with a number of low-rise industrial uses, and low-intensity uses such as vacant land and garages.

SoHo and NoHo Historic Cores

The historic centers and cores of SoHo and NoHo are generally located between West Broadway, Grand Street, Mercer Street, and Houston Street in SoHo, and East 4th Street, Bowery, Broadway, and Bleecker Street in NoHo. These core areas consist primarily of high lot coverage, well preserved cast-iron. and/or masonry loft buildings constructed during the mid- to late-19th century and are typically five to seven stories tall with floor area ratios (FARs) generally ranging between 3.0 to 6.5, but with FARs on certain blocks reaching 10.0 or more. The areas' unique character is distinguished by this building stock which existed prior to the M1-5A/B zoning districts, resulting in building bulk and envelopes that are not wholly consistent with the existing zoning but are preserved through the area's LPC-designated historic districts. Much of the core areas' streets retain their original Belgium block pavers. These areas are overwhelmingly mixed-use residential and commercial. Smaller retail uses predominate on the ground floors while most of the upper floors of the loft buildings have been converted from their original light industrial uses to JLWQA, residential, and office uses. Bars and restaurants are interspersed across the Project Area, but are more prevalent along Lafayette Street, Great Jones Street, Bond Street, and West Broadway.

D. EXISTING ZONING

The Project Area consists of approximately 0.23 square miles, or approximately 146 acres, in the south-central part of Manhattan, Community District 2. The Project Area's 56 blocks are split between the neighborhoods of NoHo (11 blocks) and SoHo (45 blocks). Existing zoning is shown in **Figure 1-3**.

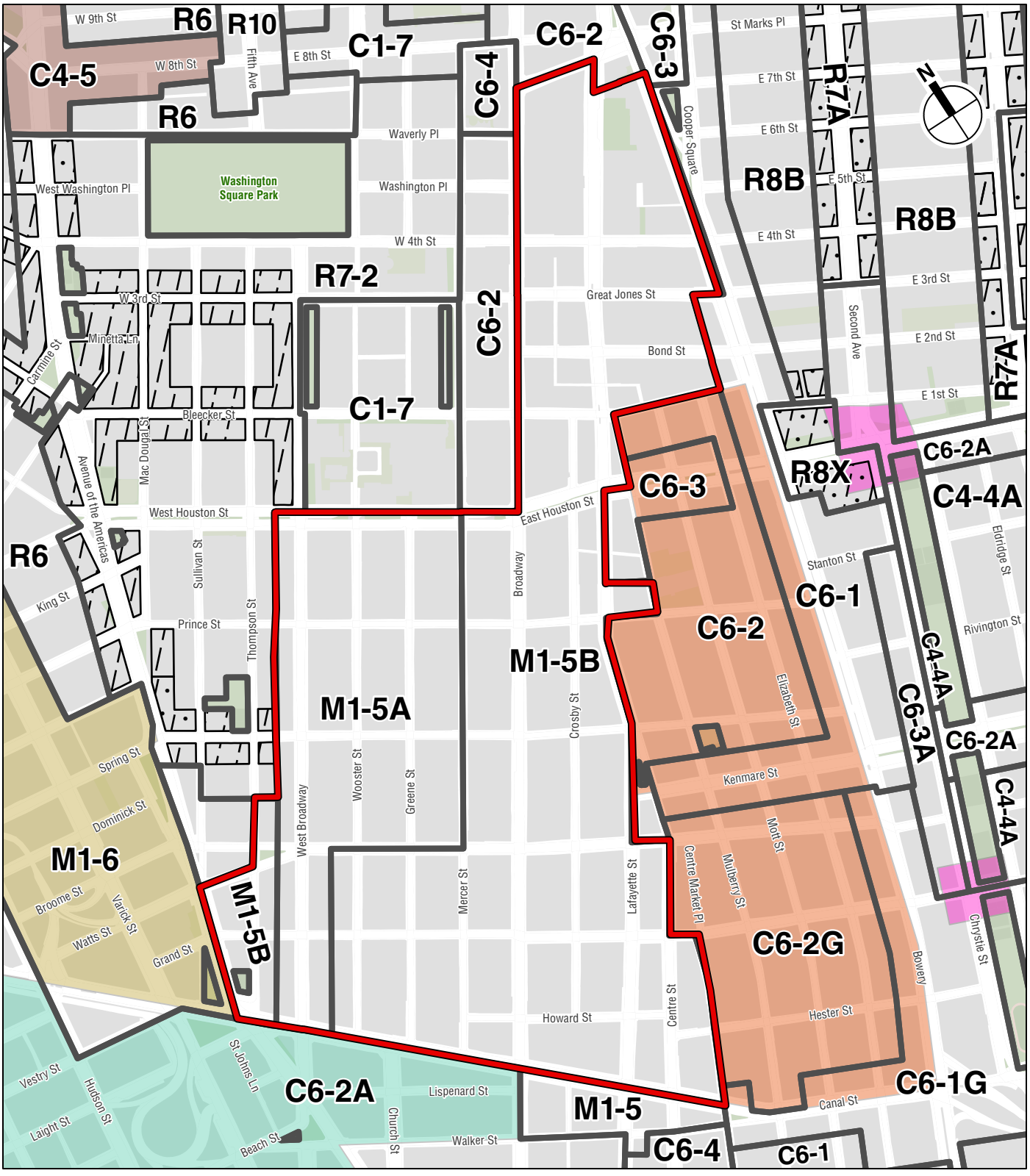
PROJECT AREA

M1-5A AND M1-5B

In general, M1-5A and M1-5B districts follow many of the same use and bulk regulations as the standard M1-5 manufacturing district, except for certain use restrictions that apply only to SoHo/NoHo. The M1-5A zoning district is mapped exclusively in SoHo, across approximately 13 blocks along and east of West Broadway between Houston and Canal Streets. The M1-5B zoning district covers most of the Project Area and is mapped across 11 blocks in NoHo and approximately 32 blocks in SoHo.

Both districts permit a maximum FAR of 5.0 for commercial and manufacturing uses and 6.5 FAR for community facility uses. The maximum height of a building at the street wall is six stories or 85 feet, whichever is less, above which an initial setback of 20 feet (on a narrow street) or 15 feet (on a wide street) is required. Maximum building height and setbacks are controlled by a sky exposure plane (2.7:1 on a narrow street or 5.6:1 on a wide street), which may be penetrated by a tower under certain conditions. Although new industrial buildings are usually low-rise structures that fit within the sky exposure plane, commercial and community facility buildings can be constructed as towers. A 20-foot rear yard is required in most cases.

M1-5A and M1-5B districts allow a broad range of light manufacturing and commercial uses as-of-right. Residential use, which is not permitted as-of-right, consists of residential lofts legalized under the Loft Law, residential units that are pre-existing non-conforming uses, or units permitted by a special permit granted by CPC or by a variance granted by the BSA. JLWQA, a Use Group



Existing Zoning

SOHO/NOHO NEIGHBORHOOD PLAN

Figure 1-3

17 manufacturing use that provides for combined live and work space for artists with certification from DCLA, is permitted through conversion of existing floor area, however, buildings containing JLWQA units may not be enlarged as-of-right.

In addition to the prohibition on residential use, the M1-5A and M1-5B zonings impose controls on certain commercial and large entertainment uses. Eating and drinking establishments are only permitted subject to size restrictions and other limitations. Non-commercial clubs, theaters of 100 seats or more, and entertainment uses (such as banquet halls) are not permitted as-of-right. Retail establishments of 10,000 sf or more, as in all M1 districts, are only permitted by special permit. Additionally, museums and non-commercial art galleries are subject to specific bulk and floor area restrictions and are limited to certain locations within buildings. Many of these provisions were intended to protect the industrial sector of the City's economy and preserve space for light manufacturing and commercial operations.

The primary distinction between M1-5A and M1-5B districts relates to the location of certain uses within a building. In the M1-5B district, only uses listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C, or 17E, which exclude retail, eating and drinking, office, amusement and entertainment uses, are allowed below the floor level of the second story as-of-right. In the M1-5A district, the restrictions on the location of Use Groups 7, 9, 11, 16, 17A, 17B, 17C, or 17E do not apply to buildings occupying less than 3,600 sf of lot area. Similarly, in the M1-5B district in buildings occupying less than 3,600 sf of lot area, JLWQA may not be located below the floor level of the second story unless modified by CPC. In the M1-5A district, but not M1-5B, CPC may authorize a museum or non-commercial art gallery where it is not permitted as-of-right.

SURROUNDING AREA

M1-5

An M1-5 manufacturing district is mapped across a small, four-block area south of Canal Street between Walker Street, Broadway, and Baxter Street south of the Project Area. Similar to M1-5A and M1-5B districts, the M1-5 district permits a maximum FAR of 5.0 for commercial and manufacturing uses and 6.5 FAR for community facility uses. The maximum street wall height is six stories or 85 feet, whichever is less; maximum building height and setbacks are controlled by a sky exposure plane. Although new industrial buildings are usually low-rise structures that fit within the sky exposure plane, commercial and community facility buildings can be constructed as towers.

The M1-5 district permits a wide range of commercial and light industrial uses as of right, such as offices, repair shops, and wholesale service and storage facilities. Unlike the more restrictive M1-5A and M1-5B districts, most eating and drinking establishments and retail uses are allowed as-of-right. Certain community facilities, such as hospitals, are allowed in M1 districts only by special permit. Likewise, retail establishments of 10,000 sf or more are only permitted by special permit. JLWQA are not an allowed use in the M1-5 district; other residential uses are not permitted unless paired with residence districts in a Special Mixed-Use District.

