E-160

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

November 14, 2005

Richard G. Leland
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, NY 10036

Re: **Madison Park West**
CEQR No. 05DCP089M
ULURP Nos. 060210 ZMM, 060211ZSM

Dear Mr. Leland:

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.

Enclosed is the Negative Declaration for CEQR No. 05DCP089M, Madison Park West, including supporting statements for the finding that the project will not have a significant effect on the environment. The proposal involves an application by 200 Fifth, LLC for an amendment to the zoning map to change the zoning designation of an approximately 47,797 square foot area on a portion of two blocks bounded by West 23rd and West 25th Streets and Fifth and Sixth Avenues (Block 825, Lots 29 and 31; and Block 826, Lots 33, 37 and 46) from M1-6 to C5-2 in the Flatiron District neighborhood of Manhattan Community District 5. A portion of the proposed rezoning area is located in the Ladies Mile Historic District, a designated New York City Historic District.

The project site consists of four properties under the control of the applicant – 200 Fifth Avenue (Block 825, Lot 31), 23 West 23rd Street, (Block 825, Lot 29), 1107 Broadway (Block 826, Lot 37), and 7 West 24th Street (Block 826, Lot 33). The eastern portions of the applicant's properties are currently located in a C5-2 district and the proposed action would shift the C5-2 district boundary line to 275 feet west of Fifth Avenue to cover the entire project site.

The 200 Fifth Avenue property, which occupies the entire block front between West 23rd and West 24th Streets, is developed with a 14-story office building with ground floor retail, and is

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located within the Ladies Mile Historic District. 1107 Broadway occupies the northwest corner of Broadway and West 24th Street and is developed with a 16-story office building with ground floor retail. These two buildings are connected via an upper level bridge, and are collectively know as the International Toy Center (ITC), a wholesale market for the Children's Entertainment and Seasonal Products industry. The ITC provides permanent showroom space, temporary exhibit space, and hosts trade shows and conferences for the toy industry.

The proposed rezoning would facilitate a proposal by the applicant to convert the existing buildings at 200 Fifth Avenue and 1107 Broadway to residential use with ground floor retail. The applicant would also build a two-story addition on the roof of 200 Fifth Avenue and a six-story addition on the roof of 1107 Broadway. Because the 200 Fifth Avenue building is located in the Ladies Mile Historic District, any exterior changes to the building would require a Certificate of Appropriateness from the NYC Landmark Preservation Commission (LPC). The building at 1107 Broadway is not located within the historic district and, therefore, exterior changes to this building would not require LPC review and approval. The proposed project would contain a total of 1,085 residential units. In addition to the proposed rezoning, the applicant is requesting a special permit pursuant to Zoning Resolution (ZR) Sections 13-562 and 74-52 for a 54-space public parking garage to be located in the basement of 1107 Broadway. Access to the garage would be provided through the ground floor of the building at 7 West 24th Street. No changes would occur to the building at 23 West 23rd street. Construction of the proposed project is expected to be completed in December of 2007.

The proposed rezoning could also facilitate the conversion of a portion of an existing 12-story, loft-style office building located at 1115 Broadway (Block 826, Lot 46), which is not under the applicant's control, to residential use. A portion of the building is located within the proposed rezoning area and could be converted to contain approximately 143 apartments.

Absent the proposed action, the applicant has stated that it would convert the existing building at 200 Fifth Avenue and 1107 Broadway to a mix of hotel and residential uses with ground floor retail. The conversion would include an approximately 1,325 room hotel in the portions of the buildings located in the M1-6 zoning district and approximately 585 residential units in the portions of the buildings located in the C5-2 portion of the project site.

Due to the potential presence of hazardous materials on the four properties owned by the applicant -- 200 Fifth Avenue (Block 825, Lot 31), 23 West 23rd Street, (Block 825, Lot 29), 1107 Broadway (Block 826, Lot 37), and 7 West 24th Street (Block 826, Lot 33) -- the applicant has agreed via a restrictive declaration to prepare 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 applicant has agreed to test and identify any potential hazardous material impact 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.

The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

The declaration would serve as a mechanism to assure that the potential for hazardous materials contamination would be characterized prior to any site disturbance (i.e. site grading, excavation, demolition, or building construction) and is binding upon the property's successors and assigns.

