

Land Use Review Application

Department of City Planning



120226-120231
120233-120237

City Planning will assign and stamp reference numbers here

APPLICATION NUMBER

Received by Central Intake on March 21, 2012

1. APPLICANT AND APPLICANT'S REPRESENTATIVES

APPLICATION NUMBER

NYC Dept. of Housing Preservation & Development

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) *
100 Gold Street

STREET ADDRESS

New York NY 10038

CITY STATE ZIP

(212) 863-6400 (212) 863-5045

AREA CODE TELEPHONE # FAX#

APPLICATION NUMBER

Hardy Adasko

APPLICANT'S PRIMARY REPRESENTATIVE

NYC Economic Development Corporation

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

110 William Street

STREET ADDRESS

New York NY 10038

CITY STATE ZIP

(212) 312-3703 (212) 312-3989

AREA CODE TELEPHONE # FAX#

* List additional applicants below:

New York City Department of Citywide Administrative Services

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)
ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.) TELEPHONE # FAX #

2. SITE DATA

(If the site contains more than one property complete the "LR Item 2. Site Data Attachment Sheet.")

See Item 2 - Site Data **Seward Park Mixed-Use Development Project**

STREET ADDRESS PROJECT NAME (IF ANY)

8 blocks generally bounded by Ludlow, Essex, Stanton, Delancey, Ridge, Broome, Clinton, Grand & Broome Streets

C6-1, C6-2A, C4-4A and R8 **12c**

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY) ZONING SECTIONAL MAP NO(S).

See Item 2 - Site Data **Manhattan** **3**

TAX BLOCK AND LOT NUMBER BOROUGH COMM. DIST.

partially within the former Seward Park Extension Urban Renewal Area (expired)

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO YES IF YES, IDENTIFY

3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

See LR Item 3: Project Description

4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

* No supplemental form required

<input type="checkbox"/>	CHANGE IN CITY MAP.....MM	\$	_____
<input checked="" type="checkbox"/>	ZONING MAP AMENDMENT.....ZM	\$	0
<input checked="" type="checkbox"/>	ZONING TEXT AMENDMENT.....ZR	\$	0
<input checked="" type="checkbox"/>	ZONING SPECIAL PERMIT.....ZS	\$	0
<input checked="" type="checkbox"/>	ZONING AUTHORIZATION.....ZA	\$	0
<input type="checkbox"/>	ZONING CERTIFICATION.....ZC	\$	_____
<input checked="" type="checkbox"/>	PUBLIC FACILITY, SEL./ACQ.....PF	\$	0
<input checked="" type="checkbox"/>	DISPOSITION OF REAL PROP.....PD	\$	0
<input checked="" type="checkbox"/>	URBAN DEVELOP=MENT ACTION.....HA	\$	0
<input type="checkbox"/>	URBAN RENEWAL PROJECT.....*	\$	_____
<input type="checkbox"/>	HOUSING PLAN & PROJECT.....*	\$	_____
<input type="checkbox"/>	FRANCHISE.....*	\$	_____
<input type="checkbox"/>	REVOCABLE CONSENT.....*	\$	_____
<input type="checkbox"/>	CONCESSION.....*	\$	_____
<input type="checkbox"/>	LANDFILL.....*	\$	_____
<input type="checkbox"/>	OTHER (Describe)	\$	_____

<input type="checkbox"/>	MODIFICATION	\$	_____
<input type="checkbox"/>	FOLLOW-UP	\$	_____
<input type="checkbox"/>	RENEWAL	\$	_____
<input type="checkbox"/>	OTHER	\$	_____
	SPECIFY		_____
	TOTAL FEE (For all actions)	\$	0

Make Check or Money Order payable to Department of City Planning.

If fee exemption is claimed check box below and explain

Applicant is a City agency

Has pre-application meeting been held? NO YES

If yes **Edith Hsu-Chen** **12/14/11**
DCP Office/Representative Date of meeting

5. ENVIRONMENTAL REVIEW

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Discuss with CEQR lead agency before completing)
LEAD AGENCY Office of the Deputy Mayor for Economic Dev. CEQR NUMBER 11DME012M

TYPE OF CEQR ACTION:

Form section 5 containing checkboxes for TYPE II, TYPE I, UNLISTED, and various determination questions like 'Has EAS been filed?' and 'Date determination was made?'.

6. COASTAL ZONE MANAGEMENT

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No [X] Yes []

7. RELATED ACTIONS BY CITY PLANNING

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:
APPLICATION NO. DESCRIPTION/ DISPOSITION/STATUS CAL. NO. DATE
See LR Item 7

8. RELATED ACTIONS BY OTHER AGENCIES

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:
REFERENCE NO. DESCRIPTION/ DISPOSITION/STATUS CAL. NO. DATE
See LR Item 8

9. FUTURE ACTIONS REQUIRED

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:
See LR Item 9

10. APPLICANT (Attach authorizing resolution(s), if applicable)

RuthAnne Visnauskas, Deputy Commissioner
NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE
NYC Department of Housing Preservation & Development
APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

Handwritten signature of RuthAnne Visnauskas and date 3/2/12.

11. CO-APPLICANTS (Attach authorizing resolution(s), if applicable)

Randal Fong, Assistant Commissioner
NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE
NYC Department of Citywide Administrative Services
CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION
1 Centre Street, 20th floor New York NY 10007 (212) 669-7150 (212) 669-8972
STREET ADDRESS CITY STATE ZIP TEL.NO. FAX
Hardy Adasko, Senior Vice President
NAME AND TITLE OF AUTHORIZED REPRESENTATIVE
New York City Economic Development Corporation
AUTHORIZED REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION
110 William Street New York NY 10038 (212) 312-3703 (212) 312-3989
STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

Handwritten signature of Randal Fong and date MAR 20 2012.

Handwritten signature of Hardy Adasko and date 3/20/2012.

ADMINISTRATIVE CODE

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE

THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.



Handwritten numbers: 120226-120231 RND 120233-120237

City Map Change MM

APPLICATION NO

Proposed City Map Change (Check appropriate boxes)

- 1. ESTABLISH NEW..... STREET PARK PUBLIC PLACE GRADE
- 2. ELIMINATE EXISTING..... GRADE
- 3. CHANGE EXISTING..... GRADE
- 4. EASEMENT
Delineate N.....
- 5. RELATED ACTION



120226ZMM

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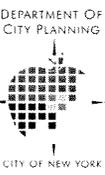
Zoning Map Change ZM

APPLICATION NO

Proposed Zoning Map Change(s)

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")

CHANGE #1	FROM: <u>R8</u>	TO: <u>R8/C2-5</u>
	EXISTING	PROPOSED
CHANGE #2	FROM: _____	TO: _____
	EXISTING	PROPOSED
CHANGE	_____	PROPOSED
CHANGE	_____	PROPOSED
CHANGE	_____	PROPOSED



N120227ZRM

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Zoning Text Amendment ZR

APPLICATION NO.

If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

Affected Zoning Resolution (ZR) Sections

ZR SECTION NUMBER	ZONING RESOLUTION SECTION TITLE
<u>74-743</u>	<u>Special Provisions for bulk modification</u>
<u>74-744</u>	<u>Modification of use regulations</u>
_____	_____
_____	_____
_____	_____
_____	_____

Special Permit/Authorization/Certification ... ZS/ZA/ZC

120228 - 120230

APPLICATION NO.

120231 - Site 2 (Block 352, Lots 1 and 28)

120233 - Site 3 (Block 346, p10 Lot 40)

APPLICATION NO.

120234 - Site 4 (Block 346, p10 Lot 40)

120235 - Site 5 (Block 346, p10 Lot 40)

APPLICATION NO.

(If more than five actions are being requested, enter "see attached" below, and list ALL PROPOSED ACTIONS in the same format as below on a separate sheet titled "Proposed Zoning Special Permits/ Authorization/ Certifications.")

Action(s) requested pursuant to ZR
(Check one box for each proposed action)

SPECIAL PERMIT (ZS)
AUTHORIZATION (ZA)
CERTIFICATION (ZC)

PURSUANT TO:

ZONING RESOLUTION SECTION NUMBER

ZONING RESOLUTION SECTION TITLE

TO MODIFY:

SECTION NO. (If applicable)

74-743(a)(1,2&10)

120228 ZSM

Special provisions for bulk modification

23-47, 23-532, 23-663, 23-642, 23-863, 23-892, 33-26, 33-283, 33-431, 33-432, 35-24, 35-53

74-744(a)(3)&(b)

120229 ZSM

Modification of use regulations

32-00, 32-421, 32-422

74-744(c)(2)

N/120230 ZAM

Modification of use regulations

32-642, 32-643, 32-644, 32-655, 32-68

13-562 and 74-52

Parking Garages or Public Parking Lots in High Density Central Areas (Site 2)

13-562 and 74-52

Parking Garages or Public Parking Lots in High Density Central Areas (Site 3)

13-562 and 74-52

Parking Garages or Public Parking Lots in High Density Central Areas (Site 4)

13-562 and 74-52

Parking Garages or Public Parking Lots in High Density Central Areas (Site 5)

HAS A DRAFT RESTRICTIVE DECLARATION BEEN INCLUDED WITH THIS APPLICATION?

YES NO

WILL ALL PARTIES IN INTEREST AGREE TO A RESTRICTIVE DECLARATION IF REQUIRED?

YES NO

Property ownership/ interest

CHECK APPLICABLE BOX(ES) (If more than one box is checked in the left column, please explain below).

APPLICANT:

IS OWNER OF SUBJECT PROPERTY

IS A CITY AGENCY

IS LESSEE OF SUBJECT PROPERTY

IS A STATE OR FEDERAL AGENCY

HAS CONTRACT TO LEASE OR BUY SUBJECT PROPERTY

IS OTHER (Explain real property interest below)



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Discussion of findings

STATEMENT IN SUPPORT OF REQUIRED ZONING RESOLUTION FINDINGS/DECLARATION OF COMPLIANCE

(This is the same discussion/statement as in Attachment #11. If it fits below, it may be put here instead of in a separate attachment. If Attachment 11 has been completed, you may leave this area blank).

Land Use Review Application (LR)

..... Item 2. Site Data

120228ZSM



120229ZSM

120236HAM

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Enter all property information on this Attachment Sheet if the site contains more than one property.

TAX BLOCK OR TAX BLOCK RANGE
(Enter Range only if all Lots in Range are Included)

TAX LOT(S) OR TAX LOT RANGE

ADDRESS (House Number and Street Name) OR
BOUNDING STREETS OR CROSS STREETS (If No Address)

TAX BLOCK OR TAX BLOCK RANGE (Enter Range only if all Lots in Range are Included)	TAX LOT(S) OR TAX LOT RANGE	ADDRESS (House Number and Street Name) OR BOUNDING STREETS OR CROSS STREETS (If No Address)
SITES FOR Large-Scale General Development: AND UDAAP DISPOSITION		
Block 346 - SITE 3	p/o Lot 40	135-147 Delancey Street
Block 346 - SITE 4	p/o Lot 40	153-163 Delancey Street
Block 346 - SITE 5	p/o Lot 40	394-406 Grand Street
Block 347 - SITE 6	Lot 71	178 Broome Street
Block 352 - SITE 2	Lot 1	80 Essex Street
Block 352 - SITE 2	Lot 28	85 Norfolk Street
Block 409 - SITE 1	Lot 56	236 Broome Street
Sites 8 - 10 FOR UDAAP DISPOSITION ONLY		
Block 353 - SITE 9	Lot 44	116 Delancey Street
Block 354 - SITE 8	Lot 1	140 Essex Street
Block 354 - SITE 10	Lot 12	121 Stanton Street

Land Use Review Application (LR)

..... **Item 2. Site Data**



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Enter all property information on this Attachment Sheet if the site contains more than one property.

TAX BLOCK OR TAX BLOCK RANGE (Enter Range only if all Lots in Range are Included)	TAX LOT(S) OR TAX LOT RANGE	ADDRESS (House Number and Street Name) OR BOUNDING STREETS OR CROSS STREETS (If No Address)
R8/C2-5 Rezoning Area:		
Block 346	p/o Lot 40	135-147 Delancey Street
Block 346	p/o Lot 40	153-163 Delancey Street
Block 346	p/o Lot 40	394-406 Grand Street
Block 347	Lot 71	178 Broome Street
Block 347	p/o Lot 80	150 Broome Street
Site 2 Public Parking Garage:		
Block 352	Lot 1	80 Essex Street
Block 352	Lot 28	85 Norfolk Street
Site 3 Public Parking Garage:		
Block 346	p/o Lot 40	135-147 Delancey Street
Site 4 Public Parking Garage:		
Block 346	p/o Lot 40	153-163 Delancey Street
Site 5 Public Parking Garage:		
Block 346	p/o Lot 40	394-406 Grand Street

T20226ZMM

T2023WZSM

T20233ZSM

T20234ZSM

T20235ZSM

Property Disposition

PD



120236HAM

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1.

Type of disposition
(Check appropriate box)

a. DIRECT

b. GENERAL

2.

Restrictions and conditions

a. PURSUANT TO ZONING

b. RESTRICTED (Describe restrictions below, including any restrictions on disposition, term, or use of property. If additional space is required, attach separate sheet, Site Data Sheet, or Fact Sheet, and note here.)

*The disposition of all sites must be executed subject to compliance with the terms of the UDAAP Project Summary.

3.

For direct disposition only

Indicate intended recipient of direct disposition*

a. FROM: HPD or DCAS

City Agency

b. TO*: A future developer or NYCEDC (or its successor entity)

Sponsor/ developer/ purchaser/ lessee or local public development corporation

* If recipient has not been selected or disposition is not limited to particular recipient, indicate "To be determined by agency" in item 3.b.

UDAA/UDAAP



120236HAM

.....HA

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APPLICATION NO.

Requested action
(Check applicable boxes and provide requested information)

DESIGNATION*

(Also complete Site Data Sheet, Form H)

PROJECT*†

DISPOSITION

(Also complete Form PD, above)

* FOR DESIGNATIONS AND PROJECTS, THE "DESCRIPTION OF PROPOSAL", ITEM #3 ON THE LR FORM, MUST CONTAIN INFORMATION SUPPORTING AN URBAN ACTION AREA DETERMINATION PURSUANT TO SECTIONS 693 AND 694 OF THE GENERAL MUNICIPAL LAW AND AN URBAN DEVELOPMENT ACTION AREA PROJECT PURSUANT TO SECTIONS 692 AND 694 OF THE GENERAL MUNICIPAL LAW.

† For **Projects**, provide a separate sheet (labeled UDAAP Project Summary) with information relative to:

- a) Proposed Land Use
- b) Proposed Public, Semi-public, Private or Community Facilities or Utilities
- c) Proposed New Codes and Ordinances
- d) Proposed Time Schedule for Effectuation

Site Data Sheet.....



120236HAM

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H

Block No.	Lot No.	Address	UR Site No.	Owner	E X I S T I N G		NO. OF COMM./INST.FAC			NO. OF DWELLINGS		PROPOSED USES/ RESTRICTIONS
					Buildings/Stories/Uses	Zoning	Occup.	Vacant	No. Empl.	Occup.	Vacant	
346	40 p/o	135-147 DelanceySt		NYCHPD	0	R8	0					Residential/Commercial/Comm. Facility
346	40 p/o	153-163 Delancey St		NYCHPD	0	R8	0					Residential/Commercial/Comm. Facility
346	40 p/o	394-406 Grand St		NYCHPD	3	R8	2	1		7	3	Residential/Commercial/Comm. Facility
347	71	178 Broome Street		NYCHPD	0	R8						Residential/Commercial/Comm. Facility
352	1	80 Essex Street		NYCSBS	1	C6-1	2	1	12			Residential/Commercial/Comm. Facility
352	28	85 Norfolk Street		NYCHPD	0	C6-1			1			Residential/Commercial/Comm. Facility
353	44	116 Delancey Street		NYCSBS	1	C4-4A/C6-2A	1	0	113	0		Residential/Commercial/Comm. Facility
354	1	140 Essex Street		NYCSBS	1	C4-4A	0	1	0	0		Residential/Commercial/Comm. Facility
354	12	121 Stanton Street		NYCSBS	1	C4-4A	1	0	44	0		Residential/Commercial/Comm. Facility
409	56	236 Broome Street		NYCDOT	0	C6-1	0					Residential/Commercial/Comm. Facility

Note: This UDAAP summary is superseded by the revised Project Summary filed with DCP dated 9/27/12.

UDAAP PROJECT SUMMARY

<u>Site</u>	<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>
Site 1	409	56	236 Broome Street
Site 2	352	1	80 Essex Street
Site 2	352	28	85 Norfolk Street
Site 3	346	40 (p/o)	135-147 Delancey Street
Site 4	346	40 (p/o)	153-163 Delancey Street
Site 5	346	40 (p/o)	394-406 Grand Street
Site 6	347	71	178 Broome Street
Site 8	354	1	140 Essex Street
Site 9	353	44	116 Delancey Street
Site 10	354	12	121 Stanton Street

1. Land Use:

Publicly-accessible open space, roads, and community facilities. Residential uses - Sites 1 – 10: up to 1,069,867 zoning floor area (zfa) - 900 units; LSGD (Sites 1 – 6) - 800 units. 50% market rate units. 50% affordable units: 10% middle income (approximately 131-165% AMI), 10% moderate income (approximately 60-130% AMI), 20% low income, 10% senior housing. Sufficient residential square footage will be set aside and reserved for residential use in order to develop 900 units. Commercial development: up to 755,468 zfa.

If a fee ownership or leasehold interest in a portion of Site 2 (Block 352, Lots 1 and 28) is reacquired by the City for the purpose of the Essex Street Market, the use of said interest pursuant to a second disposition of that portion of Site 2 will be restricted solely to market uses and ancillary uses such as eating establishments.

The disposition of Site 9 (Block 353, Lot 44) will be subject to the express covenant and condition that, until a new facility for the Essex Street Market has been developed and is available for use as a market, Site 9 will continue to be restricted to market uses. If a new market is developed on Site 2, the use of Site 9 may contain residential, commercial and/or community facilities as described above.

2. Proposed Facilities

Up to 600,000 zfa of community facilities.

3. Proposed Codes/Ordinances

None

4. Proposed Time Schedule

Completed by 2022

Public Facility-S



120237PQM

.....PF

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1.

Requested action and proposed facility

(Check all of the appropriate boxes.)

a. ACTION REQUESTED:

- SITE SELECTION
- ACQUISITION

b. PROPOSED FACILITY IS:

- EXISTING FACILITY
- EXPANSION
- NEW FACILITY

If action involves selection and/or acquisition of an **existing facility**, how long has existing facility been at this location and what process was used to authorize use of site?

If action involves a **new facility**, will it replace another facility located elsewhere?

Yes No

If yes, where is the other facility located and why is it being replaced?

2.

Existing conditions of proposed site

- a. SITE IS
- 1) IMPROVED
 - UNIMPROVED
 - PARTLY IMPROVED
 - 2) CITY-OWNED*
 - OWNED BY OTHER PUB. ENTITY
 - PRIVATELY-OWNED

*Name of agency or other public entity having jurisdiction SBS/HPD

b. DESCRIBE EXISTING IMPROVEMENTS AND CURRENT USES ON THE SITE (If site is substantially vacant but has had uses within the past two years, briefly describe such uses and proceed to item 3.)

Site 2 (Block 352, Lots 1 and 28) is currently City-owned and contains a parking lot and a former Essex Street Market building. The City intends to dispose of the full site to a developer and thereafter acquire a fee ownership or leasehold interest for a portion of Site 2 from the developer for the purpose of developing a new Essex Street Market on the site. The acquisition of this fee ownership or leasehold interest within a future improvement would occur either before or after the completion of the improvements to be constructed on site by the developer. The improvement within which the interest would be located shall satisfy the specifications to be set forth in a contract between the City and/or NYCEDC and the developer.

- 1) RESIDENTIAL USES ONSITE (Number of dwelling units) _____
- 2) COMMERCIAL USES ONSITE (Number of firms) _____ (Total commercial employees) _____
- 3) MANUFACTURING USES (Number of firms) _____ (Total manufacturing employees) _____
- 4) WILL DISPLACEMENT/RELOC. OF ABOVE USES BE REQ'D? NO YES If yes, describe below:

3.

Proposed facility

- a. SITE AREA _____ FLOOR AREA _____ ZONING USE GROUP _____ CAPITAL BUDGET LINE _____ FY _____
- b. NUMBER OF EMPLOYEES (main shift): _____ SHIFT: _____
Working: On-site _____ Off-site _____ Hours/days _____
- OTHER SHIFTS AND NUMBER OF EMPLOYEES: _____
- c. NUMBER AND TYPE OF FACILITY VEHICLES: _____
On-site Off-site Location
- d. No. OF ACCESSORY PARKING SPACES TO BE PROVIDED: _____
On-site Off-site Location

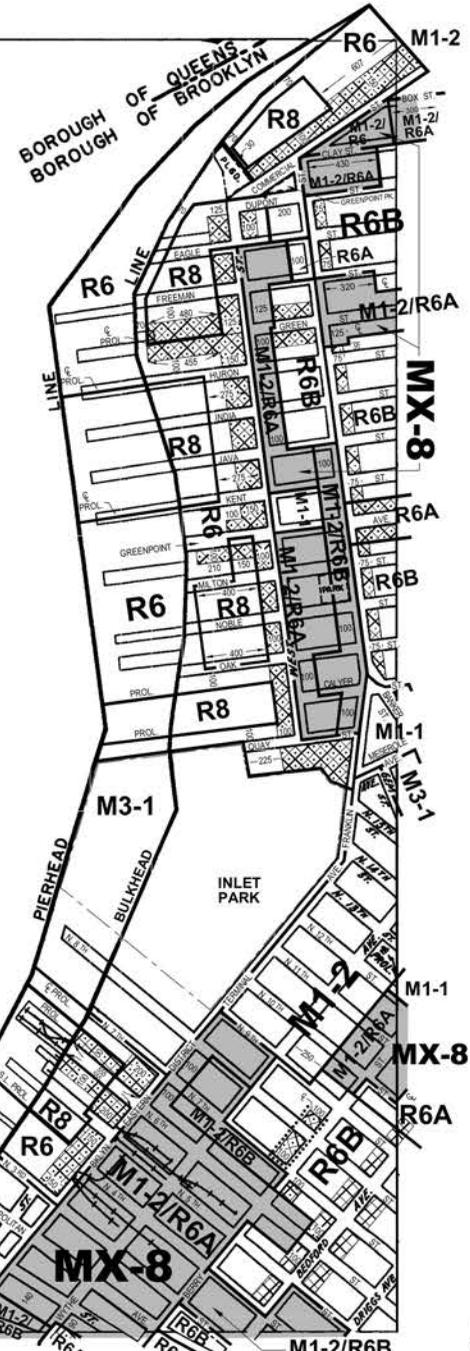
4.

Fair Share

- a. IS PROJECT SUBJECT TO FAIR SHARE CRITERIA? NO YES
IF NOT, PLEASE EXPLAIN: The new Essex Street Market will not be a designated public market and qualify as a "City Facility" for purposes of the Criteria for the Location of City Facilities. It will nevertheless continue to provide market functions and remain in City Ownership.
- b. IS PROJECT LISTED IN STATEMENT OF NEEDS? NO YES FY _____
- c. DID BOROUGH PRESIDENT PROPOSE ALTERNATE SITE PURSUANT TO CHARTER SECTION 204(f) or (g)?
NO YES
IF YES, WHAT SITE? _____
- d. INDICATE TYPE OF FACILITY: LOCAL/NEIGHBORHOOD REGIONAL/CITYWIDE



EAST RIVER



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

08-17-2011 C 080491 ZMK

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

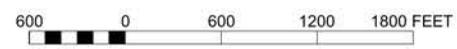
For Inclusionary Housing designated areas on this map, see APPENDIX F.

MAP KEY

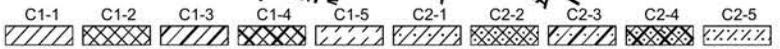
8b	8d	9b
12a	12c	13a
12b	12d	13b

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ZONING MAP 12c



Project Area



NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.

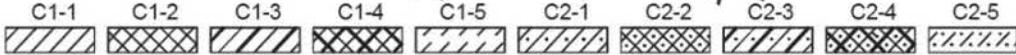
ZONING CHANGE MAP



EXISTING ZONING



PROPOSED ZONING





NYC Digital Tax Map

Effective Date : 12-09-2008 12:25:02
End Date : Current
Manhattan Block: 409

Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

R8 Existing Zoning District

- Existing Zoning District Boundary
- Proposed Large Scale General Development (LSGD)





NYC Digital Tax Map

Effective Date : 12-09-2008 12:09:30
End Date : Current
Manhattan Block: 352

Legend

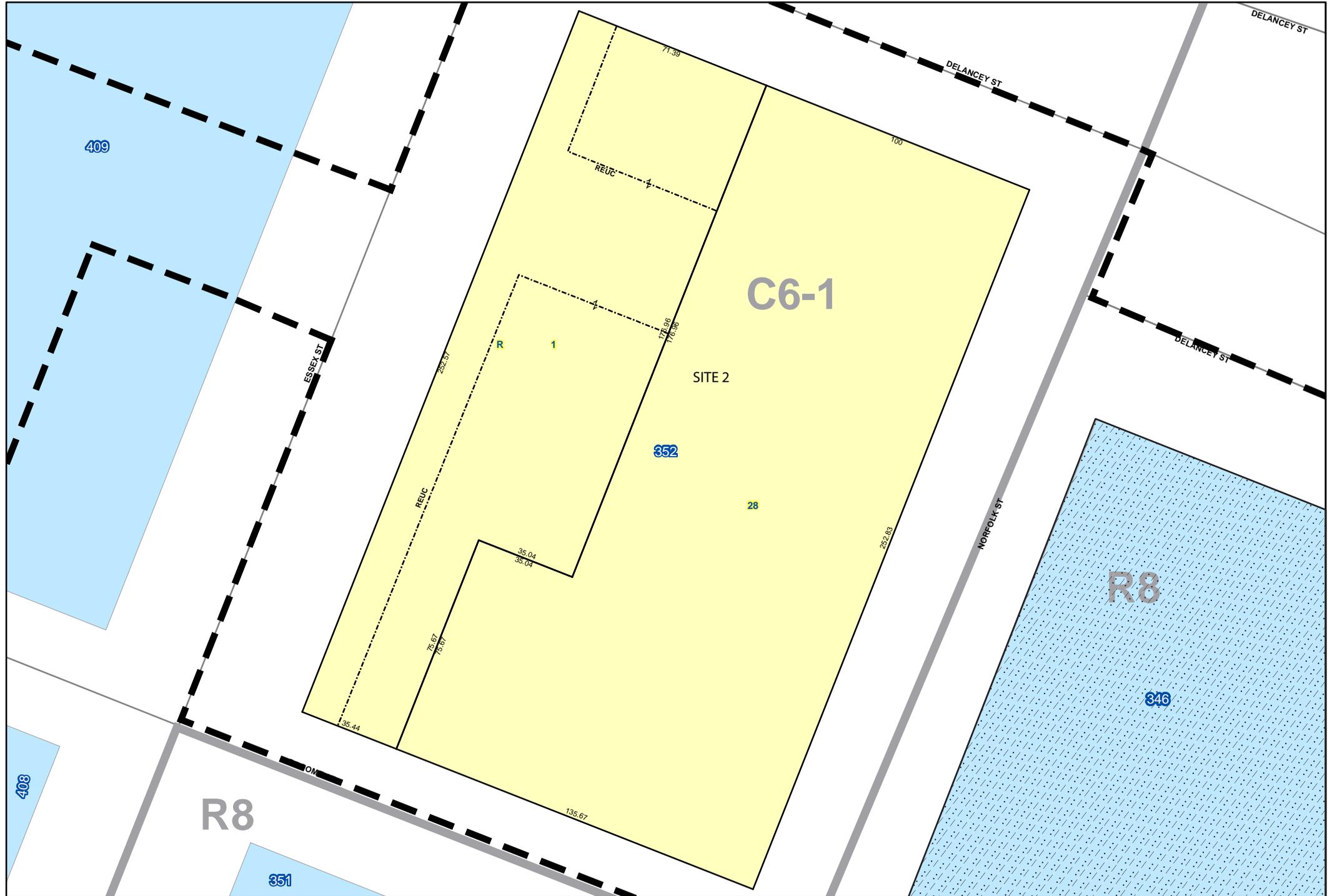
- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

R8 Existing Zoning District

Existing Zoning District Boundary

Proposed C2-5 Commercial Overlay Area

Proposed Large Scale General Development (LSGD)





NYC Digital Tax Map

Effective Date : 12-09-2008 12:07:46
End Date : Current
Manhattan Block: 347

Legend

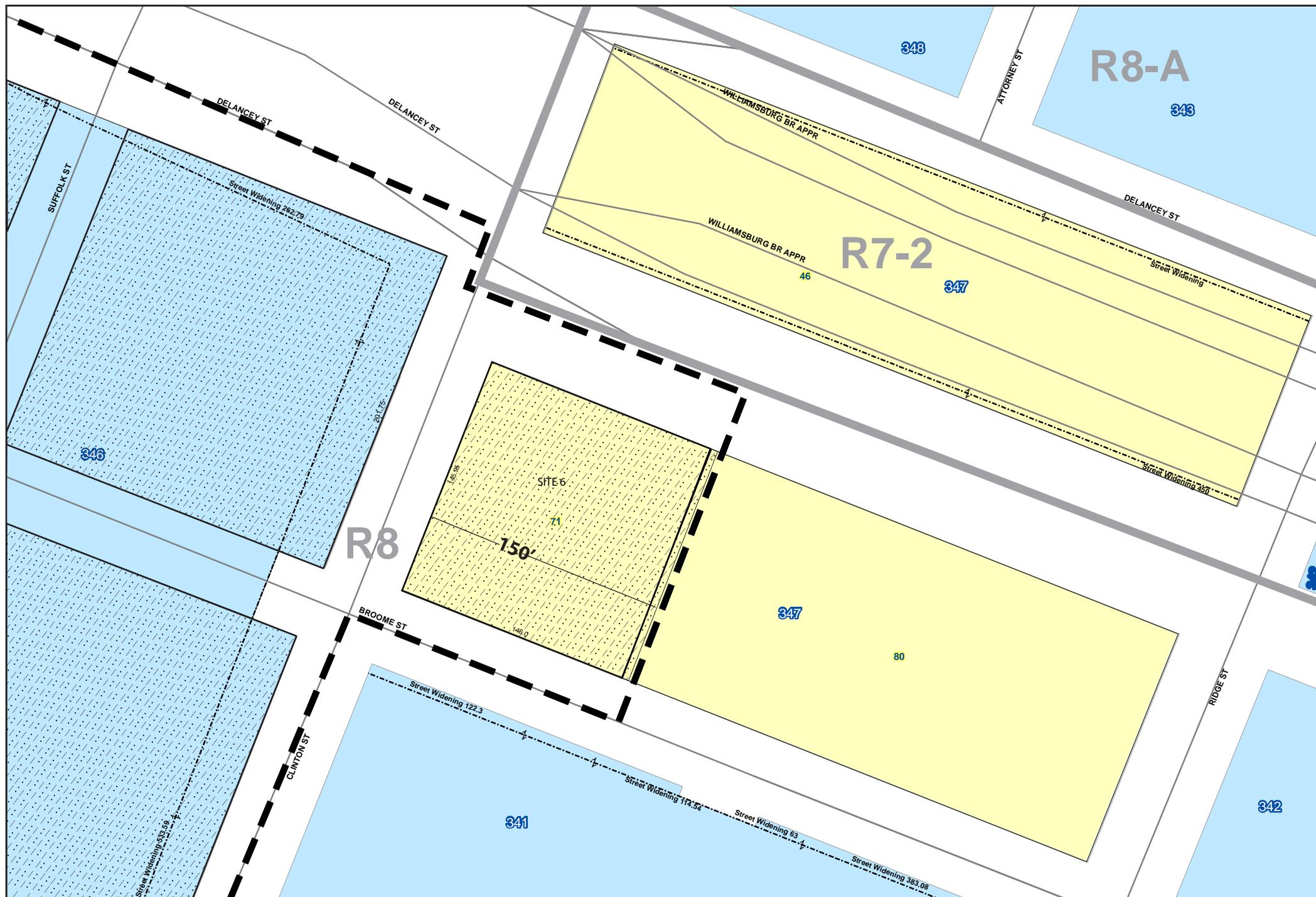
- Streets
- Miscellaneous Text
- ↓ Possession Hooks
- - - Boundary Lines
- ↓ Lot Face Possession Hooks
- Regular
- - - Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

R8 Existing Zoning District

Existing Zoning District Boundary

Proposed C2-5 Commercial Overlay Area

Proposed Large Scale General Development (LSGD)





NYC Digital Tax Map

Effective Date : 12-09-2008 12:10:15
 End Date : Current
 Manhattan Block: 354

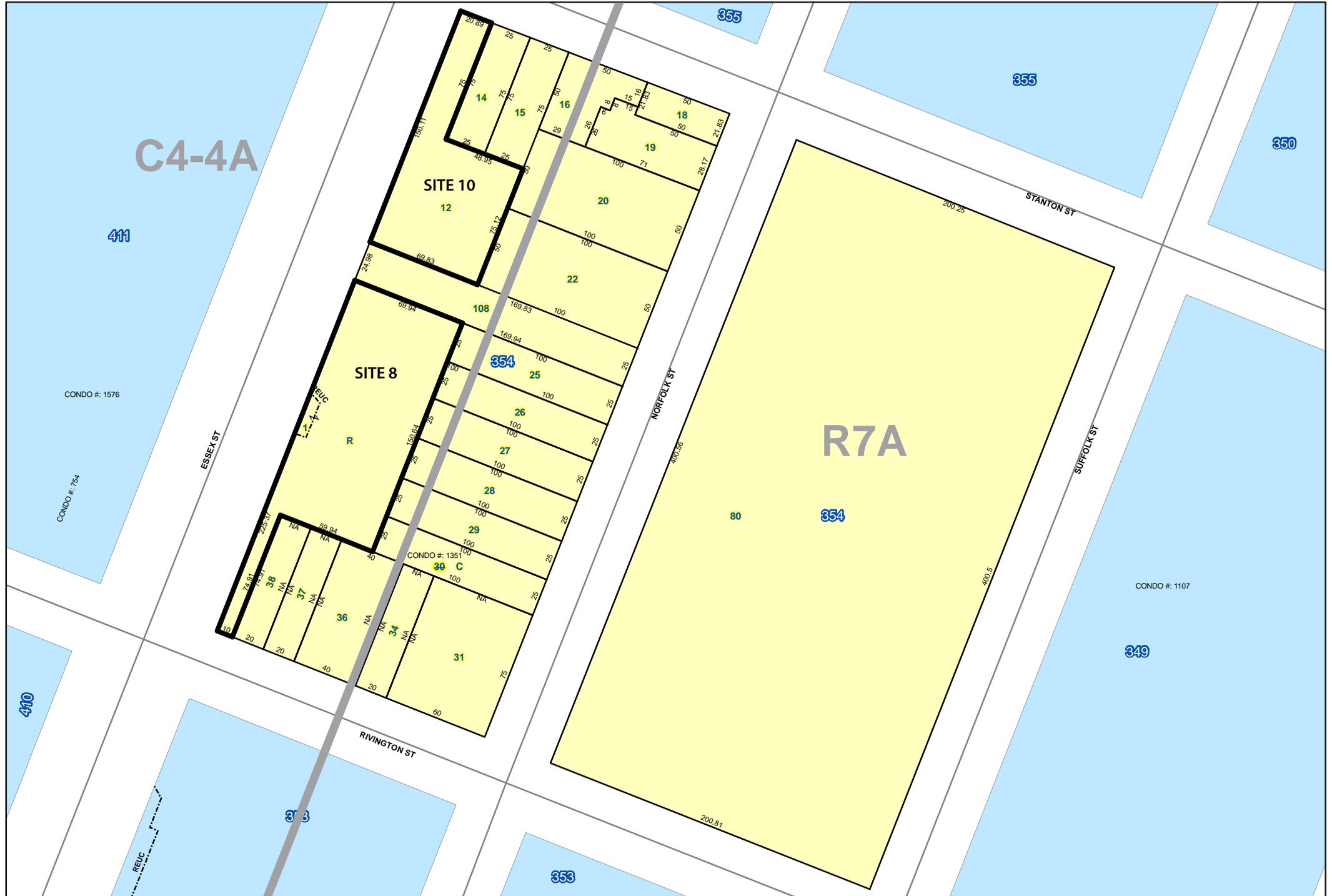
Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

R8 Existing Zoning District

Existing Zoning District Boundary

UDAAP Site





NYC Digital Tax Map

Effective Date : 06-23-2011 11:03:37
End Date : Current
Manhattan Block: 353

Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

R8 Existing Zoning District

Existing Zoning District Boundary

UDAAP Site



LR Item 7:**Related Actions by City Planning**

Application No.	Description/Disposition/Status	Cal No.	Date
CP-18915	Seward Park Extension Urban Renewal Area (SPEURA) Plan	8	June 2, 1965
CP-20171	Rezoning of the blocks bounded by Essex, Broome, Norfolk, Delancey, Clinton, Unnamed, Willett, and Grand Streets to R8 and C6-2	181	Mar 13, 1968
CP-20853	Change to City Map eliminating Broome and Suffolk Streets	150	Nov 13, 1969
CP-20854	Change to City Map widening Clinton and Delancey Streets	19	Dec 4, 1969
ULURP C-790719 HUM	SPEURA – 1 st Amendment	6	Feb 25, 1980
ULURP C-030184 PPM	Essex Street Market – 116, 118, 120 Delancey Street Leases	22	May 19, 2003
ULURP C-110247 PPM	Community Healthcare Network Lease	15	Aug 24, 2011
ULURP 120156 MMM	Change to City Map mapping Broome and Suffolk Streets and narrowing Clinton and Delancey Streets	Pending	Pending

LR Item 8:**Current Related Actions by Other Agencies**

Not applicable.

