DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, AICP, *Director*
Department of City Planning

POSITIVE DECLARATION

May 25, 2007

Project Identification
CEQR No. 07DCP078M
ULURP Nos. pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

East Village & Lower East Side Rezoning
The New York City Department of City Planning (DCP) and the New York City Department of Housing Preservation and Development (HPD) are proposing the following actions that would affect the East Village and Lower East Side neighborhoods of Manhattan Community District 3.

- DCP is proposing a zoning map amendment to change approximately 111 blocks generally bounded by East 13th Street to the north, Grand Avenue to the South, Avenue D to the east and 2nd Avenue to the west, located within the East Village and Lower East Side neighborhoods of Community District 3, Manhattan. The proposed rezoning would change an existing R7-2 zoning district to R7A, R7B, R8A & R8B zoning districts; an R7-2/C1-5 zoning district to R7A/C1-5, R8A/C1-5 & R8B/C1-5 zoning districts; an R7-2/C2-5 zoning district to R7A/C2-5, R8A/C2-5 & R8B/C2-5 zoning districts; a C6-1 zoning district to C4-4A, C6-2A & R7A/C2-5 zoning districts.

- DCP is proposing to amend Zoning Resolution Section 23-922, to make applicable an Inclusionary Housing bonus in R8A and C6-2A zoning districts in the proposed rezoning area. These districts would be located along Houston Street, Delancey Street, Chrystie Street, Avenue D, Pitt Street and Second Avenue.

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East Village and Lower East Side Rezoning
Positive Declaration
CEQR No. 07DCP078M

- DCP is proposing to amend ZR section 52-61 to make the provisions of the section applicable to R8B districts in Manhattan Community District 3. ZR section 52-61 allows vacant ground floor space designed for commercial use to be occupied with nonconforming Use Group 6 uses.

- HPD is proposing disposition of a city-owned property, UDAAP designation and project approval (a non-ULURP action) to facilitate the development of a residential project with ground floor retail, located at 5 Avenue D, 302-310 East 2nd Street (Block 372, Lots 43, 44, 47, 48 & 49). The site is currently partially developed with commercial and residential uses and is partially vacant. This city-owned site is currently zoned R7-2/C1-5 and under the proposed rezoning would be zoned R8A/C1-5. The development would include 96 dwelling units, 19 of which would be affordable to low to moderate income households, and 7,844 square feet of ground floor retail space. Completion of the development is expected in 2010.

The proposed zoning map amendments would map within the rezoning area contextual districts at densities appropriate to the existing land uses and built character of the area. Within the portion of the rezoning area above Houston Street, the proposal would replace the underlying R7-2 districts and a four-block length along Second Avenue currently zoned C6-1 with R7A districts along the Avenues and R8B districts in the midblocks; the midblock areas of three blocks directly south of Tompkins Square Park would be replaced with R7B districts. The existing R7-2 districts below Houston Street and above Delancey Street would be re-mapped with a combination of R8A districts along Houston Street, Delancey Street and portions of Pitt Street and R7A districts in the remaining midblocks. Within the districts in the rezoning area currently mapped as C6-1 districts, the proposal would map a combination of C6-2A districts along Houston Street, Delancey Street, Chrystie Street and a portion of Second Avenue and C4-4A districts in the remaining midblocks.

The proposed action could result in a net increase of 1,345 residential units, 343 of which would be affordable to low to moderate income households and 77 accessory parking spaces. With an average household size of 2.35 persons, the additional 1,345 dwelling units that would result under the Future With-Action condition would add an estimated 3,160 residents to the study area. The proposed action could also result in a decrease of 74,438 square feet of commercial space. A total of 205 projected development sites and 564 potential development sites have been identified in the proposed rezoning area. For analysis purposes, it is projected that the full effects of the proposed action would occur by 2017.

Statement of Significant Effect:

On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the proposed action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

East Village and Lower East Side Rezoning
Positive Declaration
CEQR No. 07DCP078M

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.

2. The actions, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.

3. The actions, as proposed, may result in significant adverse impacts on community facilities and services in the vicinity of the affected area.