M1-6 (SPECIAL HUDSON SQUARE DISTRICT)

An M1-6 manufacturing district is located to the west of the Project Area in the Hudson Square neighborhood. In general, many of the same use and building envelope rules of the M1-5 district apply, except that in an M1-6 district, the maximum permitted FAR is 10.0, or 12.0 with a public plaza bonus. The Special Hudson Square District, which is co-extensive with the M1-6 area,

modifies some of the use and bulk controls of the underlying M1-6 district, encouraging new residential and retail development while also preserving larger commercial and light manufacturing buildings.

C6

Much of the Project Area is surrounded by C6 commercial districts to the south, east, and north, including C6-1, C6-1G, C6-2, C6-2G, C6-2A, C6-3, and C6-4. C6 districts permit a wide range of high-bulk commercial uses requiring a central -location, including large office buildings, large hotels, department stores, and entertainment facilities in high-rise mixed buildings. Most residential and community facility uses are also allowed as of right. Maximum commercial FAR in the surrounding areas ranges from 6.0 (C6-1, C6-2, C6-3) to 10.0 (C6-4). The C6-2A district is a contextual district with a contextual base and maximum building heights; all other C6 districts allow towers to penetrate a sky exposure plane and do not require a contextual base. C6-1G and C6-2G districts are mapped in Chinatown and Little Italy and have special rules for the conversion of non-residential space to residential use. Commercial districts have a corresponding residential district equivalent (e.g., R10 in C6-4), which regulates the bulk of residential or mixed-use buildings. The regulations of the Special Tribeca Mixed-Use District, mapped to the southwest of the Project Area within a C6-2A district, encourages mixed-use development, including residential and light industrial uses. The Special Little Italy District, mapped to the east of the Project Area within the underlying C6-1, C6-2, and C6-3 districts, has additional bulk controls designed to maintain the mixed-use character and mid-rise scale of the historic Little Italy neighborhood.

C1-7

A C1-7 commercial district is mapped in a portion of Greenwich Village north of Houston Street and west of Mercer Street. C1 districts are predominantly residential in character and are typically mapped along major thoroughfares in medium- and higher-density areas of the city. Typical retail and local service uses include grocery stores, dry cleaners, drug stores, restaurants, and local clothing stores that cater to the daily needs of the immediate neighborhood. The maximum commercial FAR is 2.0. The residential district equivalent for C1-7 is R8, which has a maximum FAR of 6.02 under height factor regulations. Quality Housing regulations with MIH allow for a maximum residential FAR of 7.2 and a maximum building height of 215 feet with a contextual base.

R7-2

An R7-2 district, which is mapped to the northeast of the Project Area, is a medium-density, non-contextual residential district generally characterized by mid-rise apartment buildings with a maximum FAR of 3.44 under height factor regulations. Quality Housing buildings with MIH allow for a maximum residential FAR of 4.6 and a maximum building height of 135 feet with a contextual base. C1-5 commercial overlays, mapped within the R7-2 district along streets that serve local retail needs, allow for a maximum commercial FAR of 2.0.

In addition to the above surrounding zoning districts, an approximately 2.5-block area southwest of the Project Area west of Thompson Street and north of Watt Street is zoned M1-5B. This area is largely within the Sullivan-Thompson Historic District and has a much more residential character compared to the SoHo-Cast Iron Historic District to the east and the rest of the M1-5A and M1-5B districts. These blocks contain a high concentration of one- and two-family buildings and a limited commercial presence. FARs within the boundaries of the historic district generally

range from 2.0 to 4.5. Outside of the historic district, parcels have recently been developed as residential buildings, including a 16-story apartment building and townhouses.

E. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

Building on the Report's findings, DCP established a set of planning goals that identify a long-term vision for a balanced, coordinated approach to neighborhood planning. These goals prioritize the preservation of neighborhood character, residential growth, and expansion of locations for job-generating commercial uses. The vision for the future of SoHo and NoHo recognizes the area's varied context and aims to meet multiple planning objectives. As the City proactively plans for SoHo and NoHo's future, the plan also seeks to meet Citywide goals of increasing housing production, including affordable housing, and direct growth to appropriate locations.

REPLACE OUTDATED MANUFACTURING DISTRICTS WITH MIXED-USE REGULATIONS

In 1971, when the current zoning was adopted, the existing M1-5A and M1-5B zoning was intended to address a narrow issue: to provide a path for existing working artists to legalize their live-work occupancies while preserving space for shrinking manufacturing uses, including textile manufacturing and the wholesale sector. The Project Area's land use pattern and economic landscape have changed significantly since then. Traditional manufacturing and industrial uses have diminished in SoHo/NoHo as they have in most other areas of the City due to broader macroeconomic changes and shift towards a more service-oriented economy.

DCP fieldwork conducted between 2015 and 2016 found that there were only about 20 industrial/semi-industrial businesses in operation in the SoHo/NoHo at that time, half of which were semi-industrial or new types of "maker" uses that function in relation to a retail space or office setting (e.g., lighting design, sound recording studio, or 3D printing). According to the U.S. Bureau of Labor Statistics' 2018 Q2 Longitudinal Employer-Household Dynamics (LEHD) Origin-Destination Employment Statistics, about two percent of the total jobs in SoHo/NoHo were in industrial sector businesses such as manufacturing, construction, transportation and warehousing, and utilities. In contrast, the neighborhood's non-industrial employment base was sizable and exhibited consistent trends of growth, totaling over 53,000 private-sector jobs in the same period. Office-based sectors, including professional and technical services, information, real estate, finance and insurance, management of companies, and administration and support services, accounted for 48 percent of total jobs in the Project Area. Sales trade, including primarily retail and some wholesale, constituted 23 percent of the 53,000 jobs in SoHo/NoHo. According to a 2018 HR&A SoHo and NoHo Retail Conditions Study, SoHo/NoHo's retail businesses contributed an estimated $170 million in sales tax to New York City and State each year, reflective of SoHo/NoHo's position as the second highest-grossing retail market in New York City and one of the top three retail markets in the entire United States.

Despite the shift towards retail, office, creative production, and other commercial uses, SoHo/NoHo's manufacturing zoning and outmoded provisions continue to prioritize traditional light industrial and related uses that have largely relocated to other parts of the City, region, and beyond. These regulations create significant barriers and onerous burdens for property owners and businesses as they attempt to respond to changing market and industry dynamics.. One such example of this mismatch between current land use regulations and existing conditions is the restrictive zoning that generally only permits ground floors to be occupied by light manufacturing uses. Any other uses on ground floors, such as retail, food and beverage, and many other

commercial uses, require a special permit that typically requires storefronts to be kept vacant—sometimes for over a year—while an attempt is made to identify an industrial tenant to occupy the space.

Notwithstanding the existing zoning that restricts retail, food and beverage establishments, and many other commercial uses on the ground floors in most of the districts (excluding limited commercial spaces that pre-existed the current zoning), there has been a proliferation of such uses given SoHo/NoHo's central location, rich transit access, and adaptability of loft buildings. Retail and other commercial uses (e.g., eating and drinking establishments, commercial art galleries, banks, showrooms) occupy ground floor space in most of the Project Area's buildings, with some multi-level stores concentrated along the Broadway corridor. Beyond the ground floor, retail and related uses make up 18 percent of total built floor area in existing buildings. Office uses, which are distributed in commercial and mixed-use buildings throughout SoHo/NoHo, make up a full third of total built floor area..

Absent a zoning framework that responds to these evolved market conditions and trends, and broader macroeconomic shifts, property owners in SoHo and NoHo have relied on individual land use applications and other ad hoc approvals accomplish their development goals. For example, between 2000 and 2019, the City granted over 90 CPC special permits within the bounds of SoHo and NoHo, a portion of Community District 2, significantly more than the volume granted in the entire Community District 1 (21) or Community District 3 (51). BSA has also granted numerous variances over the past decades in SoHo/NoHo. Many of these special permits and variances were to allow retail and other commercial uses on the ground floors that are permitted as-of-right in the surrounding neighborhoods. The over-reliance on special permits and variances indicates that the regulatory burdens fall disproportionally on smaller businesses and property owners, who typically have fewer financial resources and less technical sophistication to navigate complex land use, environmental, and public review processes.

The obsolete and onerous zoning, including ground floor use restrictions and limitations on food and beverage uses, in the context of a rapidly evolving retail industry and the economic challenges and uncertainties brought by the COVID-19 pandemic, represents a significant barrier for businesses that wish to remain or locate in SoHo/NoHo, and contributes to high retail vacancies and the lack of storefront diversity. According to DCP's July 2020 study on retail activities across the five boroughs, while all major commercial corridors were found to have a higher share of inactive storefronts in light of the pandemic, SoHo and the Canal Street corridor were the only two areas with over 50 percent of the stores closed or vacant. The presence of outdated regulatory barriers will only serve to exacerbate challenges to recovery for two of New York City's most significant commercial areas.

The Proposed Actions would replace the outdated manufacturing zoning and rigid use restrictions with rational, appropriately flexible regulations that promote the mix of uses and support COVID-19 economic recovery, business adaptation, and long-term resiliency. The broad range of uses would support existing businesses in SoHo/NoHo as they continue to operate, expand, grow and evolve, while allowing a greater range of commercial, cultural, and civic activities within the existing highly adaptable loft buildings and new mixed-use developments. The Proposed Actions would also provide protection for the existing concentration of commercial and remaining light manufacturing uses in large loft buildings to balance non-residential and residential uses and ensure that SoHo/NoHo—especially the Broadway corridor where major employers cluster—continues to thrive as an employment hub and critical Class B and Class C office reservoir.

