

E-331



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

January 21, 2014

**NEGATIVE DECLARATION**

**Project Identification**

CEQR No. 14DCP086M  
ULURP Nos. 140204ZSM, 140205ZSM, 140206ZSM  
SEQRA Classification: Type I

**Lead Agency**

City Planning Commission  
22 Reade Street  
New York, NY 10007  
Contact: Celeste Evans  
(212) 720-3321

**Name, Description and Location of Proposal:**

**42 Crosby Street**

The applicant, Broome Street Owner LLC, is seeking two special permits pursuant to Section 74-712 (a) and (b) of the New York City Zoning Resolution (ZR) to modify use and bulk regulations, and one special permit pursuant to ZR §13-45 and ZR §13-451 to permit an accessory self-parking garage with 10 spaces. The proposed action would facilitate a proposal by the applicant to develop a new approximately 52,400 gross square foot (gsf), seven-story mixed use development with 10 residential units, and approximately 3,757 gsf of ground floor retail. The project site (Block 483, Lot 35) is located at the northwest corner of Crosby and Broome Streets, in Manhattan's SoHo Cast Iron Historic District, within Manhattan, Community District 2.

The applicant intends to develop a 10-unit residential building with 3,780 gsf of ground-floor retail. However, for conservative analysis purposes, a development with 15 residential units was assumed. As defined by the Historic District Use Permit, ZR Section 74-712(a), 15 units would be the allowable permitted maximum.

The project site is located in a M1-5B district where community facility and light manufacturing uses are allowed and retail uses are not allowed below the second story. The special permit under ZR 74-712 is required to modify the allowable uses to permit residential use and allow retail uses below the second floor. The bulk modification special permit is required to allow the proposed sun control

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device on the penthouse, which would provide building shade and conserve energy. The special permit under ZR 13-45 and 13-451 is required to allow 10 proposed accessory parking spaces, which exceed what is allowed as-of-right for the project. The project site is located within the SoHo Cast Iron Historic District and was issued a Certificate of Appropriateness by Landmarks Preservation Commission on June 27, 2013. The LPC approval includes a Construction Protection Plan (CPP) to prevent construction related impacts to historic resources.

The proposed project is expected to be completed by 2016. Absent the proposed action, the applicant has stated that the 40 space public parking lot currently on the site would remain.

To avoid the potential for significant adverse impacts related to hazardous materials and noise, an (E) designation (E-331) has been incorporated into the proposed actions on (Block 483, Lot 35), as described below.

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

#### **Task 1: Sampling Protocol**

**Prior to construction, the Applicant submits to OER, for review and approval, a Phase II Investigation Protocol/Work Plan, 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 samples should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and 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 to OER that the work has been satisfactorily completed.**

**An OER-approved construction health and safety plan would be implemented during excavation 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 placement of the (E) designation on the projected development site, no significant hazardous materials impacts would be expected as the result of the proposed action.

The (E) designation requirements related to noise would apply to the following development sites:

**In order to ensure an acceptable interior noise environment, future residential and commercial uses must provide a closed window condition with a minimum of 33 dBA window/wall attenuation in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.**

With the placement of the (E) designation on the projected development site, no significant noise 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 January 17, 2014 prepared in connection with the ULURP Application (Nos. 140204ZSM, 140205ZSM, 140206ZSM). 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 and noise would ensure that the proposed actions would not result in significant adverse impacts.
2. To avoid inadvertent demolition and/or construction-related damage to historic resources, the applicant has stated they will prepare a Construction Protection Plan (CPP), which would be

coordinated with LPC and implemented in consultation with a licensed professional engineer. This CPP would be prepared as set forth in Section 523 of the CEQR Technical Manual and in compliance with the procedures included in the DOB's TPPN #10/88 and LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings. The CPP would be prepared and implemented prior to demolition and construction activities on the project site and project-related demolition and construction activities would be monitored as specified in the CPP.

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

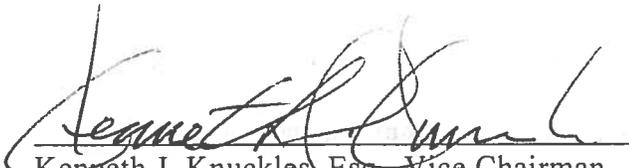
This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

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: January 17, 2014



Kenneth J. Knuckles, Esq., Vice Chairman  
City Planning Commission

Date: January 21, 2014