DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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

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REVISED POSITIVE DECLARATION

Supercedes Positive Declaration issued on November 16, 2005

March 8, 2006

Project Identification
CEQR No. 05DCP063Y
ULURP Nos. N060103ZRY, 060104ZMM, 060105ZSM, 060106ZSM
SEQRA Classification: Unlisted

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

Name, Description and Location of Proposal:

West 61st Street Rezoning and Citywide General-Large Scale Development Text Amendment

The applicant, West End Enterprises, LLC and West 60th Street Associates, LLC, proposes an amendment to the zoning map to change the zoning designation of the western half of the block bounded by West End Avenue, West 61st Street, Amsterdam Avenue, and West 60th Street (Block 1152, Lots 1, 5, 8, 10-13, p/o 43, 52, 53, 55-58, and 61) from M1-6 to C4-7 and C6-2 in the Upper West Side neighborhood of Manhattan Community Board 7.

The applicant is also requesting a special permit pursuant to Zoning Resolution (ZR) Section 74-52 for a public parking garage, a special permit pursuant to ZR Section 74-74 for a General Large-Scale Development (GLSD), and a zoning text amendment to the provisions of ZR Section 74-743 to waive the height factor and open space requirements for GLSDs located partially in C6-1, C6-2, or C6-3 zoning districts citywide.

The proposed actions would facilitate a proposal by the applicant to develop a mixed-use building on a property located at 239 West 60th Street (Block 1152, Lots 5, 8, 10-13, 43, 52, 53, and 55), which is a through-lot site with frontages on both West 60th Street and West 61st Street. The proposed building would contain a total of approximately 481,425 gross square feet (gsf) of floor area consisting of 342 residential units; 4,420 gsf of medical office space; 10,340 gsf of ground-floor retail space; and 281 parking spaces, of which 121 would be accessory parking

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spaces and 160 would be public parking spaces. The applicant has merged the properties located at 242 West 61st Street (Block 1152, Lot 56) and 244 West 61st Street (Block 1152, Lot 57) with the project site to create a combined zoning lot. This would allow a portion of the unused development rights from these properties, which are developed with two 5-story residential buildings, to be used in developing the proposed project. The proposed project would be comprised of a 29-story tower with a maximum height of 372 feet and three mid-rise components of 7, 9 and 14 stories. Construction of the proposed project is expected to be completed in 2008.

The project site was previously developed with a mix of uses, including a warehouse, automobile repair shop, and parking garages, which have all been recently demolished. The remainder of the proposed rezoning area (Block 1152, Lots 1, 56, 57, 58, and 61) is developed with two 5-story residential buildings, an automobile repair shop, a 4-story commercial building, and a six-story building occupied by a school.

Although the applicant intends to construct a development with 342 dwelling units on the projects site, a development with more dwelling units could be built under the proposed zoning. The reasonable worst case development scenario (RWCDS) to be analyzed in the EIS assumes that 559 units could be constructed on the project site, which would be the maximum number of dwelling units allowed under the proposed zoning.

The RWCDS also assumes that four additional properties would be developed as a result of the proposed rezoning. The property located at 246 West 61th Street (Block 1152, Lot 58), which is not under the control of the applicant, would be developed with a 10-story residential building containing approximately 61 dwelling units. In addition, the property located at 28 West End Avenue (Block 1152, Lot 61), also not under the control of the applicant, would be developed with a 31-story building containing approximately 190 dwelling units and a 100,000 gsf middle school. The RWCDS also assumes that the two 5-story residential buildings located at 242 West 61st Street (Block 1152, Lot 56) and 244 West 61st Street (Block 1152, Lot 57), which are under the applicant's control, could each be enlarged with an additional penthouse unit.

The proposed text amendment to modify the provisions of ZR Section 74-743 would allow the City Planning Commission to permit developments at their maximum floor area ratio without regard for height factor and open space requirements for proposed GLSDs located partially in C6-1, C6-2, or C6-3 zoning districts provided that certain requirements related to the amount of open space and quality of landscaping provided on the site are met. The zoning districts within which the proposed text amendment could potentially be utilized (C6-1, C6-2, and C6-3) are located within areas of Manhattan Community Districts 1-8, and 12; Queens Community District 12; and Brooklyn Community District 2.

West 61st Street Rezoning and Citywide General Large-Scale Development Text Amendment
Revised Positive Declaration
CEQR No. 05DCP063Y

A Positive Declaration for the proposed project had been previously issued on November 16, 2005. At that time, the proposal included a different version of the citywide text amendment. The original text amendment would have affected different zoning districts and more Community Districts compared to the currently proposed text amendment. The original text amendment would have applied to general large-scale developments in R8, C4, C5, and C6 zoning districts in the following Community Districts: Manhattan Community Districts 1-8, and 10-12; Queens Community Districts 1-10, and 12-14; Brooklyn Community Districts 1-6, 8, 9, 11, 12, and 14-18; Staten Island Community Districts 1-3; and Bronx Community Districts 1-3, 5-7, and 9-12. The revised text amendment would apply to general large-scale developments located partially in C6-1, C6-2, or C6-3 zoning districts in the following Community Districts: Manhattan Community Districts 1-8, and 12; Queens Community District 12; and Brooklyn Community District 2.

