

CITY COUNCIL
LAND USE DIVISION



NYC COUNCIL

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DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

SPEAKER'S OFFICE

OFFICE OF THE DIRECTOR

March 18, 2013

City Council
City Hall
New York, NY 10007

Re: Application Nos. N 120381 (A) ZRM and C 120380 ZMM - CEQR No. 12DCP045M

Honorable Members of the Council:

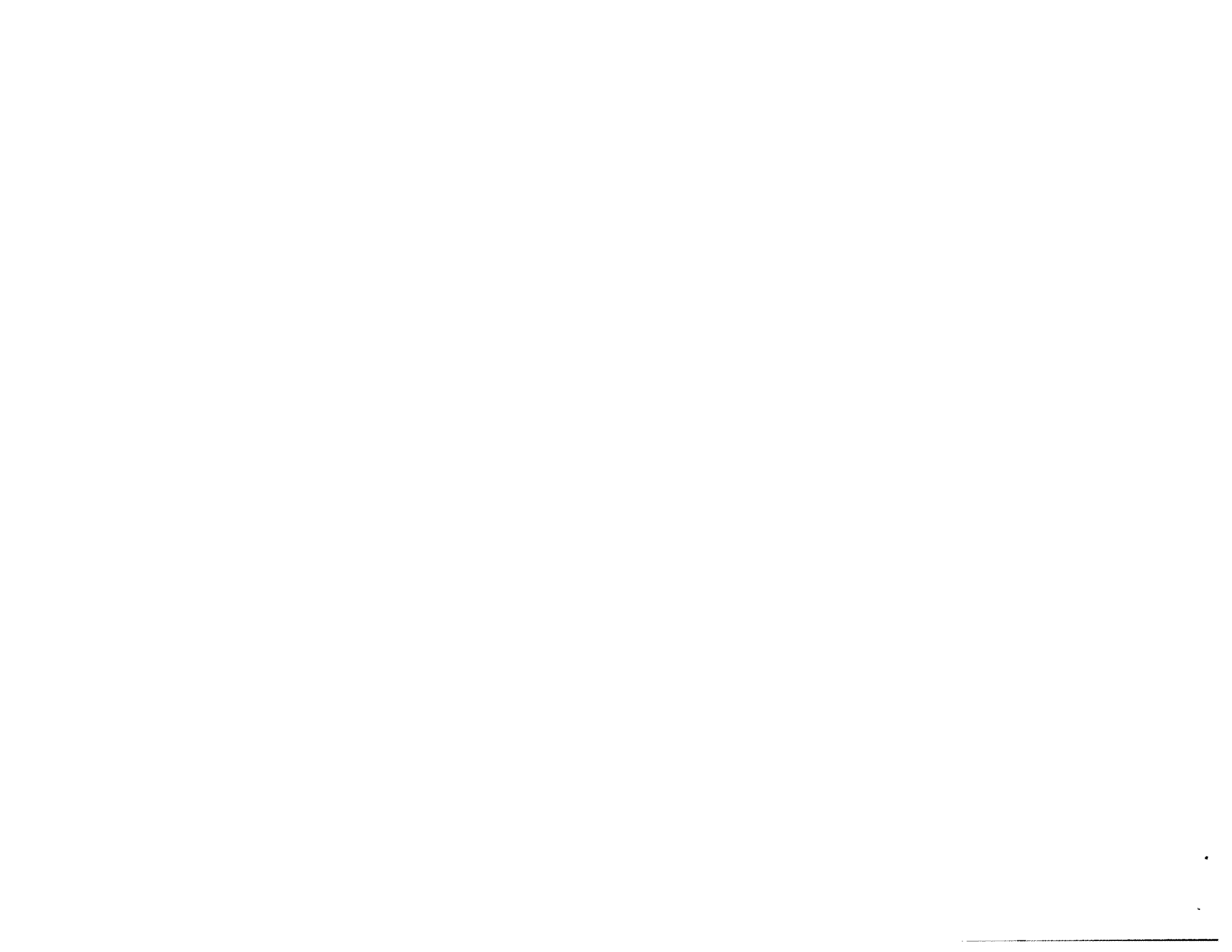
At its March 13, 2013 meeting, the Land Use Committee of the City Council requested that the City Planning Commission, in its capacity as SEQRA/CEQR lead agency, consider certain proposed modifications to the provisions of Section 3.01 of the Restrictive Declaration executed by the applicant for the above-referenced applications on January 23, 2013. This request was considered by the Commission at its Review Session held on March 18, 2013.

Section 3.01 of the Restrictive Declaration establishes an "Active Open Space Fund" (the "Fund") in the amount of \$5.6 million to be used for purposes of open space improvements, in order to address the open space impacts identified in the Final Environmental Impact Statement for the Proposed Action. The Declaration provides that the Fund shall be used for improvements at Tony Dapolito Recreation Center, as well as alternative uses under specified conditions. The Land Use Committee requests that Section 3.01 be modified to provide that the Fund be allocated in equal amounts for improvements to Tony Dapolito Recreation Center and Pier 40 in Hudson River Park, while continuing to allow for alternative uses under specified conditions. The Land Use Committee has also requested that a provision governing an "Alternative Open Space Fund" be eliminated, and that language be added to the Declaration clarifying that the applicant's obligations and liability with respect to open space mitigation are limited to the deposit of the funds.

The Commission has reviewed this request, as well as the conclusions set forth in the CEQR Technical Memorandum, dated March 18, 2013, and believes that modified allocation of the required contribution to the Fund would be equally effective as partial mitigation of the open space impacts identified in the FEIS. The Commission therefore finds that the adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable, as set forth in the modified Restrictive Declaration, provided that such modified Declaration is executed by the Rector, Church-Wardens and Vestrymen of Trinity Church in the City of

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New York, prior to any action by the City Council with respect to the applications, and copies of such executed Declaration are provided to the Department of City Planning.

Adopted at the March 18, 2013 Review Session by vote of the Members of the City Planning Commission, 13 in favor, 0 opposed, 0 abstaining.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Burden', with a long, sweeping flourish extending to the right.

Amanda M. Burden, FAICP



**TECHNICAL MEMORANDUM
HUDSON SQUARE REZONING
CEQR No. 12DCP045M**

ULURP Nos. 120380ZMM, 120381ZRM, 120381ZRM (A)

A. INTRODUCTION

The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York (the “Applicant”) is seeking approval of a zoning text amendment to create a new Special Hudson Square District and a zoning map amendment to map the proposed Special District across approximately 18 blocks within Manhattan Community District 2 (collectively, the “Proposed Action”). Through the Proposed Action, the Applicant seeks to activate and enhance the area known as Hudson Square by permitting mixed-use development while preserving the area’s commercial base and existing built character. The Draft Environmental Impact Statement (DEIS) for the Proposed Action was accepted as complete by the New York City Department of City Planning (DCP), and the City Planning Commission (CPC) issued a Notice of Completion for the DEIS on August 17, 2012. The Notice of Completion for the Final Environmental Impact Statement (FEIS) was issued on January 11, 2013.

The FEIS included Chapter 26, “Potential Modifications under Consideration by the CPC,” which was prepared to address a number of potential modifications to the Proposed Action that the CPC was considering at the time of preparation of the FEIS (the “Potential CPC Modifications”). On January 23, 2013, the CPC approved the Proposed Action with modifications, based on the analyses of the original Proposed Action in the FEIS, and the analysis of modifications in Chapter 26 of the FEIS, (the “CPC Modified Action”).

This Technical Memorandum considers modifications to the CPC Modified Action being proposed by the New York City Council (the City Council) as well as a request by the City Council that the CPC, as lead agency, approve a revision to a restrictive declaration executed by the Applicant in conjunction with the CPC Modified Action (collectively referred to as the “Modified Proposal”). The memorandum assesses whether the Modified Proposal would have the potential to cause any significant adverse environmental impacts not previously identified in the analyses of the FEIS, including Chapter 26.

As set forth below, this Technical Memorandum concludes that the Modified Proposal would not result in any new or substantially different significant adverse impacts not already identified in the FEIS.

B. DESCRIPTION OF THE MODIFIED PROPOSAL

The Modified Proposal is described below.

MODIFICATIONS TO MIDBLOCK BULK REQUIREMENTS

For developments that provide an amount of low-income floor area equal to twenty percent of the residential floor area on the zoning lot, the maximum height at the midblock (i.e., on narrow streets beyond 100 feet of their intersection with a wide street) would be increased and the rear yard setback requirement would be eliminated.

