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DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, A.I.C.P., *Director*  
Department of City Planning

January 5, 2004

Mr. Ethan Lazar  
2-10 West End Avenue Associates, LLC  
419 Park Avenue South  
New York, NY 10016

**Re: Two West End Avenue**  
CEQR No. 03DCP037M  
ULURP Nos. 030214 ZMM, 030215 ZSM and 030549 ZRM  
Community District 7, Manhattan

Dear Mr. Lazar:

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action will not have a significant effect on the environment, once modified, and issued a Conditional Negative Declaration (CND). The CND is attached.

The proposal involves an application by 2-10 West End Avenue Associates, LLC, for three actions requiring City Planning Commission approval: 1) a Zoning Map Amendment to change the eastern side of West End Avenue, between West 59<sup>th</sup> and West 60<sup>th</sup> Streets, from an M1-6 zoning district to a C4-7 district and a portion of the adjacent midblock from M1-6 to C6-2; 2) a Zoning Text Amendment, pursuant to Zoning Resolution (ZR) Sections 34-226, 34-221 and 35-31 to allow a 2.0 FAR inclusionary Housing bonus in certain C4-7 zoning districts within Manhattan Community District 7; and 3) a Special Permit, pursuant to ZR Section 74-52 to allow construction and operation of a 150-space public parking garage, including a 21-foot wide curb cut (including splays), located on West 60<sup>th</sup> Street, for ingress and egress into and out of the proposed parking garage. In addition, the applicant is seeking funding through the New York State Housing Finance Agency's (HFA) 80-20 Taxable Bond Financing Program. The coordinated environmental review of the proposed actions has been conducted with the HFA acting as an involved agency.

The proposed action would affect several parcels on Block 1151 in Community District 7 in Manhattan, as described below, as well as certain C4-7 districts located in Community District 7.

Robert Dobruskin, *Director*  
James Merani, *Deputy Director*  
22 Reade Street, New York, N.Y. 10007-1216 Room 4E  
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rdobrus@planning.nyc.gov

The proposed action would facilitate a proposal by the applicant to redevelop a site located at 2-10 West End Avenue (Block 1151, Lots 1, 61 and 63). The existing M1-6 district allows certain community facility, commercial and manufacturing uses built to an FAR of 10. Residential uses are not permitted in M1-6 zoning districts. The site is currently developed with a two-story automotive repair building, a five-story commercial building and a one-story automotive service station. The proposed C4-7 district would allow residential, commercial and community facility uses built to an FAR of 10.

The proposed actions would facilitate the redevelopment of the project site with a 12 FAR, 31-story, mixed-use building, comprising approximately 300 dwelling units, 3,600 square feet of ground floor retail space, and a 150-space public parking garage. The building would be developed to 12 FAR through the utilization of the 2.0 FAR Inclusionary Housing bonus provision and the 10 FAR allowed under the C4-7 zoning district. The proposed building is expected to be fully occupied by 2005.

The applicant does not control the adjacent midblock area (Block 1151, Lots 5, 9, 12, 51, 52 and 53), proposed to be rezoned from an M1-6 district to a C6-2. The existing M1-6 district, as described above, allows certain community facility, commercial and manufacturing uses built to an FAR of 10. The proposed C6-2 district would allow commercial uses built to an FAR of 5.0, residential uses built to an FAR of 6.02 and community facility uses built to an FAR of 6.5. At this time, there are no known plans to redevelop these properties. For purposes of the CEQR review, it was assumed that these properties could be redeveloped with residential and community facility uses. In total, it was projected that the sites would be developed with 216 dwelling units and 15,000 square feet of community facility uses. Existing land uses in the midblock include a vacant lot, a vacant commercial building, an office, storage facilities and auto-related uses.

Combined, the proposed rezoning of the project site and the rezoning of the adjacent midblock could result in approximately 516 dwelling units, 15,000 square feet of community facility uses and 3,600 square feet of ground floor retail space.

