



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

Project Identification

CEQR No. 17DCP005M

ULURP No. N160244ZRM

SEQRA Classification: Type I

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:

55-57 Spring Street Zoning Text Amendment

The Applicant, JBAM TRG Spring LLC, seeks a Zoning Text Amendment to modify Appendix A of Article X, Chapter 9 of the Zoning Resolution ("Special Little Italy District Map") by extending the boundary of Area A1 ("Mulberry Street Regional Spine") and its applicable lot coverage requirements westward to include Block 495, Lots 44 and 45. The affected lots are currently located in Area A ("Preservation Area") of the Special Little Italy District and each contain mixed-use buildings with retail space on the ground floor and residential dwelling units above. The proposed Text Amendment would facilitate a proposal by the Applicant to enlarge the ground floor retail spaces on both affected properties by a total of 1,747 gross square feet (gsf), to fully cover the two zoning lots on which they are situated. The affected properties are located at 55-57 Spring Street (Block 495, Lots 44 and 45) in the Nolita neighborhood of Manhattan, Community District 2. The affected lots are also located within the "Chinatown and Little Italy" Historic District, which is listed on the National Register of Historic Places.

In connection with the Proposed Project the Applicant has entered into a Restrictive Declaration, described in more detail in the supporting statement of this document. The Applicant agrees, via the Restrictive Declaration, to conduct archaeological identification, investigation, and mitigation in accordance with the 2014 CEQR Technical Manual and NYC Landmarks Preservation Commission (LPC) guidelines for archaeological work in New York City.

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The affected lots are developed with mixed use buildings containing residential and ground floor retail uses. Specifically, lot 44 is developed with a 11,676 gsf, five-story and cellar building. The 1,946 gsf cellar is used for commercial storage and building utilities. The ground floor of the building contains 1,049 gsf of commercial space with two Use Group 6 retail tenants, 634 gsf of vacant space that was formerly a residential unit, and a 263 gsf Use Group 2 residential lobby area. The four upper floors of the building contain 16 Use Group 2 residential units. The property is developed to a Floor Area Ratio (FAR) of 3.39 and has approximately 69% lot coverage.

Lot 45 is developed with a 10,953 gsf five-story and cellar building. The 1,883 gsf cellar is used for commercial storage and building utilities. The ground floor of the building contains 1,397 gsf of ground floor Use Group 6 commercial space (a single retail unit) and 417 gsf of Use Group 2 residential lobby area. The four upper floors of the building contain 16 Use Group 2 dwelling units. The property is developed to an FAR of 3.36 and has approximately 68% lot coverage.

The affected lots are located in a C6-2 commercial zoning district. C6-2 districts allow commercial uses at an FAR of 6.0 and community facility uses at an FAR of 6.5. The C6-2 district has a residential equivalent of R8 zoning districts and allows a residential FAR of up to 6.02.

The affected lots are also currently located within the Special Little Italy District Area A (the “Preservation Area”), the core residential and local shopping area in the district. The Special Little Italy District lot coverage and bulk provisions modify those of the underlying C6-2 zoning district. Zoning lots subject to the Area A provisions have a maximum lot coverage of 60 percent and a maximum FAR of 4.1. Both of the buildings in the affected lots at 55-57 Spring Street are legally non-complying with respect to lot coverage requirements. They were each constructed prior to the enactment of the Special Little Italy District regulations.

The proposed Special Little Italy District Area A1 (the “Mulberry Street Regional Spine”) is characterized by its concentration of restaurants and specialty shops. Full ground floor commercial lot coverage is not permitted in Area A, though it is allowed in the proposed Area A1. The proposed extension of the A1 boundary to include the affected lots would remove the lots from Area A, and place them within the boundaries of Area A1, to facilitate the applicant’s proposal to extend the ground floor spaces at the 55-57 Spring properties by a total of 1,747 gross square feet. The expansion of the ground floor spaces would result in 100% coverage of the two zoning lots. In the future with the proposed action, it is expected that the ground floor spaces at both properties would be vacated upon the expiration of existing leases, and the spaces would be re-tenanted following the proposed expansion. Both properties would also be brought into compliance with the Special Little Italy District lot coverage requirements in the future with the proposed action.

The analysis year for the proposed action is 2018.

Absent the proposed action, the ground floor residential unit in the rear of Lot 44 would be converted as a matter of right to commercial retail uses. No other changes would be expected to occur absent the proposed action.

In order to avoid the potential for significant adverse impacts related to hazardous materials, an (E) Designation (E-396) has been assigned to the affected lots (Block 495, Lots 44 and 45).

The text of the (E) Designation related to hazardous materials is as follows:

1-Sampling Protocol

The applicant submits to 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 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-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.

With the assignment of the (E) designation on the affected lots, no significant hazardous materials impacts would be expected to result from 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 14, 2016 prepared in connection with the ULURP Application (No. N160244ZRM). 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:

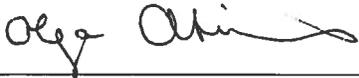
1. As part of the Proposed Project, the Applicant entered into a Restrictive Declaration on July 12, 2016, agreeing to conduct archaeological identification, investigation, and mitigation in accordance with the CEQR Technical Manual and NYC Landmarks Preservation Commission guidelines for archaeological work in New York City.

The Restrictive Declaration is binding on the Applicant, and the property's successors and assigns and serves as a mechanism to assure the archaeological testing be conducted and that any necessary mitigation measures be undertaken prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). The Restrictive Declaration was prepared in a form acceptable to LPC and was executed on July 12, 2016 and recorded with the City's Department of Finance on August 15, 2016. Consequently, no significant adverse impact to archaeological resources are expected to result from the proposed action.

2. The (E) Designation (E-396) for hazardous materials would ensure that the proposed action would not result in significant adverse hazardous materials impacts.
3. No significant adverse 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 Evan Lemonides (212) 720-3509.



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

Date: October 14, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: October 17, 2016