

A. OVERVIEW

This document is the Final Environmental Impact Statement (FEIS) for the proposed zoning text amendment to create a new Special Hudson Square District and a zoning map amendment to map the proposed Special District across approximately 18 blocks of Manhattan Community District 2 (collectively, the “Proposed Action”). The Draft Environmental Impact Statement (DEIS) for the Proposed Action was accepted as complete by the New York City Department of City Planning (DCP) and the City Planning Commission (CPC) issued a Notice of Completion for the DEIS on August 17, 2012. Oral and written comments were received during the period leading up to and through the DEIS public hearing held by DCP on November 28, 2012. Written comments were accepted through the close of the DEIS public comment period, which ended December 10, 2012.

This FEIS addresses all substantive comments made on the DEIS during the DEIS public hearing and DEIS comment period. Those comments are summarized and responded to in Chapter 26, “Responses to Comments on the DEIS.” Changes to the text and graphics from the DEIS were made in this FEIS, as necessary, in response to these comments.

In addition, since the DEIS was certified, certain potential modifications to the Proposed Action have been brought under consideration by the CPC. The Potential CPC Modifications include adoption of the Applicant’s modification to the proposed zoning text amendment, filed under Application N 120381 ZRM (A), in which the Subdistrict B regulations would be eliminated from the proposed Special District zoning text and in their place the general Special District bulk regulations would apply to that portion of the Special District. Additional modifications to the Special District regulations that are under consideration by the CPC are the following: 1) for wide streets, reducing the maximum permitted height from 320 feet to 290 feet and providing an alternative maximum length of street wall above 150 feet of up to 175 feet (as opposed to 150 feet under the Proposed Action) provided that between 30 and 40 percent of the width of the street wall is recessed at least five feet from all adjacent street walls; 2) modifications to the text that would allow the proposed One SoHo Square commercial enlargement project to proceed as filed with the Department of Buildings under M1-6 bulk regulations; and 3) creation of a special permit that, if granted pursuant to specific subsequent application, would allow maximum building height waivers (up to 210 feet) and rear setback waivers for certain midblock sites (i.e., sites on narrow streets beyond 100 feet of their intersection with a wide street) located on blocks with narrow north-south street-to-street depth (i.e., 180 feet or less). Together, these modifications would result in an increase in the development potential of sites within the former Subdistrict B and would allow slightly different configurations of height and bulk compared to the Proposed Action. The special permit could facilitate different base and building heights on certain

¹ This chapter is new to the FEIS.

projected and potential development and enlargement sites than what has been assessed for the Proposed Action.

B. CHANGES BETWEEN THE DEIS AND FEIS

The principal changes between the DEIS and this FEIS include:

- Revisions to various chapters and related Appendices, as necessary, to reflect new or more updated information identified subsequent to the issuance of the DEIS;
- Revisions to chapters and related Appendices, as necessary, to reflect changed conditions on two projected development sites within the Rezoning Area since the issuance of the DEIS (see Section B, “Changes in the No-Action Condition,” below);
- The “residential development goal” has been updated for consistency with the proposed Special Hudson Square District zoning text. As stated in the zoning text, the residential development goal will be reached when 2,255 new residential units have been issued certificates of occupancy within the District;
- Updates related to the New York University (NYU) Core project, a development project included in the No-Action condition for some analysis areas, including Community Facilities, Open Space, Water and Sewer Infrastructure, Transportation, and the transportation-related analyses. Changes were made to the NYU Core development program after the Hudson Square Rezoning DEIS analyses were substantially complete. The FEIS has been updated to reflect the development program, as approved by City Council on July 25, 2012². The modifications to the NYU Core development program result in negligible changes to the analyses listed above, particularly the Community Facilities, Open Space, and Water and Sewer Infrastructure analyses;
- Updates to Chapter 7, “Historic and Cultural Resources,” to remove the potential for a significant adverse construction-related impact on the proposed South Village Historic District, because all of the buildings located within the proposed South Village Historic District are located across the Avenue of the Americas (the legal width of which is 100 feet in this area) from the Rezoning Area and are therefore beyond a 90 foot lateral distance from any projected or potential development or enlargement site;
- Updates to the analyses in Chapter 13, “Transportation,” and the transportation-related analyses. As described in the DEIS, the analyses presented in Chapter 13 were prepared based on a slight variation of the No-Action and With-Action reasonable worst-case development scenario (RWCDs) assumptions. The changes to the RWCDs occurred shortly prior to certification of the Draft EIS, after substantial work had been completed on the transportation analyses. Because the RWCDs analyzed in Chapter 13 of the DEIS analyzes a larger incremental development between the No-Action and With-Action conditions, the analyses in the DEIS are conservative in that they present a larger potential for project-generated impacts. The transportation and transportation-related analyses have been updated to reflect the final RWCDs in the FEIS.

