



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

NEGATIVE DECLARATION

CEQR Number: 14DME001M **Date Issued:** March 10, 2014

Name: 19 East Houston Street

Locations: Borough of Manhattan, Community District 2
19 East Houston Street, New York, NY 10012
Block 511/Lot 19

Borough of Manhattan, Community District 5
6 East 20th Street, New York, NY 10003
Block 848/Lot 70

SEQR Classification: Type I pursuant to 6 NYCRR Part 617.4(b)(9)

Description

The proposed project involves the construction of a new six-story commercial building at 19 East Houston Street (“the project site”) between Broadway and Crosby Street in the SoHo neighborhood of Manhattan Community District (CD) 2. The project site is an open lot that is currently owned by the City of New York and covered by a Master Lease between the City and New York City Transit (NYCT). As part of the proposed project, NYCT will surrender the project site to the City without compensation and the City will dispose the project site to the applicant. The City would contribute the net proceeds from this sale to the Metropolitan Transportation Authority (MTA)’s 2010-2014 capital program.

The proposed six-story commercial building would contain approximately 35,262 gross square feet (gsf) of retail and office uses. The cellar, first, second, and third floors would contain retail uses and floors four through six would contain office uses. Overall, the approximately 98.2-foot high building would contain approximately 17,284 gsf of retail uses, 11,901 gsf of commercial office uses, and 6,077 gsf of common and mechanical space. The project site has street frontages along East Houston Street and Crosby Street. The project site is located within the SoHo-Cast Iron Historic District and within an M1-5B zoning district.

Existing uses on the project site include MTA-NYCT vehicle and equipment storage, a fruit stand, and an entrance for the Broadway-Lafayette subway station. As part of the proposed project, an MTA-NYCT ventilation shaft would be relocated from the project site to the adjacent sidewalk, the subway entrance would be widened, and the MTA-NYCT vehicles and equipment currently stored on the project site would be relocated to 6 East 20th Street (“the relocation site”). The fruit merchant would also be relocated to a new location (to be determined). Upon completion of construction of the proposed six-story commercial building, subway access would be maintained and improved.

The relocation site is located on 6 East 20th Street between Broadway and Fifth Avenue, within Manhattan CD 5, the Ladies’ Mile Historic District, and an M1-5M zoning district. The relocation site has one street frontage along East 20th Street, and is located adjacent to a five-story industrial and manufacturing building at 895 Broadway (to the east) and an eight-story residential building at 131 Fifth Avenue (to the west). The relocation site is currently occupied by a privately-owned parking lot with a licensed capacity of 29 public parking spaces.

As part of the proposed project, the relocation site would be acquired by the applicant and fee ownership of the relocation site would be provided without cost to the MTA. The MTA would move the vehicles and equipment currently stored on the project site to the relocation site. Except for the installation of a fence and gate along the East 20th Street property line to limit public access, no structures would be constructed on the relocation site.

Discretionary Approvals Required

The proposed project would require the following discretionary approvals:

- Business terms of disposition of City-owned property require Borough Board and Mayoral approval pursuant to New York City Charter Section 384(b)(4);
- To facilitate the proposed project, approval of the following actions will be requested from the New York City Planning Commission (CPC):
 - Zoning special permit pursuant to Zoning Resolution (ZR) Section 74-712(a) to allow retail use on the first and cellar floors;
 - Zoning special permit pursuant to ZR Section 74-712(b) to modify applicable height regulations; and
 - Zoning special permit pursuant to ZR Section 74-922 to permit a retail establishment greater than 10,000 square feet.

Both the disposition and the zoning special permits are subject to the City’s Uniform Land Use Review Procedure (ULURP).

In addition, approval is required from the MTA Board authorizing the surrender of the MTA-NYCT’s leasehold interest in the property on 19 East Houston Street prior to the disposition of the property to the applicant.

If the proposed actions are approved, project completion is anticipated by 2016.

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Office of the Deputy Mayor for Economic Development assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in an Environmental Assessment Statement (EAS), dated March 10, 2014, the Office of the Deputy Mayor for Economic Development has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on the EAS dated March 10, 2014, and incorporated by reference herein. The EAS finds that:

1. The proposed project would not have significant adverse impacts in the following areas: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Natural Resources; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Greenhouse Gas Emissions; or Public Health.
2. Shadows. The shadows assessment for the project site concluded that the proposed six-story building would cast less than ten minutes of incremental shadows on two Houston Street Greenstreets medians in the spring and fall seasons, and this limited extent and duration of project generated incremental shadows would not result in significant adverse shadow impacts.

