



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

December 19, 2007

REVISED NEGATIVE DECLARATION

Supersedes Negative Declaration issued on July 23, 2007

Project Identification

CEQR No. 06DCP060M
ULURP No. 060225 ZMM
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

Zoning Map Amendment 3300 - 3320 Broadway, New York, NY

The proposal involves an application by Tuck-It-Away, L.P., for a zoning map amendment to rezone properties located at 3300 Broadway (Block 1987, Lot 1) and 3320 Broadway (Block 1988, Lot 1) from M1-2 to C6-2. The subject properties occupy the eastern blockfronts of Broadway between West 133rd Street and West 135th Street in the Manhattanville neighborhood of Manhattan Community District 9, and are currently developed with low-rise buildings containing a mix of retail, storage, and parking uses. One of the buildings, the former Claremont Theater, is a designated New York City landmark.

The proposed action would facilitate a proposal by the applicant to redevelop the properties with residential, commercial, and other uses at a higher floor area ratio (FAR) than currently permitted. Under the current M1-2 zoning, residential use is not permitted, and the maximum FAR is 2.0. Under the proposed C6-2 district, residential is permitted at a maximum FAR of 6.02 (7.2 under the Quality Housing option), community facility use is permitted at a maximum FAR of 6.5, and a wide range of commercial uses is permitted at a maximum FAR of 6.0.

A Negative Declaration was issued for the proposal on July 23, 2007. The Negative Declaration included an (E) designation (E-193) for noise, requiring a minimum of 40 dB(A) of window/wall attenuation for future residential and commercial uses with the rezoning area.

At the time the Negative Declaration was issued, the City Planning Commission was considering a concurrent application by Columbia University for the Manhattanville in West Harlem Rezoning and Academic Mixed-Use Development (CEQR No. 06DCP032M). That proposal included the rezoning of the subject parcels to a C6-1 district within the Academic Mixed-Use Area Subdistrict A of the Special Manhattanville Mixed-Use District. On November 26, 2007, the City Planning Commission adopted the Manhattanville proposal with modifications.

The City Planning Commission is now considering modifying the Tuck-It-Away Associates, L.P., application to eliminate the 3320 Broadway parcel (Block 1988, Lot 1) from the proposed rezoning area. Under this modification, the (E) designation for noise would be placed only on the 3300 Broadway parcel (Block 1987, Lot 1). The text of the (E) designation, which would remain the same, is as follows:

In order to ensure an acceptable interior noise environment, future residential and commercial uses must provide a closed window condition with a minimum of 40 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.

Additionally, the modification would warrant (E) designation requirements for operational air quality and construction impact air quality on Block 1987, Lot 1 in order to avoid potential significant adverse impacts, as described below.

Operational Air Quality

An E-designation would be required on Block 1987, Lot 1 to ensure this development would not result in any significant air quality impacts from HVAC emissions. The E-designation is as follows:

Any new development on the above referenced property must ensure that the heating, ventilating and air conditioning (HVAC) systems utilize natural gas to avoid any potential significant air quality impacts.

Construction Air Quality

An emission reduction program would be instituted for Block 1987, Lot 1 during construction to be implemented through an E-designation. The specific technical requirements relating to this E-designation is as follows:

Prior to issuing a building or demolition permit, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York (DEP) stating that the applicant has documented to DEP's satisfaction that either: (1) the applicant will implement the following controls in

connection with its construction of such development, including reporting and completion certification which must be approved by DEP prior to issuance of any Certificate of Occupancy, and that its contracts for such construction will have specifications requiring the following restrictions; or (2) that applicant has demonstrated to DEP's satisfaction, including reporting and completion certification to be approved by DEP prior to issuance of any Certificate of Occupancy, if necessary, that the construction of the development would not result in significant air quality impacts from fine particulate matter emissions PM_{2.5}:

- 1. Generator Use Limited: On-site power generation will be limited to a single generator with a power rating of 10 horsepower (hp) or less, to be used during construction working hours only and not to be operated after hours. Any other on-site electrical power needs may be met by securing a grid-power connection.**
- 2. Non-road Diesel Sulfur Content Limited: Any diesel fuel used on site by non-road engines will be ultra low sulfur diesel (ULSD) with a sulfur content of 15 parts per million or less (50hp or greater).**
- 3. Large Engine Emissions Control: All non-road diesel engines with a power rating of 50 hp or greater to be used on site will be either:
 - a. certified as EPA Tier 4 engines; or**
 - b. certified as EPA Tier 2 engines and retrofit with a diesel particle filter (DPF) verified by EPA or California Air Resources Board, or with other emission reduction technology which is documented to reduce at least 90 percent of diesel particulate matter emissions for the engine exhaust.****

The above (E) designations for noise and air quality would ensure that the proposed action would not result in significant adverse impacts due to noise.

The Negative Declaration issued on July 23, 2007 identified the need for a restrictive declaration for hazardous materials due to the potential presence of hazardous materials on the subject properties (Block 1987, Lot 1 and Block 1988, Lot 1). With the proposed modification under consideration by the City Planning Commission to eliminate the blockfront containing 3320 Broadway (Block 1988, Lot 1), the restrictive declaration would apply only to Block 1987, Lot 1. The restrictive declaration requires that the applicant 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 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. The restrictive declaration would ensure that the proposed action would not result in significant adverse impacts related to hazardous materials.

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 July 20, 2007 prepared in connection with ULURP No. 060225 ZMM. 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 subject property (Block 1987, Lot +1) would ensure that no significant adverse impacts associated with hazardous materials would result from the proposed action.
2. The (E) designations for noise and air quality on the subject property (Block 1987, Lot 1) would ensure that no significant adverse impacts due to noise or air quality would result from the proposed action.
3. 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 Robert Dobruskin at (212) 720-3423.

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

Date: 12/14/07



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 12/19/07