INTRODUCE RESIDENTIAL USE AND PROMOTE EQUITY IN HOUSING

While residential conversions have occurred through various means, including legalizations under the Loft Law, as well as use changes, and new construction allowed by CPC or BSA approvals, SoHo/NoHo's manufacturing zoning does not allow residential use (Use Group 2) as-of-right. For units that are approved by discretionary actions, a minimum unit size of 1,200 sf is required by the M1-5A and M1-5B zoning. These are significant hindrances to the equitable production of market rate and affordable housing in two high-opportunity neighborhoods close to transit and employment centers. The neighborhood's existing stock of affordable housing is limited and consists primarily of units subject to rent regulation by way of the New York State Loft Law. The limited number of residential conversions and ground-up developments in the past few decades have only provided market-rate units and made marginal contributions to the City's overall housing supply.

According to the 2010 census, approximately 7,800 residents live in SoHo/NoHo, of which 77.5 percent identified as white non-Hispanic, compared to 48 percent in Manhattan. SoHo/NoHo also has higher household incomes and more owner-occupied housing units compared to Manhattan and New York City.[5] According to HPD, while SoHo/NoHo has some rent-regulated and stabilized units mostly by way of the Loft Law, the neighborhoods have no government assisted housing or other types of income-restricted units.

The Proposed Actions would allow residential use in conversions and new construction and implement the City's MIH program within SoHo/ NoHo. Residential use would be allowed across the Project Area where the potential for residential conversion and infill development exists; while areas on the periphery of SoHo/NoHo that are largely outside of historic districts present additional opportunities for new residential development and affordable housing production. In addition, the Proposed Actions would shift away from a narrow allowance for only JLWQA manufacturing use to residential use without any occupation-based restrictions, as is typical in the rest of the City. A wider set of live-work arrangements would also be accommodated through expanded home occupation provisions. This is consistent with citywide housing policies and would address broader concerns about housing equity in the context of Fair Housing laws.

SUPPORT ARTS AND CULTURE

The unique JLWQA regulations in the M1-5A and M1-5B districts, established in 1971, played a role in facilitating the transformation of SoHo/NoHo from a declining manufacturing district to a vibrant mixed-use area and arts and culture hub. Today, while certified-artist-occupied JLWQA largely remains the sole as-of-right quasi-residential use (Use Group 17D, not Use Group 2), only about 30 percent of all SoHo/NoHo homes are still listed as JLWQA use that requires certified artist occupancy on buildings' certificates of occupancy. Moreover, these units have a wide array of occupancy and legal statuses as a result of five decades of property transaction history and a confluence of factors, including changes to the original artist residents' occupation, marital status and life arrangements, subsequent amnesties of non-artist residents, as well as enforcement challenges and administrative impracticalities of the JLWQA provisions. The complex interactions between JLWQA zoning regulations and the existing residential landscape have been cited by

[5] Source: NYC Department of City Planning – Population Division, American Community Survey, 2015 – 2019 Manhattan Block Groups 45001, 47002, 490001, and 55021 were aggregated to approximate the SoHo/NoHo Study Area.

some local residents—including certified artists and others that lack or do not qualify for certification—as a source of significant uncertainty and potential risk in planning for their families' futures. More broadly, with the emergence of other dynamic and attractive artist communities across New York City, artists do not make up a significant segment of the current 8,000-person residential population or market demand in SoHo/NoHo. Evidence of this trend is the steady decline of the number of artist certifications by DCLA from hundreds annually in the 1970s and 1980s to fewer than 10 annually in recent years.

The Proposed Actions would continue to permit JLWQA use and live-work arrangements that already exist in the Project Area, and establish a voluntary option to transition JLWQA to regular residential use with conditions that more broadly benefit the arts and creative industries. This would facilitate the legalization of existing non-artist occupancy, broaden live-work to be more inclusive and reflective of modern needs, regularize residential market transactions to align with the rest of the City, and support arts and cultural organizations so that SoHo/NoHo's cultural legacy remains relevant into the future.

FACILITATE SUPERIOR URBAN DESIGN AND APPROPRIATE BUILDING FORMS

The existing bulk regulations in M1-5A and M1-5B districts do not always facilitate building forms that relate harmoniously to the loft building context within and beyond the historic districts. In such circumstances, special permits and zoning variances are often needed to allow building forms appropriate for the historic district context and acceptable to LPC. The Proposed Actions would establish bulk regulations that more appropriately respond to neighborhood context, provide flexibility to minimize the effects of new developments and enlargements on neighboring buildings and allow LPC to shape the building form in a manner appropriate to the neighborhood and the immediate context without the need for separate land use actions.

F. DESCRIPTION OF THE PROPOSED ACTIONS

The Proposed Actions are intended to address the significant mismatch between the five-decade old M1-5A and M1-5B zoning and the existing conditions in SoHo/NoHo, remove barriers for housing and businesses, strengthen mixed-use, support arts and culture, and promote equity and affordability.. The Proposed Actions would:

- Allow a wider range of non-residential uses and remove outdated ground floor commercial use restrictions, and support a healthy retail ecosystem;
- Allow residential use and apply MIH in a manner that recognizes unique conditions in historic districts and addresses practical challenges presented by SoHo and NoHo's loft building typologies;
- Respect the Project Area's status as an important hub for office, businesses and jobs and strengthen the mixed-use character of the neighborhoods by introducing non-residential floor area preservation provisions for large commercial and mixed-use buildings;
- Establish contextual building envelopes to better reflect the existing character and enhance the historic built environment while also providing design flexibility for new developments; and
- Support the arts and creative industries that serve the community and the public with use allowances and the establishment of a SoHo/NoHo Arts Fund.

To accomplish these goals, DCP is proposing zoning map and zoning text amendments that would apply to approximately 56 blocks in SoHo/NoHo. CPC has determined that an EIS for the Proposed Actions will be prepared in conformance with CEQR guidelines, with DCP acting on behalf of CPC as the lead agency. The environmental analyses in the EIS will assume a development period of 10 years for the RWCDS for the Proposed Actions (i.e., an analysis year of 2031). DCP will conduct a coordinated review of the Proposed Actions with involved and interested agencies. Each of these actions is discretionary and subject to review under ULURP, Section 200 of the City Charter, and the CEQR process. The Proposed Actions are described in further detail below.

ZONING MAP AMENDMENT

The zoning map amendment would replace all or portions of existing M1-5A and M1-5B zoning districts within the Project Area with a range of paired districts. The zoning map amendment would also establish the SNX in the Project Area.