In particular, on blocks with a depth between narrow streets of more than 180 feet (generally north of Spring Street), the maximum height would be increased from 185 feet to 210 feet; on blocks with a depth between narrow streets of less than 180 feet (generally south of Spring Street), the maximum height would be increased from 185 feet to 230 feet. In addition, the Modified Proposal would eliminate the 10 foot minimum rear yard setback that was required for buildings above a height of 125 feet along narrow streets in the CPC Modified Action.

In conjunction with the modification to maximum heights and rear yard setbacks, the Modified Proposal would eliminate a special permit that was assessed in FEIS Chapter 26 and subsequently approved by the CPC. This special permit would have allowed maximum building height waivers and rear setback waivers for certain midblock sites located on blocks with narrow north-south street-to-street depth (i.e., 180 feet or less). This special permit would become unnecessary with the Modified Proposal described above.

MODIFICATION TO RESTRICTIVE DECLARATION

The Modified Proposal also includes request by the City Council that the CPC, as lead agency, approve a revision to the restrictive declaration executed by the Applicant such that required contributions to improvement of active recreation space would be directed to alternative publicly-owned facilities.

As discussed in Chapter 20, "Mitigation" in the FEIS, the significant adverse impact on open space would be partially mitigated by means of a financial contribution by the Applicant toward the improvement of active open space, with a principal focus upon improvements to the Tony Dapollito Recreation Center that would enhance its ability to attract additional members from the community and increase its potential utilization. As noted in Chapter 20, the scope of those and/or other improvements to open space would be developed by the Department of Parks and Recreation (DPR) in consultation with the community. The timing and amount of the financial contribution is set forth in a restrictive declaration executed by the Applicant on January 23, 2013, which requires the contribution of \$5.6 million to an Active Open Space Fund administered by DPR for the above purposes.

Under the Modified Proposal, the amount of required funding to the Active Open Space Fund would remain the same but the allocation of such funds would be split equally between the Tony Dapollito Recreation Center and Hudson River Park's Pier 40. Currently, Pier 40 serves the local community with many indoor and outdoor active recreation spaces. However, the ongoing use of those spaces is threatened by deteriorating conditions of the Pier roof structure. Funding improvement projects that retain the current active open space uses at Pier 40, such as roof repairs or other projects, would help meet the current and future need of active recreation.

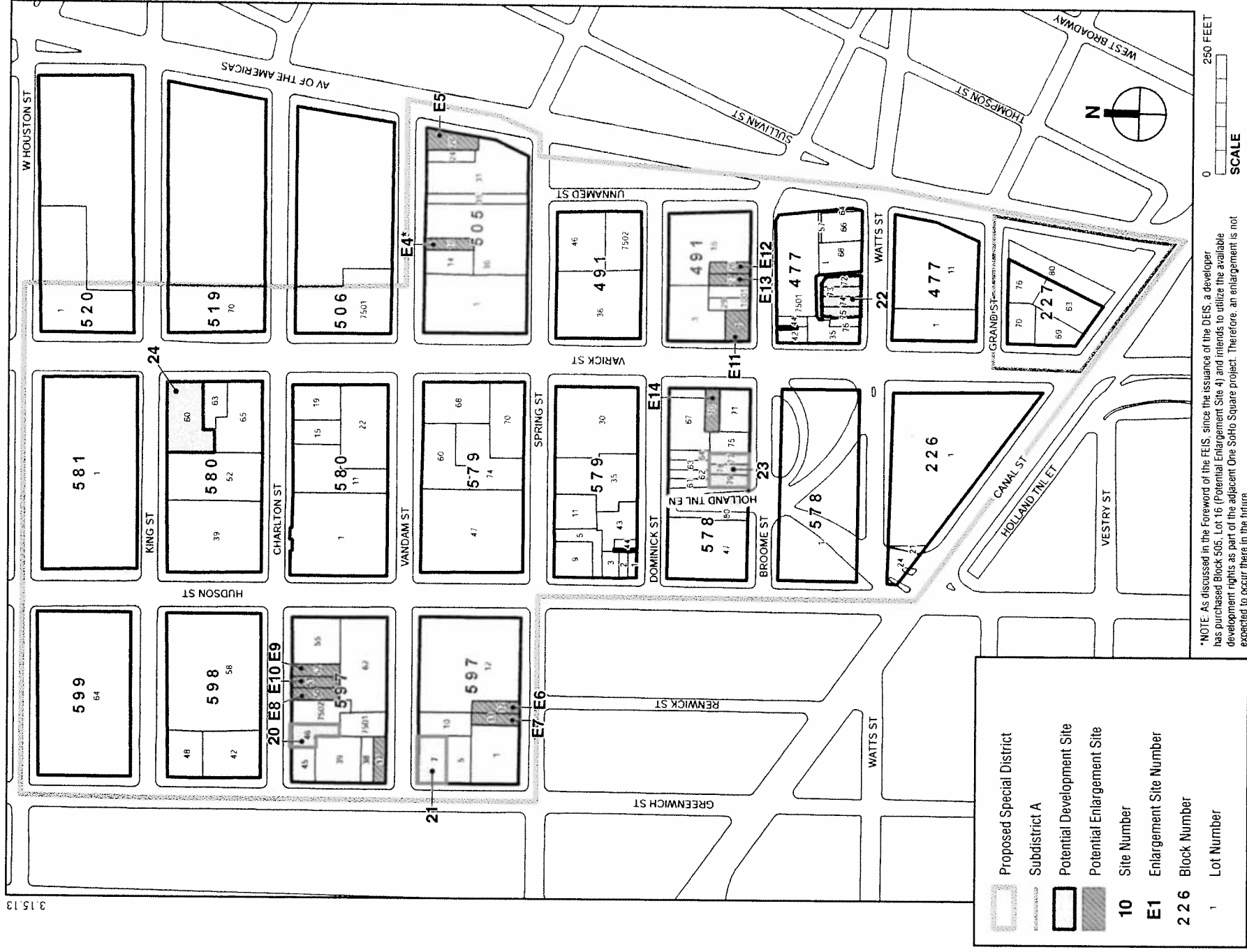
C. DEVELOPMENT PROGRAM WITH MODIFIED PROPOSAL

This section assesses the anticipated changes to the development program resulting from the Modified Proposal described above.

The Modified Proposal would result in an increase in building heights and elimination of the rear yard setback on certain projected and potential development and enlargement sites as compared to what was previously assessed for the CPC Modified Action. With the Modified Proposal, it is assumed that any midblock development or enlargement site that can fully utilize the floor area bonus for the provision of affordable housing (through the Inclusionary Housing Program) would do so, and would be developed to the maximum permitted building height. **Table 1** provides a comparison of the building height and FAR assumed under both the CPC Modified Action and the Modified Proposal. Projected and potential development and enlargements sites are shown in **Figures 1 and 2**, and a conceptual massing of the anticipated development on the projected development sites with the Modified Proposal, as compared with the anticipated development on the projected development sites with the CPC Modified Action, is shown in **Figure 3**. As shown in **Table 1**, the Modified Proposal would result in an increase in building heights on some projected and potential development and enlargement sites as compared to what was previously assessed for the CPC Modified Action; the maximum FAR assumed to be developed on these sites would remain the same on all except one Projected Development Site and on all except one Potential Development Site. For the two sites on which the FAR would increase (Projected Development Site 12 and Potential Development Site 23), the increases under the Modified Proposal would be the same as what was previously assessed for the CPC Modified Action with a special permit waiver (referred to as the “Midblock Special Permit with CPC Modified Action”).

As described and assessed in FEIS Chapter 26, under Section E, “Special Permit to Allow Height and Setback Waivers on Certain Narrow Streets”, it was assumed that Projected Development Site 12 and Potential Development Site 23 would utilize a special permit waiver for certain height and setback rules to construct a building or buildings up to 210 feet in height and achieve the full 12.0 FAR on those sites. By comparison, with the Modified Proposal it is assumed that buildings up to 230 feet in height would be constructed as-of-right on Projected Development Site 12 and Potential Development Site 23, and the full 12.0 FAR would be achieved on those sites. Because the increased development potential on Projected Development Site 12 and Potential Development Site 23 previously considered in FEIS Chapter 26 was assumed to be achievable only with the utilization of special permit, which would have been subject to a separate environmental review, the increased development potential on those two sites is considered as part of this Technical Memorandum. **Table 2** provides a comparison of the development program on Projected Development Site 12 and Potential Development Site 23 with the CPC Modified Action (without special permit) and the Modified Proposal.