LR Item 9:**Future Related Actions by Other Agencies**

Construction financing for the residential buildings may come from a variety of private and public (local, state, and federal sources), including, but not limited to funding from HPD, the New York City Housing Development Corporation, and the United States Department of Housing and Urban Development. In addition, potential construction funding may be provided by New York State Homes & Community Renewal (HCR) and the New York State Housing Finance Agency (HFA).

Comparison of Existing and Proposed Zoning Requirements

Zoning Requirement	Permitted/ Required			
	Existing Zoning		Proposed Zoning	
	ZR Section(s)	R8	ZR Section(s)	R8/C2-5
USE GROUPS	22-10	1-4	22-10, 32-10	1-9, 14
FAR				
Residential	23-142	0.94 - 6.02	23-142	0.94 - 6.02
Commercial		N/A	33-121	2.00
Community Facility	24-11	6.5	33-121	6.5
YARDS				
Front Yard	N/A	N/A	N/A	N/A
Side Yard	23-462(c), 33-25	N/A or 8 feet	23-462(c), 33-25	N/A or 8 feet
Rear Yard	23-47, 33-26	30 feet	23-47, 33-26	30 feet (res), 20 ft (com)
HEIGHT AND SETBACKS (Height Factor)				
Max. Height of Front Wall	23-632	85 feet or 9 stories	23-632, 33-432	85 feet or 9 stories
Max. Building Height	23-632	Governed by S.E.P.	23-632, 33-432	Governed by S.E.P.
Setbacks from Narrow Streets	23-632	20 feet	23-632, 33-432	20 feet
Setbacks from Wide Streets	23-632	15 feet	23-632, 33-432	15 feet
HEIGHT AND SETBACKS (Quality Housing)				
Base Height (narrow street)	23-633	60 - 80 feet	23-633; 35-24	60 - 80 feet
Base Height (wide street)	23-633	60 - 85 feet	23-633; 35-24	60 - 85 feet
Max. Building Height (narrow st.)	23-633	105 feet	23-633; 35-24	105 feet
Max. Building Height (wide st.)	23-633	120 feet	23-633; 35-24	120 feet
Setbacks from Narrow Streets	23-633	15 feet	23-633; 35-24	15 feet
Setbacks from Wide Streets	23-633	10 feet	23-633; 35-24	10 feet
DENSITY REGULATIONS	23-22	740 sf/unit	23-22	740 sf/unit
PARKING AND LOADING	13-10, 36-62	Depends on use	13-10, 36-62	Depends on use

LR Item 3: Project Description

Introduction

The Office of the Deputy Mayor for Economic Development, in coordination with the New York City Economic Development Corporation (“NYCEDC”) and the New York City Department of Housing Preservation and Development (“HPD”), is sponsoring an initiative of the City of New York (the “City”) to facilitate the Seward Park Mixed-Use Development Project (the “Project”), an approximately 1.65 million square foot mixed-use development located on nine sites on the Lower East Side of Manhattan in Community District 3. This application (the “Application”) requests eleven actions to facilitate the Project and is submitted by HPD and the New York City Department of Citywide Administrative Services (“DCAS”) (together, the “Applicants”)¹, with NYCEDC as the authorized representative. Of the nine sites, all of which are in City ownership, five were cleared as part of the Seward Park Extension Urban Renewal Area (“SPEURA”) over 40 years ago but were never redeveloped. This Application would facilitate a mixed-use development on the approximately 6.14-acre Project area, with mixed-income residential units, commercial uses, community facility space, a publicly-accessible open space, and up to 500 public parking spaces in up to four below-grade garages. The residential use would include 900 residences, half of which would be affordable to low-, moderate- and middle-income households. Sites 1 – 6 are located south of Delancey Street and would be within a Large Scale General Development (“LSGD”). Sites 8 – 10 are located along Essex Street north of Delancey Street. The Project seeks to knit the underdeveloped sites back into the vibrant Lower East Side neighborhood that surrounds them.

To facilitate the Project, this Application requests the following actions:

1. Rezoning (R8 to R8/C2-5)
2. Zoning Resolution (“ZR”) Text Amendment (ZR Sections 74-743 and 74-744)
3. LSGD Special Permit - bulk waivers (ZR Section 74-743(a)(1, 2, and 10))
4. LSGD Special Permit - use waivers (ZR Section 74-744(a)(3) and (b))
5. Modification of Signage Regulations Authorization (ZR Section 74-744(c)(2))
6. Urban Development Action Area Project (UDAAP)/Disposition
7. Acquisition of a portion of Site 2 for the sole purpose of the Essex Street Market
8. Public Parking Garage Special Permit – Site 2
9. Public Parking Garage Special Permit – Site 3
10. Public Parking Garage Special Permit – Site 4
11. Public Parking Garage Special Permit – Site 5

In addition to this Application, the Project would be facilitated by a concurrent application (ULURP #120156 MMM, the “Mapping Application”) submitted by HPD, requesting an amendment to the City Map affecting portions of Delancey, Broome, Suffolk, and Clinton Streets.

¹ HPD is the applicant for all actions. DCAS is an additional applicant for the disposition and acquisition actions. NYCEDC is the Applicants’ representative associated with all actions listed above.

Background and History

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

In 1965, the Board of Estimate approved the Seward Park Extension Urban Renewal Area ("SPEURA") under the New York State Urban Renewal Law and Title I of the Federal Housing Act of 1949. The SPEURA was located on 14 blocks between Delancey, Essex, Grand, and Willet Streets that consisted largely of low-scale, tenement-style residential buildings, many with ground floor commercial uses, and several community and religious institutions. There were also commercial uses in converted buildings, light manufacturing and automotive uses, vacant lots and a bus depot. The SPEURA plan proposed combining 11 of the 14 blocks into five superblocks, leaving two blocks at their original size, and shrinking the remaining block. Two of the new blocks, located along Delancey Street between Essex, Broome, and Clinton Streets (Sites 2, 3, and 4 in this Application), would be reserved as the access point to the Williamsburg Bridge from the proposed Lower Manhattan Expressway. The remaining blocks were proposed to be developed with 1,800 dwelling units, community facilities, and commercial uses. Although portions of Broome and Suffolk Streets were demapped as part of the original SPEURA plan, these streets were never decommissioned to create the proposed superblock, and continue to function as regular City streets. Similarly, portions of Clinton and Delancey Streets were widened on the City Map as part of the original SPEURA but the extended right-of-way was never built. Seven lots were not acquired as part of the SPEURA action and those buildings remain, including the former Essex Street Market building on Site 2.

Demolition began on the sites in 1967. The Lower Manhattan Expressway was officially canceled in 1971, and the majority of the SPEURA sites were cleared by 1980, with the exception of four small buildings on Delancey Street between Essex and Clinton Streets, one building on Broome Street, and three buildings on Grand Street. The buildings on Delancey Street have since been removed, but the buildings on Broome and Grand Streets remain. In 1971, a 23-story New York City Housing Authority ("NYCHA") tower was constructed on Delancey Street in the middle of the superblock between Clinton and Ridge Streets; in 1972, a 23-story NYCHA apartment tower and low-rise facilities were built on the block bordered by Broome, Grand, Essex, and Norfolk Streets; and between 1972 and 1976, three 26-story apartment towers were built on the new superblock between Clinton Street and Pitt Street - one near Grand Street and two near Pitt Street. A combined police/fire station was built on the corner of Delancey Street and Pitt Street in 1972. A number of religious institutions, including

three synagogues and St. Mary's Catholic Church, remained within the original SPEURA boundaries.

In 1980, the Board of Estimate approved the first amendment to the SPEURA plan. The amended SPEURA plan modified the proposed uses on the blocks that comprise Sites 2 – 6 in this Application. Sites 2, 3, and 4 were originally designated for the Lower Manhattan Expressway access sites, and Site 6 was designated for public or semi-public (institutional) use. The amended plan designated these four sites for commercial uses. The amended SPEURA plan acknowledged that these parcels would need to be rezoned in order to accomplish these goals, which would take place when a project was proposed. After the amendment, other sites within the SPEURA were developed in the 1980s, including a 26-story apartment tower on the corner of Norfolk and Grand Streets, an 11-story apartment building on Bialystoker Place, and additional smaller buildings on Pitt Street, Broome Street and Bialystoker Place (formerly Willet Street). There were also three major attempts to develop the remaining SPEURA sites (Sites 2 – 6 in this Application). In 1988, in response to a City Request for Qualifications by the Koch Administration, the LeFrak Organization proposed a mix of affordable and market-rate housing units, but the project was canceled in the early 1990s. In 1993, Kraus Enterprises proposed a development with residential units, park space, retail and a movie theater. In 1999, the Giuliani Administration released a Request for Proposals (“RFP”) for four of the sites. A joint partnership between the LeFrak Organization and Edward J. Minskoff Equities proposed a mix of affordable and market-rate housing units with additional retail, but the plan was dropped in 2001. The proposals failed to move forward generally due to a lack of consensus on the best use of the sites. The SPEURA plan expired on July 22, 2005, forty years after its adoption.

Site 1 in the current Project designation was not in the original SPEURA. The City acquired this site through a condemnation action in 1970 by the Board of Education for uses related to Seward Park High School. In 1977, it was determined that the site was not required for the high school, and it was transferred to the jurisdiction of the New York City Department of Transportation (“DOT”). It currently serves as a municipal parking lot.

In the discussions that led to the Project, all of the City-owned properties in the surrounding area were considered, including the municipal parking garage run by DOT at 107 Essex Street, which was designated as Site 7. However, in the proposed Project, Site 7 would not be redeveloped and would retain its current function as a parking garage and will continue to support the existing neighborhood uses.

Sites 8, 9, and 10 and a portion of Site 2 contain the original Essex Street Market buildings, located along Essex Street from Broome Street to Stanton Street. The one-story brick buildings were constructed in 1939 as part of a citywide program to address sanitation issues and relieve street congestion from pushcart vendors by providing indoor retail space for 475 vendors. In the 1960s, the City leased the Essex Street Market to the vendors, who took over its management. In the 1980s, the City considered redevelopment proposals for the Essex Street Market buildings

and, with 59 tenants remaining, leased the market to a private developer in 1988. In 1995, Sites 2 and 9 remained in market use, but were in danger of closing due to health and building violations. In order to avoid closing the market, NYCEDC assumed direct management and consolidated the remaining vendors into the Site 9 building north of Delancey Street. The market portion of the building on Site 2 has remained vacant, but the site contains a diner and a liquor store along the Delancey Street frontage. The building on Site 8 is vacant, but is used for storage of the refuse generated by the Essex Street Market. In 1994, the New York Downtown Hospital entered into a lease agreement to develop a health clinic on Site 10; the lease was later assigned to the Community Healthcare Network (“CHN”), which now operates a health clinic on that site.

In 2008, Manhattan Community Board 3 (“CB3”) began a planning process with the goal of reaching community consensus on a development program for the undeveloped former SPEURA sites, along with all of the Essex Street Market sites and the DOT parking lot on Site 1. CB3 invited the City to be part of the process, and NYCEDC, HPD, and the Department of City Planning (“DCP”) provided technical support and resources to facilitate the community’s discussion and analysis. Over the course of more than two years, CB3 worked to develop a set of project guidelines that CB3 unanimously adopted in January 2011. CB3 subsequently worked with the City to understand the urban design opportunities of the project and unanimously passed a set of urban design principles in June 2011. CB3’s guidelines serve as a broad framework for defining key elements of the Project proposal. The guidelines call for a mixed-use and mixed-income development that is reflective of, and compatible with, adjacent communities. CB3’s recommendation is that the design of the proposed development should conform to the principles of contextual design, such that building orientation and access should support and enhance the existing pedestrian realm and integrate with the existing neighborhood.

Should ULURP approval be obtained, the City would begin an RFP process to solicit proposals for development under the approvals and select one or more developers to implement the proposed vision. The RFP(s) for all nine Project sites are intended to be released in early 2013, with the goal of selecting a developer or multiple developers by the end of 2013.

Area Description

The Project is located in the Lower East Side of Manhattan in Community District 3, with the LSGD sites (Sites 1 – 6) located just south of the entrance to the Williamsburg Bridge, and the remaining sites (Sites 8 – 10) located on Essex Street north of Delancey Street. The surrounding neighborhood can be divided into two areas with distinct characters: 1) the tower-in-the-park style area east of Essex Street south of Delancey Street and east of Pitt Street north of Delancey Street, which was largely developed under Urban Renewal in the middle of the 20th century; and 2) the more mixed-use lower-scale area to the west and north of the tower-in-the-park area, which was largely developed the late 19th and early 20th centuries.

The area east of Essex Street and south of Delancey Street is dominated by superblock residential developments and large vacant parcels (the LSGD sites). The superblock developments in the immediate area of the LSGD include the 1,728-unit Seward Park Houses, a private co-operative located on the two blocks bounded by Grand Street, Essex Street and East Broadway and the NYCHA Seward Park Extension, a 360-unit development that includes a 23-story building on the block just south of Site 2 and a 23-story building on the eastern side of the block containing Site 6. Three additional 26-story buildings are located to the east of the block containing Site 5. This area is zoned R8, a medium-density district that permits buildings to be developed under height factor zoning (which encourages tower-in-the-park style developments) at a residential FAR of up to 6.02 and an overall FAR of 6.5 for sites that contain community facility uses.

The area east of East Broadway and Bialystoker Place is zoned R7-2, a district that also permits buildings to be developed under height factor zoning at an overall FAR of 6.5 for sites that contain community facility uses, but limits residential FAR to 3.44. This area is also dominated by superblock residential developments, including three NYCHA developments: Rutgers Houses contains 721 units in five 20-story buildings; LaGuardia Houses contains 1,092 units in nine 16-story buildings; and Vladeck Houses contains 1,510 units in 20 six-story buildings. While the majority of the area is developed with tower-in-the-park style developments, a number of buildings that were built to the street line prior the mid-20th century are located throughout the area, especially on the blocks between Madison Street and East Broadway.

The area north of Delancey and east of Pitt Street is also characterized by tower-in-the-park style developments and is zoned R7-2. Developments in this area include the Samuel Gompers Houses, a 1,473-unit development in two 20-story buildings, and the Baruch Houses, a 2,194-unit development with 17 buildings that vary between seven and 14 stories in height.

The tower-in-the-park area contains several public and private institutions including the Henry Street Settlement on Henry Street, the Abrons Art Center on Grand Street, a library and the Educational Alliance on East Broadway, a combined police/fire station on Pitt and Delancey Streets, and several schools throughout the area. The area also contains local retail uses along

East Broadway, and Grand, Essex, and Clinton Streets including restaurants, delis, coffee shops, and clothing stores. C1-5 and C2-5 overlays are mapped along Grand, Clinton, and Delancey Streets, East Broadway, and on a portion of the block bounded by Montgomery Place and Henry, Jackson, and Madison Streets.

The area to the north and west of the LSGD portion of the Project, which contains Sites 8 – 10, has a very different built character. This area is characterized by a mix of residential, community facility, and commercial uses, and is typified by 4- to 6-story tenement buildings with ground floor retail. The commercial uses east of Essex Street and north of Delancey Street are typically local retail uses, including restaurants, delis, hair and nail salons, tailors, and dry cleaners. Houston Street to the north is a wide street, and the building typology remains relatively low-scale. The area is home to a number of large public schools such as P.S. 20, P.S. 140, and P.S. 142, as well as a large assortment of retail stores including restaurants, bars and nightclubs, local convenience retail, and specialty apparel shops.

The surrounding area had seen a trend towards the development of higher-density taller buildings during the early 2000s, including the 15-story Blue condominium on Norfolk Street, the 23-story rental building on Ludlow Street, and the 20-story Hotel on Rivington on Rivington Street. In 2008, the Lower East Side/East Village Rezoning changed the existing R7-2 and C6-1 non-contextual districts to C4-4A and R7A contextual districts. The new districts require buildings to be built to the street line with a base height between 40 and 65 feet and a maximum overall building height of 80 feet. The C4-4A district, which is mapped on the blocks south of Delancey Street and west of Ludlow Street, as well as on the blocks north of Delancey Street and west of the midpoint between Norfolk and Essex Streets, allows residential, commercial, and community facility uses at an FAR of 4.0. The R7A district, which is mapped north of Delancey Street and east of the midpoint between Norfolk and Essex Streets, similarly allows residential and community facility uses at an FAR of 4, but commercial uses are limited to the C1-5 commercial overlay area only, which runs along Clinton Street.

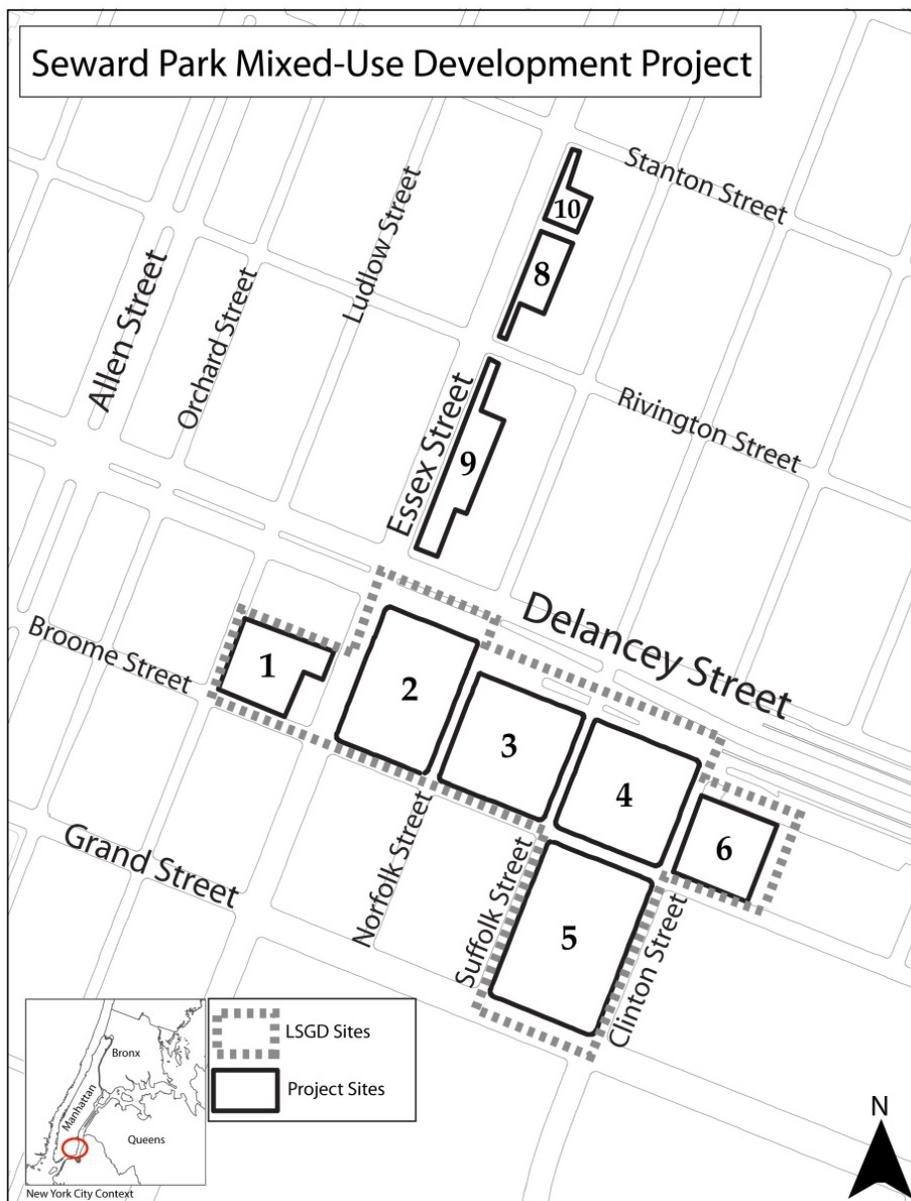
As part of the Lower East Side/East Village Rezoning, the area along Delancey Street was rezoned to C6-2A and mapped as an inclusionary housing district. This zoning designation allows buildings to be developed with commercial, community facility and/or residential uses at an FAR of up to 7.2 if affordable housing is provided. The district requires buildings to be built to the street line with a base of 60 to 85 feet in height and an overall maximum height of 120 feet. The Delancey Street corridor is developed with a number of taller buildings that pre-date the rezoning, including a 16-story residential building on the corner of Forsyth Street and a 19-story dormitory on the corner of Ludlow Street.

Site Description

The LSGD is comprised of six sites on what would become six blocks pursuant to the concurrent Mapping Application. The sites range in size from approximately 20,000 to 60,000 sq. ft., and together would comprise 228,595 sq. ft. of lot area. Each site would be considered a single zoning lot. The sites are currently underutilized and contain a mix of parking, vacant and partially vacant commercial uses, and a small residential building. The remaining sites (8 – 10) comprise three sites on two blocks on the east side of Essex Street between Delancey Street and Stanton Street, comprising 38,867 sq. ft. of lot area in total. The sites contain the remaining active building of the Essex Street Market, a vacant building used for the storage of refuse generated by the market, and a health clinic run by CHN.

The Project area is well served by public transportation. The F/M/J/Z subway lines stop at the Delancey Street/Essex Street subway station, which has several entrances along Delancey and Essex Streets. The M9 and M14A bus lines directly serve the site, the M15 (including the M15 select bus service) runs along Allen Street, a few blocks to the west, and the M21 and M22 run nearby.

The map below shows the location of the sites and the boundary of the LSGD.



Site 1

Site 1 (Block 409, Lot 56) is an irregularly-shaped 21,996 sq. ft. lot with 151 ft. of frontage on Ludlow Street, 124 ft. on Broome Street and 59 ft. on Essex Street. It is entirely occupied by a 65-space public parking lot operated by DOT.

Site 2

Site 2 (Block 352, Lots 1 and 28) contains 43,140 sq. ft. of lot area and occupies the entire block bounded by Essex, Delancey, Norfolk, and Broome Streets. It has 253 ft. of frontage on Essex and Norfolk Streets and 171 ft. of frontage on Delancey and Broome Streets. The site contains a one-story approximately 18,000 sq. ft. commercial building along its Essex Street frontage, which is one of the four former Essex Street Market buildings, developed in 1939. Most of the building is vacant with the exception of a liquor store and diner on Delancey Street. The remainder of the site is used for fleet parking by HPD.

Site 3

Site 3 (Block 346, p/o Lot 40) contains 40,776 sq. ft. of lot area and occupies the entire block bounded by Norfolk, Delancey, Suffolk, and Broome Streets. It has 203 ft. of frontage on Norfolk and Suffolk Streets and 201 ft. of frontage on Delancey and Broome Streets. A small portion of the northeastern corner of the site is currently mapped but not built as a widened area for Delancey Street. These portions would be demapped pursuant to the concurrent Mapping Application. The site is currently occupied entirely by a parking lot that contains approximately 170 public parking spaces.

Site 4

Site 4 (Block 346, p/o Lot 40) contains 40,627 sq. ft. of lot area and occupies the entire block bounded by Suffolk, Delancey, Clinton, and Broome Streets. It has 203 ft. of frontage on Suffolk and Clinton Streets and 201 ft. of frontage on Delancey and Broome Streets. A portion of the northern and eastern sides of the site is currently mapped but not built as a widened area for Delancey and Clinton Streets, respectively. This portion would be demapped pursuant to the concurrent Mapping Application. The site is currently occupied entirely by a parking lot that contains approximately 125 commercial parking spaces for area businesses.

Site 5

Site 5 (Block 346, p/o Lot 40) contains 60,712 sq. ft. of lot area and occupies the entire block bounded by Suffolk, Broome, Clinton, and Grand Streets. It has 302 ft. of frontage on Suffolk and Clinton Streets and 201 ft. of frontage on Broome and Grand Streets. A portion of the eastern side of the site is currently mapped but not built as widened area for Clinton Street. This portion would be demapped pursuant to the concurrent Mapping Application. The site currently contains three buildings: a 5-story, 10-unit residential building on Grand Street with seven occupied units under the jurisdiction of HPD that contains a ground-floor visitor center for the Lower East Side Jewish Conservancy; a 3-story building on Grand Street with a ground-floor shoe repair store that is vacant on the upper levels; and a former fire station on Broome Street

that is occasionally used for furniture sales. The remainder of the site is occupied by a public parking lot with approximately 90 spaces.

Site 6

Site 6 (Block 347, Lot 71) contains 21,344 sq. ft. of lot area and occupies the westernmost 146 feet of the block bounded by Clinton, Delancey, Ridge, and Broome Streets. The portion of Delancey Street onto which Site 6 fronts is officially designated as Unnamed Street on the current City Map, but will be renamed to Delancey Street through the concurrent Mapping Application. This Application will therefore refer to this street as part of Delancey Street. Site 6 has 146 ft. of frontage on Delancey, Broome, and Clinton Streets. A small portion of the northwestern corner of the site is currently mapped but not built as a widened area for Delancey and Clinton Streets. This portion would be demapped pursuant to the concurrent Mapping Application. The site is entirely occupied by a public parking lot with approximately 48 spaces.

Site 8

Site 8 (Block 354, Lot 1) contains 11,210 sq. ft. of lot area. The lot has 225 ft. of frontage on Essex Street, 10 ft. of frontage on Rivington Street, and extends 70 ft. into the block on the northern edge of the site. The site is occupied by a vacant building, formerly used as part of the Essex Street Market, and currently used for the storage of refuse generated by the market in the building on Site 9.

Site 9

Site 9 (Block 353, Lot 44) contains 20,817 sq. ft. of lot area. The lot has 402 ft. of frontage on Essex Street, 45 ft. of frontage on Delancey Street, 20 ft. of frontage on Rivington Street, and extends 70 ft. into the block in the center of the lot. The site is occupied by the Essex Street Market, which consists of approximately 15,000 sq. ft. of market space with 23 vendors. The building also contains retail and restaurant space on the Delancey, Essex, and Rivington Street frontages.

Site 10

Site 10 (Block 354, Lot 12) contains 6,840 sq. ft. of lot area. The lot has 150 ft. of frontage on Essex Street, approximately 21 ft. of frontage on Stanton Street, and extends 70 ft. into the block on the southern edge of the lot. The site is occupied by a former Essex Street Market building which is occupied by a health clinic run by CHN.

Project Description

The proposed Project, which reflects many years of input, debate and collaboration from a wide variety of stakeholders, would knit together a hole in the urban fabric of the Lower East Side that has persisted for over 40 years and would provide the opportunity for new development on the sites north of Delancey Street. The proposal also reflects City wide policy goals such as providing affordable housing, providing open-space, and building transit-oriented developments. The intention of the Project is to create the opportunity for a mixed-use development that:

- Provides that 50% of the residential units in the development be affordable to low, moderate, and middle income households;
- Provides the opportunity for senior housing;
- Creates the opportunity for a variety of new commercial uses, potentially including diverse types of retail, office, and other uses;
- Encourages a relocated, expanded Essex Street Market with a variety of vendors, products, price points and stall sizes; provides the opportunity for vendors from the existing market to relocate to an updated, more energy-efficient facility; creates new entrepreneurship opportunities for additional vendors; and better integrates the market into the public realm;
- Includes a new publicly-accessible open space in the heart of the project, creating a neighborhood amenity with a mix of active and passive recreational uses;
- Promotes an enhanced pedestrian experience through ground floor retail, new, widened sidewalks, strong streetwalls on all buildings, and new street trees; and
- Incorporates the option for underground parking to serve residents and commercial users as well as visitors to the area, which would be capped at 500 spaces within the LSGD.

The proposed LSGD site plan would create a varied combination of shorter and taller buildings that would fit within the neighborhood context. The tallest towers, at a potential maximum of 260 - 285 ft. (up to 290 - 315 ft. with mechanical bulkheads), which would allow for buildings of approximately 24 stories, would be located on Sites 2 and 4 on Delancey Street, which is a particularly wide street and can handle the greater height. In order to create the desired variety, Sites 1, 3, and 6 on Delancey Street would be limited to maximum heights of 160 ft. (up to 190 ft. with bulkheads) each, which would allow for buildings of approximately 14 stories. Site 5, located further south, would also have a height limit of 160 ft. (190 ft. with bulkheads).

The proposed development north of Delancey Street would conform to the underlying zoning. Sites 8 and 10 are in a C4-4A district and would have streetwall base heights that can range from 40 ft. to 65 ft., with maximum building heights of 80 ft. The majority of Site 9 is within the same C4-4A district, with a small portion (approximately 4,500 sq. ft.) within the C6-2A district on Delancey Street. Within this area, the streetwall base height would range from 60 ft. to a maximum of 85 ft., with a maximum building height of 120 ft. The development is envisioned

as consistent with the surrounding context, incorporating ground floor retail with residential uses above.

In order to implement the Project, the existing buildings would be removed. For the residential building on Site 5, each residential household that would be displaced would be assigned a relocation manager by HPD and provided with an information letter that outlines the benefits available to the household. Eligible residents would receive relocation benefits, which include advisory services, including referrals to comparable and suitable replacement homes and assistance in preparing claim forms, payment for moving expenses, and financial assistance to help buy or rent a replacement home.

For existing commercial tenants on Sites 2, 9, and 10, the terms of all existing leases and permits would be honored. In the case of the Essex Street Market and CHN, two community amenities, the following additional provisions would be made. If a new Essex Street Market is developed, the Site 9 facility would not be closed until the new facility is open. The existing vendors at the time of the move would be given the first opportunity to relocate their businesses to the new facility upon its completion. As the new market would contain enough space for 35 to 65 vendors, it would be able to accommodate the existing vendors. CHN's existing lease with the City for the clinic includes a commitment that should Site 10 be developed during its lease term, the City would provide for the relocation of CHN to another location within the immediate area.

The road network would remain the same, maintaining the street grid throughout the LSGD. Delancey, Broome, and Grand Streets would serve as commercial corridors at a range of scales – from more destination-oriented uses on Delancey Street to more neighborhood-oriented uses on Broome Street. The intention is for the development to be mixed-use throughout the sites, while leaving the flexibility to concentrate commercial uses on one of two central sites if market conditions and the overall project development plan support it. Ground floor retail uses would be encouraged on all sites to promote active street life. On the ground floor of the Delancey Street frontage of Sites 2, 3, and 4, a minimum of two storefronts would be required, and on the ground floor of the Broome Street frontage of Sites 2, 3 and 4, a minimum of three storefronts would be required. If one of the sites includes a publicly-owned market or grocery store on the first floor, this requirement would be waived. The ground floor facades within the LSGD would have 50 percent transparency in the area between two ft. and 12 ft. above curb level. On many street frontages, the buildings would be pulled back slightly from the street line to provide widened sidewalks.

Each LSGD site would have specific zones in which curb cuts could be located for parking and loading. The Application also includes special permits for four parking garages on Sites 2 – 5. While the sum of the number of parking spaces requested for the four sites would be 973, the LSGD would limit the total number of spaces that can be constructed to 500.

An LSGD is used to develop a master plan for adjacent sites that modifies the underlying zoning regulations to achieve a superior site plan. In this project, the LSGD sets broad parameters for the project site within which a specific development would be achieved through the designation of developer(s) in an RFP process. The parameters would shape the site plan into a hybrid development that combines light and air with active streetwalls, in contrast to the tower-in-the-park development permitted by the underlying zoning.

The parameters include specific bulk requirements for three components of each building: the base; the optional “mid-rise portion,” or first setback level above the base; and the tower, or the highest portion above the base. For the purposes of this description, the “mid-rise portion” shall mean the portion of the building above the base up to a maximum height of 120 ft. and the “tower” shall mean the portion of the building above the height of 120 ft. and behind the initial setback distance. Generally, each site would have a minimum base height of 60 ft. The base heights can rise to 85 ft., and the mid-rise and tower structures would be setback either 10 ft. (on wide streets) or 15 ft. (on narrow streets). For each building, the LSGD sets three levels of restrictions. The first is the maximum envelope, which encompasses all the possible waivers from the underlying zoning, and describes a larger massing than could be built with the given floor area. The second level is the set of building massing options. Each site has a set number of options, ranging from two to five, described in more detail below and noted as Option 1, Option 2, etc. Each option describes a building configuration that fits within the larger envelope, but may be larger than would be allowed through the design controls. The third level is the design controls, which regulate, among other things, the size of the towers within the tower envelope described in the options, as well as the tower and mid-rise heights. A complete list of the design controls can be found on “Attachment A: Design Requirements.” The design controls would ensure that the towers are oriented to create variety, with no two adjacent towers on Sites 2, 3, or 4 oriented such that both have a north-south or an east-west orientation.

Within the LSGD, each site is allocated a maximum amount of total floor area and maximums for residential, commercial, and community facility floor area. The overall maximum residential zfa is 900,000, the overall maximum commercial zfa is 600,000, and the overall maximum community facility zfa is 600,000. The use maximums would not be cumulative. Instead, the total development floor area for the LSGD would be 1,485,868 zoning floor area (zfa). The amount of floor area on Sites 8 – 10 would be consistent with the underlying zoning, with 44,840 zfa on Site 8, 92,358 zfa on Site 9 (up to 97,667 zfa with the Inclusionary Housing Program), and 27,360 zfa on Site 10.

Site 1

Site 1 is located on the western edge of the LSGD, adjacent to the lower context, tenement style buildings found on the Lower East Side. The base of the building would range from a minimum of 25 ft. on Essex Street and a minimum of 60 ft. on Broome and Ludlow Streets to a maximum of 85 ft. Option 1 would have a north-south oriented tower along Ludlow Street, with a maximum height of 160 ft. (190 ft. with bulkheads), which would allow for a building of

approximately 14 stories. The mid-rise portion would be oriented along Broome Street, with a maximum height of 120 ft. Option 2 would have an east-west oriented tower along Broome Street, with a maximum height of 160 ft. (190 ft. with bulkheads). The mid-rise portion would be oriented along Ludlow Street, with a maximum height of 120 ft. The sidewalk on Broome Street would be widened from the existing 10 ft. to 13 ft. The curb cut zone for potential loading would be located on Ludlow Street. The maximum floor area would be 142,974 zoning floor area (zfa), with a maximum of 125,000 of residential zfa, 131,976 of commercial zfa, and/or 142,974 of community facility zfa.

