Executive Summary

1. Introduction

The applicants, GO Broome LLC and The Chinatown Planning Council Housing Development Fund Company, Inc. (CPC), are seeking the following discretionary actions from the City Planning Commission:

- A zoning map amendment to change an R8 district to an R9-1 district with a C2-5 overlay;
- A zoning text amendment to Appendix F of the Zoning Resolution (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) to designate a Mandatory Inclusionary Housing Area, and to ZR Sections 23-011 (Quality Housing Program), 28-01 (Applicability of this Chapter), and 78-03 (Applicability of this Chapter) to allow the use of the Quality Housing Program;
- An authorization pursuant to ZR Section 13-443 (Reduction in the number of required existing parking spaces) to eliminate 33 spaces of required accessory off-street parking on Block 346, Lot 75;
- A modification of the Seward Park Extension West Large-Scale Residential Development (the "LSRD") to reflect changes to the zoning lots and to update the site plan and zoning calculations of the LSRD, which includes the addition of Block 346, Lot 37 and an authorization and special permits pursuant to ZR Section 78-311 (Authorizations by the City Planning Commission) and 78-312 (Special permits by the City Planning Commission).

Together, the proposed actions would facilitate the development of two buildings to be located on Block 346, Lots 37 and 75 ("Projected Development Site 1"). The proposed development would include a 30-story, 310-foot-tall mixed-use building with frontage on Suffolk and Broome Streets called the "Suffolk Building," and a 16-story, 165-foot-tall mixed-use building with frontage on Norfolk and Broome Streets called the "Norfolk Building."[1] Independent of the proposed development, in the future with the proposed actions, it is anticipated that the owner of the existing 5-story mixed-use building located on Lot 95 of the project block ("Projected Development Site 2") would increase its commercial space by approximately 4,759 gsf.

Overall, the With Action condition would total approximately 466,901 gsf, with approximately 399,344 gsf for residential space, 23,547 gsf for commercial space (including 4,759 gsf of commercial space on Block 346, Lot 95), and 44,010 gsf for community facility space. There would be a total of approximately 488 dwelling units, with approximately 208 units designated as permanent affordable units in the proposed development on Projected Development Site 1. The proposed project would amend the site plan for the LSRD. In addition, there would be a Restrictive Declaration for the project that would provide for the implementation of Project Components Related to the Environmental (PCREs) and those mitigation measures necessary to mitigate any significant adverse impacts.

This application is in the same large-scale residential development as another separate application. As an independent application, the New York City Department of Housing Preservation and Development (HPD) seeks approval of a corrective action that would remove the overlapping portion (Block 346) of the Seward Park Extension Large-Scale Residential Development and the Essex Crossing Large-Scale General Development by subdividing the Seward Park Extension Large-Scale Residential Development into two non-contiguous large-scale residential developments in the Lower East Side, Manhattan Community Board 3. The subdivided LSRDs would encompass the following:

- Seward Park Extension West Large Scale Residential Development (which is the LSRD that is the subject of the Proposed Actions in this application), consisting of Block 351, Lot 1 and Block 346, Lots 1, 75, and 95; and
- Seward Park Extension East Large-Scale Residential Development, consisting of Block 341, Lots 1, 58, and 70; Block 347, Lot 80; Block 336, Lots 1, 5, 35, and a portion of 28.

2. Project Area

The project area consists of the following parcels:

- Block 346, Lots 37 and 75, comprising Projected Development Site 1 (see **Figure 1**). Lot 37 is occupied by the remnants of the former Beth Hamedrash Hagodol (BHH) synagogue. Lot 75 is designated as accessory parking for the Hong Ning senior housing building (located on Block 346, Lot 1), but it has been underutilized by occupants since it

[1] The current plan is to provide approximately 93 MIH units in the Suffolk Building and approximately 115 AIRS units in the Norfolk Building. The AIRS units are subject to City financing. If financing is unavailable, the Norfolk Building would be developed pursuant to MIH and include a set-aside of non-AIRS permanently affordable housing units.

was first provided in connection with the construction of the senior housing building in 1982.

- Block 346, Lot 95 (Projected Development Site 2) (see **Figure 1**). Lot 95 is improved with a 5-story mixed use building, which contains 26 residential units and ground floor retail.
- Block 346, Lot 1. Lot 1 is improved with the 14-story Hong Ning senior housing building, which is owned and operated by the Chinatown Planning Council Housing Development Fund Company, Inc., an affiliate of CPC. The building contains 156 units. No changes are proposed to this parcel as part of the land use actions other than the rezoning from R8 to R9-1 with a C2-5 overlay and certain waivers, which would ensure the continued compliance of the Hong Ning building.
- Block 351, Lot 1. This site is a full-block site improved with a 23-story residential building at the north end of the block and a low-rise community facility building at the south end of the block with a substantial amount of open space, all owned by the New York City Housing Authority (NYCHA). No changes are proposed to this parcel as part of the land use action.

Table 1 provides a summary of the Projected Development Sites 1 and 2.

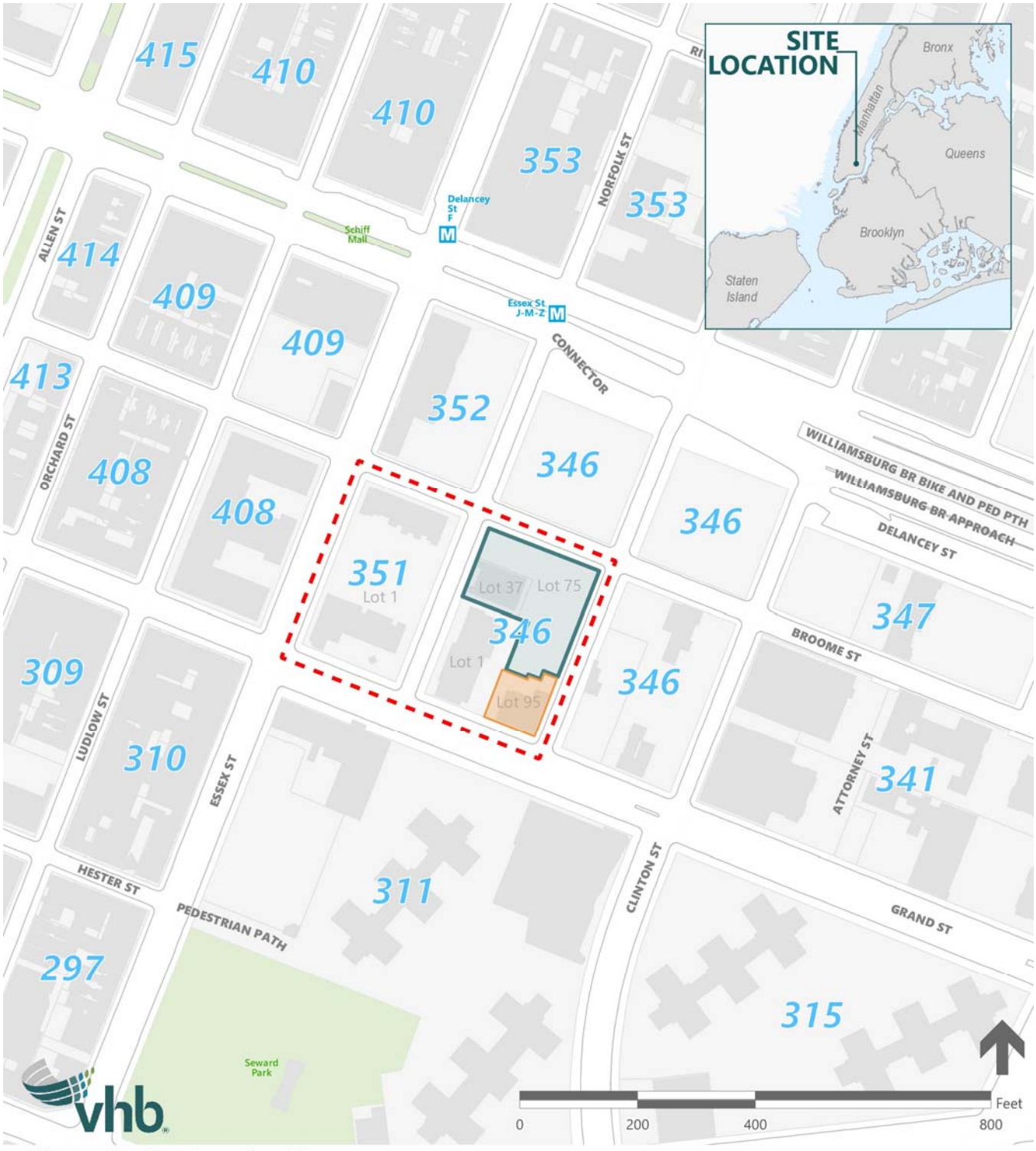
Table 1 Existing Conditions (Projected Development Sites 1 and 2)

	Projected Development Site 1		Projected Development Site 2	
	Lot 37	Lot 75	Lot 95	Total
Commercial GSF	0	0	4,118	4,118
Community Facility GSF*	0	0	0	0
Residential GSF	0	0	18,248	18,248
Total GSF	0	0	22,366	22,366

*Projected Development Site 1 contains remnants of the BHH synagogue.

The Project Area (excluding Block 346, Lot 37) is part of the Seward Park Extension West LSRD, which currently consists of Block 346, Lots 1, 75, and 95 and Block 351, Lot 1. See below for a discussion of the LSRD history ("Project Area History") and for proposed modifications to the LSRD (1.3, "Proposed Actions").

Figure 1 Site Location



Project Area History

By the mid-19th century, the Lower East Side had become a densely populated neighborhood characterized by four- to six-story tenement buildings. In 1955, the Mayor's Committee on Slum Clearance designated the triangular area bounded by Essex Street, Grand Street, and East Broadway as the Seward Park Urban Renewal Area. The existing buildings were demolished and four tower-in-the-park style cooperative apartment buildings were constructed, along with a small amount of retail and community facility space.

The Seward Park Extension Urban Renewal Area ("SPEURA") was approved by the City Planning Commission on June 2, 1965 (CP-18915) and the Board of Estimate on July 22, 1965. The SPEURA plan covered 14 blocks between Delancey, Essex, Grand, and Willet Streets consisting primarily of low-rise tenement buildings with ground floor commercial uses. The plan called for the development of 1,800 dwelling units along with community facility and commercial uses.

The SPEURA plan proposed combining a number of the blocks that it covered into large sites, also known as superblocks. The property comprising what is now Block 346, Lots 1, 75, and 95 in the Project Area was included as a portion of a superblock to be created by the elimination of Suffolk Street between Broome and Grand Streets and designated as Parcel 2. Although this portion of Suffolk Street was demapped as part of the SPEURA plan, it was never decommissioned and continues to function as a regular City Street. Seven parcels, including the site of the former BHH synagogue on Block 346, Lot 37, were not acquired as part of the SPEURA plan.

An application by NYCHA to create the Seward Park Extension Large Scale Residential Development (the "Original LSRD") within the SPEURA was approved by the City Planning Commission on May 11, 1966 (CP-19323) and the Board of Estimate on May 20, 1966. Among other things, the Original LSRD facilitated the development of the 23-story NYCHA building on Block 351, Lot 1.

The former BHH synagogue was designated as an individual landmark by LPC on February 28, 1967 (LP-0637) and reviewed by the City Planning Commission on March 29, 1967 (CP-19758). It was severely damaged by a fire in May of 2017 and only its remnants exist today.

