

E-268



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

January 3, 2011

NEGATIVE DECLARATION

Project Identification

CEQR No. 11DCP068M
ULURP Nos. N110176ZRM, 110177ZMM
SEQRA Classification: Type I

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 Clinton Rezoning

The New York City Department of City Planning (DCP) and Manhattan Community Board 4 (CB 4), are proposing zoning map and text amendments (collectively referred to as the "proposed actions") affecting all or portions of 18 blocks in the West Clinton neighborhood in Manhattan, Community District 4. The affected area is generally bounded by West 55th Street to the north, West 43rd Street to the south, a variable line between Tenth and Eleventh Avenues to the east, and Route 9A (the West Side Highway) to the west.

The proposed actions include two components:

1. A Zoning Map Amendment changing M1-5, M2-3 and M3-2 zoning districts to R8, R8A/C2-5, R9, R9/C2-5 and M2-4 zoning districts within the Special Clinton District, and expanding the existing Special Clinton District to cover two blocks and a portion of one block; and
2. Zoning Text Amendments to designate the proposed R8A/C2-5, R9, and R9/C2-5 zoning districts as an Inclusionary Housing designated area, to extend the Preservation Area of the Special Clinton District, to extend the Other Area of the Special Clinton District, to place R9A contextual regulations on developments within the proposed R9 zoning district, to establish a maximum height and streetwall requirements in developments in the proposed M2-4 zoning district, to

Amanda M. Burden, FAICP, *Chair*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
<http://www.nyc.gov/planning>

require streetwalls in the Preservation Area of the Special Clinton District, to allow existing legal adult uses to remain in the Other Area of the Special Clinton District, and to specify that enclosed sidewalk cafes are not permitted in the Special Clinton District.

To address recent development trends in the affected area, the proposed actions would extend the residential districts from Tenth Avenue to the east side of Eleventh Avenue, and, to the west of Eleventh Avenue, increase the density permitted on certain blocks zoned for manufacturing and manufacturing compatible uses. Further, the proposed text amendments would ensure that new development in the rezoning area would be in context with the surrounding built environment.

It is the objective of the proposed actions to:

- Provide new opportunities for residential development, including new affordable housing, in the West Clinton neighborhood;
- Encourage manufacturing-compatible uses, such as auto sales/repair uses, between Eleventh Avenue and the West Side Highway; and
- Ensure that the form of new buildings relates to and enhances neighborhood character.

In order to assess the impacts associated with the proposed actions, a Reasonable Worst Case Development Scenario was established. In total 14 projected development sites, considered most likely to be developed in the future with the proposed actions, were identified. As a result of the proposed actions, it is anticipated that new development on those sites would consist of 1,623 residential units, including 252 affordable units under the Inclusionary Housing program, and 552,095 sf of commercial space (auto sales/repair, retail, and office). Under the no-action scenario, it is anticipated that those sites would contain 1,271,140 sf of commercial space (retail, office, and hotel). The projected incremental change on those sites over the no-action scenario is 1,623 residential units, including 252 affordable units, and a 719,045-sf reduction in the total amount of commercial space (retail, office, and hotel).

In addition, a total of 12 potential development sites were identified; these sites are considered less likely to be developed in the future with the proposed actions.

The affected area is currently zoned for low- to heavy-density (M1-5, M2-3 and M3-2) manufacturing uses; residential uses are not permitted in manufacturing zones. The affected area is developed with a mix of building types including large loft buildings along Eleventh Avenue and the West Side Highway, single-story auto dealerships and auto repair shops, full-block vehicle distribution and utility facilities, and a small number of walk-up tenement-style buildings.

The analysis year for the proposed actions is 2020.

To avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials, an (E) designation has been incorporated into the proposed actions, as described below.

