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 S-1 and S-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.



SOHO/NOHO NEIGHBORHOOD PLAN

Aerial

Figure S-1



Project Location

SOHO/NOHO NEIGHBORHOOD PLAN

Figure S-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 Live-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 City Planning Commission (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 apply to 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 City-designated 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 (NHL) 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]

The NoHo Historic District, designated by LPC in 1999, consists mainly of the blocks east and west of Broadway between Houston and 9th Streets, 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

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

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 garages, and one-story eating and drinking establishments. Floor Area Ratios (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

---

[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.

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

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 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 S-3**.

PROJECT AREA

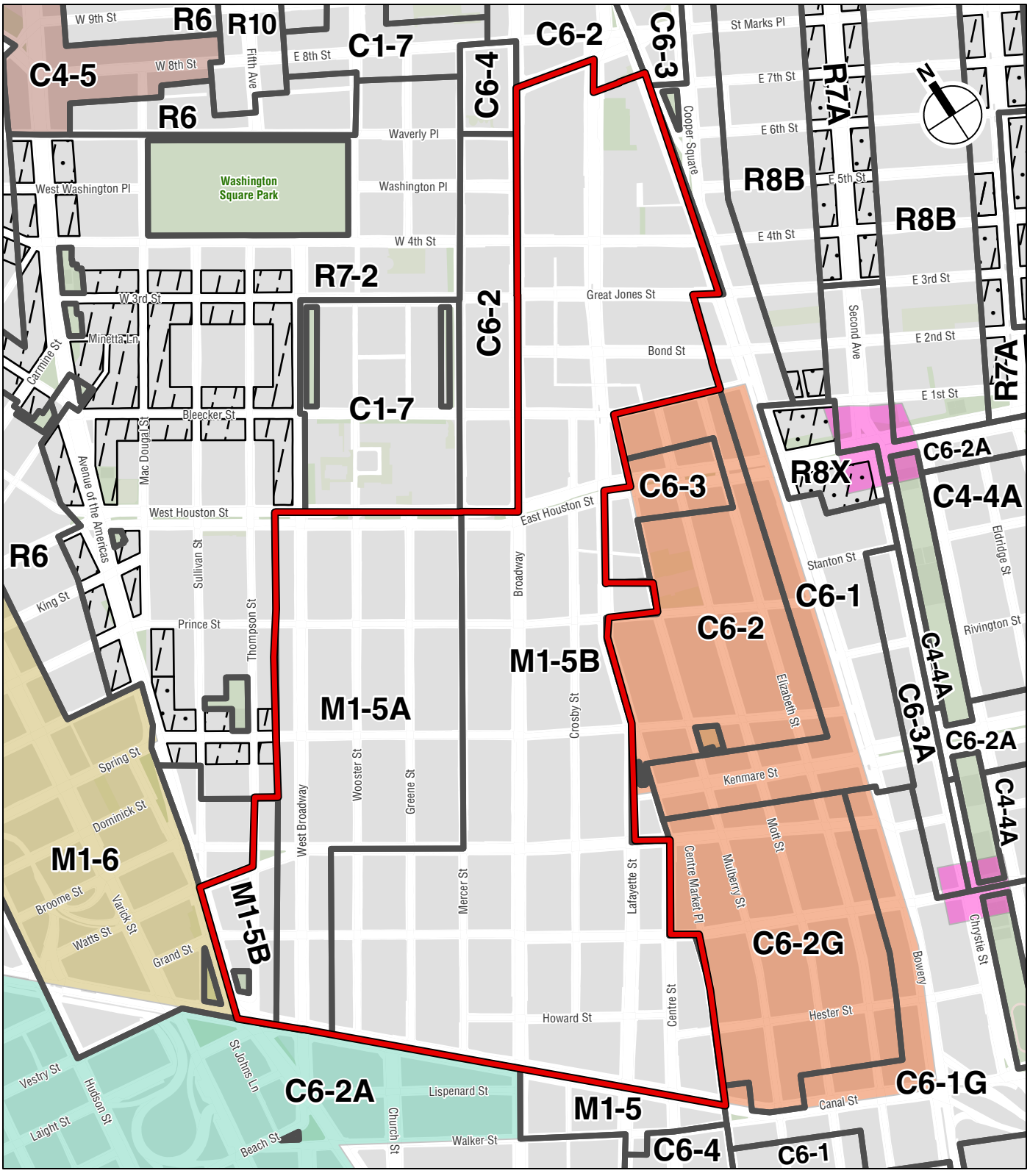
M1-5A AND M1-5B

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 BSA. JLWQA, a Use Group 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.



Existing Zoning

SOHO/NOHO NEIGHBORHOOD PLAN

Figure S-3

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/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 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

[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.

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 FORM

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 affect 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 S-1** and **Figure S-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.

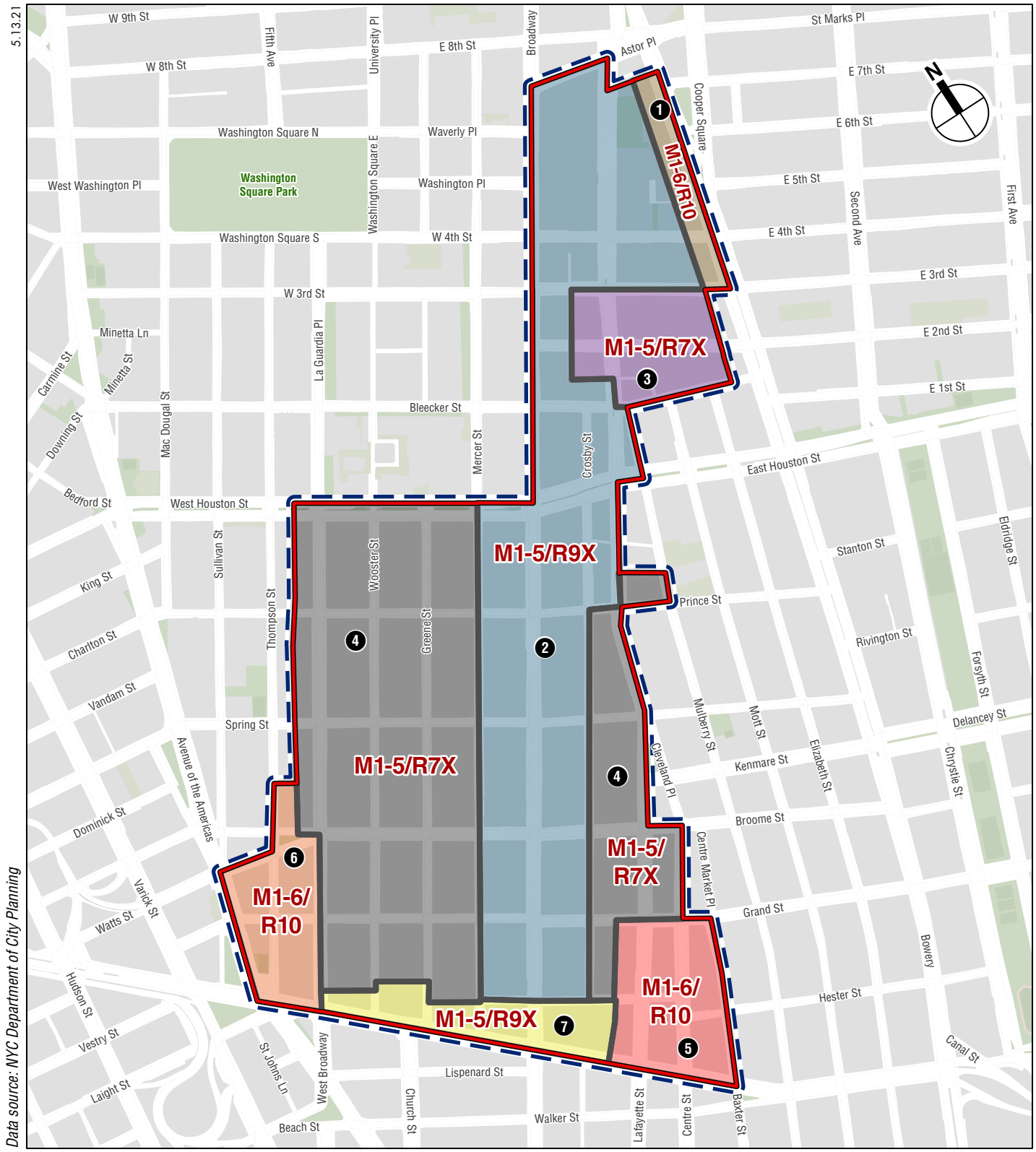
Proposed M1-5/R7X (Existing M1-5A & M1-5B)

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.

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 Zoning

SOHO/NOHO NEIGHBORHOOD PLAN

Figure S-4

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 S-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 special district, 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 the following special height regulations to be more consistent with the loft-like building forms common in SoHo/NoHo. 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 though 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 S-1**. Proposed building heights are shown in **Table S-2**.

Table S-1
Proposed Use and Floor Area Regulations

	Broadway – Houston Street Corridors Subarea	**Canal Street Corridor Subarea**	**SoHo/NoHo Historic Cores Subarea**	**SoHo West, SoHo East, and NoHo – Bowery Subarea**
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 S-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 of AMI. Option 2 would require 30 percent of residential floor area to be for affordable for residents with incomes averaging 80 percent of AMI. For both options, no homes could be targeted to residents with incomes above 130 percent of 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 A**.

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 S-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 S-3** also provides an estimate of the number of residents and workers generated by the Proposed Actions. As indicated in **Table S-3**, the Proposed Actions would result in a net increment of 3,457 residents.

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

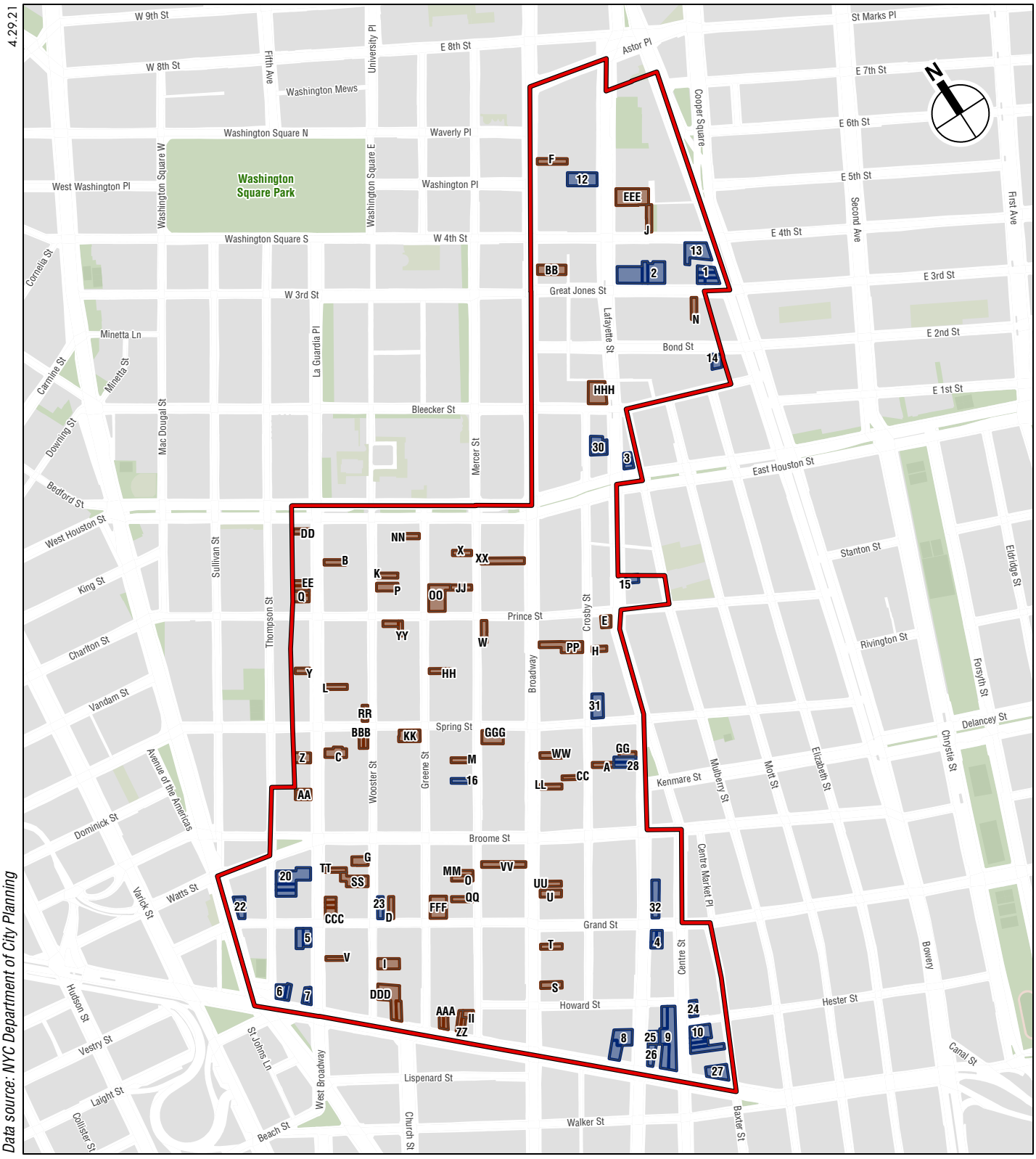
Land Use	No Action Condition	With Action Condition	Increment
Residential			
Residential	***32 DUs***	***1,861 DUs (382-573 Affordable)***	***1,829 DUs (382-573 Affordable)***
Commercial			
Office	207,576 gsf / 184,738 zsf	160,765 gsf / 142,957 zsf	(46,811 gsf) / (41,781 zsf)
Local Retail	115,052 gsf / 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

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 S-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 S-5

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 S-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.

[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.

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.

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.

I. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

LAND USE, ZONING, AND PUBLIC POLICY

The Proposed Actions would not result in significant adverse impacts on land use, zoning, or public policy.

The Proposed Actions would not adversely affect surrounding land uses, nor would the Proposed Actions generate land uses that would be incompatible with existing zoning and land uses. Furthermore, the Proposed Actions would not result in development that conflicts with adopted public policies.

The Proposed Actions would replace the obsolete zoning in SoHo/NoHo and facilitate mixed-use development throughout the Project Area by allowing residential use and expanding the types of commercial and community facilities allowed beyond the current narrow band of permitted light manufacturing and limited commercial uses. The Proposed Actions would support new residential and commercial development in an area with excellent transit access while simultaneously strengthening the existing historic character of the SoHo/NoHo neighborhoods.

With the proposed zoning, residential use would be allowed throughout the Project Area, expanding the City's housing supply to help meet the housing needs of current and future residents, and significantly increasing the supply of affordable housing through the application of MIH, which would require the inclusion of permanently affordable housing units in new developments. The Proposed Actions would allow for residential conversion and infill development in historic districts and present opportunities for more substantial new residential development and affordable housing production in areas beyond the historic districts. Existing JLWQA, a manufacturing use under zoning that allows certified artists to reside in the same space in which they conduct their

craft, and which is only allowed in SoHo/NoHo, would remain or could be converted to standard residences. 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 New York City.

The Proposed Actions would allow a wider range of commercial, community facility, and light industrial uses while preserving SoHo/NoHo's mixed-use character. The Proposed Actions would address outdated manufacturing zoning that prioritizes traditional light industrial use and creates barriers and onerous burdens for property owners and businesses. The existing zoning is restrictive in that it only permits ground floors to be occupied by a narrow band of light manufacturing uses on an as-of-right basis—typical commercial uses on ground floors (such as retail, food and beverage establishments, and many other uses) typically require lengthy discretionary approvals processes. Despite the need for these land use approvals, there has been proliferation of such uses given SoHo/NoHo's central location, rich transit access, and adaptability of its loft buildings. The Proposed Actions would update zoning to reflect the shift from manufacturing towards retail, office, creative production, and other commercial uses that are consistent with economic conditions and land use trends in SoHo/NoHo and surrounding neighborhoods, as well as community facility uses consistent with mixed use neighborhoods, reflecting the needs of present and future residents. Furthermore, the Proposed Actions would promote economic growth as the City recovers from the COVID-19 pandemic.

Bulk regulations tailored to SoHo/NoHo would encourage a range of heights and building forms, allowing sufficient flexibility for buildings to achieve the development goals identified by the community while addressing unique site conditions, and reflecting the existing built character of the neighborhood. The highest density zoning districts are proposed for the southeast and southwest portions of the Project Area. These areas are intended to serve as a transitions between SoHo's historic built scale and the taller buildings and somewhat higher densities found in neighborhoods beyond the Project Area like Hudson Square and Lower Manhattan. The range of permitted heights would address the existing low-scale context of the historic districts while allowing limited portions of buildings to rise higher on certain blocks and frontages. Contextual zoning envelopes would require maximum and minimum base heights for new developments that are respective of, and preserve, SoHo/NoHo's existing scale.