Site 2

Site 2 is located at the corner of Essex and Delancey Streets and above the F/J/M/Z subway station. Given its prominent location at the crossroads of Delancey and Essex Streets, Site 2 is envisioned as a taller building that could accommodate a higher concentration of commercial development. In all massing options, the LSGD could accommodate a relocated and expanded Essex Street Market facility, which would remain in City ownership. The relocated Essex Street Market would provide a new, updated publicly-owned market facility, continue to provide and expand entrepreneurship opportunities for vendors, and continue to serve both the local community and attract destination shoppers. The existing Essex Street Market on Site 9 would not be moved from that site unless a new market has been constructed first.

In all options, the base could rise to 85 ft. Option 1 would have a roughly square tower, with maximum dimensions of 95 ft. on each side, which could be located along the Delancey Street frontage. The maximum tower height would be 285 ft. (315 ft. with bulkheads) which would allow for a building of approximately 24 stories, with a maximum mid-rise height of 120 ft. Option 2 would have a north-south oriented tower located along Norfolk Street, with a maximum height of 285 ft. (315 ft. with bulkheads), and maximum tower dimensions of 160 ft. by 70 ft. The mid-rise portion would be allowed to extend from the tower to the Essex Street setback and would have a maximum height of 120 ft. Option 3 would have a north-south oriented tower located along Essex Street, with a mid-rise portion extending to the Norfolk Street setback. Option 4 would correspond to an office floorplate and would extend up to 173 ft. from the Delancey Street setback, with a maximum height of 285 ft. (315 ft. with bulkheads). A curb cut zone to allow for loading and/or parking entrances would be located on Norfolk Street. The site would allow for a public parking garage of up to 168 spaces. The sidewalks would be widened to 15 ft. from 13 ft. on Essex and Norfolk Streets and from 10 ft. on Broome Street, except along a small section of Essex Street adjacent to the existing subway station entrance, which may remain at 13 ft. as needed to accommodate building conditions when the building is constructed. The maximum floor area would be 415,000 zfa, with a maximum of 372,000 of residential zfa, 390,000 of commercial zfa, and/or 300,000 of community facility zfa.

Site 3

Site 3 allows for a smaller building located between the larger buildings on Sites 2 and 4. The building would have up to five massing options. In all options, the base would be a minimum of

60 ft., with a maximum of 85 ft. Option 1 would have an east-west oriented tower located along Delancey Street, with a maximum height of 160 ft. (190 ft. with bulkheads), allowing a building of approximately 14 stories, and maximum tower dimensions of 160 ft. by 70 ft. The mid-rise portion would be oriented along Suffolk Street, with a maximum height of 120 ft. Option 2, with the same dimensions as Option 1, would have a north-south oriented tower located along Suffolk Street, with the mid-rise portion oriented along Delancey Street. Options 3 and 4 would allow for an approximately square tower, with maximum dimensions of 95 ft. on each side, which could be located either on the corner of Delancey and Norfolk Streets or the corner of Delancey and Suffolk Streets. For both options, the mid-rise portion, with a maximum height of 120 ft., would extend from the square tower along Delancey Street and either Norfolk or Suffolk Streets, depending on the location of the tower. Option 5 would correspond to an office floorplate and would extend up to 137 ft. from Delancey Street towards Broome Street. A small mid-rise portion could extend from the office tower for an additional 35 ft., with a maximum height of 120 ft. A curb cut zone for parking would be located on Norfolk Street, and a loading and/or parking curb cut zone would be located on Suffolk Street. At the time of development, the parking garage would only have an entrance in one of the curb cut zones. The site would allow for a public parking garage of up to 250 spaces. The sidewalks would be widened to 15 ft. from 12 ft. on Norfolk Street, 10 ft. on Broome Street, and 13 ft. on Suffolk Street. The maximum floor area would be 300,000 zfa, with a maximum of 259,000 of residential zfa, 300,000 of commercial zfa, and/or 265,044 of community facility zfa.

Site 4

Site 4, like Site 2, allows for a taller building consistent with the surrounding context to south and east. The building would have two massing options. In both options, the base would be a minimum of 60 ft., with a maximum of 85 ft. Option 1 would be a north-south oriented tower located along Clinton Street, with a maximum height of 260 ft. (290 ft. with bulkheads), allowing a building of approximately 24 stories, and maximum tower dimensions of 160 ft. by 70 ft. The mid-rise portion would be oriented along Delancey Street, with a maximum height of 120 ft. Option 2 would be an east-west oriented tower located along Delancey Street, with the mid-rise portion oriented along Clinton Street. A loading and/or parking curb cut zone would be located on Suffolk Street. The site would allow for a public parking garage of up to 250 spaces. The sidewalks would be widened to 15 ft. from 13 ft. on Suffolk Street, 10 ft. on Broome Street and 12 ft. on Clinton Street. The maximum floor area would be 417,000 zfa, with a maximum of 376,000 of residential zfa, 175,000 of commercial zfa, and/or 264,076 of community facility zfa.

Site 5

Site 5 is located on the southern edge of the LSGD and would create a transitional space between the larger buildings to the north and the tower-in-the-park developments to the south. Given its location further from the highly active Delancey Street corridor, this site would provide a publicly-accessible open space on Broome Street near the center of the LSGD that would serve as an amenity to residents, workers and other site visitors. Its design will be determined through

a public process to be undertaken after the completion of the ULURP. The building is envisioned as smaller than the towers on Sites 2 and 4, to create variety in the local skyline. The base would be a minimum of 60 ft., with a maximum of 85 ft. The maximum tower height would be 160 ft. (190 ft. with bulkheads), allowing for a building with approximately 14 stories, with maximum tower dimensions of 160 ft. by 70 ft. and a mid-rise portion at a height of 120 ft. The bulk could be oriented in one of two ways: Option 1 would have a north-south oriented tower located along Clinton Street (maximum height of 160 ft. (190 ft. with bulkheads)), with a mid-rise portion oriented along Grand Street (a maximum height of 120 ft.); or Option 2, with an east-west oriented tower located along Grand Street, with a mid-rise portion oriented along Clinton Street, with the same dimensions. Loading and/or parking curb cut zones would be located on Suffolk and/or Clinton Streets, but the garage entrance would only be accessed on one of the two sides. The site would allow for a public parking garage of up to 305 spaces. The sidewalks would be widened to 15 ft. from 13 ft. on Suffolk Street, 10 ft. on Broome Street, and 12 ft. on Clinton Street. The maximum floor area would be 394,628 zfa, with a maximum of 365,486 of residential zfa, 121,424 of commercial zfa, and/or 394,628 of community facility zfa.

Site 6

Site 6 is a smaller site adjacent to Site 4. The base of the building would range from a minimum of 25 ft. on Broome Street and a minimum of 60 ft. on Clinton and Delancey Streets to a maximum of 85 ft. Option 1 would be a north-south oriented tower along Clinton Street, with a maximum height of 160 ft. (190 ft. with bulkheads), allowing for a building of approximately 14 stories. The mid-rise portion would be oriented along Delancey Street, with a maximum height of 120 ft. Option 2 would be an east-west oriented tower along Delancey Street, with a maximum height of 160 ft. (190 ft. with bulkheads); the mid-rise portion would be oriented along Clinton Street, with a maximum height of 120 ft. A loading curb cut zone would be located on Broome Street. The sidewalks on Clinton Street would be widened from 12 ft. to 15 ft., and widened from 10 ft. to 13 ft. on Broome Street. The maximum floor area would be 138,736 zfa, with a maximum of 128,491 of residential zfa, 42,688 of commercial zfa, and/or 138,736 of community facility zfa.

Site 8

Site 8 is located on Essex Street north of Rivington Street, with a ten ft. frontage on Rivington Street. Site 8 is not part of the LSGD, but is located within the Lower East Side/East Village Rezoning area, which provides bulk and height requirements compatible with adjacent buildings. The building bulk would be governed by the underlying C4-4A zoning. The base of the building would be a minimum of 40 ft., with a maximum of 65 ft. The building height would be limited to 80 ft. The maximum floor area would be 44,840 zfa.

Site 9

Site 9 is located on Essex Street north of Delancey Street, with a 45 ft. frontage on Delancey Street and a 20 ft. frontage on Rivington Street. Site 9 is not part of the LSGD, but is located within the Lower East Side/East Village Rezoning area, which provides bulk and height

requirements compatible with adjacent buildings. The majority of Site 9 is within the C4-4A district, with a small portion (~4,500 sq. ft.) within the C6-2A district on Delancey Street. For the C4-4A portion of the building, the base of the buildings would be a minimum of 40 ft., with a maximum of 65 ft. The building height would be limited to 80 ft. Within the C6-2A section, the streetwall base height would range from 60 ft. to a maximum of 85 ft., with a maximum building height of 120 ft. The maximum floor area would be 92,358 zfa (up to 97,667 zfa through the Inclusionary Housing Program).

Site 10

Site 10 is located on Essex Street south of Stanton Street, with an approximately 21 ft. frontage on Stanton Street. Site 10 is not part of the LSGD, but is located within the Lower East Side/East Village Rezoning area, which provides bulk and height requirements compatible with adjacent buildings. The building bulk would be governed by the underlying C4-4A zoning. The base of the buildings would be a minimum of 40 ft., with a maximum of 65 ft. The building height would be limited to 80 ft. The maximum floor area would be 27,360 zfa.

Actions Necessary to Facilitate Proposal

In order to facilitate the proposal, the following actions are requested, as described in detail on the subsequent pages:

1. Rezoning (R8 to R8/C2-5)
2. Zoning Text Amendment (ZR Sections 74-743 and 74-744)
3. LSGD Special Permit - bulk waivers (ZR Section 74-743(a)(1, 2, and 10))
4. LSGD Special Permit - use waivers (ZR Section 74-744(a)(3) and (b))
5. Modification of Signage Regulations Authorization (ZR Section 74-744(c)(2))
6. UDAAP/Disposition
7. Acquisition of a portion of Site 2 for the sole purpose of the Essex Street Market
8. Public Parking Garage Special Permit – Site 2
9. Public Parking Garage Special Permit – Site 3
10. Public Parking Garage Special Permit – Site 4
11. Public Parking Garage Special Permit – Site 5

In addition to this Application, the Project would be facilitated by the concurrent Mapping Application (ULURP #120156 MMM), which requests an amendment to the City Map affecting portions of Delancey, Broome, Suffolk, and Clinton Streets. The proposed changes to the City Map involve the establishment of Broome Street between Norfolk and Clinton Streets; the establishment of Suffolk Street between Grand and Delancey Streets; the narrowing, by elimination, discontinuance and closing, of Clinton Street between Grand and Delancey Streets; and the narrowing, by elimination, discontinuance and closing, of Delancey Street between Norfolk and Clinton Streets and the adjustment of grades necessitated thereby, including authorization of any disposition or acquisition of real property related thereto.

Action 1: Rezoning (R8 to R8/C2-5)

The proposed zoning map amendment (the “Rezoning”) would map a C2-5 commercial overlay over the existing R8 district on the three blocks bounded by Norfolk, Delancey, Clinton, Grand, Suffolk, and Broome Streets as mapped pursuant to the Mapping Application (Sites 3, 4, and 5), and the westernmost 150 feet of the block bounded by Clinton, Delancey, Ridge, and Broome Streets (Site 6). Because Site 6 extends approximately 146 feet east from Clinton Street, an approximately 4-foot wide strip of the westernmost portion of the adjacent lot to the east (Block 347, Lot 80) would be affected by the proposed rezoning. The presence of a commercial overlay on this strip, however, would not have a practical impact because that lot is already developed with a 23-story residential building and because split-lot zoning regulations would only allow commercial development on that small strip, which is infeasible given its narrow width.

The commercial overlay would not affect the overall permitted floor area, which would remain at 6.5 (for sites with community facility uses), and would not affect the maximum residential floor area, which would remain at 6.02 under Quality Housing regulations, or 0.94 to 6.02 under height factor regulations. Unlike the existing R8 district, the commercial overlay would allow commercial uses to occupy up to 2 FAR of the maximum 6.5 FAR permitted.

The proposed C2-5 commercial overlay would allow for commercial uses to be located on Sites 3 - 6, which would not be permitted under the current R8 zoning. Permitting commercial uses would allow the sites to meet the programmatic goals of the Project in creating a vibrant mixed-use area with active ground floor retail uses. It would also permit the flexibility to allow additional commercial uses in the area such as an office building on Site 3.

A commercial overlay in this area is appropriate because the area is surrounded by existing commercial districts. Directly across Delancey Street to the north is a C1-5 overlay within 100 feet of Clinton Street, with a C2-5 overlay to the east, and C6-1 and C6-2A districts to the west. Across Grand Street to the south of Site 5 is a C1-5 overlay district. Across Norfolk Street to the west of Site 3 is a C6-1 district. Commercial zoning can be found on all of the principal streets in the area. Delancey Street is mapped with C1-5 and C2-5 commercial overlays to the east and C6-1, C6-2A and C6-3A districts to the west; Broome Street is mapped with C6-2, C6-1, C4-4A and C6-2G districts; Clinton Street is mapped with C1-5 overlays on the blocks to the north and south; and Grand Street is mapped with C1-5 overlays to the east, and C6-1, C6-2, C4-4A, C6-1G, C6-2G and C2-5 overlays to the west.

Action 2: Zoning Text Amendment (ZR Sections 74-743 and 74-744)

The proposed zoning text amendment would modify ZR Sections 74-743 (Special provisions for bulk modification) and 74-744 (Modification of use regulations) to allow the Applicants to apply for discretionary approvals to transfer floor area from the C6 district to the C2 district, to allow additional uses in the R8/C2-5 portion of the LSGD, to waive certain signage regulations, and to eliminate the planting requirement in the proposed sidewalk widenings. Because all of the zoning text changes would be limited to LSGDs that are within or partially within the former SPEURA, they would not have any potential impact beyond this LSGD.

Floor Area Transfer from C6 to C2 districts

ZR Section 74-743 currently allows for the transfer of permitted floor area across district boundaries pursuant to the LSGD special permit, with the restriction that no commercial floor area can be transferred to a C1, C2, C3, C4-1 or residence district. Compliance with this restriction would not permit the transfer of commercial floor area from the C6 portion to the R8/C2-5 portion of the LSGD. Because the LSGD's proposed commercial floor area within the R8/C2-5 area would exceed the amount of commercial floor area generated within that area, a text amendment is needed to eliminate the restriction and to allow commercial floor area to be transferred from the C6 to the R8/C2-5 portion of the LSGD.

Elimination of Planting Requirement

ZR Section 23-892 (In R6 through R10 Districts) requires that any area between the street wall of a building and the street line be planted at ground level or in raised planting beds, except for areas in front of commercial uses, driveways or building entrances. Compliance with this regulation would require the sidewalk widening areas in front of any ground floor frontage occupied by community facility uses or building lobbies (except for the actual entrance) to be planted. Doing so would undermine the intent of the sidewalk widening, which is to provide adequate pedestrian space, and therefore a zoning text amendment to allow for the waiver of this regulation is requested.

Additional Retail Establishments

The proposed Project would allow for the ability to have certain uses in the R8/C2-5 portion of the LSGD that would not otherwise be permitted by the underlying use regulations or through use modifications requested by the ZR Section 74-744 LSGD special permit. In order to allow such uses, a zoning text amendment is proposed to ZR Section 74-744 that would permit the City Planning Commission ("CPC") to allow, by special permit, uses in Use Groups 10, 11A and 12A, except for arenas or auditoriums, skating rinks, public auction rooms, trade expositions and stadiums. The expanded uses would allow larger retail spaces as well as small-scale custom manufacturing uses (e.g., jewelry making or custom printing) on Sites 3 – 6. In order to allow such uses, the CPC would have to find that such uses would not impair the character of future

uses or development of the surrounding area and find that the streets providing access to such uses would be adequate to handle the traffic generated thereby.

Modification of Signage Regulations

The ZR Section 74-744 special permit currently allows for the waiver of several signage regulations, including regulations with regard to size, projection, height and location. The current regulations, however, do not allow for a waiver of ZR Section 32-68 (Permitted Signs on Residential or Mixed Buildings), which requires that all signs in a mixed-use building be located below the level of the third story. Because the LSGD seeks signage on and above the third story up to a height of 40 feet along Grand, Essex, and Delancey Streets, a zoning text amendment is requested to allow for this additional waiver. The zoning text amendment would create a new authorization pursuant to ZR Section 74-744(c)(2), which would grant the CPC the authority to waive ZR Section 32-68 and to make C6-1 signage regulations applicable to a C2 district within an LSGD. In order to grant the authorization, the proposed text change would require the CPC to find that the signage modifications are consistent with the amount, type and location of commercial uses within the LSGD.

Below is the language of the proposed text amendments:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text remains in the Zoning Resolution

Article VII

Chapter 4

Special Permits by the City Planning Commission

74-74

Large Scale General Development

* * *

74-743

Special provisions for bulk modification

- (a) For a #large-scale general development#, the City Planning Commission may permit:
- (1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot lines# or district boundaries, subject to the following limitations:
 - (i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;
 - (ii) when a #large-scale general development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of commercial #floor area# to a #Residence District# or to a C1, C2, C3 or

C4-1 District from other districts shall be permitted; except that for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, a transfer of commercial #floor area# from a C6 District to a C2 District may be permitted;

- (2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;

* * *

- (8) in an #Inclusionary Housing designated area# in a C4-7 District within the boundaries of Manhattan Community District 7, for the purpose of applying the Inclusionary Housing Program within such #Inclusionary Housing designated area#, as set forth in a restrictive declaration:

- (i) modification of the base and maximum #floor area ratios# specified in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas), not to exceed the maximum #floor area ratios# permitted by the underlying district, based on a proportionality between #affordable floor area#, as defined in Section 23-911, and #residential floor area# in #buildings# containing multiple #uses#; and
- (ii) modification of the requirements regarding distribution of #affordable housing units#, as defined in Section 23-911, specified in paragraph (b) of Section 23-96 (Requirements for Generating Sites);~~or~~

- (9) within the boundaries of Community District 3 in the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#; or

* * *

- (10) for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section 23-892 (In R6 through R10 Districts), provided the area between the #street line# and the #street walls# of the #building# and their prolongations is to be improved as a publicly-accessible widened sidewalk.

* * *

- (b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

- (1) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding development, adjacent open areas and shore lines than would be possible without such distribution and will thus benefit both the occupants of the #large-scale general development#, the neighborhood and the City as a whole;
- (2) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

* * *

- (4) considering the size of the proposed #large-scale general development#, the #streets# providing access to such #large-scale general development# will be adequate to handle traffic resulting therefrom;
- (5) when the Commission has determined that the #large-scale general development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

For a phased construction program of a multi-#building# complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #large-scale general development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

* * *

74-744

Modification of use regulations

(a) #Use# modifications

- (1) Waterfront and related #commercial uses#

* * *

- (2) Automotive sales and service #uses#

* * *

(3) Retail Establishments

For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the City Planning Commission may modify applicable district regulations to allow Use Groups 10, 11A and 12A except for arenas or auditoriums, skating rinks, public auction rooms, trade expositions and stadiums, provided the Commission finds that:

- (i) such #uses# will not impair the character of future #uses# or development of the surrounding area; and
- (ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

* * *

(b) Location of #commercial uses#

For any #large-scale general development#, the City Planning Commission may permit #residential# and non-#residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location within Buildings), provided the Commission shall find:

- (1) the #commercial uses# are located in a portion of the #mixed building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;
 - (2) the #commercial uses# are not located directly over any #story# containing #dwelling units#; and
 - (3) the modifications shall not have any adverse effect on the #uses# located within the #building#.
- (c) Modifications of #sign# regulations
- (1) In all #Commercial# or #Manufacturing Districts#, the City Planning Commission may, for #developments# or #enlargements# subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk modification), permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-65 (Permitted Projection or Height of Signs), 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), 42-53 (Surface Area and Illumination Provisions), 42-54 (Permitted Projection or Height of Signs), 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and the limitations on the location of #signs# in Sections 32-51 and 42-44 (Limitations on Business Entrances, Show Windows or Signs), provided the Commission finds that such modification will result in a better site plan.
 - (2) For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the City Planning Commission, by authorization, may make the #sign# regulations of a C6-1 District applicable to those portions of such #large-scale general development# within a C2 District, and in addition, may modify the provisions of Section 32-68 (Permitted Signs on Residential or Mixed Buildings) to allow #signs accessory# to non-#residential uses# above the level of the finished floor of the third #story#, provided such #signs# do not exceed a height of 40 feet above #curb level#. In order to grant such authorizations, the Commission shall find that such modifications are consistent with the amount, type and location of #commercial uses# that the Commission finds appropriate within such #large scale general development#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the development.

* * *

(END)

Action 3: Large-Scale General Development Special Permit **– bulk waivers (ZR Section 74-743(a)(1, 2 and 10))**

This special permit requests the redistribution of floor area, lot coverage and dwelling units between zoning lots and across zoning district boundaries, as well as the waivers of height and setback, rear yard, rear yard equivalent, rear yard setback, minimum base height, minimum distance between legally required windows and any wall in an inner court (“window-to-wall”), outer court, and planted area regulations, as described in detail below.

Redistribution of floor area, dwelling units and lot coverage: ZR Section 74-743(a)(1)

Floor Area Distribution:

While the overall permitted floor area within the LSGD would not exceed the amount permitted by zoning, by use and combined, the Application requests that floor area be distributed within the LSGD to allow the total amount of floor area to be greater than what would otherwise be permitted on Sites 2, 3, and 4. Whereas 280,410 sq. ft.; 265,044 sq. ft.; and 264,076 sq. ft. of zfa would be permitted by zoning on Sites 2, 3, and 4, respectively, 415,000 sq. ft.; 300,000 sq. ft.; and 417,000 sq. ft. is proposed, respectively.

When broken down by use, the Application also requests that floor area be distributed within the LSGD to allow the amount of residential floor area to be greater than what would otherwise be permitted on Sites 1, 2, 3, and 4, the amount of commercial floor area to be greater than what would otherwise be permitted on Sites 2, 3, and 4, and the amount of community facility floor area to be greater than what would otherwise be permitted on Site 2. Whereas 75,666 sq. ft.; 148,402 sq. ft.; 245,472 sq. ft.; and 244,575 sq. ft. of residential zfa would be permitted on Sites 1, 2, 3 and 4, respectively, 125,000 sq. ft.; 372,000 sq. ft.; 259,000 sq. ft.; and 376,000 sq. ft. is proposed, respectively. Whereas 258,840 sq. ft.; 81,552 sq. ft.; and 81,254 sq. ft. of commercial zfa would be permitted on Sites 2, 3, and 4, respectively, 390,000 sq. ft.; 300,000 sq. ft.; and 175,000 sq. ft. is proposed, respectively. Whereas 280,410 sq. ft. of community facility zfa would be permitted on Site 2, 300,000 sq. ft. is proposed.

Dwelling Unit Distribution:

While the overall number of dwelling units within the LSGD would not exceed the amount permitted by zoning, the Application requests that permitted dwelling units be distributed within the LSGD to allow the number of dwelling units to be greater than what would otherwise be permitted on Sites 1, 2, 3, and 4. Whereas 111, 218, 332, and 331 dwelling units would be permitted by zoning on Sites 1, 2, 3, and 4, respectively, 184, 547, 350, and 508 is proposed, respectively. The proposed amount of dwelling units corresponds to the proposed residential floor area on each site and is calculated using the factor for dwelling units required by the underlying zoning (680 in the C6-1 district and 740 in the R8/C2-5 district).

Lot Coverage Distribution:

While the overall amount of lot coverage proposed within the LSGD (162,230 sq. ft. or 71 percent of the total lot area) would not exceed the amount permitted (176,818 sq. ft. or 77 percent), the Application requests a lot coverage that would be greater than would otherwise be permitted on Sites 3, 4, and 6. As proposed, Site 3 would have a lot coverage of 35,944 sq. ft. (88 percent), which is greater than the 32,543 sq. ft. (80 percent) permitted; Site 4 would have a lot coverage of 35,857 sq. ft. (88 percent), which is greater than the 32,439 sq. ft. (80 percent) permitted; and Site 6 would have a lot coverage of 16,424 sq. ft. (77 percent), which is greater than the 16,408 sq. ft. (77 percent) permitted.

Waivers: ZR Section 74-743(a)(2) and (10)

While each of the six sites in the LSGD could be developed pursuant to only one of the options described in the “Project Description” portion of this Application, the bulk waivers requested pursuant to this special permit, as described below, would be based on an overall maximum envelope (the “envelope”) for each site that would permit the choice of any of the potential options. Because each site would only be able to select a single massing option, and would be further limited by design guidelines, the size of the waivers utilized in connection with an actual building constructed pursuant to the LSGD special permit would be smaller than the waivers requested by the Application.

All six buildings would have the option to be mixed-use (containing residential and commercial and/or community facility uses). The height and setback waivers for all mixed-use buildings would be based on Quality Housing height and setback regulations. These waivers are described below under the “Mixed-Use Building” option.

In addition, on Sites 1 and 6, the Application includes the option for potential buildings that consist only of community facility uses, such as certain types of senior housing. On Sites 2 and 3, the Application includes the option for fully commercial and/or buildings. For this reason, Sites 1, 2, 3, and 6 are also analyzed under the non-contextual height and setback regulations since Quality Housing height and setback regulations are not applicable to non-residential buildings. These waivers are described below in the “Non-Residential Building” option. Because the requirements for rear yards, rear yard equivalents, and rear yard setbacks also differ depending on whether a building is mixed-use or non-residential, the waivers are described separately.

Below is a description of the waivers requested divided by site. All dimensions are approximate, and overall building heights are given to the height of the roof as well as the top of the bulkheads.

Site 1

Height and Setback (Mixed-Use Building)

The envelope would permit a base height of up to 85 ft. This would exceed the 60 ft. maximum base height requirement and therefore a waiver is requested. Above the base height, the envelope would rise behind the required 15 ft. setback distance from the street wall along Broome and Ludlow Streets up to a height of 160 ft. (190 ft. with bulkheads). This height is above the 75 ft. maximum height permitted on the site, and therefore a waiver is requested.

Height and Setback (Non-Residential Building)

The envelope above the base would set back 15 ft. from the street wall (18 feet from the street line) along Broome Street and 15 ft. from the street wall (16 feet from the street line) along Ludlow Street. Because these distances are less than the 20 ft. required, a waiver of the initial setback distance is requested above the permitted base height, which is 85 ft. or six stories, whichever is less. Portions of the top of the envelope would also not comply with the sky exposure plane, which starts at a height of 85 feet above the street line and rises at a rate of 2.7 to 1 along Broome and Ludlow Streets. The sky exposure plane creates triangular areas of non-compliance that are requested to be waived pursuant to this special permit. These areas affect the top 61 ft. of the envelope to a maximum depth of 23 ft. along Ludlow Street, and the top 53 ft. of the envelope to a maximum depth of 20 ft. along Broome Street. Along Essex Street, zoning would require the building to set back from the streetline at a height of 85 ft. or six stories, whichever is less. The envelope could accommodate more than six stories within the 85 ft. streetwall height and therefore a waiver is requested for stories above the sixth floor.

Minimum Base Height (Mixed-Use Building)

Along Site 1's Essex Street frontage, the Project would provide a street wall that could be as low as 25 feet. Because this is below the 40 ft. minimum required, a waiver of the minimum street wall height regulation is requested.

Rear Yard (Mixed-Use Building)

The northern boundary of Site 1 jogs 2'-10" to the north at the centerline of the block, creating a 2'-10" rear lot line that would require a 30 ft. rear yard. Because the adjoining lot is built full to that lot line without any windows, compliance with the rear yard regulation would create a narrow 2'-10" x 30' space that would serve no functional purpose, and therefore a waiver is requested.

Rear Yard (Non-Residential Building)

The northern boundary of Site 1 jogs 2'-10" to the north at the centerline of the block, creating a 2'-10" rear lot line that would require a 20 ft. rear yard. Because the adjoining lot is built full to that lot line without any windows, compliance with the rear yard regulation would create a

narrow 2'-10" x 20' space that would serve no functional purpose, and therefore a waiver is requested.

Rear Yard Equivalent (Mixed-Use Building)

The through lot portion of the site would require a 60 ft. wide rear yard equivalent in the center of the block. As proposed, the envelope would allow a building that would encroach into the required rear yard equivalent area by as much as 28.5 ft., and therefore a waiver is requested. The envelope would also allow the building to be built to a full base height of 85 ft., and therefore a waiver in this area is also requested. Because only the base of the building is proposed along Essex Street (this portion would not have west-facing windows), the encroachment would not adversely affect the east-facing windows of the Ludlow Street portion of the building.

Rear Yard Setback (Mixed-Use Building)

Above a maximum permitted base height of 60 feet, rear yard setback regulations would require the Ludlow and Essex Street portions of the building to set back an additional 10 feet from the rear yard and rear yard equivalent. Because the envelope would not do so, a waiver of this regulation is required. Rear yard setback regulations are intended to improve access to light and air for windows on the opposite side of a block that face toward the block's interior. Because there would not be any west-facing windows on that portion of the Essex Street side of block, the waiver of this regulation would not have any adverse impact.

Planting Requirement

ZR Section 23-892 requires that any area between the street wall of a building and the street line be planted at ground level or in raised planting beds, except for areas in front of commercial uses, driveways or building entrances. Compliance with this regulation would require the sidewalk widening areas in front of any ground floor frontage along Broome or Ludlow Streets occupied by community facility uses or residential building lobbies (except for the actual entrance) to be planted. Doing so would undermine the intent of the sidewalk widenings, which is to provide adequate pedestrian space, and therefore a waiver of the planting regulation along these frontages is requested.

Site 2

Height and Setback (Mixed-Use Building)

The envelope would permit a base height of up to 85 ft. This would exceed the 60 ft. maximum base height requirement, and therefore a waiver is requested. Above the base height, the envelope would rise behind the required 10 ft. setback distance along Delancey and Essex Streets, the required 15 ft. setback distance from Norfolk Street, and 65 feet from the Broome Street streetwall, up to a height of 285 ft. (315 ft. with bulkheads). This height is above the 75 ft. maximum height permitted for the rest of the site, and therefore a waiver is requested.

Height and Setback (Non-Residential Building)

The envelope above the base would set back 15 ft. from the street wall facing Norfolk Street. With the sidewalk widenings, this setback would be 17 ft. from the street line of Norfolk Street. Because this distance is less than the 20 ft. required, a waiver of the initial setback distance is requested above the permitted base height, which is 85 ft. or six stories, whichever is less. The envelope along Delancey and Essex Streets would set back 10 ft. from the street wall above the maximum permitted base height. With the sidewalk widening along Essex Street, these setbacks would be 10 to 12 ft. from the street lines of Delancey and Essex Streets, which is less than the required 15 ft. setback, and therefore a waiver is requested. The envelope could accommodate more than six stories within the 85 ft. streetwall height and therefore a waiver is requested for stories above the sixth floor. Portions of the top of the envelope would also not comply with the sky exposure plane, which starts at a height of 85 feet above the street line and rises at a rate of 2.7 to 1 along Broome and Norfolk Streets, and 5.6 to 1 along Delancey and Essex Streets. The sky exposure plane creates triangular areas of non-compliance that are requested to be waived pursuant to this special permit. These areas affect the top 163 ft. of the envelope to a maximum depth of 29 ft. along Essex Street, the top 174 ft. of the envelope to a maximum depth of 31 ft. along Delancey Street, the top 184 ft. of the envelope to a maximum depth of 69 ft. along Norfolk Street, and the top 41 ft. of the envelope to a maximum depth of 15 ft. along Broome Street.

Planting Requirement

ZR Section 23-892 requires that any area between the street wall of a building and the street line be planted at ground level or in raised planting beds, except for areas in front of commercial uses, driveways or building entrances. Compliance with this regulation would require the sidewalk widening areas in front of any ground floor frontage along Essex, Broome, or Norfolk Streets occupied by community facility uses or residential building lobbies (except for the actual entrance) to be planted. Doing so would undermine the intent of the sidewalk widenings, which is to provide adequate pedestrian space, and therefore a waiver of the planting regulation along these frontages is requested.

Site 3

Height and Setback (Mixed-Use Building)

The envelope would permit a base height of up to 85 ft. While this would comply with the maximum base height requirement for the area that is within 100 ft. of Delancey Street, it would exceed the 80 ft. maximum permitted base height for the remainder of the site within the required 15 ft. setback distance from the street wall, and therefore a waiver is requested. Above the base height, the envelope would rise behind the required setback distance to a height of 160 ft. (190 ft. with bulkheads). This height is above the 120 ft. maximum height permitted for the area within 100 ft. of Delancey Street and above the 105 ft. maximum height permitted for the rest of the site, and therefore a waiver is requested.

Height and Setback (Non-Residential Building)

The envelope above the base would set back 15 ft. from the street walls facing Norfolk, Broome, and Suffolk Streets. With the sidewalk widenings, these setbacks would be 18 ft., 20 ft. and 17 ft. from the street lines of Norfolk, Broome, and Suffolk Streets, respectively. Because the distances along Norfolk and Suffolk Streets are less than the 20 ft. required, a waiver of the initial setback distance is requested above the permitted base height, which is 85 ft. or six stories, whichever is less. The envelope along Delancey Street would set back 10 ft. from the street wall above the maximum permitted base height, which is less than the required 15 ft. setback, and therefore a waiver is requested. The envelope could accommodate more than six stories within the 85 ft. streetwall height and therefore a waiver is requested for stories above the sixth floor. Portions of the top of the envelope would also not comply with the sky exposure plane, which starts at a height of 85 feet above the street line and rises at a rate of 2.7 to 1 along Norfolk, Broome, and Suffolk Streets, and 5.6 to 1 along Delancey Street. The sky exposure plane creates triangular areas of non-compliance that are requested to be waived pursuant to this special permit. These areas affect the top 56 ft. of the envelope to a maximum depth of 21 ft. along Norfolk Street, the top 49 ft. of the envelope to a maximum depth of 9 ft. along Delancey Street, the top 59 ft. of the envelope to a maximum depth of 22 ft. along Suffolk Street, and the top 51 ft. of the envelope to a maximum depth of 19 ft. along Broome Street.

Window-to-Wall (Mixed-Use Building)

ZR Section 23-863 regulates the minimum distance between a legally required window facing an inner court and any wall opposite such window. It requires that this distance be at least 30 ft. and be at least equal to one-half the height of such wall above such window. This distance is never required to be above 60 ft. regardless of the height of the wall opposite the window. While the building on Site 3 has not yet been designed, it is possible that an inner court would be created that would not be in compliance with ZR Section 23-863. The scenario that would require the greatest waiver is the one in which the inner court is the deepest (with residential use starting on the second floor) and the tower portion of the building is the tallest (up to a maximum height, including bulkheads, of 190 ft.). To allow for design flexibility, the waiver is requested against this “worst-case” scenario.

If Option 1 is chosen, zoning would require the north-facing windows of the inner court to be up to 60 ft. from the tower along Delancey Street. Because only 55 ft. would be provided, a waiver of this regulation is requested. If Option 2 is chosen, zoning would require the east-facing windows of the inner court to be up to 60 ft. from the tower along Suffolk Street. Because only 50 ft. would be provided, a waiver of this regulation is requested.

Outer Court

If Site 3 were to be developed in a “U” shape with an opening to the south, the open area in the center of the block would be considered an “outer court” instead of an “inner court.” ZR Section 23-842 requires outer courts with a width of 30 ft. or more to have a width that is at least equal to its depth, except that the width need not exceed 60 ft. Because the space would have a maximum

depth of 127 ft., compliance with the outer court regulation would require that it be at least 60 ft. in width, which is more than the minimum 50 ft. requested, and therefore a waiver of this regulation is requested.

Planting Requirement

ZR Section 23-892 requires that any area between the street wall of a building and the street line be planted at ground level or in raised planting beds, except for areas in front of commercial uses, driveways or building entrances. Compliance with this regulation would require the sidewalk widening areas in front of any ground floor frontage along Norfolk, Broome, or Suffolk Streets occupied by community facility uses or residential building lobbies (except for the actual entrance) to be planted. Doing so would undermine the intent of the sidewalk widenings, which is to provide adequate pedestrian space, and therefore a waiver of the planting regulation along these frontages is requested.

