E-135

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

October 4, 2004

Gary R. Hucka
Verizon Properties, Inc.
2nd Floor, 02D11
2980 Fairview Park Drive
Falls Church, VA 22042

Melanie Myers
Fried, Frank, Harris, Shriver& Jacobson, LLP
One New York Plaza
New York, New York 10004-1980

Re: CEQR No. 04DCP014M
ULURP No. 040249 ZMM
Verizon West 43rd Street Rezoning

Dear Mr. Hucka and Ms. Meyers:

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 as follows:

Enclosed is the Conditional Negative Declaration for CEQR No. 04DCP014M, Verizon West 43rd Street Rezoning, including supporting statements for the finding that the project will not have a significant effect upon modification. The CND was published in the Environmental Notice Bulletin (ENB) on June 16, 2004, in accordance with the provisions Article 8 of the Environmental Conservation Law (6NYCRR part 617). Written comments on the CND were accepted until the 30th calendar day following publication. No comments were received.

The proposal involves an application by Verizon New York, Inc., for a Zoning Map Amendment to change the northeastern portion of the block bounded by West 42nd and 43rd streets, and Eleventh and Twelfth avenues, from an M2-3 zoning district to a C6-4 zoning district, within the Perimeter Area (Area B) of the Special Clinton District.

The project site is located at 604 West 43rd Street (Block 1090, Lots 36 and 42), in the Clinton neighborhood of Community District 4, in Manhattan. Lots 36 and 42 are the last two tax lots on Block 1090 that are still zoned M2-3. The rest of the block was rezoned to a C6-4 district under a previous application (CEQR No. 94DCP036M/ULURP No. 970219 ZMM), adopted on July

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15, 1997. The property subject to the proposed rezoning is developed with a 6-story, 75,000 square foot office building and a 1-story vehicle maintenance garage, that conform to the existing M2-3 zoning district regulations, and are currently occupied by Verizon and/or its subcontractors. The proposed change to a C6-4 district would allow the establishment of residential uses on the site to be built to a maximum FAR of 12.0, or commercial and community facility uses to be built to an FAR of 10.0. Residential and community facility uses are not permitted in the existing M2-3 zoning district.

The applicant owns a lot (Lot 23) that is adjacent to area to be rezoned and also owns development rights from another contiguous lot (Lot 20). Both of these properties are located in the existing C6-4 zone. If these lots were merged with the lots proposed to be rezoned under this action, the resulting zoning lot could be redeveloped with a mixed-use building, comprising a total of 750,768 square feet, including approximately 757 dwelling units, 18,000 square feet of ground floor retail space and an accessory parking garage for approximately 150-vehicles. The redevelopment of the site would require the demolition of the existing buildings in the rezoning area (Block 1090, Lots 36 and 42) and the adjacent lot (Block 1090, Lot 23). The existing structure on Lot 20 is expected to remain.

To avoid any potential impacts associated with noise, the proposed action will place an (E) designation (E-135) for noise on Block 1090, Lots 36 and 42.

The text of the (E) designation is as follows:

> 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.

With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur.

Sincerely,

Robert Dobruskin

Robert Dobruskin

cc. Amanda Burden, AICP
City Planning Commissioners
Hon. C. Virginia Fields, Manhattan Borough President
Robert Kulikowski
David Karnovsky
Gail Benjamin
Laurence Parnes
James Merani
Vishaan Charabarti
Patrick Blanchfield
Sam Voyages
Susan Wong
Phil Sperling
Pat Bussey
Edith Hse-Chen
Jeffrey Mulligan
Community Board 4, Manhattan

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

October 04, 2004

CONDITIONAL NEGATIVE DECLARATION

Project Identification
CEQR No. 04DCP014M
ULURP No. 040249 ZMM
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:

Verizon West 43rd Street Rezoning
The proposal involves an application by Verizon New York, Inc., for a Zoning Map Amendment to change the northeastern portion of the block bounded by West 42nd and 43rd streets, and Eleventh and Twelfth avenues, from an M2-3 zoning district to a C6-4 zoning district, within the Perimeter Area (Area B) of the Special Clinton District.

The project site is located at 604 West 43rd Street (Block 1090, Lots 36 and 42), in the Clinton neighborhood of Community District 4, in Manhattan. Lots 36 and 42 are the last two tax lots on Block 1090 that are still zoned M2-3. The rest of the block was rezoned to a C6-4 district under a previous application (CEQR No. 94DCP036M/ULURP No. 970219 ZMM), adopted on July 15, 1997. The property subject to the proposed rezoning is developed with a 6-story, 75,000 square foot office building and a 1-story vehicle maintenance garage, that conform to the existing M2-3 zoning district regulations, and are currently occupied by Verizon and/or its subcontractors. The proposed change to a C6-4 district would allow the establishment of residential uses on the site to be built to a maximum FAR of 12.0, or commercial and community facility uses to be built to an FAR of 10.0. Residential and community facility uses are not permitted in the existing M2-3 zoning district.

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The applicant owns a lot (Lot 23) that is adjacent to area to be rezoned and also owns development rights from another contiguous lot (Lot 20). Both of these properties are located in the existing C6-4 zone. If these lots were merged with the lots proposed to be rezoned under this action, the resulting zoning lot could be redeveloped with a mixed-use building, comprising a total of 750,768 square feet, including approximately 757 dwelling units, 18,000 square feet of ground floor retail space and an accessory parking garage for approximately 150-vehicles. The redevelopment of the site would require the demolition of the existing buildings in the rezoning area (Block 1090, Lots 36 and 42) and the adjacent lot (Block 1090, Lot 23). The existing structure on Lot 20 is expected to remain.

To avoid any potential impacts associated with noise, the proposed action will place an (E) designation (E-135) for noise on Block 1090, Lots 36 and 42.

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With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur.

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 June 3, 2004, prepared in connection with the ULURP Application (040249 ZMM). 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:

1. A restrictive declaration has been prepared that requires the preparation of a hazardous materials sampling protocol, including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The declaration establishes an agreement to test and identify any potential hazardous material impacts pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA), was prepared in October, 2000 for the project site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and a restrictive declaration was recommended, as stated in the memo from DEP dated May 28, 2004, due to the potential presence of hazardous materials on the site as a result of past and present on-site land uses. The declaration will serve as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

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

   An (E) designation for hazardous materials (E-79) was placed on the adjacent property (Block 1090, Lot 23) when it was rezoned to a C6-4 district. The existing (E) designation would ensure that no significant adverse impacts related to hazardous materials on that property 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 preceding 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 alternation to the proposed action.

Steven F. Masterman
Signature of Authorized Representative

Date: June 3, 2004

Steven F. Masterman
Name of the applicant or Authorized Representative (Print)

Date:

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

Date: 6/4/04

Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 10/4/04