In addition, to avoid the potential for hazardous materials impacts on the property located at 1115 Broadway (Block 826, Lot 46), which is not owned by the applicant, an (E) designation for hazardous materials will be mapped on Block 826, Lot 46 as part of the proposed rezoning.

The (E) designation would ensure that sampling and remediation take place on the subject property, and would avoid any significant impacts related to hazardous materials at this location. The (E) designation would require that the fee owner of the site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings 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.

To avoid the potential for significant adverse air quality impacts from the HVAC emissions from the building at 1115 Broadway (Block 826, Lot 46), an (E) designation for air quality will be incorporated into the rezoning proposal. The (E) designation for air quality will ensure that the proposed action would not result in significant adverse impacts due to HVAC emissions.

To avoid any potential impacts associated with noise, as part of the proposed rezoning, an (E) designation for noise will be placed on the properties located at 200 Fifth Avenue (Block 825, Lot 31), 1107 Broadway (Block 826, Lot 37), and 1115 Broadway (Block 826, Lot 46). The (E) designation for noise on the properties located at 200 Fifth Avenue (Block 825, Lot 31), 1107 Broadway (Block 826, Lot 37), and 1115 Broadway (Block 826, Lot 46) will ensure that the proposed action would not result in significant adverse impacts due to noise.

Sincerely,

Robert Dobruskin

cc: Amanda M. Burden, AICP
City Planning Commissioners
Hon. C. Virginia Fields
Robert Kulikowski
David Karnovsky
Laurence Parnes
Gail Benjamin
Raymond Gastil
Community Board 5, Manhattan
Susan Wong
Pat Bussey
James Merani
Phil Sperling
Brad Kieves
Ray Hodges

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

November 14, 2005

Project Identification
CEQR No. 05DCP089M
ULURP Nos. 060210 ZMM, 060211ZSM
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:

Madison Park West
The applicant, 200 Fifth, LLC, is requesting an amendment to the zoning map to change the zoning designation of an approximately 47,797 square foot area on a portion of two blocks bounded by West 23rd and West 25th Streets and Fifth and Sixth Avenues (Block 825, Lots 29 and 31; and Block 826, Lots 33, 37 and 46) from M1-6 to C5-2 in the Flatiron District neighborhood of Manhattan Community District 5. A portion of the proposed rezoning area is located in the Ladies Mile Historic District, a designated New York City Historic District.

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The 200 Fifth Avenue property, which occupies the entire block front between West 23rd and West 24th Streets, is developed with a 14-story office building with ground floor retail, and is located within the Ladies Mile Historic District. 1107 Broadway occupies the northwest corner of Broadway and West 24th Street and is developed with a 16-story office building with ground floor retail. These two buildings are connected via an upper level bridge, and are collectively know as the International Toy Center (ITC), a wholesale market for the Children's Entertainment and Seasonal Products industry. The ITC provides permanent showroom space, temporary exhibit space, and hosts trade shows and conferences for the toy industry.

The proposed rezoning would facilitate a proposal by the applicant to convert the existing buildings at 200 Fifth Avenue and 1107 Broadway to residential use with ground floor retail. The applicant would also build a two-story addition on the roof of 200 Fifth Avenue and a six-story addition on

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the roof of 1107 Broadway. Because the 200 Fifth Avenue building is located in the Ladies Mile Historic District, any exterior changes to the building would require a Certificate of Appropriateness from the NYC Landmark Preservation Commission (LPC). The building at 1107 Broadway is not located within the historic district and, therefore, exterior changes to this building would not require LPC review and approval. The proposed project would contain a total of 1,085 residential units. In addition to the proposed rezoning, the applicant is requesting a special permit pursuant to Zoning Resolution (ZR) Sections 13-562 and 74-52 for a 54-space public parking garage to be located in the basement of 1107 Broadway. Access to the garage would be provided through the ground floor of the building at 7 West 24th Street. No changes would occur to the building at 23 West 23rd street. Construction of the proposed project is expected to be completed in December of 2007.