Site 4

Height and Setback (Mixed-Use Building)

The envelope would permit a base height of up to 85 ft. While this would comply with the maximum base height requirement for the area that is within 100 ft. of Delancey Street, it would exceed the 80 ft. maximum permitted base height for the remainder of the site within the required 15 ft. setback distance from the street wall, and therefore a waiver is requested. Above the base height, the envelope would set back 10 feet from the street wall of Clinton Street and behind the required setback distance along Delancey Street to a height of 260 ft. (290 ft. with bulkheads). This height is above the 120 ft. maximum height permitted for the area within 100 ft. of Delancey Street and above the 105 ft. maximum height permitted for the rest of the site, and the portion of the building above the maximum base height between 10 and 15 feet from Clinton Street would not comply with the initial setback distance, and therefore a waiver is requested.

Window-to-Wall (Mixed-Use Building)

ZR Section 23-863 regulates the minimum distance between a legally required window facing an inner court and any wall opposite such window. It requires that this distance be at least 30 ft. and be at least equal to one-half the height of such wall above such window. This distance is never required to be above 60 ft. regardless of the height of the wall opposite the window. While the building on Site 4 has not yet been designed, it is possible that an inner court would be created that would not be in compliance with ZR Section 23-863. The scenario that would require the greatest waiver is the one in which the inner court is the deepest (with residential use starting on the second floor) and the tower portion of the building is the tallest (up to a maximum height, including bulkheads, of 290 ft.). To allow for design flexibility, the waiver is requested against this “worst-case” scenario.

If Option 1 is chosen, zoning would require the east-facing windows of the inner court to be up to 60 ft. from the tower along Clinton Street. Because only 50 ft. would be provided, a waiver of this regulation is requested. If Option 2 is chosen, zoning would require the north-facing windows of the inner court to be up to 60 ft. from the tower along Delancey Street. Because only 55 ft. would be provided, a waiver of this regulation is requested.

Outer Court

If Site 4 were to be developed in a “U” shape with an opening to the south, the open area in the center of the block would be considered an “outer court” instead of an “inner court.” ZR Section 23-842 requires outer courts with a width of 30 ft. or more to have a width that is at least equal to its depth, except that the width need not exceed 60 ft. Because the space would have a maximum depth of 127 ft., compliance with the outer court regulation would require that it be at least 60 ft. in width, which is more than the minimum 50 ft. requested, and therefore a waiver of this regulation is requested.

Planting Requirement

ZR Section 23-892 requires that any area between the street wall of a building and the street line be planted at ground level or in raised planting beds, except for areas in front of commercial uses, driveways or building entrances. Compliance with this regulation would require the sidewalk widening areas in front of any ground floor frontage along Suffolk, Broome, and Clinton Streets occupied by community facility uses or residential building lobbies (except for the actual entrance) to be planted. Doing so would undermine the intent of the sidewalk widenings, which is to provide adequate pedestrian space, and therefore a waiver of the planting regulation along these frontages is requested.

Site 5

Height and Setback (Mixed-Use Building)

The envelope would permit a base height of up to 85 ft. While this would comply with the maximum base height requirement for the area that is within 100 ft. of Grand Street, it would exceed the 80 ft. maximum permitted base height for the remainder of the site within the required 15 ft. setback distance from the street wall, and therefore a waiver is requested. Above the base height, the envelope would set back 10 feet from the street wall of Clinton Street and behind the required setback distance along Grand Street to a height of 160 ft. (190 ft. with bulkheads). This height is above the 120 ft. maximum height permitted for the area within 100 ft. of Grand Street and above the 105 ft. maximum height permitted for the rest of the site, and the portion of the building above the maximum base height between 10 and 15 feet from Clinton Street would not comply with the initial setback distance, and therefore a waiver is requested.

Window-to-Wall (Mixed-Use Building)

ZR Section 23-863 regulates the minimum distance between a legally required window facing an inner court and any wall opposite such window. It requires that this distance be at least 30 ft. and be at least equal to one-half the height of such wall above such window. This distance is never required to be above 60 ft. regardless of the height of the wall opposite the window. While the building on Site 5 has not yet been designed, it is possible that an inner court would be created that would not be in compliance with ZR Section 23-863. The scenario that would require the greatest waiver is the one in which the inner court is the deepest (with residential use starting on the second floor) and the tower portion of the building is the tallest (up to a maximum height, including bulkheads, of 190 ft.). To allow for design flexibility, the waiver is requested against this “worst-case” scenario.

If Option 1 is chosen, zoning would require the east-facing windows of the inner court to be up to 60 ft. from the tower along Clinton Street. Because only 50 ft. would be provided, a waiver of this regulation is requested.

Outer Court

If Site 5 were to be developed in a “U” shape with an opening to the north, the open area in the center of the block would be considered an “outer court” instead of an “inner court.” ZR Section 23-842 requires outer courts with a width of 30 ft. or more to have a width that is at least equal to its depth, except that the width need not exceed 60 ft. Because the space would have a maximum depth of 176 ft., compliance with the outer court regulation would require that it be at least 60 ft. in width, which is more than the minimum 50 ft. requested, and therefore a waiver of this regulation is requested.

Planting Requirement

ZR Section 23-892 requires that any area between the street wall of a building and the street line be planted at ground level or in raised planting beds, except for areas in front of commercial uses, driveways or building entrances. Compliance with this regulation would require the sidewalk widening areas in front of any ground floor frontage along Suffolk and Clinton Streets occupied by community facility uses or residential building lobbies (except for the actual entrance) to be planted. Doing so would undermine the intent of the sidewalk widenings, which is to provide adequate pedestrian space. Compliance would also require the entire publicly-accessible open space proposed along Site 5’s Broome Street frontage to be planted, which would not allow the space to function as a neighborhood amenity with a mix of active and passive recreational uses as proposed. Therefore, a waiver of the planting regulation along the Suffolk, Broome and Clinton Street frontages is requested.

Site 6

Height and Setback (Mixed-Use Building)

The envelope would permit a base height of up to 85 ft. While this would comply with the maximum base height requirement for the area that is within 100 ft. of Delancey Street, it would exceed the 80 ft. maximum permitted base height for the remainder of the site within the required 15 ft. setback distance from the street wall, and therefore a waiver is requested. Above the base height, the envelope would set back 10 feet from the street wall of Clinton Street and behind the required setback distance along Delancey Street to a height of 160 ft. (190 ft. with bulkheads). This height is above the 120 ft. maximum height permitted for the area within 100 ft. of Delancey Street and above the 105 ft. maximum height permitted for the rest of the site, and the portion of the building above the maximum base height between 10 and 15 feet from Clinton Street would not comply with the initial setback distance, and therefore a waiver is requested.

Height and Setback (Non-Residential Building)

The envelope would set back 15 ft. from the street wall (18 feet from the street line) along Broome Street and 10 ft. from the street wall (13 feet from the street line) along Clinton Street. Because these distances are less than the 20 ft. required, a waiver of the initial setback distance is requested above the permitted base height, which is 85 ft. or six stories, whichever is less. The envelope along Delancey Street would set back 10 ft. from the street wall above the maximum permitted base height, which is less than the required 15 ft. setback, and therefore a waiver is requested. The envelope could accommodate more than six stories within the 85 ft. streetwall height and therefore a waiver is requested for stories above the sixth floor. Portions of the top of the envelope would also not comply with the sky exposure plane, which starts at a height of 85 feet above the street line and rises at a rate of 2.7 to 1 along Broome and Clinton Streets, and 5.6 to 1 along Delancey Street. The sky exposure plane creates triangular areas of non-compliance that are requested to be waived pursuant to this special permit. These areas affect the top 48 ft. of the envelope to a maximum depth of 9 ft. along Delancey Street, the top 77 ft. of the envelope to a maximum depth of 29 ft. along Clinton Street, and the top 56 ft. of the envelope to a maximum depth of 21 ft. along Broome Street.

Rear Yard Equivalent (Mixed-Use Building)

The through-lot portion of the site would require a 60 ft. wide rear yard equivalent in the center of the block. As proposed, the envelope would allow a building to be oriented along Delancey Street that would encroach into the required rear yard equivalent area by as much as 37 ft. and therefore a waiver is requested. The envelope would also allow the building to be built to a full base height of 85 ft., and therefore a waiver in this area is also requested. Because only the base of the building is proposed along Broome Street (this portion would not have west-facing windows), the encroachment would not adversely affect the east-facing windows of the Delancey Street portion of the building.

Rear Yard Equivalent (Non-Residential Building)

The through-lot portion of the site would require a 40 ft. wide rear yard equivalent, which could be located in the center of the block. As proposed, the envelope would allow a building to be oriented along Delancey Street that would encroach into the required rear yard equivalent area by as much as 27 ft., and therefore a waiver is requested. The envelope would also allow the building to be built to a full base height of 85 ft., and therefore a waiver in this area is also requested. Because only the base of the building is proposed along Broome Street (this portion would not have west-facing windows), the encroachment would not adversely affect the east-facing windows of the Delancey Street portion of the building.

Rear Yard Setback (Mixed-Use Building)

Above the maximum permitted base height of 80 feet, rear yard setback regulations would require the Delancey Street portion of the building to set back an additional 10 feet from the rear yard equivalent. Because the envelope would not do so, a waiver of this regulation is required. Rear yard setback regulations are intended to improve access to light and air for windows on the opposite side of a block that face toward the block's interior. Because there would not be any west-facing windows on the Broome Street side of block, the waiver of this regulation would not have any adverse impact.

Planting Requirement

ZR Section 23-892 requires that any area between the street wall of a building and the street line be planted at ground level or in raised planting beds, except for areas in front of commercial uses, driveways or building entrances. Compliance with this regulation would require the sidewalk widening areas in front of any ground floor frontage along Clinton and Broome Streets occupied by community facility uses or residential building lobbies (except for the actual entrance) to be planted. Doing so would undermine the intent of the sidewalk widenings, which is to provide adequate pedestrian space, and therefore a waiver of the planting regulation along these frontages is requested.

Action 4: Large-Scale General Development Special Permit **– use waivers (ZR Section 74-744(a)(3) and (b))**

Use Group 10, 11A and 12A: ZR Section 74-744(a)(3)

Pursuant to the related text amendment action, the CPC may allow Use Groups 10, 11A and 12A, except for arenas or auditoriums, skating rinks, public auction rooms, trade expositions and stadiums within an LSGD that is located wholly or partially within the former SPEURA. This special permit requests a waiver to allow these use groups on Sites 3 – 6, which are proposed to be rezoned to R8/C2-5. This waiver is not needed for Sites 1 and 2 because the uses are already allowed as-of-right under the C6-1 district mapped on those sites. The additional uses permitted would allow retail uses that would otherwise be limited to 10,000 square feet, such as a larger clothing stores or department stores, and would allow uses such as custom manufacturing (e.g., jewelry making or custom printing) in order to foster a dynamic mixed-use environment.

Location of floors occupied by commercial uses: ZR Section 74-744(b)

C2 District:

ZR Section 32-421, which applies to C2 districts (Sites 3 – 6), states that uses in Use Groups 6, 7, 8, 9, and 14 may not be located above the first floor in buildings that contain residential or community facility uses. It further states that uses in Use Groups 6A, 6B, 6C, 6F, 7, 8, 9, or 14 may not be located above the second floor in buildings that do not contain residential or community facility uses.

In order to provide flexibility for the future developers of Sites 3 - 6, the LSGD would allow for these commercial uses to be located above the first and second floors regardless of the presence of residential or community facility uses in the building. The exact mix of uses on each site has not yet been determined and would be based on responses to the RFP(s) and market conditions. While the waiver of this regulation would allow the arrangement of uses not normally permitted in a C2 district, commercial uses would never be located directly above residential uses, and all commercial uses would be accessed from an entrance that is completely separate from a residential entrance. The waiver of this regulation would allow, for example, retail uses on the second floor of a mixed-use building – something that would not otherwise be allowed pursuant to C2 zoning regulations.

C6 District:

Section 32-422, which applies to C6 districts (Sites 1 and 2), states that uses in Use Groups 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 may only be located on a story below the lowest story occupied in whole or in part by a residential use, though the limitation does not preclude such uses on the first floor.

In order to provide flexibility for the future developers of Sites 1 and 2, the LSGD would allow for these commercial uses to be located on or above a story occupied by residential use. The exact mix of uses on each site has not yet been determined and would be based on responses to the RFP(s) and market conditions. While the waiver of this regulation would allow the arrangement of uses not normally permitted in a C6 district, commercial uses would never be located directly above residential uses, and all commercial uses would be accessed from an entrance that is completely separate from a residential entrance. The waiver of this regulation would allow, for example, a building on Site 2 to be designed with residential uses on the second floor facing Broome Street and with commercial uses on the third floor facing Delancey Street – something that would not otherwise be allowed pursuant to C6 zoning regulations.

Action 5: Modification of Signage Regulations Authorization **(ZR Section 74-744(c)(2))**

ZR Section 74-744, as amended by the related text amendment action, grants the CPC the authority to, by authorization, make the signage regulations of a C6-1 district applicable to a C2 district, and to modify the provisions of ZR Section 32-68 (Permitted Signs on Residential or Mixed Buildings), which requires that all signs in a mixed-use building be located below the level of the third story. Because the LSGD would allow Use Group 10, 11A and 12A uses, with some restrictions, in the C2 portion of the LSGD, this authorization requests that C6-1 signage be applied to the C2 district along its Grand and Delancey Street frontages. Whereas C2 district signage regulations would limit signs to a maximum size of 150 sq. ft. and a height of 25 ft., C6-1 regulations would allow a sign to have a maximum size of up to 500 sq. ft. and be located at a height of up to 40 ft. The C6-1 signage would be more consistent with the uses proposed. Such signage would be appropriate along Delancey and Grand Streets given their width and commercial character. Along Clinton, Suffolk, Norfolk, and Broome Streets, the C2 signage regulations would continue to apply.

Because the LSGD would allow commercial uses to be located on the third floor in a mixed-use building, a waiver of the regulation that limits commercial signage to the second story and below is requested. This would allow signage to be located above the second floor but would continue to limit such signage to a maximum overall height of 40 feet above curb level.

Action 6: UDAAP/Disposition

6A: UDAAP/Disposition

The Project sites are proposed for disposition by sale or lease to developer(s) to be selected at a future date.

The Project consists of underused property that tends to impair or arrest the sound development of the municipality, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, unsanitary, and blighting conditions. The Project activities would protect and promote health and safety and would promote sound growth and development. The Project is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

6B: Disposition

After re-acquiring the Essex Street Market fee ownership or leasehold interest described in *Action 7: Acquisition* below, the City may master lease or sell that interest to NYCEDC for the purpose of facilitating the management of the market.

Action 7: Acquisition

The development of the Essex Street Market may require the acquisition of property by the City. Site 2 (Block 352, Lots 1 and 28) would be disposed of for development through an RFP process. After completion of the improvements to be constructed by the developer on Site 2, which must satisfy the specifications to be set forth in a contract between the City and/or NYCEDC and the developer, the portion of the building containing the Essex Street Market may be reacquired by the City or NYCEDC as a fee ownership or leasehold interest.

Action 8: Public Parking Garage Special Permit (Site 2)

This public parking garage would contain space for up to 168 vehicles and 17 bicycles and would be permitted to be either self-park or attended (which would include the option for automated parking). If attended, it would have up to 42,000 sq. ft. of gross floor area (“gfa”), and if self-park, it would have up to 50,400 sq. ft. of gfa. The garage would be located in the cellar and/or sub-cellar levels and would be accessed by a single 20 ft. wide curb cut (24 ft. with splays) on Norfolk Street, with one lane in and one lane out.

Because the building on Site 2 has not yet been designed, the approval for this special permit would provide for flexibility in the layout of the garage. The curb cut would be permitted anywhere along Norfolk Street as long as it is beyond 50 feet from the intersection of either Delancey or Broome Streets. The ramp would contain 10 reservoir spaces before the attendant booth (for an attended garage) or the entrance to the parking area (for a self-park garage). Each reservoir space would be a minimum of 8’-6” x 18’-0” and would be painted on the floor of the garage to be clearly visible for incoming motorists. The exact configuration of the ramp (whether it is straight or turns to the left or right) would be determined after the building has been designed.

Pedestrian routes to and from garage access points would be provided and clearly marked, with warning devices placed at all potential pedestrian/vehicle conflict points. The attendant’s booth and car pick-up and patron waiting areas would be located so as to provide patron security and safety en route to and at these locations. Stop signs and visual and audible devices would be placed at the vehicular exit at its intersection with the sidewalk. The garage would conform to Local Law 58 and the Americans with Disabilities Act of 1991.

While the cumulative number of spaces requested pursuant to this special permit and the three other public parking garages requested by this Application is 973, the total maximum number of public parking spaces within the LSGD would be limited to 500. Of the four garages requested by this Application, some would either not be developed or would be developed with a capacity that is less than what is requested by the special permit.

Action 9: Public Parking Garage Special Permit (Site 3)

This public parking garage would contain space for up to 250 vehicles and 25 bicycles and would be permitted to be either self-park or attended (which would include the option for automated parking). If attended, it would have up to 62,500 sq. ft. of gfa, and if self-park, it would have up to 75,000 sq. ft. of gfa. The garage would be located in the cellar and/or sub-cellar levels and would be accessed by a single 20 ft. wide curb cut (24 ft. with splays), with one lane in and one lane out. The garage would be developed in accordance with one of two options: one would have the entrance on Norfolk Street (the “Norfolk Street Option”) and the other would have the entrance on Suffolk Street (the “Suffolk Street Option”).

Because the building on Site 3 has not yet been designed, the approval for this special permit would provide for flexibility in the layout of the garage. The curb cut would be permitted anywhere along Norfolk Street (under the Norfolk Street Option) or Suffolk Street (under the Suffolk Street Option) as long as it is beyond 50 feet from the intersection of either Delancey or Broome Streets. The ramp would contain 13 reservoir spaces before the attendant booth (for an attended garage) or the entrance to the parking area (for a self-park garage). Each reservoir space would be a minimum of 8’-6” x 18’-0” and would be painted on the floor of the garage to be clearly visible for incoming motorists. The exact configuration of the ramp (whether it is straight or turns to the left or right) would be determined after the building has been designed.

Pedestrian routes to and from garage access points would be provided and clearly marked, with warning devices placed at all potential pedestrian/vehicle conflict points. The attendant’s booth and car pick-up and patron waiting areas would be located so as to provide patron security and safety en route to and at these locations. Stop signs and visual and audible devices would be placed at the vehicular exit at its intersection with the sidewalk. The garage would conform to Local Law 58 and the Americans with Disabilities Act of 1991.

While the cumulative number of spaces requested pursuant to this special permit and the three other public parking garages requested by this Application is 973, the total maximum number of public parking spaces within the LSGD would be limited to 500. Of the four garages requested by this Application, some would either not be developed or would be developed with a capacity that is less than what is requested by the special permit.

Action 10: Public Parking Garage Special Permit (Site 4)

This public parking garage would contain space for up to 250 vehicles and 25 bicycles and would be permitted to be either self-park or attended (which would include the option for automated parking). If attended, it would have up to 62,500 sq. ft. of gfa, and if self-park, it would have up to 75,000 sq. ft. of gfa. The garage would be located in the cellar and/or sub-cellar levels and would be accessed by a single 20 ft. wide curb cut (24 ft. with splays) on Suffolk Street, with one lane in and one lane out.

Because the building on Site 4 has not yet been designed, the approval for this special permit would provide for flexibility in the layout of the garage. The curb cut would be permitted anywhere along Suffolk Street as long as it is beyond 50 feet from the intersection of either Delancey or Broome Streets. The ramp would contain 13 reservoir spaces before the attendant booth (for an attended garage) or the entrance to the parking area (for a self-park garage). Each reservoir space would be a minimum of 8'-6" x 18'-0" and would be painted on the floor of the garage to be clearly visible for incoming motorists. The exact configuration of the ramp (whether it is straight or turns to the left or right) would be determined after the building has been designed.

Pedestrian routes to and from garage access points would be provided and clearly marked, with warning devices placed at all potential pedestrian/vehicle conflict points. The attendant's booth and car pick-up and patron waiting areas would be located so as to provide patron security and safety en route to and at these locations. Stop signs and visual and audible devices would be placed at the vehicular exit at its intersection with the sidewalk. The garage would conform to Local Law 58 and the Americans with Disabilities Act of 1991.

While the cumulative number of spaces requested pursuant to this special permit and the three other public parking garages requested by this Application is 973, the total maximum number of public parking spaces within the LSGD would be limited to 500. Of the four garages requested by this Application, some would either not be developed or would be developed with a capacity that is less than what is requested by the special permit.

Action 11: Public Parking Garage Special Permit (Site 5)

This public parking garage would contain space for up to 305 vehicles and 31 bicycles and would be permitted to be either self-park or attended (which would include the option for automated parking). If attended, it would have up to 76,250 sq. ft. of gfa, and if self-park, it would have up to 91,500 sq. ft. of gfa. The garage would be located in the cellar and/or sub-cellar levels and would be accessed by a single 20 ft. wide curb cut (24 ft. with splays), with one lane in and one lane out. The garage would be developed in accordance with one of two options: one would have the entrance on Clinton Street (the “Clinton Street Option”) and the other would have the entrance on Suffolk Street (the “Suffolk Street Option”).

Because the building on Site 5 has not yet been designed, the approval for this special permit would provide for flexibility in the layout of the garage. The curb cut would be permitted anywhere along Clinton Street (under the Clinton Street Option) or Suffolk Street (under the Suffolk Street Option) as long as it is beyond 50 feet from the intersection of either Grand or Broome Streets. The ramp would contain 16 reservoir spaces before the attendant booth (for an attended garage) or the entrance to the parking area (for a self-park garage). Each reservoir space would be a minimum of 8’-6” x 18’-0” and would be painted on the floor of the garage to be clearly visible for incoming motorists. The exact configuration of the ramp (whether it is straight or turns to the left or right) would be determined after the building has been designed.

Pedestrian routes to and from garage access points would be provided and clearly marked, with warning devices placed at all potential pedestrian/vehicle conflict points. The attendant’s booth and car pick-up and patron waiting areas would be located so as to provide patron security and safety en route to and at these locations. Stop signs and visual and audible devices would be placed at the vehicular exit at its intersection with the sidewalk. The garage would conform to Local Law 58 and the Americans with Disabilities Act of 1991.

While the cumulative number of spaces requested pursuant to this special permit and the three other public parking garages requested by this Application is 973, the total maximum number of public parking spaces within the LSGD would be limited to 500. Of the four garages requested by this Application, some would either not be developed or would be developed with a capacity that is less than what is requested by the special permit.

Applicant's Statement of Conditions required for a LSGD

ZR Section 12-10 defines a Large-Scale General Development as follows:

A "large-scale general development" contains one or more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection and is not either a #large-scale residential development# or a #large-scale community facility development#; and:

The six zoning lots of the proposed LSGD would be contiguous but for their separation by Essex, Norfolk, Suffolk, Clinton, and Broome Streets. None of the zoning lots are within a large-scale residential development or a large-scale community facility development.

- (a) has or will have an area of at least 1.5 acres;

The LSGD would contain an area of approximately 5.25 acres.

- (b) has been or is to be used, #developed# or #enlarged# as a unit:
 - (1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#; or
 - (2) under single fee, alternate or separate ownership, either:
 - (i) pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or
 - (ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and

All six sites are currently in City ownership. Site 1 is in DOT jurisdiction, a portion of Site 2 is in the jurisdiction of the Department of Small Business Services ("SBS"), and the remainder of Site 2 along with Sites 3, 4, 5, and 6 in their entirety are in the jurisdiction of HPD. Development of the sites by one or more developers will be pursuant to alternate ownership arrangements as set forth in the definition of zoning lot in ZR 12-10.

- (c) shall be located in whole or in part in any #Commercial# or #Manufacturing District#, subject to the restrictions of Section 74-743 (Special provisions for bulk modifications), paragraph (a) (1) .

Sites 1 and 2 are within a C6-1 District. Upon approval of the Rezoning action that is part of this Application, Sites 3, 4, 5, and 6 would be within an R8/C2-5 District. Therefore, the LSGD would be located entirely within commercial districts.

Such #zoning lots# may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 4, provided that such #buildings# form an integral part of the #large-scale general development#, and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #buildings#. In C5 and C6 Districts, however, a #large-scale general development# having a minimum #lot area# of five acres may include #zoning lot# that contains an existing #building# that is not integrally related to the other parts of the #large-scale general development#, provided that such #building# covers less than 15 percent of the #lot area# of the #large-scale general development# and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #building#.

No existing buildings are proposed to remain within the LSGD.

Note: I.G.ii.2 was removed through the City Council Approval dated 10/11/12.

**SEWARD PARK MIXED-USE DEVELOPMENT PROJECT
ATTACHMENT A: DESIGN REQUIREMENTS**

I. GENERAL / TYPICAL NOTES

A. Site Plan / Massing

- i. Site Plan drawings 008, 101, 201, 301, 401, 501 and 601 show “Envelope Option 1” as established in corresponding “Building Envelope” drawings 103, 203.1, 303.1, 403.1, 503 and 603. Actual Building massing subject to design controls (as indicated on drawings 103, 203.1, 203.2, 203.3, 203.4, 303.1, 303.2, 303.3, 403.1, 403.2, 503 and 603).
- ii. Envelope heights are relative to the Base Plane or the Average Curb Level elevations (as indicated).

B. Tower Orientation

- i. Towers above the midrise portion (or base height if optional midrise portion is not constructed) that have a width or depth greater than 95 ft. on Sites 2, 3, and 4 may not be oriented such that two adjacent sites both have a north-south orientation or an east-west orientation. This restriction shall not apply if Option 4 on Site 2 or Option 5 on Site 3 is constructed on one of those sites.

C. Street Trees

- i. Proposed street tree locations (as shown in all Site Plan drawings) are illustrative and subject to change based on final approval by the Department of Parks and Recreation. Otherwise, street tree locations will comply with the requirements of ZR 26-41.

D. Sidewalks

- i. Sidewalks will be provided at a minimum width of 15', except as follows.
 - 1. *Site 1 (as noted on drawing 102)*
Sidewalks will be provided at a minimum width of 13'.
 - 2. *Site 2 (as noted on drawing 202)*
Sidewalks will be provided at a minimum width of 15', except along that portion of Essex Street adjacent to the existing subway station entrance. The existing sidewalk width of 13' may be maintained, as needed, to accommodate building conditions at the time of construction.
 - 3. *Site 6*
Sidewalks will be provided at a minimum width of 15', except along Broome Street, where a 13'-wide sidewalk will be provided.

E. Parking and Loading

- i. The LSGD approvals establish a maximum limit of 500 parking spaces.
- ii. With regard to curb cut location(s), curb cuts for parking garage access and/or required loading berths may be sited within the zone(s) shown on Site Plan drawings 008, 101, 201, 301, 401, 501, and 601.

F. Bulk, Height, and Setback

- i. The base or streetwall portions of Sites 2, 3, 4, and 5 will have a minimum height of 60' and a maximum height of 85'.
- ii. The base or streetwall portion of Site 1 will have a minimum height of 60' and a maximum height of 85' on Broome and Ludlow Streets; the minimum base height on Essex Street may be below the minimum height of 60', but no lower than 25'.
- iii. The base or streetwall portion of Site 6 will have a minimum height of 60' and a maximum height of 85' on Delancey and Clinton Streets; the minimum base height on Broome Street may be below the minimum height of 60', but no lower than 25'.
- iv. The midrise portions of all buildings developed pursuant to the approved Large-Scale General Development will have a maximum height of 120'.

G. Ground Floor Frontage

- i. Building facades will maintain 50% transparency at ground level at elevations ranging from 2 feet to 12 feet above curb level.
- ii. A minimum of two storefronts are required on the ground-floor of Delancey Street (Sites 2, 3, and 4) and a minimum of three storefronts are required on the ground-floor of Broome Street (Sites 2, 3, and 4). The following exceptions may be made:
 1. If a public market or grocery store were located on the ground floor of the building on Site 2, 3, or 4, the minimum storefront requirements would not apply.
 2. If the requirement is substantially economically disadvantageous, the Commissioner of HPD and the President of NYCEDC, acting in consultation with DCP, will have the ability to waive the frontage requirement. DCP must provide comments to HPD/NYCEDC, if any, within 30 days of being informed by the agencies of their intent to waive the requirement.

II. SITE-SPECIFIC NOTES

A. Parking and Loading

- i. At Site 3, two different parking garage entrance options will be approved pursuant to this special permit - one at Suffolk Street and one at Norfolk Street. At such time as final parking garage entrance locations are submitted for review by the DOB at this site, only one of these options will be developed.
- ii. At Site 5, two different parking garage entrance options will be approved pursuant to this special permit - one at Suffolk Street and one at Clinton Street. At such time as final parking garage entrance locations are submitted for review by the DOB at this site, only one of these options will be developed.

B. DESIGN CONTROLS: Bulk, Height & Setback

- i. The following notes, which are associated with the allowable massing options which appear on drawings 103, 203.1, 203.2, 203.3, 203.4, 303.1, 303.2, 303.3, 403.1, 403.2, 503 and 603, establish the maximum allowable building heights for each zoning lot.
 1. For Site 1, the envelope options establish a maximum allowable building height of 160' (190', including bulkheads).

2. For Site 2, the envelope options establish a maximum allowable building height of 285' (315', including bulkheads).
 3. For Site 3, the envelope options establish a maximum allowable building height of 160' (190', including bulkheads).
 4. For Site 4, the envelope options establish a maximum allowable building height of 260' (290', including bulkheads).
 5. For Site 5, the envelope options establish a maximum allowable building height of 160' (190', including bulkheads).
 6. For Site 6, the envelope options establish a maximum allowable building height of 160' (190', including bulkheads).
- ii. The following notes, which appear on drawings 103, 203.1, 203.2, 203.3, 203.4, 303.1, 303.2, 303.3, 403.1, 403.2, 503 and 603, describe the allowable “massing options” for each zoning lot, with regard to bulk orientation.
1. For Zoning Lot 1, Options 1 and 2, the *envelope option* volume indicates the maximum extent of the base and midrise portions of the building. The tower portion of the building may be located anywhere above the building base within the respective *envelope options* shown. The tower in Option 1 will be limited to a maximum length of 133' and a maximum width of 70'. The tower in Option 2 will be limited to a maximum length of 108' and a maximum width of 70'.
 2. For Zoning Lot 2, Option 1, the *envelope option* volume indicates the maximum extent of the base and midrise portions of the building. The tower portion of the building may be located anywhere above the building base within the *envelope option* shown. The tower in Option 1 will be limited to a maximum length of 95' and a maximum width of 95'.
 3. For Zoning Lot 2, Option 2, the *envelope option* volume indicates the maximum extent of the base and midrise portions of the building. The tower portion of the building may be located anywhere above the building base within the *envelope option* shown. The tower in Option 2 will be limited to a maximum length of 160' and a maximum width of 70'.
 4. For Zoning Lot 2, Option 3, the *envelope option* volume indicates the maximum extent of the base and midrise portions of the building. The tower portion of the building may be located anywhere above the building base within the *envelope option* shown. The tower in Option 3 will be limited to a maximum length of 160' and a maximum width of 70'.
 5. For Zoning Lot 2, Option 4, the *envelope option* volume indicates the maximum extent of the base and tower portions of a building with only non-residential uses in the tower.
 6. For Zoning Lot 3, Options 1 and 2, the *envelope option* volume indicates the maximum extent of the base and midrise portions of the building. The tower portion of the building may be located anywhere above the building base within the respective *envelope options* shown. In both options, the tower will be limited to a maximum length of 160' and a maximum width of 70'.
 7. For Zoning Lot 3, Options 3 and 4, the *envelope option* volume indicates the maximum extent of the base, midrise, and tower portions of the building. The tower portion of the building may be located anywhere above the building base within the respective *envelope options* shown. In both options, the tower will be limited to a maximum length of 95' and a maximum width of 95'.
 8. For Zoning Lot 3, Option 5, the *envelope option* volume indicates the maximum extent of the base, midrise and tower portions of a building with only non-residential uses in the tower.

9. For Zoning Lot 4, Option 1, the *envelope option* volume indicates the maximum extent of the base and midrise portions of the building. The tower portion of the building may be located anywhere above the building base within the *envelope option* shown. The tower in Option 2 will be limited to a maximum length of 160' and a maximum width of 70'.
 10. For Zoning Lot 4, Option 2, the *envelope option* volume indicates the maximum extent of the base and midrise portions of the building. The tower portion of the building may be located anywhere above the building base within the *envelope option* shown. The tower in Option 2 will be limited to a maximum length of 160' and a maximum width of 70'.
 11. For Zoning Lot 5, Options 1 and 2, the *envelope option* volume indicates the maximum extent of the base and midrise portions of the building. The tower portion of the building may be located anywhere above the building base within the respective *envelope options* shown. In both options, the tower will be limited to a maximum length of 160' and a maximum width of 70'.
 12. For Zoning Lot 6, Options 1 and 2, the *envelope option* volume indicates the maximum extent of the base and midrise portions of the building. The tower portion of the building may be located anywhere above the building base within the respective *envelope options* shown. The tower in Option 1 will be limited to a maximum length of 118' and a maximum width of 70'. The tower in Option 2 will be limited to a maximum length of 133' and a maximum width of 70'.
- iii. Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and accessory mechanical equipment (including enclosures), other than solar or wind energy systems, shall be permitted to exceed the maximum building (roof) heights approved in the LSGD, up to a maximum bulkhead height of 30 feet, provided that:
1. such obstructions shall be located not less than 10 feet from the street wall of a building, except that such obstructions need not be set back more than 25 feet from a narrow street line or more than 20 feet from a wide street line. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the aggregate width of street walls of such bulkheads within 10 feet of a street wall, facing each street frontage, times their average height, in feet, does not exceed an area equal to four feet times the width, in feet, of the street wall of the building facing such frontage.
 2. All mechanical equipment shall be screened on all sides.
 3. such obstructions and screening are contained within a volume that complies with one of the following:
 - a. the product, in square feet, of the aggregate width of street walls of such obstructions facing each street frontage, times their average height, shall not exceed an area equal to eight feet times the width, in feet, of the street wall of the building facing such frontage; or
 - b. the lot coverage of all such obstructions does not exceed 20 percent of the lot coverage of the building.

Attachment 11: Applicant's Discussion of Findings - LSGD (bulk waivers)

LSGD Special Permit pursuant to ZR Section 74-743

74-743

Special provisions for bulk modification

- (a) For a *large-scale general development*, the City Planning Commission may permit:
- (1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot lines# or district boundaries, subject to the following limitations:

This LSGD special permit requests the distribution of floor area, dwelling units and lot coverage without regard to zoning lot lines and district boundaries, as described in *LR Item 3: Project Description*.

- (i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;

Pursuant to the concurrent Rezoning Application, the LSGD would be located within two zoning districts: C6-1 and R8/C2-5. Within both districts, residential, community facility and commercial uses are permitted. Therefore, no distribution of bulk is proposed across the boundary of two districts for a use that is not permitted in both districts.

- (ii) when a #large-scale general development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of commercial #floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted; except that for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, a transfer of commercial #floor area# from a C6 District to a C2 District may be permitted;

The LSGD is located partially within the former Seward Park Extension Urban Renewal Area. Therefore, the restriction on the transfer of floor area to C2 districts is not applicable.

- (2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;

The proposed LSGD special permit requests waivers of height and setback, rear yard, rear yard equivalent, rear yard setback, minimum base height, window-to-wall, and outer court regulations, as described in *LR Item 3: Project Description*.

* * *

- (10) for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section 23-892 (In R6 through R10 Districts), provided the area between the #street line# and the #street walls# of the #building# and their prolongations is to be improved as a publicly accessible widened sidewalk.

The proposed LSGD special permit requests the waiver of the planting requirements of Section 23-892, as described in *LR Item 3: Project Description*. The areas between the street lines and the street walls of the buildings and their prolongations would generally be improved as a publicly-accessible widened sidewalk.

