CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

December 16, 2013

NEGATIVE DECLARATION

Project Identification
CEQR No. 14DCP084M
ULURP Nos. 130208ZMM
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 106th Street Rezoning
The applicant, PWV Owner LLC, proposes a zoning map amendment to rezone lots within an R7-2 district to an R8A along West 106th Street and an R8B district along West 105th Street (Block 1860, Lots 20 and 57). The proposed action would facilitate a proposal by the applicant to redevelop a property containing five interconnected community facility buildings with three buildings totaling 628,886 gross square feet (gsf) of mixed use development. The proposed project would include 31,006 gsf of community facility space and 597 dwelling units spread across three buildings, two 11-story buildings located along West 106th Street consisting of 265,695 and 231,798 gsf each and one 7-story 131,493 gsf building located along West 105th Street. Additionally, the mixed use development would have an accessory below grade parking garage with 208 spaces (200 residential spaces and 8 community facility spaces). The proposed project is located midblock between Columbus and Amsterdam Avenues and fronts both West 105th and West 106th Streets, in the Manhattan Valley neighborhood of Manhattan, Community District 7.

R7-2 Districts allow residential and community facility uses at a maximum floor area ratio (FAR) of 3.44 and 6.5, respectively. The maximum height of residential buildings in R7-2 districts is regulated by the sky exposure plane, which begins at a height of 60 feet above the front lot line. R8A districts allow a maximum FAR of 6.02 for residential uses and 6.50 for community facility uses. R8B districts allow a maximum FAR of 4.0 for both residential and community facility uses. The

proposed contextual zoning districts limit building heights, require buildings to be built to the street line and have maximum and minimum street wall heights. R8A districts limit the maximum building height to 120 feet and require setbacks above a maximum base height of 85 feet. R8B districts limit the maximum building height to 75 feet and require setbacks above a maximum base height of 60 feet.

Absent the proposed action, it is expected that the project site would be redeveloped with 31,006 gsf of community facility space, 380 dwelling units and a below-grade accessory parking garage with 141 spaces. The proposed project is expected to be completed by 2019.

The proposed action includes (E) designations on the project site (Block 1860, Lots 20 and 57) in order to preclude future noise, air quality and hazardous materials impacts, which could occur as a result of the proposed action. The (E) designation number is E-328.

The (E) designation text related to noise is as follows:

> **In order to ensure an acceptable interior noise environment of 45 dbA or lower, future residential uses must provide up to 28 dB(A) of window/wall attenuation in the north façade facing West 106th Street. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but are not limited to, central air conditioning or air conditioning sleeves containing air conditioners.**

The (E) designation requirements related to air quality would apply to the project site. The (E) designations for the project site is based on the Applicant's illustrative building design for the site, as shown in Figure 2-8.3 of the West 106th Street Rezoning EAS (CEQR No. 14DCP084M, December 11, 2013). Any changes to the heights or configurations of the buildings or tiers may necessitate revisions to the (E) designations. The (E) designation text related to air quality is as follows:

> **<u>South Building – Facing West 105th Street</u>**
> **Any new development on the above-referenced property must ensure that the fossil-fuel fired heating and hot water equipment utilize only natural gas, and that the heating and hot water equipment exhaust stack(s) are located at least 163 feet from the lot line facing West 106 Street and at a height of at least 78 feet, to avoid any potential significant adverse air quality impacts.**
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> **<u>North Building 1 – Facing West 106th Street</u>**
> **Any new development on the above-reference property must ensure that the fossil-fuel fired heating, and hot water equipment utilize only natural gas, and that the heating and hot water equipment exhaust stack(s) are located at least 481 feet from the lot line facing Columbus Avenue and at a height of at least 123 feet, to avoid any potential significant adverse air quality impacts.**

The North Building 2 – Facing West 106th Street
Any new development on the above-referenced property must ensure that the fossil-fuel fired heating and hot water equipment utilize natural gas only, and that the heating and hot water equipment exhaust stack(s) are located at least 506 feet from the lot line facing Amsterdam Avenue and at a height of at least 123 feet, to avoid any potential significant adverse air quality impacts.

The (E) designations text related to hazardous materials is as follows:

Task 1 - The applicant must submit to the Mayor's Office of Environmental Remediation (OER) for review and approval, a Phase 1 of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2 – A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER. If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to OER for review and approval prior to implementation.

With the placement of the (E) designations on the above block and lot, no significant noise, air quality or hazardous materials impacts would be expected as the result of the proposed action.

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 11, 2013, prepared in connection with the ULURP Application (ULURP No. 130208ZMM). 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. The (E) designation for noise, air quality and hazardous materials would ensure that the proposed action would not result in significant adverse impacts.

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 Jonathan Keller at (212) 720-3419.

Robert Dobruskin

Date: December 13, 2013

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

Date: December 16, 2013

Kenneth J. Knuckles, Esq., Vice Chair
City Planning Commission