² *NYU Core Final Environmental Impact Statement* (May 2012) and subsequent Technical Memorandums (CEQR No. 11DCP121M).

- Updated analysis in Chapter 14, “Air Quality,” and Appendix 5 to include a refined stationary source dispersion modeling analysis (Tier 2) for all projected and potential development sites (whereas the DEIS included a Tier 2 analysis for selected projected and potential development sites);
- Updated conclusions in Chapter 20, “Mitigation,” in the areas of Open Space and Transportation, to reflect further analysis of potential mitigation measures conducted between the DEIS and FEIS;
- Revisions to various chapters, as necessary, in response to public comments made on the DEIS;
- Chapter 26, “Potential Modifications Under Consideration by the CPC,” which is entirely new to the document, summarizes potential CPC modifications to the Proposed Action and their effects on the analyses presented in the FEIS;
- Chapter 27, “Responses to Comments on the DEIS,” which is entirely new to the document;
- Appendix 9, “Proposed Special District Text—Potential CPC Modifications,” which is entirely new to the document;
- Appendix 10, “Written Comments Received on the Draft Scope of Work,” which is entirely new to the document; and
- Appendix 11, “Written Comments Received on the DEIS,” which is entirely new to the document.

All text changes since publication of the DEIS are marked by double-underlining in this FEIS. No double-underlining is used for the Foreword, Chapter 26, Chapter 27, Appendix 9, Appendix 10, or Appendix 11 which are entirely new to the EIS.

C. CHANGES IN THE REZONING AREA

CHANGED CONDITIONS ON DEVELOPMENT SITES

Since issuance of the DEIS, conditions on two projected development sites within the Rezoning Area—Projected Development Sites 11 and 18—have changed. As these changes would have a negligible effect on the environmental analyses, and the updates associated with these changes would generally result in a smaller residential increment as compared to what was assumed under the RWCDS (i.e., for most technical areas the RWCDS provides a more conservative analysis absent these changes), the changed conditions are described below but not reflected in the quantitative analyses except for the transportation-related analyses provided in Chapter 13, “Transportation,” Chapter 14, “Air Quality,” Chapter 16, “Noise,” and Chapter 21, “Alternatives.”

The changed conditions on Projected Development Sites 11 and 18, and the effect of these changes on the various technical analysis areas, are discussed below.

PROJECTED DEVELOPMENT SITE 11

Projected Development Site 11 (Block 579, Lot 5) contains a 24,257-gross-square-foot (gsf) building including 4,000 gsf ground floor retail and 20,257 gsf office. The RWCDS (both RWCDS 1 and RWCDS 2) in the DEIS assumed that in the No-Action condition, the existing condition would remain unchanged; in the With-Action condition, floors two through six would be converted to residential use (with 19 residential units) and a 4,977-gsf vertical expansion would be constructed containing 5 residential units. Thus, the incremental difference between

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the No-Action and With-Action conditions as described in the DEIS is an increase of 24 residential units and a decrease of 20,257 gsf of office space.

Pursuant to a recently issued Board of Standards and Appeals (BSA) use variance³, floors two through six of this building could be converted to residential use, containing 5 residential units. Assuming this change could occur in the No-Action condition, in the With-Action condition it is assumed this building could be enlarged with a 4,977-gsf vertical enlargement containing an additional 5 residential units. Thus, the incremental difference between the No-Action and With-Action conditions is an increase of 5 residential units, rather than 24 residential units as described in the DEIS.