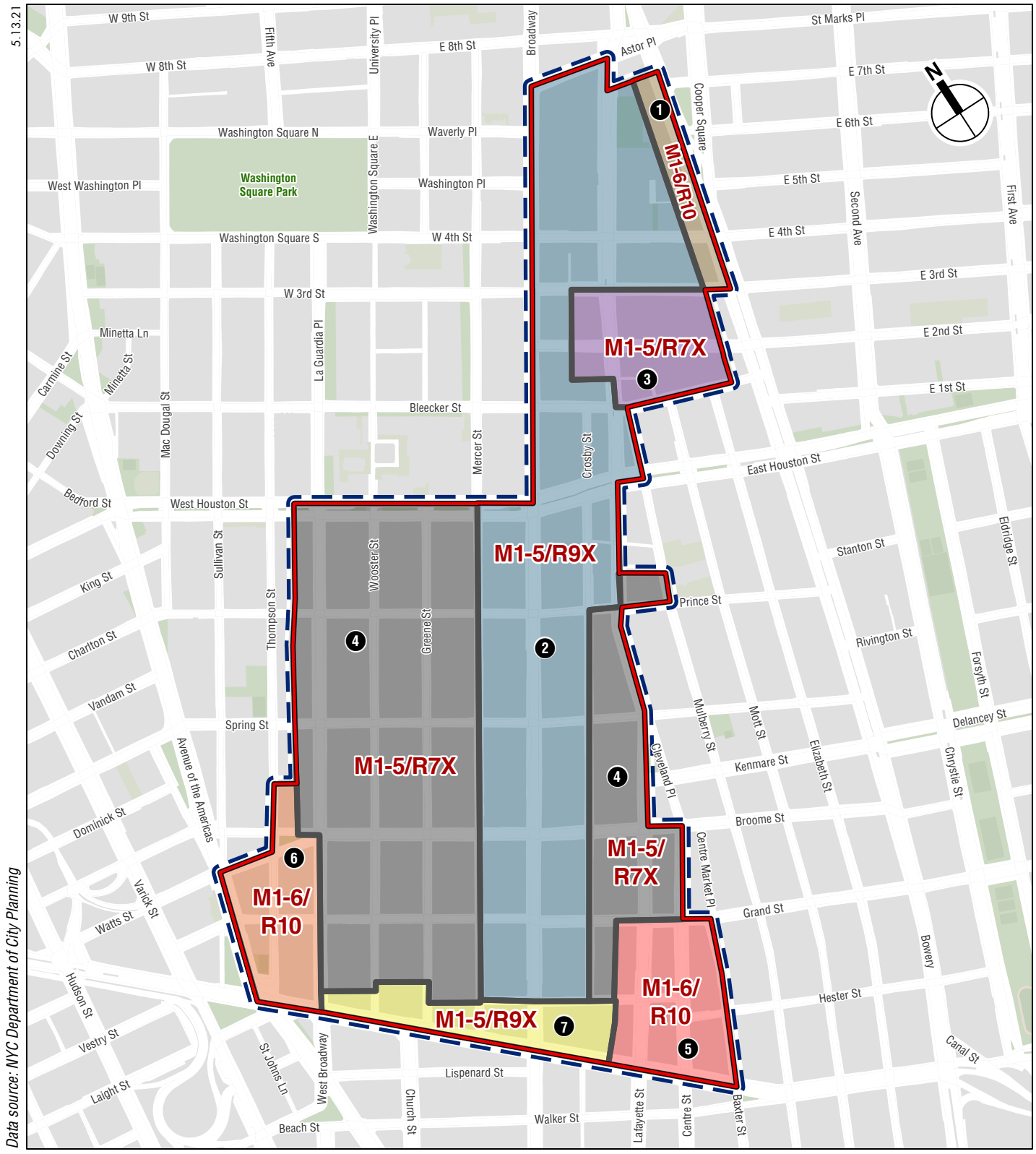
PROPOSED ZONING DISTRICTS

As detailed in **Table 1-1** and **Figure 1-4**, M1-5/R7X, M1-5/R9X, and M1-6/R10 districts would be mapped in different areas to respond to the varied mix of uses and bulk context within the Project Area. One of the primary goals of pairing a manufacturing district with a residential district is to strengthen the mixed-use character of the neighborhoods and allow for a broad range of diverse uses, many of which—including residential use—are non-conforming under existing zoning. As-of- right uses would include residential uses in Use Groups 1 and 2; community facility uses in Use Groups 3 and 4, such as schools, libraries, museums, medical offices, and non-profit art galleries; commercial uses, such as offices, theaters, restaurants, bakeries, delis, book stores, clothing stores, salons, and drug stores; and manufacturing uses—such as wholesalers, theater scenery workshops, ceramic studios, and garment manufacturing—among many other common uses that contribute to thriving, mixed-use districts.

The proposed zoning map amendment would also establish the SNX boundaries coextensive with the Project Area. The SNX would modify certain aspects of the underlying use and bulk regulations, as well as establishing special provisions for conversions, urban design, arts and culture and affordable housing. The zoning districts, as modified by the SNX, are proposed to reflect differing conditions between corridors and interiors of the neighborhood, expand housing opportunities and require affordable housing, achieve the right balance among uses, establish densities commensurate with the area's central location and transit access, and facilitate appropriate building forms, good design, and pedestrian-friendly streetscape.

Proposed M1-5/R7X (Existing M1-5A & M1-5B)

An M1-5/R7X district is proposed to be mapped in what are typically considered to be the historic cores of SoHo and NoHo and are intended to be contextual with the prevailing built character of the bulkier loft-style buildings, but which are generally five to seven stories tall at the street wall, or approximately 60 to 100 feet. The paired mixed-use district essentially maintains the maximum FAR of the existing zoning districts while introducing residential uses and a broader range of community facility uses, which is meant to allow for renovations, conversions, and expansions of existing historic structures within a contextual bulk envelope while also encouraging new development at a scale appropriate for the mid-rise historic districts.



Proposed Zoning

SOHO/NOHO NEIGHBORHOOD PLAN

Figure 1-4

An M1-5/R7X zoning district is proposed for approximately 29 full or partial blocks in four general areas:

- Between Great Jones Street, Shinbone Alley, Jones Alley, Lafayette Street, and Bleecker Street.
- Between East Houston Street, Mercer Street, along and east of West Broadway, and along Grand Street.
- Between Prince Street, Lafayette Street, Broome Street, Centre Street, Grand Street, and Crosby Street.
- The southern half of the block bounded by Prince Street, Mulberry Street, Lafayette Street, and Jersey Street.

The proposed M1-5/R7X districts, as modified by the SNX, would allow a maximum FAR of 6.0 for residential uses with MIH, 5.0 for commercial and manufacturing uses, and 6.5 for community facility uses. Residential buildings with qualifying ground floors developed pursuant to MIH would have a base height ranging between 60 and 105 feet, a setback above the street wall and a maximum building height of 145 feet.

Proposed M1-5/R9X (Existing M1-5A & M1-5B)

An M1-5/R9X district is proposed to be mapped along wider corridors that are generally within historic districts, but where taller and bulkier building forms more appropriately match the existing built character; buildings in these areas typically range between 70 feet and 150 feet in height. Many of the older buildings along the heavily trafficked corridors, in particular Broadway and Lafayette Street in NoHo, are overbuilt under the existing M1-5A and M1-5B zoning regulations—more generous floor area regulations are intended to allow for new contextual development, conversions, and enlargements of existing buildings while also bringing older structures into compliance with zoning. Compared to the historic cores, which are mapped with M1-5/R7X districts, these corridors are generally better-served by transit and therefore better suited to higher density allowances than buildings along the side streets within the historic cores.

An M1-5/R9X zoning district is proposed for approximately 26 full or partial blocks in two general areas:

- Along and east of Broadway for the entire length of the Project Area and along Lafayette Street north of Great Jones Street.
- The north side of Canal Street between West Broadway and Lafayette Street.

The proposed M1-5/R9X districts, as modified by the SNX, would allow a maximum FAR of 9.7 for residential uses with MIH and 6.5 for community facility uses. The maximum FAR for commercial and manufacturing uses in the M1-5/R9X district north of Howard Street would be set at 6.0; the maximum FAR for commercial and manufacturing uses in the M1-5/R9X district south of Howard Street would be 5.0. Residential buildings with qualifying ground floors developed pursuant to MIH would have a base height ranging between 85 feet and 145 feet, a setback above the street wall and a maximum building height of 205 feet.

The Proposed Actions are designed to respect and enhance Broadway's reputation as an employment hub and important location for office space with its high concentration of buildings with large, flexible floorplates. The intention of the proposed zoning is to facilitate built forms that are consistent with the older, bulkier loft buildings along the major corridors.

Proposed M1-6/R10 (Existing M1-5A & M1-5B)

An M1-6/R10 district is proposed to be mapped along the periphery of the Project Area and generally outside of historic districts. In terms of building heights and bulk, these areas have a varied character—parking structures and one-story commercial building are interspersed with high rises approaching 330 feet in height. The more generous floor area allowances proposed in these transitional areas are designed to encourage the development of new, high-density residential and mixed-use buildings. These areas represent the greatest opportunity for the creation of permanently affordable homes under MIH.

The M1-6/R10 zoning districts are proposed for approximately 13 full or partial blocks in three general areas:

- Along the west side of Bowery between Astor Place and Great Jones Street.
- Between Canal Street, Baxter Street, Grand Street, and the western side of Lafayette Street.
- Between Canal Street, West Broadway, Watts Street, and Sixth Avenue.

The proposed M1-6/R10 district, as modified by the SNX, would allow a maximum FAR of 12.0 for residential uses with MIH, a maximum FAR of 10.0 for commercial and manufacturing uses, and a maximum FAR of 6.5 for community facility uses. The SNX would modify the underlying base height and building height regulations to create loft-like contextual envelopes to accommodate appropriate density and supporting the housing objectives of the Neighborhood Plan.

PROPOSED SPECIAL SOHO/NOHO MIXED-USE DISTRICT (SNX)

The proposed SNX would be mapped over the entire Project Area, encompassing 56 blocks, to establish special use and bulk regulations to address SoHo/NoHo's unique history, building typology, and the existing and anticipated mix of uses, and to support the above-specified planning goals. Subareas within the SNX would be established to provide special use and bulk regulations. The SNX and proposed zoning districts are shown in **Figure 1-4**.

ZONING TEXT AMENDMENTS

The Proposed Actions include amendments to the text of the New York City ZR. The SNX would be established and would extend over the Project Area. MIH would be mapped across the SNX, setting mandatory affordable housing requirements pursuant to the MIH program.

SPECIAL SOHO/NOHO MIXED-USE DISTRICT AND SUBAREAS (SNX)

The proposed SNX would modify certain underlying regulations and establish special use, bulk, height, urban design regulations, and additional parameters for future development derived from and responding to block- and neighborhood-wide characteristics in order to reflect and enhance SoHo and NoHo's unique history, building typologies, existing and anticipated mix of uses, and to support the above-specified planning goals.

General Use Regulations

The proposed underlying paired districts - M1-5/R7X, M1-5/R9X, and M1-6/R10 - allow a broad range of residential, community facility, commercial, and light manufacturing uses as of right.

Joint Live-Work Quarters for Artists and Arts Fund

The SNX would allow existing JLWQA to remain. Existing artists occupying their homes as JLWQA use may continue to do so. Units that legalized, or are in legalization process, under the Loft Law would not be affected by this new provision. The SNX would additionally provide an option to allow the conversion from Use Group 17D JLWQA to Use Group 2 residential use by requiring a onetime contribution to an Arts Fund that would be administered by DCLA or a non-profit entity designated by the City. Such contribution would be authorized by a newly created CPC chairperson certification. The Arts Fund would provide resources for the arts and promote the public presence of the arts in SoHo/NoHo and the surrounding Lower Manhattan neighborhoods.

SoHo/NoHo's landscape of creating and making is intimately tied to the ability to work and create in one's own home environment. Therefore, ensuring that JLWQA continues as a permissible use protects existing artist residents and honors the critical role that pioneering artists played in shaping SoHo/NoHo's identity. However, the current outdated zoning and associated system of artist certification fails to account for new forms of creative expression, the changing nature of artist communities over time, or the evolving needs of the creative communities in our city. It also provides extremely limited capacity to accommodate an occupancy landscape that has evolved dramatically over the past 50 years. The proposed conversion option paired with a contribution to the Arts Fund will accommodate a far broader range of people and occupancies, translate an outdated occupancy requirement into benefits for arts and cultural organizations, programming and projects in SoHo/NoHo and surrounding Lower Manhattan neighborhoods. The proposed SoHo/NoHo Arts Fund will sustain SoHo/NoHo's status as an important locus of creative expression.