An application by the Housing and Development Administration to rezone the property bounded by Essex Street, Broome Street, the northerly prolongation of Norfolk Street, Delancey Street, Clinton Street, an Unnamed Street, Willet Street and Grand Street from R7-2, C1-5 and C6-1 districts to R8 and C6-2 districts to permit development in accordance with the SPEURA plan was approved by the City Planning Commission on March 13, 1968 (CP-20171) and the Board of Estimate on March 21, 1968.

In furtherance of the development of the NYCHA building on Block 351, Lot 1, an application by the Housing and Development Administration for (1) an authorization under ZR Section 78-311(e) (Authorization by Commission) for the location of the building without regard to the height and setback regulations; (2) a special permit under ZR Section 78-312(d) (Special permits by the City Planning Commission) for minor variations in the front height and setback regulations; and (3) an authorization for accessory off-street parking spaces for the

building to be located on what is now Block 347, Lot 80, was approved by the City Planning Commission on December 23, 1969 to the Board of Estimate's approval on January 8, 1970. Block 351, Lot 1 and Block 347, Lot 80 are owned by NYCHA under a single deed, which requires the owner of Lot 80 to provide parking for Lot 1 in perpetuity. The NYCHA building was completed in 1972.

A change to the City Map eliminating Broome Street between Norfolk and Clinton Streets, and Suffolk Street between Grand and Delancey Streets to create a superblock in connection with the development of the SPEURA plan, and widening Norfolk Street between Broome Street and Grand Street from 50 feet to 64 feet was approved by the City Planning Commission on November 13, 1969 (CP-20853 and CP-20854) and the Board of Estimate on February 9, 1970.

The first amendment to the SPEURA plan was approved by the City Planning Commission on February 25, 1980 (C 790719 HUM) and the Board of Estimate on April 24, 1980. The amendment, among other things, split Parcel 2 in the SPEURA Plan into "Parcel 2A" (consisting of what is now Block 346, Lots 1, 75 and 95) and "Parcel 2B" (consisting of what is now Block 346, Lots 39 and 1001-1005).

Applications by HPD to facilitate the development of the 14-story Hong Ning senior housing building on Block 346, Lot 1, including (1) the disposition of Parcel 2A to The Chinatown Planning Council Housing Development Fund Company, Inc., (2) an authorization under ZR Section 78-311(e) for the location of the building without regard to the height and setback regulations, and a special permit under ZR Section 78-312(d) (Special Permits by the City Planning Commission) for minor variations in the front height and setback regulations were approved by the City Planning Commission on March 12, 1980 (C 790720 HDM and N 790721 ZSM) and the Board of Estimate on April 24, 1980. The Hong Ning building was completed in 1982.

Block 346, Lot 95 is improved with a five-story building, which was constructed in the early 1920s and includes ground-floor commercial use (which were in existence prior to the enactment of the current Zoning Resolution and are thus legal non-conforming uses) and 26 residential apartments above, and approximately 22,366 square feet of floor area. The height of the building is approximately 55 feet. However, in the early 1980s, the New York City Planning Commission approved two related applications to exclude the property from the SPEURA plan and the Original LSRD (N 830306 ZAM and N 830269 HCM). These approvals were never effectuated and Block 346, Lot 95 remains a part of the LSRD today. The SPEURA plan expired on July 22, 2005, forty years after it was adopted.

The Seward Park Mixed-Use Development Project, a large-scale general development commonly known as Essex Crossing, was approved by the City Planning Commission on August 22, 2012 and the City Council on October 11, 2012.[2]

[2] C 120226 ZMM, N 120227 ZRM, C 120228 ZSM, C 120229 ZSM, N120230 ZAM, C 120231 ZSM, C 120233 ZSM, C 120234 ZSM, C 120235 ZSM, N 120236 HAM, C 120237 PQM, C 120245 PPM, and C 120156 MMM; CEQR No. 11DME012M

3. Proposed Actions

To facilitate the project, the Applicants seek approval of four actions: a zoning map amendment, a zoning text amendment, a zoning authorization, and a modification of the Seward Park Extension West LSRD. The proposed actions consist of:

Rezoning (R8 to R9-1 with a C2-5 Overlay)

The zoning map amendment would rezone Block 346, Lots 1, 37, 75 and 95 (the entire block) from an R8 District to R9-1 with a C2-5 commercial overlay. The R9-1 district would permit a residential FAR of 9.0 (with MIH) and a maximum building height of 285 feet. In all other respects, the district would follow the regulations of an R9 district. Compared to the existing R8 district, the rezoning would increase the permitted FAR as follows: residential would increase from 6.02 to 9.00; AIRS from 7.20 to 9.00; and community facility from 6.50 to 10.00. The maximum building height would increase from 120 feet in the R8 district for a Quality Housing building, to 285 feet. This action is being sought because the density and uses permitted under the R9-1/C2-5 zoning are needed to provide the amount of affordable housing, senior housing, neighborhood retail, and community facility uses to be included in the proposed development.

Zoning Text Amendment

Mandatory Inclusionary Housing Area: Appendix F

The zoning text amendment to Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) would designate Block 346, Lots 1, 37, 75, and 95 as a Mandatory Inclusionary Housing Area. This action is being sought because it is consistent with City policy in connection with the rezoning from R8 to R9-1, and would provide for 208 permanently affordable homes (including 115 units for seniors)[3] within the portion of the Project Area that is being rezoned.

Quality Housing Program: ZR Sections 23-011, 28-01, and 78-03

ZR Sections 23-011 (Quality Housing Program), 28-01 (Applicability of this Chapter), and 78-03 (Applicability of this Chapter) would be amended to allow the Quality Housing program to apply to the proposed development in the LSRD.

Authorization (ZR Section 13-443)

A Zoning Authorization pursuant to ZR Section 13-443 (Reduction in the number of required existing parking spaces) to eliminate the 33-space parking lot on Block 346, Lot 75 would allow the proposed development to be constructed on Lot 75.

[3] The current plan is to provide approximately 93 MIH units in the Suffolk Building and approximately 115 AIRS units in the Norfolk Building. The AIRS units are subject to City financing. If financing is unavailable, the Norfolk Building would be developed pursuant to MIH and include a set-aside of non-AIRS permanently affordable housing units.

Modification of the LSRD

The LSRD would be modified to update the site plan and zoning calculations of the LSRD, which would include the addition of Block 346, Lot 37 into the LSRD, an authorization in connection with the Hong Ning building to modify the height and setback regulations along a street located wholly within the LSRD, and special permits pursuant to ZR Section 78-312 (Special permits by the City Planning Commission) to allow (1) with respect to the proposed development, distribution of floor area without regard to zoning lot lines, modifications of the regulations governing height and setback along streets located at the periphery of the LSRD, and modifications of minimum distance between buildings on the same zoning lot; and (2) with respect to the existing Hong Ning building, modifications of the regulations governing height and setback along a street located at the periphery of the LSRD.

Modification of Height and Setback: ZR Section 78-311(e) Authorization

The standard Quality Housing height and setback regulations require, in an R9-1 district, that along wide streets and along narrow streets within 50 feet of a wide street, a street wall must extend along the entire street frontage of the zoning lot, and at least 70 percent of the aggregate width of street walls must be located within eight feet of the street line and extend to at least the minimum base height or the height of the building, whichever is less, per ZR 23-661(c) (Street wall location). Along narrow streets located beyond 50 feet of a wide street, at least 70 percent of the street wall must be located within 15 feet of the street line, per ZR 23-661(c) (Street wall location). The standard Quality Housing height and setback regulations permit, in an R9-1 district, a maximum base height of 105 feet along wide streets and narrow streets located within 100 feet of a wide street, and a maximum base height of 95 feet on narrow streets located beyond 100 feet of a wide street, per ZR 23-662(a) (Maximum height of buildings and setback regulations). Above the maximum base height, a setback with a depth of at least 10 feet is required from the street line of a wide street, and a setback with a depth of at least 15 feet is required from the street line of a narrow street per ZR 23-662(c) (Maximum height of buildings and setback regulations). ZR 23-662(c) also provides that the depth of such required setback may be reduced by one foot for every foot that the street wall is located beyond the street line, but a setback of less than seven feet in depth is generally prohibited. The maximum permitted building height is 145 feet along wide streets or along narrow streets within 100 feet of a wide street, and 135 feet along narrow streets located beyond 100 feet of a wide street.

The Hong Ning building was constructed pursuant to height factor zoning regulations, and received an authorization under ZR 78-311(e) to modify height and setback regulations along Norfolk Street (a street located wholly within the Original LSRD) and a special permit under ZR 78-312(d) to modify height and setback regulations along Grand Street (a street located at the periphery of Original LSRD). Now that the zoning lot will be subject to the Quality Housing regulations by virtue of the Proposed Development, these waivers are no longer applicable. Therefore, to avoid the Hong Ning building becoming a non-complying building with respect to the Quality Housing bulk regulations, new waivers are requested, which would replace the prior waivers and ensure the continued compliance of the Hong Ning building.

Along its Norfolk Street frontage, the Hong Ning building is located 15.03 feet from the street line at its closest point. It rises without setback to an overall building height of 125.75 feet. Therefore, an authorization is requested pursuant to ZR 78-311(e) (Authorizations by the City Planning Commission) to modify (i) the street wall location requirements of ZR 23-661(c) (Street wall location) along the entire Norfolk Street frontage, except for the portion of the frontage adjacent to the Norfolk Building that qualifies as an outer court, and (ii) the setback requirements of ZR 23-662(a) and (c) for an area comprising 7 feet by 100 feet above the maximum base height of 105 feet along the portion of Norfolk Street frontage located within 100 feet of Grand Street, and for an area comprising 7 feet by 63.34 feet above the maximum base height of 95 feet along the portion of Norfolk Street frontage located beyond 100 feet of Grand Street.

Distribution of floor area: ZR Section 78-312(a) Special Permit

The Applicants request a special permit pursuant to ZR Section 78-312(a) (Special permits by the City Planning Commission) for the distribution of 15,000 square feet of floor area from Block 346, Lot 95 to Block 346, Lot 37 without regard for zoning lot lines. This would maximize the amount of affordable housing provided in the Norfolk Building.

Modifications of Height and Setback: ZR Section 78-312(d) Special Permit

Suffolk Building

Quality Housing height and setback regulations permit a base height of up to 125 feet in an R9-1 district for MIH developments under ZR 23-664(c)(1) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors). The maximum permitted building envelope for the Suffolk Building would limit the base height to 85 feet along Broome Street and along Suffolk Street within approximately 67 feet of Broome Street, in order to match the datum established along Broome Street by the adjacent Essex Crossing buildings. The maximum permitted building envelope would further reduce the base height to 48 feet along the remainder of Suffolk Street heading toward the low-rise 384 Grand building.

Above the base height, a setback of 15 feet is required from the street line of a narrow street under ZR 23-662(a) and (c) (Height and Setback Requirements for Quality Housing Buildings). However, the Suffolk Building would be set back only 10 feet on Suffolk Street, which is a narrow street. Therefore, a modification is requested pursuant to ZR Section 78-312(d) (Special permits by the City Planning Commission) for an area comprising five feet by 181'-4" above the maximum base height of 125 feet. The setback waiver would extend the full height of the building, as well as through the bulkhead zone to permit a screen wall at the maximum permitted building envelope line within the bulkhead zone.

Above the base height, the maximum permitted building envelope for the Suffolk Building would rise to a height of 310 feet (340 feet including bulkheads). This height is above the 285 feet maximum height permitted in the R9-1 district under ZR 23-664(c)(1) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors). Therefore, a modification is requested pursuant to ZR Section 78-312(d) (Special permits by the City Planning Commission).