Most of Project Area lies within the SoHo Cast-Iron Historic District and Extension and the NoHo Historic District and Extension. LPC regulates development in City-designated historic districts (NYCHDs), and must review and approve all demolitions, new construction, and enlargements as required by the New York City Landmarks Law. Within NYCHDs, the Proposed Actions would allow LPC to adjust base heights further to account for improved cornice alignment.

The projected mixed-use development would support the existing and future residential population and enhance the commercial viability of SoHo/NoHo and surrounding neighborhoods. The land use allowed under the Proposed Actions would be compatible with and that would reflect existing land uses found in the study areas and proposed zoning would be consistent with the medium- and high-density zoning districts found in adjacent neighborhoods. As demonstrated below, development anticipated under the Proposed Actions would be compatible with the scale and use of surrounding neighborhoods, and would be supportive of public policies related to housing, employment, and sustainability.

The Proposed Actions would be consistent with the City's WRP. Per the WRP Consistency Assessment Form (WRP #21-057), which was reviewed by DCP's Waterfront and Open Space Division, the Proposed Actions would support the applicable policies of the City's WRP.

SOCIOECONOMIC CONDITIONS

The Proposed Actions would not result in any significant adverse impacts due changes in socioeconomic conditions. Conclusions related to each of the five areas of potential socioeconomic impact are summarized below.

DIRECT RESIDENTIAL DISPLACEMENT

A screening-level assessment found that the Proposed Actions would not result in significant adverse impacts due to direct residential displacement. Under the RWCDS, the Proposed Actions could directly displace an estimated 60 residents living in 32 DUs by 2031. The DUs that would be displaced are located on Projected Development Sites 1, 7, and 20.

According to the *CEQR Technical Manual*, direct displacement of fewer than 500 residents would not typically be expected to substantially alter the socioeconomic character of a neighborhood. The potentially displaced residents represent less than one-tenth of one percent of the estimated 83,306 current residents within the socioeconomic study area;[7] therefore, the potential direct displacement would not substantially alter the socioeconomic character of the neighborhood.

DIRECT BUSINESS DISPLACEMENT

A preliminary assessment found that the Proposed Actions would not result in significant adverse impacts due to direct business displacement. Under the RWCDS, projected development generated by the Proposed Actions could directly displace an estimated 57 businesses on projected development sites and an estimated 590 jobs associated with those businesses. The 57 potentially displaced businesses include: 14 retail apparel businesses, one hotel and 10 food service businesses, five parking lots, six personal care businesses, four creative and interior design businesses, four rental and leasing businesses, four finance and insurance businesses, three businesses involved in management of companies, one art studio, one fitness studio, one video editing service business, and one vascular surgery clinic. The 57 businesses do not represent a majority of the study area businesses or employment for any given industry sector. While all businesses contribute to neighborhood character and provide value to the City's economy, there are alternative sources of goods, services, and employment provided within the socioeconomic study area. Therefore, the potential displacement of these businesses does not constitute a significant adverse impact on the socioeconomic conditions of the area as defined by CEQR. None of the potentially displaced businesses are within a category of business that is the subject of regulations or publicly adopted plans to preserve, enhance, or otherwise protect it. In addition, comparable services and employment opportunities to those provided by directly displaced retail businesses are expected as part of the development resulting from the Proposed Actions. On the projected development sites, the Proposed Actions would result in a net increase of 6,833 gross square feet (gsf) of neighborhood retail space, 21,348 gsf of destination retail space, and 33,608 of supermarket space.

[7] The socioeconomic study area is the area within which the Proposed Actions could directly or indirectly affect socioeconomic conditions. As detailed under "Study Area Definition" in Section B, the socioeconomic study area captures an approximately ¼-mile area surrounding the Project Area, including portions of SoHo, NoHo, East Village, Bowery, Little Italy, Chinatown, Civic Center, TriBeCa, and Greenwich Village (see Figure 3-1 in Chapter 3, "Socioeconomic Conditions"). The current socioeconomic study area residential population was estimated using the DCP Housing Database, accessed in April 2021.

INDIRECT RESIDENTIAL DISPLACEMENT

A detailed analysis found that the Proposed Actions would not result in significant adverse impacts due to indirect residential displacement. The Proposed Actions would result in an increment of 1,829 DUs above the No Action condition and an estimated net increase of 3,457 residents. The preliminary assessment found that for most of the study area, the overall average household income of new population in the With Action condition would be lower than the average household income of the existing population. However, for two subareas a more detailed analysis was required to determine whether the Proposed Actions could result in significant adverse displacement impacts. The detailed assessment focused on: Subarea A[8], roughly bounded by Bowery to the west, Rivington Street to the south, First Avenue to the east, and East 9th and East 14th Streets to the north; and Subarea B[9], roughly bounded by Bowery to the east, the Brooklyn Bridge approach to the south, Centre Street to the west, and East Houston Street to the north. These subareas have lower average household incomes than other parts of the study area.

The analysis found that while the Proposed Actions would add a new higher-income population within or adjacent to Subareas A and B, the mixed-income composition of the new population would not cause substantial changes in the real estate market that would lead to significant indirect displacement of vulnerable renters in unprotected units. In both subareas, market rate rents are already unaffordable to low-income households. Given the high rental housing costs in the study area, it is expected that most low-income renters in the subareas reside in protected rental units and would not be vulnerable to indirect residential displacement as a result of the Proposed Actions. The Proposed Actions are expected to introduce more affordable housing than in the Future without the Proposed Actions, potentially slowing trends of increasing rents and maintaining a more diverse mix of incomes within the subareas as compared to the No Action condition.

INDIRECT BUSINESS DISPLACEMENT

A preliminary assessment found that the Proposed Actions would not result in significant adverse impacts due to indirect business displacement. Concerns under CEQR are whether the Proposed Actions could lead to changes in local market conditions that could lead to increases in commercial property values and rents within the study area, making it difficult for some categories of businesses to remain in the area, and whether the Proposed Actions could lead to displacement of a use type that directly supports businesses in the study area or brings people to the area that forms a customer base for local businesses.

The Project Area and broader study area have well-established residential and retail markets such that the Proposed Actions would not introduce new economic activities to the projected development sites or to the study area, nor would it add to a concentration of a particular sector of the local economy enough to significantly alter or accelerate existing economic patterns. The Proposed Actions would add an increment above the No Action Condition of 1,829 DUs, providing substantial amounts of new housing for current and future residents. This would introduce a new residential population, but the demand for goods and services from existing residents has already established a strong commercial market such that the influence of new

[8] Subarea A consists of Census Tracts 36.01, 26.02, 38, and 42 (see Figure 3-2, in Chapter 3, "Socioeconomic Conditions").

[9] Subarea B consists of Census Tracts 29, 41, and 43 (see Figure 3-2, in Chapter 3, "Socioeconomic Conditions").

residents would not markedly increase commercial property values and rents throughout the study area. The SoHo/NoHo retail market is one of the most established and expensive retail markets in the City, and many retail businesses in the area tend to be flagship destination stores serving a regional trade area. In addition, the introduction of a new residential population would increase demand for the goods and services provided by existing businesses. The Proposed Actions would add an increment of 61,789 gsf of retail space (local and destination retail and supermarket). There is currently a trend of increasing development of retail space in the study area. The retail added under the RWCDS would not be enough to alter or accelerate ongoing trends.

The Proposed Actions would not directly displace uses that provide substantial direct support for businesses in the area or that bring people into the area that form a substantial portion of the customer base for local businesses. The Proposed Actions' resident population would become new customers at many of the existing retail businesses in the Project Area and study area, and the mix of market-rate and affordable DUs resulting from the Proposed Actions would maintain a diverse customer base to shop at retail stores offering products at a range of price points.

ADVERSE EFFECTS ON SPECIFIC INDUSTRIES

A preliminary assessment found that the Proposed Actions would not result in significant adverse impacts due to adverse effects on specific industries. An analysis is warranted if a substantial number of residents or workers depend on the goods or services provided by the affected businesses or if it would result in the loss or substantial diminishment of a particularly important product or service within the industry. The Proposed Actions would not significantly affect the business conditions in any industry or any category of business within or outside the study area. By 2031, the Proposed Actions could directly displace an estimated 57 businesses and 590 employees in several economic sectors. The businesses that could be displaced do not represent a critical mass of businesses within any City industry, category of business, or category of employment. Although these businesses are valuable individually and collectively to the City's economy, the goods and services offered by potentially displaced uses can be found elsewhere within the socioeconomic study area, within a broader trade area, and within the City as a whole. The products and services offered by potentially displaced businesses are not essential to the viability of other businesses within or outside the study area. The Proposed Actions would not result in significant indirect business displacement, and therefore would not indirectly substantially reduce employment or have an impact on the economic viability in any specific industry or category of business.

COMMUNITY FACILITIES

The Proposed Actions would not result in a significant adverse impact to community facilities and services, including public elementary and intermediate schools, public libraries, and publicly funded early childhood programs, outpatient health care facilities and police and fire protection services.

PUBLIC SCHOOLS

The study area for the analysis of elementary and intermediate schools is the school districts' "subdistrict" (also known as a "region" or "school planning zone") in which the project is located. The Project Area is located in Subdistrict 1 of Community School District (CSD) 2 and Subdistrict 2 of CSD 2.

Elementary Schools

Under the Proposed Actions, in both Subdistrict 1/CSD 2 and Subdistrict 2/CSD 2, the utilization rate of elementary schools would not exceed 100 percent and would not result in an increase of 5 percentage points or more in the collective utilization rate over the No Action condition. Therefore, based on the methodology of the *CEQR Technical Manual*, it is concluded that the Proposed Actions would not result in any significant adverse impact to elementary schools.

Intermediate Schools

Under the Proposed Actions, the utilization rate of intermediate schools for Subdistrict 1/CSD 2 would not exceed 100 percent; however, the utilization rate of intermediate schools in Subdistrict 2/CSD2 is projected to be 131.6 percent. Since the collective utilization rate for both Subdistricts would not increase by 5 percentage points or more between the No Action and With Action conditions, it is concluded that the Proposed Actions would not result in any significant adverse impacts to intermediate schools.

PUBLIC LIBRARIES

There are nine New York Public Library (NYPL) libraries located within three-quarters of a mile of the Project Area. This analysis focuses on the Chatham Square, Mulberry Street, New Amsterdam, and Ottendorfer Branch library catchment areas. For each of these libraries, the catchment area population increases attributable to the Proposed Actions are below the 5 percent threshold, which, according to the *CEQR Technical Manual*, would not represent a noticeable change in delivery of library services, and therefore would not be considered a significant adverse impact on library services. Additionally, many of the residents in the catchment areas for each of the affected libraries also reside in the catchment areas for other nearby libraries and would also be served by these libraries (e.g., Battery Park City, Hudson Park, Jefferson Market, Seward Park, Tompkins Square, Epiphany, and Hamilton Fish Park Branches). Both the current and projected populations would also have access to the entire NYPL system through the interlibrary loan system and could have resources delivered to their nearest library branch. Finally, there is a trend toward increased electronic research, the SimplyE mobile application,[10] and the interlibrary loan system, which increases patron capacity. For the above reasons, it is concluded that the Proposed Actions would not result in a significant impact on library services.

EARLY CHILDHOOD PROGRAMS

Under the Proposed Actions, early childhood programs in the study area would operate overcapacity by approximately 131 slots and exhibit an increase in the utilization rate of approximately 3.27 percentage points over the No Action condition. As the change in utilization is less than 5 percentage points, it is concluded that the Proposed Actions would not result in any significant adverse impacts on early childhood programs.

HEALTH CARE FACILITIES

The Proposed Actions would not trigger detailed analyses of potential impacts on health care services because they would not create a sizeable new neighborhood where none existed before. Therefore, the Proposed Actions would not result in any significant adverse impacts on health care

[10] SimplyE is a new mobile application that gives library cardholders the ability browse, borrow, and read over 200,000 free e-book titles from the NYPL.

facilities. For informational purposes, a description of existing health care facilities serving the Project Area is provided below.

POLICE AND FIRE SERVICES

The *CEQR Technical Manual* recommends detailed analyses of impacts on police and fire services only in cases where facilities would be directly displaced as a result of the Proposed Actions. Because the Proposed Actions would not result in direct effects on police and fire facilities, a detailed analysis is not warranted. Therefore, the Proposed Actions would not result in any significant adverse impacts on police and fire services. For informational purposes, a description of existing police and fire facilities that serve the Project Area is provided below.

OPEN SPACE

The Proposed Actions would result in significant adverse impact to open space due to the added residential demand placed on open space in an area that has limited available open space resources.

The Project Area has been identified as underserved in terms of open space and recreation, which is a condition that is expected to continue in the No Action and With Action conditions. Typically, a reduction in the open space ratio exceeding five percent is considered to be significant. However, if an area that has a very low open space ratio, such as the Project Area, a reduction as small as one percent may be considered significant.

DIRECT EFFECTS

The Proposed Actions would not result in any direct effects related to encroachments on or loss of open space, changes in open space such that it no longer serves the same user population, or results in impacts due to noise, air, or odor emission that may affect its usability.

The Proposed Actions would result in a significant adverse shadows impact on three publicly accessible open space resources (Grand Canal Court, the Greenstreet next to Grand Canal Court, and Petrosino Square) and a planned open space on East 4th Street west of Bowery that will be developed in connection with a City infrastructure project.

Incremental shadow from the Proposed Actions, primarily from Projected Development Sites 5 and 6, would fall on portions of Grand Canal Court for approximately three to four hours in the morning in every season, covering larges areas at times, and significantly altering the use of the resource for users seeking sun. With regard to the adjacent Greenstreet, in the spring, summer, and fall, incremental shadow primarily from Projected Development Site 6 would fall on the space for four to five hours, throughout the morning, covering much or all of the space at times, particularly in the March to May and July to September periods, and would significantly affect the health of the trees. Incremental shadow from the Proposed Actions would pass across a portion of Petrosino Square in the late spring and summer during the afternoon to early evening, covering portions of this popular resource and fully eliminating the remaining sunlit area for an hour to 90 minutes depending on the month. Incremental shadow from the Proposed Actions would also affect a future New York City Department of Environmental Preservation (DEP) open space located on East 4th Street between Lafayette Street and Bowery. Long durations and large extents of incremental shadow would occur on this future park in all seasons, including periods when remaining sunlight would be eliminated, consequently causing significant impacts to this future planned open space.

INDIRECT EFFECTS

The detailed analysis of open space concluded that with the Proposed Actions the total open space ratio would decrease by 2.00 percent, to 0.567 acres per 1,000 residents; the active open space ratio would decrease by 2.03 percent, to 0.208 acres per 1,000 residents; and the passive open space ratio would decrease by 1.99 percent, to 0.359 acres per 1,000 residents. Although these reductions in open space ratios do not exceed five percent, which is generally used as a guide in determining a significant adverse impact under CEQR, the Project Area is located in an area that has been identified as underserved. Therefore, consistent with CEQR, a one percent decline in open space ratios is used as the threshold to determine an impact. As a result, it is concluded that the Proposed Actions would result in a significant adverse impact to total, active, and passive open space.

SHADOWS

The Proposed Actions would potentially cause significant adverse shadow impacts to multiple sunlight-sensitive resources, including the stained-glass windows of the Most Precious Blood Church on Baxter Street, the garden in the rear yard of the Merchant's House Museum on East Fourth Street, Grand Canal Court (basketball courts with benches and game tables) at Canal Street and Sixth Avenue, a Greenstreet feature with several trees next to the Grand Canal Court, Petrosino Square, a small park at Centre and Spring Streets, and a future planned open space on East 4th Street between Lafayette Street and Bowery.

Eighteen other open space resources and three other historic resources with sunlight-sensitive features would receive incremental shadows in one or more seasons, but these shadows would be limited in extent and/or duration and/or would not significantly affect the public's opportunity to use or appreciate the resources.

HISTORIC AND CULTURAL RESOURCES

The Proposed Actions would result in significant adverse impacts to historic and cultural resources, including archaeological and architectural resources.

ARCHAEOLOGICAL RESOURCES

The Proposed Actions would result in a significant adverse archaeology impact as a result of projected and potential development on sites determined to be archaeologically sensitive for resources associated with the 19th century occupation of the Project Area. The archaeologically sensitive projected or potential development sites where impacts could potentially occur include 21 lots on 17 development sites. The archaeologically sensitive parcels include Projected Development Site 6 (Block 227, Lot 6); Projected Development Site 5 (Block 227, Lots 20 and 22); Potential Development Site CCC (Block 475, Lots 1 and 3); Potential Development Site TT (Block 475, Lot 9); Potential Development Site G (Block 475, Lot 19); Potential Development Site D (Block 475, Lot 59); Projected Development Site 20 (Block 476, Lot 57); Potential Development Site A (Block 482, Lot 9); Potential Development Site GG (Block 482, Lot 26); Potential Development Site CC (Block 483, Lot 29); Projected Development Site 16 (Block 485, Lot 28); Potential Development Site C (Block 487, Lot 18); Potential Development Site BBB (Block 487, Lots 28 and 29); Potential Development Site JJ (Block 513, Lot 33); Potential Development Site B (Block 515, Lot 7); Projected Development Site 13 (Block 531, Lot 37); Projected Development Site 1 (Block 531, Lot 41); and Projected Development Site 2 (Block 531, Lot 52).

