



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

Project Identification

CEQR No. 08DCP012M
ULURP No. 060032 ZMM
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin, AICP
(212) 720-3423

Name, Description, and Location of Proposal:

84 White Street Rezoning

The applicant, 84 White Street LLC., is proposing to rezone the entirety of Block 195 in Manhattan from an M1-5 district to a C6-2A district. Block 195 is located in the Manhattan neighborhood of Tribeca in Community District 1. It is generally bounded by Broadway to the west, Lafayette Street to the east, White Street to the south and Walker Street to the north. The block is bisected by Cortlandt Alley. A portion of the rezoning area is located within the Tribeca East Historic District.

Block 195 is characterized by five-to-ten-story buildings, mostly containing a mix of commercial and residential uses. Commercial uses include ground floor retail, banks, art galleries, upper floor office space and studio space. The project site (Block 195, Lot 27) is currently used as a public parking lot and is owned by the project applicant.

The current M1-5 district allows office uses, limited retail uses and manufacturing uses; residential uses are prohibited. The proposed C6-2A zoning would allow high density residential uses and a broad range of commercial and retail uses.

84 White Street Rezoning
CEQR No. 08DCP012M
Negative Declaration

The proposed action would facilitate a proposal by the applicant to redevelop the above-mentioned public parking lot located at 84 White Street (Block 195, Lot 27) into a 36,300 square foot, nine story building consisting of approximately 6,000 square feet of ground floor retail and eight floors of residential use with 61 dwelling units. It is expected that the building would be constructed and occupied by 2009.

In addition, the Environmental Assessment Statement prepared for the proposed action identifies sixteen projected development sites within the proposed rezoning area (Block 195, Lots 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 17, 24, 26 and 30). Each of these properties could be enlarged or converted to residential use as a result of the proposed rezoning, with the exception of Block 195, Lot 12, which is currently a parking lot and could be developed with a residential building with ground floor retail.

Provisions are included in the proposed action in order to ensure that no significant adverse impacts related to air quality, noise and hazardous materials would occur.

To avoid the potential for significant adverse air quality impacts, the proposed action will include the mapping of (E) designations for air quality on several of the sixteen sites (Block 195, Lots 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 24, 26 and 27).

The text for the (E) designation is as follows:

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for HVAC systems.

To avoid the potential for significant adverse noise impacts, the proposed action will include the mapping of (E) designations for noise for several of the sixteen sites (Block 195, Lots 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 24, 26 and 27).

The text for the (E) designation for these properties is as follows:

In order to ensure an acceptable interior noise environment, future residential / commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation in order to maintain an interior noise level of 45dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

To address the potential for hazardous materials impacts on development sites not owned by the applicant., the proposed action will include the mapping of (E) designations for hazardous materials on all of the sites (Block 195, Lots 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 17, 24, 26 and 30).

The text for the (E) designation for these properties is as follows:

Task 1-Sampling Protocol

A. Petroleum

A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to NYCDEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

To address the potential for hazardous materials impacts on the applicant's site (Block 195, Lot 27), the applicant has entered into a Restrictive Declaration with the Department of Environmental Protection, committing to the performance of a sampling and testing protocol. The Restrictive Declaration would be implemented as part of the proposed project to ensure that significant adverse impacts related to hazardous materials do not occur.

This application supersedes CEQR No. 06DCP018M, which was submitted on August 25, 2005 and subsequently withdrawn.

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 December 6, 2007, prepared in connection with the ULURP Application (ULURP No. 060032 ZMM). 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. A Phase I Environmental Site Assessment (ESA) was prepared in April, 2006, and is available in the proposal's CEQR file, for the property located at 84 White Street in Manhattan (Block 195, Lots 27) for the project site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and Phase II testing was recommended by DEP, due to the presence of hazardous materials on the site as a result of past and present on-site land uses.

The declaration, binding on all successors and assigns of the applicant, requires that Phase II testing be prepared, including a sampling protocol and a health and safety plan for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and approval and provide for such remediation. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the subsurface soils and groundwater on the applicant's property would be characterized prior to any site disturbance.

The restrictive declaration was executed on November 21, 2007. On December 6, 2007, the DEP confirmed via written correspondence that the applicant filed a DEP-approved Restrictive Declaration with the New York City Department of Finance of the City Register.

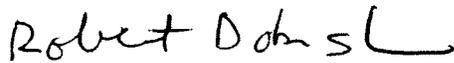
2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

84 White Street Rezoning
CEQR No. 08DCP012M
Negative Declaration

With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

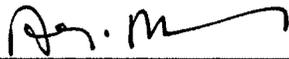
The above determination is based on an environmental assessment which finds that no significant effects on the environment which would require an Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

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



Date: 12/13/07

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



Date: 01/28/08

Amanda M. Burden, AICP, Chair
City Planning Commission