Hong Ning Building

As explained above, the Hong Ning building was constructed pursuant to height factor zoning regulations, and received an authorization under ZR 78-311(e) to modify height and setback regulations along Norfolk Street (a street located wholly within the Original LSRD) and a special permit under ZR 78-312(d) to modify height and setback regulations along Grand Street (a street located at the periphery of Original LSRD). Now that the zoning lot will be subject to the Quality Housing regulations by virtue of the Proposed Development, these waivers are no longer applicable. Therefore, to avoid the Hong Ning building becoming a non-complying building with respect to the Quality Housing bulk regulations, new waivers are requested, which would replace the prior waivers and ensure the continued compliance of the Hong Ning building.

The Hong Ning building is located along the street line of Grand Street, except for three "notches" of varying depth along its frontage. It rises without setback to an overall building height of 125.75 feet. Therefore, a modification is requested pursuant to ZR Section 78-312(d) (Special permits by the City Planning Commission) to waive (i) the street wall location requirements of ZR 23-661(c) (Street wall location) along the Grand Street frontage of the zoning lot, except for those portions of the frontage that qualify as permitted recesses, and (ii) the required setback above the maximum base height of 105 feet along the Grand Street frontage, generally comprising an area of 10 feet by 48 feet and 10.27 feet by 7 feet.

Modification of minimum distance between buildings: ZR Section 78-312(f) Special Permit

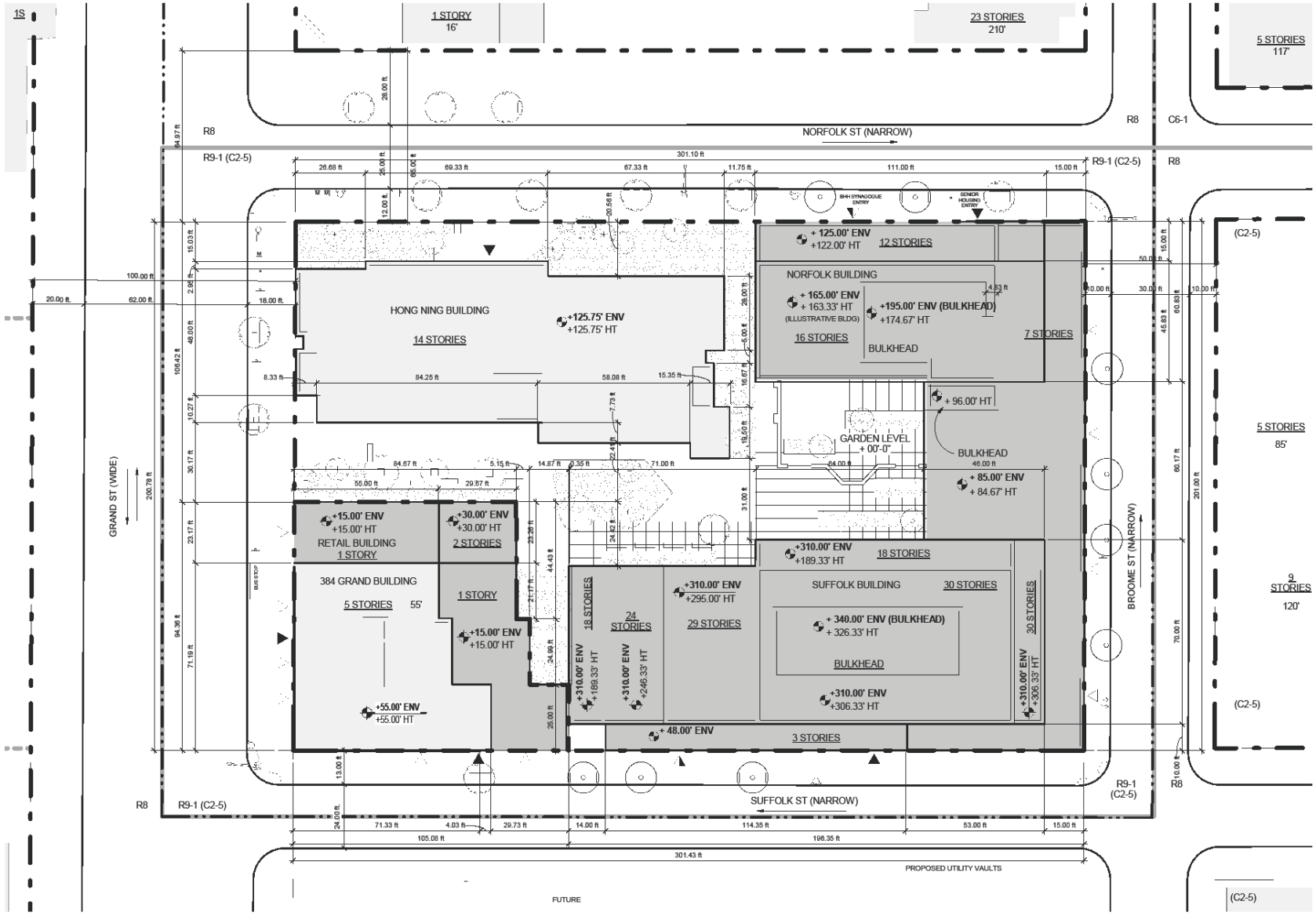
Under ZR Section 23-711 (Standard minimum distances between buildings), the Suffolk Building must be located at least 60 feet (window to window condition) and at least 50 feet (window to wall condition) from the Hong Ning building on Block 346, Lot 1. The proposed distance is 46.83 feet away for both window to window and wall to window conditions between the two buildings (including if the first three floors of the building were converted to residential use to create a window to window condition). Therefore, a special permit is requested pursuant to ZR 78-312(f) (Special permits by the City Planning Commission) to modify the standard minimum distance between the buildings for an area comprising 13.17 feet by 47.25 feet. In addition, the minimum distance between buildings regulation requires the Norfolk Building to be located at least 40 feet (wall to wall condition) from the northern side of the Hong Ning building on Block 346, Lot 1. The proposed distance is 11.75 feet away. Therefore, a special permit is requested pursuant to ZR 78-312(f) (Special permits by the City Planning Commission) to modify the standard minimum distance between the two buildings for an area comprising approximately 28.25 feet by 39.33 feet.

4. Proposed Development and With Action Condition

The proposed development on Projected Development Site 1 consists of mixed-income housing, including affordable housing, program and office space for the CPC, space for the BHH Jewish Heritage and Cultural Center, and neighborhood retail (i.e., small format retail space) uses. The proposed development would consist of two independent buildings. The Suffolk Building would be a 30-story, 310-foot-tall mixed-use building totaling

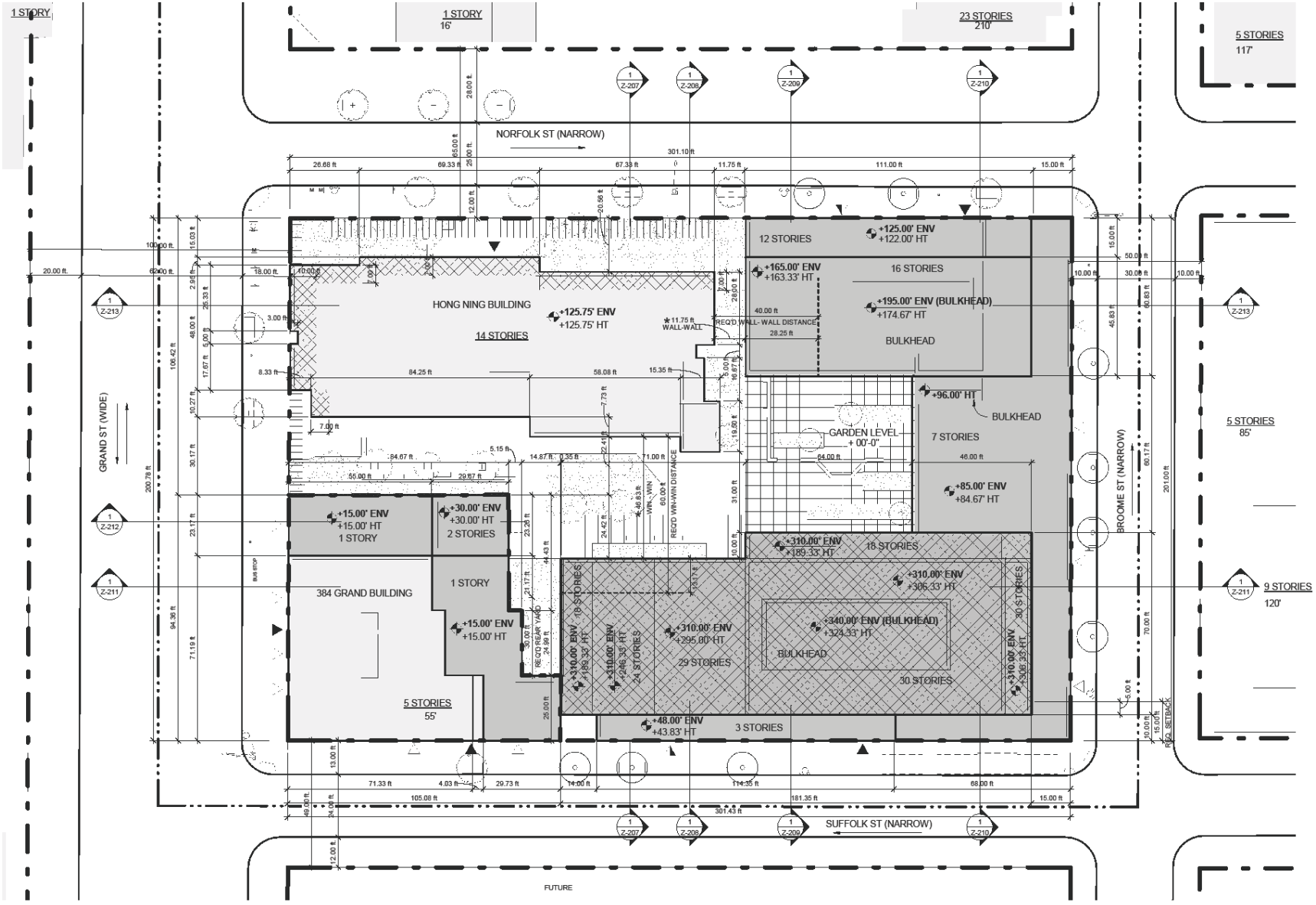
approximately 375,431 gsf, including approximately 316,421 gsf of residential space, 40,222 gsf of community facility floor area that will be owned by CPC, and approximately 18,788 gsf of neighborhood retail space facing Broome Street. The Norfolk Building would be a 16-story, approximately 165-foot-tall building totaling approximately 86,711 gsf, including approximately 82,923 gsf of residential space and approximately 3,788 gsf of community facility space. The total gsf of the proposed development is approximately 462,142 gsf (see **Figure 2** to **Figure 7**).