For the purposes of the Draft Environmental Impact Statement (DEIS) analysis, the study area for archaeological resources is limited to sites that may be developed within the Project Area and

includes projected and potential development sites. LPC conducted an initial review of the potential and projected development sites. In a comment letter dated October 28, 2020, LPC determined that a number of potential and projected development sites (collectively referred to as the "Phase 1A study area") possess potential archaeological significance and determined that additional archaeological analysis in the form of a Phase 1A Archaeological Documentary Study ("Phase 1A Study") was necessary to determine the archaeological sensitivity of each development site in the Phase 1A study area (see **Appendix C-1**).

A Phase 1A Study of the sites within the Phase 1A study area was prepared by AKRF, Inc. in March 2021 (see **Appendix C-2**). The Phase 1A Study identified all or portions of 21 potential and projected development sites as archaeologically sensitive for resources associated with the 19th century occupation of the Project Area. The Phase 1A Study recommended additional archaeological analysis for certain development sites in the form of Phase 1B Archaeological Testing in addition to continued consultation with LPC and submission and concurrence of all required work plans. In a comment letter dated April 5, 2021, LPC concurred with the conclusions and recommendations of the Phase 1A Study (see **Appendix C-1**).

In order to mitigate the significant adverse impact on archaeological resources, additional archaeological analysis would be required on each of the development sites before redevelopment. However, there are no mechanisms currently in place to ensure that such archaeological analysis will occur on privately owned properties subsequent to the zoning changes. Future development on these properties could therefore occur on an as-of-right basis. There is currently no mechanism to require archaeological analysis to determine the presence of archaeological resources (i.e., Phase 1B testing) or mitigation for any identified significant resource through avoidance or excavation and data recovery (i.e., Phase 2 or Phase 3 archaeological testing). Therefore, the Proposed Actions would result in significant adverse impact on archaeological resources for any archaeologically sensitive projected or potential development site that is developed as-of-right or independent of environmental review.

ARCHITECTURAL RESOURCES

Most of the Project Area is located within designated NYCHDs. The special use and bulk regulations under the Proposed Actions have been developed to reflect the existing built character of Project Area, including the historic districts located throughout the Project Area and study area. The Proposed Actions would require base heights that are responsive to the context of existing buildings. The varied built forms and loft-like building forms in the NYCHDs would be supported by special zoning provisions that reflect and respect the unique existing and historic character of the historic neighborhoods. Changes to buildings in the NYCHDs and individually-designated New York City Landmarks (NYCLs), would be subject to LPC's review and approval in accordance with the New York City Landmarks Law. The new building forms allowed by the Proposed Actions would be determined in a manner appropriate to the historic character of NYCHDs and NYCLs and the immediate context without the need for separate land use actions. The bulk regulations under the Proposed Actions would allow LPC to refine base heights further to allow for improved cornice alignment for developments within NYCHDs. While the Proposed Actions would result in the demolition of buildings in NYCHDs in the Project Area, the proposed contextual zoning for the Project Area would map zoning that preserves the historic character and provides flexibility to shape building forms appropriate to the NYCHDs. The effects of the Proposed Actions on NYCHDs would result in benefits associated with the preservation of the historic built character of the NYCHDs.

New development anticipated under the Proposed Actions would also result in the demolition of contributing buildings in three State/National Register of Historic Places (S/NR)-listed historic districts – the portion of the SoHo Historic District that is outside the NYCHD SoHo-Cast Iron Historic District and Extension boundaries, the S/NR-listed Bowery Historic District, and the S/NR-listed Chinatown and Little Italy Historic District. Because S/NR-listed historic districts are not protected by the New York City Landmarks Law, the demolition of contributing buildings to these historic districts would result in a direct significant adverse impact to these S/NR-listed historic districts. In limited locations, the Proposed Actions would also result in indirect significant adverse impacts to the Bowery Historic District, the Samuel Tredwell Skidmore House, and the Old Merchant's House through development that could change the setting of contributing resources to the S/NR-listed historic district by allowing taller buildings that are not consistent with the scale of nearby historic districts or buildings, resulting in an indirect, or contextual, significant adverse impact. The indirect significant adverse impacts would affect the Bowery Historic District, and the Samuel Tredwell Skidmore House, and the Old Merchant's House. In a letter dated May 14, 2021, LPC commented that the Historic and Cultural Resources chapter "appears acceptable" (see **Appendix C-1**).

Direct (Physical) Impacts

Eighty-one buildings are located on projected and potential development sites in historic districts in the Project Area, and 18 buildings are identified as non-contributing resources within the S/NR-listed historic districts. As detailed in the analysis below, the Proposed Actions would result in the adaptive reuse and conversion of five historic architectural resources within the historic districts and the demolition of 73 historic architectural resources in historic districts.

There are eight projected development sites and 51 potential development sites in the SoHo-Cast Iron Historic District (NHL, S/NR-listed, and NYCHD) and the SoHo-Cast Iron Historic District Extension (NYCHD) (collectively identified as the NYCHD SoHo-Cast Iron Historic District and Extension"). These sites contain 66 buildings. Of the 66 buildings, 61 are located within the boundaries of the NYCHD, and would therefore be subject to the New York City Landmarks Law. Five buildings are located outside the NYCHD boundaries but are within the S/NR-listed SoHo Historic District and would therefore not be protected by the New York City Landmarks Law. As detailed below, four buildings within the NYCHD would be adaptively reused and 15 buildings are identified in the S/NR nomination form as non-contributing to the S/NR-listed historic district. The Proposed Actions would not result in direct significant adverse impacts to the 47 buildings on the projected and potential development sites in the SoHo-Cast Iron Historic District and Extension (NYCHD). The five buildings on projected and potential development sites that are located within the boundaries of the S/NR-listed SoHo Historic District that are not within the boundaries of the NYCHD SoHo-Cast Iron Historic District and Extension are not protected under the New York City Landmarks Law. Development on the 61 projected and potential development sites that are within the NYCHD would be subject to review by LPC. However, the demolition of the five buildings located within the S/NR-listed portion of the historic district would not result in a significant adverse impact to the overall SoHo-Cast Iron Historic District and Extension as development on the remaining 59 development sites would be subject to LPC's review and approval. Therefore, the Proposed Actions would not result in significant adverse impacts to the NYCHD or to the overall historic district.

There are four projected development sites and six potential development sites within the boundaries of the NoHo Historic District (S/NR-eligible, NYCHD) and the NoHo Historic District Extension (NYCHD) (collectively identified as the NYCHD NoHo Historic District and

Extension"). There are eight buildings on these sites. However, as detailed below, three buildings are identified in the S/NR nomination form as non-contributing to the S/NR-eligible historic district. One development would be an adaptive reuse of an existing building and would, therefore, not result in a significant adverse impact. While the demolition of historic buildings on the projected and potential development sites would result in the removal of buildings from the historic district's late-19th century commercial development period, these buildings are all within the NYCHD boundaries and would be subject to the New York City Landmarks Law which requires LPC review and approval. Therefore, significant adverse impacts to the NoHo Historic District and Extension would not occur under the Proposed Actions.

There are four buildings on two projected development sites in the S/NR-listed Bowery Historic District and three buildings on three projected development sites in the S/NR-listed Chinatown and Little Italy Historic District. These buildings are in the S/NR-listed historic districts and are, therefore, not protected under the New York City Landmarks Law. Since the redevelopment of these projected development sites is assumed in the RWCDS, in accordance with the *CEQR Technical Manual*, the projected demolition of these seven buildings due to the Proposed Actions would result in a significant adverse impact to these two historic districts. However, as described in the analysis below, the demolition of these seven buildings and the redevelopment of these sites would not substantially alter the overall significance these two S/NR-listed historic districts given that they are large and architecturally varied historic districts.

Construction-Related Impacts to Adjacent Resources

To avoid potential adverse impacts to historic architectural resources from construction-related activities, a Construction Protection Plan (CPP) would be prepared in consultation with LPC prior to construction and implemented by a licensed professional engineer before the start of any excavation or construction activities on the projected and potential development sites identified below. The CPP would follow the guidelines set forth in section 523 of the *CEQR Technical Manual,* including conforming to LPC's *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark* and *Protection Programs for Landmark Buildings*. The CPP would also comply with the procedures set forth in the New York City Department of Buildings (DOB)'s *Technical Policy and Procedure Notice (TPPN)* #10/88.[11]

Fourteen individually listed NYCLs, nine individually S/NR-listed buildings, one NHL, and buildings within the five designated NYCHDs, S/NR-listed, NHL historic districts that are located within 90 feet of projected and potential development sites are subject to the protections of DOB's *TPPN #10/88*. The CPP would apply to 14 individual resources: Bleecker Street Subway Station (S/NR-listed, NYCL Interior); the Gay Activists Alliance Firehouse (NYCL); the Robbins and Appleton Building (S/NR-listed, NYCL); the De Vinne Press Building (S/NR-listed, NYCL); the Bayard-Condict Building (S/NR-listed, NYCL); the Samuel Tredwell Skidmore House (S/NR-listed, NYCL); Firehouse: Engine Company 33 (S/NR-listed, NYCL); the Schermerhorn Building (S/NR-listed, NYCL); the Old Merchant's House (NHL, S/NR-listed, NYCL, NYCL Interior); four Historic Street Lampposts located near 444 Broadway, 473 Broadway, 515 Broadway, and 152 Mercer Street (NYCL); and the Bond Street Savings Bank at (S/NR-listed, NYCL), which are within 90 feet of projected development sites. Historic resources included in the SoHo-Cast Iron

[11] *TPPN #10/88* was issued by DOB on June 6, 1988, to supplement Building Code regulations with regard to historic structures. *TPPN #10/88* outlines procedures for the avoidance of damage to historic structures resulting from adjacent construction, defined as construction within a lateral distance of 90 feet from the historic resource.

Historic District and Extension, the NoHo Historic District and Extension, the Bowery Historic District, and the Chinatown and Little Italy Historic District are also located within 90 feet of the projected or potential development sites, and are subject to the protections of protections of DOB's *TPPN #10/88*. With the protective measures of a CPP in place, no significant adverse construction-related impacts would occur to these resources.

Indirect (Contextual) Impacts

The Proposed Actions would not have the potential to result in indirect significant adverse impacts to the SoHo-Cast Iron Historic District (NHL, S/NR-listed, NYCHD) and Extension (NYCHD). The special use and bulk regulations under the Proposed Actions have been developed to reflect the existing built character of each neighborhood, including SoHo. The Proposed Actions would require base heights that are responsive to the context of existing buildings. The varied built forms and loft-like building forms in the historic district would be supported by special zoning provisions that reflect and respect the unique existing and historic character of SoHo. Within the SoHo Cast-Iron Historic District and Extension's NYCHD boundaries, changes to buildings in the historic district, including new development within the historic district, would be subject to LPC's review and approval. The new building forms allowed by the Proposed Actions would be determined in a manner appropriate to the historic character of the historic district and the immediate context without the need for separate land use actions. The bulk regulations under the Proposed Actions would allow LPC to refine base heights further to allow for improved cornice alignment for developments within NYCHDs. Within the SoHo-Cast Iron Historic District and Extension's NYCHD boundaries, the Proposed Actions would facilitate construction of new buildings that would be similar in height and massing to many of the existing historic district buildings that are approximately 70 to 110 feet tall: the sites would be developed with buildings between 70 to 100 feet tall. Along the Broadway corridor, taller buildings, approximately 150 to 200 feet in height, would be developed. These buildings would be similar in height to existing buildings along Broadway, many of which are approximately 170-foot-tall loft buildings.

The Proposed Actions would not have the potential to result in indirect significant adverse impacts to the NoHo Historic District (S/NR-eligible, NYCHD) and Extension (NYCHD). The special use and bulk regulations under the Proposed Actions have been developed to reflect the existing built character of each neighborhood, and the varied built forms and loft-like building forms in the historic district would be supported by special zoning provisions that reflect and respect the unique existing and historic character of NoHo. Within the NoHo Historic District and Extension's NYCHD boundaries, changes to buildings in the historic district, including new development within the historic district, would be subject to LPC's review and approval. The new building forms allowed by the Proposed Actions would be determined in a manner appropriate to the character of the historic district and the immediate context, and would not result in significant adverse indirect impacts to the historic district.

The Proposed Actions could have the potential to result in indirect significant adverse impacts to the S/NR-listed Bowery Historic District by changing the setting of contributing resources and by constructing taller buildings that may not be similar to the existing built character of nearby areas of the historic district. With the Proposed Actions, the historic district could be developed with an approximately 185-foot-tall building on Projected Development Site 1; an approximately 235-foot-tall building on Projected Development Site 13; and an approximately 105-foot-tall building would be built adjacent to the historic district at Projected Development Site 14. The Proposed Actions in the Bowery Historic District would replace low-rise and underdeveloped sites that are out of context for the area, which is characterized by four- to eleven-story buildings, approximately 40 to 180 feet

tall. However, the buildings that could replace them could be much larger than the existing urban design, which is currently characterized by buildings that are approximately 40 to 180 feet tall.

The Proposed Actions would not have the potential to result in indirect significant adverse impacts to the S/NR-listed Chinatown and Little Italy Historic District. Within the Chinatown and Little Italy Historic District, the development sites would be located just within the western boundary of the historic district on the Centre Street and Lafayette Street corridors, which are currently developed with a mix of building types and ages. The developments would be approximately 105 to 155 feet tall and similar in height to the mid-rise buildings on Centre and Lafayette Streets.

The Proposed Actions would not have the potential to result in indirect significant adverse impacts to the Firehouse: Engine Company 33 (S/NR-listed, NYCL) at 44 Great Jones Street which is located within the boundaries of the NoHo Historic District Extension (NYCHD). With the Proposed Actions, a large approximately 185-foot-tall building would be developed at Projected Development Site 2 at 30 Great Jones Street west of the Firehouse: Engine Company 33. This projected development would occupy the northeast corner of Great Jones and Lafayette Streets and would be located within 90 feet of the Firehouse: Engine Company 33. While the new development could have a larger footprint and be taller than existing buildings near the Firehouse: Engine Company 33, because the Firehouse: Engine Company 33 is located within the NoHo Historic District Extension (NYCHD), new development on Projected Development Site 2 would be subject to LPC's review and approval as per the New York City Landmarks Law.

The Proposed Actions could have the potential to result in indirect significant adverse impacts to the Samuel Tredwell Skidmore House (S/NR-listed, NYCL) at 37 East 4th Street and the Old Merchant's House (NHL, S/NR-listed, NYCL, NYCL Interior) at 29 East 4th Street. The Proposed Actions would result in an approximately 235-foot-tall building at Projected Development Site 13 and an approximately 145-foot-tall building at Potential Development Site J, both located on East 4th Street in close proximity to the Samuel Tredwell Skidmore House at 37 East 4th Street and the Old Merchant's House at 29 East 4th Street. The projected and potential developments could be considerably taller than the architectural resources and could alter the resources' setting.

In addition, as discussed in Chapter 6, "Shadows," incremental shadows would fall on some of the stained glass windows of the Most Precious Blood Church (a contributing resource in the S/NR-listed Chinatown and Little Italy Historic District) at 113 Baxter Street and in the rear garden of the Merchant's House Museum (NHL, S/NR-listed, NYCL, NYCL Interior) on East 4th Street. Shadows would fall on the stained glass windows of the Most Precious Blood Church for a total duration of approximately 1 ½ hours during the afternoons of the spring and fall analysis days and 3- to 3-½ hours on late afternoons in the spring and summer analysis days. The new shadow would cover large portions of the windows at times and would eliminate the remaining sun on the windows for 50 minutes to an hour in the late afternoons of the spring, summer, and fall months. The Merchant's House Museum garden would receive new shadows in the late morning and early afternoon, particularly in the spring, summer, and fall analysis days, for approximately an hour up to an hour and 45 minutes, depending on the season, eliminating all the sunlight for most of these periods..

URBAN DESIGN AND VISUAL RESOURCES

The Proposed Actions would not result in a significant adverse impact to urban design or visual resources.

