

E-338



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

March 17, 2014

NEGATIVE DECLARATION

Project Identification

CEQR No. 14DCP118M
ULURP No. N140263ZSM
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:

155 Mercer Street

The applicants, RVART Owner LLC and Jensen 155 Mercer Owner LLC, are seeking a special permit pursuant to §74-711 of the City of New York Zoning Resolution (ZR) to modify the use regulations to allow Use Group 6 retail on the ground floor and cellar levels of a vacant existing three-story building. The proposed action would facilitate a proposal by the applicant to redevelop the building at 155 Mercer Street to be fully occupied by commercial retail use. The Project Site is located on Block 513, Lot 28 in the SoHo neighborhood of Manhattan Community District 2.

The building at 155 Mercer Street is 15,998 gross square feet, previously converted from a Fireman's Hall in 1854. The Project site is located in the SoHo-Cast Iron Historic District, is designated by the New York City Landmarks Preservation Commission (LPC), listed on the New York State/National Register of Historic Places (S/NR), and is a designated National Historic Landmark (NHL). The Proposed Action also includes the exterior rehabilitation of the building pursuant to City Landmark Preservation Commission (LPC) regulations, and interior physical modification. An LPC Certificate of Appropriateness, Memorandum of Understanding, and Certificate of No Effect were issued on August 15, 2013, and an LPC Restrictive Declaration will be filed against the property to regulate the continued maintenance of the historic building. The proposed conversion and renovations would not alter the setting or visual context of any historic resource in the area, nor would it eliminate or screen publicly accessible views of any resource. The building was previously occupied by the Joyce SoHo

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dance studios including accessory office space until April 2013 when the Applicant purchased the property from the Joy Theater Foundation, Inc. The building is currently vacant.

The Project Site is located in an M1-5A zoning district, which prohibits Use Group 6 retail uses below the second floor. In an M1-5A zoning district Use Groups 4-14, 16, and 17 are generally allowed as-of-right, and include such uses as some community facilities, retail, and service establishments, JLWQAs, and manufacturing and wholesale establishments. However, only the uses listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C, and 17E are allowed as-of-right below the second floor of a building on a 3,600 square foot or larger lot within an M1-5A zoning district. The Proposed Action is required to allow Use Group 6 (retail stores and personal service uses) to occupy floor space below the second level in M1-5A zoning districts. The existing building has a built FAR of 2.52, which will be reduced under the proposed action to an FAR of 2.33. In M1-5A zoning districts, the maximum FAR for commercial, manufacturing uses is 5.0, maximum of 6.0 FAR for community facility.

In addition to the Use Group change, the applicant will perform a renovation and physical modification to the existing floors of the building to accommodate the proposed retail conversion. This interior work includes the removal the mezzanine level and a portion of the third floors to create a high ceiling and open area between the second and third floor, bringing the development to 14,589 gsf of retail space. The Proposed Action also includes the exterior rehabilitation of the Project Site, pursuant to LPC approvals. Additionally, the applicant has stated that 35 dBA of window wall attenuation will be provided as part of the new building restoration.

The proposed project is expected to be completed in 2015. Absent the proposed action, the applicant has stated that the existing 15,998 gross square feet of commercial space in the building would remain vacant, and no conversions or new construction on the Project Site would occur.

The proposed action includes an (E) designation on the project site in order to preclude future hazardous materials impacts, which could occur as a result of the proposed action. The (E) designation number is E-338. The (E) designation requirement will apply to the project site on Block 513, Lot 28.

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

Task 1

The fee owner of the lot restricted by this (E) designation is required to submit to the Office of Environmental Remediation (OER), for review and approval a new or updated Phase II Environmental Site Assessment (Phase II), to adequately identify/characterize the surface and subsurface soils of the subject parcel. A Phase II Investigative Protocol/Work Plan summarizing the proposed soil vapor sampling activities should be submitted to OER for review and approval. The soil vapor

sampling should be conducted in accordance with the New York State Department of Health's October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a New York State Department of Health Environmental Laboratory Approval Program certified laboratory for the presence of VOC's by the United States Environmental Protection Agency Method TO-15. An Investigative Health and Safety Plan (HASP) should also be submitted to OER for review and approval.

No sampling shall 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, specific sources of suspected 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

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 OER determines that remediation is necessary based on test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner of the lot must complete such remediation as determined necessary by OER. The fee owner of the lot shall then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan must be submitted to OER for approval and then implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor.

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 March 12, 2014, prepared in connection with the ULURP Application (No. N140263ZSM). 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. To ensure acceptable interior noise levels for the retail uses under the proposed actions, the Applicant has stated that they will be providing a new street level façade with window wall attenuation of 35 dBA.
3. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

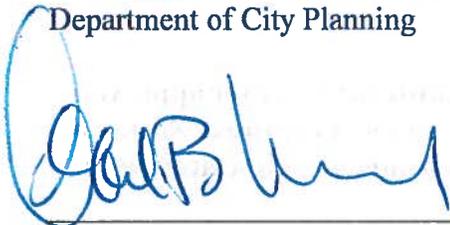
This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

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: March 14, 2014



Carl Weisbrod, Chairman
City Planning Commission

Date: March 17, 2014