

E-293



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
OFFICE OF THE CHAIR

October 15, 2012

**NEGATIVE DECLARATION**

**Project Identification**

CEQR No. 12DCP053M  
ULURP No. 120325ZSM  
Manhattan, Community District 2  
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:**

**53 Greene Street**

The applicant, 53 Greene Associates LLC, is seeking a Special Permit pursuant to Zoning Resolution (ZR) Section 74-711 to modify the permitted use provision of ZR Section 42-14(D) at 53 Greene Street (Block 475, Lot 48, the "project site"). The project site is located within the Soho-Cast Iron Historic District neighborhood of Manhattan, Community District 2.

The proposed action would facilitate a proposal by the applicant to convert floors two through six to residential use (Use Group 2) and the ground floor to commercial use (Use Group 6) within an existing six-story, 21,900 gsf vacant building on the project site. Additionally, the proposal includes demolishing an existing mezzanine and using that floor area to construct a penthouse addition in connection with the proposed residential use on the sixth floor. In total, development would include five residential units on floors two through six, an 800 gsf rooftop penthouse addition and 3,203 gsf of ground floor retail. The basement would be used as commercial and residential storage space.

The project site is located in an M1-5B manufacturing zoning district, which allows manufacturing and commercial uses at a maximum FAR of 5.0, and community facility uses at a maximum FAR of 6.5. Uses in M1 districts are limited to those listed in the Zoning Resolution Section 42-11 and 42-12; none of the allowed uses permit commercial square footage to exceed 10,000 sf per

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establishment. In addition, commercial retail uses (Use Group 6) are also not permitted as-of-right below the second floor of a building within an M1-5B district. Artists may occupy joint living-work quarters (JLWQA) in an M1-5B district, provided that the lot area is 5,000 square feet or less. In buildings occupying less than 3,600 square feet of lot area in M1-5B districts, JLWQA units may not be located below the floor level of the second story unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141, Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts), or by authorization of the City Planning Commission pursuant to Section 42-142.

Absent the proposed action, the existing conditions would remain unchanged.

The build year for the project is 2013.

The proposal includes (E) designations on selected development sites in order to preclude future air quality, noise and hazardous materials impacts, which could occur as a result of the proposed action. The (E) designation number is E-293.

To preclude the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation would be incorporated into the proposal for the following property:

Block 475, Lot 48 (Projected Development Site)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

With the attenuation measure specified above, the proposed action would not result in significant adverse air quality impacts.

To preclude the potential for significant adverse impacts related to noise, an (E) designation would be incorporated into the proposal for the following property:

Block 475, Lot 48 (Projected Development Site)

**For all windows in residential units in the building, a closed window condition with a minimum of 28dB(A) window/wall attenuation must be provided in order to maintain an interior noise level of 45 dB(A). In order to maintain an acceptable closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.**

With the attenuation measure specified above, the proposed action would not result in significant adverse noise impacts.

To preclude the potential for significant adverse impacts related to hazardous materials, an (E) designation would be incorporated into the proposal for the following property:

Block 475, Lot 48 (Projected Development Site)

***Task 1 – Sampling Protocol***

**The applicant submits to OER, for review and approval, a Phase 1A of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.**

**If site sampling is necessary, 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 the site, the specific source of contamination (i.e. petroleum based 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 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 will be provided 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 remediation 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-related health and safety plan would be implemented during excavation and construction 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.**

**All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all sites where no E-designation is recommended, in**

**addition to the requirements for lead-based paint and asbestos, requirements should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.**

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur.

**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 11, 2012, prepared in connection with the ULURP Application (No. 120325ZSM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

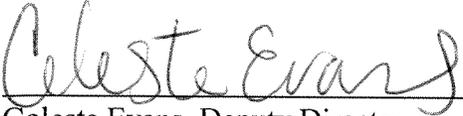
**Supporting Statement:**

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

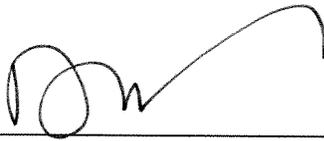
1. The (E) designation for noise, air quality and hazardous materials would ensure that the proposed action would not result in significant adverse impacts.
2. The building at 53 Greene St. is located within the SoHo-Cast Iron Historic District. As such, the Landmarks Preservation Commission (LPC) was consulted to determine measures appropriate to protecting the significant historic architectural features and building fabric during construction and to develop a continuing maintenance and repair program for historic structure. A Certificate of No Effect was issued on October 21, 2011; a Certificate of Appropriateness was issued on February 16, 2012; and a Modification of Use letter was issued on February 16, 2012.
3. No other significant adverse 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 Erik Seims at (212) 720-3515.

  
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Celeste Evans, Deputy Director  
Environmental Assessment & Review Division  
Department of City Planning

Date: 10/11/12

  
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Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: 10/15/12