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CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

April 21, 2003

Project Identification
CEQR No. 03DCP026M
ULURP No. 030436 ZMM

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:

Frederick Douglass Boulevard Rezoning:
The New York City Department of City Planning (DCP) is proposing a zoning map amendment in the vicinity of the Frederick Douglass Boulevard (FDB) corridor in Community Districts 9 and 10 in Manhattan. The rezoning area generally encompasses the area between West 110th and West 124th streets and Morningside Avenue and Adam Clayton Powell Jr.

The proposed action includes replacing the existing R7-2, R8, and C4-4 districts with R7A, R7B, R8A, R9A, C1-9, and C4-4D (R8A equivalent) districts and extending a C1-4 commercial overlay. The action is intended to provide increased opportunities for residential and commercial development along avenues and some midblocks, while preserving the historic scale of certain midblocks with strong contexts. R8A and R9A contextual designations would be mapped along avenues and R7A and R7B districts mapped along certain midblocks to increase housing opportunities in the neighborhood.

An extension of the C1-4 commercial overlay is proposed for the north and south side of West 116th Street, between 100 feet west of FDB and Manhattan Avenue to address the needs of the expanding small business community in Harlem. Extending the commercial overlay would also be consistent with the ground floor commercial nature of West 116th Street.

It should be noted that in a related action, the Department of City Planning has proposed a zoning text amendment to create a new C4-4D contextual district, to be mapped on FDB between West 122nd and West 124th Streets. Certified on December 16, 2002, the proposed text amendment is currently undergoing public review through ULURP (No. C 030233 ZRY). The potential environmental impacts of the establishment of the C4-4D district were analyzed under CEQR No. 03DCP025Y, East Harlem Rezoning and Related C4-4D Zoning Text Amendment. A

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

Negative Declaration was issued for the rezoning and text amendment proposal on December 16, 2003. Consequently, the establishment of the C4-4D district is not the subject of the Frederick Douglass Boulevard Rezoning CEQR review.

The proposed C4-4D district, regulated by R8A bulk and density controls, would allow an FAR of 6.02 for residential use. It would also allow a full range of commercial uses permitted in C4 districts (Use Groups 1-6, 8-10 and 12); however, commercial uses would be limited to 3.4 FAR, and community facility uses could be limited to 6.5 FAR. The C4-4D district would mandate the R8A envelope for all buildings (residential, mixed-use, and community facility buildings). It would include a required street wall between 60 to 85 feet along the street line before setback (10-foot setback on wide streets and 15- foot setback on narrow streets), with a maximum building height of 120 feet. Under the proposed C4-4D zoning regulations, future residential or mixed-use development would have to meet the requirements of the city's Quality Housing Program. The program regulations, which govern bulk and density, allowable lot coverage and required street wall height, would promote development that complements the existing land use context in certain neighborhoods.

The proposed action requires City Planning Commission (CPC) and City Council approvals through the Uniform Land Use Review Procedure (ULURP).

Although it is not intended to facilitate any specific development projects, the proposed action could result in additional development or different types of development on numerous sites within the proposed rezoning area. Compared to conditions absent the proposed action, the proposed rezoning could result in a net increase of approximately 690 dwelling units and 93,248 square feet of retail floor area.

To avoid the potential for hazardous materials impacts, the proposed rezoning includes (E) designations for hazardous materials, which will be mapped on the following parcels:

Block 1826, Lot 1
Block 1929, Lots 4, 6, 59, 61, 62, 160
Block 1944, Lots 40, 41, 42, 43
Block 1948, Lots 30, 35

The (E) designation for hazardous materials would ensure that sampling and remediation take place where hazardous material contamination may exist and would avoid any significant impacts related to hazardous materials at these locations. The (E) designation would require that the fee owner of such site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the New York City Department of Environmental Protection

(NYCDEP) before the issuance of a building permit by the New York City Department of Buildings (NYCDOB) pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation also includes a mandatory construction-related health and safety plan which must be approved by NYCDEP.

A comprehensive list of sites containing an (E) designation, identified by block and lot number, is provided above. Contamination on (E) designated sites can be classified as "petroleum based" or "non-petroleum based." The NYCDEP has developed protocols for both petroleum and non-petroleum based (E) designated sites that are required to be followed in order to address possible contamination.

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

<u>(E) Designations for Petroleum Based Contamination</u>
Leakage of underground storage tanks containing petroleum products requires a specific protocol and may contain parts of the near surface and subsurface protocols. To determine if contamination exists on the petroleum (E) designated sites, and to determine and perform any appropriate remediation, the following tasks must be undertaken by the fee owners of the lot restricted by this (E) designation prior to any demolition or excavation on the lot prior to development:

- **Task 1 – The fee owner(s) of the lot restricted by this (E) designation must submit to the New York City Department of Environmental Protection (NYCDEP), for review and approval, a soil, soil gas, and ground water testing protocol, including a description of methods, and a site map with all sampling locations clearly and precisely represented.**

  No sampling program should begin until written approval of a protocol is received from the NYCDEP. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by the NYCDEP upon request.

- **Task 2 – A written report with findings and a summary of the data must be presented to the NYCDEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by the NYCDEP if the results indicate that remediation is**

necessary. Written notice shall be given by the NYCDEP if it determines that no remediation is necessary.

If remediation is necessary according to the test results, a proposed remediation plan must be submitted to the NYCDEP for review and approval. The fee owner(s) of the lot restricted by the (E) designation must perform such remediation as determined necessary by the NYCDEP. After completing the remediation, the fee owner(s) of the lot restricted by this "E" designation should provide proof that the work has been satisfactorily completed.

(E) Designations for Non-Petroleum Based Contamination

The non-petroleum based contamination protocol has been developed to address potential contamination from all other hazardous materials sources. The procedures in the non-petroleum based protocol are the same as the petroleum based protocol with the exception of the parameters for which the soil and ground water should be tested. These parameters will vary from site to site depending upon the type of non-petroleum contamination expected to be encountered.

In general the following steps will be required for non-petroleum (E) designated sites:

- **The owner of the property 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 the NYCDEP for review and approval prior to implementation. It will be reviewed to insure 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. These protocols are based on the following three types of releases to soil and ground water that may occur: release of a solid hazardous material to the ground surface; 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 will define the areas of soil to be sampled (surface, near-surface or subsurface) and determine the need for ground water sampling.**

- **Upon receipt of written approval from the NYCDEP of the scope of work, the sampling program will be implemented. No site investigation work will be initiated without a Site Health and Safety Plan also approved by the NYCDEP.**

- **Once the site investigation is complete, a report fully documenting the procedures and findings of the report will be submitted to the NYCDEP for**

review and approval. If remediation is deemed necessary by the NYCDEP, the site owner will be required to develop a remediation plan and subsequently implement the plan to the satisfaction of the NYCDEP.

- **Once the site investigation is complete, a report fully documenting the procedures and findings of the report will be submitted to the NYCDEP for review and approval. If remediation is deemed necessary by the NYCDEP, the site owner will be required to develop a remediation plan and subsequently implement the plan to the satisfaction of the NYCDEP.**

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, Parts I and II dated February 24, 2003, and Part III dated April 17, 2003, prepared in connection with the ULURP Application (030436 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 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 Glen A. Price III, Director of Studies Implementation at (212) 720-3491.

Date: 4/17/03

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

Date: 4/21/03

Amanda M. Burden, AICP, Chair
City Planning Commission