* * *

- (b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:
 - 1. the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding development, adjacent open areas and shore lines than would be possible without such distribution and will thus benefit both the occupants of the #large-scale general development#, the neighborhood and the City as a whole;

The proposed massings and design guidelines for the six sites were developed to create a better overall site plan and a better relationship among buildings and open areas both within the LSGD boundaries and within the surrounding area than would otherwise be possible without the bulk waivers requested by this special permit. The plan is facilitated by the redistribution of floor area, lot coverage and dwelling units without regard to zoning lot and district lines, and the waiver of height and setback, rear yard, rear yard equivalent, rear yard setback, minimum base height, window-to-wall, outer court, and planted area regulations, as described in detail in *LR Item 3: Project Description*. Absent the waivers and redistribution requested by this special permit, the sites would be subject to the underlying C6-1 and R8/C2-5 regulations, which would allow for a tower-in-the-park building form similar to the existing developments to the east and south. Buildings would be allowed to be pulled entirely back from the street line leaving the streets devoid of the vitality that develops with active streetwalls.

The overall massing of the buildings within the LSGD is intended to combine the best elements of the tower-in-the-park typology with the best elements of the contextual street wall typology, while guarding against the deficiencies of each. Like the tower-in-the-park typology, which would be permitted on an as-of-right basis pursuant to the underlying zoning regulations, the LSGD would concentrate the floor area built above the building bases into towers, which would leave the majority of the lot area above the bases open to the sky. The openness, as facilitated by the requested height and setback waivers, would allow an ample amount of light and air to reach the streets and the surrounding area and would provide the tower portions of the buildings with abundant light, air, and views, which would not be possible using contextual zoning bulk regulations. The tower typology would allow the flexibility to create a diverse and interesting mini-skyline with distinctive architectural forms, an outcome which would be very difficult to achieve under the more rigid contextual massing controls.

While the towers would allow for the benefits of the tower-in-the-park typology, the street walls and active ground floor frontages proposed would protect against the inadequacies of the typology, which allows buildings to be set back from the street line without any meaningful relationship with the pedestrian realm. While the tower-in-the-park typology allows for ample light and air, the resulting street life often lacks the urban vitality that makes neighborhoods attractive. The LSGD site plan protects against this by establishing streetwalls along all of the street frontages and lining each street wall with active ground floor uses to the greatest extent possible. The street walls, which are the defining element of the contextual building typology, would frame each street, creating a human scale and sense of place at the street level and providing eyes on the street to create a comfortable and safe environment. Locating the street walls at or near the street line would also allow for active ground floor frontages, which would provide for a more interesting and lively pedestrian experience than would otherwise be achieved using the tower-in-the park typology. Active ground floor frontages would be encouraged on all sites. On the ground floor of the Delancey Street frontage on Sites 2, 3, and 4, a minimum of two store-fronts would be required, and a minimum of three store-fronts would be required on the ground floor of the Broome Street frontage on Sites 2, 3, and 4.

The proposed massing that combines the best of the contextual and tower-in-the-park typologies would also serve as a transition between the more contextual character of the neighborhood to the north and west with the more tower-in-the-park character of the neighborhood to the south and east. The mixed typology proposed for the Project would have the benefits of the light and air available in the area to the east and south and the urban vitality of the area to the north and west. The mix of uses proposed would further mediate between the two areas, which are more residential to the east and south and more mixed-use to the north and west. This mix would add to the vitality of the neighborhood, and would help foster a diverse and lively street life.

The 60 ft. minimum street wall height proposed would reflect the character of the area to the north and west, while the 85 ft. maximum would allow for a variety of heights to permit a diversity of building forms in order to provide visual interest. The 85 ft. maximum base height, which is facilitated by the proposed height and setback waivers, would also allow more of the floor area proposed in the buildings to be located in the base, which would help minimize the height of the proposed towers. The additional base height would also allow for ideal floor-to-floor heights for commercial uses located on the lower levels. The lower base height proposed along the Essex Street frontage on Site 1 would allow for adequate light and air to reach the upper levels of the building on the Ludlow Street side of the site while providing for a sufficient height to frame Essex Street and provide an active street frontage.

The plan provides for a variety of heights to provide visual interest and to create a varied neighborhood skyline. The proposed heights undulate along Delancey Street. From east to west, the neighborhood skyline would have a higher height at the existing 23-story tower east of Site 6, a lower height on Site 6, a higher height on Site 4, a lower height on Site 3, a higher height on Site 2 and a lower height on Site 1. The proposed heights would also undulate in a north-south direction along Clinton Street. From south to north, the neighborhood skyline would have a higher height at the existing Seward Park Co-Op buildings, a lower height on Site 5, a higher height on Site 4, and a lower height in the existing buildings to the north of Delancey Street. The varied skyline is further ensured through the establishment of design guidelines that provide that adjacent towers on Sites 2, 3, and 4 may not be oriented in a way such that both have a north-south or east-west orientation. The maximum width controls for the towers of the design guidelines would protect against overly blocky massings, ensuring that the upper levels read as slender towers rather than bulky extrusions.

The waivers of rear yard equivalent and rear yard setback regulations on Sites 1 and 6 would allow for the buildings to be massed in a way that benefits the occupants of the proposed buildings without negatively impacting other residents within the LSGD or in the surrounding area. The waiver of these regulations on Site 1 would allow a tower to be placed on the Ludlow portion of the site. Because no tower is proposed along Essex Street, the waiver of the rear yard equivalent and rear yard setback regulations, which apply on the through-lot portion of the site, would not have a negative impact since there would be adequate light and air for the east facing windows of the building located on Ludlow Street. Similarly, the waiver of the rear yard and rear yard equivalent regulations on Site 6 would not have a negative impact since no tower is proposed along Broome Street and therefore the south facing windows on the Delancey Street tower would have adequate light and air. The small waiver of rear yard regulations on Site 1 would be appropriate because the building on the other side of the rear yard line is built full to that line without any windows.

The waiver of window-to-wall and outer court regulations on Sites 3, 4, and 5 would provide for an adequate floorplate while allowing the sidewalks along Suffolk, Broome, Norfolk, and Clinton Streets to be widened. The widened sidewalks reduce the east-west and north-south dimensions of the development area, thereby constraining the ability to provide two double-

loaded corridors in the base of the building on both sides of the block. The waiver would ensure that adequate light and air would reach the inner and/or outer courts, which would have a minimum dimension of 50 feet.

The proposed redistribution of lot coverage would facilitate the development of a publicly-accessible open space on the Broome Street frontage of Site 5. Concentrating the open space at one location would allow for the development of a central open space that would be a focal point in the community. Its location on Broome Street would provide a central space that draws people to and through the area.

The planting waiver requested by the LSGD special permit would allow for adequate sidewalk space to improve the pedestrian experience. Strict compliance with the existing regulations would require that portions of these widened sidewalks be planted, which would reduce the effective width of the sidewalk and negate their intended benefit. The improved pedestrian experience would be further ensured by design guidelines that limit curb cuts to certain streets, require transparency at ground level, and require a minimum number of storefronts on Delancey and Broome Streets. Together, these rules would ensure that the streets would have an active, attractive and inviting public realm.

For the reasons explained above, the redistribution and waivers requested by this special permit would result in a site plan that, when compared to what could be built pursuant to the underlying zoning, would have a better relationship among buildings and open areas to adjacent streets, surrounding development and adjacent open areas, which would benefit the occupants of the LSGD as well as the neighborhood and the City as a whole.

2. the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

The proposed distribution of floor area, lot area and dwelling units, and the waiver of height and setback, rear yard, rear yard equivalent, rear yard setback, window-to-wall, outer court, and planting requirements would help facilitate a plan that reflects many years of input, debate, and collaboration from a wide variety of stakeholders. In 2008, Manhattan Community Board 3 began a planning process with the goal of reaching community consensus on a development program for the former SPEURA sites, along with all of the Essex Street Market sites and the DOT parking lot on Site 1. CB3 invited the City to be part of the process, and NYCEDC, HPD, and DCP provided technical support and resources to facilitate the community's discussion and analysis. Over the course of more than two years, CB3 worked to develop a set of project guidelines that CB3 unanimously adopted in January 2011. CB3 subsequently worked with the City to understand the urban design opportunities of the project and unanimously passed a set of urban design principles in June 2011. CB3's guidelines serve as a broad framework for defining key elements of the Project proposal. The

guidelines call for a mixed-use and mixed-income development that is reflective of, and compatible with, adjacent communities. The proposal also reflects City-wide policy goals such as providing affordable housing, providing open-space, and building transit-oriented developments.

Should ULURP approval be obtained, the City would begin an RFP process for all the Project sites soliciting proposals for development under the approvals requested in the LSGD. The LSGD balances the set of proposed restrictions that would create a superior site plan and the opportunity for the future developers creating the actual buildings to propose creative and unique designs for the sites. The LSGD also provides the flexibility to allow for a diverse range of uses and for the buildings to be developed with the optimum layouts when the specific building program has been set. The LSGD would allow the City to encourage creative proposals that respond to the specific market conditions at the time of development while maintaining the overall framework that creates the superior site plan.

The height and setback waivers would facilitate a site plan that is sensitive to the surrounding built context in terms of scale, and would not unduly increase the bulk of buildings to the detriment of occupants in the proposed buildings or surrounding area. The plan for the LSGD recognizes the varied scale of the streets, and would shift building bulk towards the major streets while preserving the lower-scale character along the narrower streets. The highest towers would be located along Delancey Street, a very wide street where higher buildings are most appropriate. The highest heights would be located on Sites 2 and 4 because they are the most prominent sites. Each site is located at an intersection of Delancey Street with one of the two north-south streets that run from the neighborhood to the north all the way down to the waterfront to the south: Essex and Clinton Streets. Site 2 is at the intersection of Delancey and Essex Streets and is located closest to the subway station. Site 4 is located at the intersection of Delancey and Clinton Streets and is very prominent as seen from the Williamsburg Bridge given the configuration of Delancey Street.

The buildings were massed to be sensitive to their impact on adjacent buildings. Shifting the bulk on Site 6 to the western portion of the site would reduce its impact on the 23-story NYCHA building to the east. The lower height proposed on Site 5 would reduce the impact on views from the Seward Park Cooperative Buildings to the south and the Grand Street Guild tower to the east. Shifting the bulk on Site 2 to the north of the site would reduce its impact on the 23-story NYCHA building to the south.

The bulk is proposed to be distributed to sites that are closest to the subway entrance. Sites 2 and 3, which have regular footprints and very convenient access to the subway, are proposed to have more bulk that would otherwise be allowed by zoning, whereas the height limits on Sites 5 and 6 would keep their massings relatively lower. The distribution of bulk would allow for a varied neighborhood skyline and would not overwhelm any single street or block.

The waivers of window-to-wall and outer court regulations would provide for an adequate floor plate while allowing the sidewalks along Suffolk, Broome, Norfolk, and Clinton Streets to be widened. The widened sidewalks reduce the east-west dimension of the development on Sites 3, 4 and 5 and the north-south dimension of the development on Sites 3 and 4, thereby constraining the ability to provide two double-loaded corridors in the base of the building on both sides of the block. The window-to-wall and outer court waivers requested would not only allow the buildings to be functional, but to improve the quality of the housing that can be achieved throughout the building. The waivers would ensure that adequate light and air would reach the inner or outer court, which would have a minimum dimension of 50 feet. The reduction of the setback along Clinton Street would further allow for the floorplates necessary for the construction of residential buildings with double-loaded corridors. The outer court waiver requested would allow those courts to open to the street or in the case of Site 5, to the publicly-accessible open space, which would increase the amount of light and air in the court areas.

The tower configuration and the design controls on tower size are intended to allow for ample amount of light and air to reach the buildings, the surrounding neighborhood and the streets. The areas to the east and south are already developed with tower-in-the-park style developments and therefore allow a large amount of light and air to reach the site. Because of the sweep of the sun, the proposed Project would only have a minimal impact on the blocks to the south. Because Delancey Street is very wide, the impact to the blocks to the north would be significantly reduced. Delancey Street is 150 ft. north of Site 2, 200 ft. wide north of Sites 3 and 4 and 250 ft. wide north of Site 6. Buildings on the north side of the street are therefore far enough away so the impact of the proposed buildings on their access to light and air would be minimized. While there would be more shadows on Delancey Street than are there today, the street would still have sufficient light due to the sweep of the sun and the expansive width of the street.

The Draft Generic Environmental Impact Statement (“DGEIS”) found no significant adverse shadow impact resulting from the buildings in the LSGD. While the buildings cast incremental shadows on several sun-sensitive resources, the DGEIS concluded that the impact of the shadows cast by the buildings is limited by duration, time of day and/or season of the year (relative to the growing season). The incremental shadows resulting from the buildings in the LSGD would not negatively impact the use of the sun-sensitive facilities such as playgrounds, ball fields or open space, because the duration of the incremental shadow is limited; additionally, the shadows would not negatively impact sun-sensitive vegetation, because sufficient sunlight is present during the growing season and/or other times of the day.

Therefore, the LSGD does not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets

3. where a #zoning lot# of a #large-scale general development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;

Not applicable.

4. considering the size of the proposed #large-scale general development#, the #streets# providing access to such #large-scale general development# will be adequate to handle traffic resulting therefrom;

The vast majority of residents and visitors to the Project sites are expected to travel on foot or by public transportation. Auto trips are predicted to account for just 13% of trips taken by residents and retail patrons (residential and retail uses account for 86% of the Project program), and no more than 28% of trips for most other uses such as office or hotel uses. The low auto usage reflects the pedestrian orientation of the surrounding area and the fact that the area is very well served by public transportation. The Delancey/Essex Street stop on the F/J/M/Z subway lines is located within the LSGD area, and the area is served by five bus lines. The design of the Project, with its active street frontages and pedestrian orientation, is intended to enhance and encourage walking and the use of public transportation and to minimize the use of automobiles. In addition, the overall density of the LSGD development is consistent with the underlying as-of-right density (6.5 FAR on all the LSGD sites, assuming the inclusion of community facility uses).

The LSGD is primarily served by three wide streets (Delancey, Essex, and Grand Streets) and the narrower Broome, Norfolk, Suffolk, and Clinton Streets. Delancey Street, a major Manhattan thoroughfare, serves as the primary east-west corridor through the Project Area, providing direct access to and from the Williamsburg Bridge. The Delancey Street corridor is currently characterized by heavy volumes approaching and leaving the Williamsburg Bridge, as is typical of bridge and tunnel approaches throughout the City. Other important east-west corridors include Houston Street, Grand Street and, to a lesser extent, Broome Street. Key north-south corridors include Essex Street/Avenue A, Allen Street/First Avenue, and Chrystie Street/Second Avenue, while other important but more local streets include Norfolk, Suffolk, and Clinton Streets. This street network has sufficient overall capacity for the existing and future traffic, although there is now and will continue to be heavy competition for this capacity between vehicular and pedestrian traffic at most times. The Project itself is not expected to generate an excessive amount of traffic, and this traffic would be distributed amongst several arrival and departure routes throughout the Project area, minimizing the concentration of new traffic on any one intersection or street.

Following the certification of the DGEIS, DOT adopted and began implementing an area-wide plan to improve traffic and pedestrian safety along the Delancey Street corridor. This safety plan (“Safety Plan”) includes left turn prohibitions, corner sidewalk extensions and signal timing

changes along Delancey Street to shorten pedestrian crossing distances and to provide pedestrians more time to safely cross Delancey Street, the reconfiguration of Clinton Street south of Delancey Street from two-way to one-way northbound, modifications at Delancey Street to allow traffic from Clinton Street to access the Williamsburg Bridge, and other measures to promote pedestrian and bicycle safety. These safety-related improvements will result in traffic pattern changes at several intersections. The findings that follow include traffic flow changes that would result from the Safety Plan, as analyzed in the Final General Environmental Impact Statement (“FGEIS”). The FGEIS analyzed the potential traffic impacts that would be generated from both the development proposed within the LSGD and the development proposed on the three City-owned sites located north of Delancey Street taking into account the changes from the Delancey Street Safety Plan. In analyzing the impact of the proposed Project, the FGEIS studied 30 intersections in the surrounding area. The traffic analysis found that the majority of the 30 intersections analyzed would either not be significantly impacted or could be mitigated with readily implementable traffic improvement measures, including signal timing and phasing changes, parking regulation changes to gain or widen a travel lane at key intersections, and lane restriping.. These measures represent some of the standard traffic capacity improvements that are typically implemented by NYCDOT.

Ten of the 30 intersections analyzed are projected to have impacts in the future that could not be fully mitigated in at least one peak hour. The intersections of Delancey Street with Essex, Ludlow, Norfolk, and Clinton Streets could not be mitigated during all four peak hours. The intersection of Delancey Street and Allen Street could not be mitigated during the weekday AM and PM peak hours. The intersection of East Houston Street and Chrystie Street/Second Avenue could not be mitigated during the AM peak hour, and the intersection of East Houston Street and Allen Street/First Avenue could only be partially mitigated during the AM peak hour. The intersection of Grand Street and Clinton Street could not be mitigated during the AM and Saturday peak hours. The intersection of Delancey Street and Suffolk Street could not be mitigated during the weekday PM and Saturday peak hours, and the intersection of Broome Street and Norfolk Street could not be mitigated during the PM peak hour. The majority of the local streets that comprise the Project study area traffic network would either not be significantly impacted or impacts can be fully mitigated through standard mitigation measures.

While the ten intersections described above would have unmitigated impacts, the thresholds for a “significant impact” in the “With Action” conditions as defined by the *CEQR Technical Manual, January 2012 Update* are stringent, with impacts occurring when an intersection operating at LOS F or E in the “No Action” condition increases by three or four seconds. Due to the high volumes on the surrounding streets, many intersections are currently operating at these levels of service.

The FGEIS analyzed a Reasonable Worst Case Development Scenario (“RWCDs”) that does not differ from the currently allowable density on the LSGD sites. The *CEQR Technical Manual* requires the FGEIS to include a No Unmitigated Significant Impacts Alternative to explore

changes to the program, often including a reduction in density that would allow the Project to mitigate any significant adverse impacts. However, because of the existing congestion on Delancey Street in particular, virtually any level of development on the Project sites could result in unmitigated impacts. The Alternatives chapter in the FGEIS included a sensitivity analysis that determined that the addition of just two cars turning right along the northbound approach of Essex Street to Delancey Street during the PM peak period would create an unmitigable impact. With this level of sensitivity to new trips, virtually any development at the currently allowable density would result in traffic impacts.

The projected congestion stems from the fact that the roadways that serve the Project also serve as access routes to the Williamsburg Bridge, a critical component of the Manhattan transportation infrastructure and does not solely result from any one development, including the Project. In addition, the recent prioritization of pedestrian, bicycle, and general traffic safety concerns over vehicular capacity will affect traffic patterns and conditions with or without the proposed Project. However, impacts within the local neighborhood street network would be minimized, with the majority of intersections either having no significant impact or impacts that can be fully mitigated through standard mitigation measures.

5. when the Commission has determined that the #large-scale general development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;

According to the preliminary analysis prepared for the DGEIS, no significant addition to existing public facilities serving the area will be required.

6. where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a)(4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and usable by all residents of such new or enlarged buildings, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #large-scale general development# shall include superior landscaping for #open space# of the new or #enlarged buildings#;

Not applicable.

7. where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of #uses# in the #large-scale general development# and a plan consistent with the objectives of the Inclusionary Housing Program and those of Section 74-74 (Large-Scale General Development) with respect to better site planning; and

Not applicable.

8. Where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore will benefit the residents of the #large-scale general development#; and

Not applicable.

9. a declaration with regard to ownership requirements in paragraph (b) of the large-scale general development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

A draft declaration has been submitted with this application.

The Commission may prescribe additional conditions and safeguards to improve the quality of the large-scale general development and minimize the adverse effects on the character of the surrounding area.

For a phased construction program of a multi-building complex, the Commission may, at a time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed large-scale general development, a phasing plan showing the distribution of bulk and open space and, in the case of a site plan providing for common open space, common open areas or common parking areas, a maintenance plan for such space or areas of surety for continued availability of such space or areas to the people they are intended to serve.

Not applicable.

Attachment 11: Applicant’s Discussion of Findings – LSGD (use waivers)

LSGD Special Permit pursuant to ZR Section 74-744

74-744

Modification of use regulations

(a) #Use# modifications

(1) Waterfront and related #commercial uses#

* * *

(2) Automotive sales and service #uses#

* * *

(3) Retail Establishments

For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the City Planning Commission may modify applicable district regulations to allow Use Groups 10, 11A and 12A except for arenas or auditoriums, skating rinks, public auction rooms, trade expositions or stadiums, provided the Commission finds that:

- (i) such #uses# will not impair the character of future #uses# or development of the surrounding area; and

Uses listed in Use Groups 10, 11A, and 12A except for arenas or auditoriums, skating rinks, public auction rooms, trade expositions or stadiums, would be allowed pursuant to this LSGD special permit. These uses are permitted as-of-right on Sites 1 and 2, which are zoned C6-1. These uses are also permitted in the C6-2A district that is mapped along many blocks of Delancey Street, in the C6-2, C6-1G, and C6-2G districts to the southwest of the LSGD, and in the C4-4A districts that cover a large area of the Lower East Side to the north and west of the LSGD. Use Group 10, 11A and 12A uses are commonly found in vibrant mixed-use areas throughout the city, and are an important part of the mix of uses proposed in the Project that would help foster a dynamic neighborhood with an active street life that serves residents, workers and visitors alike. The surrounding areas already contain many examples of such uses, including Use Group 10 retail uses along Delancey Street and small scale custom manufacturing uses in the broader Lower East Side area. Therefore, the uses would not impair the character of the future uses or development in the surrounding area.

- (ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

The vast majority of residents and visitors to the Project sites are expected to travel on foot or by public transportation. Auto trips are predicted to account for just 13% of trips taken by residents and retail patrons (residential and retail uses account for 86% of the Project program), and no more than 28% of trips for most other uses such as office or hotel uses. The low auto usage reflects the pedestrian orientation of the surrounding area and the fact that the area is very well served by public transportation. The Delancey/Essex Street stop on the F/J/M/Z subway lines is located within the LSGD area, and the area is served by five bus lines. The design of the Project, with its active street frontages and pedestrian orientation, is intended to enhance and encourage walking and the use of public transportation and to minimize the use of automobiles.

The LSGD is primarily served by three wide streets (Delancey, Essex, and Grand Streets) and the narrower Broome, Norfolk, Suffolk, and Clinton Streets. Delancey Street, a major Manhattan thoroughfare, serves as the primary east-west corridor through the Project Area, providing direct access to and from the Williamsburg Bridge. The Delancey Street corridor is currently characterized by heavy volumes approaching and leaving the Williamsburg Bridge, as is typical of bridge and tunnel approaches throughout the City. Other important east-west corridors include Houston Street, Grand Street and, to a lesser extent, Broome Street. Key north-south corridors include Essex Street/Avenue A, Allen Street/First Avenue, and Chrystie Street/Second Avenue, while other important but more local streets include Norfolk, Suffolk, and Clinton Streets. This street network has sufficient overall capacity for the existing and future traffic, although there is now and will continue to be heavy competition for this capacity between vehicular and pedestrian traffic at most times. The Project itself is not expected to generate an excessive amount of traffic, and this traffic would be distributed amongst several arrival and departure routes throughout the Project area, minimizing the concentration of new traffic on any one intersection or street.

Following the certification of the DGEIS, DOT adopted and began implementing an area-wide plan to improve traffic and pedestrian safety along the Delancey Street corridor. This safety plan (“Safety Plan”) includes left turn prohibitions, corner sidewalk extensions and signal timing changes along Delancey Street to shorten pedestrian crossing distances and to provide pedestrians more time to safely cross Delancey Street, the reconfiguration of Clinton Street south of Delancey Street from two-way to one-way northbound, modifications at Delancey Street to allow traffic from Clinton Street to access the Williamsburg Bridge, and other measures to promote pedestrian and bicycle safety. These safety-related improvements will result in traffic pattern changes at several intersections. The findings that follow include traffic flow changes that would result from the Safety Plan, as analyzed in the FGEIS. The FGEIS analyzed the potential traffic impacts that would be generated from both the development proposed within the LSGD and the development proposed on the three City-owned sites located north of Delancey Street taking into account the changes from the Delancey Street Safety Plan. In analyzing the

impact of the proposed Project, the FGEIS studied 30 intersections in the surrounding area. The traffic analysis found that the majority of the 30 intersections analyzed would either not be significantly impacted or could be mitigated with readily implementable traffic improvement measures, including signal timing and phasing changes, parking regulation changes to gain or widen a travel lane at key intersections, and lane restriping. These measures represent some of the standard traffic capacity improvements that are typically implemented by NYCDOT.

Ten of the 30 intersections analyzed are projected to have impacts in the future that could not be fully mitigated in at least one peak hour. The intersections of Delancey Street with Essex, Ludlow, Norfolk, and Clinton Streets could not be mitigated during all four peak hours. The intersection of Delancey Street and Allen Street could not be mitigated during the weekday AM and PM peak hours. The intersection of East Houston Street and Chrystie Street/Second Avenue could not be mitigated during the AM peak hour, and the intersection of East Houston Street and Allen Street/First Avenue could only be partially mitigated during the AM peak hour. The intersection of Grand Street and Clinton Street could not be mitigated during the AM and Saturday peak hours. The intersection of Delancey Street and Suffolk Street could not be mitigated during the weekday PM and Saturday peak hours, and the intersection of Broome Street and Norfolk Street could not be mitigated during the PM peak hour. The majority of the local streets that comprise the Project study area traffic network would either not be significantly impacted or impacts can be fully mitigated through standard mitigation measures.

While the ten intersections described above would have unmitigated impacts, the thresholds for a “significant impact” in the “With Action” conditions as defined by the *CEQR Technical Manual, January 2012 Update* are stringent, with impacts occurring when an intersection operating at LOS F or E in the “No Action” condition increases by three or four seconds, respectively. Due to the high volumes on the surrounding streets, many intersections are currently operating at these levels of service.

The FGEIS analyzed a RWCDs that does not differ from the currently allowable underlying density on the LSGD sites (6.5 FAR on all the LSGD Sites, assuming the inclusion of community facility uses). The FGEIS analysis included approximately 630,000 gross square feet (“gsf”) of commercial uses. Of these commercial uses, the analysis assumed that over half of the commercial square footage would be destination retail with the majority of the remaining uses divided between local retail, a grocery store, a small amount of commercial office and a small hotel. The *CEQR Technical Manual* requires the FGEIS to include a No Unmitigated Significant Impacts Alternative to explore changes to the program, often including a reduction in density that would allow the Project to mitigate any significant adverse impacts. However, because of the existing congestion on Delancey Street in particular, virtually any level of development on the Project sites could result in unmitigated impacts. The Alternatives chapter in the FGEIS included a sensitivity analysis that determined that the addition of just two cars turning right along the northbound approach of Essex Street to Delancey Street during the PM peak period

would create an unmitigable impact. With this level of sensitivity to new trips, virtually any development at the currently allowable density would result in traffic impacts.

The use waiver requested by this special permit would allow Use Group 10 uses, which include destination retail. These uses were analyzed in the FGEIS analysis described above. Use Groups 11A and 12A (small custom manufacturing and larger restaurants) would not be large traffic generators, and would be covered under the local retail analysis. The sensitivity analysis described above indicates that the addition of nearly any use would create unmitigable impacts at the same intersections. As noted above, the majority of the local streets that comprise the Project study area traffic network would either not be significantly impacted or impacts can be fully mitigated through standard mitigation measures.

* * *

(b) Location of #commercial uses#

For any #large-scale general development#, the City Planning Commission may permit #residential# and non-#residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location within Buildings), provided the Commission shall find:

- (1) the #commercial uses# are located in a portion of the #mixed building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;

Each of the proposed commercial uses would be accessed by an entrance that is entirely separate from any entrance to a residential use on the same zoning lot. There would not be any opening of any kind between the residential and commercial portions of the mixed-use buildings.

- (2) the #commercial uses# are not located directly over any #story# containing #dwelling units#; and

No commercial uses would be located directly above dwelling units.

- (3) the modifications shall not have any adverse effect on the #uses# located within the #building#.

The request to allow commercial uses on the upper floors of the buildings in the LSGD without regard to the regulations of ZR Section 32-42 would not adversely affect uses located within the buildings because the commercial uses would be adequately separated from any residential units on the zoning lot. There would not be any direct access between commercial uses and residential uses within a building, and the residential entrance would be completely separate from any commercial entrance, thereby avoiding any potential conflict between the two uses. While it is possible that the requested waiver would permit commercial uses to be located on floors that are

higher than floors containing residential units, commercial uses would never be located directly above any residential unit. These restrictions would ensure that no adverse effect is created for uses within the building.

Attachment 11: Applicant’s Discussion of Findings - Signage Authorization

Signage Authorization (ZR Section 74-744)

74-744

Modification of use regulations

(a) #Use# modifications

(1) Waterfront and related #commercial uses#

* * *

(c) Modifications of #sign# regulations

* * *

(2) For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the City Planning Commission, by authorization, may make the #sign# regulations of a C6-1 District applicable to those portions of such #large-scale general development# within a C2 District, and in addition, may modify the provisions of Section 32-68 (Permitted Signs on Residential or Mixed Buildings) to allow #signs accessory# to non-#residential uses# above the level of the finished floor of the third #story#, provided such #signs# do not exceed a height of 40 feet above #curb level#. In order to grant such authorizations, the Commission shall find that such modifications are consistent with the amount, type and location of #commercial uses# that the Commission finds appropriate within such #large scale general development#.

C6 district sign regulations allow signs to be larger and higher than those that are permitted in C2 districts, which is consistent with the fact that C2 districts limit retail uses to small local retail establishments while C6 districts allow larger retail stores that draw from a larger area. C2 district sign regulations permit signs to have a maximum surface area of three times the frontage of the retail space, or 150 feet, whichever is less, while C6 district sign regulations permit signs to have a maximum surface area of five times the frontage of the retail space, or 500 feet, whichever is less. Signs in a C2 district have a maximum height of 25 feet, while signs in a C6 district have a maximum height of 40 feet.

The ZR Section 74-744 special permit requested by this Application would allow uses commonly found in C6 districts, such as larger retail stores, to be located in the C2 portion of the LSGD. Applying the C6-1 signage regulations to these uses would therefore be consistent with the amount, type and location of uses proposed within the LSGD. The ZR Section 74-744 special permit would also allow commercial uses to be located on the upper levels of the proposed buildings without regard to the normally applicable regulations that limit certain uses to lower floors and non-residential uses to below the lowest level of residential uses. Allowing for a waiver of the signage regulations of ZR Section 32-68 which limits signs to the second

story and below in mixed-use buildings, would therefore be consistent with the location of commercial uses proposed within the LSGD. The authorization requests that the C6-1 signage regulations apply only along the Delancey and Grand Street frontages of the R8/C2-5 portion of the LSGD. The remaining street frontages in this area would continue to follow the C2 signage regulations.

Because commercial uses would be allowed on the third floor in a mixed-use building throughout the LSGD, the special permit would also allow for a waiver of the regulation that limits commercial signage to the second story and below in mixed use buildings (ZR Section 32-68). This would allow signage to be located above the second floor but would continue to limit such signage to a maximum overall height of 40 feet above curb level.

Attachment 11: Applicant's Discussion of Findings – Site 2 Garage

Public Parking Garage Special Permit for Site 2 (ZR Sections 13-562 and 74-52) to allow a maximum of 168 spaces

74-52

Parking Garages or Public Parking Lots in High Density Central Areas

In C1-5, C1-6, C1-7, C1-8 or C1-9 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, and in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, the Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces, and in C5 and C6-1A Districts, the Commission may permit #public parking garages# or #public parking lots# with any capacity, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met.

The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that such #use# will not be incompatible with, or adversely affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

The proposed garage would be compatible with the existing uses in the area and the proposed uses in the Project. Because each of the six sites is used for parking today, the proposed garages would not introduce a new use to the area. The area to the east and south is primarily residential with a limited amount of ground floor retail uses and a number of existing community facilities like schools and houses of worship. The area to the north and west is characterized by a mix of residential, commercial, and community facility uses. A public parking garage is compatible with these existing uses as well as the mix of residential, commercial, and community facility uses proposed in the Project.

The up to 500 public parking spaces proposed within the LSGD are intended to meet the demand generated by the Project and to partially offset the loss of existing public parking spaces that are currently located on the surface parking lots within the LSGD area. Today, those lots contain approximately 400 public parking spaces, which are utilized by neighborhood residents, commuters, and visitors (with an additional approximately 100 spaces being used by commercial vehicles such as vans and trucks).

According to the FGEIS, the Project is expected to generate a maximum demand of 257 spaces during the peak hour. While the approximately 400 existing spaces would be displaced by the proposed Project, with up to 500 new spaces proposed, there would be between 240 to 250 spaces available above the expected Project-generated demand. It is anticipated that these spaces would be occupied primarily by some of the approximately 400 vehicles that would be displaced as a result of the Project. The remaining cars displaced from the existing parking lots are expected

to park in the surrounding area. The FGEIS indicates that, during peak hours, there would be from 375 to 625 available off-street parking spaces within a ¼ mile of the LSGD.

- (b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

Each of the four garages proposed by this Application requests a maximum number of spaces, the sum of which would be 973 spaces; however, the related LSGD would limit the total number of cumulative parking spaces that could be constructed to 500. These public parking spaces are intended to meet the demand generated by the Project and to partially offset the loss of existing public parking spaces currently located on the surface parking lots within the LSGD area. Today, those lots contain approximately 400 public parking spaces, which are utilized by neighborhood residents, commuters and visitors (with an additional approximately 100 spaces being used by commercial vehicles such as vans and trucks). Site 2 contains a one-story commercial building, most of which is vacant, with the exception of a liquor store and diner on Delancey Street. The remainder of the site is used for fleet parking by HPD.

According to the FGEIS, the Project is expected to generate a maximum demand of 257 spaces during the peak hour. While the approximately 400 existing spaces would be displaced by the proposed Project, with up to 500 new spaces proposed, there would be between 240 to 250 spaces available above the expected Project-generated demand. It is anticipated that these spaces would be occupied primarily by some of the approximately 400 vehicles displaced as a result of the Project. The remaining cars displaced from the existing parking lots are expected to park in the surrounding area, which has available capacity.

For the overall analysis, the FGEIS assumed 500 spaces, retained all existing trips to the surface parking lots in the Project in the analysis of the street network, and analyzed the demand for parking spaces as a function of the development on each site. However, since each individual garage permit would potentially allow for a different number of spaces than what was assumed in the FGEIS analysis described above, an analysis was conducted to review potential worst case scenarios that could arise if, within the overall 500 space maximum, each garage included the maximum number of requested spaces, thereby concentrating parking on particular sites. While there are many permutations possible between the four different parking garages, three scenarios were developed to cover all the possible worst case variations that could arise by concentrating the parking on particular Sites. The scenarios concentrate the parking on certain streets, which would result in the greatest potential impact. The FGEIS assumptions for vehicle trips entering the Project area remained the same. The analysis examined the intersections most likely to be affected by the change in the assignment of vehicle trips due to the potential increase in parking spaces.

Scenario A contemplates the highest concentration possible on Suffolk Street; Scenario B contemplates the highest concentration on Clinton Street; and Scenario C contemplates the highest concentration on Norfolk Street. Scenario A includes 250 spaces each on both Sites 3 and 4, with

both garages accessed from Suffolk Street; Scenario B includes 305 spaces on Site 5 accessed from Clinton Street and 195 spaces on Site 4 accessed from Suffolk Street; and Scenario C includes 168 spaces on Site 2 and 250 spaces on Site 3, with both garages accessed from Norfolk Street, and 82 spaces on Site 4 accessed from Suffolk Street. For the garage proposed on Site 2, Scenario C analyzes the greatest potential impact of the garage accessed from Norfolk Street.

For the garage on Site 2, Scenario C assumes that all 168 spaces would be accessed from Norfolk Street. The analysis for Scenario C found that two intersections would have significant adverse traffic impacts. Neither intersection (Delancey Street at Norfolk Street and Broome Street at Norfolk Street) could be mitigated using standard and practicable traffic capacity improvement measures because of the high existing volumes on these streets and the creation of traffic pattern changes resulting from the DOT safety improvement plan. However, both intersections have unmitigated traffic impacts disclosed in the FGEIS as well, which means that the worst case scenario that maximizes the number of spaces on Site 2 would have impacts comparable to those identified in the FGEIS. Although the levels of service for Scenario C could be worse at some intersections, the overall operation would be similar to the conditions projected in the FGEIS, with the majority of the surrounding intersections either having no significant impact or impacts that can be fully mitigated through standard mitigation measures.