The proposed rezoning could also facilitate the conversion of a portion of an existing 12-story, loft-style office building located at 1115 Broadway (Block 826, Lot 46), which is not under the applicant's control, to residential use. A portion of the building is located within the proposed rezoning area and could be converted to contain approximately 143 apartments.

Absent the proposed action, the applicant has stated that it would convert the existing building at 200 Fifth Avenue and 1107 Broadway to a mix of hotel and residential uses with ground floor retail. The conversion would include an approximately 1,325 room hotel in the portions of the buildings located in the M1-6 zoning district and approximately 585 residential units in the portions of the buildings located in the C5-2 portion of the project site.

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The applicant has agreed to test and identify any potential hazardous material impact 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.

The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

The declaration would serve as a mechanism to assure that the potential for hazardous materials contamination would be characterized prior to any site disturbance (i.e. site grading, excavation, demolition, or building construction) and is binding upon the property's successors and assigns.

In addition, to avoid the potential for hazardous materials impacts on the property located at 1115 Broadway (Block 826, Lot 46), which is not owned by the applicant, an (E) designation for hazardous materials will be mapped on Block 826, Lot 46 as part of the proposed rezoning.

The (E) designation would ensure that sampling and remediation take place on the subject property, and would avoid any significant impacts related to hazardous materials at this location. The (E) designation would require that the fee owner of the site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings 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. The text for the (E) designation would be as follows:

> **Task 1**
> **The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, 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 DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.**
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> **No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the 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 DEP upon request.**
>
> **Task 2**
> **A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results**

indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by DEP. 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.

A DEP-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 DEP for review and approval prior to implementation.

To avoid the potential for significant adverse air quality impacts from the HVAC emissions from the building at 1115 Broadway (Block 826, Lot 46), an (E) designation for air quality will be incorporated into the rezoning proposal. The text of the (E) designation is as follows:

- **In order to ensure that there will be no potential adverse air quality impacts, the boiler for any change to residential use in the building at 1115 Broadway (Block 826, Lot 46) must use natural gas as the type of fuel for HVAC systems and the boiler stack must be located at a minimum distance of at least 50-feet from the facade of the building at 1107 Broadway (Block 826 , Lot 37).**

The (E) designation for air quality will ensure that the proposed action would not result in significant adverse impacts due to HVAC emissions.

To avoid any potential impacts associated with noise, as part of the proposed rezoning, an (E) designation for noise will be placed on the properties located at 200 Fifth Avenue (Block 825, Lot 31), 1107 Broadway (Block 826, Lot 37), and 1115 Broadway (Block 826, Lot 46). The text of the (E) designation for noise 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 would also have to be provided.

Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

The (E) designation for noise on the properties located at 200 Fifth Avenue (Block 825, Lot 31), 1107 Broadway (Block 826, Lot 37), and 1115 Broadway (Block 826, Lot 46) will ensure that the proposed action would not result in significant adverse impacts due to noise.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning has completed its technical review of the Environmental Assessment Statement dated November 14, 2005, prepared in connection with ULURP Nos. 060210 ZMM and 060211ZSM. On behalf of the City Planning Commission, the Environmental Assessment and Review Division 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 restrictive declaration for hazardous materials on the four applicant-owned properties located at 200 Fifth Avenue (Block 825, Lot 31), 23 West 23rd Street, (Block 825, Lot 29), 1107 Broadway (Block 826, Lot 37), and 7 West 24th Street (Block 826, Lot 33) and the (E) designation for hazardous materials on the property located at 1115 Broadway (Block 826, Lot 46) would ensure that no significant adverse impacts associated with hazardous materials would result from the proposed action.

2. The (E) designation for air quality on the property located at 1115 Broadway (Block 826, Lot 46) would ensure that no significant adverse impacts due to HVAC System emissions would result from the proposed action.

3. The (E) designations for noise on the properties located at 200 Fifth Avenue (Block 825, Lot 31), 1107 Broadway (Block 826, Lot 37), and 1115 Broadway (Block 826, Lot 46) would ensure that no significant adverse impacts due to noise would result from the proposed action.

4. 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 Brad Kieves at (212) 720-3417.

Robert Dobruskin

Date: 11/14/05

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

Date: 11/14/05

Amanda M. Burden, AICP, Chair
City Planning Commission