The (E) designation requirements related to air quality would apply to the following development sites:

Projected Development Sites:

- Block 1072, Lot 10 (Projected Development Site 2)**
- Block 1072, Lots 21, 42, 44, 45 (Projected Development Site 3)**
- Block 1076, Lot 1 (Projected Development Site 7)**
- Block 1076, Lot 9 (Projected Development Site 8)**
- Block 1076, Lot 13 (Projected Development Site 9)**
- Block 1076, Lots 55, 56, 57, 59, 60 (Projected Development Site 10)**
- Block 1077, Lots 1, 61 (Projected Development Site 11)**
- Block 1079, Lot 3 (Projected Development Site 13)**
- Block 1094, Lots 11, 12, 17 (Projected Development Site 18)**
- Block 1094, Lots 27, 29, 36, 37, 38 (Projected Development Site 19)**
- Block 1098, Lots 15, 48 (Projected Development Site 23)**

Potential Development Sites:

- Block 1074, Lots 49, 54 (Potential Development Site 5)**
- Block 1078, Lot 7 (Potential Development Site 12)**
- Block 1079, Lot 61 (Potential Development Site 14)**
- Block 1093, Lots 21, 28 (Potential Development Site 16)**
- Block 1093, Lots 31, 33, 36 (Potential Development Site 17)**
- Block 1094, Lot 44 (Potential Development Site 20)**
- Block 1098, Lot 11 (Potential Development Site 21)**
- Block 1098, Lots 51, 54 (Potential Development Site 24)**
- Block 1099, Lots 47, 48 (Potential Development Site 26)**

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

Projected Development Sites:

Block 1072, Lot 10 (Projected Development Site 2)

Any new residential and/or commercial development on Block 1072, Lot 10 must ensure that only natural gas is used as fuel for the heating system boilers and that the setback distance for the HVAC exhaust stack be at least 20 feet from the edge of the source building on any side facing an adjacent receptor building.

Block 1072, Lots 21, 42, 44, 45 (Projected Development Site 3)

Any new residential and/or commercial development on Block 1072, Lots 21, 42, 44, and 45 must ensure that only natural gas is used as fuel for the heating system boilers.

Block 1076, Lot 1 (Projected Development Site 7)

Any new residential and/or commercial development on Block 1076, Lot 1 must ensure that No. 2 fuel oil or natural gas is used as fuel for the heating system boilers.

Block 1076, Lot 9 (Projected Development Site 8)

Any new residential and/or commercial development on Block 1076, Lot 9 must ensure that only natural gas is used as fuel for the heating system boilers.

Block 1076, Lot 13 (Projected Development Site 9)

Any new residential and/or commercial development on Block 1076, Lot 13 must ensure that No. 2 fuel oil or natural gas is used as fuel for the heating system boilers.

Block 1076, Lots 55, 56, 57, 59, 60 (Projected Development Site 10)

Any new residential and/or commercial development on Block 1076, Lots 55, 56, 57, 59, 60 must ensure that only natural gas is used as fuel for the heating system boilers and that the setback distance for the HVAC exhaust stack be at least 20 feet from the edge of the source building on any side facing an adjacent receptor building.

Block 1077, Lots 1, 61 (Projected Development Site 11)

Any new residential and/or commercial development on Block 1077, Lot 1, 61 must ensure that No. 2 fuel oil or natural gas is used as fuel for the heating system boilers.

Block 1079, Lot 3 (Projected Development Site 13)

Any new residential and/or commercial development on Block 1079, Lot 3 must ensure that only natural gas is used as fuel for the heating system boilers.

Block 1094, Lots 11, 12, 17 (Projected Development Site 18)

Any new residential and/or commercial development on Block 1094, Lot 11, 12, 17 must ensure that only natural gas is used as fuel for the heating system boilers and that the setback distance for the HVAC exhaust stack be at least 20 feet from the edge of the source building on any side facing an adjacent receptor building.

Block 1094, Lots 27, 29, 36, 37, 38 (Projected Development Site 19)

Any new residential and/or commercial development on Block 1094, Lots 27, 29, 36, 37, 38 must ensure that only natural gas is used as fuel for the heating system boilers.

Block 1098, Lots 15, 48 (Projected Development Site 23)

Any new residential and/or commercial development on Block 1098, Lots 15, 48 must ensure that only natural gas is used as fuel for the heating system boilers.