Regarding the impact on pedestrian flow, the proposed garage would be designed to minimize the impact on pedestrians, and could include safety features such as stop signs and visual and audible warning devices placed at all vehicular egress points. The curb cut would not be located on Broome or Delancey Streets where the pedestrian volumes would be the highest, but on Norfolk Street with lower pedestrian volumes. The garage would have adequate reservoir spaces to minimize queuing, and the entrance/exit would have one lane each for vehicles coming in and out of the garage to minimize the interruption to the pedestrian environment.

(c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

The generated Project traffic would be distributed amongst several arrival and departure routes and to the several sites and garages encompassing the overall Project plan. This will help minimize the concentration of new traffic on any single street or through any single intersection in the area. The Project garages will also be designed to provide adequate reservoir areas and to minimize spillback onto local streets in order to keep traffic flowing along the local streets immediately abutting the Site 2 garage and the other garages in the Project.

It is anticipated that the majority of vehicles traveling to the garage would take the following routes:

- From the north, most vehicles would travel south on Avenue A/Essex Street to Broome Street where they would turn left and travel east one block to Norfolk Street, and then turn left to reach the garage. Some vehicles would use Second Avenue/Christie Street to

reach Grand Street, then turn left and travel east to Norfolk Street where they would turn left again and travel north to reach the garage.

- From the south, most trips would approach from Essex Street and travel north to Broome Street, turn right, and travel east one block to Norfolk Street where they would turn left and travel north to reach the garage. Other vehicles would use Allen Street to travel north until Grand Street where they would turn right and travel east towards the site until Norfolk Street, where they would turn left and travel north to reach the garage. Additionally, some trips would use Clinton Street to travel north until Grand Street, where they would turn left and travel west to reach Norfolk Street.
- From the east, vehicles approaching from the Williamsburg Bridge would either continue west along Delancey Street to Allen Street where left turns are first permitted (and continue south to Grand Street and then left onto Norfolk Street), or they would turn right at Norfolk Street, then turn left at Rivington Street and travel west, then turn left at Essex Street and travel south, then turn left at Grand Street and continue east to Norfolk Street where they would turn left to reach the garage. Vehicles approaching from the east via Grand Street would turn right onto Norfolk Street to reach the site.
- From the west, vehicles approaching from Delancey Street would turn right at Essex Street and travel south to Broome Street, turn left at Broome Street and travel east to Norfolk Street, where they would turn left to reach the site. Vehicles approaching from Grand Street would turn left at Norfolk Street and continue north to the garage.

It is anticipated that the majority of vehicles exiting the garage would take the following routes:

- For vehicles traveling north, the majority would travel north along Norfolk Street. Some vehicles would turn right at Delancey Street and travel east one block, turn right at Suffolk Street and travel south two blocks, turn right on Grand Street and travel west to Chrystie Street or the Bowery and use those streets to travel north.
- For vehicles traveling south, most would first travel north to Delancey Street and turn right to travel east along Delancey Street until Suffolk Street, where they would turn right and travel south. Vehicles would then turn right towards Essex and Allen Streets, or turn left toward Clinton Street, and use those streets to continue further south.
- For vehicles traveling east, those destined for the Williamsburg Bridge would travel north to Delancey Street where they would turn right and continue east towards the Bridge approach. Most other eastbound vehicles would turn right onto Delancey Street, and continue traveling east. However, some vehicles would turn right from Delancey Street to Suffolk Street, and travel south to Grand Street where they would turn left and continue traveling east.
- For vehicles traveling west, most vehicles would turn right at Delancey Street and travel east one block, then turn right at Suffolk Street and travel south for two blocks where they would turn right onto Grand Street and travel west.

The streets described in the anticipated routes to and from the garage described above are primarily commercial streets. Some streets, like Delancey, Grand, Essex, Allen, and Chrystie Streets and First and Second Avenues are major commercial thoroughfares, while others like Rivington, Norfolk, Suffolk, Clinton, and Broome Streets are through-streets that traverse mixed-use areas. The Project generated traffic would be distributed amongst these streets to the proposed garage on Site 2, which will help minimize the concentration of new traffic on any single street or through any single intersection in the area. Therefore, the proposed garage on Site 2 is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas.

- (d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;

The public parking garage proposed on Site 2 would have 10 reservoir spaces located on the ramp leading from the street entrance, which is the exact number of such spaces required for a 168-space public parking garage.

- (e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

Following the certification of the DGEIS, DOT adopted and began implementing an area-wide plan to improve traffic and pedestrian safety along the Delancey Street corridor. This safety plan (“Safety Plan”) includes left turn prohibitions, corner sidewalk extensions and signal timing changes along Delancey Street to shorten pedestrian crossing distances and to provide pedestrians more time to safely cross Delancey Street, the reconfiguration of Clinton Street south of Delancey Street from two-way to one-way northbound, modifications at Delancey Street to allow traffic from Clinton Street to access the Williamsburg Bridge, and other measures to promote pedestrian and bicycle safety. These safety-related improvements will result in traffic pattern changes at several intersections. The findings that follow include traffic flow changes that would result from the Safety Plan, as analyzed in the FGEIS. The FGEIS analyzed the potential traffic impacts that would be generated from both the development proposed within the LSGD and the development proposed on the three City-owned sites located north of Delancey Street taking into account the changes from the Delancey Street Safety Plan. In analyzing the impact of the proposed Project, the FGEIS studied 30 intersections in the surrounding area. The traffic analysis found that the majority of the 30 intersections analyzed would either not be significantly impacted or could be mitigated with readily implementable traffic improvement measures, including signal timing and phasing changes, parking regulation changes to gain or widen a travel lane at key intersections, and lane restriping. These measures represent some of the standard traffic capacity improvements that are typically implemented by NYCDOT.

Ten of the 30 intersections analyzed are projected to have impacts in the future that could not be fully mitigated in at least one peak hour. The intersections of Delancey Street with Essex, Ludlow, Norfolk, and Clinton Streets could not be mitigated during all four peak hours. The

intersection of Delancey Street and Allen Street could not be mitigated during the weekday AM and PM peak hours. The intersection of East Houston Street and Chrystie Street/Second Avenue could not be mitigated during the AM peak hour, and the intersection of East Houston Street and Allen Street/First Avenue could only be partially mitigated during the AM peak hour. The intersection of Grand Street and Clinton Street could not be mitigated during the AM and Saturday peak hours. The intersection of Delancey Street and Suffolk Street could not be mitigated during the weekday PM and Saturday peak hours, and the intersection of Broome Street and Norfolk Street could not be mitigated during the PM peak hour. The majority of the local streets that comprise the Project study area traffic network would either not be significantly impacted or impacts can be fully mitigated through standard mitigation measures.

Since each individual garage permit would potentially allow for a different number of spaces than what was assumed in the FGEIS analysis described above, an analysis was conducted to review potential worst case scenarios that could arise if, within the overall 500 space maximum, each garage included the maximum number of requested spaces, thereby concentrating parking on particular sites. While there are many permutations possible between the four different parking garages, three scenarios were developed cover all the possible worst case variations that could arise by concentrating the parking on particular Sites. The scenarios concentrate the parking on certain streets, which would result in the greatest potential impact. The FGEIS assumptions for vehicle trips entering the Project area remained the same. The analysis examined the intersections most likely to be affected by the change in the assignment of vehicle trips due to the potential increase in parking spaces.

Scenario A contemplates the highest concentration possible on Suffolk Street; Scenario B contemplates the highest concentration on Clinton Street; and Scenario C contemplates the highest concentration on Norfolk Street. Scenario A includes 250 spaces each on both Sites 3 and 4, with both garages accessed from Suffolk Street; Scenario B includes 305 spaces on Site 5 accessed from Clinton Street and 195 spaces on Site 4 accessed from Suffolk Street; and Scenario C includes 168 spaces on Site 2 and 250 spaces on Site 3, with both garages accessed from Norfolk Street, and 82 spaces on Site 4 accessed from Suffolk Street. For the garage proposed on Site 2, Scenario C analyzes the greatest potential impact of the garage accessed from Norfolk Street.

Scenario C covered the potential worst case for Site 2. This analysis found that the impacts would be similar to those under the FGEIS scenario, with two intersections that would have unmitigated impacts under both the FGEIS and the worst case scenarios.

The up to 500 public parking spaces proposed within the LSGD are intended to meet the demand generated by the Project and to partially offset the loss of existing public parking spaces that are currently located on the surface parking lots within the LSGD area. Today, those lots contain approximately 400 public parking spaces (with an additional approximately 100 spaces being used by commercial vehicles such as vans and trucks). According to the FGEIS, the Project is expected to generate a maximum demand of 257 spaces during the peak hour. While the approximately 400 existing spaces would be displaced by the proposed Project, with up to 500

new spaces proposed, there would be between 240 and 250 spaces available above the expected Project-generated demand. It is anticipated that these spaces would be occupied primarily by some of the approximately 400 vehicles that would be displaced as a result of the Project. The 168 space garage on Site 2 would accommodate no more than the new demand.

While the FGEIS analysis and the worst case scenario analysis indicate similar decreases in level of service at a small number of intersections, the majority of the local streets that comprise the Project study area traffic network would either not be significantly impacted or impacts can be fully mitigated through standard mitigation measures..

- (f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

No roof parking is requested.

- (g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

No floor space is proposed to be exempted from the definition of floor area.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

Attachment 11: Applicant's Discussion of Findings - Site 3 Garage

Public Parking Garage Special Permit for Site 3 (ZR Sections 13-562 and 74-52) to allow a maximum of 250 spaces

74-52

Parking Garages or Public Parking Lots in High Density Central Areas

In C1-5, C1-6, C1-7, C1-8 or C1-9 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, and in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, the Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces, and in C5 and C6-1A Districts, the Commission may permit #public parking garages# or #public parking lots# with any capacity, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met.

The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that such #use# will not be incompatible with, or adversely affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

The proposed garage would be compatible with the existing uses in the area and the proposed uses in the Project. Because each of the six sites is used for parking today, the proposed garages would not introduce a new use to the area. The area to the east and south is primarily residential with a limited amount of ground floor retail uses and a number of existing community facilities like schools and houses of worship. The area to the north and west is characterized by a mix of residential, commercial, and community facility uses. A public parking garage is compatible with these existing uses as well as the mix of residential, commercial, and community facility uses proposed in the Project.

The up to 500 public parking spaces proposed within the LSGD are intended to meet the demand generated by the Project and to partially offset the loss of existing public parking spaces that are currently located on the surface parking lots within the LSGD area. Today, those lots contain approximately 400 public parking spaces, which are utilized by neighborhood residents, commuters, and visitors (with an additional approximately 100 spaces being used by commercial vehicles such as vans and trucks).

According to the FGEIS, the Project is expected to generate a maximum demand of 257 spaces during the peak hour. While the approximately 400 existing spaces would be displaced by the proposed Project, with up to 500 new spaces proposed, there would be between 240 to 250 spaces available above the expected Project-generated demand. It is anticipated that these spaces would be occupied primarily by some of the approximately 400 vehicles that would be displaced as a result of the Project. The remaining cars displaced from the existing parking lots are expected to park in the surrounding area. The FGEIS indicates that, during peak hours, there would be from 375 to 625 available off-street parking spaces within a ¼ mile of the LSGD.

- (b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

Each of the four garages proposed by this Application requests a maximum number of spaces, the sum of which would be 973 spaces; however, the related LSGD would limit the total number of cumulative parking spaces that could be constructed to 500. These public parking spaces are intended to meet the demand generated by the Project and to partially offset the loss of existing public parking spaces currently located on the surface parking lots within the LSGD area. Today, those lots contain approximately 400 public parking spaces, which are utilized by neighborhood residents, commuters, and visitors (with an additional approximately 100 spaces being used by commercial vehicles such as vans and trucks). Site 3 is currently used as a surface parking lot with a capacity of approximately 170 spaces.

According to the FGEIS, the Project is expected to generate a maximum demand of 257 spaces during the peak hour. While the approximately 400 existing spaces would be displaced by the proposed Project, with up to 500 new spaces proposed, there would be between 240 to 250 spaces available above the expected Project-generated demand. It is anticipated that these spaces would be occupied primarily by some of the approximately 400 vehicles displaced as a result of the Project. The remaining cars displaced from the existing parking lots are expected to park in the surrounding area, which has available capacity.

For the overall analysis, the FGEIS assumed 500 spaces, retained all existing trips to the surface parking lots in the Project in the analysis of the street network, and analyzed the demand for parking spaces as a function of the development on each site. However, since each individual garage permit would potentially allow for a different number of spaces than what was assumed in the FGEIS analysis described above, an analysis was conducted to review potential worst case scenarios that could arise if, within the overall 500 space maximum, each garage included the maximum number of requested spaces, thereby concentrating parking on particular sites. While there are many permutations possible between the four different parking garages, three scenarios were developed to cover all the possible worst case variations that could arise by concentrating the parking on particular Sites. The scenarios concentrate the parking on certain streets, which would result in the greatest potential impact. The FGEIS assumptions for vehicle trips entering the Project area remained the same. The analysis examined the intersections most likely to be affected by the change in the assignment of vehicle trips due to the potential increase in parking spaces.

Scenario A contemplates the highest concentration possible on Suffolk Street; Scenario B contemplates the highest concentration on Clinton Street; and Scenario C contemplates the highest concentration on Norfolk Street. Scenario A includes 250 spaces each on both Sites 3 and 4, with both garages accessed from Suffolk Street; Scenario B includes 305 spaces on Site 5 accessed from Clinton Street and 195 spaces on Site 4 accessed from Suffolk Street; and Scenario C includes 168 spaces on Site 2 and 250 spaces on Site 3, with both garages accessed from Norfolk Street, and 82 spaces on Site 4 accessed from Suffolk Street. For the garage proposed on Site 3, Scenario A

analyzes the greatest potential impact if the garage is accessed from Suffolk Street, and Scenario C analyzes the greatest potential impact if the garage is accessed from Norfolk Street.

For the garage on Site 3, Scenario A assumes that all 250 spaces would be accessed from Suffolk Street. The analysis for Scenario A found that five intersections would have traffic impacts. Of those five intersections, the impacts at one intersection (Broome Street and Essex Street) could be fully mitigated with readily implementable traffic improvement measures, including signal timing and phasing changes. The mitigation measures are similar to those proposed for the intersection in the FGEIS. An additional intersection (at Broome Street and Norfolk Street) could be partially mitigated using signal timing measures. Traffic impact at this intersection was found unmitigatable in the FGEIS. The remaining three intersections (on Delancey Street at Essex, Norfolk, and Suffolk Streets) could not be mitigated using standard and practicable traffic capacity improvements because of the high existing volumes on these streets and the addition of pedestrian safety improvements through the DOT safety improvement plan. However, these three intersections have unmitigated traffic impacts disclosed in the FGEIS as well, which means that the worst case scenario that maximizes the number of spaces on Site 3 would have impacts comparable to those identified in the FGEIS. Although the levels of service for Scenario A could be worse at some intersections, the overall operation would be similar to the conditions projected in the FGEIS, with the majority of the surrounding intersections either having no significant impact or impacts that can be fully mitigated through standard mitigation measures...

Scenario C assumes that all 250 spaces would be accessed from Norfolk Street. The analysis for Scenario C found that two of the same intersections as Scenario A would have traffic impacts. Neither intersection (Delancey Street at Norfolk Street and Broome Street at Norfolk Street) could be mitigated using standard and practicable traffic capacity improvement measures because of the high existing volumes on these streets and the addition of pedestrian safety improvements through the DOT safety plan. However, both intersections have unmitigated traffic impacts disclosed in the FGEIS as well, which means that the worst case scenario that maximizes the number of spaces on Site 3 would have impacts comparable to those identified in the FGEIS. Although the levels of service could be worse at some intersections, the overall operation would be similar to conditions projected in the FGEIS, with the majority of the surrounding intersections either have no significant impact or have impacts that can be fully mitigated through standard mitigation measures.

Regarding the impact on pedestrian flow, the proposed garage would be designed to minimize the impact on pedestrians, and could include safety features such as stop signs and visual and audible warning devices placed at all vehicular egress points. The curb cuts would not be located on Broome or Delancey Streets where the pedestrian volumes would be the highest, but on Norfolk or Suffolk Streets with lower pedestrian volumes. The garage would have adequate reservoir spaces to minimize queuing, and the entrance/exit would have one lane each for vehicles coming in and out of the garage to minimize the interruption to the pedestrian environment.

- (c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

The generated Project traffic would be distributed amongst several arrival and departure routes and to the several sites and garages encompassing the overall Project plan. This will help minimize the concentration of new traffic on any single street or through any single intersection in the area. The Project garages will also be designed to provide adequate reservoir areas and to minimize spillback onto local streets in order to keep traffic flowing along the local streets immediately abutting the Site 3 garage and the other garages in the Project.

For the Norfolk Street Option, it is anticipated that the majority of vehicles traveling to the garage would take the following routes:

- From the north, most vehicles would travel south on Avenue A/Essex Street to Broome Street where they would turn left and travel east one block to Norfolk Street, and then turn left to reach the garage. Some vehicles would use Second Avenue/Chrystie Street to reach Grand Street, then turn left and travel east to Norfolk Street where they would turn left again and travel north to reach the garage.
- From the south, most trips would approach from Essex Street and travel north to Broome Street, turn right, and travel east one block to Norfolk Street where they would turn left to reach the garage. Other vehicles would use Allen Street to travel north until Grand Street where they would turn right and travel east towards the site until Norfolk Street, where they would turn left and travel north to reach the garage. Additionally, some trips would use Clinton Street to travel north until Grand Street, where they would turn left and travel west to reach Norfolk Street.
- From the east, vehicles approaching from the Williamsburg Bridge would either continue west along Delancey Street to Allen Street where left turns are first permitted (and continue south to Grand Street and then left onto Norfolk Street), or they would turn right at Norfolk Street, then turn left at Rivington Street and travel west, then turn left at Essex Street and travel south, then turn left at Grand Street and continue east to Norfolk Street where they would turn left to reach the garage. Vehicles approaching from the east via Grand Street would turn right onto Norfolk Street to reach the site.
- From the west, vehicles approaching from Delancey Street would turn right at Essex Street and travel south to Broome Street, turn left at Broome Street and travel east to Norfolk Street, where they would turn left to reach the site. Vehicles approaching from Grand Street would turn left at Norfolk Street and continue north to the garage.

For the Norfolk Street Option, it is anticipated that the majority of vehicles exiting the garage would take the following routes:

- For vehicles traveling north, the majority would travel north along Norfolk Street. Some vehicles would turn right at Delancey Street and travel east one block, turn right at

Suffolk Street and travel south two blocks, turn right on Grand Street and travel west to Chrystie Street or the Bowery and use those streets to travel north.

- For vehicles traveling south, most would first travel north to Delancey Street and turn right to travel east along the Delancey Street until Suffolk Street, where they would turn right and travel south. Vehicles will then turn right towards Essex and Allen Street, or turn left toward Clinton Street, and use these roadways to continue further south.
- For vehicles traveling east, those destined for the Williamsburg Bridge would travel north to Delancey Street where they would turn right and continue east towards the Bridge approach. Most other eastbound vehicles would turn right onto Delancey Street, and continue traveling east. However, some vehicles would turn right from the Delancey Street to Suffolk Street, and travel south to Grand Street where they would turn left and continue traveling east.
- For vehicles traveling west, most vehicles would turn right at Delancey Street and travel east one block, then turn right at Suffolk Street and travel south two blocks where they would turn right onto Grand Street and travel west.

For the Suffolk Street Option, it is anticipated that the majority of vehicles traveling to the garage would take the following routes:

- From the north, some vehicles would travel south on Second Avenue/Chrystie Street, then turn left at Delancey Street and travel east, and then turn right onto Suffolk Street to reach the garage. Vehicles would also travel south along Avenue A/Essex Street to Broome Street where they would turn left to travel east, and then use the same Norfolk Street-to-Delancey Street -to-Suffolk Street route to reach the garage.
- From the south, most vehicles would travel north on Essex Street (or Allen Street to Essex Street via Grand Street), then turn right at Delancey Street and travel east, and then turn right onto Suffolk Street. Other vehicles would travel north on Clinton Street to Grand Street where they would turn left and travel west, then turn right at Norfolk Street and travel north, then turn right at the Delancey Street and travel east, and then turn right onto Suffolk Street.
- From the east, vehicles approaching from the Williamsburg Bridge would travel west along Delancey Street until Allen Street, which is the first opportunity to turn left from Delancey Street, then turn left and travel south to Grand Street, then turn left and travel east until Norfolk Street, then turn left and travel north to Delancey Street, then turn right to Delancey Street and travel east, and then turn right onto Suffolk Street. Alternatively, vehicles approaching from the Williamsburg Bridge would travel west along Delancey Street and turn right at either Clinton Street or Norfolk Street, then turn left at Rivington Street and travel west, then turn left at Essex Street and travel south and continue along the same route as trips from the north would using Essex Street (described above).

- Vehicles approaching from Grand Street would turn right at Norfolk Street and travel north, turn right at the Delancey Street and travel east, and then turn right onto Suffolk Street to reach the garage.
- From the west, vehicles would either approach from Delancey Street then turn right onto Suffolk Street, or they would approach from Grand Street and turn left at Essex Street, and then turn right at Delancey Street to reach Suffolk Street.

For the Suffolk Street Option, it is anticipated that the majority of vehicles exiting the garage would take the following routes:

- For vehicles traveling north, most would turn right on Broome Street and travel west to Norfolk Street where they would turn right and continue north.
- Vehicles traveling south would take Suffolk Street to Grand Street and either turn left and travel east to reach Clinton Street or turn right and travel west to Essex, Ludlow, or Allen Streets and continue traveling south.
- For vehicles traveling east, most would take Suffolk Street to Grand Street. Vehicles headed to the Williamsburg Bridge would turn right at Broome Street and travel west, turn right at Norfolk Street and travel north, and turn right onto Delancey Street and continue east towards the Bridge approach.
- Most vehicles traveling west would be expected take Suffolk Street to Grand Street, turn right, and continue west.

The streets described in the anticipated routes to and from the garage described above are primarily commercial streets. Some streets, like Delancey, Grand, Essex, Allen, and Chrystie Streets and First and Second Avenues are major commercial thoroughfares, while others like Rivington, Norfolk, Suffolk, Clinton, and Broome Streets, are through-streets that traverse mixed-use areas. The Project generated traffic would be distributed amongst these streets to the proposed garage on Site 3, which will help minimize the concentration of new traffic on any single street or through any single intersection in the area. Therefore, the proposed garage on Site 3, whether the entrance is located on Suffolk Street or Norfolk Street, is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas.

- (d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;

The public parking garage proposed on Site 3 would have 13 reservoir spaces located on the ramp leading from the street entrance, which is the exact number of such spaces required for a 250-space public parking garage.

(e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

Following the certification of the DGEIS, DOT adopted and began implementing an area-wide plan to improve traffic and pedestrian safety along the Delancey Street corridor. This safety plan (“Safety Plan”) includes left turn prohibitions, corner sidewalk extensions and signal timing changes along Delancey Street to shorten pedestrian crossing distances and to provide pedestrians more time to safely cross Delancey Street, the reconfiguration of Clinton Street south of Delancey Street from two-way to one-way northbound, modifications at Delancey Street to allow traffic from Clinton Street to access the Williamsburg Bridge, and other measures to promote pedestrian and bicycle safety. These safety-related improvements will result in traffic pattern changes at several intersections. The findings that follow include traffic flow changes that would result from the Safety Plan, as analyzed in the FGEIS. The FGEIS analyzed the potential traffic impacts that would be generated from both the development proposed within the LSGD and the development proposed on the three City-owned sites located north of Delancey Street taking into account the changes from the Delancey Street Safety Plan. In analyzing the impact of the proposed Project, the FGEIS studied 30 intersections in the surrounding area. The traffic analysis found that the majority of the 30 intersections analyzed would either not be significantly impacted or could be mitigated with readily implementable traffic improvement measures, including signal timing and phasing changes, parking regulation changes to gain or widen a travel lane at key intersections, and lane restriping. These measures represent some of the standard traffic capacity improvements that are typically implemented by NYCDOT.

Ten of the 30 intersections analyzed are projected to have impacts in the future that could not be fully mitigated in at least one peak hour. The intersections of Delancey Street with Essex, Ludlow, Norfolk, and Clinton Streets could not be mitigated during all four peak hours. The intersection of Delancey Street and Allen Street could not be mitigated during the weekday AM and PM peak hours. The intersection of East Houston Street and Chrystie Street/Second Avenue could not be mitigated during the AM peak hour, and the intersection of East Houston Street and Allen Street/First Avenue could only be partially mitigated during the AM peak hour. The intersection of Grand Street and Clinton Street could not be mitigated during the AM and Saturday peak hours. The intersection of Delancey Street and Suffolk Street could not be mitigated during the weekday PM and Saturday peak hours, and the intersection of Broome Street and Norfolk Street could not be mitigated during the PM peak hour. The majority of the local streets that comprise the Project study area traffic network would either not be significantly impacted or impacts can be fully mitigated through standard mitigation measures.

Since each individual garage permit would potentially allow for a different number of spaces than what was assumed in the FGEIS analysis described above, an analysis was conducted to review potential worst case scenarios that could arise if, within the overall 500 space maximum, each garage included the maximum number of requested spaces, thereby concentrating parking on particular sites. While there are many permutations possible between the four different parking garages, three scenarios were developed cover all the possible worst case variations that could arise by concentrating

the parking on particular Sites. The scenarios concentrate the parking on certain streets, which would result in the greatest potential impact. The FGEIS assumptions for vehicle trips entering the Project area remained the same. The analysis examined the intersections most likely to be affected by the change in the assignment of vehicle trips due to the potential increase in parking spaces.

Scenario A contemplates the highest concentration possible on Suffolk Street; Scenario B contemplates the highest concentration on Clinton Street; and Scenario C contemplates the highest concentration on Norfolk Street. Scenario A includes 250 spaces each on both Sites 3 and 4, with both garages accessed from Suffolk Street; Scenario B includes 305 spaces on Site 5 accessed from Clinton Street and 195 spaces on Site 4 accessed from Suffolk Street; and Scenario C includes 168 spaces on Site 2 and 250 spaces on Site 3, with both garages accessed from Norfolk Street, and 82 spaces on Site 4 accessed from Suffolk Street. For the garage proposed on Site 3, Scenario A analyzes the greatest potential impact if the garage is accessed from Suffolk Street, and Scenario C analyzes the greatest potential impact if the garage is accessed from Norfolk Street.

Scenarios A and C covered the potential worst case for Site 3. This analysis found that the impacts would be similar to those under the FGEIS scenario, with one of the five impacted intersections having similar mitigation measures with only minor modifications, and a second impacted intersection partially mitigated using similar mitigation measures. The other three intersections would have unmitigated impacts under both the FGEIS and the worst case scenarios.

The up to 500 public parking spaces proposed within the LSGD are intended to meet the demand generated by the Project and to partially offset the loss of existing public parking spaces that are currently located on the surface parking lots within the LSGD area. Today, those lots contain approximately 400 public parking spaces (with an additional approximately 100 spaces being used by commercial vehicles such as vans and trucks). According to the FGEIS, the Project is expected to generate a maximum demand of 257 spaces during the peak hour. While the approximately 400 existing spaces would be displaced by the proposed Project, with up to 500 new spaces proposed, there would be between 240 and 250 spaces available above the expected Project-generated demand. It is anticipated that these spaces would be occupied primarily by some of the approximately 400 vehicles that would be displaced as a result of the Project. The 250 space garage on Site 3 would accommodate no more than the new demand.

While the FGEIS analysis and the worst case scenario analysis indicate similar decreases in level of service at a small number of intersections, the majority of the local streets that comprise the Project study area traffic network would either not be significantly impacted or impacts can be fully mitigated through standard mitigation measures.

- (f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

No roof parking is requested.

- (g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

No floor space is proposed to be exempted from the definition of floor area.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

Attachment 11: Applicant's Discussion of Findings – Site 4 Garage

Public Parking Garage Special Permit for Site 4 (ZR Sections 13-562 and 74-52) to allow a maximum of 250 spaces

74-52

Parking Garages or Public Parking Lots in High Density Central Areas

In C1-5, C1-6, C1-7, C1-8 or C1-9 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, and in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, the Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces, and in C5 and C6-1A Districts, the Commission may permit #public parking garages# or #public parking lots# with any capacity, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met.

The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that such #use# will not be incompatible with, or adversely affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

The proposed garage would be compatible with the existing uses in the area and the proposed uses in the Project. Because each of the six sites is used for parking today, the proposed garages would not introduce a new use to the area. The area to the east and south is primarily residential with a limited amount of ground floor retail uses and a number of existing community facilities like schools and houses of worship. The area to the north and west is characterized by a mix of residential, commercial, and community facility uses. A public parking garage is compatible with these existing uses as well as the mix of residential, commercial, and community facility uses proposed in the Project.

The up to 500 public parking spaces proposed within the LSGD are intended to meet the demand generated by the Project and to partially offset the loss of existing public parking spaces that are currently located on the surface parking lots within the LSGD area. Today, those lots contain approximately 400 public parking spaces, which are utilized by neighborhood residents, commuters, and visitors (with an additional approximately 100 spaces being used by commercial vehicles such as vans and trucks).

According to the FGEIS, the Project is expected to generate a maximum demand of 257 spaces during peak hours. While the approximately 400 existing spaces would be displaced by the proposed Project, with up to 500 new spaces proposed, there would be between 240 to 250 spaces available above the expected Project-generated demand. It is anticipated that these spaces

would be occupied primarily by some of the approximately 400 vehicles that would be displaced as a result of the Project. The remaining cars displaced from the existing parking lots are expected to park in the surrounding area. The FGEIS indicates that, during the peak hours, there would be from 375 to 625 available off-street parking spaces within a ¼ mile of the LSGD.

- (b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

Each of the four garages proposed by this Application requests a maximum number of spaces, the sum of which would be 973 spaces; however, the related LSGD would limit the total number of cumulative parking spaces that could be constructed to 500. These public parking spaces are intended to meet the demand generated by the Project and to partially offset the loss of existing public parking spaces currently located on the surface parking lots within the LSGD area. Today, those lots contain approximately 400 public parking spaces, which are utilized by neighborhood residents, commuters and visitors (with an additional approximately 100 spaces being used by commercial vehicles such as vans and trucks). Site 4 is currently used as a surface parking lot with a capacity of approximately 125 spaces, and is generally used by commercial vehicles.

According to the FGEIS, the Project is expected to generate a maximum demand of 257 spaces during peak hours. While the approximately 400 existing spaces would be displaced by the proposed Project, with up to 500 new spaces proposed, there would be between 240 to 250 spaces available above the expected Project-generated demand. It is anticipated that these spaces would be occupied primarily by some of the approximately 400 vehicles displaced as a result of the Project. The remaining cars displaced from the existing parking lots are expected to park in the surrounding area, which has available capacity.

For the overall analysis, the FGEIS assumed 500 spaces, retained all existing trips to the surface parking lots in the Project in the analysis of the street network, and analyzed the demand for parking spaces as a function of the development on each site. However, since each individual garage permit would potentially allow for a different number of spaces than what was assumed in the FGEIS analysis described above, an analysis was conducted to review potential worst case scenarios that could arise if, within the overall 500 space maximum, each garage included the maximum number of requested spaces, thereby concentrating parking on particular sites. While there are many permutations possible between the four different parking garages, three scenarios were developed to cover all the possible worst case variations that could arise by concentrating the parking on particular Sites. The scenarios concentrate the parking on certain streets, which would result in the greatest potential impact. The FGEIS assumptions for vehicle trips entering the Project area remained the same. The analysis examined the intersections most likely to be affected by the change in the assignment of vehicle trips due to the potential increase in parking spaces.

Scenario A contemplates the highest concentration possible on Suffolk Street; Scenario B contemplates the highest concentration on Clinton Street; and Scenario C contemplates the highest concentration on Norfolk Street. Scenario A includes 250 spaces each on both Sites 3 and 4, with both garages accessed from Suffolk Street; Scenario B includes 305 spaces on Site 5 accessed from Clinton Street and 195 spaces on Site 4 accessed from Suffolk Street; and Scenario C includes 168 spaces on Site 2 and 250 spaces on Site 3, with both garages accessed from Norfolk Street, and 82 spaces on Site 4 accessed from Suffolk Street. For the garage proposed on Site 4, Scenario A analyzes the greatest potential impact of the garage accessed from Suffolk Street.

For the garage on Site 4, Scenario A assumes that all 250 spaces would be accessed from Suffolk Street. The analysis for Scenario A found that five intersections would have traffic impacts. Of those five intersections, the impacts at one intersection (Broome Street and Essex Street) could be fully mitigated with readily implementable traffic improvement measures, including signal timing and phasing changes. The mitigation measures are similar to those proposed for the same intersections in the FGEIS. An additional intersection (at Broome Street and Norfolk Street) could be partially mitigated using signal timing measures. Traffic impact at this intersection was found unmitigatable in the FGEIS. The remaining three intersections (on Delancey Street at Essex, Norfolk, and Suffolk Streets) could not be mitigated using standard and practicable traffic capacity improvement measures because of the high existing volumes on these streets and the addition of pedestrian safety improvements through the DOT safety plan. However, these three intersections have unmitigated traffic impacts disclosed in the FGEIS as well, which means that the worst case scenario that maximizes the number of spaces on Site 4 would have impacts comparable to those identified in the FGEIS. Although the levels of service could be worse at some intersections, the overall operation would be similar to conditions projected in the FGEIS, with the majority of the surrounding intersections either have no significant impact or have impacts that can be fully mitigated through standard mitigation measures .

Regarding the impact on pedestrian flow, the proposed garage would be designed to minimize the impact on pedestrians, and could include safety features such as stop signs and visual and audible warning devices placed at all vehicular egress points. The curb cuts would not be located on Broome or Delancey Streets where the pedestrian volumes would be the highest, but on Suffolk Street with lower pedestrian volumes. The garage would have adequate reservoir spaces to minimize queuing, and the entrance/exit would have one lane each for vehicles coming in and out of the garage to minimize the interruption to the pedestrian environment.

- (c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

The generated Project traffic would be distributed amongst several arrival and departure routes and to the several sites and garages encompassing the overall Project plan. This will help minimize the concentration of new traffic on any single street or through any single intersection in the area. The Project garages will also be designed to provide adequate reservoir areas and to

minimize spillback onto local streets in order to keep traffic flowing along the local streets immediately abutting the Site 4 garage and the other garages in the Project.

It is anticipated that the majority of vehicles traveling to the garage would take the following routes:

- From the north, some vehicles would travel south on Second Avenue/Chrystie Street, then turn left at Delancey Street and travel east, and then turn right onto Suffolk Street to reach the garage. Vehicles would also travel south along Avenue A/Essex Street to Broome Street where they would turn left to travel east, and then use the same Norfolk Street-to-Delancey Street -to-Suffolk Street route to reach the garage.
- From the south, most vehicles would travel north on Essex Street (or Allen Street to Essex Street via Grand Street), then turn right at Delancey Street and travel east, and then turn right onto Suffolk Street. Other vehicles would travel north on Clinton Street to Grand Street where they would turn left and travel west, then turn right at Norfolk Street and travel north, then turn right at the Delancey Street and travel east, and then turn right onto Suffolk Street.
- From the east, vehicles approaching from the Williamsburg Bridge would travel west along Delancey Street until Allen Street, which is the first opportunity to turn left from Delancey Street, then turn left and travel south to Grand Street, then turn left and travel east until Norfolk Street, then turn left and travel north to Delancey Street, then turn right to Delancey Street and travel east, and then turn right onto Suffolk Street. Alternatively, vehicles approaching from the Williamsburg Bridge would travel west along Delancey Street and turn right at either Clinton Street or Norfolk Street, then turn left at Rivington Street and travel west, then turn left at Essex Street and travel south and continue along the same route as trips from the north would using Essex Street (described above).
- Vehicles approaching from Grand Street would turn right at Norfolk Street and travel north, turn right at the Delancey Street and travel east, and then turn right onto Suffolk Street to reach the garage.
- From the west, vehicles would either approach from Delancey Street, then turn right onto Suffolk Street, or they would approach from Grand Street and turn left at Essex Street, and then turn right at Delancey Street to reach Suffolk Street.

