

**NEGATIVE DECLARATION**

**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 Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency 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 information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

**Land Use, Zoning, and Public Policy**

A detailed analysis of land use, zoning, and public policy is included in the EAS. The project site is located at 23-25 Cleveland Place (Manhattan Block 481/Lots 11 and 13), a mid-block property on the east side of Cleveland Place between Spring and Kenmare Streets, in the in the Nolita neighborhood of Manhattan, Community District 2 . The proposed action is a zoning text amendment to modify Appendix A in Zoning Resolution (ZR) Article X, Chapter 9 (Special Little Italy District Map), to extend the boundary of Area C of the Special Little Italy District (“Bowery, Canal, Kenmare Street Corridor”) northward to include Block 481/Lot 13 which is currently in Area A (“Preservation Area”). The proposed text amendment would facilitate a proposal by the Applicant to develop a new 8-story (+/- 40,000 gross square foot) Use Group 6B commercial office building on the property located at 23-25 Cleveland Place. The project site is located partially within a C6-1 zoning district and partially within a C6-2 zoning district within the Special Little Italy District; no changes are proposed to the underlying zoning or the location of the C6-1/C6-2 boundary line. The property is also located within the Chinatown and Little Italy Historic District, which is on the National Register of Historic Places. Absent the proposed text amendment, the property could be developed with a 7-story commercial building at a height of 75 feet. The proposed zoning text amendment would enable the property owner to develop an 8-story commercial building at a height of 85 feet in conformance with the use and bulk provisions of the existing C6-1 and C6-2 zoning districts, pursuant to regulations embodied in the proposed Little Italy Area C district. The proposed 8-story building would abut a 12-story building to the north and a 5-story building to the south. Given the existing mixed-use character of Cleveland Place and the height and bulk associated with the adjoining buildings, the proposed project would result in significant adverse impacts to land use, zoning and public policy.

**Shadows**

A detailed analysis related to shadows is included in this EAS. Sunlight sensitive resources within the study area that could be affected by incremental shadows are limited to Petrosino Square, a passive recreational resource containing several benches and trees and ground cover, and located across the street from the project site. The duration of new incremental shadows cast by the project onto Petrosino Square would be approximately 1.5 hours or less during the early morning hours (before 10:15 am) in the warmer months of the year. Most use of the Square occurs after 10:15 am and occurs primarily during the midday period when workers in the area businesses and local residents use the Square during their lunch hours as well as later in the day. In addition, there would be more than the minimum of four hours a day of sunlight required for plants in the growing season. Therefore, no significant adverse shadow impacts are anticipated.

**Historic and Cultural Resources**

A detailed analysis related to historic and cultural resources is included in this EAS. Historic and cultural resources within the study area include other buildings located within the National Register listed Chinatown and Little Italy Historic District, the Soho Cast Iron Historic District Extension located west of the project site, and a portion of the Former Police Headquarters Building (an individually designated historic resource). LPC notes that the two existing buildings on the site are contributing buildings within the Chinatown/Little Italy National Register Historic District. The existing buildings on the project site will be demolished under both the No-Action and With-Action Scenarios and the applicant intends to construct the No-Action Scenario building absent the requested zoning text amendment. zoning approval; that the No-Action Scenario and both With-Action Scenarios would include a building with a full cellar and a full sub-cellar, therefore there would be no incremental sub-surface disturbance between the No-Action and With-Action Scenarios relative to potential existing archaeological resources on the site. Consequently the proposed project would not result in any impacts to historic or archaeological resources.

**Urban Design and Visual Resources**

A detailed analysis related to urban design and visual resources is included in the EAS. The With-Action Development Scenario on the project site would not result in any significant impacts to the visual resources in the vicinity of the site as compared to a No-Action Development on the property. Views to Petrosino Square, the Chinatown and Little Italy Historic District, and the SoHo Cast-Iron Historic District Extension would still be available from Cleveland Place adjacent to the project site. Therefore, the proposed project would not result in a significant adverse impact to urban design and visual resources.

**Project Name: 23-25 Cleveland Place - Little Italy**

**CEQR # 15DCP138M**

**SEQRA Classification: Type I**

**Hazardous Materials**

A detailed analysis related to hazardous materials is included in the EAS. The increment between the No-Action and With-Action Scenarios would consist of an increase in height of 1-story (10 feet), and an increase in building floor area up to 9,134.8 gsf in the With-Action Scenario building. Both the No-Action Scenario and With-Action Scenarios would include a building with a full cellar and a full sub-cellar. Therefore, there would be no incremental sub-surface disturbance between the No-Action and With-Action Scenarios on the project site. Therefore, the proposed text amendment would not result in any significant hazardous materials impacts on the project site.

An (E) designation (E-569) related to air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The air quality and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to air quality, or noise.

*No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact EVAN LEMONIDES at +1 212-720-3509.*

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31 <sup>st</sup> Fl. New York, NY 10271   212.720.3328
NAME Stephanie Shellooe, AICP	DATE November 13, 2020
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE November 16, 2020
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**SEQRA Classification: Type I**

Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

<b>Development Site</b>	<b>Borough</b>	<b>Block and Lot</b>
Projected Development Site	Manhattan	Block 481/Lots 11 and 13

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to air quality, and noise an (E) designation (**E-569**) would be established as part of approval of the proposed actions on the **Projected Development Site** as described below:

<b>Development Site</b>	<b>Air Quality</b>	<b>Noise</b>
Projected Development Site	X	X

Air Quality

The (E) designation requirements for air quality would apply as follows:

**Projected Development Site:** Any new residential and commercial development and/or enlargement on the above-referenced property must ensure that HVAC and the hot water equipment will utilize only natural gas and be fitted with low NOx (30ppm) burners, and the HVAC and hot water equipment exhaust stack(s) must be located at least 88 feet above the grade, and at least 39 feet from the northern lot line facing Spring Street to avoid any potential significant adverse air quality impacts.

Noise

The (E) designation requirements for noise would apply as follows:

**Projected Development Site:** To ensure an acceptable interior noise environment, the building facade(s) for future residential uses must provide a minimum of 33 dBA composite building facade attenuation with windows closed on the north facade, and a minimum of 31 dBA composite building facade 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 facade 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 facade(s) must also be provided.