The zoning map and text changes would improve the pedestrian experience by replacing underdeveloped and vacant lots in the primary study area with new mixed-use buildings with

active ground-floor spaces. Within the historic cores, the Proposed Actions would maintain existing density while allowing conversions of existing buildings to new uses and mixed-use infill developments that would be consistent with the height and form of existing historic buildings. Beyond the historic cores, the Proposed Actions would support housing production in areas that can accommodate the most density due to the width of adjacent streets and the varying building heights and forms that characterize the periphery of the primary study area.

The Proposed Actions would introduce new primarily mixed-use residential and commercial buildings that would enhance the pedestrian experience and contribute to the vibrant urban design character of the primary study area. Many of the projected and potential development sites are currently occupied by low-rise buildings and vacant or underdeveloped lots that are not consistent with the urban design character of the primary study area. The primary study area is largely characterized by four- to 13-story historic loft buildings within the historic cores of SoHo and NoHo, and the southwest, southeast, and northeast transitional areas of the primary study area are characterized by a more varied mix of buildings of different sizes, massings, materials, and ages.

Special use and bulk regulations under the Proposed Actions would reflect the existing built character of each neighborhood. The Proposed Actions would require base heights that are responsive to the context of existing buildings. In the Broadway and Houston Street subarea, Canal Street subarea, SoHo and NoHo Historic Core subareas, which are characterized by three historic districts with varied built forms, special zoning provisions would support loft-like building forms that reflect and respect the unique existing and historic character of these areas. Because changes to buildings and new construction in these historic districts are subject to LPC's review and approval, the new building forms allowed by the Proposed Actions would be determined in a manner appropriate to the historic character of these areas and the immediate context without the need for separate land use actions. The bulk regulations under the Proposed Actions would allow LPC to refine base heights further to allow for improved cornice alignment for developments within New York City-designated historic districts.

In the SoHo West, SoHo East, and NoHo Bowery subareas that are framed by wide streets and generally located outside of historic districts, special subarea regulations would allow sufficient flexibility to achieve the development and housing goals of the Proposed Actions while responding to neighborhood context within and around the primary study area. The Proposed Actions would facilitate higher-density developments at the southwest, southeast, and northeast portions of the primary study area. These areas—the SoHo West, SoHo East, and NoHo–Bowery subareas—are located at the outer edges of the historic neighborhoods and along primary transportation corridors. Under the Proposed Actions, these subareas, which already contain a variety of buildings of different forms, sizes, ages, designs, and cladding materials, would accommodate the largest and densest of the developments expected under the Proposed Actions. The projected and potential development sites in these subareas are characterized by low-density buildings and underdeveloped sites. The Proposed Actions would facilitate development that is compatible with the existing varied urban design context of the subareas. Due to the width of the streets surrounding these subareas, existing tall buildings, similar to those that could be developed with the Proposed Actions, are immediately within the visual context and are part of the existing urban design character of these subareas. The buildings that would be developed on the projected and potential development sites would therefore be consistent with the urban design of these spaces.

With the Proposed Actions, residential use would be allowed throughout the primary study area, expanding the City's housing supply to help meet the housing needs of current and future

residents, and significantly increasing the supply of affordable housing through the application of MIH. The developments expected in the SoHo Historic Core and NoHo Historic Core subareas would also include ground-floor retail space, in keeping with the urban design character of the SoHo and NoHo historic neighborhoods, which is characterized by ground-floor retail spaces of varying sizes opening to the sidewalk. Office space and other commercial uses would be included in some of the development sites and would be generally limited to the edges of the primary study area, adjacent to transit, and mostly along wide streets and corridors.

The Proposed Actions would allow substantially taller buildings at the edges of the primary study area. These new buildings would be constructed on existing blocks and would not affect the existing street grid. Views along existing view corridors may include views to some of the projected and potential developments, but changes to these views would not be considered adverse, as these views already include a mix of shorter and taller buildings. The Proposed Actions would not obstruct views of visual resources in the primary or secondary study areas. Some views of visual resources in the NoHo Historic Core subarea may be partially obscured, but other prominent views of these buildings would remain unchanged.

NATURAL RESOURCES

The Proposed Actions would not result in significant adverse impacts to natural resources.

Development anticipated under the Proposed Actions would not adversely affect the floodplain, or increase flooding within or adjacent to the Project Area. Projected development on sites within the southwest portion of the Project Area which is in the 1-percent annual chance (100-year) and 0.2-percent annual chance (500-year) floodplain would be required to comply with *Appendix G Flood-Resistant Construction* to the New York City Building Code.

The Proposed Actions would not result in significant adverse impacts to groundwater resources and would implement measures to address any contaminated or hazardous materials conditions at each projected and potential development site.

The study area is located within the urban landscape of the SoHo and NoHo neighborhoods of Manhattan. Vegetation is limited to disturbance tolerant plants, street trees, and the landscaping of urban parks and gardens. These ecological communities provide limited wildlife habitat apart from common urban wildlife and of the loss of this vegetation would not result in significant impacts to populations of these urban wildlife species.

HAZARDOUS MATERIALS

The Proposed Actions would not result in a significant adverse hazardous materials impact.

The DEIS recommends measures to avoid or reduce exposure to future occupants and workers at projected and potential development sites where potential concerns were identified as it relates to hazardous and contaminated materials. These recommended measures would be implemented in accordance with an (E) Designation that would be incorporated to the Proposed Actions for all projected and potential development sites with potential hazardous or contaminated materials concerns. This (E) Designation requires, prior to change of use or redevelopment requiring ground disturbance, that the fee-owner of the property conduct a Phase I Environmental Site Assessment (ESA), subsurface testing and remediation, where appropriate, to the satisfaction of the New York City Mayor's Office of Environmental Remediation (OER). New York City Department of Buildings (DOB) permits associated with such actions cannot be issued without OER approval. The OER review would ensure protection of human health and the environment from known or

suspected hazardous materials. With the above measures in place, the Proposed Actions would avoid the potential for significant adverse impacts related to hazardous materials.

WATER AND SEWER INFRASTRUCTURE

The Proposed Actions would not result in a significant adverse impact to the City's water supply, wastewater treatment, or stormwater management infrastructure.

WATER SUPPLY

The Proposed Actions would not result in any significant adverse impacts on the City's water supply system. Projected development under the Proposed Actions is expected to generate an incremental water demand of less than 1 million gallons per day (mgd), which is below the level of significance per *CEQR Technical Manual* guidelines. Existing water mains in the Project Area expected to have sufficient capacity to handle the estimated increase in water demand.

WASTEWATER TREATMENT

The Project Area is served by the Newtown Creek Wastewater Resource Recovery Facility (WRRF) and within the Project Area there are five subcatchment drainage areas. Development under the With Action condition is expected to generate a total of approximately 412,326 gallons per day (gpd) of sanitary sewage, which represents an increase of approximately 0.35 mgd over the No Action condition. With an existing flow of 212 mgd (below the maximum dry weather flow permitted capacity of 310 mgd) and the addition of approximately 0.35 mgd on the projected development sites, which represents 0.17 percent of the permitted capacity, the Newtown Creek WRRF would continue to have reserve capacity. Therefore, it is concluded that there would be no significant adverse impacts to the City's wastewater treatment services as a result of the Proposed Actions.

STORMWATER AND DRAINAGE MANAGEMENT

All the projected development sites identified under the RWCDS are located within five subcatchment areas of the Newtown Creek WRRF. This is a combined sewer service area, and with the proposed project there would be an increase in sanitary flow from the increased residential, commercial, and community facility populations, as well as an increase in fully impervious rooftop area. These additional flow volumes would be conveyed to the Newtown Creek WRRF, or discharged directly to the Hudson and East Rivers as combined sewer overflow (CSO), depending on rainfall volume and duration. However, with the new development under the Proposed Actions, CSO volumes are expected to decrease as compared with the No Action condition, despite the increase to sanitary flows from new development. This reduction in CSO volumes is attributable to on-site stormwater management volume requirements under the City's pending Unified Stormwater Rule, which increases the total volume of stormwater that must be managed on site with new and redeveloped properties in CSO drainage areas, as well as improvements in the design requirements and performance standards for on-site stormwater management practices that must be implemented in accordance with City regulations, such as the Unified Stormwater Rule, which ensures that redeveloped properties manage stormwater. Finally, because of the available capacity of the Newtown Creek WRRF, the projected increase in sanitary flows would not result in any significant adverse impacts on the WRRF infrastructure. Therefore, it is concluded that the Proposed Actions would not result in any significant adverse impacts related to the City's wastewater conveyance and treatment systems.

SOLID WASTE AND SANITATION SERVICES

The Proposed Actions would not result in a significant adverse impact on solid waste and sanitation services.

The Proposed Actions would not directly affect a solid waste management facility. Development in the With Action condition would generate an increment above the No Action condition of approximately 42.4 tons per week of solid waste, of which approximately 89 percent (37.8 tons) would be handled by DSNY and 11 percent (4.6 tons) would be handled by private carters. This incremental increase in solid waste correlates to the addition of approximately three additional truckloads per week of solid waste handled by DSNY and one truckload per week handled by private carters.

When compared with the solid waste generated under the No Action condition, the additional solid waste resulting from the With Action condition would constitute an increase that would not reach the level of impact significance, as it would be considered negligible relative to the approximately 12,260 tons of solid waste handled by DSNY every day, or the 13,000 tons handled by private carters.[12] As such, the Proposed Actions would not result in an increase in solid waste that would overburden available waste management capacity. The Proposed Actions would also not conflict with, or require any amendment to, the City's solid waste management objectives as stated in the SWMP.

ENERGY

The Proposed Actions would not result in a significant adverse impact related to energy systems. Development assumed in the future with the Proposed Actions (the With Action condition), would result in increased demand of approximately 216,130,062 thousand British thermal units (MBTUs) of energy per year as compared with future conditions without the Proposed Actions (the No Action condition). This increase in annual demand represents less than 0.1 percent of the projected service demand for New York City in the 2031 analysis year. The Proposed Actions would generate an incremental increase in energy demand that would be considered negligible when compared with the overall demand within Consolidated Edison's (Con Edison's) New York City and Westchester County service area. Any new development resulting from the Proposed Actions would be required to comply with the NYCECC, which governs performance requirements of heating, ventilation, and air condition systems, as well as the exterior building envelope of new buildings. In compliance with this code, new development must meet standards for energy conservation, which include requirements related to energy efficiency and combined thermal transmittance. In addition, should there be a voluntary utilization of higher performance standard designs on the projected development sites, there would then be a reduction in the forecast energy load, detailed below. Therefore, no significant adverse impacts related to energy are expected to occur.

TRANSPORTATION

The Proposed Actions would result in a significant adverse pedestrian impact at one sidewalk in the Saturday peak hour and a significant adverse transit impact at one street stair at the Canal Street (A/C/E) subway station in both the AM and PM peak hours.

[12] About DSNY: http://www1.nyc.gov/assets/dsny/about/inside-dsny.shtml.

TRAFFIC

Under *CEQR Technical Manual* guidance, a quantified traffic analysis is typically required if a proposed action would result in 50 or more additional vehicle trip ends in a peak hour at one or more intersections. The Proposed Actions' RWCDS is expected to result in a net incremental increase of approximately 160, 103 186 and 186 vehicle trips in the weekday AM, midday and PM peak hours, and Saturday peak hour, respectively. However, based on an assignment of these incremental traffic volumes to the Project Area street network, no intersection in proximity to the Project Area is expected experience a net incremental increase of 50 or more trips in any peak hour. Therefore, significant adverse traffic impacts are not expected to occur under the Proposed Actions, and a detailed traffic analysis is not warranted based on *CEQR Technical Manual* guidance.

TRANSIT

Subway

Subway Stations

The Proposed Actions would generate a net increment of approximately 837 and 979 new subway trips during the weekday AM and PM commuter peak hours, respectively. The analysis of subway station conditions focuses on the Metropolitan Transportation Authority (MTA) New York City Transit (NYCT) Canal Street (J/N/Q/R/W/Z/6) subway station complex and the Canal Street (A/C/E) station where incremental demand from the Proposed Actions would exceed the 200-trip *CEQR Technical Manual* analysis threshold in one or both peak hours. Based on the results of the analysis, the Proposed Actions would significantly adversely impact one street stair at the Canal Street (A/C/E) station in both the AM and PM peak hours.

Subway Line Haul

The Project Area is served by 15 NYCT subway routes. These include the No. 1 train operating along the Broadway-Seventh Avenue Line; the No. 6 train operating along the Lexington Avenue Line; A, C and E trains operating on the Eighth Avenue Line; B, D, F and M trains operating on the Sixth Avenue Line; J and Z trains operating on the Nassau Street Line; and N, Q, R and W trains operating on the Broadway Line. The Project Area is located within the Manhattan Central Business District (CBD), which is typically defined as the area below 60th Street. The peak direction of subway travel is typically into the CBD from the north or from Brooklyn and Queens in the AM peak hour, and outbound from the CBD to the north or to Brooklyn and Queens in the PM peak hour.

In the With Action condition, no subway route operating at or over capacity would experience an average incremental increase of five or more passengers/car (the *CEQR Technical Manual* impact threshold) in the peak direction through their maximum load points in either of the weekday AM and PM peak hours. Therefore, the Proposed Actions are not expected to result in significant adverse subway line haul impacts.

Bus

The Proposed Actions are expected to generate 47 incremental trips by transit bus in the weekday AM peak hour and 75 trips in the PM peak hour. Approximately seven NYCT bus routes operate within ¼-mile of projected development sites (the M1, M15, M15 SBS, M20, M21, M55 and M103), and the number of incremental trips in one direction on any one of these routes is not expected to reach the 50-trip *CEQR Technical Manual* analysis threshold for a detailed bus

analysis. Therefore, a detailed analysis of bus conditions under the Proposed Actions is not warranted.

PEDESTRIANS

The Proposed Actions would generate a net increment of approximately 1,747 pedestrian trips (in and out combined) in the weekday AM peak hour, 1,303 in the weekday midday, 2,308 in the weekday PM peak hour, and 2,381 in the Saturday peak hour. Peak hour pedestrian conditions were evaluated at 16 pedestrian elements where these trips are expected to be most concentrated. These elements—five sidewalks, nine corner areas, and two crosswalks—are primarily located in proximity to the Canal Street (J/N/Q/R/W/Z/6) subway station complex and the cluster of projected development sites at Canal, Lafayette and Centre Streets, and along Lafayette and Great Jones Streets in proximity to projected development sites 1 and 2. As shown in **Table S-4**, based on *CEQR Technical Manual* criteria, one sidewalk—the north sidewalk on Canal Street between Lafayette and Centre Streets—would be significantly adversely impacted by the Proposed Actions during the Saturday peak hour. This impact would occur at a point where pedestrian flow is constrained by the presence of a subway station elevator within the sidewalk. There would be no significant impacts to any corner areas or crosswalks in any peak hour. As discussed in Chapter 21, "Mitigation," while relocation of the subway station elevator is not practicable, DCP, as lead agency, will further explore potential mitigation measures in coordination with DOT between publication of the DEIS and FEIS. Absent the identification and implementation of feasible mitigation measures that would mitigate the significant adverse impact to the north sidewalk on Canal Street between Lafayette and Centre Streets during the Saturday peak hour to the greatest extent practicable, the Proposed Actions would result in an unmitigated significant adverse pedestrian impact at this location.

Table S-4
Summary of Significant Pedestrian Impacts

Corridor/Intersection	Impacted Element	Peak Hour			
		Weekday AM	Weekday Midday	Weekday PM	Saturday
Canal Street between Lafayette and Centre Streets	North Sidewalk				X

Street User Safety

Under the *Vision Zero Manhattan Pedestrian Safety Action Plan* and the *Boroughs Pedestrian Safety Action Plan Update* released in 2019, much of the Project Area is located within a designated Priority Area where safety issues were found to occur systematically at an area-wide level. Canal Street between Bowery and Broadway, Houston Street from the FDR Drive to West Street, Second Avenue and Third Avenue are all currently identified as Priority Corridors. In addition, the intersections of Canal Street with Bowery, Lafayette Street and Varick Street were identified as Priority Intersections, as was the intersection of Bowery and Hester Street.

Crash data for intersections in the pedestrian study area were obtained from DOT for the three-year period between January 1, 2016, and December 31, 2018 (the most recent three-year period for which data are available). During this period, a total of 209 reportable and non-reportable crashes, 82 pedestrian/bicyclist-related injury crashes and no fatalities occurred at intersections in the pedestrian study area.

