



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

Project Identification

CEQR No. 16DCP077M
ULURP Nos. 160137ZMM
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

East Houston Street Rezoning

The applicants, SMBRO Rivington, LLC, SIMSIS Rivington, LLC, SM Hillel, LLC and Suffolk MS, LLC, are seeking a Zoning Map Amendment from R8A and R8A/C1-5 to R8A/C2-5 affecting 20 sites (Block 350, Lots 8 (p/o), 12, 14, 16 (p/o), 17, 18, 20, 50, 51, 54, 55, 56, and 57 (p/o) and Block 355, Lots 48, 49, 51, 52, 53, 54 and 57, the "Rezoning Area") located in the Lower East Side neighborhood of Manhattan, Community District 3. The proposed action would map a C2-5 commercial overlay to a depth of a 100 feet along the south side of East Houston Street between the east side of Norfolk Street and the centerline of the block between Clinton Street and Attorney Street.

The proposed action would facilitate a proposal by the applicants to provide 7,240 gross square feet (gsf) of commercial retail uses on the ground floor of a planned 93,015 gsf mixed use building at 255 East Houston Street (Block 355, Lot 54). The proposed development will also include 78,535 gsf of residential uses, of which 20 percent of residential floor area will be low-income affordable housing (i.e. 80% AMI or below) pursuant to the Inclusionary Housing Program, for a total of 63 units. The project site is currently within the R8A zoning district, where the proposed commercial ground floor use would not be permitted.

Nine sites in the Rezoning Area, Block 350, Lots 17, 18, 20, 50, 51, 54, 55, 56, and 57 (p/o) are currently zoned R8A/C1-5; the remaining eleven sites, Block 350, Lots 8 (p/o), 12, 14, 16 (p/o), and Block 355, Lots 48, 49, 51, 52, 53, 54, are currently within the R8A zoning district. The proposed

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action would map a C2-5 overly on the entire Rezoning Area. In addition to facilitating the applicants' project, the proposed action would also bring existing legal non-conforming commercial uses in the R8A district into conformance with the zoning resolution. It would also allow current uses on the ground floors of existing buildings to be converted to commercial uses in the future. In the portion of the Rezoning Area currently mapped R8A/C1-5, ground floor commercial uses are permitted, including Use Groups 5 and 6, up to a Floor Area Ratio (FAR) of 2.0. The proposed mapping of a C2-5 district would broaden the range of commercial uses permitted than C1-5, including Use Groups 7-9 and 14, up to an FAR of 2.0. In the area currently zoned R8A, commercial uses are not currently permitted; the proposed C2-5 overlay would allow new developments to include commercial ground floor uses as-of-right.

In 2008, the CPC adopted the East Village/Lower East Side Rezoning (CEQR No. 07DCP078M) and an Environmental Impact Statement (EIS) was issued on September 26, 2008. The 2008 East Village/Lower East Side Rezoning proposal focused on creating contextual districts to better reflect the existing built character and creating new opportunities for affordable housing by mapping Inclusionary Housing Designated Areas where appropriate. Zoning changes to allow commercial uses in existing residential districts were not considered as part of the 2008 rezoning. The current proposal to map a C2-5 overlay would complement existing commercial overlays and existing retail uses in the surrounding area. In addition to facilitating the applicants' proposal for ground floor commercial use in a planned mixed-use building, the proposed C2-5 overlay allows a broader range of commercial uses than C1-5 districts. These uses are appropriate along a wide, well-travelled street such as East Houston, and the proposed district mirrors the C2-5 overlay on the north side of East Houston Street.

Currently, Projected Development Site 1 (Block 355, Lot 54) contains a vacant, four-story, 27,560 gsf building formerly occupied by a day care center (Use Group 3). An existing curb cut provides access to former Lot 59 along Suffolk Street. A portion of Projected Development Site 1 was analyzed as Projected Development Site 83 in the East Village/Lower East Side EIS. As a result, this site is assigned an (E) Designation (E-216) for air quality and noise, which will continue to apply.