The proposed zoning text amendment would allow the 2.0 FAR Inclusionary Housing bonus to be utilized in certain C4-7 districts in Manhattan Community District 7. In most of the City, the Inclusionary Housing bonus is allowed in R10 equivalent residential districts. However, in Manhattan Community District 7, the Inclusionary Housing bonus is only available in R10 equivalent districts within the Special Lincoln Square District and in R10 equivalent districts with a letter suffix. The proposed zoning text amendment would allow the applicant to utilize a 2.0 FAR bonus for Inclusionary Housing, increasing the permitted FAR from 10 to 12. Excluding the project site, the zoning text amendment would have limited applicability, as C4-7 districts are not widely mapped in Community District 7. The text amendment would apply to approximately five blocks in the southern portion of Community District 7. Properties on these blocks are unlikely to be developed in the foreseeable future for a variety of reasons, and thus, it is not expected that these properties would utilize the provisions of the proposed text amendment.

The proposed action includes (E) designations for hazardous materials and noise to avoid the potential for significant adverse impacts.

Sincerely,

A handwritten signature in cursive script that reads "Robert Dobruskin".

Robert Dobruskin

cc. Amanda M. Burden, AICP, Chair, City Planning Commission  
Hon. C. Virginia Fields, Manhattan Borough President  
Robert Kulikowski  
David Karnovsky  
Angela Licata  
Laurence Parnes  
Gail Benjamin  
Tom C. Kunkel  
Phil Sperling  
Meenakshi Srinivasan  
Vashaan Chakrabarti  
Sam Voyages  
James Merani  
Patrick Blanchfield  
Pat Bussey  
Susan Wong  
Melinda Rachel  
Community Board 7, Manhattan



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
OFFICE OF THE CHAIR

January 5, 2004

**CONDITIONAL NEGATIVE DECLARATION**

**Project Identification**

CEQR No. 03DCP037M  
ULURP Nos. 030214 ZMM, 030215 ZSM  
and 030549 ZRM  
CPLQA 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:**

2 West End Avenue

The proposal involves an application by 2-10 West End Avenue Associates, LLC, for three actions requiring City Planning Commission approval: 1) a Zoning Map Amendment to change the eastern side of West End Avenue, between West 59<sup>th</sup> and West 60<sup>th</sup> Streets, from an M1-6 zoning district to a C4-7 district and a portion of the adjacent midblock from M1-6 to C6-2; 2) a Zoning Text Amendment, pursuant to Zoning Resolution (ZR) Sections 34-226, 34-221 and 35-31 to allow a 2.0 FAR Inclusionary Housing bonus in certain C4-7 zoning districts within Manhattan Community District 7; and 3) a Special Permit, pursuant to ZR Section 74-52 to allow construction and operation of a 150-space public parking garage, including a 21-foot wide curb cut (including splays), located on West 60<sup>th</sup> Street, for ingress and egress into and out of the proposed parking garage. In addition, the applicant is seeking funding through the New York State Housing Finance Agency's (HFA) 80-20 Taxable Bond Financing Program. The coordinated environmental review of the proposed actions has been conducted with the HFA acting as an involved agency.

The proposed action would affect several parcels on Block 1151 in Community District 7 in Manhattan, as described below, as well as certain C4-7 districts located in Community District 7.

The proposed action would facilitate a proposal by the applicant to redevelop a site located at 2-10 West End Avenue (Block 1151, Lots 1, 61 and 63). The existing M1-6 district allows certain community facility, commercial and manufacturing uses built to an FAR of 10. Residential uses are not permitted in M1-6 zoning districts. The site is currently developed with a two-story

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## Conditional Negative Declaration

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automotive repair building, a five-story commercial building and a one-story automotive service station. The proposed C4-7 district would allow residential, commercial and community facility uses built to an FAR of 10.

The proposed actions would facilitate the redevelopment of the project site with a 12 FAR, 31-story, mixed-use building, comprising approximately 300 dwelling units, 3,600 square feet of ground floor retail space, and a 150-space public parking garage. The building would be developed to 12 FAR through the utilization of the 2.0 FAR Inclusionary Housing bonus provision and the 10 FAR allowed under the C4-7 zoning district. The proposed building is expected to be fully occupied by 2005.