Under *CEQR Technical Manual* guidance, high crash locations are defined as those with 48 or more total reportable and non-reportable crashes or five or more pedestrian/bicyclist injury crashes occurring in any consecutive 12 months of the most recent three-year period for which data are available. A review of the crash data identified four study area intersections along the Canal Street corridor as high crash locations. The intersection of Broadway and Canal Street experienced five pedestrian/bicyclist injury crashes in 2016 and again in 2018; Centre Street and Canal Street experienced seven pedestrian/bicyclist injury crashes in 2017 and nine in 2018; Lafayette Street and Canal Street experienced seven pedestrian/bicyclist injury crashes in both 2016 and 2017; and Sixth Avenue/Laight Street and Canal Street experienced six pedestrian/bicyclist injury crashes in 2016 and nine in 2018 (see **Table S-5**). Improvements to enhance pedestrian and cyclist safety, including high visibility crosswalks, pedestrian signals with countdown clocks and the deployment of Traffic Enforcement Agents (TEAs) have been implemented at all four of these intersections.

Table S-5
High Crash Locations

Intersection	Total Pedestrian/Bicycle Injury Crashes			Total Crashes (Reportable +Non-Reportable)		
	2016	2017	2018	2016	2017	2018
Broadway and Canal Street	5	4	5	10	10	23
Centre Street and Canal Street	1	7	9	3	11	19
Lafayette Street and Canal Street	7	7	3	15	14	14
Sixth Ave/Laight Street and Canal Street	6	3	9	13	11	39

PARKING

Development associated with the Proposed Actions would generate a net incremental parking demand of approximately 286 spaces in the weekday midday period (the peak period for commercial and retail demand), and 420 spaces overnight (the peak period for residential demand). In addition to generating new parking demand within the Project Area, new development on projected development sites under the Proposed Actions' RWCDS would displace five existing off-street public parking facilities, all but one of which operates 24-hours daily. Capacity at these five facilities currently totals approximately 474 spaces during daytime hours and 421 spaces overnight. The total incremental parking demand attributable to the Proposed Actions (new demand plus displaced capacity) would therefore be approximately 760 spaces in the weekday midday and approximately 841 spaces overnight. As it is assumed that under the Proposed Actions, no projected development site would include accessory parking, and no new off-street public parking capacity would be developed, this incremental demand would need to be accommodated in existing off-street public parking facilities or by on-street curbside parking. Consequently, the Proposed Actions may potentially contribute to, or result in, off-street and on-street parking shortfalls in the weekday midday and overnight periods in the 2031 With Action condition.

Under *CEQR Technical Manual* guidance for projects located in Manhattan, the inability of a proposed project or the surrounding area to accommodate future parking demands would be considered a parking shortfall, but would generally not be considered significant due to the magnitude of available alternative modes of transportation. Therefore, under the Proposed Actions, any project-related shortfalls in off-street and on-street parking spaces within the Project Area and its vicinity during the weekday midday and overnight periods would not be considered significant.

AIR QUALITY

The Proposed Actions would not result in any significant adverse air quality impacts on the surrounding community, and new development expected under the Proposed Actions would not be adversely affected by existing sources of air emissions in the Project Area.

The stationary source analyses determined that there would be no potential significant adverse air quality impacts from fossil fuel-fired heat and hot water systems at the projected and potential development sites. At certain sites, an (E) Designation (E-619) would be mapped in connection with the Proposed Actions to ensure that future developments would not result in any significant adverse air quality impacts from fossil fuel-fired heat and hot water systems emissions.

The analysis of existing manufacturing uses in the surrounding study area determined that emissions of air toxic compounds would not result in any potential significant adverse air quality impacts on the Proposed Project. An analysis of the cumulative health risk impacts of existing industrial sources on projected and potential development sites was performed. Maximum concentration levels at projected and potential development sites were found to be below the applicable health risk criteria. Large and major emissions sources within 1,000 feet of a projected or potential development site were also analyzed, and the analysis concluded that these sources would not result in significant adverse air quality impacts on any projected or potential development sites.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

The assessment of greenhouse gas (GHG) emissions estimates that the building energy and vehicle use associated with the Proposed Actions would result in up to approximately 24 thousand metric tons of carbon dioxide equivalent (CO_2e) emissions per year. It also found that the Proposed Actions are consistent with the applicable citywide GHG emissions reduction and climate change goals, and that there would be no significant adverse GHG emission or climate change impacts.

The Proposed Actions involve zoning changes that would affect privately owned properties. Decisions regarding construction and building design for those sites, which would affect energy use and GHG emissions, would be made by the property developers in accordance with the City's building code requirements in effect at the time. The City is addressing citywide building energy efficiency and other GHG-related design questions through its ongoing long-term GHG policy development and implementation process.

The Proposed Actions would support other GHG goals by virtue of its density and location in an area well-served by transit, its proximity to the Downtown Manhattan and Lower Manhattan Central Business Districts, and through requirements to utilize natural gas in new developments (i.e., natural gas would be required to address the air quality [E] Designations). As compared to the No Action condition, the Proposed Actions would provide opportunities for increased residential density, including affordable housing, and space for new jobs in an area with very good transit access. These changes could potentially result in less GHG emissions associated with auto use and suburban sprawl, and can also serve to lessen the pressure of rising rents in the area by increasing the supply of housing, including a substantial amount of affordable housing. Therefore, the Proposed Actions would align with the City's emissions reduction goals, as defined in the *CEQR Technical Manual*.

Regarding resilience to potential climate conditions, the City's long-term process for addressing coastal flooding risk in New York City may ultimately include large-scale projects providing coastal protection. The resilience of new development under the Proposed Actions, as described

in greater detail in the WRP consistency assessment statement (see **Appendix B**), would be required to meet the City's resiliency requirements of the City's Building Code through strategies such as elevating vulnerable uses within a building based on future projections of sea level rise and dry or wet flood-proofing. Therefore, the Proposed Actions would not adversely impact other resources (including ecological systems, public access, visual quality, water-dependent uses, infrastructure, and adjacent properties) due to climate change.

NOISE

The Proposed Actions would not result in any significant adverse noise impact.

The building attenuation analysis in the DEIS determined that the projected and potential development sites would require up to 35 dBA window/wall attenuation to meet *CEQR Technical Manual* interior noise level requirements. For projected and potential development sites, the attenuation requirements would be included in an (E) Designation (E-619) mapped in connection with the Proposed Actions.

PUBLIC HEALTH

The Proposed Actions would not result in any significant adverse public health impacts. The Proposed Actions would not result in unmitigated significant adverse impacts in the areas of air quality, operational noise, water quality, or hazardous materials. While the Proposed Actions could result in unmitigated construction noise impacts as defined by *CEQR Technical Manual* thresholds, a public health assessment was conducted and it was determined that the construction noise impact would not generate a significant adverse public health impact

NEIGHBORHOOD CHARACTER

The Proposed Actions would not result in a significant adverse impact on neighborhood character.

There are no significant adverse impacts from the Proposed Actions with respect to land use, zoning, and public policy; socioeconomic conditions; urban design and visual resources; or noise. Although the Proposed Actions would result in significant adverse impacts with respect to open space, historic resources, shadows, and transportation (pedestrian conditions and transit), these impacts would not result in a significant adverse impact to the determining elements of neighborhood character.

The Proposed Actions would facilitate development that would enhance the mixed-use and historic character of SoHo/NoHo. The Proposed Actions would replace outdated manufacturing zoning and rigid use restrictions, including ground floor use restrictions that do not allow retail and other storefront uses, with new zoning that promotes a greater mix of uses and supports economic recovery from the pandemic, business adaptation, and long-term resiliency. The broad range of uses would support existing businesses in SoHo/NoHo as they continue to operate, 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.

Within the SoHo–Cast Iron Historic District and Extension and the NoHo Historic District and Extension, the Proposed Actions would maintain existing density while allowing mixed-use infill developments and conversions that would be consistent with the height and form of existing historic buildings. In the Broadway-Houston Street and Canal Street corridors, wide corridors that are generally within historic districts and better served by transit, the Proposed Actions would increase density and facilitate building forms that are comparable to the taller and bulkier buildings that characterize these corridors. At the periphery of the Project Area and generally outside of

historic districts, the Proposed Actions would allow the greatest increases in density and allow the largest and tallest buildings. The NoHo-Bowery corridor and SoHo West and SoHo East—peripheral areas that are framed by wide streets and characterized by excellent transit access and a varied built context—would accommodate the most density. In these areas, the Proposed Actions would support housing production, including the provision of permanently affordable housing, and serve to better transition the historic districts in SoHo and NoHo with the adjacent neighborhoods beyond the Project Area.

CONSTRUCTION

The Proposed Actions would result in temporary disruptions in the surrounding area as a result of construction activity. Some of the construction-related disruptions would result in temporary significant adverse impacts on noise. In addition, the construction-related disruptions would result in significant adverse impacts on archaeological resources. Additional information for key technical areas is summarized below.

TRANSPORTATION

Construction travel demand is expected to peak in the first quarter of 2028, and the first quarter of 2029 was selected as a reasonable worst-case analysis period for assessing potential cumulative transportation impacts from operational trips for completed portions of the of the projected developments and construction trips associated with construction activities. Both of these periods are therefore analyzed for potential transportation impacts during construction.

Traffic

During construction, traffic would be generated by construction workers commuting via autos and by trucks making deliveries to projected development sites. In the 2028 peak construction period, construction traffic during the 6:00 to 7:00 AM and 3:00 to 4:00 PM construction peak hours is not expected to add 50 or more incremental trips at any intersection in proximity to the Project Area. Similarly, combined construction and operational traffic during the 2029 cumulative analysis period is also not expected to add 50 or more incremental trips at any intersection. Consequently, significant adverse traffic impacts are not expected to occur in either the 2028 peak construction period or the 2029 cumulative analysis period based on *CEQR Technical Manual* guidance.

Transit

In the 2028 peak construction period, the number of incremental construction trips by transit are not expected to exceed the 200-trip *CEQR Technical Manual* analysis threshold for a subway station or the 50-trip threshold for a bus analysis (per route, per direction) during any peak hour. In addition, construction worker transit trips would primarily occur outside of the AM and PM commuter peak periods when area transit facilities and services typically experience their greatest demand. As such, significant adverse transit impacts are not anticipated in the 2028 peak construction period.

During the 2029 analysis period for cumulative construction and operational travel demand, incremental construction worker subway and bus trips in the 6:00 to 7:00 AM and 3:00 to 4:00 PM construction peak hours combined with the net incremental increase in operational subway and bus trips from completed projected development sites would be substantially less than the net increase in operational subway and bus trips during the 8:00 to 9:00 AM and 5:00 to 6:00 PM commuter peak hours with full build-out of the Proposed Actions in 2031. Therefore, 2029 transit conditions during the 6:00 to 7:00 AM and the 3:00 to 4:00 PM construction peak hours are

expected to be generally better than during the analyzed commuter peak hours with full build-out of the Proposed Actions in 2031.

Consequently, there would be less likelihood of significant adverse subway station impacts during the 2029 cumulative analysis period than with full build-out of the projected development in 2031. It is anticipated that possible mitigation measures for the subway station stair impact at the Canal Street (A/C/E) station from the Proposed Actions' operational demand in 2031 will be evaluated with NYCT between the DEIS and FEIS, and that any such measures would also be effective at mitigating any potential impacts from construction subway trips during the 2029 construction and operational cumulative analysis period. Should any significant adverse subway station impact occur in this period, it would potentially remain unmitigated pending the implementation of practicable mitigation measures.

Lastly, as the Proposed Actions are not expected to result in significant adverse subway line haul or bus impacts, the smaller numbers of subway and bus trips that would be generated in the 2029 analysis period for cumulative construction and operational travel demand are similarly not expected to result in any significant adverse impacts to subway line haul conditions or bus services.

Pedestrians

In the 2028 peak construction period, it is estimated that there would be a net increment of approximately 470 construction workers on site daily. Pedestrian trips by these workers would be widely dispersed among the 13 projected development sites that would be under construction in this period. They would also primarily occur outside of the weekday AM and PM commuter peak periods and the weekday midday peak period when area pedestrian facilities typically experience the greatest demand. No single sidewalk, corner, or crosswalk is expected to experience 200 or more peak-hour trips, the threshold below which significant adverse pedestrian impacts are considered unlikely to occur based on *CEQR Technical Manual* guidance. Consequently, significant adverse pedestrian impacts in the 2028 peak construction period are not anticipated.

During the 2029 analysis period for cumulative construction and operational travel demand, incremental construction worker pedestrian trips in the 6:00 to 7:00 AM and 3:00 to 4:00 PM construction peak hours combined with the net incremental increase in operational pedestrian trips from completed projected development sites would be less than the net increase in operational pedestrian trips during the 8:30 to 9:30 AM and 5:00 to 6:00 PM operational peak hours with full build-out of the Proposed Actions in 2031. Therefore, 2029 pedestrian conditions during the 6:00 to 7:00 AM and the 3:00 to 4:00 PM construction peak hours are expected to be generally better than during the analyzed operational peak hours with full build-out of the Proposed Actions in 2031. As the Proposed Actions are not expected to result in significant adverse pedestrian impacts during the 8:30 to 9:30 AM and 5:00 to 6:00 PM operational peak hours, the smaller numbers of pedestrian trips that would be generated in the 6:00 to 7:00 AM and 3:00 to 4:00 PM construction peak hours in the 2029 analysis period for cumulative construction and operational travel demand are similarly not expected to result in any significant adverse pedestrian impacts.

Parking

Construction worker parking demand would total approximately 67 spaces in the midday in the 2028 peak construction period, and combined demand from construction workers and completed projected development sites would total approximately 148 spaces in the midday during the 2029 analysis period for cumulative construction and operational travel demand. Any shortfalls in on-street and off-street parking capacity that may result from this incremental demand in the 2028

peak construction period or the 2029 analysis period for cumulative construction and operational demand would not be considered significant adverse parking impacts under *CEQR Technical Manual* criteria due to the availability of alternative modes of transportation.

AIR QUALITY

Measures required to reduce pollutant emissions during construction include all applicable laws, regulations, and the City's building codes. These include dust suppression measures, idling restriction, and the use of ultra-low sulfur diesel (ULSD) fuel. With the implementation of these emission reduction measures, the dispersion modeling analysis of construction-related air emissions for both on-site and on-road sources determined that particulate matter ($PM_{2.5}$ and PM_{10}), annual-average nitrogen dioxide (NO_2), and carbon monoxide (CO) concentrations would be below their corresponding *de minimis* thresholds or National Air Quality Ambient Standards (NAAQS), respectively. Therefore, construction under the Proposed Actions would not result in significant adverse air quality impacts due to construction sources.

NOISE

Based on the projected construction predicted at each development site, construction-generated noise is expected to exceed the *CEQR Technical Manual* noise impact thresholds as well as result in "objectionable" and "very objectionable" noise level increases at some receptors. One peak construction period per year was analyzed at each development site from 2023 to 2031. Receptors where noise level increases were predicted to exceed the construction noise evaluation thresholds for extended durations were identified.

The noise analysis results show that the predicted noise levels due to construction could exceed the *CEQR Technical Manual* impact criteria throughout the Project Area, including at projected development sites that are completed and occupied while other nearby or adjacent projects are under construction. Construction could produce noise levels that would be noticeable and potentially intrusive during the most noise-intensive construction activities. While the highest levels of construction noise would not persist throughout construction, and noise levels would fluctuate resulting in noise increases that would be intermittent, these locations would experience construction noise levels whose magnitude and duration could constitute significant adverse impacts.

At locations predicted to experience an exceedance of the noise impact threshold criteria, the exceedances would be due principally to noise generated by on-site construction activities (rather than construction-related traffic). As previously discussed, the noise analysis examined the reasonable worst-case peak hourly noise levels resulting from construction in an analyzed month, and is therefore conservative in predicting increases in noise levels. Typically, the loudest hourly noise level during each month of construction would not persist throughout the entire month. Finally, this analysis is based on RWCDS conceptual site plans and construction schedules. It is possible that the actual construction may be of less magnitude, or that construction on multiple projected development sites may not overlap, in which case construction noise would be less than the analysis predicts.

HISTORIC AND CULTURAL RESOURCES

A Phase 1A Archaeological Documentary Study determined that all or portions of 21 lots on 17 projected and potential development sites are potentially archaeologically sensitive for resources associated with the 19th Century occupation of the Project Area. The Phase 1A Study recommended additional archaeological analysis for certain development sites, including Phase 1B Archaeological Testing and continued consultation with LPC to determine the presence or

absence of any resources on these sites. The 21 lots are privately owned and are expected to be developed as-of-right subsequent to the proposed rezoning. As there is no mechanism in place to require a private landowner to conduct Phase 1B archaeological testing or to require the preservation or documentation of archaeological resources, should they exist, the Proposed Actions would result in significant adverse impacts on archaeological resources on the 17 projected and potential development sites with archaeological sensitivity. Construction activities on the 21 archaeologically sensitive lots on 17 projected and potential development sites would result in significant adverse construction-related impacts on archaeological resources on those parcels. Construction activities on the projected and potential development sites that were not identified as potentially archaeologically sensitive would not result in significant adverse construction-related impacts on archaeological resources.

