E-306

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

April 22, 2013

NEGATIVE DECLARATION

Project Identification
CEQR No. 13DCP123M
ULURP Nos. N130238ZAM, N130239ZCM
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:

36 Bleecker Street
The applicant, 36 Bleecker Owner LP, is seeking an authorization from the City Planning Commission of New York City (CPC) pursuant to Zoning Resolution (ZR) Section 109-514 to modify height and setback of Section 109-124 and modification of building façade regulations pursuant to Section 109-131. In addition, the applicant is seeking a certification for a minor modification pursuant to ZR Section 15-30(b) for a minor modification of the rooftop recreation space requirement set forth in ZR Section 15-12; the certification is a ministerial action not subject to environmental review. The project site is located at 36 Bleecker roughly bounded by Bleecker Street to the north, Mott Street to the east, East Houston Street to the south, and Mulberry Street to the west in the NoHo neighborhood of Manhattan Community District 2. The project site comprises one Tax Lot (Block 521 Lot 11) within the C6-2 Commercial zoning district located within the Preservation A area of Special Little Italy District and the NoHo East Historic District.

The proposed actions will facilitate a proposal by the applicant to construct a rooftop addition of 2,569 gsf to an existing vacant 7-story warehouse building with cellar. The applicant intends to convert as of right the existing building (61,069 gsf) from warehouse storage to residential use with or without the proposed action, and the applicant intends to develop 20 dwelling units (DU). An authorization is requested to allow the building to exceed the maximum height limit of 75' (or seven stories) as permitted within the Special Little Italy District in order to construct the rooftop additions.

Amanda M. Burden, FAICP, *Chair*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
http://www.nyc.gov/planning

The existing building is in pre-existing non conformance with the maximum height requirement and is built to 99.5 feet. The proposed action would increase the existing non conformance to a height of 104.2 feet. The proposed modification of building façade regulations addresses both a proposed increase of the front building wall along Bleecker and a restoration of the historical building façade with the installation of a new pediment atop the front wall. Located behind the pediment, along the northern front wall would be the 2,569 gsf rooftop addition to be occupied by residential use. The applicant intends to develop 20 dwelling units (DU) within the building conversion, which is the same number of units that would be developed without the action, as the additions would be limited to adding a second level to the two top floor apartment units.

The C6-2 commercial district allows residential use groups (UG 1 and 2), and the proposed conversion from industrial to residential building use would be as-of-right. C6-2 commercial zoning districts are equivalent to R8 residential zoning districts. In C6-2 zoning districts, the maximum FAR for commercial uses is 6.0, maximum residential FAR is 6.02 and the maximum community facility FAR is 6.5.

The proposed actions includes (E) designations on the project site 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-306. The (E) designation requirements will apply to the project site on the following Block 521, Lot 11.

The (E) designation text related to air quality is as follows:

> **To ensure that there will be no impacts related to air quality, future residential uses must use heating and cooling systems with no venting or stacks, powered by electricity only.**

The (E) designation text related to noise is as follows:

> **To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation in the north and west façades, and a minimum of 28 dBA window/wall attenuation in the east and south facades, and in order to maintain a closed-window condition, an alternate means of ventilation must also be provided for all these facades (north, east, south, and west).**

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

> **Task 1**
> **The fee owner of the lot restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to**

determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to the New York City Mayor's Office of Environmental Remediation (OER) for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. 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 choosing sampling sites and performing sampling will be provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test 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 necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner of the lot restricted by this (E) designation must perform such remediation as determined necessary by OER. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof 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.

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 April 19, 2013, prepared in connection with the ULURP Application

(Nos. N130238ZAM & N130239ZCM). 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 air quality, noise and 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 Ingrid Young at (212) 720-3425.

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

Date: April 19, 2013

Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: April 22, 2010