The proposed reforms also respond to City, state, and federal fair housing laws. The notion that housing in an entire neighborhood would be reserved statutorily through zoning for people in a specific profession must be considered in the context of broader concerns about housing equity. Instead of requiring housing to be occupied by a subset of the population as the current regulatory framework does, the Proposed Actions recognize demographic and land use changes over the past five decades, considers current and future live-work trends, and is intended to be more consistent with the City's stated goal of furthering housing affordability, SoHo/NoHo's social and economic diversity, and Fair Housing goals.

Home Occupations

In newly constructed and converted residential units, the proposed SNX includes an expanded home occupation provision. Regulations allowing home occupations to occupy a dwelling unit as an accessory use, which already apply to certain commercial and mixed-use zoning districts elsewhere in the City, would be adapted for SoHo/NoHo's live-work tradition and modern live-work needs.

Up to 49 percent of the floor area of a dwelling may be used for workspaces—whether for fine arts, music, film, or other media—and may employ up to three non-residents. In addition, the definition of home occupation would be expanded to include most commercial and manufacturing uses permitted by the underlying zoning, including professional offices. As the nature of work has been disrupted by the COVID-19 pandemic, it is crucial that zoning regulations recognize live-work arrangements more inclusively, especially as many industries and sectors begin to adopt flexible work-from-home policies.

Special Uses

The Proposed Actions recognize that SoHo/NoHo is already served by wide range of retail businesses, from small, locally owned boutiques to large, international brands. In the SNX, all Use Group 10A retail and service uses, such as department stores without limitation on floor area, would be permitted as-of-right. The change is intended to reflect existing conditions, promote a diversity of both small and large businesses, implement economic recovery efforts due to COVID-19 disruptions, and support existing businesses seeking to expand and evolve beyond their current footprints. Consistent with existing zoning regulations, the SNX would require a special permit for any new hotel developments in zoning districts that permit transient hotels. Rather than require a BSA special permit, Physical Culture or Health Establishments (PCEs) of any size, as defined in the ZR (such as gyms and licensed therapeutic massage studios), would be allowed as of right—a policy consistent with recent neighborhood-wide rezonings that recognizes the ubiquity of gyms and spas and the central role that health and fitness plays in New Yorkers' daily lives.

Location of Uses Within Buildings

To better support the mixed-use character of SoHo/NoHo and to make it easier for buildings with existing tenants to convert floor area to a different use, the SNX would introduce greater flexibility for the location of uses within the same building. For conversions within existing buildings, commercial and manufacturing uses may be located above residential uses. For new mixed developments or enlargements, dwelling units on the same story as a commercial use would be permitted, provided there is no access between the residential and commercial uses.

Non-Residential Floor Area Retention

SoHo/NoHo contains many older loft buildings with large, flexible floorplates that are well-suited to offices, showrooms, ateliers, and other commercial and manufacturing uses. These large commercial buildings represent less than 10 percent of the overall building stock in SoHo and NoHo but contain most of its commercial floor area and attendant jobs and therefore have outsize importance to the neighborhoods' vibrant and diverse economic base. The SNX would introduce a mechanism to preserve the mixed-use character of the neighborhood and ensure that SoHo/NoHo retains its status as a regional employment hub. For redevelopments, enlargements, and conversions of existing buildings containing at least 60,000 square feet of floor area and in which at least 20 percent of the floor area within such building was allocated to non-residential uses, new residential floor area would be permitted only upon certification by the CPC Chairperson that the amount of existing non-residential floor area would be retained at a one-to-one ratio with future non-residential uses on the zoning lot. In conjunction with such certification, a restrictive declaration would be required to be executed and recorded requiring the amount of pre-existing non-residential floor area in the existing building to be maintained on the zoning lot. Non-residential uses include commercial (except hotels), community facility (except community facility uses with sleeping accommodations), warehouse, and light manufacturing (except JLWQA). IMDs and units currently undergoing residential legalization under the Loft Law would not be subject to the requirement.

Active Ground-Floor Uses

The SNX would include supplemental ground-floor use regulations in key locations to require active non-residential or commercial uses and minimum levels of transparency as well as limit curb cuts, where appropriate. Non-residential ground-floor uses (i.e., commercial space, light industrial space, arts-related space, or community facilities) would be required along key

corridors. The controls are intended to foster a safe, varied, and walkable pedestrian experience along major corridors as well as help activate and sustain the mixed-use character of the neighborhood. The supplemental regulations would apply to the following corridors: Broadway, Canal Street, Lafayette Street, Centre Street, Houston Street, Broome Street, Bowery, West Broadway, and Sixth Avenue.

Floor Area, Height, and Bulk Regulations

To ensure a desirable mix of residential, commercial, manufacturing, and community facility uses and facilitate appropriate building forms, the SNX would modify the floor area, height, and bulk regulations of the proposed paired districts in the following ways:

- The maximum FAR for community facility uses throughout the SNX would be set at 6.5, meaning that there would be no change from existing zoning.
- To reflect the status of Broadway and the northern portion of NoHo as major commercial corridors and employment hubs, in the paired M1-5/R9X zoning district north of Howard Street, the maximum FAR for commercial and manufacturing uses would be increased from 5.0 to 6.0 and non-residential uses up to two stories would be a permitted obstruction in rear yards.
- The following streets would be treated as wide streets for the purpose of applying setback and street wall regulations to better reflect their generously-proportioned throughfares: West Broadway, Watts Street, Centre Street, and Great Jones Street.
- The SNX would apply special height regulations to be more consistent with the loft-like building forms common in SoHo/NoHo (see **Table 1-2**). Along major corridors that are generally within historic districts, the special height regulations of the underlying M1-5/R9X zoning districts are designed to respect the unique historic character of SoHo/NoHo. In transitional areas along the periphery of the Project Area mostly outside of historic districts, the special regulations would modify the height and bulk regulations of the typical M1-6/R10 district to allow sufficient flexibility to achieve the development and housing goals while responding to neighborhood context both within and around the Project Area.
- The SNX would modify certain yard regulations of the underlying zoning districts to reflect the high lot coverage conditions of the loft typology, help bring sufficient light and air to adjacent buildings, as well as provide appropriate relief for the many small, shallow, and oddly shaped lots that are common throughout the Project Area and for which designing efficient floorplates presents unique challenges.
  - For residential buildings on interior and corner lots, required rear yards would be reduced from 30 feet to 20 feet.
  - For shallow interior lots, the depth of a required rear yard may be reduced by six inches for each foot by which the depth of a zoning lot is less than 90 feet, not to be reduced to less than 10 feet.
  - For through lots, there would be no required rear yard equivalent for non-residential uses.
  - For through lots with residential uses, the required rear yard equivalent would be 40 feet.
  - Minimum dimensions of inner courts would be reduced.
  - Small court provisions of the underlying districts would apply.
- To maintain and promote an inviting and active pedestrian experience, 100 percent of a building's street wall would be required to be located at the street line.

- For zoning lots located within LPC-designated historic districts, the SNX would introduce special rules that would give LPC the flexibility to modify the minimum and maximum base height regulations to match that of adjacent historic structures.

The SNX would adjust the floor area and bulk regulations of the proposed paired districts to ensure a desirable mix of these uses and facilitate appropriate building forms. The modified FARs for each subarea are summarized in **Table 1-1**. Proposed building heights are shown in **Table 1-2**.

Table 1-1
Proposed Use and Floor Area Regulations

	Broadway – Houston Street Subarea	Canal Street Subarea	SoHo/NoHo Historic Cores Subareas	SoHo West, SoHo East, and NoHo – Bowery Subareas
Use and Floor Area Regulations	M1-5/R9X with modifications 6 FAR for commercial/ manufacturing 9.7 FAR for residential with MIH 6.5 FAR for community facility	M1-5/R9X 5 FAR for commercial/ manufacturing 9.7 FAR for residential with MIH 6.5 FAR for community facility	M1-5/R7X 5 FAR for commercial/ manufacturing 6 FAR for residential with MIH 6.5 FAR for community facility	M1-6/R10 10 FAR for commercial/ manufacturing 12 FAR for residential with MIH 6.5 FAR for community facility

Table 1-2
Proposed Base Heights and Maximum Building Heights

	M1-5/R7X	M1-5/R9X	M1-6/R10		
			NoHo-Bowery	SoHo East	SoHo West
Base Height[1]	60-105 *(+ Special provision to allow cornice alignment)*	85-145 *(+ Special provision to allow cornice alignment)*	125-155		
Max Height	145	205	275	275	275

[1] For zoning lots located within LPC-designated historic districts, the SNX would introduce special rules that would give LPC the flexibility to modify the minimum and maximum base height regulations to match that of adjacent historic structures.

MANDATORY INCLUSIONARY HOUSING PROGRAM

The Proposed Actions would amend Appendix F of the ZR to apply MIH Option 1 and Option 2 to the proposed M1-5/R7X, M1-5/R9X, and M1-6/R10 districts to require a share of new housing to be permanently affordable where significant new housing capacity would be created. As described below, the established MIH program would apply, with targeted adjustments for developments and conversions for the unique built and regulatory context in SoHo and NoHo, where idiosyncratic building types, and historic district limitations may result in atypical configurations and inadvertent incentives for underbuilding.

