

APPENDIX B
TO
MEMORANDUM OF LAW IN SUPPORT OF
PETITIONERS' AMENDED VERIFIED PETITION



MARIA TORRES-SPRINGER Office of Development
Commissioner Building & Land Development
MOLLY PARK Services
Deputy Commissioner 100 Gold Street
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Assistant Commissioner

November 9, 2018

NEGATIVE DECLARATION

Project Identification

Name/Location: **Haven Green**
199-207 Elizabeth Street & 222-230 Mott Street, Manhattan, NY
(Block 493, Lot 30)

CEQR No. 18HPD105M
ULURP Nos. 190784 HAM
SEQRA Classification: Type I

Name and Description of Proposed Action

Haven Green:

The proposal involves an application by HPD (the "Applicant") on behalf of the project sponsors Pennrose LLC, RiseBoro Community Partnership, and Habitat for Humanity NYC, for several actions (the "Proposed Actions") subject to City Planning Commission ("CPC") approval, including disposition of City-owned property to the project sponsors, designation of an Urban Development Action Area and approval of an Urban Development Action Area Project ("UDAAP"). These actions will facilitate the development of a new mixed-use building (the "Proposed Development") in the NoLita or "North of Little Italy" neighborhood of Manhattan, Community District 2. In addition to the above actions, the project sponsor would seek construction financing through HPD's Senior Affordable Rental Apartments (SARA) Program.

The City-owned development site (aka the "Project Area" or "Project Site") measures approximately 20,110 square feet (sf) and is located at 199-207 Elizabeth Street and 222-230 Mott Street (Block 493, Lot 30). The Project Site is bound by Elizabeth Street to the east, Mott Street to the west, Prince Street to the north, and Spring Street to the south and is currently subject to a month-to-month lease that is also operating as a sculpture garden. The Project Site is located within the Chinatown and Little Italy Historic District, which is listed on the State and National Registers of Historic Places. The proposed action is therefore considered a Type I action under SEQRA/CEQR.

Under the proposal, the Project Site would be conveyed to the project sponsors and redeveloped with a new seven-story (approximately 74 ft. tall) mixed-use building containing approximately 123 units of affordable housing for seniors (plus one two-bedroom unit for the superintendent), approximately 4,454 gross square feet (gsf) of ground floor retail space, 12,885 gsf of community facility space, and approximately 6,700 sf of publicly accessible open space.

The Project Area is located in a C6-2 zoning district; however, the Special Little Italy District regulations would supersede the C6-2 designation. The Special District has a maximum floor area ratio (FAR) to 4.1, and limits height to seven stories or 75 feet (whichever is less), and lot coverage must be 60% or less.



Haven Green
CEQR No. 18HPD105M
Page 2

The Proposed Development will be facilitated by the following land use actions:

Disposition of City Owned Property:

HPD, on behalf of the project sponsors, is seeking disposition authority for the City-owned property within the Project Area (Block 493, Lot 30) to facilitate the construction of the Proposed Development. The disposition of this City-owned land would be approved pursuant to the Uniform Land Use Review Procedure (“ULURP”). Lot 30 is also referred to as the “Disposition Area” in the ULURP application.

Urban Development Action Area Project (UDAAP)

The Project Area (Block 493, Lot 30) would be designated as an Urban Development Action Area and the Proposed Development would be approved as a UDAAP.

According to the Environmental Assessment Statement (EAS), the Proposed Development would be constructed in a single phase and is expected to be completed and operational by 2021. For State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) analysis purposes, in the future absent the Proposed Actions (the “No Action” condition), the existing conditions of the Project Area are assumed to remain. The incremental difference between the No-Action condition and the Proposed Development provides the basis by which the potential environmental effects are evaluated in the EAS. Therefore, the EAS analyzes an incremental net increase of 123 affordable dwelling units (124 units including the superintendent’s unit; approximately 75,422 gsf of residential space), approximately 4,454 gsf of local retail, and approximately 12,885 gsf of community facility space, and a net reduction of approximately 13,565 sf of open space.

