CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

# NEGATIVE DECLARATION

January 29, 2018

**180 Avenue of the Americas Rezoning**
CEQR No. 18DCP070M
ULURP No. 180170ZMM
SEQRA Classification: Type I

**Lead Agency**
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
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**Name, Description and Location of Proposal:**

**180 Avenue of the Americas Rezoning**

The above-referenced application involves a discretionary action subject to City Planning Commission approval. This action is subject to review under the City Environmental Quality Review (CEQR), Executive Order No. 91, and the State Environmental Quality Review Act (SEQRA), 6 NYCRR 617.

Pursuant to Sections 5.03 and 5.05 of the Rules of Procedure for City Environmental Quality Review (CEQR) as adopted June 26, 1991, the Department of City Planning, acting on behalf of the City Planning Commission ("CPC"), is assuming lead agency status for this application and is initiating the CEQR review.

The Applicant, QT Soho Realty, LLC, is seeking a zoning map amendment to change an existing commercial overlay district from C1-5 to C2-5 and to remove portions of the C1-5 commercial overlay in an existing R7-2 district. The Proposed Action would permit a wider variety of retail uses in connection with a development located at 180 Avenue of the Americas (Block 504, Lot 7501, the "Development Site") in the South Village neighborhood of Manhattan, Community District 2. Specifically, the Proposed Action would facilitate a proposal by the Applicant to: 1) allow approximately 13,000 gross square feet ("gsf") of ground and cellar-floor portions of a mixed-use building otherwise constructed as-of-right to be occupied by a Use Group 9 Dance Studio; and 2) to

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facilitate the legalization of a Use Group 9 Physical Culture Establishment ("PCE") currently occupying parts of commercial portions of the building, as the existing C1-5 commercial overlay district does not permit Use Group 9 uses.

The Development Site is located substantially contiguous to the Sullivan-Thompson Historic District to the north and east, and is near to the Charlton-King-Vandam Historic District to the west across Avenue of the Americas, both Landmarks Preservation Commission ("LPC") designated Historic Districts. Portions of the Spring Street frontage of the Rezoning Area as well the Sullivan Street frontage of the Rezoning Area are located within the Sullivan-Thompson Historic District.

The Proposed Action would change the existing commercial overlay from C1-5 to C2-5 mapped on Block 504, Lots 7501, 43, 39, and portions of Lots 36 and 11 along frontages of Avenue of the Americas, Spring Street and Sullivan Street. The Proposed Action would remove the commercial overlay on Lots 34 and 31, which currently have small portions of the rear yards mapped with the C1-5 overlay, to be removed by the Proposed Action.

Both the existing and proposed commercial overlay districts allow commercial uses at a maximum FAR of 2.0 within underlying R7-2 districts; however C2 districts permit a wider variety of Use Groups than C1 districts. C1 districts permit commercial Use Groups 5 and 6 only, permitting uses such as beauty parlors, dry cleaners, and convenience stores. C2 districts permit Use Groups 5 and 6 in addition to Use Groups 7-9 and 14, permitting uses such as hardware stores, movie theaters, caterers, and dance studios.

The Development Site is built pursuant to approved Department of Buildings ("DOB") plans for a 14-story, approximately 65,473 gsf mixed-use building containing 25 market-rate dwelling units. The Development Site's total bulk was facilitated by a zoning lot merger which allocated unused development rights from the community facility use on Lot 43 to Lot 7501. As the Development Site is located within the Manhattan Core, off-street parking is not required.

The Rezoning Area currently contains residential, commercial, and community facility uses generally at six stories in height. 207 Spring Street (Lot 43) is currently improved with a six-story community facility building with 39,658 gsf of community facility uses. As noted above, the unused development rights of this parcel were transferred to the Applicant-controlled site. 203 Spring Street (Lot 39) is improved with a six-story, 12,662 gsf mixed-use building. 100 Sullivan Street (Lot 36) is improved with a six-story, 33,750 gsf residential building. 188 Avenue of the Americas (Lot 11) is improved with a six-story, 33,960 gsf mixed-use building. The commercial uses within the mixed-use buildings on Lots 39 and 11 are expected to remain in the future with the Proposed Action, and similarly the entirely residential building on Lot 36 is not expected to add commercial uses in the future with the Proposed Action.

An Environmental Assessment Statement (EAS) prepared by the Applicant analyzes a future scenario in which the commercial portions of the building are tenanted with the Applicant's

proposed uses (Use Group 9 dance studio and PCE). As noted above, the Proposed Action is not expected to affect development on any other lots within the Rezoning Area.

Absent the Proposed Action, it is anticipated that commercial portions of the building would be tenanted with uses that conform to the underlying R7-2/C1-5 zoning district, and the nonconforming Use Group 9 PCE would be tenanted with a conforming commercial use.

As the Development Site has completed construction, the Analysis Year for the Proposed Action is 2018.

**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 January 26, 2018, prepared in connection with the ULURP Application (No. 180170ZMM). 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 the Proposed Action would permit a wider variety of commercial uses on the Development Site within an otherwise as-of-right development, no impacts to the surrounding LPC-designated Historic Districts are expected to occur, and LPC has deemed no further analysis related to Architectural or Archeological Resources is warranted;
2. 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 Anthony Howard at (212) 720-3422.

Robert Dobruskin

Date: January 26, 2018

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

Marisa Lago

Date: January 29, 2018

Marisa Lago, Chair
City Planning Commission