Consistent with the analysis approach throughout the FEIS, potential development sites are assessed for site-specific impacts only, such as those related to shadows, historic and cultural resources, urban design, hazardous materials, air quality (stationary sources), and noise (building attenuation). The analyses of density-related impacts (such as socioeconomic conditions, community facilities, open space, and traffic and parking, transit and pedestrians, and construction) associated with the Modified Proposal only considers the additional development on Projected Development Site 12. On Projected Development Site 12, the Modified Proposal would result in an increase of 24 residential units, including 6 affordable units, and 4 accessory parking spaces as compared with CPC Modified Action (without special permit).



	Proposed Special District
	Subdistrict A
	Potential Development Site
	Potential Enlargement Site
10	Site Number
E1	Enlargement Site Number
2 2 6	Block Number
1	Lot Number

*NOTE: As discussed in the Foreword of the FEIS, since the issuance of the DEIS, a developer has purchased Block 505, Lot 16 (Potential Enlargement Site 4) and intends to utilize the available development rights as part of the adjacent One SoHo Square project. Therefore, an enlargement is not expected to occur there in the future.



Modified Proposal - Potential Development Sites
Figure 2

Hudson Square Rezoning

Table 1
**FAR and Building Heights assumed under the RWCDS with CPC Modified Action
as compared with RWCDS with Modified Proposal**

Projected and Potential Sites	RWCDS with CPC Modified Action		RWCDS with Modified Proposal	
	FAR	Building Heights'	FAR ²	Building Heights'
Projected Development and Enlargement Sites				
Projected Development 1	9.0	430	9.0	430
Projected Development 2	12.0	290/185	12.0	290/230
Projected Development 3	12.0	290/185	12.0	290/210
Projected Development 4	12.0	290	12.0	290
Projected Development 5	12.0	290	12.0	290
Projected Development 6	12.0	185	12.0	210
Projected Development 7	12.0	290	12.0	290
Projected Development 8	12.0	185	12.0	210
Projected Development 9	12.0	290/185	12.0	290/210
Projected Development 10	12.0	290	12.0	290
Projected Development 11	6.6	97	6.6	97
Projected Development 12*	10.8*	185*	12.0	230
Projected Development 13	12.0	290	12.0	290
Projected Development 14	12.0	185	12.0	210
Projected Development 15	12.0	290/185	12.0	290/230
Projected Development 16	12.0	185	12.0	210
Projected Development 17	12.0	290	12.0	290
Projected Development 18	7.0	111	7.0	111
Projected Development 19	12.0	290	12.0	290
Projected Enlargement 1	10.0	290/185	10.0	290/185
Projected Enlargement 2	10.0	290	10.0	290
Projected Enlargement 3	6.4	97	6.4	97
Potential Development and Enlargement Sites				
Potential Development 20	7.0	100	7.0	100
Potential Development 21	9.2	290	9.2	290
Potential Development 22	12.0	290/185	12.0	290/230
Potential Development 23*	10.7*	185*	12.0	230
Potential Development 24	12.0	290/185	12.0	290/210
Potential Enlargement 4 ³		No change from existing conditions		
Potential Enlargement 5	4.1	87	4.1	87
Potential Enlargement 6	5.0	87	5.0	87
Potential Enlargement 7	4.5	82	4.5	82
Potential Enlargement 8	3.4	73	3.4	73
Potential Enlargement 9	5.6	85	5.6	85
Potential Enlargement 10	3.5	73	3.5	73
Potential Enlargement 11	5.4	100	5.4	100
Potential Enlargement 12	4.7	85	4.7	85
Potential Enlargement 13	4.7	85	4.7	85
Potential Enlargement 14	4.8	85	4.8	85
Potential Enlargement 15	8.0	105	8.0	105

Notes: Assumptions which have changed as a result of Modified Proposal are shown in **BOLD**.

* For Projected Development Site 12 and Potential Development Site 23, a maximum FAR of 10.8 and 10.7, respectively, and maximum building height of 185 feet was assessed under the CPC Modified Action without special permit. For both sites, a maximum FAR of 12.0 and maximum building height of 210 feet was assessed under the Midblock Special Permit with Modified Action (FEIS Chapter 26).

- Where two numbers are shown (e.g., 290/185), the first number represents the portion of the building within 100 feet of a wide street and the second number represents the portion of the building beyond 100 feet of a wide street.
- Most projected and potential development sites would be able to achieve the maximum 12.0 FAR under the CPC Modified Action, and therefore no new incremental development would be expected under the Modified Proposal despite the fact that the buildings on those sites could achieve a taller overall height and would not require a rear yard setback. As indicated in the table, the exceptions to this would be Projected Development Site 12 and Potential Development Site 23, which could not achieve the maximum 12.0 FAR under the CPC Modified Action (except with the midblock special permit), but would achieve 12.0 FAR under the Modified Proposal and would therefore accommodate additional residential floor area and dwelling units.
- As discussed in the FEIS, since the issuance of the DEIS, a developer has purchased Block 505, Lot 16 (Potential Enlargement Site 4) and intends to utilize the available development rights as part of the adjacent One SoHo Square project. Therefore, an enlargement is not expected to occur there in the future.

Table 2

Development Program Comparison—CPC Modified Action and Modified Proposal

Site	CPC Modified Action (without special permit)	Modified Proposal ¹	Difference (as compared with either RWCDs 1 or RWCDs 2) ¹
Projected Development Site 12	165,802 gsf residential; 198 DUs (46 affordable); 15,175 gsf retail; 43 accessory parking spaces	186,393 gsf residential; 222 DUs (52 affordable); 15,175 gsf retail; 47 accessory parking spaces	20,591 gsf residential; 24 DUs (6 affordable); 0 gsf retail; 4 accessory parking spaces
Potential Development Site 23	57,555 gsf residential; 69 DUs (16 affordable); 5,326 gsf retail; 15 accessory parking spaces	65,416 gsf residential; 78 DUs (18 affordable); 5,326 gsf retail; 17 accessory parking spaces	7,861 gsf residential; 9 DUs (2 affordable); 0 gsf retail; 2 accessory parking spaces

Notes: DU = Dwelling unit
 1. There is no difference between RWCDs 1 and RWCDs 2 on Projected Development Site 12 and Potential Development Site 23.

D. EFFECT ON ENVIRONMENTAL ANALYSES

The Modified Proposal would result in the same environmental impacts as the CPC Modified Action in the areas of land use, zoning, and public policy; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; noise; and greenhouse gas emissions.

As with the CPC Modified Action, the Modified Proposal would result in significant, but no greater, adverse impacts with respect to open space; shadows; historic resources; transportation (traffic, transit, and pedestrians); and construction impacts related to transportation (traffic and pedestrians). With both the CPC Modified Action and the Modified Proposal there is the potential for a significant adverse impact to public elementary schools if substantial residential development occurs in the Rezoning Area before the proposed public elementary school on Projected Development Site 1 is constructed. With respect to shadows, historic resources, transportation, and construction impacts related to transportation (traffic and pedestrians), measures to mitigate the significant adverse impacts of the Modified Proposal would be the same as those described for the CPC Modified Action. With respect to open space, the Modified Proposal includes measures to mitigate the significant adverse open space impacts that differ slightly from the CPC Modified Action, as discussed below under “Mitigation.”

As the environmental effects of the Modified Proposal relating to midblock height and bulk, additional development on Projected Development Site 12 and Potential Development Site 23, and modifications to open space mitigation were not previously considered as part of the CPC Modified Action, the potential environmental impacts associated with the Modified Proposal are analyzed below for the following areas: socioeconomic conditions; community facilities and services; open space; shadows; historic socioeconomic conditions; community facilities and resources; transportation; air quality; neighborhood character; public health; and mitigation.

SOCIOECONOMIC CONDITIONS

The Modified Proposal would result in the same direct residential displacement and the same direct business displacement as the CPC Modified Action, and would have no significant adverse impacts due to direct residential or business displacement.