The Proposed Actions would be implemented in conformance with the following provisions in order to ensure that there are no significant adverse impacts associated with historic resources and hazardous materials. The provisions are as follows:

Historic and Cultural Resources

According to the New York City Landmarks Preservation Commission (LPC), the project site is located within the Chinatown and Little Italy Historic District, which is listed on the State/National Registers (S/NR). The Proposed Actions would facilitate the construction of a new building in the S/NR-listed Chinatown and Little Italy Historic District. As described in the EAS, the Proposed Development would be built-out to the lot line on Elizabeth Street without lower-level setbacks, continuing the continuous streetscape which is a defining element of the surrounding historic district. At seven-stories tall, the Proposed Development would also be in keeping with surrounding heights of the area, which typically range between four- and seven-stories. Additionally, the Proposed Development would be clad in brick with regular fenestration, reflective of the surrounding historic district, which contains predominately brick tenements with regular fenestration. The design of the Proposed Development would incorporate variations in brick texture and color to maintain the vertical rhythm based on narrow lots as well as the horizontal accents between windows found throughout the historic district.



Haven Green
CEQR No. 18HPD105M
Page 3

In an LPC correspondence dated 11/8/2018, LPC finds the Historic Resources chapter of the final EAS acceptable with the following stipulation: HPD on behalf of the project sponsor shall submit the final building design to LPC for review to ensure consistency with the design, massing, height, scale, fenestration pattern, materials and color of the new building and its historic context as referenced in the final EAS. This measure would require consultation with and review and acceptance by LPC, and would also be required through the Land Disposition Agreement (LDA) between HPD and the project sponsor.

Additionally, in order to preclude construction-related impacts to buildings surrounding the site: 209 Elizabeth Street, 228 Mott Street, 230 Mott Street, and 232 Mott Street, a Construction Protection Plan (CPP) is required for these buildings, and shall be submitted to LPC for review and comment prior to construction. To avoid inadvertent demolition and/or construction-related damage to the surrounding resources from ground-borne construction-period vibrations, falling debris, collapse, etc., these buildings would be included in a CPP for historic structures that would be prepared in coordination with LPC and implemented in consultation with a licensed professional engineer.

The project sponsor would be responsible for implementing a CPP during all excavation and construction activities. The CPP would be developed in accordance with the requirements stipulated in the New York City Department of Buildings Technical Policy Procedure Notice #10/88 and LPC guidelines described in "Protection Programs for Landmarked Buildings." This measure would require consultation with and review and acceptance by LPC, and would also be required through the LDA between HPD and the project sponsor.

With implementation of the measures outlined above, no significant adverse impacts related to Historic Resources would be expected to occur during or following construction of the Proposed Project.

Hazardous Materials:

A Phase I Environmental Site Assessment (ESA) was prepared for the Development Site by Fleming-Lee Shue, Inc. (FLS) in June of 2018. The Phase I ESA identified several Recognized Environmental Conditions (RECs) that warrant further investigation of soil, groundwater and soil vapor conditions. These RECs include historic on-site fuel tanks and manufacturing related uses of the surrounding properties.

Based on these findings, a Phase II Subsurface Investigation is necessary to adequately identify all potential contaminants within the soil, groundwater and soil vapor at the Development Site. A Phase II Work Plan and Health and Safety Plan (HASP) will be submitted to HPD and the New York City Department of Environmental Protection (DEP) for review and approval prior to the start of any fieldwork. Based on the results of the Phase II Subsurface Investigation, a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) will be prepared and implemented during site redevelopment activities to address the removal and disposal of contaminated soils during the construction of the Proposed Project. No property disposition, funding, or



Haven Green
CEQR No. 18HPD105M
Page 4

construction will proceed without DEP's written approval of the RAP and CHASP. Upon completion of the construction activities, a Closure Report certified by a Professional Engineer or Architect will be submitted to HPD and DEP for review and approval. This report will demonstrate that all remediation activities have been implemented in accordance with the DEP-approved RAP and CHASP.

The Phase II investigation and remediation protocols outlined above will be required through provisions contained in the Land Disposition Agreement between HPD and the Project Sponsor. With implementation of these measures, no significant adverse impacts related to hazardous materials would be expected to occur during or following construction of the Proposed Project.

Statement of No Significant Effect:

Pursuant to the CEQR rules adopted on June 6, 1991, Executive Order 91, HPD has completed its technical review of an Environmental Assessment Statement (EAS) dated September 24th, 2018 and has determined that the proposed actions will have no significant effect on the quality of the environment.

Supporting Statement:

The measures related to historic resources and hazardous materials described above would be implemented in connection with construction and/or the operation of the Proposed Development and would be required through provisions in the LDA between HPD and the project sponsor, as well as the applicable funding agreements between the project sponsor and HPD.

The EAS is on file with HPD and available for public review. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR Part 617.


Callista Nazaire

Director of Environmental Planning

City of New York - Department of Housing Preservation and Development

Date: November 9th, 2018

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