4. The actions, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.

5. The actions, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.

6. The actions, as proposed, may result in significant adverse impacts on historic resources in the affected area.

7. The actions, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.

8. The actions, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.

9. The actions, as proposed, may result in significant adverse hazardous materials impacts in the affected area.

10. The actions, as proposed, may result in significant adverse waterfront impacts as a portion of the affected area is located within the Waterfront Coastal Boundary.

11. The actions, as proposed, may result in significant adverse impacts on infrastructure in the vicinity of the affected area.

12. The actions, as proposed, may result in significant adverse impacts on solid waste and sanitation services in the vicinity of the proposed action.

13. The actions, as proposed, may result in significant adverse impacts on energy consumption in the affected area.

14. The actions, as proposed, may result in significant adverse impacts to traffic, parking, transit, and pedestrian conditions in the vicinity of the affected area.

15. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.

16. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.

17. The actions, as proposed, may result in significant adverse construction-related impacts.

18. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area. The actions, as proposed, may result in significant adverse impacts related to other aspects of the environment.

19. The actions, as proposed, may result significant adverse construction-related impacts.

20. The actions, as proposed, may result in significant adverse public health-related impacts.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. The proposed actions would alter existing land use and zoning patterns by rezoning the affected area to permit the development of new residential, retail and community facility uses.

2. The proposed actions would result in a net increase of approximately 1,345 residential units and a decrease of 74,438 square feet of commercial space within the rezoning area. This has the potential to alter socioeconomic conditions in the area.

3. The proposed actions would introduce a new residential population which could potentially increase demand on community facilities.

4. The proposed actions would bring new residents to the area, potentially placing additional demands on available open space resources.

5. The proposed actions would result in the construction of new buildings over 50 feet in height. The proposed buildings could cast shadows on sunlight sensitive resources.

6. Construction on the projected and potential development sites could disturb archaeological resources should they exist within the rezoning area. In addition, the projected and potential developments could affect the context of existing historic structures in the area.

7. The proposed actions would result in a new type of building use and form which would differ from existing urban design elements in the affected area, and may alter the urban design character and visual resources of the surrounding area.

8. The proposed actions would result in new development which could alter existing neighborhood character by affecting land use, socioeconomic conditions, historic resources, urban design, traffic, and noise.

9. The proposed actions would result in demolition and construction in the rezoning area which could potentially expose construction workers and the public to hazardous materials.

10. The affected area is located within the Waterfront Coastal Boundary and the proposed actions could affect waterfront conditions.

11. The proposed actions would result in new development within the rezoning area which could place additional demands on infrastructure.

12. The proposed actions would result in development within the rezoning area which would result in the generation of solid waste, and which would require sanitation services.

13. The proposed actions would result in new development within the rezoning area which could increase demand for energy.

14. The proposed actions would result in the development of approximately 1,345 residential units and 77 parking spaces within the rezoning area which would result in additional vehicular, pedestrian, and transit trips, and additional parking demand in the vicinity of the affected area.

15. The proposed actions would result in new development within the rezoning area which could potentially result in air quality impacts due to increased mobile source (vehicular) and stationary source (HVAC system) emissions.

16. The proposed actions would increase the volume of traffic in the area, which could result in additional traffic noise. The proposed action could also potentially result in noise impacts due to the introduction of sensitive receptors, including residential and community facility uses.

17. The proposed actions would result in new residential and commercial development which could result in increased mobile source (vehicular) and stationary source (HVAC system) emissions.

18. The proposed action could potentially result in noise impacts due to the introduction of sensitive receptors, including residential uses.

19. The proposed actions would result in new development that would involve demolition and construction activities which may result in construction-related impacts.

20. The proposed actions would result in new development which could potentially result in public health concerns.

21. The Draft Environmental Impact Statement (DEIS) to be prepared for the proposed action will identify and describe any other potential effects on the environment.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Monday, June 25, 2007 from 2:00 to 5:00 pm and 6:00 to 8:45 pm at the City of New York Department of City Planning, Spector Hall, 22 Reade Street, New York, New York 10007. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

East Village and Lower East Side Rezoning
Positive Declaration
CEQR No. 07DCP078M

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact Jessica Neilan, the project manager, at (212) 720-3425.

Robert Dobruskin

Robert Dobruskin, Director
Environmental Assessment & Review Division
Department of City Planning

5/25/07

Date