The applicant does not control the adjacent midblock area (Block 1151, Lots 5, 9, 12, 51, 52 and 53), proposed to be rezoned from an M1-6 district to a C6-2. The existing M1-6 district, as described above, allows certain community facility, commercial and manufacturing uses built to an FAR of 10. The proposed C6-2 district would allow commercial uses built to an FAR of 6.0, residential uses built to an FAR of 6.02 and community facility uses built to an FAR of 6.5. At this time, there are no known plans to redevelop these properties. For purposes of the CEQR review, it was assumed that these properties could be redeveloped with residential and community facility uses. In total, it was projected that the sites would be developed with 216 dwelling units and 15,000 square feet of community facility uses. Existing land uses in the midblock include a vacant lot, a vacant commercial building, an office, storage facilities and auto-related uses.

Combined, the proposed rezoning of the project site and the rezoning of the adjacent midblock could result in approximately 516 dwelling units, 15,000 square feet of community facility uses and 3,600 square feet of ground floor retail space.

The proposed zoning text amendment would allow the 2.0 FAR Inclusionary Housing bonus to be utilized in certain C4-7 districts in Manhattan Community District 7. In most of the City, the Inclusionary Housing bonus is allowed in R10 equivalent residential districts. However, in Manhattan Community District 7, the Inclusionary Housing bonus is only available in R10 equivalent districts within the Special Lincoln Square District and in R10 equivalent districts with a letter suffix. The proposed zoning text amendment would allow the applicant to utilize a 2.0 FAR bonus for Inclusionary Housing, increasing the permitted FAR from 10 to 12. Excluding the project site, the zoning text amendment would have limited applicability, as C4-7 districts are not widely mapped in Community District 7. The text amendment would apply to approximately five blocks in the southern portion of Community District 7. Properties on these blocks are unlikely to be developed in the foreseeable future for a variety of reasons, and thus, it is not expected that these properties would utilize the provisions of the proposed text amendment.

The proposed action includes (E) designations for hazardous materials and noise to avoid the potential for significant adverse impacts. The (E) designation for hazardous materials would be

## **Conditional Negative Declaration**

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mapped in the midblock rezoning area on the following parcels:

Block 1151, Lots 5, 9, 12, 51, 52 and 53

The (E) designation would require that the fee owner of an (E) designated site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the DEP before the issuance of a building permit by the Department of Buildings (pursuant to Section 11-15 of the Zoning Resolution-Environmental Requirements). The (E) designations also include mandatory construction-related health and safety plans which must also be approved by the DEP. The (E) designations would ensure that future redevelopment of these sites would not result in hazardous materials impacts.

Contamination on (E) designated sites can be classified as “petroleum based” or “non-petroleum based.” The New York City Department of Environmental Protection (NYCDEP) has developed protocols for (E) designated sites that are required to be followed in order to address possible contamination.

### **(E) Designations for Petroleum Based Contamination**

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.**

To avoid any potential impacts associated with noise, (E) designations for noise are proposed for the majority of the lots within the proposed rezoning area. The following (E) designation for noise would be placed on Block 1151, Lots 1, 61 and 63.

**In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order 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 or air conditioning sleeves containing air conditioners or HUD-approved fans.**

In addition, the following (E) designation for noise would be placed on Block 1151, Lots 5, 9, 12, 51 and 52:

**In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order 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 or air conditioning sleeves containing air conditioners or HUD-approved fans.**

#### **Statement of No Significant Effect Upon Modification:**

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 October 30, 2003, prepared in connection with ULURP Applications (030214 ZMM, 030215 ZSM and 030549 ZRM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