Figure 2 Site Plan



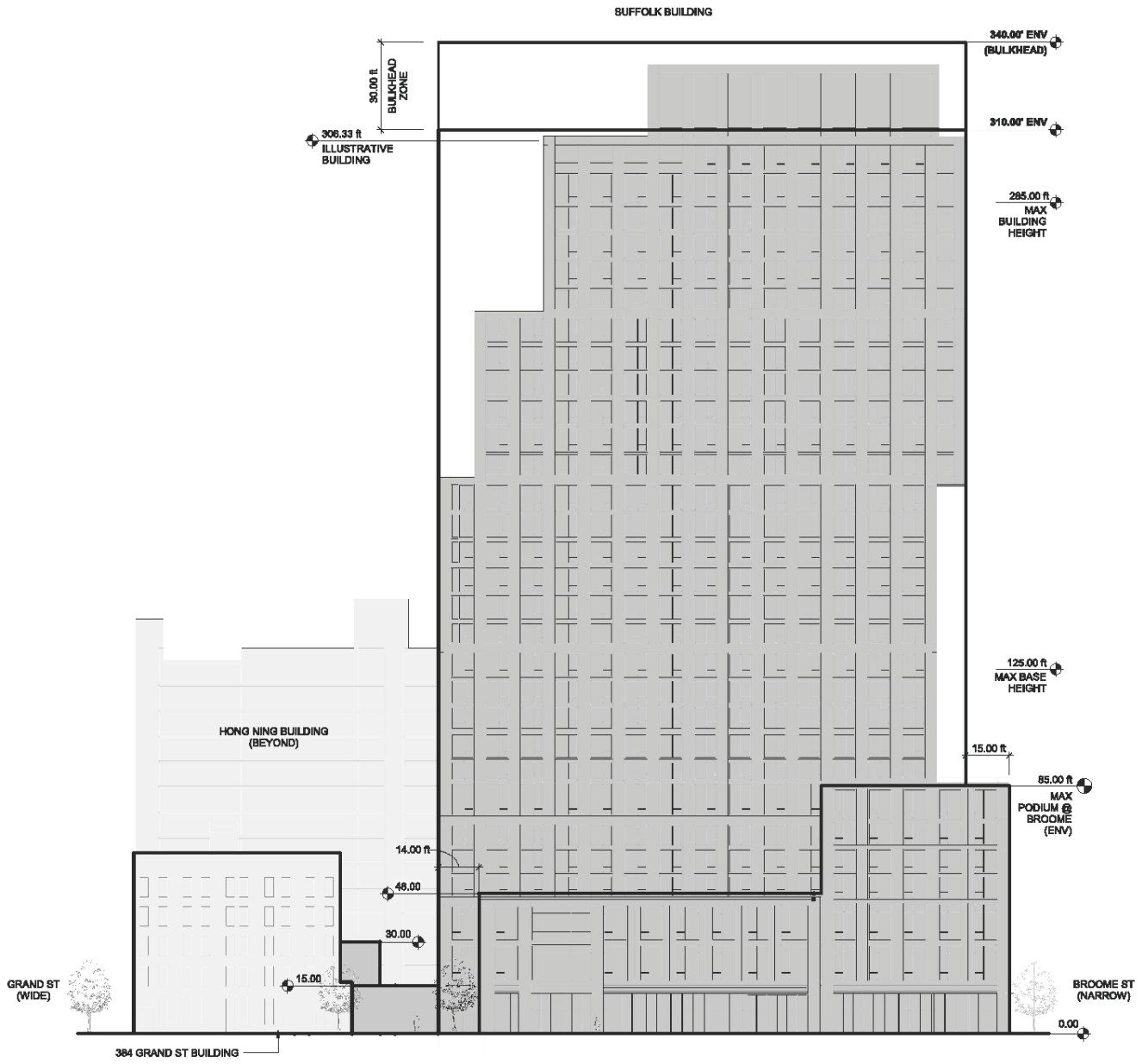
Note: Bold lines are maximum envelope. Buildings shown are illustrative

Figure 3 Waiver Plan



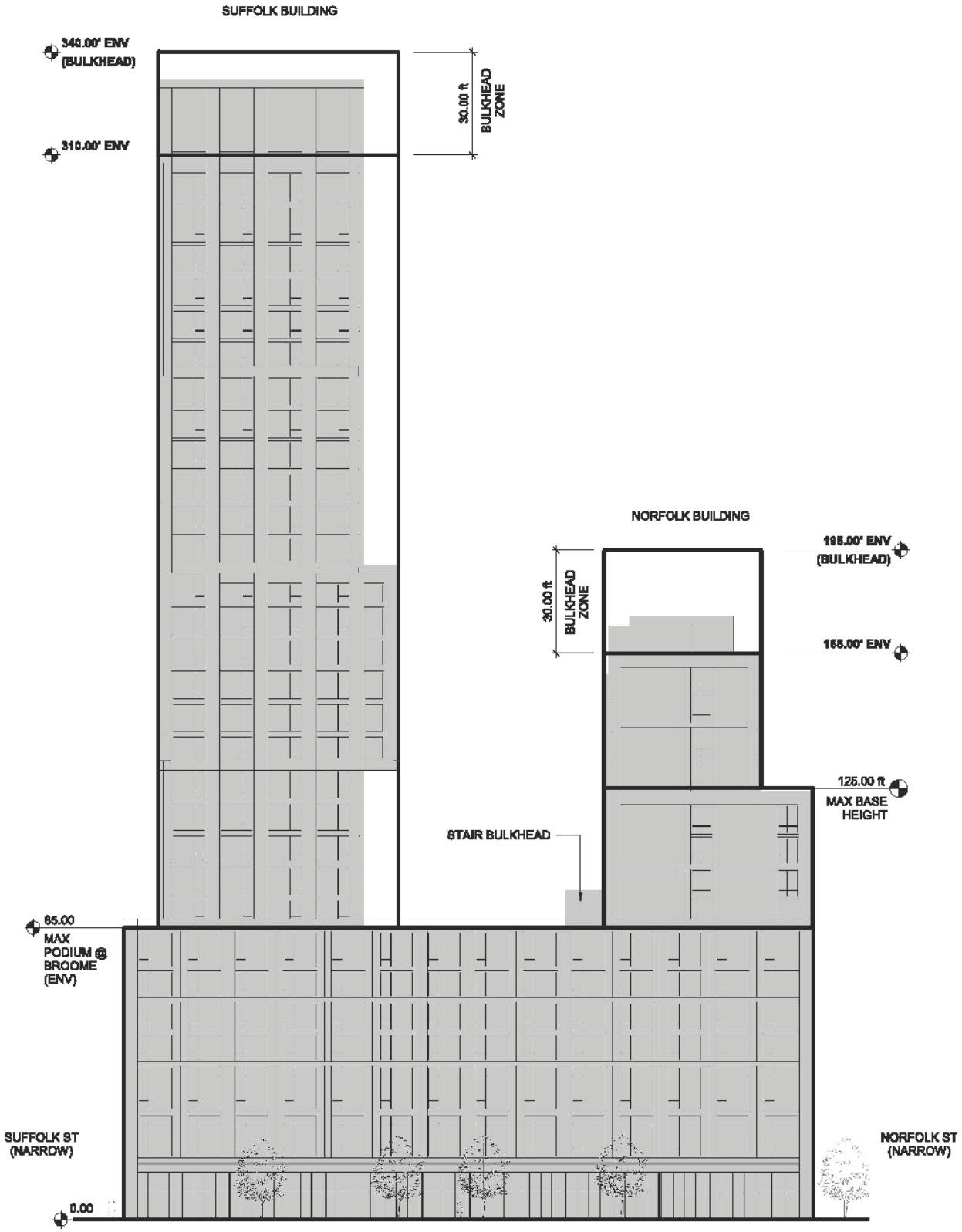
Note: Bold lines are maximum envelope. Buildings shown are illustrative

Figure 4 East Elevation (Suffolk Street)



Note: Bold lines are maximum envelope. Buildings shown are illustrative

Figure 5 North Elevation (Broome Street)



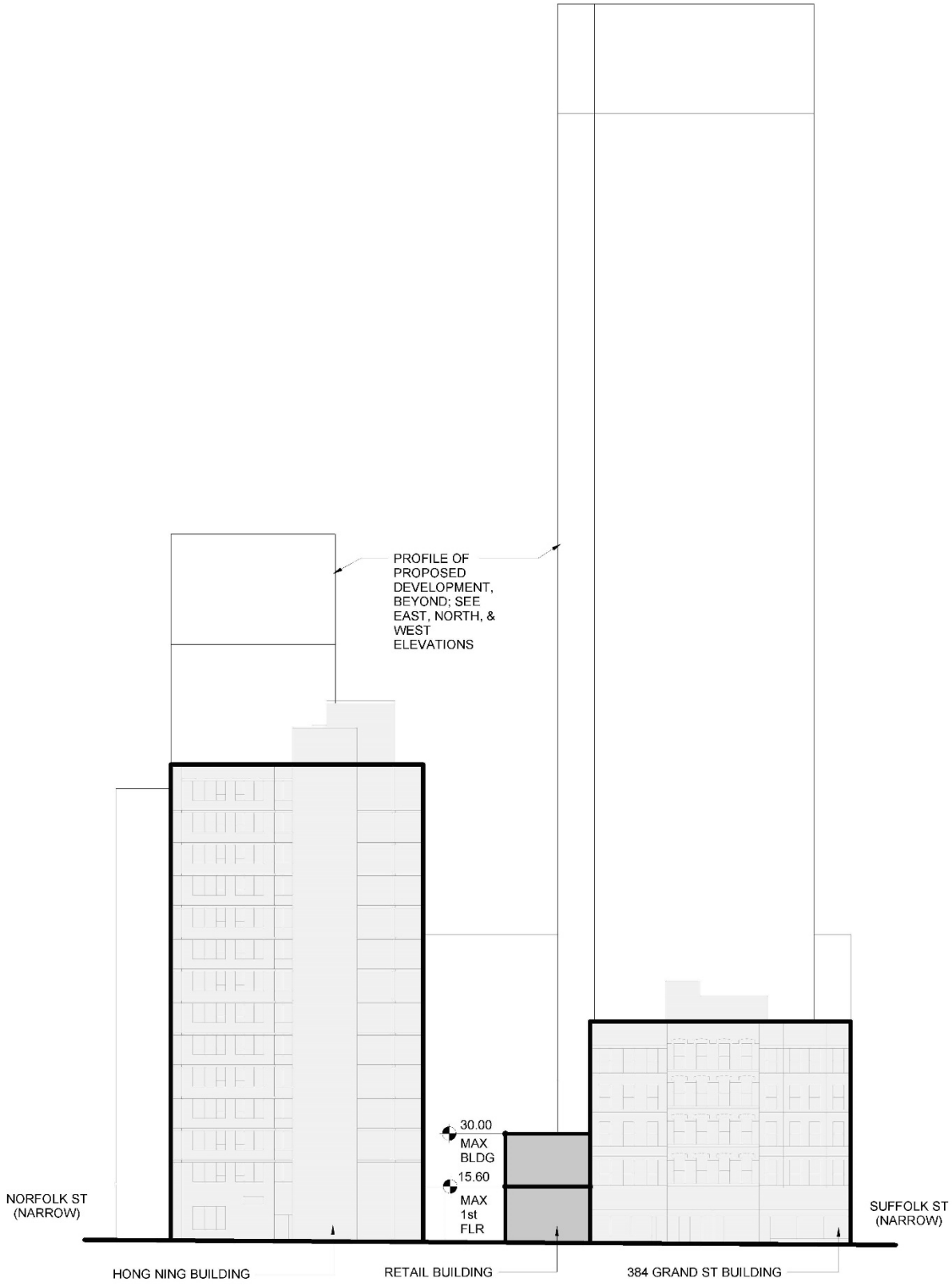
Note: Bold lines are maximum envelope. Buildings shown are illustrative

Figure 6 West Elevation (Norfolk Street)



Note: Bold lines are maximum envelope. Buildings shown are illustrative

Figure 7 South Elevation (Grand Street)



Note: Bold lines are maximum envelope. Buildings shown are illustrative

The applicant intends to comply with MIH Option 1, which requires at least 25 percent of residential floor area be for affordable housing units at an average of 60 percent Area Median Income (AMI). The current plan would exceed MIH Option 1 requirements: the proposed development on Projected Development Site 1 (the Norfolk and Suffolk Buildings) would include approximately 488 residential units, of which approximately 43 percent of total units—or 208 units—would be affordable. Overall, AMI levels would average to 53 percent.[4]

The proposed development would provide CPC with approximately 40,222 gsf of space to house its new headquarters and enable the organization to maintain its identity in the Lower East Side Community, consolidating many of its operations under one roof. CPC would be provided with a separate entrance to its facilities on Suffolk Street. Additionally, space at the ground floor of the Norfolk Building will be owned by BHH in the same location as its former home on Block 346, Lot 37. BHH will use the space to open a Jewish Heritage and Cultural Center, which will provide a small library and facilities for graduates and post graduate students to study Jewish heritage and customs practiced by the members of the former synagogue (BHH may elect to convert this space to commercial use in the future). Part of the space will also be used as a synagogue for regular synagogue services. The BHH space will also have a separate entrance to its facilities on Norfolk Street.