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:

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

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

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

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

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

7. The action, as proposed, may result in significant adverse impacts on urban design and

visual resources in the vicinity of the affected area.

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

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

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

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

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

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

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

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

16. The action, as proposed, may result in significant adverse construction-related impacts.

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

18. The action, as proposed, may result in significant adverse impacts related to other aspects of the environment.

Supporting Statement:

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

West 61st Street Rezoning and Citywide General Large-Scale Development Text Amendment
Revised Positive Declaration
CEQR No. 05DCP063Y

1. The proposed action 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 action would result in approximately 812 residential units, 104,420 gsf of community facility use, and 10,340 gsf of retail within the rezoning area. This has the potential to alter socioeconomic conditions in the area.

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

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

5. The proposed action would result in the construction of new buildings containing various high-rise components with a maximum height of 372 feet. The proposed buildings could cast shadows on sunlight sensitive resources.

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

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

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

11. The proposed action would result in development within the rezoning area which would

result in the generation of solid waste, and which would require sanitation services.

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

13. The proposed action would result in the development of approximately 812 residential units, 104,420 gsf of community facility use, 10,340 gsf of retail, and 160 public 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.

14. The proposed action 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.

15. The proposed action 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.

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

17. The proposed action would result in new development which could potentially result in public health concerns.

18. 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 Thursday, April 6, 2006 at 1:00 PM at the City of New York Department of City Planning, Spector Hall, 22 Reade Street, New York, New York 10007. The protocol for public participation in the scoping meeting is attached. Written comments will be accepted by the lead agency through the tenth day following the scoping

meeting.

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

Should you have any questions pertaining to this Revised Positive Declaration, you may contact Brad Kieves, the project manager, at (212) 720-3417.

Robert Dobruskin

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

3/8/06

Date

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CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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March 8, 2006

PUBLIC NOTICE OF A SCOPING MEETING DRAFT ENVIRONMENTAL IMPACT STATEMENT (CEQR No. 05DCP063Y)

Notice is hereby given that pursuant to Section 5-07 of the Rules of Procedure for Environmental Review (CEQR) and 6 NYCRR 617.8 (State Environmental Quality Review) the New York City Department of City Planning (DCP), acting on behalf of the City Planning Commission as CEQR lead agency, has determined that a draft environmental impact statement is to be prepared for the proposed West 61st Street Rezoning and Citywide General Large-Scale Development Text Amendment, CEQR Number 05DCP063Y.

West End Enterprises, LLC and West 60th Street Associates, LLC, proposes an amendment to the zoning map to change the zoning designation of the western half of the block bounded by West End Avenue, West 61st Street, Amsterdam Avenue, and West 60th Street (Block 1152, Lots 1, 5, 8, 10-13, p/o 43, 52, 53, 55-58, and 61) from M1-6 to C4-7 and C6-2 in the Upper West Side neighborhood of Manhattan Community Board 7.

The applicant is also requesting a special permit pursuant to Zoning Resolution (ZR) Section 74-52 for a public parking garage, a special permit pursuant to ZR Section 74-74 for a General Large-Scale Development (GLSD), and a zoning text amendment to the provisions of ZR Section 74-743 to waive the height factor and open space requirements for GLSDs located partially in C6-1, C6-2, or C6-3 zoning districts citywide.

The proposed actions would facilitate a proposal by the applicant to develop a mixed-use building on a property located at 239 West 60th Street (Block 1152, Lots 5, 8, 10-13, 43, 52, 53, and 55), which is a through-lot site with frontages on both West 60th Street and West 61st Street. The proposed building would contain a total of approximately 481,425 gross square feet (gsf) of floor area consisting of 342 residential units; 4,420 gsf of medical office space; 10,340 gsf of ground-floor retail space; and 281 parking spaces, of which 121 would be accessory parking spaces and 160 would be public parking spaces. The applicant has merged the properties located at 242 West 61st Street (Block 1152, Lot 56) and 244 West 61st Street (Block 1152, Lot 57) with the project site to create a combined zoning lot. This would allow a portion of the unused

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development rights from these properties, which are developed with two 5-story residential buildings, to be used in developing the proposed project. The proposed project would be comprised of a 29-story tower with a maximum height of 372 feet and three mid-rise components of 7, 9 and 14 stories. Construction of the proposed project is expected to be completed in 2008.

Although the applicant intends to construct a development with 342 dwelling units on the projects site, a development with more dwelling units could be built under the proposed zoning. The reasonable worst case development scenario (RWCDS) to be analyzed in the EIS assumes that 559 units could be constructed on the project site, which would be the maximum number of dwelling units allowed under the proposed zoning.

The RWCDS also assumes that four additional properties would be developed as a result of the proposed rezoning. The property located at 246 West 61th Street (Block 1152, Lot 58), which is not under the control of the applicant, would be developed with a 10-story residential building containing approximately 61 dwelling units. In addition, the property located at 28 West End Avenue (Block 1152, Lot 61), also not under the control of the applicant, would be developed with a 31-story building containing approximately 190 dwelling units and a 100,000 gsf middle school. The RWCDS also assumes that the two 5-story residential buildings located at 242 West 61st Street (Block 1152, Lot 56) and 244 West 61st Street (Block 1152, Lot 57), which are under the applicant's control, could each be enlarged with an additional penthouse unit.