The Modified Proposal would introduce the potential for an additional 18 market rate residential units (plus 6 affordable units) to the study area as compared with the CPC Modified Action. While this would represent an increase in new residents compared with the CPC Modified

Hudson Square Rezoning

Action, this increase—together with the increased population associated with the CPC Modified Action—would not be substantial enough to initiate a trend toward increasing rents in the area. In addition, there is not a substantial population in the study area potentially at risk of indirect residential displacement. Therefore, the Modified Proposal would not result in any significant adverse impacts due to indirect residential displacement and would not alter the conclusions of the FEIS.

COMMUNITY FACILITIES AND SERVICES

The Modified Proposal would result in the potential for an incremental increase of 24 residential units as compared with the CPC Modified Action, which would generate demand for an additional 3 elementary school seats, 1 intermediate school seat, and 1 high school seat.¹ As with the CPC Modified Action, under the Modified Proposal the development scenario would include construction of a new 444-seat public elementary school on Projected Development Site 1, subject to approvals and requirements of the SCA. The new elementary school seats that would be provided would accommodate all demand for elementary school seats generated under either the CPC Modified Action or the Modified Proposal. Therefore, like the CPC Modified Action, the Modified Proposal would not result in any significant adverse impacts to elementary schools and would not alter the conclusions of the FEIS.

As with the CPC Modified Action, the opening of a new public school requires the provision of adequate public funding within the SCA/Department of Education (DOE) budget to fit-out the space and operate the school, which is outside of the Applicant's control. Similar to conditions with the CPC Modified Action, if 1,529 residential units or more are developed in the Rezoning Area before a public elementary school is operational, the Modified Proposal would result in a significant adverse impact to elementary schools in CSD 2/Sub-District 2.

As with the CPC Modified Action, the Modified Proposal would not result in a significant adverse impact on public intermediate or high schools. The need for intermediate seats in the study area in 2022 would be approximately equal to the number of seats provided, and therefore the delivery of intermediate school services would be adequate. With the Modified Proposal, high schools in Manhattan would continue to operate with a surplus of seats.

With respect to libraries, the incremental increase of 24 units would generate new users who would utilize existing public libraries, but this increase—together with the additional users associated with the CPC Modified Action—would not affect the delivery of library services. Therefore, the population introduced by the Modified Proposal would not impair the delivery of library services in the study area and, like the CPC Modified Action, would not result in any significant adverse impacts on public libraries and would not alter the conclusions of the FEIS.

With respect to child care facilities, the incremental increase of 6 affordable units compared with the CPC Modified Action would introduce 1 child who would be eligible for public child care. Although child care facilities in the study area would operate with a small deficit of seats, the increase in the utilization rate due to the Modified Proposal would be less than five percent, which is the *CEQR Technical Manual* threshold for a significant adverse impact. Therefore, like

¹ Based on student generation rates listed in Table 6-1a of the *CEQR Technical Manual* (0.12 elementary students, 0.04 intermediate school students, and 0.06 high school students per residential unit in Manhattan).

the CPC Modified Action, the Modified Proposal would not result in a significant adverse impact on public child care facilities and would not alter the conclusions of the FEIS.

Like the CPC Modified Action, the Modified Proposal would not result in any significant adverse impacts to police or fire protection services, as it would not affect the physical operations of, or direct access to and from, a precinct house or fire station, nor would it create a sizeable new neighborhood where none existed before.

OPEN SPACE

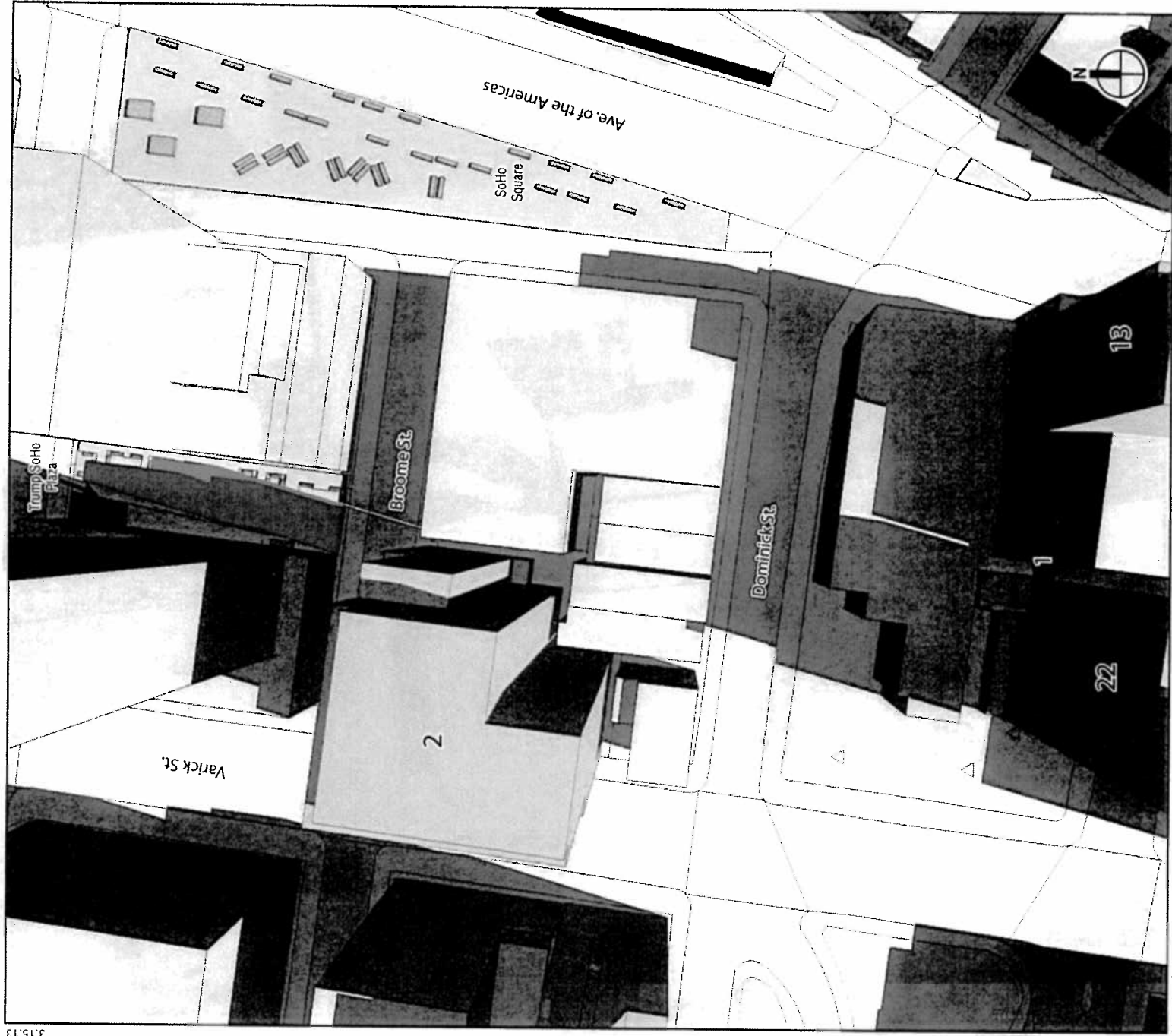
The Modified Proposal would result in similar open space impacts as the CPC Modified Action. As with the CPC Modified Action, no significant adverse direct impacts would occur on any open spaces. The Modified Proposal would result in the same indirect impacts to open space as the CPC Modified Action. Within the non-residential study area, similar to the CPC Modified Action, the ratio for passive open space would decrease by 0.6 percent with the Modified Proposal and would still remain higher than the city's planning goal of 0.15 acres per 1,000 workers. Within the residential study area, with the Modified Proposal, the passive open space ratio would decrease by approximately 9.6 percent as compared with a 9.5 percent decrease with the CPC Modified Action. However, this ratio would still remain above the city's planning goal of 0.5 acres per 1,000 workers. The ratio of total and active open space to residents would also decrease by 9.6 percent with the Modified Proposal, as compared with a 9.5 percent decrease with the CPC Modified Action. As with the CPC Modified Action, the total and active open space ratios in the residential study area would remain lower than the city's guidelines with the Modified Proposal, resulting in a significant adverse impact to open space in the residential study area. Measures to mitigate this significant adverse impact would differ from those described for the CPC Modified Action, as described below under "Mitigation."