Separate from the proposed development, in the future with the proposed actions, the owner of Projected Development Site 2 would retain the existing five-story mixed use building and develop additional commercial space totaling approximately 4,759 gsf on Block 346, Lot 95.

Table 2 summarizes the total development projected on the two projected development sites.

Table 2 Projected Development – Incremental Increase over No-Action condition

	Norfolk Building	Suffolk Building	Projected Development Site 2	Total
Commercial GSF	0	18,788	4,759	23,547
Community Facility GSF	3,788	40,222	0	44,010
Residential GSF	82,923	316,421	0	399,344
Total GSF	86,711	375,431	4,759	466,901
Market-rate Units	0	280	0	280
Affordable Units[5]	115	93	0	208
Total Residential Units	115	373	0	488

[4] The current plan is to provide 93 MIH and 115 AIRS units, subject to City financing. If financing is unavailable, the units would be developed as non-AIRS permanently affordable housing. For purposes of the EIS analyses, all units are analyzed as non-senior units.

5. Project Purpose and Need

The applicant believes the proposed project would support the community by providing community facility space for CPC. The proposed development, which would provide CPC with an approximately 40,222 gsf community facility, would enable CPC to house its new headquarters and maintain its identity in the Lower East Side Community, consolidating many of its operations under one roof. Additionally, CPC would have a separate entrance to its facilities on Suffolk Street, thereby establishing a permanent and highly visible presence in the neighborhood it serves. Space at the ground-floor of the Norfolk Building for BHH use as a cultural heritage center would allow BHH to maintain its presence and identity in the Lower East Side.

Furthermore, the applicant believes the proposed development would be consistent with City policy by introducing new, permanently affordable housing within the neighborhood, including critically needed affordable housing for seniors. According to Mayor de Blasio's affordable housing plan, Housing New York (as supplemented by Housing New York 2.0), the population of City residents who are at least 65 years old is projected to increase by 40 percent between 2010 and 2040, and there is an anticipated housing need for more than 400,000 additional seniors in the coming years. These seniors are more likely to be low-income, rent-burdened, and to live on a fixed income than other City residents. The 208 affordable units that will be built as part of the proposed development would create permanently affordable homes for those earning on average less than 53 percent of the Area Median Income.

The proposed development would also unlock the development potential of long underutilized private property—namely the parking lot on Block 346, Lot 75—and create affordable homes in the process, consistent with the Housing New York plan, which lists activating underutilized parcels to maintain the current pace of new construction of affordable housing as one of its main goals.

In order to accomplish the applicant's stated goals, the applicant is requesting the land use actions described above ("1.3 Proposed Actions"). The actions are necessary for the viability of the proposed project. The proposed rezoning and special permits pursuant to ZR Sections 78-312(a), 78-312(d), and 78-312(f) would result in changes to bulk, height, setback, minimum spacing requirements, and uses to support the density necessary to provide the amount of affordable housing, senior housing, and community facility uses to be included in the proposed project. The text amendment to designate the project block as an MIH area is being sought because it is consistent with City policy in connection with the rezoning from R8 to R9-1. In addition, the applicant feels that the proposed actions, including the text amendment to allow use of Quality Housing Program regulations, would produce a design for the proposed project that is in character with the built context of the surrounding area. The authorization pursuant to ZR 13-443 is being sought to eliminate parking at the site, which is not actively used by the Hong Ning building so that the proposed project could be constructed. In addition, and as noted above, the ZR Section 78-311(e) authorization and the ZR Section 78-312(d) special permit would replace earlier waivers sought in connection with the development of the Hong Ning building and would avoid the Hong Ning building becoming a non-complying building with respect to the Quality Housing bulk regulations.

6. Analysis Framework and Reasonable Worst-Case Development Scenario

The *2014 CEQR Technical Manual* will serve as guidance on the methodologies and impact criteria for evaluating the potential environmental effects of the proposed development that would result from the discretionary action. If the proposed action allows for a range of possible scenarios that are considered reasonable and likely, the scenario with the worst environmental consequences is chosen for CEQR analysis. This is considered to be the reasonable worst-case development scenario (RWCDS), the use of which ensures that, regardless of which scenario actually occurs, its impacts would be no worse than those considered in the environmental review. The CEQR assessment examines the incremental differences between the RWCDS of the future without the proposed actions in place (No-Action condition) and the future with the proposed actions in place and the associated development operation (With-Action condition).

For the purpose of the environmental analyses, the No-Action condition represents the future absent the proposed actions and serves as the baseline by which the proposed project (or With-Action condition) is compared to determine the potential for significant environment impacts. The difference between the No-Action and With-Action conditions represents the increment to be analyzed in the CEQR process.

Future No-Action Condition

Projected Development Site 1 would remain in its existing condition in the No-Action condition. Because of the existence of the LSRD and the fact that Block 346, Lot 75 is part of the LSRD and designated as accessory parking for the existing Hong Ning senior housing building on Block 346, Lot 1, there is no development that could occur as-of-right.

Projected Development Site 2 would not be developed in the No-Action condition because such development could not occur without the proposed zoning map amendment (the existing R8 zoning precludes new commercial floor area). The building currently contains ground floor commercial uses, which were in existence prior to the enactment of the current Zoning Resolution and are thus legal non-conforming uses.

Future With-Action Condition

The With-Action condition includes two projected development sites—Projected Development Site 1, which consists of Block 346, Lot 37 and 75, and Projected Development Site 2, which consists of Lot 95. As stated previously, in the future With-Action condition, Projected Development Site 1 would be developed with the Norfolk and Suffolk Buildings, totaling 462,142 gsf:

- **Suffolk Building:** A 30-story, 310-foot-tall mixed-use (without bulkhead) building with approximately 316,421 gsf of residential space, 40,222 gsf of community facility space to be owned by CPC, and 18,788 gsf of retail space facing Broome Street.

› **Norfolk Building:** A 16-story, approximately 165-foot-tall (without bulkhead) building with approximately 82,923 gsf of residential space and approximately 3,788 gsf of community facility space.

Together, the two buildings would include approximately 488 residential units inclusive of up to 208 affordable residences.

Separate from the proposed development, in the future With-Action condition, the owner of Projected Development Site 2 would retain the existing five-story mixed use building and develop additional commercial space totaling approximately 4,759 gsf on Lot 95.

The proposed project will effectively maximize the development floor area and building envelope on Projected Development Sites 1 and 2, thereby representing the RWCDS for environmental review. Block 346, Lot 1 is developed with the existing 14-story Hong Ning senior housing building which will not be modified as a result of the proposed land use actions. Block 346, Lot 95 is developed with an existing building built in the 1920s and consisting of 26 units. As part of the proposed actions, Lot 95 would be rezoned and approximately 15,000 zoning square feet of excess development rights would be transferred to Block 346, Lot 37 and used to generate affordable housing. Independent of the proposed development, the owner of Block 346, Lot 95 would retain the existing five-story mixed use building and increase its commercial space by approximately 4,759 gsf. Future development on Lot 95 would be governed by the LSRD.

Increment for Analysis

In total, the With-Action condition would result in a net increase of approximately 466,901 gsf over the No-Action scenario, with approximately 399,344 gsf dedicated to residential space, 44,010 gsf for community facility space, and 23,547 gsf for commercial space. The EIS analyzes all 488 units as non-senior units.

Table 3 summarizes the reasonable worst-case development scenario.

Table 3 Increment for Analysis

	Existing Conditions	Norfolk Building	Suffolk Building	Projected Development Site 2	Total
Commercial GSF	4,118	0	18,788	4,759	23,547
Community Facility GSF	0	3,788	40,222	0	44,010
Residential GSF	18,248	82,923	316,421	0	399,344
Total GSF	22,366	86,711	375,431	4,759	466,901
Market-rate Units	26	0	280	0	280
Affordable Units	0	115	93	0	208

Total Residential Units	26	115	373	0	488

Analysis (Build) Year

The 2023 build year assumes receipt of project approvals in 2020 and a 2.5-year construction period (approximately 30 months) with the Norfolk Building complete within 24 months and the Suffolk Building complete within 30 months. The small commercial development on Projected Development Site 2 would take less than two years to complete.

7. Principal Conclusions of Environmental Analysis

Land Use, Zoning, and Public Policy

The proposed development is not expected to result in significant adverse impacts to land use, zoning, and public policy.

Land Use and Zoning

Approval of the proposed actions would result in two mixed-use buildings on Projected Development Site 1 and additional commercial space of approximately 4,759 gsf on Projected Development Site 2. The proposed zoning and land use changes would be responsive to the needs of the local community and City and would also be compatible with existing uses and the mixed-use character of the study area and with developments being constructed in the No-Action condition, particularly the Essex Crossing developments. Therefore, the proposed actions would not result in significant adverse impacts to land use and zoning.

Public Policy

The proposed development would consist of affordable housing units as well as community facility space for the CPC, new space for the Beth Hamedrash Hagodol ("BHH") synagogue in the form of a Jewish Heritage and Cultural Center, and neighborhood retail space on Projected Development Site 1 with additional commercial space on Projected Development Site 2 to support residential uses. These uses would be consistent with the Mayor's public policies, Housing New York 2.0 and OneNYC.

In addition, while the projected development sites are not within the Lower East Side Business Improvement District, they are adjacent to the district. Introducing affordable and senior residences, dedicated space to local community organizations such as CPC and BHH, and neighborhood retail, would be consistent with the goals of the LES BID.

The proposed development would also be consistent with Community District 3's Statement of Needs by introducing affordable units, incorporating the remnants of the BHH synagogue into the development, creating community facility space for a community-based organization, and creating neighborhood retail space.

Socioeconomic Conditions

The proposed actions would not result in significant adverse impacts to the socioeconomic conditions of the study area. The proposed actions would not result in the direct displacement of any residents or businesses or in adverse effects on specific industries, and the incremental commercial uses would not represent a substantial new use warranting assessment of potential indirect business displacement.

With respect to potential indirect residential displacement, the proposed actions would spur development of market-rate housing units that would introduce incomes higher than the existing average income of the study area. However, the proposed actions would also facilitate development of affordable housing units, of which 208 units would be affordable. The new population generated by the proposed actions would not be significant enough to affect real estate market conditions in the study area. The proposed actions would not be expected to introduce or accelerate a trend that would potentially lead to the displacement of vulnerable populations or create a significant indirect residential displacement adverse impact. Therefore, he proposed actions would not result in significant adverse impacts to the socioeconomic conditions of the study area.