The proposed text amendment to modify the provisions of ZR Section 74-743 would allow the City Planning Commission to permit developments at their maximum floor area ratio without regard for height factor and open space requirements for proposed GLSDs located partially in C6-1, C6-2, or C6-3 zoning districts provided that certain requirements related to the amount of open space and quality of landscaping provided on the site are met. The zoning districts within which the proposed text amendment could potentially be utilized (C6-1, C6-2, and C6-3) are located within areas of Manhattan Community Districts 1-8, and 12; Queens Community District 12; and Brooklyn Community District 2.

Public comments are requested with respect to the issues to be addressed in the draft environmental impact statement.

A public scoping meeting has been scheduled for **Thursday, April 6, 2006 at 1:00 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.

A public scoping meeting for the proposed project had been previously scheduled for December 20, 2005 but was cancelled due to a transit strike on that date. At that time, the proposal included a different version of the citywide text amendment. The original text amendment would have affected different zoning districts and more Community Districts compared to the currently proposed text amendment. The original text amendment would have applied to general large-scale developments in R8, C4, C5, and C6 zoning districts in the following Community Districts: Manhattan Community Districts 1-8, and 10-12; Queens Community Districts 1-10, and 12-14; Brooklyn Community Districts 1-6, 8, 9, 11, 12, and 14-18; Staten Island Community Districts 1-

3; and Bronx Community Districts 1-3, 5-7, and 9-12. The revised text amendment would apply to general large-scale developments located partially in C6-1, C6-2, or C6-3 zoning districts in the following Community Districts: Manhattan Community Districts 1-8, and 12; Queens Community District 12; and Brooklyn Community District 2.

Copies of the Draft Scope of Work and the Environmental Assessment Statement may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 22 Reade Street, 4E, New York, New York 10007, Robert Dobruskin, Director (212) 720-3423; or from the Office of Environmental Coordination, 100 Gold Street, 2nd Floor, New York, New York 10038, Robert Kulikowski, Ph.D., Director (212) 788-2937.

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Protocol for Public Scoping Meetings
NYC Deparment of City Planning
Environmental Assessment & Review Division

As per Section 5.07 of the Rules of Procedure for City Environmental Quality Review, as adopted June 26, 1991, the following will serve as a guideline to participation in a public scoping meeting for the preparation of a draft environmental impact statement.

Discussions regarding the scope of work will first be held between lead agency, applicant, interested and involved agencies. Following that discussion, the chair will allow the public to comment in accordance with the rules described below.

1. The Environmental Assessment & Review Division, acting on behalf of the CPC as the lead agency, will chair the scoping meeting.

2. All attendees of the scoping meeting will sign in on an attendance sheet, clearly printing their name, address, telephone number and affiliation.

3. Those members of public wishing to speak will also sign in on a "Request for Speaking Time" sheet at the start of the scoping meeting.

4. Opening remarks will be made by the lead agency, followed by introductions.

5. The applicant and/or consultants, attorneys and representatives will provide a presentation of the proposal and an overview of the draft scoping document. Potential impacts, proposed methodologies and assessments will also be discussed.

6. Following the presentation, the lead agency will receive comments from the representatives of the involved and interested agencies, public officials and community boards regarding methodologies and issues to be addressed in the draft environmental impact statement.

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7. All requests for additional information and/or technical memoranda are subject to review and approval by the lead agency, in this case the Environmental Assessment & Review Division.

8. After the conclusion of the discussions with the interested/involved agencies, public officials and community boards that are coterminous with the geographic area directly affected by the action(s) proposed, speaking time will be provided for the members of the public. The names on the "Request for Speaking Time" sheet will be called in order of appearance. Each individual will be allotted a 3 minutes to state his/her concerns to the lead agency and applicant regarding the issues to be addressed in the draft environmental impact statement.

9. Only CEQR scope of work items may be discussed. Only informational discussions regarding the ULURP application as it pertains to the CEQR scope of work will be permitted.

10. The lead agencies will accept written comments at the conclusion of the scoping meeting and for ten days thereafter.

11. All subsequent requests for information or comments on the scope of work by interested or involved agencies, public officials or community boards shall be directed to the Environmental Assessment & Review Division for review, approval and transmission to the applicant and representatives. Any additional information or responses to requests for additional information will be sent by the applicant to the Environmental Assessment & Review Division which will be responsible for transmission of such information, unless otherwise stated or discussed.

12. Within 30 days of the scoping meeting, the lead agency will issue a final scoping document.

The project manager and director of EARD are the designated recipients of all information pertaining to the preparation of the DEIS and will be named during the scoping meeting. All interested and involved agencies are asked to submit any questions or comments regarding the CEQR application to the lead agency. To avoid confusion, there should be no direct contact/correspondence between involved and/or interested agencies and the private applicant, except as authorized by the lead agency.