E-369

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

October 5th, 2015

Project Identification
CEQR No. 15DCP163M
ULURP Nos. 150417ZSM, 150418ZSM, 150416ZRM
SEQRA Classification: Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

150 Wooster Street
The Applicant, 150 Wooster LLC, proposes a Zoning Text Amendment to amend the bulk, height, setback and use regulations of New York City Zoning Resolution (ZR) Section 74-712 (a) and (b), and two special permits pursuant to ZR 74-712 (a) and (b), as modified, in connection with a proposal to redevelop a property located at 150 Wooster Street (Block 514, Lots 7 and 9, the "development site") in the SoHo neighborhood of Manhattan, Community District 2. The proposed actions would facilitate a proposal by the applicant to develop a new eight-story, approximately 98' tall mixed use building containing up to 28 dwelling units and 10,293 square feet of retail space on the ground floor and cellar levels on the development site. The development site is located in an M1-5A district and is within the boundaries of the SoHo Cast Iron Historic District, which is a designated New York City historic district and is listed on the National and State Registers.

The proposed special permit pursuant to ZR 74-712 (a) would modify current use regulations to allow residential uses on floors 2 through 8 of the development site as well as accessory lobby space on the ground floor and accessory storage space in the cellar; allow Use Group 6 commercial retail uses below the level of the second floor; the proposed special permit pursuant to ZR 74-712 (b) would modify current height and setback regulations to allow balconies on floors 4 through 6 to project into the rear yard; allow the building's street wall to exceed the maximum street wall height, permitting a portion of the street wall to penetrate the sky exposure plane; and reduce the initial setback distance at the 8th floor.

Carl Weisbrod, *Chairman*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
http://www.nyc.gov/planning

The development site consists of a single zoning lot with two tax lots, Lots 7 and 9. Lot 7 is currently utilized as a 15-space parking lot and Lot 9 contains a one-story retail building. In the future with the proposed action, the existing parking lot and one-story commercial building on the development site would be demolished, and the proposed mixed-use residential and commercial retail building would be developed in its place. The proposed project is expected to be completed by 2017. Absent the proposed action, the development site is expected to remain in its current use, with the existing parking and one-story commercial uses on the project site remaining unchanged.

Currently, for zoning lots located within M1-5A and M1-5B zoning districts and within historic districts designated by the New York City Landmarks Preservation Commission (LPC), a special permit for modifications of use and bulk pursuant to Section 74-712 (a) may be granted to allow uses not currently permitted under the existing zoning districts, provided that the affected zoning lot is vacant; that it consist of land with minor improvements, as defined in the ZR; or where not more than 20 percent of the lot area of the zoning lot is occupied by an existing building as of December 15, 2003. These criteria were expanded by a zoning text amendment in February 4, 2014 to include zoning lots where not more than 40 percent of the lot area of the zoning lot is occupied by an existing building, provided that the zoning lot(s) have two street frontages along wide streets (CEQR #13DCP120M). The proposed zoning text amendment would eliminate any restriction with regard to frontages on wide streets as an eligibility criterion for using the special permit. There are two sites, including the development site, that meet this criterion and would thus be affected by the modified text. The development site is located on Wooster street, which is a narrow street. The other affected site (Block 496, Lots 9 and 19), has frontages on Lafayette Street, a wide street, and Crosby Street, a narrow street. A conceptual analysis of this site, with a build year of 2020, is provided in the Environmental Assessment Statement.

The development site was previously the subject of an Environmental Assessment Statement (EAS) that was certified in 2012 and 2013 (CEQR No. 12DCP111M, Negative Declaration issued November 13, 2012 and Revised Negative Declaration issued March 19, 2013). The previous application was withdrawn by the prior applicant prior to a vote by the City Council.

The proposed actions include an (E) designation on the development site (Block 514, Lots 7 and 9) in order to preclude future hazardous materials impacts. The (E) designation number is E-369.

The (E) designations text related to hazardous materials is as follows:

Task I-Sampling Protocol

> **Prior to construction, the Applicant submits to OER, for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.**
>
> **No sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize**

contamination and non-petroleum-based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2: Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remedial action plan must be submitted to OER for review and approval. The Applicant must complete such remediation as determined necessary by OER. The Applicant should then provide proper documentation that the work has been satisfactorily completed.

An OER-approved construction health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

With the assignment of the (E) designation on the projected development site, no significant hazardous materials impacts would be expected as the result of the proposed action.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated October 2, 2015, prepared in connection with the ULURP Application (Nos. 150417ZSM, 150418ZSM, 150416ZRM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. The (E) designation for hazardous materials would ensure that the proposed actions would not result in significant adverse impacts.

2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Annabelle Meunier at (212) 720-3426.

Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date October 2, 2015

Carl Weisbrod, Chairman
City Planning Commission

Date: October 5, 2015