The MIH program would require permanently affordable housing within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH Areas. The program requires permanently affordable housing set-asides for all

developments over 10 units or 12,500 zsf within the MIH designated areas, or, as an additional option for developments between 10 and 25 units, or between 12,500 and 25,000 zsf, a payment into an Affordable Housing Fund. Within the SoHo/NoHo MIH Area, MIH would apply to any residential floor area developed on a lot that permits 12,500 square feet of residential floor area on top of a non-residential ground floor, regardless of how much residential floor area is actually developed.

In cases of hardship, where these requirements would make development financially infeasible, developers may apply to BSA for a special permit to reduce or modify the requirements. In addition, within the SNX, for conversions from non-residential to residential use in buildings that are not otherwise subject to the MIH program's affordable housing fund provisions, BSA may permit a contribution to the affordable housing fund where strict compliance with the options for affordable housing requirement may not be feasible. In such case, BSA must determine that the configuration of the building imposes constraints such as deep, narrow or otherwise irregular floorplates, limited opportunities to locate legally required windows, or pre-existing locations of vertical circulation or structural column systems that would create practical difficulties in reasonably configuring the required affordable floor area into a range of apartment sizes and bedroom mixes.

The MIH program includes two primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility trade-off inherent between income levels and size of the affordable set-aside. Option 1 would require 25 percent of residential floor area to be for affordable homes for residents with incomes averaging 60 percent of Area Median Income (AMI). Option 1 also includes a requirement that 10 percent of residential floor area be affordable at 40 percent AMI. Option 2 would require 30 percent of residential floor area to be for affordable for residents with incomes averaging 80 percent AMI. For both options, no homes could be targeted to residents with incomes above 130 percent AMI.

Special Permits and City Planning Commission Chairperson Certifications

The Proposed Actions would create two new special permits that may be pursued by applicants in the future:

- A CPC special permit to allow hotels in the Project Area (as permitted by the underlying zoning district regulations).
- For conversions from non-residential to residential uses in existing buildings BSA special permit to allow a contribution to the Affordable Housing Fund in lieu of providing on-site affordable residential units if the building's configuration creates practical difficulties in physically siting such affordable units.

Additionally, as described above, the following Chair certifications would apply to the SNX:

- A Chairperson certification to allow for conversions of Use Group 17D JLWQA to Use Group 2 residences upon a one-time contribution to the Arts Fund.
- A Chairperson certification to allow for the conversion of non-residential floor area to residential floor area in large buildings containing over 60,000 square feet of floor area.

WATERFRONT REVITALIZATION PROGRAM

Portions of the Project Area are within the City's Coastal Zone and would therefore be reviewed by CPC, in its capacity as the City Coastal Commission (CCC) to determine if the Proposed Actions are consistent with the relevant Waterfront Revitalization Program (WRP) policies.

G. ANALYSIS FRAMEWORK

REASONABLE WORST-CASE DEVELOPMENT SCENARIO

In order to assess the possible effects of the Proposed Actions, a RWCDS was developed, in accordance with the methodologies in the 2020 *CEQR Technical Manual*. The RWCDS was prepared to assess the future condition absent the Proposed Actions (No Action condition) and the future condition with the Proposed Actions (With Action condition) for a 10-year period (analysis year 2031). The incremental difference between the With Action and No Action conditions will serve as the basis for the impact analyses of the EIS. A 10-year period typically represents the amount of time developers would act on the proposed action for an area-wide rezoning not associated with a specific development. To determine the With Action and No Action conditions, standard site selection criteria have been used following the *CEQR Technical Manual* guidelines, as described below. These methodologies have been used to identify the amount and location of future development in response to the Proposed Actions.

THE FUTURE WITHOUT THE PROPOSED ACTIONS (NO ACTION CONDITION)

In the No Action condition, the identified projected development sites are assumed to remain unchanged from existing conditions. Given the restrictive ground floor use regulations and the outdated manufacturing zoning, vacant parcels and sites occupied by low intensity uses are not likely to be developed as-of-right. The No Action condition on the projected development sites is shown in **Appendix 1**.

The limited number of recent developments in SoHo and NoHo have consisted of mid- to high-rise market-rate residential buildings pursuant to special permits, and to a lesser extent, zoning text amendments, approved by CPC, variances granted by BSA, or mid-rise commercial office/retail buildings have been allowed with CPC or BSA approvals to allow commercial uses below the level of the second story or destination retail over 10,000 sf on Broadway and Houston Street. A few sites as small as 1,700 sf have been developed as one-story restaurants and bars.

In the No Action condition, based on recent development trends, it is anticipated that there would be limited development in SoHo/NoHo. Residential development would not occur without a zoning text amendment. Commercial development would require discretionary actions by CPC or variances by the BSA to allow complementary and necessary commercial uses on the ground floor such as retail and office lobbies, and the inventory of sites sufficiently large to generate more marketable floor plates has diminished. Outside of historic districts, while underutilized sites could be developed pursuant to the existing M1-5A and M1-5B district regulations without LPC's review, outside of BSA variances, there is no provision under existing zoning to allow residential development, and commercial development would likely require special permits to allow economically viable uses on the ground floor. Without the Proposed Actions, it is anticipated that residential conversions and conversion of former industrial space to commercial uses would continue to occur on occasion, if CPC discretionary actions or BSA variances can be obtained. However, to present a conservative environmental analysis, these discretionary actions are not assumed to be granted in the No Action condition.

As detailed below, it is anticipated that, in the future without the Proposed Actions, existing conditions will remain. Under the RWCDS, the total No Action development would comprise 32 existing DUs with no affordability requirement, 115,052 gsf (102,234 zsf) of local retail space, 207,576 gsf (184,738 zsf) of office space, a 39,000 gsf (34,710 zsf) parking garage, and 23,084 gsf (20,544 zsf) of manufacturing space (warehouse and industrial). Based on the 2014–2018 American Community Survey, the average household size for residential units in Manhattan Community District 2 is 1.89. The No Action estimated population would remain unchanged.

THE FUTURE WITH THE PROPOSED ACTIONS (WITH ACTION CONDITION)

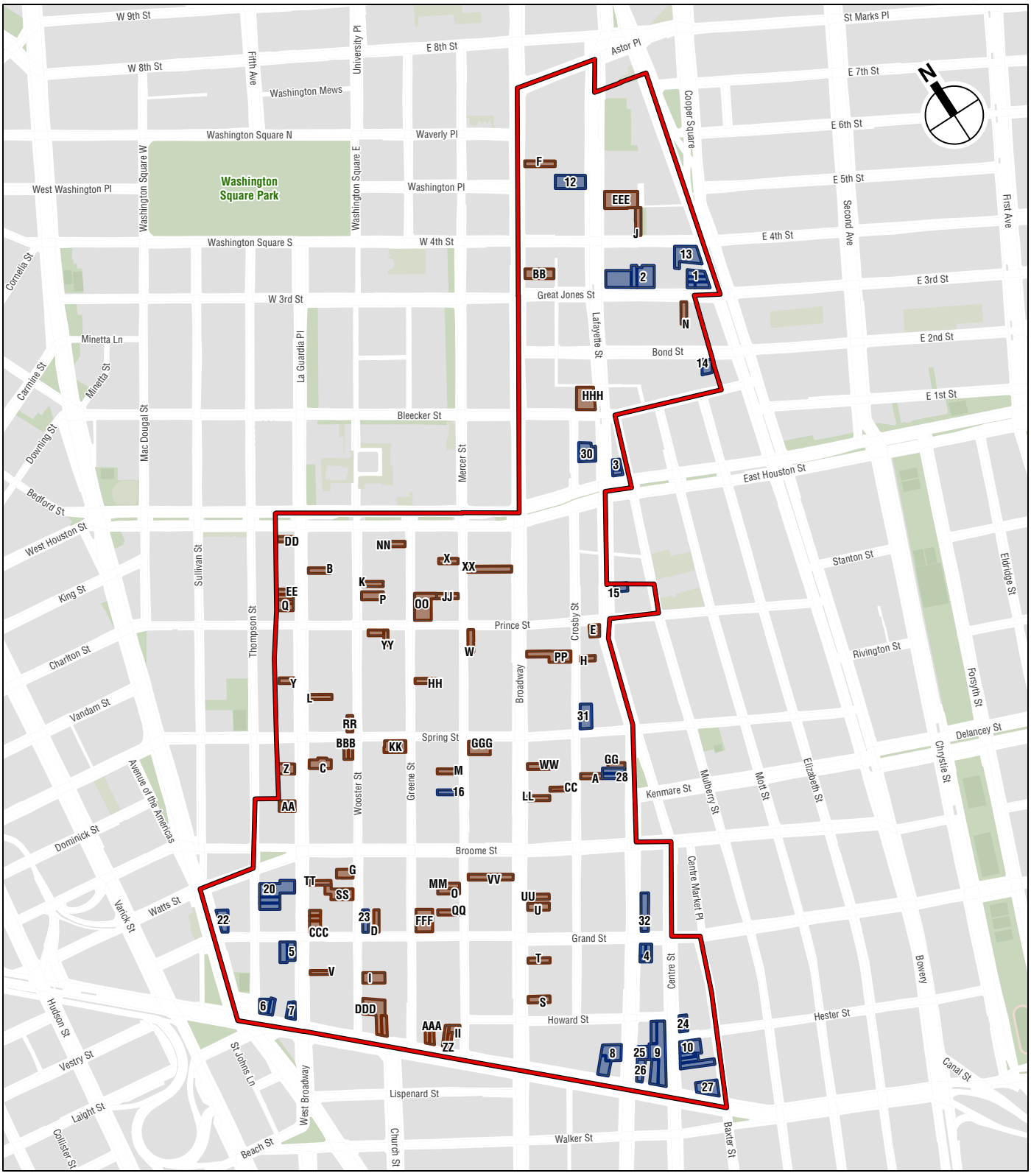
The Proposed Actions would allow for development with new uses and at higher densities at the projected and potential development sites. The Proposed Actions would allow residential use on an as-of-right basis and facilitate residential infill development, which is projected to result in significant housing production, including affordable housing. This residential development would include ground-floor retail across the rezoning area and second-story commercial use along major corridors. Several sites with wider street frontages that would accommodate larger building footprints are anticipated to be redeveloped with a mix of residential, community facility and/or commercial uses. One entirely non-residential building is projected in the western portion of the Project Area near Hudson Square, another strong office market. A few substantially built existing commercial buildings are assumed to be converted to residential use as representative examples of conversions that are anticipated to occur.