SHADOWS

The Modified Proposal would result in the following changes relative to the CPC Modified Action: 1) the anticipated development on certain sites on the midblocks would be taller than anticipated with the CPC Modified Action (i.e., 210 feet rather than 185 feet north of Spring Street and 230 feet rather than 185 feet south of Spring Street); and 2) rear yard setback requirements that would apply to midblocks would be eliminated resulting in additional bulk on lot interiors. As with the CPC Modified Action, the Modified Proposal would result in significant adverse shadow impacts on two publicly accessible open spaces, Trump SoHo Plaza and SoHo Square. As a result of the Modified Proposal, there would be minimal increases in shadow durations on Trump SoHo and SoHo Square, as discussed below.

TRUMP SOHO

The increased height on the midblock portion of Projected Development Site 2 would add a small additional area of new shadow on Trump SoHo Plaza during the following times: on March 21/Sept 21, for a 45 minute period from 12:15 to 1 pm; on May 6/August 6, from noon to 12:30 pm; and on June 21 for approximately 10 minutes around 12:40 pm (see **Figures 4** through **6**). The additional area of shadow would not increase the shadow duration, nor would it eliminate the remaining sun from this open space.



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Note: Daylight Saving Time not used.



Publicly-Accessible Open Space

Benches, Tables, Chairs in Open Spaces



2

Projected/Potential Development Maximum Zoning Envelopes (with site number)



22

Incremental Shadow from CPC Modified Action Analyzed in FEIS

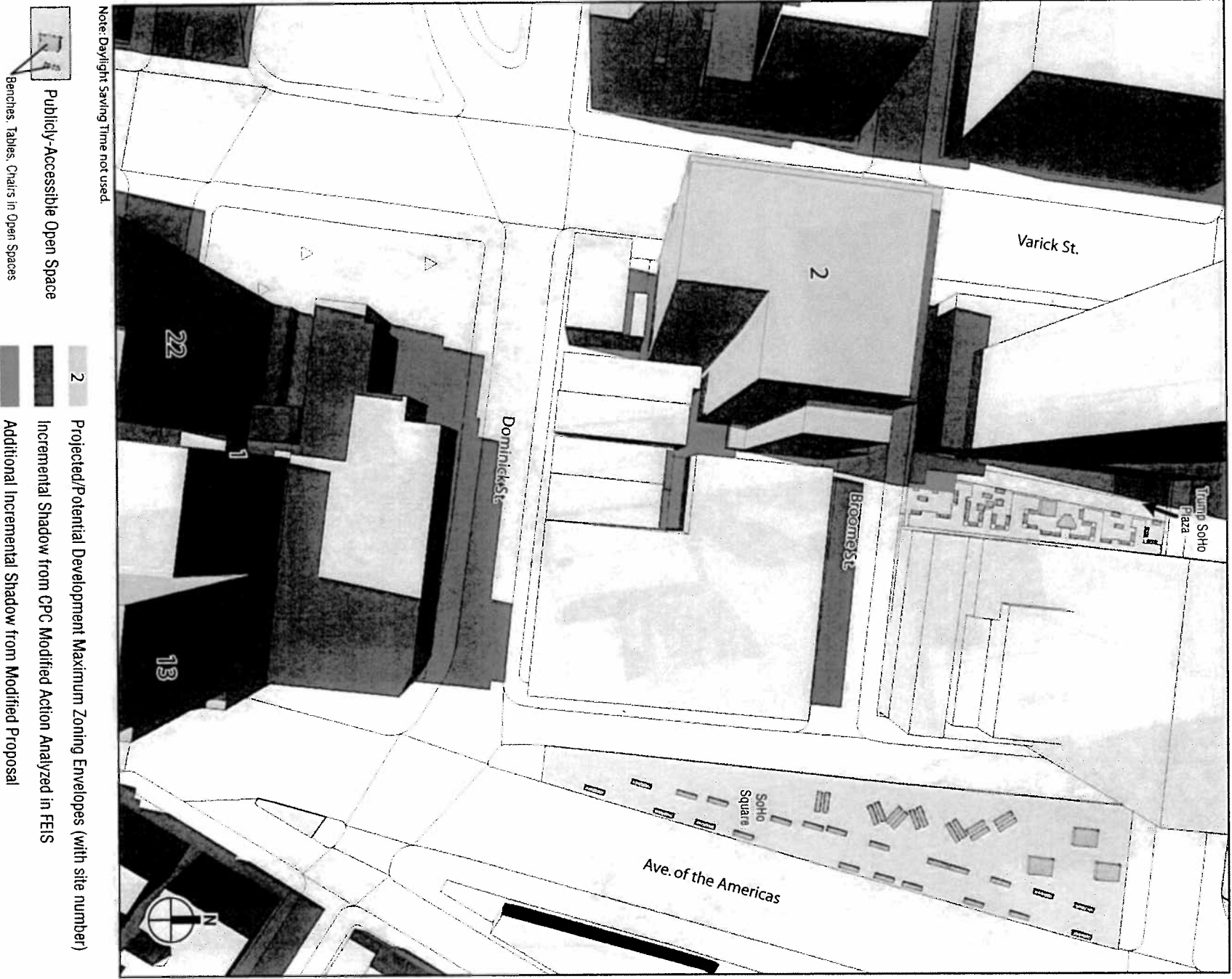


13

Additional Incremental Shadow from Modified Proposal

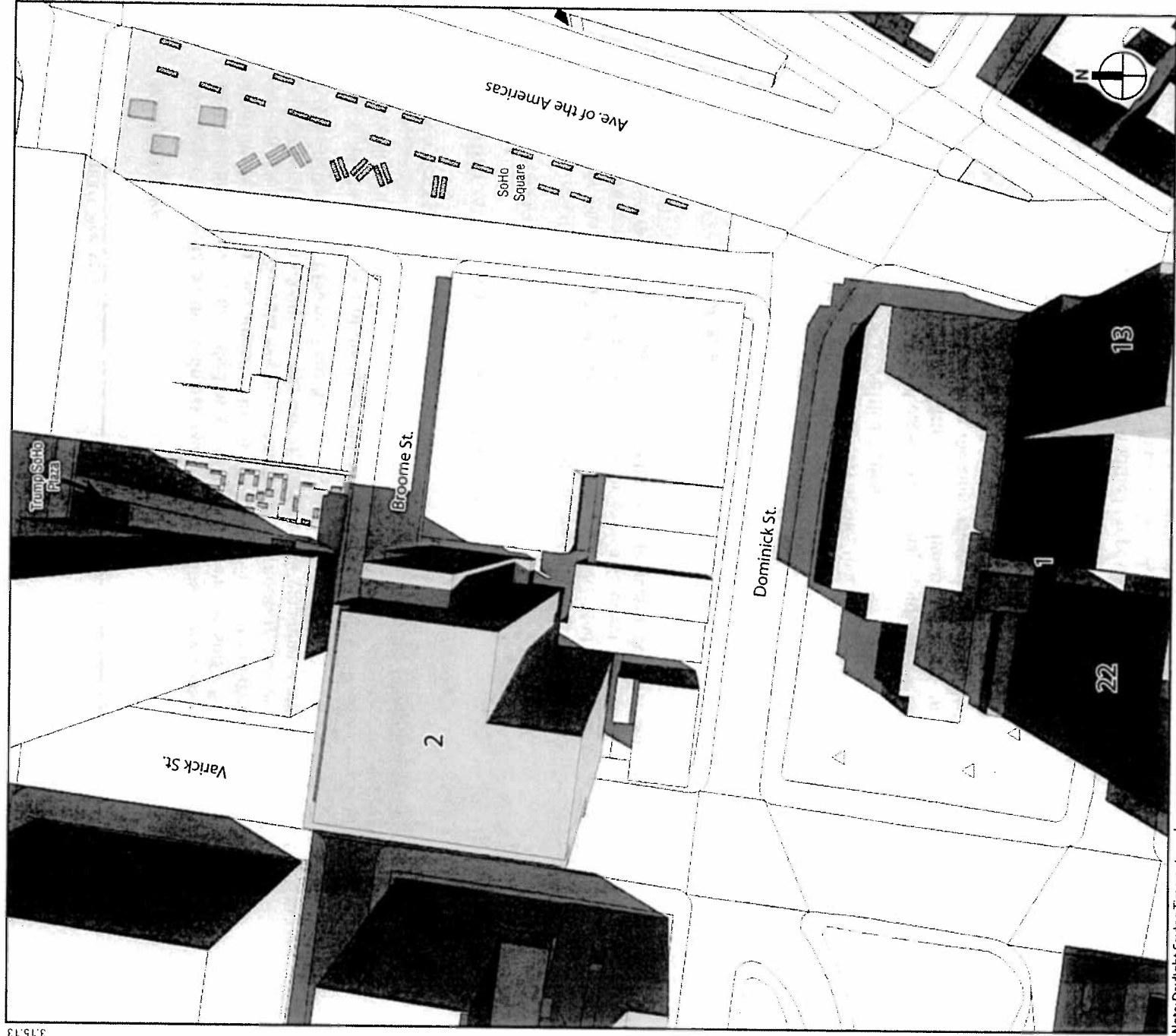
HUDSON SQUARE REZONING

Modified Proposal
 March 21 / Sept. 21 - 12:45 PM
 Figure 4



HUDSON SQUARE REZONING

Modified Proposal
May 6 / August 6 - 12:15 PM
Figure 5



3.15.13

Note: Daylight Saving Time not used.