The proposed project would not result in the construction of any new building structures on the relocation site that could cast shadows on sunlight sensitive features. A fence and gate would be installed to limit public access, however both these structures would be less than 50 feet in height. Therefore, no significant adverse shadow impacts are anticipated as a result of project generated changes on the relocation site.

3. Historic Resources. The project site is located within the SoHo-Cast Iron Historic District, which is a Landmarks Preservation Commission (LPC) designated historic district, listed on the State and National Register of Historic Places (S/NR), and a National Historic Landmark. Because the project site is located within a New York City historic district and would be conveyed to and developed by the applicant, the proposed project was subject to review and approval under the New York City Landmarks Law. Therefore, the proposed project required a Certificate of Appropriateness from LPC, which was issued on November 20, 2013, after the design of the proposed six-story commercial building was approved by LPC on November 19, 2013. In order to avoid damage to adjacent historic structures resulting from construction, a construction protection plan (CPP) would be implemented for the construction of the proposed six-story commercial building on the project site. The CPP would be in compliance with the protective measures of the New York City Department of Building's Technical Policy and Procedure Notice (TPPN)

#10/88 and LPC's *Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings*.

The relocation site is located within the Ladies' Mile Historic District, which is a LPC designated historic district and S/NR-certified (historic district that is S/NR-eligible and that has been certified by the National Park Service, so that contributing buildings within such districts are eligible for the Federal Historic Preservation Tax Incentives program). Under the Public Authorities Law, Section 1266(8), LPC would not have jurisdiction over alterations made by the MTA to the relocation site as long as these alterations have a transportation or transit purpose. However, even though formal LPC review is not required, MTA will submit the proposed fence and gate design to LPC for an advisory review.

MTA's activities are subject to review by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) whenever historic resources under OPRHP's jurisdiction may be affected by MTA's actions. As required under Section 14.09 of the New York State Historic Preservation Act and 9 NYCRR Part 428, MTA will consult with OPRHP regarding the fence, gate, or any other enclosure that it will construct to ensure the security of MTA-NYCT vehicles and equipment parked at the relocation site. The MTA will not construct a fence, gate, or other enclosure that has an adverse effect on the historic district.

With these measures in place no significant adverse impacts on historic resources would result from the proposed actions. It is not anticipated that the proposed actions would have any significant adverse visual or contextual impacts on architectural resources in the project site and relocation site study areas.

4. Urban Design and Visual Resources. In terms of urban design, the proposed project would not affect natural features, street patterns, block shapes, open spaces, or building uses in the proximity of the project site or relocation site. The requested zoning special permit pursuant to New York City Zoning Resolution (ZR) Section 74-712(b) to modify applicable height regulations for the project site would allow the proposed building height to exceed the maximum allowable building height of 85 feet by 13.2 feet (for a maximum building height of 98.2 feet). The purpose of this exceedance is to match the height of the proposed building to that of the adjacent building at 600 Broadway, as requested by the community and LPC. On November 20, 2013, LPC issued a Certificate of Appropriateness for the proposed six-story commercial building on the project site, indicating that the proposed building height is appropriate for the SoHo-Cast Iron Historic District. As a result, no significant adverse impacts on urban design and visual resources are anticipated to result from development of the proposed six-story commercial building on the project site.

No significant adverse impacts on urban design and visual resources are anticipated as a result of the relocation of MTA-NYCT vehicles and equipment to the relocation site as there are no actions for the relocation site that would constitute a physical alteration observable by pedestrians which is not allowed by existing zoning. Therefore, the

proposed actions are not anticipated to significantly affect urban design features of the project site and relocation site, the two study areas, or the general urban design character of the SoHo and Flatiron neighborhoods. The proposed project would not change urban design features so that the context of a natural or built visual resource is altered, and would not partially or totally block any unique views to a visual resource.

5. Hazardous Materials. The proposed project would entail excavation for the foundations and the cellar level of a new 6-story commercial development on the project site. The Phase II Environmental Site Investigation (ESI) identified urban fill materials containing somewhat elevated concentrations of several pollutants. Although the excavation activities associated with the proposed building on the project site could increase pathways for human exposure, impacts would be avoided by placing an (E) designation for hazardous materials on the project site to ensure the implementation of remedial measures. The text for the (E) designation for Block 511, Lot 19 is as follows:

The following tasks will be performed to satisfy the (E) designation requirements for Block 511, Lot 19:

Task 1-Sampling Protocol

The applicant submits to the Mayor's Office of Environmental Remediation (OER), for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor 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 samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum 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 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 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.

A construction-related health and safety plan should be submitted to OER and would be 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. This plan would be submitted to OER prior to implementation.