Under the Proposed Actions, the total development expected to occur on the 26 projected development sites would consist of approximately 2,191,275 gsf (1,909,542 zsf) of built floor area, including approximately 1,861 DUs, a substantial proportion of which are expected to be affordable, 176,841 gsf (154076 zsf) of retail space (local and destination retail, supermarket), and 20,778 gsf (18,076 zsf) of community facility uses (see **Figure 1-5**).

The net change between the With Action and No Action conditions that would result from the Proposed Actions would be a net increase of approximately 1,829 DUs (including 382 to 573 affordable units); 61,789 gsf (51,752 zsf) of projected retail space (local and destination retail, supermarket); 20,778 gsf (18,076) of projected community facility space.

Based on the 2014–2018 American Community Survey, the average household size for residential units in Manhattan Community District 2 is 1.89. Based on these ratios and standard ratios for estimating employment for commercial, community facility, and industrial uses, **Table 1-3** also provides an estimate of the number of residents and workers generated by the Proposed Actions. As indicated in **Table 1-3**, the Proposed Actions would result in a net increment of 3,457 residents.

A total of 58 sites, with the potential to provide 1,758 DUs, including between 370 and 552 MIH units, were considered less likely to be developed within the foreseeable future and were thus considered potential development sites (see **Figure 1-5**). As noted earlier, the potential sites are deemed less likely to be developed because they did not closely meet the criteria described below. However, the analysis recognizes that a number of potential development sites could be developed under the Proposed Actions in lieu of one or more of the projected development sites in accommodating the development anticipated in the RWCDS. The potential development sites are therefore also analyzed in the EIS for site-specific effects.



Projected and Potential Development Sites

SOHO/NOHO NEIGHBORHOOD PLAN

Figure 1-5

Table 1-3
RWCDS No Action and With Action Land Uses

Land Use	No Action Condition	With Action Condition	Increment
Residential			
Residential	***32 DUs***	***1,861 DUs (382-573 Affordable)***	***1,829 DUs (382-573 Affordable)***
Commercial			
Office	207,576 gsf / 184,738 zsf	160,765 gsf / 142,957 zsf	(46,811 gsf) / (41,781 zsf)
Local Retail	115,052 gsf / 102,324 zsf	121,885 gsf / 106,029 zsf	6,833 gsf / 3,705 zsf
Destination Retail	-	21,348 gsf / 18,572 zsf	21,348 gsf / 18,572 zsf
Supermarket	-	33,608 gsf / 29,475 zsf	33,608 gsf / 29,475 zsf
Other Commercial (Parking[1])	39,000 gsf / 34,710 zsf	-	(39,000 gsf) / (34,710 zsf)
Total Commercial	***361,628 gsf / 321,776 zsf***	***337,606 gsf / 297,033 zsf***	***(24,022 gsf) / (24,743 zsf)***
Other Uses			
Community Facility	***-***	***20,778 gsf / 18,076 zsf***	***20,778 gsf / 18,076 zsf***
Light Industrial/ Manufacturing	***23,084 gsf / 20,544 zsf***	***-***	***(23,084 gsf) / (20,544 zsf)***
Vacant	***-***	***-***	***-***
Population[2]			
Residents	60	3,517	3,457
Workers	1,212	1,212	0

Notes: sf = square feet

[1] The square footage indicated is associated with parking garages. The area associated with parking lots was not included in the No Action condition because parking lots do not generate floor area. Between DEIS and FEIS, the RWCDS will be updated to provide the area of parking lots on the development sites.

[2] Assumes 1.89 persons per DU for residential units in Manhattan Community District 2. Estimate of workers based on standard industry rates, as follows: 1 employee per 250 sf of office; 1 employee per 333 sf of local retail, 1 employee per 875 sf of destination retail, 1 employee per 1,000 sf of other commercial, 1 employee per 400 sf of supermarket, 1 employee per 1,000 sf community facility, 1 employee per 25 DU, 1 employee per 2.67 hotel rooms (400 sf per hotel room), 1 employee per 1,000 sf of industrial/warehouse, and 1 employee per 25 dwelling units

Development shown on sites within City-designated historic districts is assumed to maximize the permitted FAR within the allowable building envelope for conservative analysis purposes. The represented building form does not reflect LPC's future review and approval, which is required for actual development on all of the projected and potential sites in the City-designated historic districts on a site-by-site basis.

CRITERIA FOR DETERMINING DEVELOPMENT SITES

In determining the amount and location of new development, several factors have been considered in identifying likely development sites. These include known development proposals, past and current development trends, and the development site criteria described below. Generally, for area-wide zoning changes that create a broad range of development opportunities, new development can be expected to occur on selected, rather than all, sites within the rezoning area. The first step in establishing the development scenario for the Proposed Actions was to identify those sites where new development could be reasonably expected to occur.

Development sites were initially identified based on the following criteria:

- Lots located in areas where a substantial increase in permitted FAR is proposed.
- Lots with a total size of 1,700 sf or larger (may include potential assemblages with two owners or fewer, if assemblage seems probable). This lot area threshold takes into account local

market conditions, lot sizes of recent new developments in the rezoning area, the minimum lot area requirement for residential development in all medium and high density zoning districts, and building constructability.

- Underutilized lots which are defined as vacant, occupied as a parking lot/facility, a building with only a single occupied floor, or lots constructed to less than or equal to half of the maximum allowable FAR under the proposed zoning.
- Lots located in areas where changes in use would be permitted by the Proposed Actions, such as commercial to residential conversions, change of use between an expanded suite of commercial and light industrial uses permitted by the proposed zoning districts and special district regulations.
- Sites with non-residential uses in locations where residential uses will be newly allowed, including non-residential buildings with conditions conducive to residential conversion.

Certain lots that meet these criteria have been excluded from the development scenario based on the following conditions, in accordance with the guidance provided in the *CEQR Technical Manual*, and because they are very unlikely to be redeveloped as a result of the Proposed Actions:

- Lots occupied by buildings designated by LPC as individual landmarks, as well as buildings located within City-designated historic districts (sometimes identified in designation reports as "with style"). Individual landmarks and buildings within City-designated historic districts are subject to LPC review and approval in accordance with the New York City Landmarks Law under a significant level of scrutiny and are therefore highly unlikely to be altered or redeveloped. Two parking garages and one substantially underbuilt one-story building that are considered "with style" by LPC are included as potential development sites as an exception for the purpose of a conservative analysis.
- Lots where construction is actively occurring, or has recently been completed, as well as lots with recent alterations that would have required substantial capital investment. However, recently constructed or altered lots that were built to less than or equal to half of the maximum allowable FAR under the proposed zoning have been included for consideration as likely development sites.
- The sites of government facilities including environmental and transportation infrastructure, utilities, large institutions, homeless shelters, and houses of worship. These facilities may meet the development site criteria, because they are built to less than half of the permitted floor area under the current zoning and are on larger lots. However, these facilities have not been redeveloped or expanded despite the ability to do so, and it is extremely unlikely that the increment of additional FAR permitted under the proposed zoning would induce redevelopment or expansion of these structures. In addition, for government-owned properties, development and/or sale of these lots may require discretionary actions from the pertinent government agency.
- Multi-unit buildings built prior to 1974 with existing tenants, such as existing individual buildings with six or more residential units, and assemblages of buildings with a total of 6 or more residential units, are unlikely to be redeveloped because of the required relocation of tenants in rent-stabilized units. Certain assemblages containing six or more residential units are identified as development sites due to known development interests and/or the lack of known rent-stabilized units.
- Certain substantially built and actively used commercial structures, such as multi-story office buildings, regional centers of national corporations, and hotels. Although these sites may meet

the criteria for being built to less than half of the proposed permitted floor area, some of them are unlikely to be redeveloped due to their current or potential profitability, the cost of demolition and redevelopment, and their location.

- Lots whose highly irregular shape, insufficient depth, and/or width would preclude or greatly limit future as of right development. Generally, development on highly irregular lots does not produce marketable floor space.
- Sites with recently granted CPC special permit for significant use and/or bulk changes that also involved discretionary review by LPC. Costs and time associated with obtaining a special permit, public review and environmental review process would have required substantial investment.

PROJECTED AND POTENTIAL DEVELOPMENT SITES

To produce a reasonable, conservative estimate of future growth, the development sites have been divided into two categories: projected development sites and potential development sites. The projected development sites are considered more likely to be developed within the 10-year analysis period. Potential sites are considered less likely to be developed over the approximately 10-year analysis period. Projected and potential development sites were identified based on the following criteria:

Projected Development Sites

- All identified development sites are considered as projected development sites except as described below.
- Sites partially located within and partially outside of City-designated historic districts will be considered in this EIS as projected development sites for conservative analysis purposes. Since these lots straddle these historic district boundaries, it is assumed that it is possible to concentrate future development on portions of the lot outside of City-designated historic districts where LPC review is not required.