Publicly-Accessible Open Space

Benches, Tables, Chairs in Open Spaces

2

Projected/Potential Development Maximum Zoning Envelopes (with site number)



Incremental Shadow from CPC Modified Action Analyzed in FEIS



Additional Incremental Shadow from Modified Proposal

Modified Proposal
June 21 - 12:40 PM
Figure 6

SOHO SQUARE

The increased height on the midblock portion of Potential Development Site 22 would add a small additional area of new shadow on the southern end of SoHo Square on March 21, for approximately 10 minutes around 2:30 pm. On December 21, the midblock portion of Potential Development Site 22 would cast new shadow on the northern portion of SoHo Square from approximately 1:50 to 2:20 pm, and would eliminate all remaining sunlight for 8 minutes, from 2:12 to 2:20 pm (see **Figures 7 and 8**).

Due to the limited extent of durations and additional areas, these increases would not result in any additional significant adverse shadow impacts as compared with the CPC Modified Action, and measures to mitigate this significant adverse impact would be the same as those described for the CPC Modified Action.

HISTORIC AND CULTURAL RESOURCES

ARCHAEOLOGICAL RESOURCES

Under the Modified Proposal, the footprints of the projected and potential development and enlargement sites would be the same as those of the CPC Modified Action and, therefore, the Modified Proposal would result in the same unavoidable direct significant adverse impacts on archaeological resources on the six potential and projected development sites identified as archaeologically sensitive.

ARCHITECTURAL RESOURCES

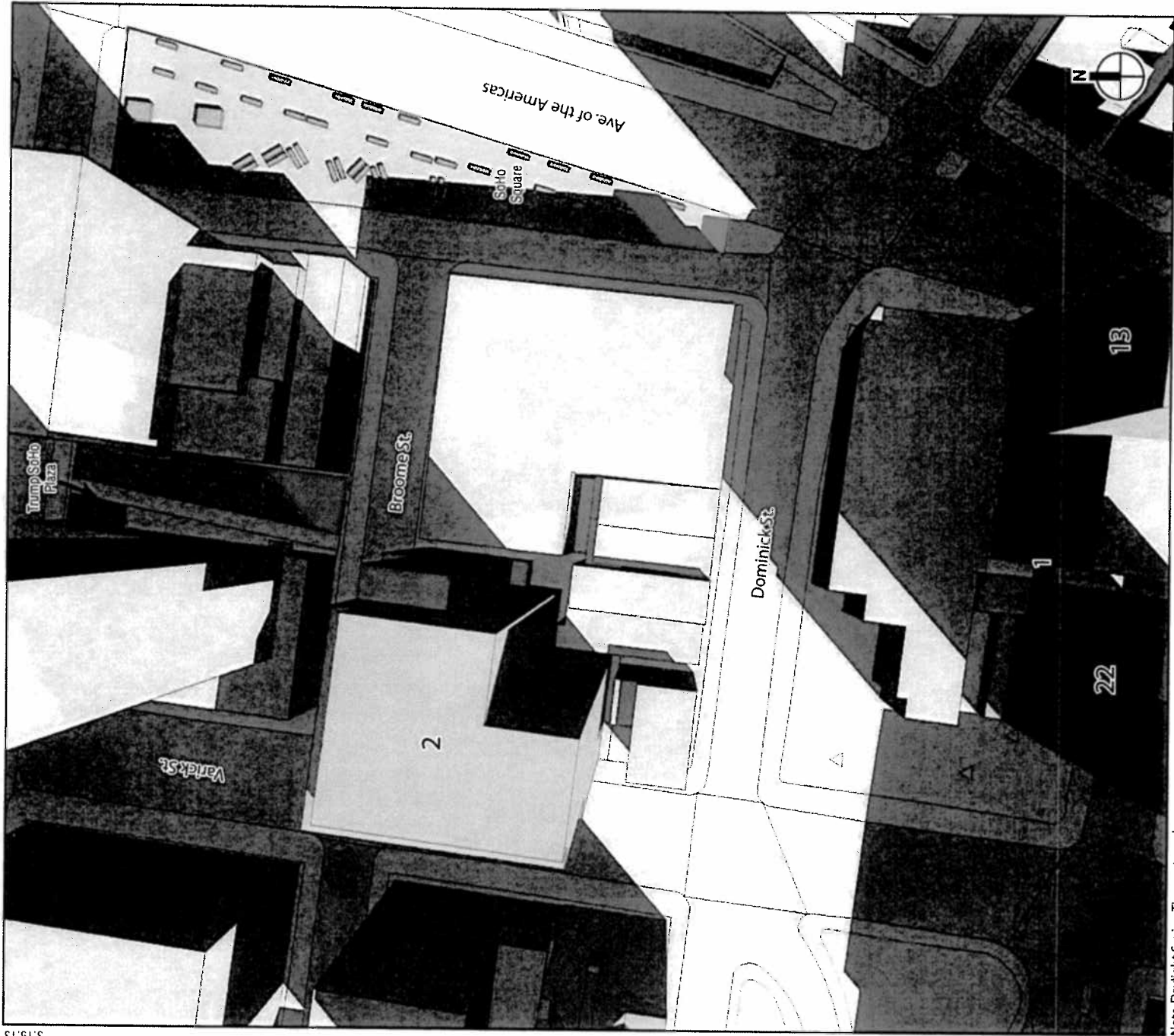
Under the Modified Proposal, as with the CPC Modified Action, construction on projected and potential development and enlargement sites not controlled by the Applicant could result in significant adverse direct construction-related impacts on up to one known resource (the Chelsea Career and Technical High School at 131 Avenue of the Americas) and potential architectural resources due to their locations within 90 feet of sites that may be developed under the either the Modified Proposal or the CPC Modified Action.

In addition, LPC has recently indicated that it may consider calendaring a portion of the proposed South Village Historic District for designation. Should this proposed district be officially designated, it would not alter the conclusions of the FEIS. Neither the CPC Modified Action nor the Modified Proposal would result in any significant adverse impacts to the proposed South Village Historic District.

With respect to visual and contextual effects, neither the CPC Modified Action nor the Modified Proposal would result in adverse visual or contextual indirect impacts on architectural resources, including the proposed South Village Historic District, because new development pursuant to either the CPC Modified Action or the Modified Proposal would not eliminate or screen publicly accessible views of a resource, introduce an incompatible visual, audible, or atmospheric elements to a resource's setting, or result in significant adverse shadow impacts on a historic resource with sun-sensitive features.

URBAN DESIGN AND VISUAL RESOURCES

Similar to the CPC Modified Action, the Modified Proposal would introduce limits on building height, while also establishing contextual streetwall and setback requirements and reduced height limits on the midblocks. However, as compared to the CPC Modified Action, the



Note: Daylight Saving Time not used.