Construction activities would affect 14 individually listed NYCLs, nine S/NR-listed buildings, one NHL, and buildings within the five designated NYCHDs and/or S/NR-listed historic districts that are located within 90 feet of projected and potential development sites. To avoid potential adverse impacts to historic architectural resources from construction-related activities, a CPP would be prepared in consultation with LPC of any excavation or construction activities on the projected and potential development sites where there are NYCLs and/or S/NR-listed historic resources that are located within 90 feet of these development sites. Historic resources included in the SoHo-Cast Iron Historic District and Extension, the NoHo Historic District and Extension, the Bowery Historic District, and the Chinatown and Little Italy Historic District are also located within 90 feet of the projected or potential development sites, and are subject to the protections of DOB's *TPPN #10/88*. With the protective measures of a CPP in place, no significant adverse construction-related impacts would occur to these resources.

J. MITIGATION

The Proposed Actions would result in significant adverse impacts related to open space, shadows, historic and cultural resources (architectural and archaeological resources), transportation (pedestrians and transit), and construction (noise). Mitigation measures being proposed to address those impacts, where feasible and/or practical, are discussed below. If no possible mitigation can be identified, an unavoidable significant adverse impact would result.

OPEN SPACE

The Proposed Actions would result in a significant adverse impact associated with the total, active, and passive open space ratios. Measures being considered by DCP to mitigate these significant adverse open space impact include the creation of additional passive open space in or near the Project Area or the provision of funding for open space improvements to partially mitigate the significant adverse open space impact. These measures will continue to be explored by DCP in consultation with the New York City Department of Parks and Recreation (NYC Parks) between the DEIS and FEIS. In addition, the Proposed Actions would also result in a direct significant adverse shadow impact to two open space resources. Mitigation measures for these significant adverse impact shadow impacts are summarized below."

SHADOWS

The Proposed Actions would result in significant adverse shadow impacts to six sunlight-sensitive resources: The Most Precious Blood Church on Baxter Street, the Merchant's House Museum on East Fourth Street, Grand Canal Court at Canal Street and Sixth Avenue, a Greenstreets space next to the Grand Canal Court, Petrosino Square at Centre and Spring Streets, and a planned future

open space on East 4th Street between Lafayette Street and Bowery. Each of these impacts and the potential for mitigation is described below. In each case, these mitigation measures are to be further explored in consultation with LPC or NYC Parks between publication of the DEIS and FEIS. If feasible mitigation is found, the impacts will be considered partially mitigated. In the absence of feasible mitigation, each significant adverse shadow impact would remain unavoidable.

MOST PRECIOUS BLOOD CHURCH

This church, listed on the State and National Registers of Historic Places (S/NR-listed), has large stained-glass windows on its front (west), Baxter Street façade and a row of stained-glass windows on its south façade, both of which face projected development sites, primarily Projected Development Site 27. The stained-glass windows would not be subject to any new shadows in winter but would receive an hour and a half of new shadow on March 21 and September 21 afternoons and 3 to 3 ½ hours of new shadow on late spring and summer afternoons. The new shadow would cover large portions of the windows at times and would eliminate the remaining sun on the windows for 50 minutes to an hour in the late afternoons of the spring, summer, and fall months.

The *CEQR Technical Manual* identifies potential mitigation strategies to reduce or eliminate, to the greatest extent practicable, adverse shadow impacts to sunlight-sensitive architectural features, including changes to the bulk or configuration of projected or potential development sites that cause or contribute to the adverse impact. For adverse impacts to stained-glass windows, potential mitigation measures could also include the provision of artificial lighting to simulate the effect of direct sunlight or implementing some other mutually agreed-upon measure to improve the clarity of the sunlight and ambient light reaching the interior sanctuary. Between the DEIS and FEIS, DCP will continue to examine options that would reduce or eliminate this impact.

MERCHANT'S HOUSE MUSEUM REAR GARDEN

The Merchants House and Museum Garden is both a New York City and a National Historic Landmark and is under the jurisdiction of NYC Parks and open six days a week in the afternoons, to members (for free) and visitors (for a fee) can enjoy the house by appointment only. The rear yard garden has lush plantings, flower beds, and marble benches, and is enclosed by high walls. The walls and the townhouse itself cast shadows on the garden; however, in the No Action condition, the garden receives sun in the late morning and early afternoon, particularly in the spring, summer, and fall. With the Proposed Actions, the west-adjacent Potential Development Site J would cast new shadow on the garden during these times throughout the year, for approximately an hour up to an hour and 45 minutes, depending on the season, eliminating all the sunlight for most of these periods.

Following the guidelines of the *CEQR Technical Manual*, potential mitigation measures for a historic garden could potentially include a modification of the height or bulk configuration of Potential Development Site J to reduce or avoid incremental shadow; evaluating the feasibility of relocating sensitive plantings or uses to locations within the garden less affected or unaffected by incremental shadow; modifying the layout of the garden to minimize the effects of the incremental shadow on sensitive plantings or uses; and replacing plantings in the affected area with similar but more shade-tolerant plantings. Between the DEIS and FEIS, DCP will continue to examine options with NYC Parks that would reduce or eliminate this impact.

GRAND CANAL COURT

Grand Canal Court is a full-size basketball court with benches, trees, and a high chain-link fence around the perimeter. The Proposed Actions would result in new shadows, primarily from Projected Development Sites 5 and 6, lasting for three to four hours in the morning in every season. In fall, winter, and early spring, incremental shadow from Projected Development Site 6 would fall to the north and shadow areas of the court at times and in winter would eliminate remaining sun for nearly two hours. In late spring and summer months, incremental shadow from Projected Development Site 5 would fall to the southwest across the space early in the early morning for two to three hours, at times eliminating most or all the remaining sun until about 8:00 AM (9:00 AM EDT).

The *CEQR Technical Manual* identifies several different measures that could mitigate significant adverse shadow impacts on open spaces. With regard to passive and active open space uses, such as those in Grand Canal Court, these measures can include modifying the height, shape, size, or orientation of Projected Development Sites 5 and 6 to eliminate or reduce the extent and duration of incremental shadow on the court; relocating the affected features or uses to another location unaffected by the new shadows within the open space or to another nearby location or replacement facility, if feasible; and providing improvements that would enhance the usability, condition, or attractiveness of the open space. Between the DEIS and FEIS, DCP will continue to examine options with NYC Parks that would reduce or eliminate this impact.

GREENSTREET BETWEEN THOMPSON STREET AND CANAL STREET

This triangular of sidewalk—where Canal Street, Sixth Avenue, and Thompson Street meet—contains several trees in tree pits. The trees appear to be four Japanese zelkova and one northern pin oak. Both species generally require full sun, i.e., a minimum of six hours. There are no benches or other amenities. In the spring, summer, and fall, incremental shadow primarily from Projected Development Site 6 would fall on the space for four to five hours throughout the morning, covering much or all of the space at times, particularly in the March to May and July to September periods. In addition, Projected Development Site 7 would contribute substantial incremental shadow on the March 21/September 21 analysis day. Given these species' sun requirements and the generally stressed nature of this location, in small pits surrounded by traffic, the new shadows would likely cause significant adverse impacts to the health of these trees.

The *CEQR Technical Manual* identifies potential mitigation strategies to reduce or eliminate, to the greatest extent practicable, adverse shadow impacts to open spaces. With regard to plantings, such as the trees in this space, these measures include modifying the height or bulk configuration of Projected Development Sites 6 and 7 to reduce incremental shadow on the space; relocating or replacing the plantings; or undertaking additional maintenance to reduce the likelihood of species loss. Between the DEIS and FEIS, DCP will continue to examine options with NYC Parks that would reduce or eliminate this impact.

PETROSINO SQUARE

This small but heavily used City park at Centre and Spring Streets is a passive space with as seating benches, water fountains, trees, and landscaping. In the late spring and summer, shadow primarily from Projected Development Site 28, and to a lesser degree from Potential Development Site GG, would enter the northern part of the park at about 2:30 PM (3:30 PM EDT) and move eastward. This incremental shadow would eliminate the remaining sun on the northern third of the park from 4:00 PM to 5:00 PM on May 6/August 6 (5:00 PM to 6:00 PM EDT) and on June 21 from 4:30 PM to about 6:00 PM (5:30 PM to 7:00 PM EDT). Total duration of incremental shadow

on these dates would be 2½ to 3½ hours, depending on the month, and for nearly half of that period the incremental shadow would eliminate the remaining sunlit area on the north side of the park.

The *CEQR Technical Manual* identifies potential measures that could mitigate significant adverse shadow impacts on open spaces. With regard to this park, such measures could include relocating or replacing the bench seating in the affected area to another location in the park; providing improvements to enhance the attractiveness or condition of the bench seating or other passive amenities in the park; relocating or replacing plantings; or undertaking additional maintenance to reduce the likelihood of species loss. Between the DEIS and FEIS, DCP will continue to examine options with NYC Parks that would reduce or eliminate this impact.

BOWERY & EAST 4TH STREET PLANNED OPEN SPACE

A new publicly accessible open space will be developed on East 4th Street between Lafayette Street and Bowery (east-adjacent to the Merchant's House Museum and Garden, see above) as part of a DEP infrastructure project. This space will be mostly paved with a small turf oval in the center, and planted buffers and benches around the west, north, and east perimeters. Incremental shadow would fall on this space in all seasons. In the fall, winter, and early spring, incremental shadow primarily from Projected Development Site 13 would fall on the space in the late morning and midday hours. Incremental shadow from Projected Development Site 2 would fall on the space in the late afternoon for 90 minutes in the fall and early spring. In the late spring and summer months, incremental shadow from Potential Development Site J would fall on the space in the mid-to late afternoons.

Potential measures that could mitigate the significant adverse shadow impact to this park could include modifying the height or bulk configuration of Projected Development Sites 13, 1, and 2; planting shade-tolerant plantings in the sections of the space affected by incremental shadow occurring during the growing season (represented by the May 6/August 6, June 21, and to a lesser extent March 21/September 21 analysis days); locating the bench seating in the areas of the space least affected by incremental shadow; or providing improvements to enhance the attractiveness or condition of the bench seating or other passive amenities in the park. Between the DEIS and FEIS, DCP will continue to examine options with NYC Parks that would reduce or eliminate this impact.

Potential mitigation strategies to reduce or eliminate, to the greatest extent practicable, adverse shadow impacts to sunlight-sensitive architectural features, including changes to the bulk or configuration of projected or potential development sites that cause or contribute to the adverse impact. For adverse impacts to stained-glass windows, potential mitigation measures could also include the provision of artificial lighting to simulate the effect of direct sunlight or implementing some other mutually agreed-upon measure to improve the clarity of the sunlight and ambient light reaching the interior sanctuary.

Each of these impacts and the potential for mitigation is described below. In each case, these mitigation measures are to be further explored in consultation with LPC or NYC Parks between publication of the DEIS and FEIS. If feasible mitigation is found, the impacts will be considered partially mitigated. In the absence of feasible mitigation, each significant adverse shadow impact would remain unavoidable.

HISTORIC AND CULTURAL RESOURCES

ARCHAEOLOGICAL RESOURCES

The Proposed Actions have the potential to result in an unmitigated significant adverse archaeology impact associated with all or portions of the 21 lots on 17 potential and projected development

sites. Since these sites under private ownership, there is no mechanism to require a developer to conduct archaeological testing or require the preservation or documentation of archaeological resources, should they exist, and therefore, these significant adverse impacts would be unmitigated.

ARCHITECTURAL RESOURCES

The Proposed Actions would result in direct significant adverse impacts due to the demolition of buildings within the S/NR-listed portion of the SoHo Historic District, the Bowery Historic District (S/NR-listed), and the Chinatown and Little Italy Historic District (S/NR-listed). In addition, significant adverse indirect contextual impacts could occur as a result of the addition of new buildings on projected and potential development sites that could adversely affect the setting and context of the Bowery Historic District as well as the Samuel Tredwell Skidmore House (S/NR-listed, NYCL) and the Old Merchant's House (NHL, S/NR-listed, NYCL, NYCL Interior).

TRANSPORTATION

TRANSIT

The Proposed Actions would result in significant adverse impacts to one street stair in the AM and PM peak hours at the Canal Street (A/C/E) subway station on the Eighth Avenue Line. Stairway widening is the most common form of mitigation for significant stairway impacts, provided that NYCT deems it practicable (i.e., that it is worthwhile to disrupt service on an existing stairway to widen it and that a given platform and sidewalk affected by such mitigation are wide enough to accommodate the stairway widening). Another potential mitigation measure would be to add vertical capacity (i.e., adding an elevator, escalator, or additional stairway) in the vicinity of the impacted stairway. In the absence of practicable mitigation measures, the significant adverse impact to the street stairs at the Canal Street (A/C/E) subway station in the AM and PM peak hours would remain unmitigated. DCP, as lead agency, will explore potential mitigation measures in coordination with NYCT between publication of the DEIS and FEIS. Absent the identification and implementation of feasible mitigation measures that would mitigate the subway stair to the greatest extent practicable, the Proposed Actions would result in unmitigated significant adverse subway station impacts.

PEDESTRIANS

The Proposed Actions would result in a significant adverse impact to the north sidewalk on Canal Street between Lafayette and Centre Streets during the Saturday peak hour at a location where pedestrian flow is constrained by the presence of a subway station elevator structure. While relocation of the subway station elevator is not practicable, DCP, as lead agency, will further explore potential mitigation measures in coordination with DOT between publication of the DEIS and FEIS. Absent the identification and implementation of feasible mitigation measures that would mitigate the significant adverse impact to the north sidewalk on Canal Street between Lafayette and Centre Streets during the Saturday peak hour, the Proposed Actions would result in an unmitigated significant adverse pedestrian impact at this location.

CONSTRUCTION

The conceptual construction schedule conservatively accounts for overlapping construction activities at development sites in proximity to one another to capture the cumulative nature of construction impacts with respect to number of worker vehicles, trucks, and construction equipment at any given time, within reasonable construction scheduling constraints for each of the

development sites in the rezoning area. Because the analysis is based on construction phases, it does not capture the natural daily and hourly variability of construction noise at each receptor. The level of noise produced by construction fluctuates throughout the days and months of the construction phases, while the construction noise analysis is based on the worst-case time periods only, which is conservative.

Construction of each projected or potential development would be required to meet the requirements of the New York City Noise Control Code for construction noise control. To meet these requirements, specific noise control measures would be incorporated in noise mitigation plan(s) required under the New York City Noise Control Code. These measures could include a variety of source and path controls.

The following mitigation measures beyond those required under the New York City Noise Control Code could further partially mitigate significant adverse impacts (and substantially reduce construction-related noise levels) at some locations:

- Noise barriers constructed from plywood or other materials at a height of 12 to 16 feet utilized to provide shielding;
- Utilization of isolation pads between the pile driver hammer and piles;
- Acoustical shrouds surrounding the pile driver hammer and piles;
- Electric cranes or cranes with exhaust silencers that have lower noise emission levels; and
- Excavators with exhaust silencers that have lower noise emission levels.

The measures presented above would address the pieces of construction equipment that would produce the highest noise levels. However, even with the mitigation measures described, significant adverse construction noise impacts associated with the construction of some projected and potential development sites would be unavoidable and remain unmitigated.

K. ALTERNATIVES

NO ACTION ALTERNATIVE

The No Action Alternative examines the future conditions in the 2031 build year in the Project Area under the existing zoning and assumes that none of the proposed discretionary approvals are adopted. Under the No Action Alternative, the Project Area would not be rezoned, MIH would not apply to the Project area, and much of the SoHo/NoHo neighborhood would remain largely unchanged.

Under the No Action Alternative, it is expected that current land use trends and general development patterns would continue. These trends and patterns are characterized by a mix of uses and primarily include commercial office and mixed-use residential and commercial retail buildings including four planned developments that are currently under construction or proposed to be developed and are expected to add up to 91 new residents and 256 new workers by 2031.

NO UNMITIGATED SIGNIFICANT ADVERSE IMPACTS ALTERNATIVE

The No Unmitigated Significant Adverse Impacts Alternative examines a scenario in which the density and other elements of the Proposed Actions are modified to avoid the unmitigated significant adverse impacts associated with the Proposed Actions, which include impacts related to open space, shadows, historic and cultural resources (architectural and archaeological resources), transportation (transit and pedestrian), and construction (noise).

While this alternative would not result in any unmitigable significant adverse impacts, to eliminate all unmitigated significant adverse impacts, the alternative would also require substantial modifications in the program such that the goals and objectives of the Proposed Actions would not be fully realized.

