

**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 proposed action is a special permit pursuant to ZR section 74-711 (Landmark Preservation in all Districts) to facilitate a change of use from Use Group (UG) 3 nonprofit art gallery to UG 6 commercial art gallery and UG 2 single-family residence, and to allow for a building enlargement of 5,638 gross square feet (GSF) at 3 East 89<sup>th</sup> Street, Manhattan Block 1501, Lot 5 (the Development Site) in the Carnegie Hill neighborhood of Manhattan Community District 8. The special permit would apply to the entire zoning lot (Project Area), which includes Lots 4 and 7 in addition to Lot 5, though Lots 4 and 7 would be unaffected by the proposed action. The combined zoning lot is split between R10 and R8B zoning districts and is located within the Expanded Carnegie Hill Historic District as designated by the New York City Landmark Preservation Commission. Land uses within the surrounding area include public facilities and institutions, one- and two-family residences, multi-family residential buildings, and mixed residential and commercial buildings. The proposed actions would facilitate the limited enlargement of an existing 17,643 gsf building on the Development Site, and a change of use from nonprofit art gallery to commercial art gallery, plus one residential dwelling unit. The enlargement would increase the height of the existing building by 14 feet, 11 inches. The proposed actions are anticipated to result in a change in land use on the development site and a one-story enlargement from five floors to six, however, the six-story building would be in context with surrounding mi-block buildings, and the new commercial art gallery use would compliment the surrounding art and museum focused institutional uses along Museum Mile. As such, the change in land use and zoning would not constitute a significant adverse impact. In addition, the proposed action would not affect public policy.

**Shadows**

A detailed shadows analysis determined that the enlargement facilitated by the proposed action would cast incremental shadow on the stained glass windows of the Church of the Heavenly Rest, a sunlight sensitive resource. The shadows would reach portions of the stained glass windows on the southern side of the church on three of the four analysis days; winter, spring, and fall. Incremental shadow would not reach the stained glass windows on the northern or western sides of the church. Incremental shadow would move throughout these analysis days and would cover a maximum of twenty percent of the three southern side windows during a limited duration and would not result in the windows being completely in shadow during any analysis hour. Due to the limited extent of the incremental shadow and the movement of the shadow throughout each analysis day, the shadows would not result in a significant adverse impact to the Church of the Heavenly Rest.

*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 Rachel Antelmi at rantelmi@planning.nyc.gov.*

TITLE 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	DATE December 30, 2021
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Anita Laremont	DATE January 3, 2022
SIGNATURE	