Publicly-Accessible Open Space

Benches, Tables, Chairs in Open Spaces



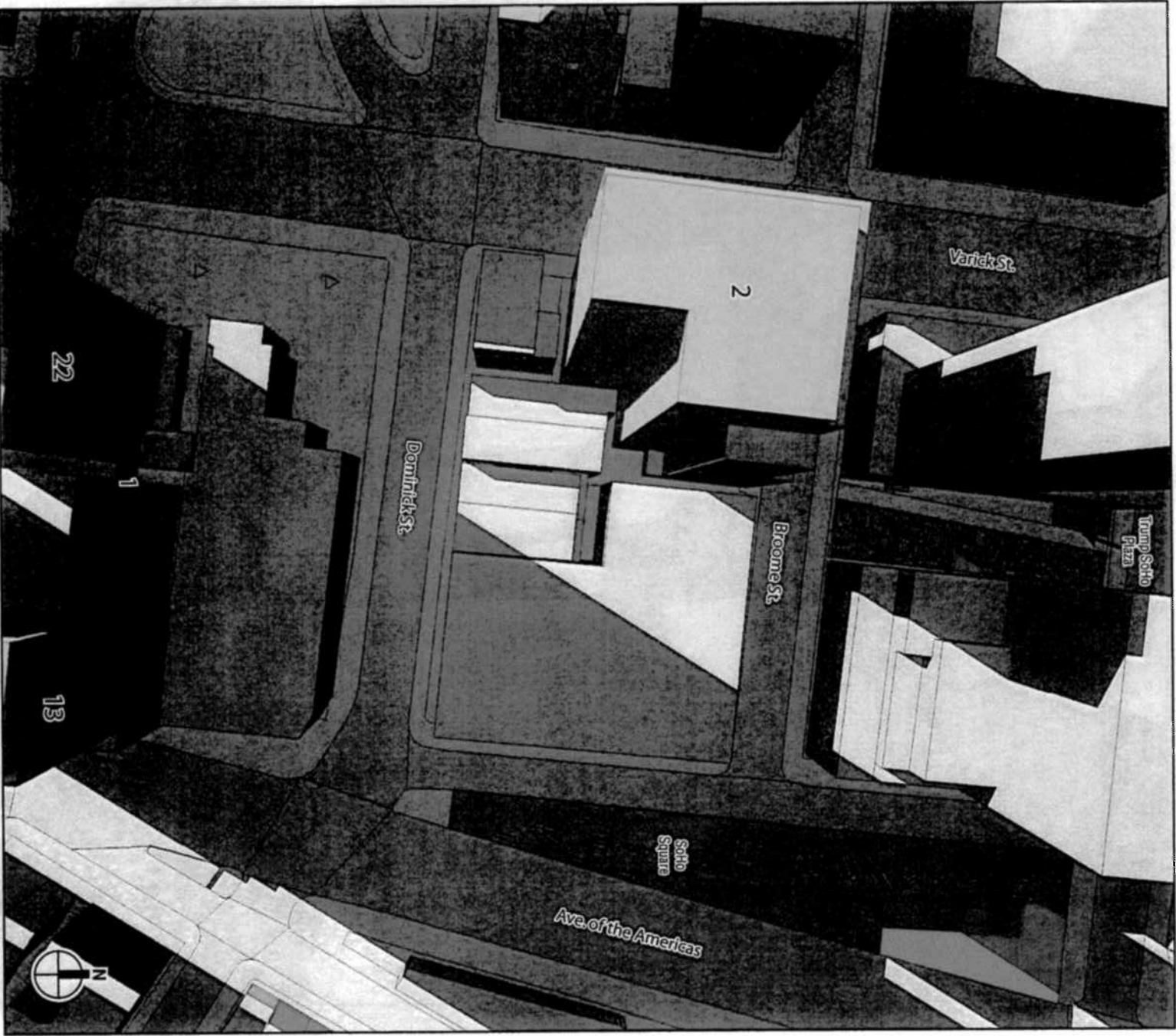
2 Projected/Potential Development Maximum Zoning Envelopes (with site number)



Incremental Shadow from CPC Modified Action Analyzed in FEIS



Additional Incremental Shadow from Modified Proposal



Note: Daylight Saving Time not used.

Publicly-Accessible Open Space
 Benches, Tables, Chairs in Open Spaces

2 Projected/Potential Development Maximum Zoning Envelopes (with site number)
 Incremental Shadow from CPC Modified Action Analyzed in FEIS
 Additional Incremental Shadow from Modified Proposal

HUDSON SQUARE REZONING

Modified Proposal
 December 21 - 2:12 PM
 Figure 8

Technical Memorandum

Modified Proposal would increase the maximum height at the midblock (i.e., on narrow streets beyond 100 feet of their intersection with a wide street) and eliminate the rear yard setback requirement. As a result, the anticipated development on certain sites on the midblocks would be taller than anticipated with the CPC Modified Action (i.e., 210 feet rather than 185 feet north of Spring Street and 230 feet rather than 185 feet south of Spring Street) and would have additional bulk on lot interiors.

These height increases and additional bulk on lot interiors on certain midblock sites would not adversely affect the pedestrian experience in the Rezoning Area. The height increases on the midblock would be set back 15 feet from the street and would remain compatible with the urban design policy goal of locating greater bulk on wide streets and preserving a relatively lower-scale midblock and would continue to reflect contextual height and setback regulations in the Rezoning Area. The Modified Proposal would not result in a significant adverse impact on the urban design character of the neighborhood and would not alter the conclusions of the FEIS.

TRANSPORTATION

Based on the trip generation assumptions detailed in Chapter 13, “Transportation,” of the FEIS, the RWCDs with Modified Proposal would generate more trips (up to approximately 20 person trips and up to approximately 6 vehicle trips during peak hours) as compared with the RWCDs with CPC Modified Action presented in FEIS Chapter 26 (see **Table 3**). With these additional trips distributed across various analysis locations within the transportation network, the individual intersections, subway stairs, and pedestrian elements would experience minimal increases in trips and would be of comparable magnitude in terms of overall trips as the CPC Modified Action. As with the CPC Modified Action, the Modified Proposal would result in impacts of comparable magnitude and similar mitigation measures would be needed to mitigate those impacts. Impacts identified as unmitigatable under the CPC Modified Action would also be unmitigatable under the Modified Proposal. In addition, the parking shortfall identified for the CPC Modified Action would also occur under the Modified Proposal; however, as with the CPC Modified Action, the parking shortfall would not constitute a significant adverse parking impact due to the magnitude of available alternative modes of transportation. Overall, the additional trips associated with the Modified Proposal, in combination with the trips associated with the CPC Modified Action, would not alter the conclusions of the FEIS.

**Table 3
Net Trip Difference—RWCDs with Modified Proposal
as compared with RWCDs with CPC Modified Action**

Peak Hour	In / Out	Person Trip						Vehicle Trip							
		Auto	Taxi	Subway	Bus	School	Bus	Walk	Total	Auto	Taxi	School	Bus	Delivery	Total
Weekday AM	In	0	0	1	0	0	0	1	2	0	1	0	0	0	1
	Out	2	1	9	0	0	4	16	1	1	0	0	0	2	
	Total	2	1	10	0	0	5	18	1	2	0	0	0	3	
Weekday Midday	In	0	0	3	0	0	1	4	0	0	0	0	0	0	
	Out	0	0	3	0	0	1	4	0	0	0	0	0	0	
	Total	0	0	6	0	0	2	8	0	0	0	0	0	0	
Weekday PM	In	1	1	8	0	0	4	14	1	1	0	0	2		
	Out	0	0	4	0	0	2	6	1	1	0	0	2		
	Total	1	1	12	0	0	6	20	2	2	0	0	4		
Saturday Midday	In	1	1	5	0	0	3	10	1	2	0	0	3		
	Out	1	1	5	0	0	3	10	1	2	0	0	3		
	Total	2	2	10	0	0	6	20	2	4	0	0	6		

AIR QUALITY

MOBILE SOURCES

With respect to mobile source air quality, the Modified Proposal would generate minimal additional vehicular trips as compared to the CPC Modified Action. Since the maximum predicted concentrations with the CPC Modified Action are well below applicable air quality standards, it is not expected that the minimal additional traffic would result in a significant air quality impact.

STATIONARY SOURCES—INDUSTRIAL SOURCES

The emissions from existing industrial sources would be the same with the Modified Proposal, and maximum predicted concentrations would likewise be the same as compared with the CPC Modified Action. Therefore, as with the CPC Modified Action, Modified Proposal would not result in any significant adverse air quality impacts from industrial sources.