OPEN SPACE

The Proposed Actions would result in a significant adverse quantitative impact with respect to the total, active, and passive open space ratios. Partial mitigation measures being considered to address the significant adverse open space impact include improvements to existing parks to allow for expanded programming and enhanced usability. Because these measures would only partially mitigate the significant adverse impact, even with the implementation of these measures, the impact would not be fully mitigated. For a study area that exhibits a low open space ratio, changes as low as 1 percent can result in a significant adverse impact. Housing production is a primary goal of the Proposed Actions. Approximately 1,870 new housing units are anticipated to result under the zoning changes. To eliminate the impact, the number of residential units would need to be reduced to approximately 892 DUs (a reduction of approximately 50 percent). Such a reduction would result in a decrease of less than 1 percent of the open space ratio. However, such a reduction would not facilitate the provision of housing, including a substantial amount of affordable housing, which is one of the goals of the Proposed Actions.

SHADOWS

The Proposed Actions would result in significant adverse shadow impacts to the Most Precious Blood Church on Baxter Street, the Merchant's House Museum on East 4th Street, Grand Canal Court at Canal Street and Sixth Avenue, a Greenstreet space next to the Grand Canal Court, Petrosino Square at Centre and Spring Streets, and a planned future park on East 4th Street. As discussed in greater detail below, a total of eight projected development sites and one potential development sites would have to be substantially reduced in both floor area and height to fully eliminate any significant shadow impacts. Of those, seven of the development sites would have to be reduced by at least half in height. These substantial reductions would result in the loss of needed housing, including affordable housing, and would not meet the goals of the Proposed Actions.

Most Precious Blood Church

The Most Precious Blood Church is S/NR-listed, and has large stained-glass windows on its west façade facing Baxter Street as well as a row of stained-glass windows on its south façade—both of which face Projected Development Site 27 (180 feet in height) on the northwest corner of Canal and Baxter Streets. Under the Proposed Actions, the stained-glass windows of the church would be impacted by an hour and a half of new shadow on March 21 and September 21 afternoons and three to three-and-a-half hours of new shadow on late spring and summer afternoons. The new shadow would cover large portions of the windows at times and would eliminate the remaining sun on the windows for 50 minutes to an hour in the late afternoons of the spring, summer, and fall months.

In the No Action condition, the existing building occupying Projected Development Site 27 is a six-story, approximately 90-foot-tall building (including rooftop bulkheads) that casts shadow on the slightly shorter church in the late afternoons. Any additional height at that site beyond the existing building's height would increase the time that the stained-glass windows would be entirely in shadow in the late afternoon—and the windows would partially be in shadow before that. For example, adding more than a single story to the existing building would cause a significant reduction in direct sunlight on the church's windows in the spring, summer, and fall

months. Therefore, while this alternative has this impact, a reduction in height to avoid or mitigate the impact would result in the loss of needed housing, including affordable housing, that would compromise the goals of the Proposed Actions.

Merchant's House Museum Rear Garden

Both an NYCL and NHL, this 1832 rowhouse is now a museum under the jurisdiction of NYC Parks and is open to the public six days a week in the afternoons. The rear garden contains plantings, flower beds, and marble benches, and is enclosed by high walls. The walls and the townhouse itself cast shadows on the garden. However, in the No Action condition, the garden gets substantial sun in the late morning and early afternoon, particularly in the spring, summer, and fall months. Under the Proposed Actions, the west-adjacent Potential Development Site J (160 feet in height) would cast new shadow on the garden during these times throughout the year for approximately an hour up to an hour 45 minutes, depending on the season, eliminating all the sunlight for most of these periods.

In the No Action condition, the existing building occupying the adjacent Potential Development Site J is a one-story, approximately 15-foot-tall garage, roughly the same height as the garden's west wall that abuts the garage. Any additional height at that site would cast new shadow on the garden in the early afternoon. Potential development at Site J would have to be limited to approximately 60 feet in height to avoid a significant shadow impact on May 6/August 6 and June 21, and limited to a height of 40 feet to avoid a significant shadow impact on the March 21 and September 21 analysis day when shadows are longer. Such a substantial reduction in the height of proposed development at Potential Development Site J would result in a reduction in housing, including affordable housing, and would compromise the goals of the Proposed Actions.

Grand Canal Court

This City open space has active space with a full-size basketball court, and passive space with benches, trees, and a high chain-link fence around the perimeter. The Proposed Actions would create substantial new shadows, primarily from Projected Development Sites 5, 6, and 7, lasting for up to between three and four hours in the morning in every season. In fall, winter, and early spring, incremental shadow from Projected Development Sites 6 and 7 would fall to the north and shade large areas of the court at times and in winter would eliminate remaining sun for nearly two hours. In late spring and summer months, incremental shadow from Projected Development Site 5 would fall to the southwest across the space early in the morning for two to three hours, covering a large area at times and eliminating most or all the remaining sun until about 8:00 AM (9:00 AM EDT).

Projected Development Sites 5, 6, and 7 are all on the block east-adjacent to Grand Canal Court. To avoid significant shadow impacts to the park, development on the three sites would have to be approximately half the size currently proposed in the RWCDS—i.e., approximately 120 feet, 80 feet, and 80 feet, respectively. This substantial reduction in the height and floor area at the three projected development sites would result in the loss of needed housing, including affordable housing, and would compromise the goals of the Proposed Actions.

Greenstreet Between Thompson Street and Canal Street

This is a small triangular Greenstreet space located where Canal Street, Sixth Avenue, and Thompson Street meet. It has four Japanese zelkova and one northern pin oak that generally require about six hours of sun per day. There are no benches or other amenities. In the spring, summer, and fall, incremental shadow, primarily from Projected Development Site 6, would fall on the space for four to five hours, throughout the morning, covering much or all of the space at

times, particularly in the March to May and July to September periods. Given these species' sun requirements and the generally stressed nature of this location, in small pits surrounded by traffic, the new shadows would likely cause significant adverse impacts to the health of these trees.

In the No Action condition, the existing building on Projected Development Site 6 is about 25 feet tall. Given the location of this site relative to the open space, essentially any new development on that site taller than the existing building would result in new incremental shadow falling on one or more of the trees reducing the exposure to sunlight in the early spring and fall (e.g., the March 21/September 21 analysis day). In addition, to avoid a significant shadow impact on this analysis day, Projected Development Site 7 would have to be limited in height of about 100 feet, rather than the 160 feet proposed in the RWCDS. This substantial reduction in the height and floor area at these two projected development sites would result in the loss of needed housing, including affordable housing, and would not meet the goals of the Proposed Actions.

Petrosino Square

This small City park at Centre and Spring Streets provides seating with benches, water fountains, trees, and landscaping. In the late spring and summer, shadow cast on this park primarily from Projected Development Site 28 and to a lesser extent from Potential Development Site GG would affect the park for a total duration of incremental shadow from 2½ to 3½ hours, depending on the month, and for nearly half of that period the incremental shadow would eliminate the remaining sunlit area on the north side of the park resulting in a significant adverse impact to this park.

Projected Development Site 28 and Potential Development Site GG are adjacent, and the northern part of the park is across Lafayette Street to the east. In the No Action condition, the existing buildings on the two development sites are two and three stories, and taller existing buildings flank the development sites to the north and south. In the late afternoons of the late spring and summer months, when shadows are longer, virtually any new development on Projected Development Site 28 taller than the existing buildings on that site would add new shadow, significantly reducing the limited sunlight at that time on both the May 6/August 6 and June 21 analysis dates. However, any substantial reduction in the height and floor area at these two projected development sites would result in the loss of needed housing, including affordable housing, and would compromise the goals of the Proposed Actions.

Bowery & East 4th Street Planned Open Space

A planned open space will be developed on East 4th Street between Lafayette Street and Bowery (east-adjacent to the Merchant's House Museum and Garden, see above) as part of a DEP infrastructure project. The open space will be mostly paved with a small turf oval in the center, and planted buffers and benches around the west, north, and east perimeters. Incremental shadow would fall on this park in all seasons, with the greatest impact occurring in fall, winter, and early spring, when shadows from Projected Development Sites 13, 1, and 2, all located on the block south of the park, would cast shadows in the late mornings and midday hours, and, in the fall and early spring, in the late afternoon. These shadows would eliminate much of the remaining sun for most of the affected period, and all the remaining sun at times.

Projected Development Site 13 is the nearest to the park, and the tallest, at 260 feet including rooftop bulkhead; this development would have to be reduced by approximately two-thirds, down to a height of approximately 80 feet, to avoid contributing to the significant impact on the park. Project Development Sites 1 and 2, at 210 feet and 185 feet respectively, would have to be reduced to approximately 160 feet and 125 feet, respectively, reductions in height of approximately a

quarter and a third. These reductions in height and floor area and the resulting loss of needed housing, including affordable housing, would compromise the goals of the Proposed Actions.

HISTORIC AND CULTURAL RESOURCES

Archaeological Resources

A Phase 1A Archaeological Documentary Study identified all or portions of 21 lots on 17 potential and projected development sites as archaeologically sensitive for resources associated with the 19th century. The Phase 1A Study recommended additional archaeological analysis for certain development sites, including Phase 1B Archaeological Testing and continued consultation with LPC and submission and concurrence of all required work plans for any necessary phases of archaeological inquiry.

All of these sites are under private ownership and could be developed as-of-right subsequent to the proposed rezoning. Since these sites are privately owned, there is no mechanism to require a developer to conduct archaeological testing or require the preservation or documentation of archaeological resources, should they exist. Since there is no mechanism to avoid or mitigate these potential impacts, the No Unmitigated Adverse Impact Alternative would require no development on all or portions of 21 lots on 17 potential and projected development sites.

Architectural Resources

The Proposed Actions which would result in direct significant adverse impacts to the S/NR-listed portion of the SoHo Historic District, the S/NR-listed Bowery Historic District, and the S/NR-listed Chinatown and Little Italy Historic District as a result of the demolition of contributing resources to these historic districts. The No Unmitigated Adverse Impacts Alternative would not involve the demolition and redevelopment of projected and potential development sites within these S/NR-listed historic districts. . .

The Proposed Actions have the potential to result in indirect significant adverse impacts to the S/NR-listed Bowery Historic District, as well as the Samuel Tredwell Skidmore House and the Old Merchant's House by constructing taller and larger buildings in close proximity to these architectural resources that could adversely alter the context of these resources. Because the demolition and redevelopment of projected and potential development sites within the S/NR-listed Bowery Historic District would be a significant adverse direct impact, a No Unmitigated Adverse Impacts Alternative is not feasible to eliminate an indirect impacts to this historic resource. To eliminate the indirect significant adverse impacts the Samuel Tredwell Skidmore House and the Old Merchant's House, the No Unmitigated Adverse Impacts Alternative would require the development of buildings of a reduced height and form on the projected and potential development sites located in close proximity to these individual historic resources.

TRANSPORTATION

Transit

The Proposed Actions would result in significant adverse impacts to street stair S6/M8 at the Canal Street (A/C/E) subway station on the Eighth Avenue Line in the AM and PM peak hours. Stairway widening is the most common form of mitigation for significant stairway impacts, provided that NYCT deems it practicable (i.e., that it is worthwhile to disrupt service on an existing stairway to widen it and that a given platform and/or sidewalk affected by such mitigation are wide enough to accommodate the stairway widening). Another potential mitigation measure would be to add

vertical capacity (i.e., adding an elevator, escalator or additional stairway) in the vicinity of the impacted stairway.

Widening stair S6/M8 from the current 4.67 feet in width to 7.5 feet would fully mitigate the significant adverse impact to this stair. DCP, as lead agency, will explore potential mitigation measures in coordination with NYCT between publication of the DEIS and FEIS. Absent the identification and implementation of feasible mitigation measures that would mitigate the stair impacts to the greatest extent practicable, the Proposed Actions would result in unmitigated significant adverse subway station impacts.

The incremental increase in subway trips at stair S6/M8 would be generated by Projected Development Sites 5, 6, 7, 20, 22 and 23. The significant adverse impact to this stair could be avoided by reducing the number of proposed housing units by up to 21 percent, or approximately 70 DUs and/or eliminating other non-residential components of the program on these sites. A reduction in the program of this magnitude for these projected development sites would, however, compromise the goals and objectives of the Proposed Actions.

Pedestrians

The Proposed Actions would result in a significant adverse pedestrian impact to the north sidewalk on Canal Street between Lafayette and Centre Streets in the Saturday peak hour. This impact is at a location where pedestrian flow is constrained by the presence of a subway station elevator located on the sidewalk adjacent to the curb. While no feasible mitigation has been identified for this impact, DCP, as lead agency, will further explore potential mitigation measures in coordination with DOT between publication of the DEIS and FEIS. Absent the identification and implementation of feasible mitigation measures that would mitigate the significant adverse impact to the north sidewalk on Canal Street between Lafayette and Centre Streets during the Saturday peak hour to the greatest extent practicable, the Proposed Actions would result in an unmitigated significant adverse pedestrian impact.

The incremental increase in pedestrian demand along the north sidewalk on Canal Street between Lafayette and Centre Streets would be generated by Projected Development Sites 9 and 10. The significant adverse impact to this sidewalk could be avoided by reducing the number of proposed housing units by up to 80 percent, or over 350 DUs and/or eliminating other non-residential components of the program on these two sites. A reduction of in the program of this magnitude for Projected Development Sites 9 and 10 would, however, compromise the goals and objectives of the Proposed Actions.

CONSTRUCTION

Increases in ambient noise levels exceeding *CEQR Technical Manual* impact criteria are expected at several locations in the Project Area during construction.

All construction activities would need to comply with the requirements of the *NYC Noise Control Code* (also known as Chapter 24 of the Administrative Code of the City of New York, or Local Law 113) for construction noise control measures. Specific noise control measures would also be incorporated in noise mitigation plan(s) required under the *NYC Noise Control Code*. These measures could include a variety of source and path controls to reduce noise levels at the source during the most sensitive time periods, such as the following:

- Equipment that meets the sound level standards specified in Subchapter 5 of the *NYC Noise Control Code* would be utilized from the start of construction.

- As early in the construction period as logistics would allow, diesel- or gas-powered equipment would be replaced with electrical-powered equipment such as welders, water pumps, bench saws, and table saws (i.e., early electrification) to the extent feasible and practicable.
- Where feasible and practicable, construction sites would be configured to minimize back-up alarm noise. In addition, all trucks would not be allowed to idle more than three minutes at the construction site based upon Title 24, Chapter 1, Subchapter 7, Section 24-163 of the *NYC Administrative Code*.
- Contractors and subcontractors would be required to properly maintain their equipment and mufflers.

In terms of path controls (e.g., placement of equipment, implementation of barriers or enclosures between equipment and sensitive receptors), the following measures would also be implemented to the extent feasible and practicable:

- Where logistics allow, noisy equipment, such as cranes, concrete pumps, concrete trucks, and delivery trucks, would be located away from and shielded from sensitive receptor locations.
- Noise barriers constructed from plywood or other materials would be erected to provide shielding; and
- Path noise control measures (i.e., portable noise barriers, panels, enclosures, and acoustical tents, where feasible) for certain dominant noise equipment would be employed to the extent feasible and practical based on the results of the construction noise calculations.

Implementation of these measures would not eliminate the identified significant adverse construction noise impacts during hours when the loudest pieces of construction equipment are in use. To completely avoid significant adverse construction noise impacts, project-generated construction would have to be restricted in such a manner so as to not be underway on the same block as, or within one to two blocks from, existing sensitive receptors, which would require elimination of the rezoning area in the vicinity of these sensitive receptors. Such a restriction would significantly reduce the proposed development and compromise the Proposed Actions' goals and objectives.

L. UNAVOIDABLE ADVERSE IMPACTS

The Proposed Actions would result in significant adverse impacts with respect to open space, shadows, historic and cultural resources, transportation, and construction. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation has been identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet the Proposed Actions' purpose and need, eliminate potential impacts, and not cause other or similar significant adverse impacts. In other cases mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated.

OPEN SPACE

The Proposed Actions would result in (indirect) significant adverse impacts related to the total, active, and passive open space ratios, and (direct) significant adverse impacts attributed to incremental shadows on two open space resources. The direct impacts related to shadows on the open space resources is discussed below under "Shadows."

Measures being considered to mitigate the significant adverse open space impacts include improvements to existing parks to allow for expanded programming and enhanced usability. Because these measures would only partially mitigate the significant adverse impact, even with

the implementation of these measures, the impact would not be fully mitigated. These measures will be explored by DCP in consultation with NYC Parks between the DEIS and FEIS. As noted above, the study area exhibits a very low open space ratio under existing conditions. Creating less project-generated demand for open space by reducing the amount of housing to eliminate the impact would not meet the goals and objectives of the Proposed Actions, which call for the provision of housing, including a substantial amount of needed affordable housing. In the absence of mitigation measures, the significant adverse open space impact would remain unmitigated and would constitute an unavoidable adverse impact of the Proposed Actions.

SHADOWS

The Proposed Actions would result in significant adverse impacts to six sunlight-sensitive resources, including two historic resources and four open spaces. Potential mitigation measures are summarized below. If feasible mitigation is found, the impacts will be considered partially or fully mitigated. In the absence of feasible mitigation, the significant adverse shadow impact to the church would be unavoidable.

