

E-323



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

October 7, 2013

**NEGATIVE DECLARATION**

**Project Identification**

CEQR No. 13DCP120M  
ULURP Nos. N140092ZRM, N140095ZSM,  
N140093ZSM, N140096ZSM  
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:**

**300 Lafayette Street**

The Applicant, Paco Lafayette LLC, is seeking various special permits and a text amendment in connection with a proposed development for a 7-story commercial development (collectively referred to as the “proposed actions”). There are three special permits being sought: 1) a Special Permit pursuant to New York City Zoning Resolution Section 74-712(a) to allow Use Group 6 retail and office uses below the floor level of the second story of the proposed building, 2) a Special Permit pursuant to (ZR) Section 74-712(b) to modify applicable height and setback regulations; and 3) a Special Permit pursuant to ZR Section 74-922 to allow retail uses in Use Group 6 and 10A, with no limitation on floor area per establishment, in the proposed building. In addition the project is seeking a Zoning Text Amendment to Section 74-712 to grant a special permit to modify use and bulk regulations for the sites. The project site is located at 300 Lafayette Street (Block 510, Lots 38, 39, and 40), roughly bounded by East Houston Street to the north, Lafayette Street to the east, Crosby Street to the west and Jersey Street to the south, in the SoHo neighborhood of Manhattan Community District 2.

The proposed actions will facilitate a proposal by the applicant to build a new seven-story commercial development at 300 Lafayette Street containing approximately 83,200 gross square feet (gsf), including two cellar levels. The first cellar level and ground floor would be occupied by destination retail use and floors three through seven would be occupied by office use; the second

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floor (approximately 11,000 gsf) may be occupied by either retail or office use. Lots 39 and 40 are currently applicant owned, with the option to purchase Lot 38 at a later date. The project site is located within the SoHo-Cast Iron Historic District Extension in an M1-5B zoning district. Manufacturing and commercial uses are permitted within M1-5B district. The maximum floor area ratio (FAR) for commercial and manufacturing uses in an M1-5B district is 5.0.

Section 74-712 of the Zoning Resolution allows the City Planning Commission to grant special permits to allow use or bulk waivers for sites that are: 1) in a designated historic district; 2) in either an M1-5A or M1-5B zoning district; and 3) as of December 15, 2003, vacant, land with minor improvements or developed with buildings with lot coverage of less than 20 percent. Because the Site has existing lot coverage in excess of 20 percent, it is ineligible for a Section 74-712 special permit. The applicant thus proposes a zoning text amendment to Section 74-712, to increase the percentage of lot coverage allowable on a given site with frontage on two wide streets, from 20 percent to 40 percent, thus expanding the eligibility of the special permit to the subject property. The project site is the only zoning lot that satisfies these criteria.

The project site comprises three tax lots (Block 510, Lots 38, 39, 40) that total 11,595 square feet of lot area. The project site is developed with a gas station, which has a one story structure (Lot 40), a one story 1,692-gsf restaurant "Puck Fair" (Lot 38), and a one-story 2,234-gsf retail building (Lot 39). The surrounding area is characterized by five to twelve-story loft style industrial buildings that have been converted to a mix of uses. Most of the buildings in the area contain ground floor retail uses with residential, joint living work quarters for artists (JLWQA), or office uses above. The building located east of the subject property across Lafayette Street, the Puck Building, is a 7-story loft building, has ground floor retail and office space, as well as ballrooms for large events and classroom space for NYU. Along the north side of East Houston Street, east of Broadway, are mixed residential/commercial buildings with ground floor commercial space. Crosby Street is developed with loft style buildings with ground floor retail space and JLWQA and residential units on the upper floors.

Absent the proposed action, the applicant has stated that the project site would remain in the existing conditions. The proposed project is expected to be completed in 2016.

To avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials, an (E) designation (E-323) for the Projected Development Site (Block 510, Lot 38,39,40) has been incorporated into the proposed actions, as described below.

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

**Any new residential and/or commercial development on Block 510, Lots 38, 39, and 40 must ensure that only natural gas is used as fuel for the hot water and heating system boilers**

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

**To ensure an acceptable interior noise environment, the building façade(s) or future residential uses must provide a minimum of 33 dBA composite building façade attenuation with windows closed on the north facade, and a minimum of 31 dBA composite building façade attenuation with windows closed on the east, south, and west facades in order to maintain an interior noise level of 45 dBA. The minimum required composite building façade attenuation for future commercial uses would be 5 dBA less than for residential uses. To maintain a closed-window condition, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building façade(s) must also be provided.**

The (E) designation requirement 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, 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 air quality, noise or 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 3, 2013, prepared in connection with the ULURP Application (ULURP Nos. N140092ZRM, N140093ZSM, N140095ZSM, N140096ZSM,). 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: October 4, 2013



Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: October 7, 2013