STATIONARY SOURCES—HEAT AND HOT WATER SYSTEMS

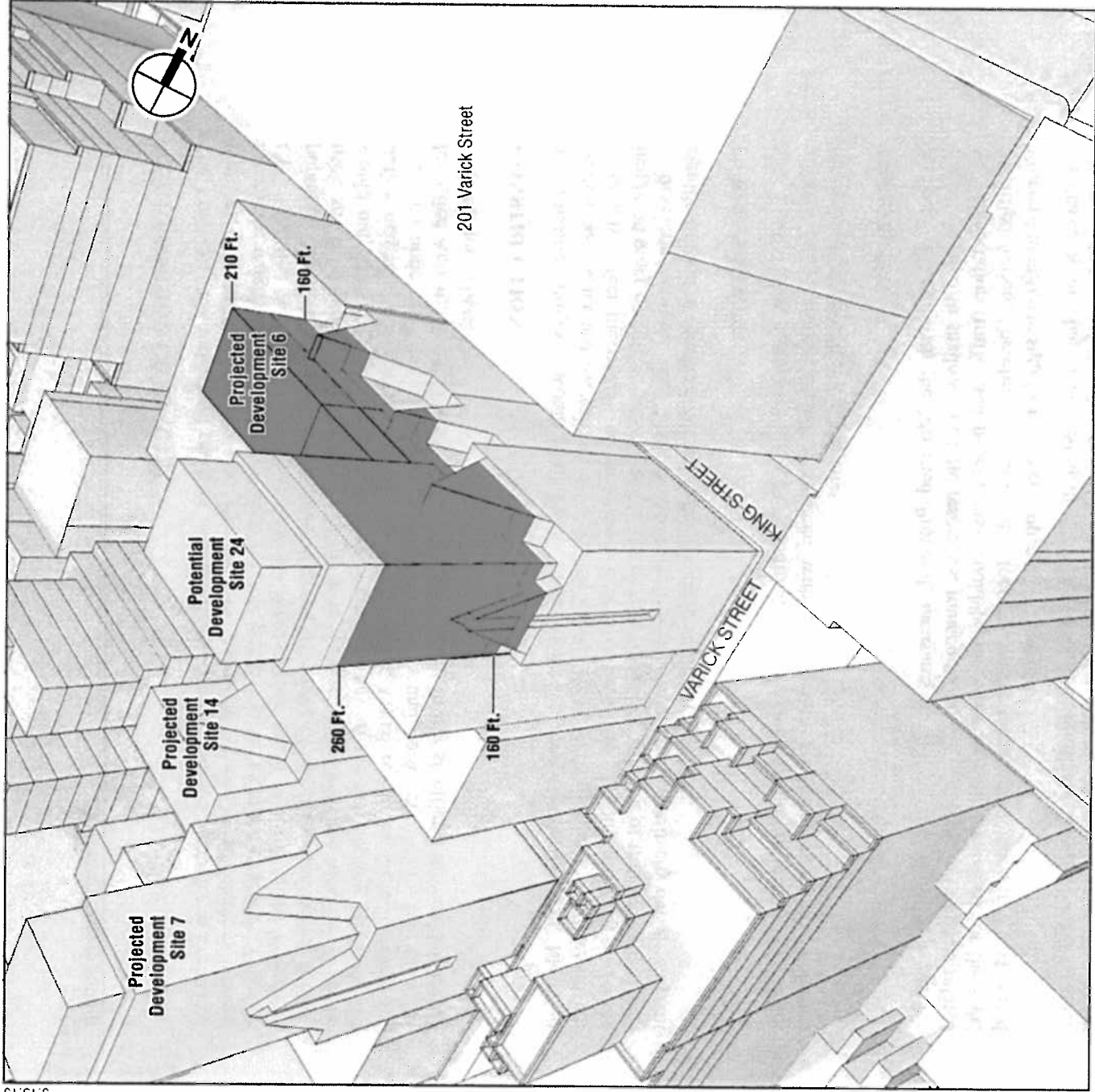
With the Modified Proposal, the overall building heights for Projected Development Sites 6, 8, 12, 14, and 16 and Potential Development Site 23 would be taller. Therefore, an air quality analysis was undertaken to determine if these sites would impact other proposed developments or if other existing or proposed developments would impact these sites. For Projected Development Sites 2, 3, 9, 15, and Potential Development Sites 22 and 24, the Modified Proposal would increase heights on the midblock portions of the building; however, this change would not alter the conclusions made in the CPC Modified Action since the maximum FAR assumed to be developed on these sites would remain the same and the maximum overall building heights (the exhaust stacks were assumed to be located on the roof of the tallest tiers of the buildings) would also remain the same.

Based on the analysis, it was determined that at Projected Development Sites 8, 12, 14, and 16, and Potential Development Site 23, the (E) designations under the Modified Proposal would be the same as those specified under the CPC Modified Action. For Projected Development Site 6, which is affected by the existing emissions source at 201 Varick Street, the (E) designation under the Modified Proposal would still require a restriction on fuel type (utility steam from Con Edison), but the portion of the site where no operable windows or air intakes would be permitted would be greater under the Modified Proposal (from 160 feet to 210 feet as opposed to from 160 feet to 185 feet) since the building height would be increased from 185 feet to 210 feet (see **Figure 9**). However, the (E) designation text would be the same as with the CPC Modified Action. The air quality (E) designation for this site is as follows:

Block 580, Lot 52 (Projected Development Site 6)

Any new residential and/or commercial development on Block 580, Lot 52 must ensure that only utility steam from Con Edison is used for the heating system boilers.

To preclude the potential for significant adverse air quality impacts from the heating and hot water systems boilers at 201 Varick Street, no operable windows or air intakes on the northern, eastern, and western facades of Block 580, Lot 52 would be permitted above a height of 160 feet above grade.



Area where no operable windows or air intakes would be permitted (North, east, and west facades on Projected Development Site 6 and Potential Development Site 24)

Projected Development Site 6
and Potential Development Site 24
Figure 9

NEIGHBORHOOD CHARACTER

The Modified Proposal would result in similar effects to neighborhood character as compared with the CPC Modified Action, and, like the CPC Modified Action, would create a vibrant, mixed-use neighborhood in Hudson Square while preserving its essential character. Like the CPC Modified Action, the Modified Proposal would result in an increase in the residential population in the study area; this population would be served by retail and community facility uses, and would enliven the streetscape of the area. As discussed above, the Modified Proposal would not result in new significant adverse impacts to any of the contributing elements that define neighborhood character (land use, urban design, visual resources, historic resources, socioeconomic conditions, shadows, open space, traffic, and noise). Therefore, like the CPC Modified Action, the Modified Proposal would not result in any significant adverse impacts to neighborhood character.

CONSTRUCTION

The Modified Proposal would result in the same impacts as described for the CPC Modified Action, as the modest increase in development on Projected Development Site 12 would not materially affect the overall construction schedule or activities, and the modestly increased height on other narrow street sites would not change the overall amount of floor area that could be developed on these sites. Thus, the Modified Proposal would not result in any new or different significant adverse construction impacts not already identified in the FEIS.

PUBLIC HEALTH

The Modified Proposal, like the CPC Modified Action, would not result in any significant adverse public health impacts associated with construction or operation of the increased development on any development sites.

MITIGATION

As noted above, with the Modified Proposal, measures to mitigate the significant adverse impacts related to shadows, historic resources, transportation, and construction impacts related to transportation (traffic and pedestrians) would be the same as those described for the CPC Modified Action. Therefore, this discussion focusses on the measures included in the Modified Proposal to mitigate significant adverse open space impacts.

As discussed in Chapter 20, "Mitigation" in the FEIS, the significant adverse impact on open space would be partially mitigated by means of a financial contribution by the Applicant toward the improvement of active open space, with a principal focus upon improvements to the Tony Dapolito Recreation Center that would enhance its ability to attract additional members from the community and increase its potential utilization.

Under the Modified Proposal, the amount of required funding to the Active Open Space Fund as partial mitigation would remain the same but the allocation of such funds would be split equally between the Tony Dapolito Recreation Center and Hudson River Park's Pier 40. Currently, Pier 40 serves the local community with many indoor and outdoor active recreation spaces. However, the ongoing use of those spaces is threatened by deteriorating conditions of the Pier roof structure. Funding improvement projects that retain the current active open space uses at Pier 40, such as roof repairs or other projects, would help meet the current and future need of active recreation.

Hudson Square Rezoning

The modified allocation of the required contribution to the Active Open Space Fund would not change the conclusion of the FEIS that this financial contribution towards active open space would be appropriate mitigation and would constitute partial mitigation of the open space impacts.

CONCLUSION

This Technical Memorandum concludes that the CPC Modified Action, as modified under the Modified Proposal, would not result in any new or different significant adverse impacts not already identified in the FEIS. The Modified Proposal would require the same (E) designations for hazardous materials and noise as the CPC Modified Action. With respect to air quality, the Modified Proposal would result in a modification to the (E) designation for Block 580, Lot 52, but no change to the (E) designation text would be required. *