Potential Development Sites

- Lots with slightly irregular shapes or challenging configurations (overly narrow, deep), small (generally between 1,700 sf and 2,000 sf in lot area), or encumbrances which would make development more difficult will be considered potential development sites in the EIS.
- Sites located within City-designated historic districts that are occupied by existing buildings will be considered potential development sites in the EIS. The demolition, redevelopment and/or enlargement of these buildings are subject to LPC review and approval in accordance with the New York City Landmarks Law, which could contribute to higher development cost and longer timeframe.

Based on the above criteria, a total of 84 development sites (26 projected and 58 potential) have been identified in the Project Area. These projected and potential development sites are depicted in **Figure 1-5** and the detailed RWCDS tables provided in **Appendix A** identify the uses expected to occur on each of these sites under No Action and With Action conditions.

The EIS will assess the potential for both density-related and site-specific significant adverse impacts from development on all projected development sites. Density-related analyses are dependent on the amount and type of development projected on a site, and include analysis categories such as traffic, air quality, community facilities, and open space.

Site-specific analyses relate to individual site conditions and are not dependent on the density of projected development. Site-specific analyses include potential noise impacts from development, the effects on historic resources, and the possible presence of hazardous materials. Development is not anticipated on the potential development sites in the foreseeable future.[6] Therefore, these sites have not been included in the density-related impact assessments. However, review of site-specific impacts for these sites will be conducted in order to present a conservative analysis in accordance with the *CEQR Technical Manual*.

DEVELOPMENT SCENARIO PARAMETERS

For the purposes of presenting a conservative analysis, and where applicable, reasonable factors based on recent development trends were utilized to approximate the gross square footage, zoning floor area, and DU size of each soft site analyzed in this document.

Dwelling Unit Factor

The number of projected dwelling units in apartment buildings is determined by dividing the total amount of residential floor area by 850 sf and rounding to the nearest whole number.

Floor-to-floor Height

The floor-to-floor heights for all non-residential use is assumed to be 15 feet. The floor-to-floor heights for all residential uses is assumed to be 10 feet.

Conversion Prototypes

It is anticipated that residential conversion of non-residential floor area would occur in the With Action condition, and that certain substantially built, mid-sized non-residential buildings are more conducive to residential conversions, due to building footprint, floor plate configuration, street frontage and yard conditions. For conservative analysis purposes, two of the conversion prototypes also include floor area reallocation and vertical bulk changes. Conversions are shown on several projected development sites distributed across the Project Area as representative examples for analysis purposes.

Development within Historic Districts on Projected and Potential Sites

Development shown on sites within historic districts is assumed to maximize the permitted FAR within the allowable building envelope for conservative analysis purposes. The represented building form does not reflect LPC's future review and approval, which is required for actual development on all of the projected and potential sites on a site-by-site basis.

H. PUBLIC REVIEW PROCESS

The Proposed Actions described above are subject to public review under ULURP, Section 200 of the City Charter, as well as CEQR procedures. The ULURP and CEQR review processes are described below.

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[6] Potential Development Site DDD, a through-block site on Block 229/Lots 4 and 5, with frontage along Canal and Wooster Streets, is under consideration by the Department of Homeless Services (DHS) as the site a future homeless shelter. Because DHS has not obtained the necessary permits to construct the shelter, the site is conservatively assumed as a potential development site for analysis purposes in the EIS.

UNIFORM LAND USE REVIEW PROCEDURE

The City's ULURP, mandated by Sections 197-c and 197-d of the City Charter, is a process especially designed to allow public review of a proposed project at four levels: the Community Board, the Borough President and (if applicable) Borough Board, CPC, and the City Council. The procedure sets time limits for review at each stage to ensure a maximum total review period of approximately seven months.

The ULURP process begins with a certification by CPC that the ULURP application is complete, which includes satisfying CEQR requirements (see the discussion below). The application is then forwarded to the Community Board (in this case, Manhattan Community Board 2), which has 60 days to review and discuss the proposal, hold public hearings, and adopt recommendations regarding the application. Once this step is complete, the Borough President reviews the application for up to 30 days. CPC then has 60 days to review the application, during which time a ULURP/CEQR public hearing is held. Comments made at the Draft EIS (DEIS) public hearing (the record for commenting remains open for 10 days after the hearing to receive written comments) are incorporated into a Final EIS (FEIS); the FEIS must be completed at least 10 days before CPC makes its decision on the application. CPC may approve, approve with modifications, or deny the application.

If the ULURP application is approved, or approved with modifications, it moves to the City Council for review. The City Council does not automatically review all ULURP actions that are approved by CPC. Zoning map changes and zoning text changes (not subject to ULURP) nevertheless must be reviewed by the City Council; the Council may elect to review certain other actions. The City Council, through the Land Use Committee, has 50 days to review the application and, during this time, will hold a public hearing on the proposed project. The Council may approve, approve with modifications, or deny the application. If the Council proposes a modification to the proposed project, the ULURP review process stops for 15 days, providing time for a CPC determination on whether the modification is within the scope of the environmental review and ULURP review. If it is, then the Council may proceed with the modification; if it is not, then the Council may only vote on the project as approved by CPC. Following the Council's vote, the Mayor has five days in which to veto the Council's actions. The City Council may override a Mayoral veto within 10 days.

The review of a zoning text amendment pursuant to Section 200 of the City Charter follows the same time clock as described above when coupled with a ULURP application, and is subject to the same procedures governing CPC, City Council, and Mayoral action.

NEW YORK CITY ENVIRONMENTAL QUALITY REVIEW

Pursuant to the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations found at 6 NYCRR Part 617, New York City has established rules for its own environmental quality review in Executive Order 91 of 1977, as amended, and 62 RCNY Chapter 5, the Rules of Procedure for CEQR. The environmental review process provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to propose reasonable alternatives, to identify, and when practicable mitigate, significant adverse environmental effects. CEQR rules guide environmental review, as follows:

- **Establish a Lead Agency**. Under CEQR, the "lead agency" is the public entity responsible for conducting the environmental review. The lead agency is typically the entity principally

responsible for carrying out, funding, or approving the proposed action. In accordance with CEQR rules (62 RCNY Section 5-03), DCP, acting as lead agency on behalf of CPC, assumed lead agency status for the Proposed Actions.

- **Determine Significance**. The lead agency's first charge is to determine whether the proposed action(s) may have a significant impact on the environment. To do so, DCP, in this case, evaluated an Environmental Assessment Statement (EAS) dated October 28, 2020 for the Proposed Actions. Based on the information contained in the EAS, DCP determined that the Proposed Actions may have a significant adverse impact on the environment, as defined by statute, and issued a Positive Declaration on October 28. 2020 requiring that an EIS be prepared in conformance with all applicable laws and regulations, including SEQRA, Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991, as well as the relevant guidelines of the *CEQR Technical Manual*.
- **Scoping**. Once the lead agency issues a Positive Declaration, it must then issue a draft scope of work for the EIS. "Scoping," or creating the scope of work, is the process of establishing the type and extent of the environmental impact analyses to be studied in the EIS. The Draft Scope of Work was prepared in accordance with SEQRA, CEQR, and the *CEQR Technical Manual.* Along with a Positive Declaration, the Draft Scope of Work was issued on October 28, 2020. CEQR requires a public scoping meeting as part of the process. A public scoping meeting was held on December 3, 2020, at 2:00 PM. The period for submitting written comments remained open until December 18, 2020. A Final Scope of Work was prepared, taking into consideration comments received during the public comment period, to direct the content and preparation of a DEIS. DCP issued the Final Scope of Work on May 14, 2021.
- **Draft Environmental Impact Statement**. In accordance with the Final Scope of Work, a DEIS is prepared. The lead agency reviews all aspects of the document, calling on other City agencies to participate as appropriate. Once the lead agency is satisfied that the DEIS is complete, it issues a Notice of Completion and circulates the DEIS for public review. When a DEIS is required, it must be deemed complete before the ULURP application can also be found complete.
- **Public Review**. Publication of the DEIS and issuance of the Notice of Completion signals the start of the public review period. During this period, which must extend for a minimum of 30 days, the public may review and comment on the DEIS either in writing or at a public hearing convened for the purposes of receiving such comments. As noted above, when the CEQR process is coordinated with another City process that requires a public hearing, such as ULURP, the hearings may be held jointly. The lead agency must publish a notice of the hearing at least 14 days before it takes place and must accept written comments for at least 10 days following the close of the hearing. All substantive comments become part of the CEQR record and are summarized and responded to in the FEIS.
- **Final Environmental Impact Statement**. After the close of the public comment period for the DEIS, the lead agency will prepare the FEIS. The FEIS incorporates relevant comments on the DEIS, in a separate chapter and in changes to the body of the text, graphics, and tables. Once the lead agency determines that the FEIS is complete, it will issue a Notice of Completion and circulate the FEIS.
- **Findings**. To document that the responsible public decision-makers have taken a hard look at the environmental consequences of a proposed action, any agency taking a discretionary action regarding a project must adopt a formal set of written findings reflecting its conclusions about the potential for significant adverse environmental impacts of the proposed action,

potential alternatives, and mitigation measures. No findings may be adopted until 10 days after the Notice of Completion has been issued for the FEIS. Once each agency's findings are adopted, it may take its actions (or take "no action"). This means CPC must wait at least 10 days after the FEIS is complete to take action on a given application. ✷