In addition, if dewatering is necessary for the proposed construction, water would be discharged to the sewer in accordance with the New York City Department of Environmental Protection (DEP) requirements. Further, if there is potential for the proposed project to disturb the underground MTA-NYCT structures, affected areas would be surveyed for asbestos by a NYC-certified asbestos investigator. All ACM that would be disturbed by the proposed project would be removed and disposed of prior to the disturbance in accordance with local, state and federal requirements. Any disturbance of the MTA-NYCT structures would be performed in accordance with applicable requirements for disturbing lead-based paint (including federal Occupational Safety and Health Administration regulation 29 CFR 1926.62 - *Lead Exposure in Construction*). Unless there is labeling or test data indicating that any suspect PCB-containing electrical equipment and fluorescent lighting fixtures do not contain PCBs, and that fluorescent lighting bulbs do not contain mercury, if disposal is required, it would be conducted in accordance with applicable federal, state and local requirements.

No environmental concerns were identified for the relocation site, where only limited excavation for fence and gate installation is proposed. An Occupational Safety and Health Act (OSHA)-compliant general construction Health and Safety Plan (HASP) that includes measures to protect workers and nearby receptors from potential contamination that could be encountered during in-ground activities will be incorporated into the work for this site.

With these measures for the project site and the relocation site, the proposed project would not result in any significant adverse impacts related to hazardous materials.

6. Transportation. The Level 1 screening assessments for traffic, parking, transit, and pedestrian identified no significant adverse transportation impacts as a result of the proposed actions. More specifically, the peak vehicle trip estimates for the proposed six-story commercial building on the project site are less than the CEQR threshold of 50 vehicles during all peak periods. Based on field observations conducted at the project site only a single vehicle was exiting and entering in any given hour over a 12-hour period. It was assumed that this low volume would remain identical once the MTA-NYCT vehicles are relocated to the relocation site. Therefore, no significant adverse traffic impacts are anticipated as a result of the proposed actions.

Parking availability is not likely to be surpassed as the proposed six-story commercial building on the project site would generate less than 50 peak vehicle trips. The relocation site is currently used as a public parking lot with 29 licensed public parking spaces, which would be lost as part of the proposed project. However, the elimination of 29 public parking spaces is not considered significant because the relocation site is located

in Parking Zone 1 (Manhattan: 110th Street and south), where alternative modes of transportation are readily available. Therefore, no significant adverse parking impacts are anticipated as a result of the proposed actions.

The proposed project would generate less than the CEQR thresholds of 200 subway trips and less than 50 peak hour bus trips during all peak periods. Therefore, no significant adverse transit impacts are anticipated as a result of the proposed actions.

The peak pedestrian trip estimates for the proposed project are less than the threshold of 200 pedestrians during all peak periods. Therefore, no significant adverse pedestrian impacts are anticipated as a result of the proposed actions.

7. Air Quality. There would be no potential for significant adverse mobile air quality impacts from project generated traffic in proximity of both the project site and the relocation site. HVAC screening analysis for the proposed six-story commercial building on the project site and an air toxics site survey identified that there would be no significant adverse stationary air quality impacts. As the proposed project would not result in the introduction of new stationary sources at the relocation site, no significant adverse stationary air quality impacts are anticipated on the relocation site. Therefore, the proposed project would not result in any significant adverse mobile and stationary air quality impacts.
8. Noise. The proposed project would not generate sufficient traffic in the proximity of the project site and relocation site to have the potential to cause a significant mobile source noise impact.

The proposed six-story building on the project site will require indoor-outdoor noise attenuation of 28 dBA to conform to the guidelines of the 2012 *CEQR Technical Manual*. To ensure the implementation of this attenuation requirement, an (E) designation for noise would be applied to the project site specifying the appropriate amount of window/wall attenuation. The text for the (E) designation for Block 511, Lot 19 is as follows:

To ensure an acceptable interior noise environment, future commercial uses on Block 511, Lot 19, must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation in order to maintain an interior noise level of 50 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include but are not limited to air conditioning.

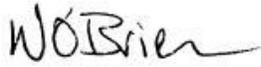
Therefore, the proposed project would not have the potential to result in any significant noise impacts.

9. Neighborhood Character. The proposed project would not result in any significant adverse impacts on land use, zoning, and public policy, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, transportation,

or noise, and would not result in a combination of moderate effects to several elements that may cumulatively affect neighborhood character. Therefore, the proposed project would not result in any significant adverse impacts to neighborhood character.

10. No other significant effects upon the environment that would require the preparation of an Environmental Impact Statement are foreseeable.

This Negative Declaration was prepared in accordance with Article 8 of the New York State Environmental Conservation Law.



Wesley O'Brien
Assistant to the Mayor

March 10, 2014

Date