In addition to Projected Development Site 1, two non-applicant owned sites in the Rezoning Area were identified as projected development sites (Block 355, Lots 51 "Projected Development Site 2" and Block 355, Lot 53 "Projected Development Site 3"). Projected Development Site 2 is currently zoned R8A and is developed with a three-story, 2,799 gsf multi-family apartment building containing four residential dwelling units. Projected Development Site 3, also currently zoned R8A, is developed with a three-story 6,780 gsf mixed use building containing a 1,960 gsf non-profit art gallery on the ground floor. The Environmental Assessment Statement assumes that these two sites would each be developed with approximately 1.0 FAR of ground floor commercial uses, totaling 3,065 gsf (1,105 gsf of retail use at Projected Development Site 2, and 1,960 gsf of retail use at Projected Development Site 3). Projected Development Sites 2 and 3 were also assigned an (E) Designation (E-216) for noise as part of the 2008 Rezoning EIS, which will continue to apply.

Four additional sites in the R8A portion of the Rezoning Area (Block 350, Lots 12 and 16 and Block 355, Lots 49 and 52) are currently developed with legal non-conforming commercial uses including restaurants, offices, and cafes. The proposed action would bring these uses into conformance with the zoning resolution. The remaining thirteen sites in the Rezoning Area consist of lots where the current uses are in conformance with the proposed zoning use regulations and where these uses are not projected to change under the proposed action. Existing uses include dwelling units, eating and drinking establishments, offices, bakeries, hair salons and other local retail. These properties include Block 350, Lots 8, 14, 17, 18, 20, 50, 51, 54, 55, 56, and 57 (p/o) and Block 355, Lots 48 and 57. While a wider range of commercial uses are allowed under the C2-5 zoning district, for those sites located in the R8A/C1-5 district, due to recent development trends the existing commercial uses are likely to remain.

Absent the proposed rezoning, Projected Development Site 1 (Block 355, Lot 54) would be developed with an approximately 93,015 gsf mixed-use building containing 7,240 gsf ambulatory diagnostic or treatment healthcare facilities uses (Use Group 4A) on the ground floor and 78,535 gsf (63 units) of residential uses. The allowable FAR for the proposed building includes the bonus granted under the voluntary Inclusionary Housing Program, with approximately 20 percent of the residential floor area (comprising approximately 12 units) reserved for low-income affordable housing (i.e. 80% AMI or below) pursuant to the Inclusionary Housing Program.

Also absent the proposed rezoning, Projected Development Sites 2 and 3 are assumed to remain in their current condition. The previous 2008 East Village/Lower East Side Rezoning EIS included Projected Development Sites 2 and 3 as potential development sites. However, given that no development has occurred on these sites in the years since the rezoning, it is likely that existing conditions would remain. The existing ground floor and basement commercial uses on both conforming (R8A/C1-5) and legal non-conforming sites (R8A) are also expected to remain.

The projected development on all sites is expected to be completed by 2020.

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 February 17, 2016, prepared in connection with the ULURP Application (No. 160137ZMM). 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:

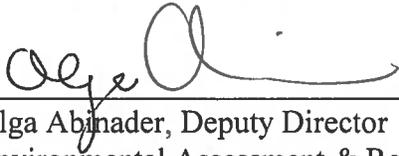
1. In 2008, the CPC adopted the East Village/Lower East Side Rezoning (CEQR No. 07DCP078M). In connection with the East Village/Lower East Side Rezoning proposal, an Environmental Impact Statement was issued on September 26, 2008. An (E) designation (E-

216) related to air quality and noise was assigned to Projected Development Site 1 (Block 355, Lot 54, formerly Lots 54 and 59); an (E) designation (E-216) related to noise was assigned to Projected Development Sites 2 and 3 (Block 355, Lots 51 and 53). The (E) designation would continue to apply to these sites.

2. Since the proposed action would introduce a change in ground floor use and the projected development would not introduce new sensitive receptors to air quality and noise, the proposed action would not result in significant adverse impacts related to air quality and noise.
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 Stephanie Shellooe at (212) 720-3328.



Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: February 19, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: February 22, 2016