MOST PRECIOUS BLOOD CHURCH

This church, listed on the State and National Registers of Historic Places (S/NR-listed), has large stained-glass windows on its front (west), Baxter Street façade and a row of stained-glass windows on its south façade, both of which face projected development sites, primarily Projected Development Site 27. The stained-glass windows would not be subject to any new shadows in winter but would receive an hour and a half of new shadow on March 21 and September 21 afternoons and 3 to 3½ hours of new shadow on late spring and summer afternoons. The new shadow would cover large portions of the windows at times and would eliminate the remaining sun on the windows for 50 minutes to an hour in the late afternoons of the spring, summer, and fall months. Potential mitigation measures could include the provision of artificial lighting to simulate the effect of direct sunlight or implementing some other mutually agreed-upon measure to improve the clarity of the sunlight and ambient light reaching the interior sanctuary. In the absence of feasible mitigation, the significant adverse impact would be considered unavoidable.

MERCHANT'S HOUSE MUSEUM REAR GARDEN

The Merchants House and Museum Garden is both a New York City and a National Historic Landmark and is under the jurisdiction of NYC Parks and open six days a week in the afternoons, to members (for free) and visitors (for a fee) can enjoy the house by appointment only. The rear yard garden has lush plantings, flower beds, and marble benches, and is enclosed by high walls. The walls and the townhouse itself cast shadows on the garden; however, in the No Action condition, the garden receives sun in the late morning and early afternoon, particularly in the spring, summer, and fall. With the Proposed Actions, the west-adjacent Potential Development Site J would cast new shadow on the garden during these times throughout the year, for approximately an hour up to an hour and 45 minutes, depending on the season, eliminating all the sunlight for most of these periods. Potential mitigation measures could include a modification of the height or bulk configuration of Potential Development Site J to reduce or avoid incremental shadow; evaluating the feasibility of relocating sensitive plantings or uses to locations within the garden less affected or unaffected by incremental shadow; modifying the layout of the garden to minimize the effects of the incremental shadow on sensitive plantings or uses; and replacing plantings in the affected area with similar but more shade-tolerant plantings. In the absence of feasible mitigation, the significant adverse impact would be considered unavoidable.

GRAND CANAL COURT

Grand Canal Court is a full-size basketball court with benches, trees, and a high chain-link fence around the perimeter. The Proposed Actions would result in new shadows, primarily from Projected Development Sites 5 and 6, lasting for three to four hours in the morning in every season. In fall, winter, and early spring, incremental shadow from Projected Development Site 6 would fall to the north and shadow areas of the court at times and in winter would eliminate remaining sun for nearly two hours. In late spring and summer months, incremental shadow from Projected Development Site 5 would fall to the southwest across the space early in the early morning for two to three hours, at times eliminating most or all the remaining sun until about 8:00 AM (9:00 AM EDT). Potential mitigation measures could include modifying the height, shape, size, or orientation of Projected Development Sites 5 and 6 to eliminate or reduce the extent and duration of incremental shadow on the court; relocating the affected features or uses to another location unaffected by the new shadows within the open space or to another nearby location or replacement facility, if feasible; and providing improvements that would enhance the usability, condition, or attractiveness of the open space. In the absence of feasible mitigation, the significant adverse impact would be considered unavoidable.

GREENSTREET BETWEEN THOMPSON STREET AND CANAL STREET

This triangular of sidewalk—where Canal Street, Sixth Avenue, and Thompson Street meet—contains several trees in tree pits. In the spring, summer, and fall, incremental shadow primarily from Projected Development Site 6 would fall on the space for four to five hours throughout the morning, covering much or all of the space at times, particularly in the March to May and July to September periods. In addition, Projected Development Site 7 would contribute substantial incremental shadow on the March 21/September 21 analysis day. Given the sun requirements of these trees and the generally stressed nature of this location, in small pits surrounded by traffic, the new shadows would likely cause significant adverse impacts to the health of these trees. Potential mitigation measures could include modifying the height or bulk configuration of Projected Development Sites 6 and 7 to reduce incremental shadow on the space; relocating or replacing the plantings; or undertaking additional maintenance to reduce the likelihood of species loss. In the absence of feasible mitigation, the significant adverse impact would be considered unavoidable.

PETROSINO SQUARE

This small but heavily used City park at Centre and Spring Streets is a passive space with as seating benches, water fountains, trees, and landscaping. In the late spring and summer, shadow primarily from Projected Development Site 28, and to a lesser degree from Potential Development Site GG, would enter the northern part of the park at about 2:30 PM (3:30 PM EDT) and move eastward. This incremental shadow would eliminate the remaining sun on the northern third of the park from 4:00 PM to 5:00 PM on May 6/August 6 (5:00 PM to 6:00 PM EDT) and on June 21 from 4:30 PM to about 6:00 PM (5:30 PM to 7:00 PM EDT). Total duration of incremental shadow on these dates would be 2½ to 3½ hours, depending on the month, and for nearly half of that period the incremental shadow would eliminate the remaining sunlit area on the north side of the park. Potential mitigation measures could include relocating or replacing the bench seating in the affected area to another location in the park; providing improvements to enhance the attractiveness or condition of the bench seating or other passive amenities in the park; relocating or replacing plantings; or undertaking additional maintenance to reduce the likelihood of species loss. In the absence of feasible mitigation, the significant adverse impact would be considered unavoidable.

BOWERY & EAST 4TH STREET PLANNED OPEN SPACE

A new publicly accessible open space is proposed by DEP on East 4th Street between Lafayette Street and Bowery (east-adjacent to the Merchant's House Museum and Garden) as part of a New York City Environmental Protection (DEP) infrastructure project. This space will be mostly paved with a small turf oval in the center, and planted buffers and benches around the west, north, and east perimeters. Incremental shadow would fall on this space in all seasons. In the fall, winter, and early spring, incremental shadow primarily from Projected Development Site 13 would fall on the space in the late morning and midday hours. Incremental shadow from Projected Development Site 2 would fall on the space in the late afternoon for 90 minutes in the fall and early spring. In the late spring and summer months, incremental shadow from Potential Development Site J would fall on the space in the mid-to late afternoons. Potential mitigation measure could include modifying the height or bulk configuration of Projected Development Sites 13, 1, and 2; planting shade-tolerant plantings in the sections of the space affected by incremental shadow occurring during the growing season (represented by the May 6/August 6, June 21, and to a lesser extent March 21/September 21 analysis days); locating the bench seating in the areas of the space least affected by incremental shadow; or providing improvements to enhance the attractiveness or condition of the bench seating or other passive amenities in the park. In the absence of feasible mitigation, the significant adverse impact would be considered unavoidable.

HISTORIC AND CULTURAL RESOURCES

ARCHITECTURAL RESOURCES

The Proposed Actions would result in direct significant adverse impacts to the portion of the S/NR-listed SoHo Historic District (which is not within the boundaries of the NYCHD SoHo-Cast Iron Historic District; the S/NR-listed Bowery Historic District; and the S/NR-listed Chinatown and Little Italy Historic District as a result of the demolition of contributing resources to these historic districts. These significant adverse impacts would be unavoidable, as the demolition of buildings within the S/NR-listed historic districts are not protected under the New York City Landmarks Law. The Proposed Actions could result in indirect significant adverse impacts to the S/NR-listed Bowery Historic District, the Samuel Tredwell Skidmore House (S/NR-listed, NYCL) and the Old Merchant's House (NHL, S/NR-listed, NYCL, NYCL Interior) by changing the setting of contributing resources in the Bowery Historic District and by constructing taller buildings that may not be similar to the existing built character of the architectural resources' settings. Because there is no mechanism to avoid or fully mitigate potential impacts at these sites, the significant adverse impact would be unmitigated and would constitute an unavoidable adverse impact of the Proposed Actions.

ARCHAEOLOGICAL RESOURCES

The Proposed Actions have the potential to result in an unmitigated significant adverse archaeology impact associated with all or portions of 17 potential and projected development sites. Since none of the 21 lots on the 17 projected and potential development sites identified as archaeologically sensitive are under the City's control, future development on these properties could occur on an as-of-right basis. There are no mechanisms in place to require that such development undertake archaeological analysis to determine the presence of archaeological resources. Because there is no mechanism to avoid or mitigate potential impacts at these sites, the significant adverse impact would be unmitigated and this would result in an unavoidable adverse impact.

TRANSPORTATION

TRANSIT

Under the Proposed Actions, street stair S6/M8 at the Canal Street (A/C/E) subway station on the Eighth Avenue Line would experience a significant adverse impact due to project-generated demand in both the AM and PM peak hours. Stairway widening is the most common form of mitigation for significant stairway impacts, provided that NYCT deems it practicable (i.e., that it is worthwhile to disrupt service on an existing stairway to widen it and that a given platform and sidewalk affected by such mitigation are wide enough to accommodate the stairway widening). Another potential mitigation measure would be to add vertical capacity (i.e., adding an elevator, escalator, or additional stairway) in the vicinity of the impacted stairway. In the absence of practicable mitigation measures, the significant adverse impact to the street stairs at the Canal Street (A/C/E) subway station in the AM and PM peak hours would remain unmitigated. DCP, as lead agency, will explore potential mitigation measures in coordination with NYCT between publication of the DEIS and FEIS. Absent the identification and implementation of feasible mitigation measures that would mitigate the subway stair to the greatest extent practicable, the Proposed Actions would result in unavoidable significant adverse subway station impacts.

PEDESTRIANS

The Proposed Actions would result in a significant adverse impact to the north sidewalk on Canal Street between Lafayette and Centre Streets during the Saturday peak hour. This impact would occur at a point where pedestrian flow is constrained by the presence of a subway station elevator located on the sidewalk adjacent to the curb.

Standard mitigation for projected significant adverse sidewalk impacts typically include relocating or removing street furniture or other impediments to pedestrian flow, and sidewalk widening. While relocation of the subway station elevator is not practicable, DCP, as lead agency, will further explore potential mitigation measures in coordination with DOT between publication of the DEIS and FEIS. Absent the identification and implementation of feasible mitigation measures, the significant adverse impact to the north sidewalk on Canal Street between Lafayette and Centre Streets during the Saturday peak hour would remain unmitigated, and this would constitute an unavoidable adverse pedestrian impact.

CONSTRUCTION

NOISE

Noise level increases exceeding *CEQR Technical Manual* impact criteria would occur at several locations throughout the rezoning area.

Construction activities would follow the requirements of the New York City Noise Control Code (also known as Chapter 24 of the Administrative Code of the City of New York, or Local Law 113) for construction noise control measures. Specific noise control measures would be incorporated in noise mitigation plan(s) required under the New York City Noise Control Code. These measures could include a variety of source and path controls. In terms of source controls (i.e., reducing noise levels at the source or during the most sensitive time periods), the following measures would be implemented in accordance with the New York City Noise Control Code:

- Equipment that meets the sound level standards specified in Subchapter 5 of the New York City Noise Control Code would be utilized from the start of construction.

- As early in the construction period as logistics would allow, diesel- or gas-powered equipment would be replaced with electrical-powered equipment such as welders, water pumps, bench saws, and table saws (i.e., early electrification) to the extent feasible and practicable.
- Where feasible and practicable, construction sites would be configured to minimize back-up alarm noise. In addition, all trucks would not be allowed to idle more than three minutes at the construction site based upon Title 24, Chapter 1, Subchapter 7, Section 24-163 of the New York City Administrative Code.
- Contractors and subcontractors would be required to properly maintain their equipment and mufflers.

In terms of path controls (e.g., placement of equipment, implementation of barriers or enclosures between equipment and sensitive receptors), the following measures for construction would be implemented to the extent feasible and practicable:

- Where logistics allow, noisy equipment, such as cranes, concrete pumps, concrete trucks, and delivery trucks, would be located away from and shielded from sensitive receptor locations.
- Noise barriers constructed from plywood or other materials would be erected to provide shielding; and
- Path noise control measures (i.e., portable noise barriers, panels, enclosures, and acoustical tents, where feasible) for certain dominant noise equipment would be employed to the extent feasible and practical based on the results of the construction noise calculations.

Construction activity is expected to follow the requirements of the New York City Noise Control Code. However, the implementation of these measures would not eliminate the identified significant adverse construction noise impacts predicted to occur during hours when the loudest pieces of construction equipment are in use. In order to completely avoid significant adverse construction noise impacts, project-generated construction would have to be restricted in such a manner so as to not occur on the same block as, or within one to two blocks from, existing sensitive receptors, which would require elimination of the proposed Project Area in the vicinity of these sensitive receptors. This would severely limit achievable development density and the Proposed Actions' goals and objectives. Because there is no mechanism to fully avoid or mitigate potential impacts while still accomplishing the Proposed Actions' goals, the significant adverse construction noise impact would be unmitigated and this would result in an unavoidable adverse impact.

M. GROWTH-INDUCING ASPECTS OF THE PROPOSED ACTIONS

The term "growth-inducing aspects" generally refers to "secondary" impacts of a proposed action that trigger further development outside the directly affected area. The 2020 *CEQR Technical Manual* indicates that an analysis of the growth-inducing aspects of a proposed action is appropriate when the project: (1) adds substantial new land use, residents, or new employment that could induce additional development of a similar kind or of support uses, such as retail establishments, to serve new residential uses; and/or (2) introduces or greatly expands infrastructure capacity.

The Proposed Actions would facilitate the development of residential space, including affordable housing; create new commercial, arts-related, and community facility space to support job creation; and preserve the existing neighborhood character of SoHo/NoHo. The Proposed Actions reflect the DCP's ongoing engagement process with the community to achieve the following land use 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.
- 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.

As detailed in Chapter 1, "Project Description," the Proposed Actions are expected to result in a net increase of approximately 1,829 projected DUs (including 382 to 573 affordable units); 61,789 gsf (51,752 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; 52,630 gsf (46,073 zsf) of potential destination retail space; and 16,272 gsf (14,156 zsf) of potential community facility space. The environmental consequences of this growth are the subject of Chapters 2 through 20 of this EIS.

The projected increase in residential population is likely to increase the demand for neighborhood services in the Project Area, ranging from community facilities to local goods and services. This would enhance the growth of local commercial corridors in the Project Area. The potential growth that would be generated by the Proposed Actions is taken into account as part of the RWCDS under the assumed commercial, arts-related, and community facility space. The Proposed Actions could also lead to additional growth in the City and State economies, primarily due to employment and fiscal effects during construction on the projected and/or potential development sites and operation of these developments after construction completion. However, this secondary growth would be expected to occur incrementally throughout the region and is not expected to result in any significant impacts in any particular area or at any particular site.

The Proposed Actions would result in more intensive land uses within the Project Area. However, it is not anticipated that the Proposed Actions would generate significant secondary impacts resulting in substantial new development in nearby areas. As stated in Chapter 3, "Socioeconomic Conditions," the Proposed Actions would not introduce a new economic activity that would alter existing economic patterns in the study area. As the study area includes portions of older surrounding Manhattan neighborhoods, it already has a well-established residential market and a critical mass of non-residential uses, including retail, light industrial, and community facility uses, and the Proposed Actions would not create the critical mass of uses or populations that would induce additional development outside of the Project Area. Therefore, the Proposed Actions would not induce significant new growth in the surrounding area.

N. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Resources, both natural and man-made, would be expended in the construction and operation of developments and open space projected to occur as a result of the Proposed Actions. These resources include the building materials used in construction; energy in the form of gas and electricity consumed during construction and operation of project-generated development by various mechanical and processing systems; and the human effort (time and labor) required to develop, construct, and operate various components of project-generated development. These are considered irretrievably committed because their reuse for some other purpose would be highly unlikely.

The projected and/or potential development under the Proposed Actions also constitutes a long-term commitment of land resources, thereby rendering land use for other purposes highly unlikely in the foreseeable future. However, the land use changes that would occur as a result of the Proposed Actions would be compatible in terms of use and scale with existing conditions and trends in the area as a whole. None of the projected or potential development sites possess any natural resource of significant value, and the sites are in large part developed or have been previously developed.

In addition, the public services anticipated to be provided in connection with the projected and/or potential development under the Proposed Actions (e.g., police and fire protection, public education, open space, and other City resources) also constitute resource commitments that might otherwise be used for other programs or projects. However, the Proposed Actions would allow new uses under the proposed zoning changes and produce economic growth that would generate substantial tax revenues providing a new source of public funds that would offset these expenditures.

The commitments of resources and materials are weighed against the benefits of the Proposed Actions. The Proposed Actions would promote new development, including residential development with significant amounts of permanently affordable housing, encourage new mixed-use development along key corridors, enhance and revitalize major thoroughfares through new economic activity, and preserve existing neighborhood character while promoting growth in key areas of the neighborhood. ✷