PROJECTED DEVELOPMENT SITE 18

At the time that the DEIS was issued, Projected Development Site 18 (Block 491, Lot 7502) contained a 60,725-gsf condominium building with 16 live/work units and 8 commercial units that was undergoing a 5,032-gsf expansion to an existing commercial unit. The RWCDS (both RWCDS 1 and RWCDS 2) in the DEIS assumed that in the No-Action condition, the expansion would be completed; in the With-Action condition, the remaining eight commercial units would become live/work. Thus, the incremental difference between the No-Action and With-Action condition is an increase of 8 residential units (assumes the existing commercial uses would remain in the new live/work units). The 5,032-gsf expansion is now complete. Accounting for this changed condition, no change is anticipated for this building in the No-Action condition; in the With-Action condition, the remaining 8 commercial units would become live/work. Thus, the incremental difference between the No-Action and With-Action condition remains an increase of 8 residential units.

EFFECT ON ENVIRONMENTAL ANALYSIS AREAS

As noted above, these changes would have a negligible effect on the environmental analyses. Furthermore, the updates associated with these changes would generally result in a smaller residential increment as compared to what was assumed under the RWCDS in the DEIS. That is, for most technical areas, the RWCDS in the DEIS provides a more conservative analysis absent these changes.

These changes would have no effect on the following analysis areas: Land Use, Zoning, and Public Policy; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Hazardous Materials (no change to the E designations on these sites); Air Quality stationary source analysis (no change to the E designations on these sites); Noise building attenuation analysis (no change to the E designations on these sites); Neighborhood Character; Public Health; Irreversible and Irrecoverable Commitment of Resources; and Growth-Inducing Aspects of the Proposed Action.

These changes would have a negligible effect on the following analysis areas: Socioeconomic Conditions; Community Facilities; Open Space; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Construction; and Greenhouse Gas Emissions, as summarized below:

³ 188-11-BZ; CEQR No. 12-BSA-049M

- Community Facilities—These changes would result in approximately 19 fewer residential units and 35 fewer residents (and approximately 4 fewer elementary students) generated by the Proposed Action;
- Socioeconomic Conditions—The changes would result in 8 fewer potentially displaced businesses on Projected Development Site 11 as a result of the Proposed Action;
- Open Space—These changes would result in approximately 35 fewer residents generated by the Proposed Action;
- Construction—These changes would result in less construction activity on Projected Development Site 11 in the With-Action Condition and more activity in the No-Action condition; and
- Water & Sewer Infrastructure, Solid Waste & Sanitation, Energy, and Greenhouse Gas Emissions—These changes would result in a slight decrease in the amount of residential floor area created (through conversion) as a result of the Proposed Action and the effect on these analysis areas would therefore be negligible.

For these analysis areas the RWCDs provides a more conservative analysis absent these changes. Therefore, the changed conditions are described here but not reflected in the quantitative analyses provided for these technical areas.

These changes would also have a negligible effect on the Transportation analysis. However, since office and residential uses have different trip-generation characteristics, these changes are reflected in the analyses provided in Chapter 13, “Transportation” as well as the transportation-related analyses (air quality mobile source analysis, noise mobile source analysis, and the transportation analyses in the alternatives discussion).

ONE SOHO SQUARE DEVELOPMENT PROJECT

At the public hearing on the DEIS held by DCP on November 28, 2012, representatives of a property owner in the Rezoning Area announced plans for the One SoHo Square project, a commercial modernization and expansion project planned on Lots 31 and 36 in Block 505, a block bounded by Avenue of the Americas, Spring, Varick, and Vandam Streets. The One SoHo Square project would modernize and upgrade two existing office buildings and the ground floor retail space while allowing the existing tenants to remain in place. The project would combine two office buildings located at 161 Avenue of the Americas (Lot 31) and 233 Spring Street (Lot 36) with the construction of a shared core structure (rising up to a height of 265 feet to the top of the mechanical screen wall) on the narrow lot (Lot 35) between the two buildings. The project would also involve the construction of a three-story, 45,000-square foot office enlargement above the existing 233 Spring Street structure (rising up to a height of 175 feet).

The One SoHo Square project complies with the current M1-6 zoning regulations, but the 20-foot wide core structure does not comply with certain height and setback regulations under the proposed zoning text (Section 88-33). Therefore, during the public comment period on the DEIS, representatives of the property owner requested modifications to the proposed zoning text to allow the project to proceed as planned. The requested modification is under consideration by the CPC, and further discussed in FEIS Chapter 27, “Potential Modifications under Consideration by the CPC.”

In the With-Action condition, without the requested CPC modification, the One SoHo Square project would have a less efficient design (i.e., the core structure would be split into two sections

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and would be shorter—approximately 220 feet to the top of the screen wall), but would contain the same 45,000-square foot office expansion.