## Conditional Negative Declaration

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1. The applicant agrees to conduct a Phase II Environmental Site Assessment for the project site (Block 1151, Lots 1, 61 and 63), pursuant to the DEP-approved Site Investigation Protocol, which includes site plans displaying existing surface grade and sub-grade elevations and a map depicting the twelve proposed soil boring locations. The borings will be advanced to bedrock or twenty feet below grade, whichever is encountered first. The borings will be monitored with a photo ionizing detector, and two samples will be obtained from each boring for analysis. The samples will be analyzed for VOCs via EPA Method 8260, for SVOCs via EPA Method 8270 and 8 RCRA Metals. In addition to the soil borings, three monitoring wells will be installed on the project site. The groundwater samples will be analyzed for the same parameters as the soil samples. In addition to the above, a sample will be taken and analyzed from a potential dry well present on the site;
2. Implement a DEP-approved Health and Safety Plan (HASP) for the handling and removal of all hazardous materials, including lead-based paints and asbestos containing materials (ACMs), in accordance with all federal, state and local regulations; and
3. Complete an electromagnetic (EM) survey of the project site with the purpose of locating USTs/ASTs. All USTs/ASTs, including dispensers, piping, and fill ports, must be properly removed/closed in accordance with all applicable NYSDEC regulations prior to starting construction and demolition activities. Elements of the approved protocol include a magnetometer survey in order to locate underground storage tanks.

The Site Investigation Protocol and HASP were approved by the DEP on March 13, 2003, provided that laboratory analysis is conducted to detect the presence of cyanide. Cyanide may be present on-site due to the proximity of the former manufactured gas plant (MGP) that was located on the block to the south of the project site. The DEP will be notified three days prior to any testing. In addition, results of any testing will be submitted to the DEP for review when available.

On October 16, 2003, the DEP confirmed, via electronic correspondence, that the applicant filed a DEP-approved Restrictive Declaration with the New York City Department of Finance-Office of the City Register.

### Supporting Statement:

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

1. Two Phase I Environmental Site Assessments (ESA), available in the proposal's CEQR file, were prepared in August and December 2002, for the sites located at 14-16 West End Avenue and 2-10 West End Avenue, respectively (project site, Block 1151, Lots 1, 62 and 63). The ESAs concluded that there is a high potential for

## Conditional Negative Declaration

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environmental contamination on the project site. A gasoline service station containing six underground storage tanks had been present since 1976. There were several vehicular service stations during the years 1976 to 1995. A manufactured gas plant facility with three gas holders was present on the south adjacent block from 1892 to 1926. Suspect asbestos-containing building materials and suspect lead-based paint were observed in the office building, garage and gas station. In addition, numerous petroleum spills have occurred very near to the project site.

Based on the implementation of the DEP-approved restrictive declarations, prior to any construction and demolition activities, the proposed redevelopment of the project site would not pose a significant environmental health risk for on-site workers and/or future occupants of the site.

With the implementation of the condition described above, no significant adverse impacts related to hazardous materials would occur.

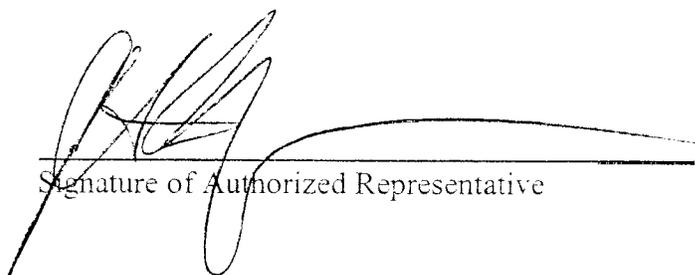
2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional 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 Conditional Negative Declaration, you may contact Patrick Blanchfield at (212) 720-3346.

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions, modifications, and alteration to the proposed action.



Signature of Authorized Representative

Date: 10.30.03

Ethan Lazar, Managing Member  
2-10 West End Avenue Associates LLC  
Name of the applicant or Authorized Representative (Print)

Date: \_\_\_\_\_

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

Date: 10/30/03

A.M. Burden  
Amanda M. Burden, AICP, Chair  
City Planning Commission

Date: 1/5/04