It is anticipated that the majority of vehicles exiting the garage would take the following routes:

- For vehicles traveling north, most would turn right on Broome Street and travel west to Norfolk Street where they would turn right and continue north.
- Vehicles traveling south would take Suffolk Street to Grand Street and either turn left and travel east to reach Clinton Street or turn right and travel west to Essex, Ludlow, or Allen Streets and continue traveling south.

- For vehicles traveling east, most would take Suffolk Street to Grand Street. Vehicles headed to the Williamsburg Bridge would turn right at Broome Street and travel west, turn right at Norfolk Street and travel north, and turn right onto Delancey Street and continue east towards the Bridge approach.
- Most vehicles traveling west would be expected take Suffolk Street to Grand Street, turn right, and continue west.

The streets described in the anticipated routes to and from the garage described above are primarily commercial streets. Some streets, like Delancey, Grand, Essex, Allen, and Chrystie Streets and First and Second Avenues are major commercial thoroughfares, while others like Rivington, Norfolk, Suffolk, Clinton, and Broome Streets, are through-streets that traverse mixed-use areas. The Project generated traffic would be distributed amongst these streets to the proposed garage on Site 4, which will help minimize the concentration of new traffic on any single street or through any single intersection in the area. Therefore, the proposed garage on Site 4 is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas.

- (d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;

The public parking garage proposed on Site 4 would have 13 reservoir spaces located on the ramp leading from the street entrance, which is the exact number of such spaces required for a 250-space public parking garage.

- (e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

Following the certification of the DGEIS, DOT adopted and began implementing an area-wide plan to improve traffic and pedestrian safety along the Delancey Street corridor. This safety plan (“Safety Plan”) includes left turn prohibitions, corner sidewalk extensions and signal timing changes along Delancey Street to shorten pedestrian crossing distances and to provide pedestrians more time to safely cross Delancey Street, the reconfiguration of Clinton Street south of Delancey Street from two-way to one-way northbound, modifications at Delancey Street to allow traffic from Clinton Street to access the Williamsburg Bridge, and other measures to promote pedestrian and bicycle safety. These safety-related improvements will result in traffic pattern changes at several intersections. The findings that follow include traffic flow changes that would result from the Safety Plan, as analyzed in the FGEIS. The FGEIS analyzed the potential traffic impacts that would be generated from both the development proposed within the LSGD and the development proposed on the three City-owned sites located north of Delancey Street taking into account the changes from the Delancey Street Safety Plan. In analyzing the impact of the proposed Project, the FGEIS studied 30 intersections in the surrounding area. The

traffic analysis found that the majority of the 30 intersections analyzed would either not be significantly impacted or could be mitigated with readily implementable traffic improvement measures, including signal timing and phasing changes, parking regulation changes to gain or widen a travel lane at key intersections, and lane restriping. These measures represent some of the standard traffic capacity improvements that are typically implemented by NYCDOT.

Ten of the 30 intersections analyzed are projected to have impacts in the future that could not be fully mitigated in at least one peak hour. The intersections of Delancey Street with Essex, Ludlow, Norfolk, and Clinton Streets could not be mitigated during all four peak hours. The intersection of Delancey Street and Allen Street could not be mitigated during the weekday AM and PM peak hours. The intersection of East Houston Street and Chrystie Street/Second Avenue could not be mitigated during the AM peak hour, and the intersection of East Houston Street and Allen Street/First Avenue could only be partially mitigated during the AM peak hour. The intersection of Grand Street and Clinton Street could not be mitigated during the AM and Saturday peak hours. The intersection of Delancey Street and Suffolk Street could not be mitigated during the weekday PM and Saturday peak hours, and the intersection of Broome Street and Norfolk Street could not be mitigated during the PM peak hour. The majority of the local streets that comprise the Project study area traffic network would either not be significantly impacted or impacts can be fully mitigated through standard mitigation measures.

Since each individual garage permit would potentially allow for a different number of spaces than what was assumed in the FGEIS analysis described above, an analysis was conducted to review potential worst case scenarios that could arise if, within the overall 500 space maximum, each garage included the maximum number of requested spaces, thereby concentrating parking on particular sites. While there are many permutations possible between the four different parking garages, three scenarios were developed cover all the possible worst case variations that could arise by concentrating the parking on particular Sites. The scenarios concentrate the parking on certain streets, which would result in the greatest potential impact. The FGEIS assumptions for vehicle trips entering the Project area remained the same. The analysis examined the intersections most likely to be affected by the change in the assignment of vehicle trips due to the potential increase in parking spaces.

Scenario A contemplates the highest concentration possible on Suffolk Street; Scenario B contemplates the highest concentration on Clinton Street; and Scenario C contemplates the highest concentration on Norfolk Street. Scenario A includes 250 spaces each on both Sites 3 and 4, with both garages accessed from Suffolk Street; Scenario B includes 305 spaces on Site 5 accessed from Clinton Street and 195 spaces on Site 4 accessed from Suffolk Street; and Scenario C includes 168 spaces on Site 2 and 250 spaces on Site 3, with both garages accessed from Norfolk Street, and 82 spaces on Site 4 accessed from Suffolk Street. For the garage proposed on Site 4, Scenario A analyzes the greatest potential impact of the garage accessed from Suffolk Street.

Scenario A covered the potential worst case for Site 4. This analysis found that the impacts would be similar to those under the FGEIS scenario, and one of the five impacted intersections would

have similar mitigation measures with only minor modifications, and a second impacted intersection partially mitigated using similar mitigation measures. The other three intersections would have unmitigated impacts under both the FGEIS and the worst case scenarios.

The up to 500 public parking spaces proposed within the LSGD are intended to meet the demand generated by the Project and to partially offset the loss of existing public parking spaces that are currently located on the surface parking lots within the LSGD area. Today, those lots contain approximately 400 public parking spaces (with an additional approximately 100 spaces being used by commercial vehicles such as vans and trucks). According to the FGEIS, the Project is expected to generate a maximum demand of 257 spaces during the peak hour. While the approximately 400 existing spaces would be displaced by the proposed Project, with up to 500 new spaces proposed, there would be between 240 and 250 spaces available above the expected Project-generated demand. It is anticipated that these spaces would be occupied primarily by some of the approximately 400 vehicles that would be displaced as a result of the Project. The 250 space garage on Site 4 would accommodate no more than the new demand.

While the FGEIS analysis and the worst case scenario analysis indicate similar decreases in level of service at a small number of intersections, the majority of the local streets that comprise the Project study area traffic network would either not be significantly impacted or impacts can be fully mitigated through standard mitigation measures..

- (f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

No roof parking is requested.

- (g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

No floor space is proposed to be exempted from the definition of floor area.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

Attachment 11: Applicant's Discussion of Findings – Site 5 Garage

Public Parking Garage Special Permit for Site 5 (ZR Sections 13-562 and 74-52) to allow a maximum of 305 spaces

74-52

Parking Garages or Public Parking Lots in High Density Central Areas

In C1-5, C1-6, C1-7, C1-8 or C1-9 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, and in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, the Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces, and in C5 and C6-1A Districts, the Commission may permit #public parking garages# or #public parking lots# with any capacity, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met.

The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that such #use# will not be incompatible with, or adversely affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

The proposed garage would be compatible with the existing uses in the area and the proposed uses in the Project. Because each of the six sites is used for parking today, the proposed garages would not introduce a new use to the area. The area to the east and south is primarily residential with a limited amount of ground floor retail uses and a number of existing community facilities like schools and houses of worship. The area to the north and west is characterized by a mix of residential, commercial, and community facility uses. A public parking garage is compatible with these existing uses as well as the mix of residential, commercial, and community facility uses proposed in the Project.

The up to 500 public parking spaces proposed within the LSGD are intended to meet the demand generated by the Project and to partially offset the loss of existing public parking spaces that are currently located on the surface parking lots within the LSGD area. Today, those lots contain approximately 400 public parking spaces, which are utilized by neighborhood residents, commuters, and visitors (with an additional approximately 100 spaces being used by commercial vehicles such as vans and trucks).

According to the FGEIS, the Project is expected to generate a maximum demand of 257 spaces during the peak hour. While the approximately 400 existing spaces would be displaced by the proposed Project, with up to 500 new spaces proposed, there would be between 240 to 250 spaces available above the expected Project-generated demand. It is anticipated that these spaces

would be occupied primarily by some of the approximately 400 vehicles that would be displaced as a result of the Project. The remaining cars displaced from the existing parking lots are expected to park in the surrounding area. The FGEIS indicates that, during the peak hours, there would be from 375 to 625 available off-street parking spaces within a ¼ mile of the LSGD.

- (b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

Each of the four garages proposed by this Application requests a maximum number of spaces, the sum of which would be 973 spaces; however, the related LSGD would limit the total number of cumulative parking spaces that could be constructed to 500. These public parking spaces are intended to meet the demand generated by the Project and to partially offset the loss of existing public parking spaces currently located on the surface parking lots within the LSGD area. Today, those lots contain approximately 400 public parking spaces, which are utilized by neighborhood residents, commuters, and visitors (with an additional approximately 100 spaces being used by commercial vehicles such as vans and trucks). Site 5 currently contains three small buildings, with the remainder of the lot occupied by a public parking lot with approximately 90 spaces.

According to the FGEIS, the Project is expected to generate a maximum demand of 257 spaces during the peak hours. While the approximately 400 existing spaces would be displaced by the proposed Project, with up to 500 new spaces proposed, there would be between 240 to 250 spaces available above the expected Project-generated demand. It is anticipated that these spaces would be occupied primarily by some of the approximately 400 vehicles displaced as a result of the Project. The remaining cars displaced from the existing parking lots are expected to park in the surrounding area, which has available capacity.

For the overall analysis, the FGEIS assumed 500 spaces, retained all existing trips to the surface parking lots in the Project in the analysis of the street network, and analyzed the demand for parking spaces as a function of the development on each site. However, since each individual garage permit would potentially allow for a different number of spaces than what was assumed in the FGEIS analysis described above, an analysis was conducted to review potential worst case scenarios that could arise if, within the overall 500 space maximum, each garage included the maximum number of requested spaces, thereby concentrating parking on particular sites. While there are many permutations possible between the four different parking garages, three scenarios were developed to cover all the possible worst case variations that could arise by concentrating the parking on particular Sites. The scenarios concentrate the parking on certain streets, which would result in the greatest potential impact. The FGEIS assumptions for vehicle trips entering the Project area remained the same. The analysis examined the intersections most likely to be affected by the change in the assignment of vehicle trips due to the potential increase in parking spaces.

Scenario A contemplates the highest concentration possible on Suffolk Street; Scenario B contemplates the highest concentration on Clinton Street; and Scenario C contemplates the highest concentration on Norfolk Street. Scenario A includes 250 spaces each on both Sites 3 and 4, with both garages accessed from Suffolk Street; Scenario B includes 305 spaces on Site 5 accessed from Clinton Street and 195 spaces on Site 4 accessed from Suffolk Street; and Scenario C includes 168 spaces on Site 2 and 250 spaces on Site 3, with both garages accessed from Norfolk Street, and 82 spaces on Site 4 accessed from Suffolk Street. For the garage proposed on Site 5, Scenario A analyzes the greatest potential impact if the garage is accessed from Suffolk Street, and Scenario B analyzes the greatest potential impact if the garage is accessed from Clinton Street.

While Scenario A does not assume any spaces in the garage on Site 5, it does assume a total of 500 spaces accessed by Suffolk Street located one block to the north. Given the proximity of the potential garages, the analysis from Scenario A would have impacts similar to Site 5's Suffolk Street Option in which all 305 spaces are accessed from Suffolk Street. The analysis for Scenario A found that five intersections would have traffic impacts. The impacts at one of the five intersections (Broome Street and Essex Street) could be fully mitigated with readily implementable traffic improvement measures, including signal timing and phasing changes. The mitigation measures are generally similar to those proposed for the same intersections in the FGEIS. An additional intersection (at Broome Street and Norfolk Street) could be partially mitigated using signal timing measures. Traffic impact at this intersection was found unmitigatable in the FGEIS. The remaining three intersections (on Delancey Street at Essex, Norfolk, and Suffolk Streets) could not be mitigated using standard and practicable traffic capacity improvement measures because of the high existing volumes on these streets and the addition of pedestrian safety improvements through the DOT safety plan. However, these three intersections have unmitigated traffic impacts disclosed in the FGEIS as well, which means that the worst case scenario that maximizes the number of spaces on Site 5 would have impacts comparable to those identified in the FGEIS. Although the levels of service could be worse at some intersections, the overall operation would be similar to conditions projected in the FGEIS, with the majority of the surrounding intersections having either no significant impact or have impacts that can be fully mitigated through standard mitigation measures.

Scenario B assumes that all 305 spaces would be accessed from Clinton Street. The analysis for Scenario B found that seven intersections would have traffic impacts. The impacts at one of the intersections (Broome Street and Essex Street) could be fully mitigated with readily implementable traffic improvement measures, as described above. The impact at an additional intersection (Grand Street and Clinton Street) could be partially mitigated through additional parking regulations and signal timing. This intersection could be mitigated during the weekday PM peak hour in the FGEIS; however, it could not be mitigated during the weekday AM and Saturday peak hours in the FGEIS. Five intersections (at Delancey Street and Essex, Norfolk, Suffolk, and Clinton Streets, and at Broome Street and Norfolk Street) could not be mitigated using standard and practicable measures. However, these five intersections have unmitigated impacts disclosed in the FGEIS as well, which means that the worst case scenario that maximizes the number of

spaces on Site 5 would have impacts comparable to those identified in the FGEIS. Although the levels of service could be worse at some intersections, the overall operation would be similar to conditions projected in the FGEIS, with the majority of the surrounding intersections having either no significant impact or have impacts that can be fully mitigated through standard mitigation measures.

Regarding the impact on pedestrian flow, the proposed garage would be designed to minimize the impact on pedestrians, and could include safety features such as stop signs and visual and audible warning devices placed at all vehicular egress points. The curb cuts would not be located on Broome or Delancey Streets where the pedestrian volumes would be the highest, but on Clinton or Suffolk Streets with lower pedestrian volumes. The garage would have adequate reservoir spaces to minimize queuing, and the entrance/exit would have one lane each for vehicles coming in and out of the garage to minimize the interruption to the pedestrian environment.

- (c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

The generated Project traffic would be distributed amongst several arrival and departure routes and to the several sites and garages encompassing the overall Project plan. This will help minimize the concentration of new traffic on any single street or through any single intersection in the area. The Project garages will also be designed to provide adequate reservoir areas and to minimize spillback onto local streets in order to keep traffic flowing along the local streets immediately abutting the Site 5 garage and the other garages in the Project.

For the Suffolk Street Option, it is anticipated that the majority of vehicles traveling to the garage would take the following routes:

- From the north, some vehicles would travel south on Second Avenue/Chrystie Street, then turn left at Delancey Street and travel east, and then turn right onto Suffolk Street to reach the garage. Vehicles would also travel south along Avenue A/Essex Street to Broome Street where they would turn left to travel east, and then use the same Norfolk Street-to-Delancey Street -to-Suffolk Street route to reach the garage.
- From the south, most vehicles would travel north on Essex Street (or Allen Street to Essex Street via Grand Street), then turn right at Delancey Street and travel east, and then turn right onto Suffolk Street. Other vehicles would travel north on Clinton Street to Grand Street where they would turn left and travel west, then turn right at Norfolk Street and travel north, then turn right at the Delancey Street and travel east, and then turn right onto Suffolk Street.
- From the east, vehicles approaching from the Williamsburg Bridge would travel west along Delancey Street until Allen Street, which is the first opportunity to turn left from Delancey Street, then turn left and travel south to Grand Street, then turn left and travel east until Norfolk Street, then turn left and travel north to Delancey Street, then turn right

to Delancey Street and travel east, and then turn right onto Suffolk Street. Alternatively, vehicles approaching from the Williamsburg Bridge would travel west along Delancey Street and turn right at either Clinton Street or Norfolk Street, then turn left at Rivington Street and travel west, then turn left at Essex Street and travel south and continue along the same route as trips from the north would using Essex Street (described above).

- Vehicles approaching from Grand Street would turn right at Norfolk Street and travel north, turn right at the Delancey Street and travel east, and then turn right onto Suffolk Street to reach the garage.
- From the west, vehicles would either approach from Delancey Street then turn right onto Suffolk Street, or they would approach from Grand Street and turn left at Essex Street, and then turn right at Delancey Street to reach Suffolk Street.

For the Suffolk Street Option, it is anticipated that the majority of vehicles exiting the garage would take the following routes:

- For vehicles traveling north, most would turn right on Grand Street and travel west to Norfolk Street where they would turn right and continue north.
- Vehicles traveling south would take Suffolk Street to Grand Street and either turn left and travel east to reach Clinton Street or turn right and travel west to Essex, Ludlow, or Allen Streets and continue traveling south.
- For vehicles traveling east, most would take Suffolk Street to Grand Street. Vehicles headed to the Williamsburg Bridge would turn right at Broome Street and travel west, turn right at Norfolk Street and travel north, and turn right onto Delancey Street and continue east towards the Bridge approach.
- Most vehicles traveling west would be expected take Suffolk Street to Grand Street, turn right, and continue west.

For the Clinton Street Option, it is anticipated that the majority of vehicles traveling to the garage would take the following routes:

- From the north, some vehicles would travel south on Second Avenue/Chrystie Street, turn left at Delancey Street and travel east, turning right at Abraham Place to Grand Street, where they would turn right onto westbound Grand Street. The vehicles would then turn right at Clinton Street and turn left into the garage. Other vehicles would travel south on Avenue A/Essex Street, turn left at East Broadway and travel east, and turn left onto Clinton Street.
- From the south, most vehicles would travel north along Clinton Street to reach the garage.
- From the east, vehicles approaching from the Williamsburg Bridge would turn right at Norfolk Street to travel north, turn left at Rivington Street and travel west, turn left at

Essex Street and travel south, turn left at East Broadway and continue east to Clinton Street where they would turn left. Vehicles approaching from the east via Grand Street would turn right onto Clinton Street to reach the garage.

- From the west, vehicles approaching from Delancey Street would travel east along Delancey Street, turn right at Abraham Place to Grand Street, where they would turn right onto westbound Grand Street. The vehicles would turn right at Clinton Street and turn left into the garage. Vehicles approaching from Grand Street would turn left at Clinton Street and continue north to the garage.

For the Clinton Street Option, it is anticipated that the majority of vehicles exiting the garage would take the following routes:

- For vehicles traveling north, they would turn left onto northbound Clinton Street and turn left again onto Norfolk Street and proceed to travel north, turning left onto East Houston Street toward Bowery, First Avenue, and Avenue A. Other trips would turn left out of the garage and travel north to Broome Street, then turn right and travel east to Pitt Street where they would turn left and travel north.
- For vehicles traveling south, most vehicles would turn left out of the garage and either turn left toward Norfolk Street, making a loop through eastbound Delancey Street and southbound Suffolk Street towards Grand Street, or turn right onto Broome Street or Delancey Street, continue east along Delancey Street, turning right onto Abraham Place towards Grand Street. Vehicles would then turn onto westbound Grand Street and continue south by turning into Clinton, Essex, Ludlow, or Allen Streets.
- For vehicles traveling east, most vehicles would turn left out of the garage, turn right onto Broome Street or Delancey Street and then travel east along Delancey Street. Vehicles would then turn right at Abraham Place and make a left onto eastbound Grand Street. Williamsburg Bridge-bound vehicles would turn left out of the garage and turn right onto the Williamsburg Bridge.
- For vehicles traveling west, most vehicles would turn left out of the garage, turn left at Broome Street, turn right onto Norfolk Street, and either proceed to westbound East Houston Street, or loop back around by turning left at Rivington Street, turning left onto Essex Street followed by a right turn onto westbound Delancey Street. Vehicles destined for Grand Street would turn left from the garage, make another left onto Broome Street, turn right onto Delancey Street, make another right turn onto Suffolk Street, and turn right onto westbound Grand Street.

The streets described in the anticipated routes to and from the garage described above are primarily commercial streets. Some streets, like Delancey, Grand, Essex, Allen, and Chrystie Streets and First and Second Avenues are major commercial thoroughfares, while others like Rivington, Norfolk, Suffolk, Clinton, and Broome Streets, are through-streets that traverse

mixed-use areas. The Project generated traffic would be distributed amongst these streets to the proposed garage on Site 5, which will help minimize the concentration of traffic on any single street or through any single intersection in the area. Therefore, the proposed garage on Site 5, whether the entrance is located on Suffolk Street or Clinton Street, is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas.

- (d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;

The public parking garage proposed on Site 5 would have 16 reservoir spaces located on the ramp leading from the street entrance, which is the exact number of such spaces required for a 305-space public parking garage.

- (e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

Following the certification of the DGEIS, DOT adopted and began implementing an area-wide plan to improve traffic and pedestrian safety along the Delancey Street corridor. This safety plan (“Safety Plan”) includes left turn prohibitions, corner sidewalk extensions and signal timing changes along Delancey Street to shorten pedestrian crossing distances and to provide pedestrians more time to safely cross Delancey Street, the reconfiguration of Clinton Street south of Delancey Street from two-way to one-way northbound, modifications at Delancey Street to allow traffic from Clinton Street to access the Williamsburg Bridge, and other measures to promote pedestrian and bicycle safety. These safety-related improvements will result in traffic pattern changes at several intersections. The findings that follow include traffic flow changes that would result from the Safety Plan, as analyzed in the FGEIS. The FGEIS analyzed the potential traffic impacts that would be generated from both the development proposed within the LSGD and the development proposed on the three City-owned sites located north of Delancey Street taking into account the changes from the Delancey Street Safety Plan. In analyzing the impact of the proposed Project, the FGEIS studied 30 intersections in the surrounding area. The traffic analysis found that the majority of the 30 intersections analyzed would either not be significantly impacted or could be mitigated with readily implementable traffic improvement measures, including signal timing and phasing changes, parking regulation changes to gain or widen a travel lane at key intersections, and lane restriping. These measures represent some of the standard traffic capacity improvements that are typically implemented by NYCDOT.

Ten of the 30 intersections analyzed are projected to have impacts in the future that could not be fully mitigated in at least one peak hour. The intersections of Delancey Street with Essex, Ludlow, Norfolk, and Clinton Streets could not be mitigated during all four peak hours. The intersection of Delancey Street and Allen Street could not be mitigated during the weekday AM and PM peak hours. The intersection of East Houston Street and Chrystie Street/Second Avenue could not be mitigated during the AM peak hour, and the intersection of East Houston Street and Allen Street/First Avenue could only be partially mitigated during the AM peak hour. The

intersection of Grand Street and Clinton Street could not be mitigated during the AM and Saturday peak hours. The intersection of Delancey Street and Suffolk Street could not be mitigated during the weekday PM and Saturday peak hours, and the intersection of Broome Street and Norfolk Street could not be mitigated during the PM peak hour. The majority of the local streets that comprise the Project study area traffic network would either not be significantly impacted or impacts can be fully mitigated through standard mitigation measures.

Since each individual garage permit would potentially allow for a different number of spaces than what was assumed in the FGEIS analysis described above, an analysis was conducted to review potential worst case scenarios that could arise if, within the overall 500 space maximum, each garage included the maximum number of requested spaces, thereby concentrating parking on particular sites. While there are many permutations possible between the four different parking garages, three scenarios were developed cover all the possible worst case variations that could arise by concentrating the parking on particular Sites. The scenarios concentrate the parking on certain streets, which would result in the greatest potential impact. The FGEIS assumptions for vehicle trips entering the Project area remained the same. The analysis examined the intersections most likely to be affected by the change in the assignment of vehicle trips due to the potential increase in parking spaces.

Scenario A contemplates the highest concentration possible on Suffolk Street; Scenario B contemplates the highest concentration on Clinton Street; and Scenario C contemplates the highest concentration on Norfolk Street. Scenario A includes 250 spaces each on both Sites 3 and 4, with both garages accessed from Suffolk Street; Scenario B includes 305 spaces on Site 5 accessed from Clinton Street and 195 spaces on Site 4 accessed from Suffolk Street; and Scenario C includes 168 spaces on Site 2 and 250 spaces on Site 3, with both garages accessed from Norfolk Street, and 82 spaces on Site 4 accessed from Suffolk Street. For the garage proposed on Site 5, Scenario A analyzes the greatest potential impact if the garage is accessed from Suffolk Street, and Scenario B analyzes the greatest potential impact if the garage is accessed from Clinton Street.

Scenarios A and B covered the potential worst case for Site 5. This analysis found that the impacts would be similar to those under the FGEIS scenario, and six of the impacted intersections would have similar mitigation measures with only minor modifications. Four intersections would have unmitigated or partially mitigated impacts both the FGEIS and Scenario A, and six intersections would have unmitigated or partially mitigated impacts under both the FGEIS and Scenario B.

The 500 public parking spaces proposed within the LSGD are intended to meet the demand generated by the Project and to partially offset the loss of existing public parking spaces that are currently located on the surface parking lots within the LSGD area. Today, those lots contain approximately 400 public parking spaces (with an additional approximately 100 spaces being used by commercial vehicles such as vans and trucks). According to the FGEIS, the Project is expected to generate a maximum demand of 257 spaces during the peak hour. While the approximately 400 existing spaces would be displaced by the proposed Project, with up to 500 new spaces proposed, there would be between 240 and 250 spaces available above the expected

Project-generated demand. It is anticipated that these spaces would be occupied primarily by some of the approximately 400 vehicles that would be displaced as a result of the Project. The 305 space garage on Site 5 would accommodate no more than the new demand.

While the FGEIS analysis and the worst case scenario analysis indicate similar decreases in level of service at a small number of intersections, the majority of the local streets that comprise the Project study area traffic network would either not be significantly impacted or impacts can be fully mitigated through standard mitigation measures..

- (f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

No roof parking is requested.

- (g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

No floor space is proposed to be exempted from the definition of floor area.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

Application of Fair Share Criteria – Seward Park Mixed-Use Development Project

Closure of Broome and Ludlow Municipal Parking Field, Borough of Manhattan

The New York City Department of Transportation (“DOT”) proposes to close a 65-space municipal parking facility, located at 236 Broome Street in Manhattan, New York. The facility will be one of the nine development sites of the Seward Park Mixed-Use Development Project (the “Project”). The closure will facilitate the development of approximately 1.65 million zoning square feet of mixed-use development, including residential, commercial development, and/or community facility uses in the Lower East Side neighborhood of Manhattan.

Article 8 of the *Criteria for the Location of City Facilities* applies to the closing of a City facility.

Article 8. Criteria for Closing or Reducing Facilities

8.1. The sponsoring agency shall consider the following criteria:

8.1(a) The extent to which the closing or reduction would create or significantly increase any existing imbalance among communities of service levels relative to need. Wherever possible, such actions should be proposed for areas with high ratios of service supply to service demand.

The proposed closure of the DOT parking facility would not create or significantly increase any existing imbalance of parking service levels among local communities. There are six private and public parking facilities within one half-mile of the facility, as indicated in Table 1 and Figure 1. These facilities provide approximately 1,251 parking spaces in the area. According to an analysis undertaken as part of the Draft Generic Environmental Impact Statement for the Project, the facilities are not fully utilized. At any given time throughout the day, there is a minimum of 391 empty spaces, with the lots below 70% capacity in total at all times.

The Broome and Ludlow Municipal Parking Field currently provides 65 spaces and is underutilized (see Table 2). In addition, the Project proposes the addition of up to 500 parking spaces to be located in public parking garages. The parking capacity of the six parking facilities within a half-mile of the site and the proposed 500 spaces will ensure that public parking will remain in the area and that no imbalance will occur as a result of the closure of the municipal parking field.

8.1(b) Consistency with the specific criteria for selecting the facility for closure or reduction as identified in the Statement of Needs.

The proposed closing of DOT’s parking lot was not included in the citywide Statement of Needs for Fiscal Years 2013-2014 because the

proposed closure had not been finalized at the time the last Statement of Needs was prepared.

8.2. In proposing the facility closings or reductions, the sponsoring agency shall consult with the affected Community Boards(s) and Borough President about the alternatives within the district or borough, if any, for achieving the planned reduction and the measures to be taken to ensure adequate levels of service.

The Office of the Deputy Mayor for Economic Development, in coordination with the New York City Economic Development Corporation (“NYCEDC”) and the New York City Department of Housing Preservation and Development (“HPD”) is sponsoring the Project and has coordinated the City’s initiative with DOT’s full cooperation.

In addition, with the goal of reaching community consensus on a development program for the Project, Manhattan Community Board 3 (“CB3”) embarked on a planning process for the Project development sites starting in 2008, and invited the City to be part of these discussions. NYCEDC, HPD, and the New York City Department of City Planning (“DCP”) participated in the process, providing technical support and resources to facilitate the community’s discussion and analysis. The process has involved multiple meetings and presentations in venues open to the public. The participants include elected officials, including the Borough President’s office, members of CB3, City agencies (DOT, DCP, HPD, NYCEDC), members of community organizations, local business owners, and other members of the public. The meetings have served as a mechanism for discussing the planned closure and development of the Site. The presentations and other documentation from the CB3 meetings are available on its website.

Table 1: Parking Facilities within ½-Mile of Broome and Ludlow Municipal Parking Field
(Source: Vanasse Hangen Brustlin, Inc.)

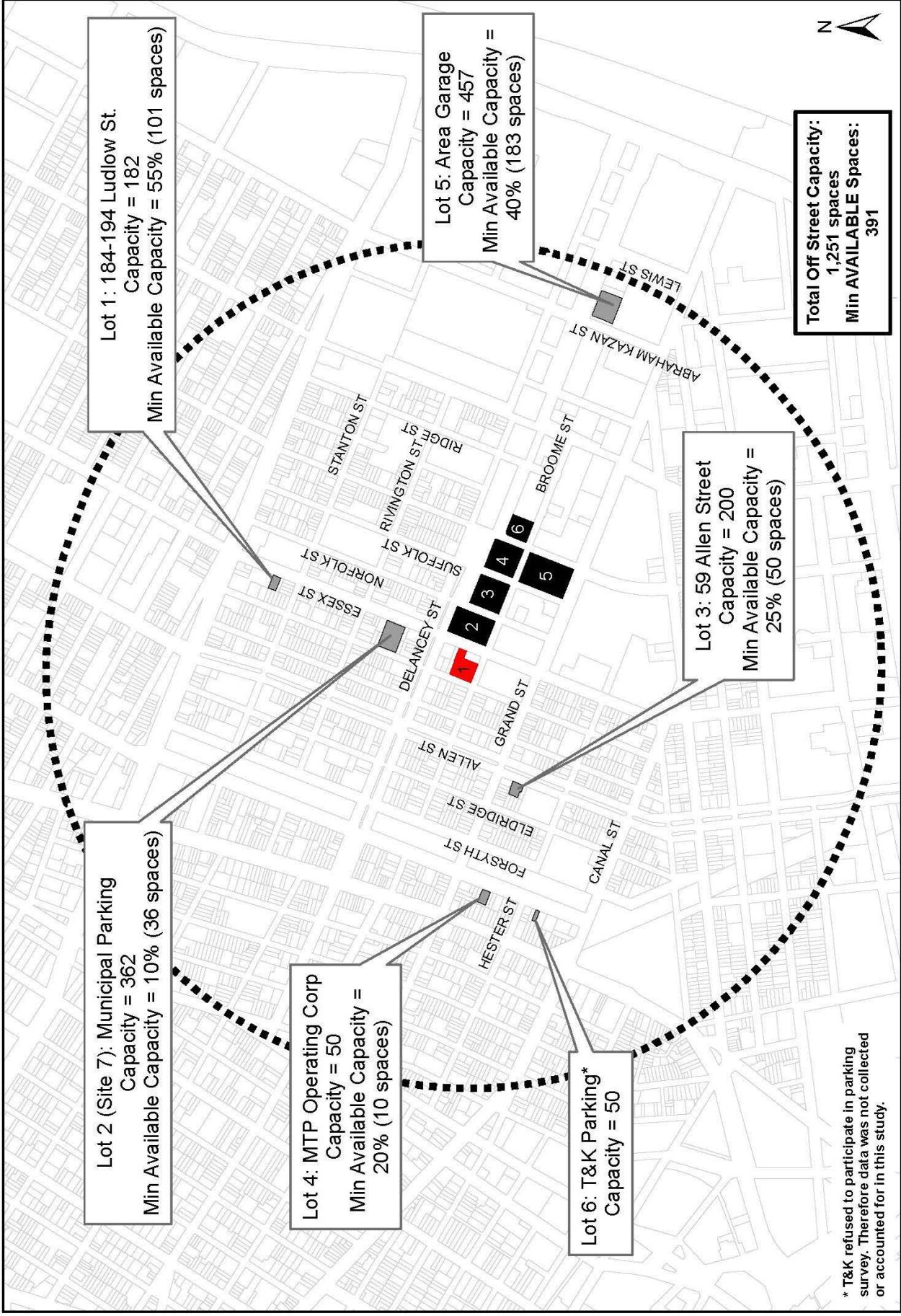
SEWARD PARK DEVELOPMENT - OFF-STREET PARKING OCCUPANCY						
		Wednesday (6 / 15 / 11)			Saturday (6 / 18 / 11)	
		AM	Midday	PM	PM	
Location	Capacity	7 - 9:30 AM	11 AM – 2 PM	4 - 6:30 PM	Noon - 2 PM	3 - 5 PM
1. 184 - 194 Ludlow St -- Essex St btw E. Houston St / Stanton St	182 (%)	80 44%	81 45%	80 44%	60 33%	80 44%
2. Municipal Parking: Delancey - Essex Essex St btw Rivington St / Delancey St	362 (%)	326 90%	326 90%	181 50%	290 80%	326 90%
3. 59 Allen St Garage Corp. -- Allen St btw Grand St / Hester St	200 (%)	150 75%	150 75%	100 50%	120 60%	140 70%
4. Mtp Operating Corp. -- Chrystie St btw Grand St / Hester St	50 (%)	10 20%	35 70%	20 40%	40 80%	40 80%
5. Area Garage -- Delancey St and Columbia St	457 (%)	229 50%	160 35%	229 50%	183 40%	274 60%
6. T & K Parking Garage -- Chrystie St btw Hester St / Canal St	50 (%)	* *	* *	* *	* *	* *
Total spaces	1,251	795	752	610	693	860
Percent Full		63.5%	60.1%	48.8%	55.4%	68.7%
Number of empty spaces		456	499	641	558	391

* T & K Parking refused to be part of the parking survey and is not accounted for in this study.

Table 2: Parking Utilization (Source: Vanasse Hangen Brustlin, Inc.)