Potential Development Sites:

Block 1074, Lots 49, 54 (Potential Development Site 5)

Any new residential and/or commercial development on Block 1074, Lots 49, and 54 must ensure that only natural gas is used as fuel for the heating system boilers.

Block 1078, Lot 7 (Potential Development Site 12)

Any new residential and/or commercial development on Block 1078, Lot 7 must ensure that only natural gas is used as fuel for the heating system boilers.

Block 1079, Lot 61 (Potential Development Site 14)

Any new residential and/or commercial development on Block 1079, Lot 61 must ensure that only natural gas is used as fuel for the heating system boilers.

Block 1093, Lots 21, 28 (Potential Development Site 16)

Any new residential and/or commercial development on Block 1092, Lot 21, 28 must ensure

that No. 2 fuel oil or natural gas is used as fuel for the heating system boilers.

Block 1093, Lots 31, 33, 36 (Potential Development Site 17)

Any new residential and/or commercial development on Block 1093, Lots 31, 33, 36 must ensure that only natural gas is used as fuel for the heating system boilers.

Block 1094, Lot 44 (Potential Development Site 20)

Any new residential and/or commercial development on Block 1094, Lot 44 must ensure that only natural gas is used as fuel for the heating system boilers.

Block 1098, Lot 11 (Potential Development Site 21)

Any new residential and/or commercial development on Block 1098, Lot 11 must ensure that only natural gas is used as fuel for the heating system boilers.

Block 1098, Lots 51, 54 (Potential Development Site 24)

Any new residential and/or commercial development on Block 1098, Lots 51 and 54 must ensure that only natural gas is used as fuel for the heating system boilers.

Block 1099, Lots 47, 48 (Potential Development Site 26)

Any new residential and/or commercial development on Block 1099, Lots 47 and 48 must ensure that No. 2 fuel oil or natural gas is used as fuel for the heating system boilers.

The (E) designation requirements related to noise would apply to the following development sites:

Projected Development Sites:

- Block 1072, Lots 1, 61, 59 (Projected Development Site 1)
- Block 1072, Lot 10 (Projected Development Site 2)
- Block 1072, Lots 21, 42, 44, 45 (Projected Development Site 3)
- Block 1072, Lot 50 (Projected Development Site 4)
- Block 1074, Lot 63 (Projected Development Site 6)
- Block 1076, Lot 1 (Projected Development Site 7)
- Block 1076, Lot 9 (Projected Development Site 8)
- Block 1076, Lot 13 (Projected Development Site 9)
- Block 1076, Lots 60, 59, 57, 56, 55 (Projected Development Site 10)
- Block 1077 Lots 1, 61 (Projected Development Site 11)
- Block 1079, Lot 3 (Projected Development Site 13)
- Block 1094, Lots 11, 12, 17 (Projected Development Site 18)
- Block 1094, Lots 27, 29, 36, 37, 38 (Projected Development Site 19)

Potential Development Sites:

- Block 1074, Lots 49, 54 (Potential Development Site 5)
- Block 1078, Lot 7 (Potential Development Site 12)
- Block 1079, Lot 61 (Potential Development Site 14)
- Block 1092, Lot 16 (Potential Development Site 15)
- Block 1094, Lot 44 (Potential Development Site 20)
- Block 1098, Lot 11 (Potential Development Site 21)
- Block 1098, Lots 51, 54 (Potential Development Site 24)

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

Projected Development Sites:

Block 1072, Lots 1, 61, 59 (Projected Development Site 1)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1072, Lot 10 (Projected Development Site 2)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 33 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1072, Lots 21, 42, 44, 45 (Projected Development Site 3)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 33 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1072, Lot 50 (Projected Development Site 4)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 33 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1074, Lot 63 (Projected Development Site 6)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1076, Lot 1 (Projected Development Site 7)

To ensure an acceptable interior noise environment, future residential/commercial*

uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1076, Lot 9 (Projected Development Site 8)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 33 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1076, Lot 13 (Projected Development Site 9) To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 33 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1076, Lots 60, 59, 57, 56, 55 (Projected Development Site 10)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1077 Lots 1, 61 (Projected Development Site 11)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all but the west façade, and 31 dBA window/wall attenuation on the west façade to maintain an interior noise level of 45 dBA. 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.