Open Space

Under the With-Action condition, the total open space ratio for the residential population would decrease by 1.22 percent compared to the No-Action condition open space ratio: 0.575 to 0.568 acres per 1,000 residents, well below the guideline of 2.5 acres per 1,000 residents and below the citywide median of 1.5 acres per 1,000 residents. The active and passive open space ratios would also decrease slightly by 1.28 percent for the active open space ratio and 1.09 percent for the passive open space ratio (from 0.392 to 0.387 and 0.183 to 0.181 per 1,000 residents, respectively). The proposed development would not result in a greater than 5 percent decrease in the open space ratio, and the proposed development would include landscaped interior courtyard space to be utilized by the CPC and the Jewish Heritage and Cultural Center. In addition, residents of the Suffolk Building would utilize open space located on setbacks and the building's rooftop, and residents of the Norfolk Building would have their own outdoor space on their respective rooftop. Further, community gardens within the study area, the 57-acre regional East River Park, a portion of which sits just outside the study area boundary, Delancey Street Plaza, First Park, and McKinley Playground would provide additional resources for study area residents. Therefore, the proposed actions would not result in significant adverse impacts to open space.

Shadows

A preliminary assessment (Tier 1, Tier 2, and Tier 3 assessments) was undertaken and indicated the need for a detailed shadows analysis of one resource—The Park, an open space resource on Site 5 of the Essex Crossing development. The Park, which opened in June 2019, is located across Suffolk Street from Projected Development Site 1; it contains both passive and active recreation, as well as vegetation.

While the proposed development would result in shadow increments on The Park during the afternoon periods of the March, May and June analysis days, it would not result in a significant adverse shadows impact. From its inception, the site identified and chosen for the privately-owned and maintained, publicly-accessible Park on Site 5 was conceived of as one that would be largely in shadow during most of the fall, winter, and early spring analysis days. For those open space users who want afternoon sun, there is a nearby park (Seward Park) that would be in sunshine during the afternoon periods, which offers similar amenities to those at The Park. In addition, an assessment of whether there would be sufficient sunlight during the growing season so that the viability of The Park's vegetation would be maintained indicated that there is a small section of The Park that may receive less than four hours of direct sunlight on two of the analysis days. However, consistent with the original conception of the park as a space that would be largely in shadow during most of the fall, winter, and early spring, the planted species in this area of the park are those that tolerate partial shade conditions; therefore, the proposed development is not expected to have a significant adverse shadows impact on vegetation. Overall, the proposed development would not result in significant adverse shadows impacts.

Historic Resources

Archaeological Resources

In a letter dated November 26, 2018, the New York City Landmarks Preservation Commission (LPC) identified Projected Development Sites 1 and 2 as having the potential for archaeological sensitivity and recommended "that an archaeological documentary study [Phase 1A] be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary."

A Phase 1A Archaeological Documentary Study was prepared in January 2019 and updated based on consultation with the Archaeology Department at LPC. The study concluded that portions of Projected Development Sites 1 and 2 have a moderate to high sensitivity for the presence of 19th century archaeological features. If present, expected site types might include shaft features (e.g., privies, wells, cisterns), as well as archaeological evidence for residential and/or commercial use of rear yard space. In addition to this, the presence of a synagogue at 201 Broome Street suggests that this portion of the lot has a moderate to high sensitivity for the presence of archaeological features associated with Orthodox Jewish worship and practice. Based on this assessment, Phase 1B testing was recommended. The purpose of Phase 1B testing is to determine the presence or absence of archaeological materials on site.

In a letter dated August 1, 2019, LPC concurred with the findings of the Phase 1A and requested that a Work Plan be developed to determine the scope of the Phase 1B testing.

If archaeological features are identified in the field during Phase 1B testing, additional investigations may be required (such as a Phase 2 Site Evaluation) to determine the boundaries and integrity of the site, and the significance of the archaeological finds. If significant archaeological resources are identified during archaeological investigations, it may require that additional measures be undertaken, such as avoidance and minimization; additional archaeological investigation; specialized artifact treatment or analyses; public

outreach; or a combination of these options (LPC 2018:46). Archaeological fieldwork is performed in close consultation with the Archaeological Department at LPC.

With implementation of Phase 1B testing and continued consultation with LPC regarding the need for Phase 2 and 3 investigations, and if warranted, implementation of these investigations, there would be no significant adverse impacts on archaeological resources.

Architectural Resources

The proposed project would not result in direct impacts to any architectural resources.

A portion of Projected Development Site 1 (Block 346, Lot 37) contains the remnants of the Beth Hamedrash Hagodol (BHH) synagogue, a New York City Landmark (NYCL) that is also listed on the State and National Register of Historic Places (S/NR). The BHH synagogue suffered extensive damage in a fire in May 2017. BHH, with assistance from the applicant (as representative), has been working with LPC to stabilize the structure, with all removals of the fire-damaged building subject to LPC approval. The applicant is also working with LPC to determine the specifics of how the remnants of the BHH synagogue will be incorporated into the proposed development on Projected Development Site 1. Since the proposed development on Projected Development Site 1 is expected to incorporate the remnants of the BHH synagogue, retaining the presence of this resource and its historical use at the site, no significant adverse impacts to this resource would occur.

The proposed development on Projected Development Site 1 and commercial space on Projected Development Site 2 would not result in changes to a resource's visual prominence, would not screen or eliminate views of a historic resource, or introduce incompatible visual elements to a resource's setting. The proposed development and commercial addition would not change the surrounding context of the portion of the Lower East Side Historic District (S/NR) located within the study area, including the Eastern Dispensary (NYCL-eligible, S/NR-listed). While the proposed development would be taller than the four-story, 67-foot-tall Eastern Dispensary, the dispensary building is located at the western edge of the study area and there are a mix of older and newer tall buildings in the intervening blocks, including the NYCHA building at 23 stories and the 14-story new development at Essex Crossing Site 1). The proposed development would be in keeping with the surrounding context of tall, modern apartment buildings along Grand and Broome Streets. As such, the proposed development and commercial addition would not adversely impact the visual context of surrounding historic resources, and no significant adverse impacts would result.

Urban Design and Visual Resources

An analysis was conducted to assess whether the proposed developments would result in significant adverse impacts to urban design and visual resources within the study area. The proposed project would replace areas currently used for existing accessory parking and private open space with two new buildings of 16 and 30 stories on Projected Development Site 1 and would result in additional commercial space on Projected Development Site 2. However, the proposed project is not expected to result in significant adverse impacts to urban design and visual resources since the proposed project would not affect views to visual resources such as the Lower East Side Historic District. In addition, the proposed

project would not affect the urban design of the surrounding street network, except by improving the streetscape by introducing new street trees along the Norfolk Street, Broome Street, and Suffolk Street frontages. The proposed project would also be designed and constructed with modern construction materials and architectural detailing and would be consistent with the Essex Crossing developments located across the street from the projected development sites.

It is expected that the proposed project would be a substantial improvement over the existing and No-Action urban design and visual resources conditions of Projected Development Site 1 since a portion of the site currently contains the remains of the BHH synagogue, and the other portion is currently used as private open space and underutilized accessory parking. The proposed project would incorporate active ground floor uses along the Norfolk Street and Suffolk Street frontages with community facility and residential lobby spaces at Projected Development Site 1 and ground floor retail expansion at Projected Development Site 2. This would activate and enliven the existing streetscape and improve the pedestrian experience along the street as compared to the No-Action and Existing Conditions, thereby improving overall urban design and visual resources conditions.

Hazardous Materials

To avoid the potential for significant adverse impacts relating to hazardous materials on Projected Development Sites 1 and 2, under the proposed actions, confirmed contamination identified on Projected Development Site 1 as part of Langan's Remedial Investigation Report, as well as any potential contamination for the remaining uninvestigated portions of Potential Development Site 1 (Lot 37) and Projected Development Site 2 would be further identified and investigated as required by an (E) designation for hazardous materials (E-548). Any potential remedial action that may be required would also be administered as part of the (E) designation protocol under the regulatory oversight of the New York City Office of Environmental Remediation (OER). Alternatively, the applicant may also explore a potential enrollment into the NYSDEC Brownfield Cleanup Program (BCP), which would provide a pathway to further characterize, investigate and remediate the Projected Development Sites under regulatory oversight provided by NYSDEC. The BCP is also considered an accepted pathway for site investigation and remediation that satisfies the requirements of OER's (E) Designation program.

In addition to the above, regulatory requirements pertaining to building materials containing ACM, LBP and PCBs would be addressed under prevailing regulations as part of standard demolition and redevelopment practices on Projected Development Sites 1 and 2. Given these conditions, the With-Action condition would not result in any significant adverse impacts with respect to hazardous materials for Projected Development Sites 1 and 2.

Transportation

Traffic Street Network

Overall, the proposed project would generate a total of 51 vehicles per hour (vph) (15 "ins" and 36 "outs") during the weekday AM peak hour, 39 vph (20 "ins" and 19 "outs") in the

weekday midday peak hour, 62 vph (35 "ins" and 27 "outs") in the weekday PM peak hour, and 50 vph (25 "ins" and 25 "outs") in the Saturday midday peak hour. Although the proposed project would generate a modest number of vehicle trips which would typically not necessitate traffic levels of service analyses, the *Seward Park Mixed Use Development FEIS Technical Memorandum 3 (2015)* had identified a number of unmitigated traffic impacts within the immediate proximity of the project block and as such, per consultation with New York City Department of City Planning (NYCDCP), six intersections were identified for analysis. Of the six intersections analyzed, the proposed project would result in significant adverse traffic impacts at two intersections during the weekday AM and Saturday midday peak hours, one intersection during the weekday midday peak hour, and three intersections during the weekday PM peak hour.

These impacts would result despite the project's modest increase in vehicle trips because of existing congestion at area intersections and substantial increases in background vehicle traffic as a result of planned developments in the area. In addition, roadway capacity for vehicles has been reduced in the area because of background roadway improvements that have included bike lanes (i.e., bike lanes have been introduced in roadway area previously devoted to vehicular transport) and that prioritized pedestrian safety (i.e., sidewalks have been widened and/or bulb-outs have been implemented, again in areas of roadway previously devoted to vehicular transport).

The identification and evaluation of traffic capacity improvements needed to mitigate these impacts are presented in "Mitigation."

Parking

The peak weekday and Saturday project-generated parking demand of approximately 108 spaces would be expected to occur during nighttime or overnight hours with project residents parking overnight. Since the proposed project would not provide parking on-site, a survey of existing off-street parking facilities within ¼-mile of the project sites was performed. The survey indicated that the project-generated parking demand could be accommodated by parking spaces available in the three nearby off-street parking facilities.

Transit

Two subway station elements at the Delancey Street-Essex Street Station (served by the F, M, J, and Z subway routes—the surface stairway (S4 stairway) and escalator (E328) located along the east side of Essex Street south of Delancey Street—were analyzed based on the results of the Level 2 screening assessment. The subway station analysis concluded that significant transit impacts would not be expected to occur as a result of the proposed project. The screening level analyses determined that detailed subway and bus line-haul analyses would not be needed.

Pedestrians

Pedestrian analyses were performed for three sidewalk elements, eight crosswalk elements, and six corner elements for the weekday AM, midday, PM, and Saturday midday peak hours. Of the 17 pedestrian elements analyzed, the proposed project would result in significant

adverse impacts at one pedestrian element during the weekday PM peak hour; no significant impacts would result during the weekday AM, midday, and Saturday midday peak hours. Mitigation measures that could be implemented to mitigate the potential significant adverse pedestrian impact are discussed in "Mitigation."