POTENTIAL ENLARGEMENT SITE 4

As part of the One SoHo Square project, the project developers plan to utilize the available development rights from Block 505, Lot 16 (Potential Enlargement Site 4) as part of the One SoHo Square project. A light and air easement has been provided by the existing building on that lot; therefore, an enlargement is not expected to occur there in the future. The elimination of this enlargement would not affect most technical analyses in this FEIS, with the exception of hazardous materials, air quality, and noise. Therefore, the FEIS chapters have been updated, as appropriate, to address that this enlargement has been eliminated from the analyses. In the technical areas of hazardous materials, air quality, and noise an (E) designation would not be required for this site. Where applicable, the FEIS chapters identify this in the form of a footnote.

EFFECT ON ENVIRONMENTAL ANALYSIS AREAS

The addition of the One SoHo Square project as a No-Action project in the Rezoning Area would have a negligible effect on most environmental analyses, with the exception of the hazardous materials, air quality, and noise analyses, as discussed below.

As the One SoHo Square project would proceed as planned in the No-Action condition and in the With-Action condition with the CPC Modifications (and in a slightly different form in the With-Action condition without the CPC Modifications), the addition of this project would have no effect on the following analysis areas: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities; Historic and Cultural Resources; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Greenhouse Gas Emissions; Neighborhood Character; Public Health; Irreversible and Irretrievable Commitment of Resources; and Growth-Inducing Aspects of the Proposed Action. With respect to historic resources, the properties that comprise One SoHo Square were not identified by the Landmarks Preservation Commission as having architectural or archaeological significance and therefore the development of One SoHo Square would have no effect on the Historic and Cultural Resources analysis.

These changes would also have a negligible effect on the following analysis areas: Open Space; Shadows; Urban Design and Visual Resources; Transportation; and Construction; as summarized below:

- Open Space—The office enlargement at One SoHo Square would introduce approximately 180 additional office workers in the No-Action condition. Compared to the approximately 72,000 existing workers in the open space study area, these additional workers would not materially affect passive open space ratios in the non-residential study area. The One SoHo Square project would not include any residential uses and therefore would not affect the open space ratios in the residential study area.
- Shadows—No new shadow from the One SoHo Square enlargement would fall on Trump SoHo Plaza, SoHo Square, or any other sun-sensitive resource, and thus the project would not alter the extent or duration of incremental shadow due to the Proposed Action. Therefore, the One SoHo Square enlargement would not affect the conclusions of shadows analysis.
- Urban Design and Visual Resources—The office expansion and new core would have a negligible effect on the pedestrian experience near the site and would not affect the

conclusions of the Urban Design and Visual Resources analysis for the Rezoning Area as a whole.

- Transportation—The One SoHo Square project would generate a maximum of approximately 118 person trips and 21 vehicle trips during the transportation analysis peak hours. As noted in Chapter 13, “Transportation,” the One SoHo Square project is accounted for in the annual background growth rate assumed in the transportation analysis.
- Construction—One SoHo Square would result in a modest increase in construction activity in the No-Action condition but would not alter the amount of construction activity in the With-Action condition.

Therefore, for the analysis areas listed or described above the addition of this project in both the No-Action and With-Action condition project would have a negligible effect and are not reflected in the analyses provided for these technical areas.

With respect to Hazardous Materials, Air Quality, and Noise, the One SoHo Square enlargement would affect the (E) designations specified by these analyses, as described below:

- Hazardous Materials—Because an enlargement is no longer expected to occur on Potential Enlargement Site 4 (Block 505, Lot 16), a hazardous materials (E) designation is not required for this site.
- Air Quality—Because an enlargement is no longer expected to occur on Potential Enlargement Site 4 (Block 505, Lot 16), an air quality (E) designation is not required for this site. In addition, the (E) designations for Projected Development Site 16 and Projected Enlargement Site 2 have been modified to account for the One SoHo Square project. Specifically, on Projected Development Site 16, the restriction on operable windows or air intakes is no longer necessary. On Projected Enlargement Site 2, the restriction on operable windows and air intakes is now located at a higher elevation on the building façade.
- Noise—Because an enlargement is no longer expected to occur on Potential Enlargement Site 4 (Block 505, Lot 16), a noise (E) designation is not required for this site.

These changes to the Hazardous Materials, Air Quality, and Noise are reflected in the relevant chapters in this FEIS. *