Block 1079, Lot 3 (Projected Development Site 13)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all but the west façade, and 31 dBA window/wall attenuation on the west façade to maintain an interior noise level of 45 dBA. 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.

Block 1094, Lots 11, 12, 17 (Projected Development Site 18)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 33 dBA window/wall attenuation on all but the west façade, and 39 dBA window/wall attenuation on the west façade to maintain an interior noise level of 45 dBA. 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.

Block 1094, Lots 27, 29, 36, 37, 38 (Projected Development Site 19)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

*Attenuation values shown apply to residential uses only. Commercial uses would require 5 dBA less attenuation.

Potential Development Sites:

Block 1074, Lots 49, 54 (Potential Development Site 5)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1078, Lot 7 (Potential Development Site 12)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1079, Lot 61 (Potential Development Site 14)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1092, Lot 16 (Potential Development Site 15)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1094, Lot 44 (Potential Development Site 20)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 33 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

Block 1098, Lot 11 (Potential Development Site 21)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all but the west façade, and 39 dBA window/wall attenuation on the west façade to maintain an interior noise level of 45 dBA. 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.

Block 1098, Lots 51, 54 (Potential Development Site 24)

To ensure an acceptable interior noise environment, future residential/commercial* uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all but the west façade, and 39 dBA window/wall attenuation on the west façade to maintain an interior noise level of 45 dBA. 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.

The (E) designation requirements related to hazardous materials would apply to the following development sites:

Projected Development Sites:

Block 1072, Lots 1, 59, 61 (Projected Development Site 1)

Block 1072, Lot 10 (Projected Development Site 2)

Block 1072, Lots 21, 42, 44, 45 (Projected Development Site 3)

Block 1072, Lot 50 (Projected Development Site 4)

Block 1074, Lot 63 (Projected Development Site 6)

Block 1076, Lot 1 (Projected Development Site 7)

Block 1076, Lot 9 (Projected Development Site 8)
Block 1076, Lot 13 (Projected Development Site 9)
Block 1076, Lots 55, 56, 57, 59, 60 (Projected Development Site 10)
Block 1077, Lots 1, 61 (Projected Development Site 11)
Block 1079, Lot 3 (Projected Development Site 13)
Block 1094, Lots 11, 12, 17 (Projected Development Site 18)
Block 1094, Lots 27, 29, 36, 37, 38 (Projected Development Site 19)
Block 1098, Lots 15, 48 (Projected Development Site 23)

Potential Development Sites:

Block 1074, Lots 49, 54 (Potential Development Site 5)
Block 1078, Lot 7 (Potential Development Site 12)
Block 1079, Lot 61 (Potential Development Site 14)
Block 1092, Lot 16 (Potential Development Site 15)
Block 1093, Lots 21, 28 (Potential Development Site 16)
Block 1093, Lots 31, 33, 36 (Potential Development Site 17)
Block 1094, Lot 44 (Potential Development Site 20)
Block 1098, Lot 11 (Potential Development Site 21)
Block 1098, Lots 20, 42 (Potential Development Site 22)
Block 1098, Lots 51, 54 (Potential Development Site 24)
Block 1099, Lots 14, 17 (Potential Development Site 25)
Block 1099, Lots 47, 48 (Potential Development Site 26)

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

Task 1

The applicant submits to OER, for review and approval, a Phase 1A 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.

A OER-approved construction-related health and safety plan would be implemented during evacuation and construction and 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.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

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 29, 2010, prepared in connection with the ULURP Application (Nos. N110176ZRM, 110177ZMM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

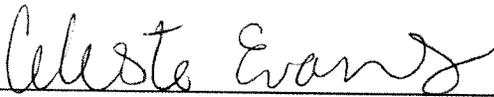
The above determination is based on an environmental assessment which finds that:

1. The (E) designation for air quality, noise and hazardous materials would ensure that the proposed actions 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 Olga Abinader at (212) 720-3493.



Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: December 30, 2010



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: January 3, 2011