Vehicular and Pedestrian Safety

Crash data were obtained for the study area intersections from the New York City Department of Transportation (NYCDOT) for the most recent three-year period (2014 through 2016). This information is based on data provided by the New York State Department of Transportation (NYSDOT), New York State Department of Motor Vehicles (NYSDMV), and New York City Police Department (NYPD). One of the nine intersections analyzed in the study area, Delancey Street at Essex Street, is considered a high-crash location by the NYCDOT criteria. A safety initiative, the Delancey Street Protect Bike Lanes and Safety Improvements project, was implemented within the study area in fall 2018. This project aimed to improve pedestrian and bicycle safety along the corridor by filling in the gap in the bike network along Delancey Street through the removal of one eastbound Delancey Street travel lane to create protect bike lanes and extend the median areas (via paint) to increase the pedestrian areas along Delancey Street. These changes are expected to decrease the amount of total crashes and pedestrian injuries along Delancey Street, including at the high-crash location with Essex Street.

Air Quality

An analysis of air quality was undertaken, and focused on the following:

- An assessment of the potential for air quality impacts from mobile sources generated by the project.
- An assessment of the project's HVAC systems to affect both the project itself ("project on project") and uses in the surrounding area ("project on existing").
- An assessment of the potential for manufacturing/processing facilities or large/major sources that are located near the project block to affect the proposed development on Projected Development Sites 1 and 2.

The number of incremental trips generated by the proposed development on Projected Development Sites 1 and 2 would be lower than screening thresholds addressed in the *CEQR Technical Manual*, therefore, traffic from the proposed project would not result in a significant adverse impact on mobile source air quality.

The detailed HVAC analyses demonstrated that the Norfolk Building must exclusively use natural gas with low NO_x (40 ppm) burners for its HVAC systems, and ensure that the HVAC stack is located at the highest tier and at least 174.7 feet above grade, and no more than 30 feet away from the northwestern lot line facing Norfolk Street, to avoid any significant adverse air quality impacts. The Suffolk Building must exclusively use natural gas and ensure that the HVAC stack(s) is located at the highest tier and at least 310 feet above grade to avoid any significant adverse air quality impacts. For Projected Development Site 2, the additional commercial space must exclusively use natural gas and ensure that the HVAC stack(s) is located at the highest tier and at least 55 feet above grade, and no more than 60

feet from the lot line facing Grand Street and no more than 25 feet away from the lot line facing Suffolk Street, to avoid any significant adverse air quality impacts.

No significant adverse impacts are expected from existing industrial sources within a 400-foot radius of the project block, and no "large" or "major" emission sources were identified in a 1,000-foot radius of the project block.

Therefore, there would be no significant adverse air quality impacts as a result of the proposed action.

Greenhouse Gas Emissions

The proposed actions would be consistent with the applicable City GHG emissions reduction and climate change goals, and there would be no significant adverse GHG emission or climate change impacts as a result of the proposed actions.

Following the methodology provided in the *CEQR Technical Manual*, it is estimated that the proposed actions would annually result in approximately 3,469 metric tons of carbon dioxide equivalent (CO_2e) emissions from its operations and 1,598 metric tons of CO_2e emissions from mobile sources, for an annual total of approximately 5,067 metric tons of CO_2e emissions. This represents approximately 0.01 percent of the City's overall 2016 GHG emissions of 52.0 million metric tons. It should also be noted that, to assure a conservative analysis, the estimated GHG emissions for the proposed actions do not account for any energy efficiency measures that may be implemented by individual developments on the Projected Development Sites.

As compared to the City's overall GHG emissions, the contribution of the proposed actions' GHG emissions is miniscule. Further, the new buildings associated with the proposed actions would be located in a dense, transit-rich environment, and will be required to comply with the New York City Energy Conservation Code, which governs performance requirements of heating, ventilation, and air conditioning systems, as well as the exterior building envelope of new buildings. This locational advantage and performance requirements should contribute to reducing potential GHG emissions.

Noise

A noise assessment was conducted to determine whether the proposed development on Projected Development Sites 1 and 2 would significantly increase sound levels from mobile and stationary sources at existing noise receptors, and if new noise receptors that would be introduced in the With-Action condition would be in an acceptable ambient sound level environment.

A mobile source noise analysis was conducted of the potential for the proposed project to cause a significant increase in noise. The analysis showed that the proposed project would increase sound levels by up to 0.3 dBA over the No-Action condition. The proposed project would not result in a doubling of PCEs and noise levels would not increase by 3 dB or greater. Therefore, there would be no significant adverse vehicular noise impact due to the proposed project.

The With-Action condition is not anticipated to include any substantial stationary source noise generators. The design and specifications for the buildings' mechanical equipment would incorporate sufficient noise reduction devices that would comply with applicable noise regulations and standards, including the standards contained in the revised New York City Noise Control Code.

Noise monitoring was conducted to determine the existing sound levels near the project block. The monitoring showed that sound levels at Projected Development Sites 1 and 2 would be Marginally Unacceptable. Sufficient outdoor-to-indoor noise reduction would be required to reduce the interior sound levels by 35 dBA (OITC) at Projected Development Site 1 and by 28 dBA (OITC) at Projected Development Site 2 and maintain acceptable interior noise conditions. An alternative means of ventilation must be included to provide ventilation during the closed window condition. To implement these attenuation requirements, an (E) Designation for noise would be applied to both the Projected Development Sites 1 and 2 specifying the appropriate amount of window/wall attenuation and an alternate means of ventilation. With these sound attenuation commitments, there would be no significant adverse impact.

Public Health

As described in the relevant analyses of this EIS, the proposed project would not result in unmitigated significant adverse impacts in any of the technical areas related to public health (hazardous materials, water quality, air quality, or noise). An (E) designation would be placed on both Projected Development Sites 1 and 2 for hazardous materials, air quality, and noise to ensure that appropriate measures are implemented to avoid impacts related to subsurface disturbance (for hazardous materials) and heating, ventilation, and cooling (HVAC) emissions (for air quality); in addition, appropriate attenuation measures would be required to ensure acceptable interior noise levels (for noise). With these requirements, there would be no significant adverse impacts with respect to hazardous materials, air quality, and noise, and there would be no impact on public health. The predicted construction noise impacts would not result in a public health impact as they would not introduce chronic noise exposure, a prolonged exposure to noise levels above 85 dBA, or episodic and unpredictable exposure to short-term impacts of noise at high decibel levels.

Neighborhood Character

The proposed project would not result in significant adverse impacts in any of the technical areas that contribute to neighborhood character with the exception of transportation nor would it adversely affect the defining features of the neighborhood. Overall, the proposed project would be in keeping with the new tall, multi-family elevator buildings being constructed as part of Essex Crossing and the increasing levels of activity associated with these developments. Therefore, no further assessment is warranted, and the proposed project would not result in significant adverse impacts on neighborhood character.

Construction

The proposed project would be subject to a number of government regulations and oversight requirements, including compliance with the requirements of the New York City Noise Control Code during the 30-month construction period.

Construction of the proposed project has the potential to result in significant adverse construction traffic and noise impacts.

Historic Resources

There are no designated NYCL- or S/NR-listed historic buildings located within 90 feet of construction activities other than the remains of the BHH synagogue (NYCL, S/NR), which are being stabilized and would be incorporated into the proposed project on Projected Development Site 1.

Transportation

Traffic

Construction activities would generate 38 construction worker auto trips and 22 construction truck trips during the AM construction peak hour, and 38 construction worker auto trips and four construction truck trips during the PM construction peak hour. Construction trucks would be required to use the New York City Department of Transportation (NYCDOT)-designated truck routes to get to the project area and would then use local streets to access the construction sites.

Three key intersections were analyzed for potentially significant traffic impacts during the peak construction traffic hours. During the AM construction peak hour, westbound through movement at the intersection of Delancey Street and Clinton Street would be significantly impacted and could be mitigated with a one second shift in signal timing. During the PM construction peak hour, northbound approach at the intersection of Grand Street and Clinton Street would be significantly impacted and could not be mitigated.

Parking

Construction workers would generate an estimated maximum daily parking demand of 48 spaces during the peak construction quarter. This parking demand could be accommodated by the off-street parking spaces available within a quarter-mile radius.

Transit and Pedestrians

During the peak construction quarter, the proposed project would generate approximately 335 daily construction workers. It is expected that the vast majority of workers (80 percent) would arrive during the AM construction peak hour and depart during the PM construction peak hour, and they would generate approximately 188 construction worker trips by public transportation during each construction peak hour. The study area is well served by public transit, including the F, J, M, and Z subway lines at the Essex Street-Delancey Street station and the M9, M14A, M15, M15SBS, M21, and M22 bus routes. These trips would be

distributed to the different transit options and construction activities are not expected to result in transit or pedestrian impacts.

Air Quality

Based on the results of the quantitative construction air quality analysis, the proposed project would not result in significant adverse impacts on air quality during construction of Projected Development Site 1.

Noise

Construction on both Projected Development Site 1 and 2 would involve standard construction activities and practices for buildings in New York City. Demolition, excavation and foundation, and superstructure phases of construction are when noisiest activities occur; at both projected development sites, demolition would not be required.

The excavation and foundation phase of both the Norfolk and Suffolk Buildings (Projected Development Site 1) would overlap and the overall duration is anticipated to be 8 months. The superstructure phases of both buildings would overlap, and the overall duration is anticipated to be 10 months. For Projected Development Site 2, the overall construction period is expected to be well under 24 months as only 4,759 gsf of floor area would be developed. Further, excavation would be limited to a small footprint. Therefore, since the overall construction period of Projected Development Site 1 would exceed 24 months and there is the potential for construction noise to exceed the screening criteria at nearby receptors, a detailed construction noise analysis of construction at Projected Development Site 1 was conducted.

Based on the analysis, construction sound levels would increase by 15 dBA or more at the north and east facades of the Hong Ning building, 384 Grand Street, and the podium building of 202 Broome Street during excavation/foundation and superstructure phases of construction, which would extend for more than 12 months, and there would be significant adverse noise impact. Exterior sound levels would be up to 82 dBA at the north and east facades of the Hong Ning building and 384 Grand Street and up to 83 dBA at the south façade of the base building at 202 Broome Street where there will be offices.

Maximum interior sound levels would be up to 57 dBA at the north and east facades of the Hong Ning building, up to 62 dBA at 384 Grand Street, and up to 53 dBA at 202 Broome Street. Interior noise levels would exceed the interior noise goal of 45 dBA for residential spaces at Hong Ning by up to 12 dBA and at 384 Grand Street by up to 17 dBA. Interior noise levels would exceed the interior noise goal of 50 dBA for office spaces at the base building of 202 Broome Street by up to 3 dBA.

With the adherence to existing construction noise regulations, the implementation of a Construction Noise Mitigation Plan, as required by the New York City Noise Code, as well as the use of a 12-foot construction noise barrier, construction noise would be reduced but would still result in significant adverse noise impact. Between publication of the Draft and Final EIS, additional construction noise analysis will be undertaken to further determine the precise magnitude and duration of the elevated noise level from construction. In addition, additional mitigation measures, as feasible, to avoid potential significant adverse noise

impacts will be explored between the Draft and Final EIS in consultation with DCP. If no feasible and practicable mitigation measures are identified, the significant adverse construction noise impact would remain unmitigated.

Vibration

The proposed project is not anticipated to result in significant adverse impacts as a result of construction vibration as most nearby buildings not on the immediate block are 60 feet or farther from proposed construction activities. At these distances, the potential for structural damage is below the thresholds. The applicant would employ means/methods that meet acceptable vibration levels as mandated by NYCDOB. The remains of the BHH synagogue will be stabilized and incorporated into the proposed project. For these remains, the NYCDOB Technical Policy and Protection Notice (TPPN) #10/88 may apply, which required a monitoring program to reduce the likelihood of construction damage to adjacent New York City Landmarks and NR-listed properties within 90 feet. With these required measures, no significant adverse construction-related vibration impacts are expected for this resource. Further, construction activities that could cause potential annoyance would only occur for limited periods of time at any particular location. Therefore, there would be no significant adverse impacts as a result of construction vibration.