SEWARD PARK DEVELOPMENT – ON-SITE PARKING OCCUPANCY						
		Wednesday (6 / 15 / 11)			Saturday (6 / 18 / 11)	
		AM	Midday	PM	PM	
Location	Capacity	7 - 9:30 AM	11 AM – 2 PM	4 - 6:30 PM	Noon - 2 PM	3 - 5 PM
Broome and Ludlow Municipal Parking Field	65	35	30	31	56	28
Ludlow St btw Delancey St/Broome St	(%)	54%	46%	48%	86%	43%

Figure 1: Seward Park - Off-Street Parking Capacity





THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

POSITIVE DECLARATION

NOTICE OF INTENT TO PREPARE DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

PROJECT: Seward Park Mixed-Use Development Project Block 346, Lot 40 Block 347, Lot 71 Block 352, Lots 1, 28 Block 353, Lot 44 Block 354, Lots 1, 12 Block 409, Lot 56 Block 410, Lot 38 Borough of Manhattan CEQR Number: 11DM012M	LEAD AGENCY: Office of the Deputy Mayor for Economic Development 253 Broadway, 14 th Floor New York, New York 10007
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DATE ISSUED: September 7, 2011

TYPE OF ACTION: Type I

NAME, LOCATION, AND DESCRIPTION OF PROPOSAL:

Seward Park Mixed-Use Development Project
Community District 3, Borough of Manhattan

The Office of the Deputy Mayor for Economic Development, in coordination with the New York City Economic Development Corporation (EDC) and the New York City Department of Housing Preservation and Development (HPD), proposes multiple discretionary actions to allow the implementation of an approximately 1.5 million-square-foot mixed-use development on 10 City-owned sites. The 10 proposed development sites are located in Manhattan Community District 3 generally along Delancey and Essex Streets on the Lower East Side. The project site also includes demapped sections of Broome and Suffolk Streets that would be mapped as City streets, and sections of Clinton and Delancey Streets that would be demapped. Sites 2, 3, 4, 5, and 6 are located within the former Seward Park Extension Urban Renewal Area (SPEURA), which was established in 1965 and expired in 2005. Sites 7, 8, 9, and 10 are located within the 2008 East Village/Lower East Side Rezoning area. Site 1 is in neither. In the proposed development, Site 7 would retain its current function as a municipal parking garage that supports the new development across all project sites.

Under a reasonable worst-case development scenario, it is assumed that the proposed actions would result in approximately 900,000 square feet of residential development (comprising approximately 900 dwelling units, of which up to half would be affordable units); up to approximately 600,000 square feet of commercial space (of which some could be community facility uses); approximately 350 parking spaces (with the number of public and accessory spaces to be determined); and an approximately 10,000-square-foot public open space. The commercial space would include up to approximately 195,000 square feet of ground-floor retail, an approximately 25,200-square-foot public market, an approximately 105,000-square-foot hotel, and approximately 274,800 square feet of non-specific commercial uses. Some of the approximately 274,800 square feet currently allocated toward non-specific commercial uses could become community facility uses. Pursuant to the proposed actions, the existing Essex Street Market, which is located on Site 9, would be relocated to a new, expanded, public market facility.

The project site is the largest underdeveloped City-owned site south of 96th Street, and the purpose of adopting the proposed land use actions is to allow for the implementation of a mixed-use development on the project site, which has the following goals: (1) transform several underutilized City-owned properties into a thriving, financially viable, mixed-use development; (2) provide affordable and market-rate housing units, commercial and retail uses, and other neighborhood amenities (e.g., parking, a new larger facility for the public Essex Street Market, and open space); and (3) knit these sites back into the larger, vibrant Lower East Side neighborhood.

The proposed actions would include the disposition of City-owned property to a developer or developers that will be selected pursuant to a Request(s) for Proposals (RFPs), a special permit from the New York City Planning Commission (CPC) for a Large-Scale General Development (LSGD), a special permit for bulk modifications within an LSGD, a special permit for location of accessory parking spaces and loading berths within an LSGD, street mapping and demapping, special permits for public parking facilities, zoning map changes and zoning text amendments, and approval of one or more Urban Development Action Area Project(s) (UDAAP). These actions will require approvals from the CPC through the Uniform Land Use Review Procedure (ULURP). Mayoral and Borough Board approval of the business terms with the developer or developers to be selected pursuant to the RFP(s) would also be required, as applicable.

It is assumed that the proposed actions would be approved by 2012 and, assuming a 10-year build-out period, would be anticipated to be completed by 2022. In the Future without the Proposed Actions, it is expected that existing uses on the projected development sites would remain. In addition, the Future without the Proposed Actions would account for other development projects that are planned to be in place by 2022 absent the proposed actions.

DISCRETIONARY ACTIONS SUBJECT TO CEQR AND SEQRA

The proposed mixed-use development would require multiple City approvals. Some of these are discretionary actions requiring review under the CEQR process. The Office of the Deputy Mayor for Economic Development (ODMED) will be the lead agency for CEQR. The potential discretionary actions that would be required for the proposed project include:

- 1) Disposition of Sites 1–6 and 8–10 by the City of New York for the purpose of subsequent development;

- 2) Disposition of a project site or sites as Urban Development Action Areas and approval of the proposed project(s) as a UDAAP(s);
- 3) Special permit from CPC pursuant to Section 74-74 of the Zoning Resolution (ZR) of the City of New York for a Large-Scale General Development (LSGD), applicable to Sites 1–6;
- 4) Special permit from CPC pursuant to Section 74-743 for bulk modifications within a LSGD;
- 5) Special permit from CPC pursuant to Section 74-745 for location of accessory parking spaces and loading berths within a LSGD;
- 6) Mapping of the demapped section of Suffolk Street between Grand and Delancey Streets and the demapped section of Broome Street between Norfolk and Clinton Streets as new streets through the project site;
- 7) Demapping of sections of Delancey Street between Norfolk and Clinton Streets and of Clinton Street between Delancey and Grand Streets, which were previously mapped to widen Delancey and Clinton Streets, thereby making the mapped street widths consistent within the project site;
- 8) Zoning map amendment for a C2-5 commercial overlay on Sites 3, 4, 5, and 6;
- 9) Zoning text amendment to modify commercial uses for the C2-5 zoning within the boundaries of this LSGD;
- 10) Special permits from CPC pursuant to ZR Sections 13-562 and 74-52 for public parking facilities; and
- 11) Mayoral and Borough Board approval of the business terms with the developer or developers to be selected pursuant to a Request for Proposals, pursuant to New York Charter Section 384(b)(4).

In addition, NYCEDC and HPD will coordinate with the Metropolitan Transportation Authority/New York City Transit (NYCT) regarding subway easement areas. Construction financing for the residential buildings may come from a variety of private and public (local, state, and federal sources), including, but not limited to funding from HPD, the New York City Housing Development Corporation, and the United States Department of Housing and Urban Development. In addition, potential construction funding may be provided by New York State Homes & Community Renewal (HCR) and the New York State Housing Finance Agency (HFA).

STATEMENT OF SIGNIFICANT EFFECT:

In accordance with Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York (CEQR), the Office of the Deputy Mayor for Economic Development, lead agency for the referenced project, has determined that the proposed project may have a significant impact on the quality of the human environment. Accordingly, an Environmental Impact Statement (EIS) is required to evaluate and disclose the extent to which impacts may occur.

Aspects that may require evaluation of potential environmental impacts include:

- 1) The potential for substantial impacts related to land use, zoning, and public policy;
- 2) The potential for substantial socioeconomic impacts;
- 3) The potential for substantial impacts to community facilities and services;
- 4) The potential for substantial open space impacts;
- 5) The potential for substantial impacts as a result of shadows;
- 6) The potential for substantial impacts related to historic and cultural resources;

- 7) The potential for substantial urban design/visual resource impacts;
- 8) The potential for substantial impacts related to hazardous materials;
- 9) The potential for substantial impacts related to the water and sewer infrastructure;
- 10) The potential for substantial impacts related to solid waste and sanitation services;
- 11) The potential for substantial energy use;
- 12) The potential for substantial impacts related to transportation;
- 13) The potential for substantial impacts related to air quality;
- 14) The potential for substantial greenhouse gas emissions;
- 15) The potential for substantial impacts related to noise;
- 16) The potential for substantial impacts related to public health;
- 17) The potential for substantial impacts related to neighborhood character; and
- 18) The potential for substantial construction impacts.

Statement in Support of Determination:

The above determination is based on the finding that:

- 1) The project would require several actions, including a zoning map amendment, zoning text amendment, special permits, and mapping actions, among others; together, the proposed actions would directly affect the land use on 9 of the 10 parcels comprising the site. Therefore, the potential for the proposed project to affect land use, zoning, and public policy will be examined.
- 2) The project could result in direct or indirect changes to economic activities in the area; therefore, a preliminary assessment of the potential for the proposed project to affect socioeconomic conditions on the project site and in the surrounding neighborhood will be undertaken. In addition, since the proposed project may introduce local- and regional-serving retail in excess of the CEQR threshold of 200,000 square feet, an assessment of indirect business displacement due to retail market saturation will be undertaken.
- 3) The proposed actions would directly displace a public health facility, and therefore, an analysis of the proposed actions' direct effects on health care facilities will be provided. In addition, the project's new residential population would increase demands on public elementary and intermediate schools and publicly funded day care facilities, and an analysis of the project's indirect effects on these facilities will be undertaken.
- 4) The proposed actions will exceed CEQR thresholds for a detailed open space analysis. Therefore, a detailed open space analysis will be conducted, and will include a discussion of the creation of new publicly accessible open space within the project site.
- 5) The proposed project would result in new buildings that would be greater than 50 feet in height. Therefore, a screening-level analysis will be performed to identify the project's potential to have shadow impacts on light-sensitive resources, including public open space as well as historic resources with light-sensitive features. If project-generated shadows would reach any such resources, a full shadows analysis would be performed for those resources.
- 6) Four buildings on the project site have been determined eligible for S/NR listing (The Essex Street Market located on Sites 2, 8, 9, and 10), and Sites 1 and 7 are located within the boundaries of the S/NR-listed Lower East Side Historic District. In addition, LPC

determined that there appears to be the potential for recovering remains from the 19th-century occupation of Block 346, Lot 40 (Sites 3, 4, and 5), Block 347, Lot 71 (Site 6), and Block 352, Lot 28 (part of Site 2). Therefore, an archaeological documentary study will be performed, as will an analysis of potential effects on architectural resources.

- 7) Development of the proposed project would result in new buildings on sites that are currently occupied by either parking or low-rise structures. Therefore, an analysis of the proposed actions' effects on urban design and visual resources will be undertaken.
- 8) Because the proposed project would result in soil disturbance activities, and because a Phase I Environmental Site Assessment indicated that a program of subsurface testing is recommended, an analysis of hazardous materials is warranted and will be provided.
- 9) The proposed project would exceed the CEQR thresholds for wastewater and stormwater analysis. Therefore, an analysis of potential effects of the proposed project on wastewater and stormwater infrastructure will be provided.
- 10) The proposed project would introduce new development that would require sanitation services and therefore, an analysis will be provided.
- 11) The proposed project would not affect the transmission or generation of energy or generate substantial indirect consumption of energy. However, in accordance with the *CEQR Technical Manual*, the EIS will disclose the proposed project's potential energy demand.
- 12) The proposed project would exceed the thresholds in Table 16-1 of the *CEQR Technical Manual*, and consequently could have significant traffic, parking, pedestrian, and transit impacts. Therefore, a detailed analysis of the potential transportation impacts of the proposed project is warranted and will be required.
- 13) The proposed project would result in new stationary and mobile sources of pollutant emissions. Stationary sources include fossil fuel-fired heat and hot water systems serving new buildings. Mobile sources would include increased traffic. Therefore, an analysis of the potential air quality impacts of the proposed project is warranted and will be provided.
- 14) The proposed project would exceed the CEQR analysis threshold for greenhouse gas (GHG) emissions. Therefore, a GHG consistency assessment will be undertaken.
- 15) The proposed project would introduce new residential uses; therefore, the noise analysis will examine the effects of ambient noise sources on the proposed residential uses.
- 16) According to the guidelines of the *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. If unmitigated significant adverse impacts are identified in any one of these technical areas and a public health assessment is warranted, an analysis will be provided for that specific technical area.
- 17) Neighborhood character is determined by a number of factors, including land use, socioeconomic conditions, open space, historic and cultural resources, urban design, visual resources, shadows, transportation, and noise. If warranted, an assessment of neighborhood character would be provided.
- 18) Because the project site is surrounded by narrow streets and sidewalks and is situated proximate to the Williamsburg Bridge, a detailed discussion of the construction

sequencing and logistics of the various sites will be necessary to provide a clear depiction of how vehicular and pedestrian traffic circulation could be affected and to determine what emission and noise protection measures can be put in place. An analysis of potential construction impacts is warranted and will be provided.

Accordingly, the Office of the Deputy Mayor for Economic Development directs that a Draft Generic Environmental Impact Statement be prepared in accordance with 6 NYCRR 617.9(b) and 617.10 and Sections 6-08 and 6-09 of Executive Order No. 91 of 1977, as amended.

Public Scoping:

Public Scoping is a process whereby the public is invited to comment on the proposed scope of analysis planned for the Draft GEIS. A Draft Scope of Work has been prepared outlining analysis methodologies proposed for use in the Draft GEIS.

A public meeting has been scheduled for October 11, 2011 to provide a forum for public comments on this Draft Scope of Work. The public meeting will be held at University Settlement House, 184 Eldridge Street, 2nd floor, at the corner of Rivington Street, New York, NY. The scoping meeting will include both daytime and evening sessions. A daytime session will be held from 3:00 P.M. to 5:30 P.M., and an evening session will begin at 6:30 P.M. Written comments on the Draft Scope of Work will be accepted until 5:00 P.M. on Friday, October 21, 2011.

A copy of the EAS, Positive Declaration, and Draft Scope of Work for the project may be obtained by any member of the public from the:

Mayor's Office of Environmental Coordination
253 Broadway, 14th Floor
New York, New York 10007
Telephone: (212) 788-9956

These documents are also available on the websites of the Mayor's Office of Environmental Coordination and the New York City Economic Development Corporation: www.nyc.gov/oec and www.nycedc.com/sewardpark, respectively.

Requests for additional information may be directed to:

New York City Economic Development Corporation
Marilyn Lee, Assistant Vice-President
110 William Street
New York, NY 10038
mlee@nycedc.com

Written comments will be accepted until 5:00 P.M. on Friday, October 21, 2011, and may be submitted at the public scoping meeting or to Ms. Marilyn Lee at the above address.

The Positive Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law.



Robert R. Kulikowski, Ph.D.
Assistant to the Mayor

September 7, 2011

DECLARATION OF GENERAL LARGE-SCALE DEVELOPMENT

THIS DECLARATION (**“Declaration”**), made as of the ____ day of _____, 2012, by the **CITY OF NEW YORK** (the **“City”**), a municipal corporation, acting by and through its Department of Housing Preservation and Development (**“HPD”**) with an address at 100 Gold Street, New York, New York 10038 and the **NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION** (**“NYCEDC”**), a local development corporation organized pursuant to Section 1411 of the New York State Not-for-Profit Corporation Law, having an address at 110 William Street, New York, New York 10038 (together, the **“Declarant”**).

WITNESSETH:

WHEREAS, the City is the fee owner of certain real property located in the Borough of Manhattan, County of New York, City and State of New York, designated for real property tax purposes as Block 409, Lot 56 (**“Site 1”**), Block 352, Lots 1 and 28 (**“Site 2”**), Block 346, p/o Lot 40 (**“Site 3”**), Block 346, p/o Lot 40 (**“Site 4”**), Block 346, p/o Lot 40 (**“Site 5”**), and Block 347, Lot 71 (**“Site 6”**), which real property is more particularly described in Exhibit A annexed hereto and made a part hereof (together, the **“Subject Property”**); and

WHEREAS, Declarant desires to improve the Subject Property as a “general large-scale development” meeting the requirements of Section 12-10 of the Zoning Resolution of the City of New York (the **“Zoning Resolution”** or **“ZR”**) definition of “general large-scale development” (such proposed improvement of the Subject Property, the **“Large Scale Development Project”**); and

WHEREAS, Declarant filed an application with the New York City Department of City Planning (hereinafter “**DCP**”) for: (1) Disposition of Sites 1 through 6 and 8 through 10 by the City of New York for the purpose of subsequent development; (2) designation of Sites 1 through 6 and Sites 8 through 10 as an Urban Development Action Area Project; (3) acquisition of a portion of Site 2 for the sole purpose of the relocated Essex Street Market; (4) a zoning map amendment for a C2-5 commercial overlay on Sites 3, 4, 5, and 6 (Land Use Application #_____) (the “**Zoning Map Amendment**”); (5) a large-scale general development special permit pursuant to Section 74-743, applicable to Sites 1-6, to (i) allow for distribution of floor area, lot coverage and dwelling units without regard to zoning lot lines or district boundaries, (ii) waivers of height and setback, minimum base height, rear yard, rear yard equivalent, and rear yard setback requirements, minimum distance between legally required windows and any wall in an inner court, outer court, and planting requirements (#_____);(6) a large-scale general development special permit pursuant to Section 74-744 to (i) allow Use Group 10, 11A, and certain 12A uses in C2 districts within the Large-Scale Development Project and (ii) allow commercial and residential uses to be arranged within the Large-Scale Development Project without regard for the locational restrictions set forth in ZR 32-422; (7) zoning text amendments to ZR Sections 74-743 and 74-744 for (i) the elimination of the planting strip requirement within the boundaries of the Large-Scale Development Project (#_____) (ii) to allow commercial floor area to be shifted from a C6 district to an R8/C2 district within the boundaries of the Large-Scale Development Project (#_____), (iii) to allow Use Group 10, 11A, and certain 12A uses in a C2 zoning district within the boundaries of the Large-Scale Development Project (#_____) and (iv) to allow the modification of underlying signage regulations so that the proposed signage

complies with C6-1 signage regulations (#_____); (8) an authorization pursuant to ZR Section 74-444(c)(2) for the modification of signage regulations to permit signage in compliance with C6-1 regulations along certain streets (#_____); (9) special permits pursuant to ZR 13-562 and 74-52 for each of Sites 2, 3, 4, and 5 to allow for public parking garages with specified maximum number of spaces on each of these sites (#s _____); (10) an amendment to the City Map to remove sections of Delancey Street between Norfolk and Clinton Streets and Clinton Street between Delancey and Grand Streets, thereby aligning the mapped streets with the existing built street condition (#_____); (11) an amendment to the City Map to map a formerly demapped section of Suffolk Street between Grand and Delancey Streets and a demapped section of Broome Street between Norfolk and Clinton Streets as new streets through the Large-Scale Development Project (#_____) (items 1 through 11 collectively, the “**Land Use Applications**”); and

WHEREAS, Section 74-743(b)(8) of the Zoning Resolution requires that a declaration with regard to ownership requirements in paragraph (b) of the general large-scale development definition in Section 12-10 be filed with the New York City Planning Commission; and

WHEREAS, since the City of New York is the fee owner of the Subject Property, the New York City Law Department has certified in the certification (the “**Certification**”) attached hereto as Exhibit B and made a part hereof, that as of _____, 2012, Declarant is the sole party-in-interest (the “**Party-in-Interest**”) in the Subject Property, as such term is defined in the definition of “zoning lot” in Section 12-10 of the Zoning Resolution; and

WHEREAS, Declarant desires to restrict the manner in which the Subject Property may be developed, redeveloped, maintained, and operated in the future, and intends these restrictions to benefit all the land on the Subject Property;

NOW, THEREFORE, Declarant hereby declares covenants and agrees as follows:

1. **Designation of General Large-Scale Development.** Declarant hereby declares and agrees that, following the Effective Date (as defined in Section 6 hereof), the Subject Property shall be treated as a general large-scale development site and shall be developed and enlarged as a single unit.

2. **Development of Subject Property.** If the Subject Property is developed in whole or part in accordance with the Large Scale Special Permits, Declarant covenants that the Subject Property shall be developed in substantial conformity with the following plans prepared by Beyer Blinder Belle Architects & Planners LLP, approved as part of the Large Scale Special Permits and annexed hereto in Exhibit C and made a part hereof:

Drawing No.	Title	Date
000	Cover Sheet	
001 - 004	Zoning Calculations	
005	Existing Area Map	
006-7	Proposed Area Map	
008	Proposed Site Plan	
	ZONING LOT 1	

101	Proposed Site Plan	
102	Ground Floor Plan	
103	Building Envelope Diagrams	
104M	Base Plane Diagram	
104N	Average Curb Level Diagram	
105M	Zoning Actions Plan (Mixed Use)	
105N	Zoning Actions Plan (Non-Residential Building)	
106M	Zoning Actions Sections (Mixed Use)	
106N	Zoning Actions Sections (Non-Residential Building)	
	ZONING LOT 2	
201	Proposed Site Plan	
202	Ground Floor Plan	
203.1 – 203.4	Building Envelope Diagrams	
204M	Base Plane Diagram	
204N	Average Curb Level Diagram	
205M	Zoning Actions Plan (Mixed Use)	
205N	Zoning Actions Plan (Non-Residential Building)	
206M	Zoning Actions Sections (Mixed Use)	
206N	Zoning Actions Sections (Non-Residential Building)	
	ZONING LOT 3	
301	Proposed Site Plan	
302	Ground Floor Plan	

303.1 – 303.3	Building Envelope Diagrams	
304M	Base Plane Diagram	
304N	Average Curb Level Diagram	
305M	Zoning Actions Plan (Mixed Use)	
305N	Zoning Actions Plan (Non-Residential Building)	
306M	Zoning Actions Sections (Mixed Use)	
306N	Zoning Actions Sections (Non-Residential Building)	
307	Inner Court Diagrams	
308	Outer Court Diagrams	
	ZONING LOT 4	
401	Proposed Site Plan	
402	Ground Floor Plan	
403.1 – 403.2	Building Envelope Diagrams	
404M	Base Plane Diagram	
405M	Zoning Actions Plan (Mixed Use)	
406M	Zoning Actions Sections (Non-Residential Building)	
407	Inner Court Diagrams	
408	Outer Court Diagrams	
	ZONING LOT 5	
501	Proposed Site Plan	
502	Ground Floor Plan	
503	Building Envelope Diagrams	

504M	Base Plane Diagram	
505M	Zoning Actions Plan (Mixed Use)	
506M	Zoning Actions Sections (Non-Residential Building)	
507	Inner Court Diagrams	
508	Outer Court Diagrams	
	ZONING LOT 6	
601	Proposed Site Plan	
602	Ground Floor Plan	
603	Building Envelope Diagrams	
604M	Base Plane Diagram	
604N	Average Curb Level Diagram	
605M	Zoning Actions Plan (Mixed Use)	
605N	Zoning Actions Plan (Non-Residential Building)	
606M	Zoning Actions Sections (Mixed Use)	
606N	Zoning Actions Sections (Non-Residential Building)	
	STREETSCAPE ELEVATIONS	
700	Streetscape Elevations: Key Plan	
701	Streetscape Elevations: Delancey St. and Grand St.	
702	Streetscape Elevations: Broome St.	
703	Streetscape Elevations: Ludlow St. and Essex St.	
704	Streetscape Elevations: Norfolk St. and Suffolk St.	
705	Streetscape Elevations: Clinton St.	

	PARKING GARAGE PLANS	
802	Parking Garage Plans: Zoning Lot 2	
803A	Parking Garage Plans: Zoning Lot 3 (Norfolk St. Option)	
803B	Parking Garage Plans: Zoning Lot 3 (Suffolk St. Option)	
804	Parking Garage Plans: Zoning Lot 4	
805.1	Parking Garage Plans: Zoning Lot 5 (Suffolk St. Option)	
805.2	Parking Garage Plans: Zoning Lot 5 (Clinton St. Option)	

3. **Representations.** Declarant hereby represents and warrants that there is no restriction of record on the development, enlargement, or use of the Subject Property, nor any present or presently existing estate or interest in the Subject Property, nor any existing lien, obligation, covenant, easement, limitation or encumbrance of any kind that shall preclude the restriction and obligation to develop and enlarge the Subject Property as a general large-scale development as set forth herein.

4. **Binding Effect.** The restrictions, covenants, rights, and agreements set forth in this Declaration shall be binding upon Declarant and any successor or assign of Declarant; provided that the Declaration shall be binding on any Declarant only for the period during which such Declarant, or any successor or assign thereof, is the holder of an interest in the Subject Property and only to the extent of such Declarant's interest in the Subject Property. At such time as a Declarant or any successor to a Declarant no longer holds an interest in the Subject Property, such Declarant's or such Declarant's successor's obligations and liability under this Declaration shall wholly cease and terminate and the party succeeding such Declarant or such Declarant's successor shall be deemed to have assumed the obligations and

liability of Declarant pursuant to this Declaration with respect to actions or matters occurring subsequent to the date such party succeeds to an interest in the Subject Property to the extent of such party's interest in the Subject Property. For purposes of this Declaration, any successor to a Declarant shall be deemed a Declarant for such time as such successor holds all or any portion of any interest in the Subject Property.

5. **Recordation.** Declarant shall File and record this Declaration in the Office of the City Register of the City of New York (the "**Register's Office**"), indexing it against the Subject Property on or after the date of the disposition of the Subject Property pursuant to ULURP Application No. _____ (such date, the "**Recording Date**"). Declarant shall promptly provide to the Chairperson of the CPC a copy of the Declaration as recorded, so certified by the City Register. If Declarant fails to so record this Declaration by the Recording Date, CPC may record a duplicate original of this Declaration, but all costs of recording, whether undertaken by Declarant or by CPC, shall be borne by Declarant.

6. **Effective Date.** This Declaration and the provisions and covenants hereof shall become effective as of the date of recordation of this Declaration in accordance with Section 5 above.

7. **Notice.** All notices, demands, requests, consents, approvals, and other communications (each, a "**Notice**") which may be or are permitted, desirable, or required to be given under this Declaration shall be in writing and shall be sent or delivered as follows:

(a) if to Declarant:

Department of Housing Preservation and Development
100 Gold Street
New York, NY 10038
Attn: [_____]

with a copy to:
The general counsel of HPD at the same address

and

New York City Economic Development Corporation
110 William Street
New York, NY 10038
Attn: [_____]

with a copy to:
The general counsel of EDC at the same address

(b) if to CPC:

New York City Planning Commission
22 Reade Street
New York, New York 10007
Attention: Chairperson

with a copy to:
The general counsel of CPC at the same address

(c) if to a Party in Interest other than Declarant:

at the address provided in writing to CPC in accordance with this Section 7

(d) if to a mortgagee of all or any portion of the Subject Property (a "**Mortgagee**):

at the address provided in writing to CPC in accordance with this Section 7

Declarant, CPC, any Party in Interest, and any Mortgagee may, by notice provided in accordance with this Section 7, change any name or address for purposes of this Declaration. In order to be deemed effective any Notice shall be sent or delivered in at least one of the following manners: (A) sent by registered or certified mail, postage pre-paid, return receipt requested, in which case the Notice shall be deemed delivered for all purposes hereunder five days after being actually mailed; (B) sent by overnight courier service, in which case the Notice shall be deemed delivered for all purposes hereunder on the date the Notice was

actually received or was refused; or (C) delivered by hand, in which case the Notice will be deemed delivered for all purposes hereunder on the date the Notice was actually received. All Notices from CPC to Declarant shall also be sent to every Mortgagee of whom CPC has notice, and no Notice shall be deemed properly given to Declarant without such notice to such Mortgagee(s). In the event that there is more than one Declarant at any time, any Notice from the City or the CPC shall be provided to all Declarants of whom CPC has notice.

8. Defaults and Remedies.

(a) Declarant acknowledges that the restrictions, covenants, and obligations of this Declaration will protect the value and desirability of the Subject Property, as well as benefit the City. If Declarant fails to perform any of Declarant's obligations under this Declaration, the City shall have the right to enforce this Declaration against Declarant and exercise any administrative, legal, or equitable remedy available to the City, and Declarant hereby consents to same; provided that this Declaration shall not be deemed to diminish Declarant's or any other Party in Interest's right to exercise any and all administrative, legal, or equitable remedies otherwise available to it, and provided further, that the City's rights of enforcement under this Declaration shall be subject to the cure provisions and periods set forth in Section 8(c) hereof. Declarant also acknowledges that the remedies set forth in this Declaration are not exclusive and that the City and any agency thereof may pursue other remedies not specifically set forth herein including, but not limited to, a mandatory injunction compelling Declarant to comply with the terms of this Declaration and a revocation by the City of any certificate of occupancy, temporary or permanent, for any portion of the Large Scale Development Project on the Subject Property subject to the Large Scale Special Permits; provided, however, that such right of revocation shall not permit or be construed to permit the

revocation of any certificate of occupancy for any use or improvement that exists on the Subject Property as of the date of this Declaration;

(b) Notwithstanding any provision of this Declaration, only Declarant, and Declarant's successors and assigns and the City, acting through CPC, shall be entitled to enforce or assert any claim arising out of or in connection with this Declaration. Nothing contained herein should be construed or deemed to allow any other person or entity to have any interest in or right of enforcement of any provision of this Declaration or any document or instrument executed or delivered in connection with the the Land Use Applications.

(c) Prior to the City instituting any proceeding to enforce the terms or conditions of this Declaration due to any alleged violation hereof, the City shall give Declarant, every Mortgagee and every Party in Interest thirty (30) business days written notice of such alleged violation, during which period Declarant, any Party in Interest and any Mortgagee shall have the opportunity to effect a cure of such alleged violation or to demonstrate to City why the alleged violation has not occurred. If a Mortgagee or Party in Interest performs any obligation or effects any cure Declarant is required to perform or cure pursuant to this Declaration, such performance or cure shall be deemed performance on behalf of Declarant and shall be accepted by any person or entity benefited hereunder, including CPC and City, as if performed by Declarant. If Declarant, any Party in Interest or Mortgagee commences to effect such cure within such thirty (30) day period (or if cure is not capable of being commenced within such thirty (30) day period, Declarant, any Party in Interest or Mortgagee commences to effect such cure when such commencement is reasonably possible), and thereafter proceeds diligently toward the effectuation of such cure, the aforesaid thirty (30) day period (as such

may be extended in accordance with the preceding clause) shall be extended for so long as Declarant, any Party in Interest or Mortgagee continues to proceed diligently with the effectuation of such cure. In the event that more than one Declarant exists at any time on the Subject Property, notice shall be provided to all Declarants from whom City has received notice in accordance with Section 8 hereof, and the right to cure shall apply equally to all Declarants.

(d) If, after due notice and opportunity to cure as set forth in this Declaration, Declarant, Mortgagee or a Party in Interest shall fail to cure the alleged violation, the City may exercise any and all of its rights, including without limitation those delineated in this Section 8 and may disapprove any amendment, modification or cancellation of this Declaration on the sole ground that Declarant is in default of a material obligation under this Declaration.

9. Applications.

(a) Declarant shall include a copy of this Declaration with any application made to the New York City Department of Buildings (“**DOB**”) for a foundation, new building, alteration, or other permit (a “**Permit**”) for any portion of the Large-Scale Development Project subject to the Large Scale Special Permits. Nothing in this Declaration, including but not limited to the declaration and covenant made in Section 1 hereof to develop and enlarge the Subject Property as a single unit, shall be construed to prohibit or preclude Declarant from filing for, or DOB from issuing, any permit for all or any portion of the Large-Scale Development Project, in such phase or order as Declarant sees fit in Declarant’s sole discretion.

(b) Nothing in this Declaration shall be construed to prevent Declarant or any of

Declarant's successors or assigns from making any application of any sort to any governmental agency or department (each an "**Agency**") in connection with the development of the Subject Property; provided, that Declarant shall include a copy of this Declaration in connection with any application for any such discretionary approval, and provided that nothing in this Section 10(b) shall be construed as superseding the requirements, restrictions, or approvals that may be required under agreements with any other Agency or the City.

10. Amendment, Modification and Cancellation.

(a) This Declaration may be amended, cancelled, or modified only upon application by Declarant with the express written consent of CPC or an agency succeeding to CPC's jurisdiction and no other approval shall be required from any other public body, private person, or legal entity of any kind.

(b) Notwithstanding anything to the contrary contained in Section 10 (a) hereof, the Chair of CPC may by its express written consent administratively approve modifications or amendments to this Declaration that, in the sole judgment of the Chair, are determined by the Chair to be a minor amendment or modification of this Declaration, and such minor modifications and amendments shall not require the approval of CPC.

11. Severability. In the event that any of the provisions of the Declaration shall be deemed, decreed, adjudged, or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severable and the remainder of this Declaration shall continue to be in full force and effect.

12. Applicable Law. This Declaration shall be governed and construed by the laws of the State of New York, without regard to principles of conflicts of law.

[Signature page follows]

IN WITNESS WHEREOF, the undersigned have executed this Declaration this _____
day of _____, 2012.

THE CITY OF NEW YORK, acting by and
through its **DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT**

By: _____

—

Name:

Title:

**NEW YORK CITY ECONOMIC
DEVELOPMENT CORPORATION**

By: _____

—

Name:

Title:

Approved as to Form:

Acting Corporation Counsel

ACKNOWLEDGEMENT FOR HPD

STATE OF)
) SS.:
COUNTY OF)

On the ____ day of _____, 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

ACKNOWLEDGEMENT FOR NYCEDC

STATE OF)
) SS.:
COUNTY OF)

On the ____ day of _____, 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

EXHIBIT A

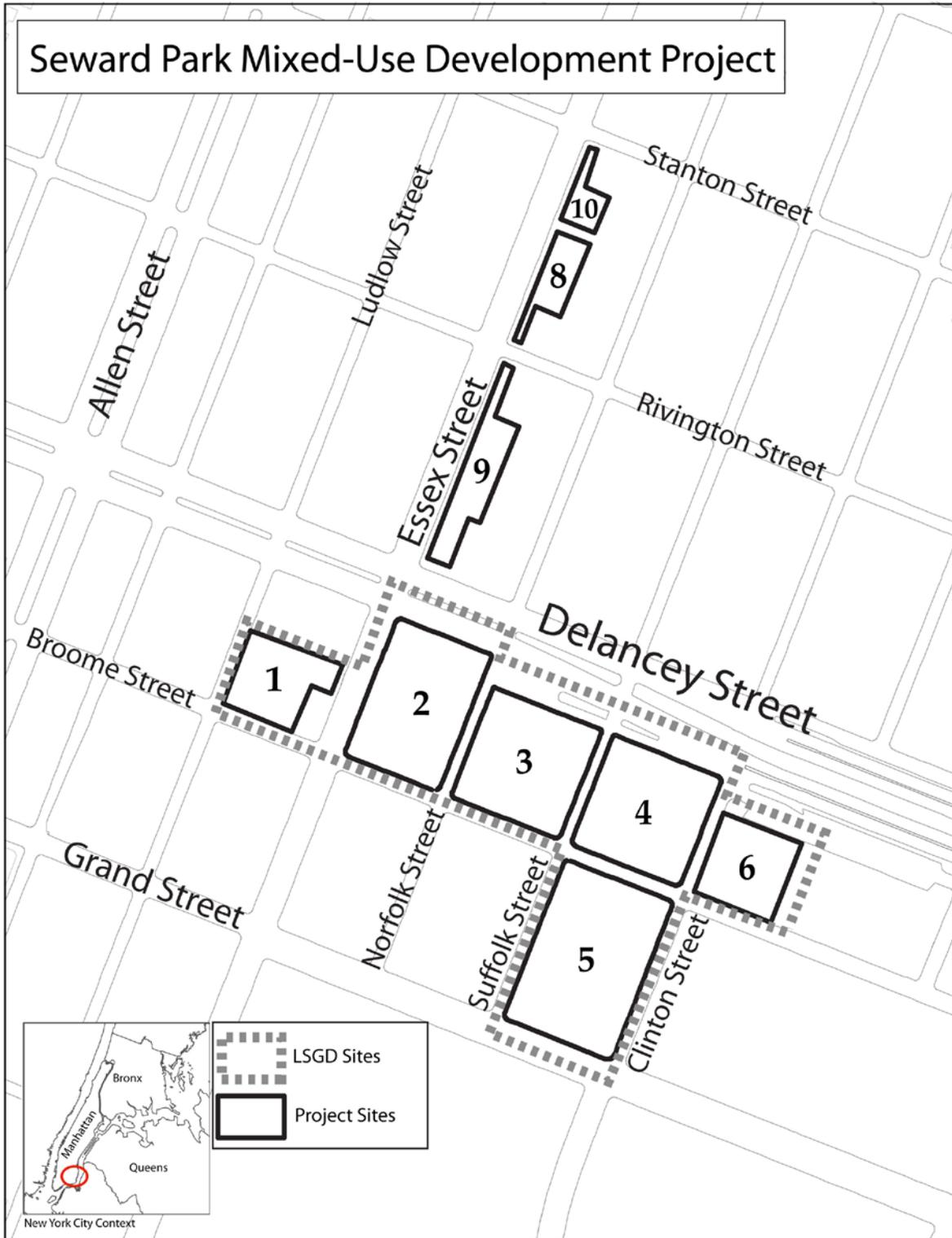


EXHIBIT B

Certification to follow