Nearby Construction Projects

In regard to the potential for cumulative effects due to nearby construction projects, several of the projects identified during the public scoping process have been completed or are located approximately ¼-mile away or farther from the site. Therefore, the potential for cumulative effects due to construction of these projects would not occur. There are three projects located near the Projected Development sites where construction has not been completed: 180 Broome Street, 202 Broome Street, and Grand Street Guild. However, it is expected that construction at 180 Broome Street and 202 Broome Street would be concluding as construction begins at Projected Development Site 1. Construction of Grand Street Guild, if approved, is not expected to begin until the latter stages of construction at Projected Development Site 1. Therefore, it is not expected that there would be potential for cumulative impacts.

Alternatives

the proposed actions are intended to introduce approximately 488 new residential units, including approximately 208 permanently affordable units, within the neighborhood; to provide community facility space for the Chinese American Planning Council (CPC) to establish a permanent and highly visible presence in the neighborhood it serves; and to provide space for BHH use as a cultural heritage center that would allow BHH to maintain its presence and identity in the Lower East Side. As summarized below, neither the No-Action Alternative, nor the No Unmitigated Significant Adverse Impacts Alternative, nor the Lot 95 Exemption Alternative would meet the project goals to the same extent as would the proposed project.

No-Action Alternative

In the No-Action Alternative, both Projected Development Sites 1 and 2 would remain in their existing condition. With no development at either site, the significant adverse impacts related to transportation and construction traffic and noise would not occur under the No-Action Alternative. As compared to the proposed project, the intended benefits associated with the proposed project—the development of new housing, including affordable housing, and community facility space for CPC and BHH—would not be realized.

No Unmitigated Significant Adverse Impacts Alternative

Upon completion of the project, the projected development would result in significant adverse traffic impacts at two intersections (during the various analysis periods) within the study area that could not be fully mitigated with standard traffic capacity improvement measures. A sensitivity analysis determined that the proposed project would need to be substantially reduced to avoid an unmitigated significant adverse traffic impact. The degree to which the project would need to be reduced would compromise the applicant's ability to achieve the project goals and objectives of providing new housing, including affordable housing, and space for CPC and BHH.

There is potential for additional impacts to be identified between Draft and Final of this EIS, and if so, additional measures will be explored, where feasible, to further mitigate the identified impacts. The proposed mitigation measures are subject to review and approval by NYCDOT, and if certain proposed mitigation measures are deemed infeasible by NYCDOT, alternatives will be analyzed. If no other alternative mitigation measures can be identified, those impact locations would be unmitigated. Therefore, the sensitivity analysis may be refined between the DEIS and the FEIS, to be consistent with the mitigation measures that are determined to be practicable and feasible by NYCDOT.

The project is projected to result in unmitigated traffic and noise impacts during construction. To avoid these impacts, construction would need to be avoided, and the project and the applicant's intended benefits would not be realized.

Lot 95 Exemption Alternative

In this alternative, Block 346, Lot 95 would be subdivided from the zoning lot but would not be included in the Large-Scale Residential District. Therefore, the approximately 15,000 square feet of development rights from Lot 95 would not be transferred to Projected Development Site 1, and the additional approximately 27 units of housing projected to be developed on Projected Development Site 1 from this transfer of floor area would not be created. Further, the new commercial space on Projected Development Site 2 would not be built. This alternative would be substantially similar to the proposed project but because no new commercial space would be developed on Projected Development Site 2, the (E) Designation for Block 346, Lot 95 related to hazardous materials, air quality, and noise would not be needed. In addition, with no subsurface disturbance at Projected Development Site 2, Phase 1B archaeological testing would not be needed. While substantially similar to the proposed project, this alternative would not meet the project goals to the same extent as would the proposed project as it would provide approximately 27 fewer units.

Mitigation

Traffic

Of the six intersections analyzed, the proposed project would result in significant adverse traffic impacts at two intersections during the weekday AM and Saturday midday peak hours, one intersection during the weekday midday peak hour, and three intersections during the weekday PM peak hour. The major overall finding of the traffic mitigation analysis is that the majority of the intersections analyzed would either not be significantly impacted or could be fully mitigated with readily implementable traffic improvement measures described in this chapter. Traffic impacts at two of the three intersections could not be fully mitigated during at least one of the peak hours analyzed. These intersections are Delancey Street and Essex Street (unmitigated during the weekday PM peak hour) and Grand Street and Clinton Street (unmitigated during the weekday AM, midday, and PM and Saturday midday peak hours).

There is potential for additional impacts to be identified between Draft and Final of this EIS, and if so, additional measures will be explored, where feasible, to further mitigate the identified impacts. The proposed mitigation measures are subject to review and approval by the NYCDOT, and if certain proposed mitigation measures are deemed infeasible by NYCDOT, alternatives will be analyzed. If no other alternative mitigation measures can be identified, those impact locations would be unmitigated. Between Draft and Final of this EIS, additional measures will be explored, where feasible, to further mitigate the identified impacts. If no additional feasible measures can be identified, the projected impacts would remain unmitigated, and would therefore be considered unavoidable adverse impacts. See "Unavoidable Adverse Impacts."

Pedestrians

Of the 17 pedestrian elements analyzed, the proposed project would result in significant adverse impacts at one pedestrian element during the weekday PM peak hour; no significant impacts would result during the weekday AM, midday, and Saturday midday peak hours. Pedestrian impacts were identified at the north crosswalk of the intersection of Broome Street and Norfolk Street during the weekday PM peak hour. Mitigation measures, consisting of a combination of crosswalk widening and signal timing modifications, were identified to mitigate these significant impacts. Implementation of the recommended traffic engineering improvements is subject to review and approval by NYCDOT.

Construction

Traffic

Three key intersections were analyzed for potentially significant traffic impacts during the peak construction traffic hours. During the AM construction peak hour, the westbound through movement at the intersection of Delancey Street and Clinton Street would be significantly impacted and could be mitigated with a one second shift in signal timing. During the PM construction peak hour, the northbound approach at the intersection of Grand Street and Clinton Street would be significantly impacted and could not be mitigated.

There is potential for additional impacts to be identified between Draft and Final of this EIS, and if so, additional measures will be explored, where feasible, to further mitigate the identified impacts. The proposed mitigation measures are subject to review and approval by the NYCDOT, and if certain proposed mitigation measures are deemed infeasible by NYCDOT, alternatives will be analyzed. If no other alternative mitigation measures can be identified, those impact locations would be unmitigated. Between Draft and Final of this EIS, additional measures will be explored, where feasible, to further mitigate the identified impacts. If no additional feasible measures can be identified, the projected impacts would remain unmitigated, and would therefore be considered unavoidable adverse impacts. See "Unavoidable Adverse Impacts."

Noise

Construction at Projected Development Site 1 has the potential to result in a temporary significant adverse construction noise impact because of the duration and magnitude of the projected construction noise levels. The applicants are committed to implementing certain controls that exceed the noise control measures required by the New York City Noise Control Code, including the use of a 12-foot perimeter noise barrier. However, even with these measures, elevated construction noise levels are predicted to occur at certain locations. Additional measures, as feasible, to avoid potential significant adverse noise impacts will be explored between the Draft and Final EIS in consultation with DCP. If no feasible and practicable mitigation measures are identified, the significant adverse construction noise impacts would remain unmitigated.

Unavoidable Significant Adverse Impacts

Traffic

As discussed above, while the projected development on Projected Development Sites 1 and 2 would generate only a modest amount of vehicle trips, significant traffic impacts are expected because of existing congestion at area intersections and substantial increases in background vehicle traffic as a result of planned developments in the area. In addition, roadway capacity for vehicles has been reduced in the area because of background roadway improvements that have included bike lanes (i.e., bike lanes have been introduced in roadway area previously devoted to vehicular transport) and that prioritized pedestrian safety (i.e., sidewalks have been widened and/or bulb-outs have been implemented, again in areas of roadway previously devoted to vehicular transport).

Of the six intersections analyzed, traffic impacts would remain unmitigated, as follows:

- Delancey Street and Essex Street during the weekday PM peak hour
- Grand Street and Clinton Street during all peak hours

These intersections are projected to experience unmitigated significant adverse traffic impacts because there are no measures available to mitigate these impacts.

Absent the implementation of the proposed mitigation measures, the proposed project could result in additional unmitigated significant adverse traffic impacts at some or all of the identified locations. Further, there is potential for additional impacts to be identified

between Draft and Final of this EIS, and if so, additional measures will be explored, where feasible, to further mitigate the identified impacts. The proposed mitigation measures are subject to review and approval by the New York City Department of Transportation (NYCDOT), and if certain proposed mitigation measures are deemed infeasible by NYCDOT, alternatives will be analyzed. If no other alternative mitigation measures can be identified, those impact locations would be unmitigated. Between Draft and Final of this EIS, additional measures will be explored, where feasible, to further mitigate the identified impacts. If no additional feasible measures can be identified, the projected impacts would remain unmitigated, and would therefore be considered unavoidable adverse impacts.

Construction

Traffic

Construction activities would generate the highest amount of construction-related traffic in the fourth quarter of 2021. Three key intersections were analyzed for potential significant traffic impacts during the peak construction traffic. Of the intersections analyzed, traffic impacts at Grand Street and Clinton Street during the PM construction peak hour could not be mitigated.

Noise

As discussed above, construction at Projected Development Site 1 has the potential to result in a temporary significant adverse noise impact because of the duration and magnitude of the projected construction noise levels. Between publication of the Draft and Final EIS, measures to avoid potential significant adverse noise impacts will be explored in consultation with DCP. If no feasible and practicable mitigation measures are identified, the significant adverse construction noise impact would remain unmitigated.

Growth-Inducing Aspects of the Proposed Project

It is anticipated that the consumer needs of the new residential and worker populations would largely be satisfied by a combination of the new retail uses that would be developed as part of the projected development, the existing retail stores in the surrounding area, and the retail uses that are currently being developed in the No Action condition. The proposed project is not expected to induce additional notable growth outside of Projected Development Site 1 or 2. The neighborhoods surrounding the project block are undergoing substantial residential and commercial growth, and many new residential projects are anticipated or under construction. In total, approximately 1,166 new housing units (affordable and market-rate), 594,565 sf of commercial space, and 33,073 sf of community facility space are anticipated to be developed within a quarter-mile of the project block by the 2023 analysis year. This growth is anticipated to occur independent of the proposed project, and the new uses introduced by the proposed project would not trigger additional residential, commercial and community facility development outside of the project block. The proposed project is not expected to induce additional notable growth outside of the project area.

The proposed project would not introduce or expand infrastructure capacity (e.g., sewers, central water supply) that would result in indirect development; any proposed infrastructure improvements would be made to support development of Projected Development Sites 1 and 2. Therefore, the proposed project would not induce significant new growth in the surrounding area.

Irreversible and Irretrievable Commitments of Resources

The proposed project constitutes a long-term recommitment of land resources, thereby rendering land use for other purposes highly unlikely in the foreseeable future. Furthermore, funds committed to the design, construction/renovation, and operation of proposed project are not available for other projects.

These commitments of resources and materials are weighed against the benefits of the proposed project. As described above, the proposed project would create up to 488 residential units in the newly-constructed Suffolk and Norfolk Buildings, of which 208 units would be affordable. This affordable housing would contribute to achieving the housing production goals of the Mayor's "Housing New York" and "Housing New York 2.0." Further, the proposed project's inclusion of community facility and retail uses on Projected Development Site 1 and a small commercial space on Projected Development Site 2 would provide needed services and amenities to the existing and future residents of the area.