



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

REVISED NEGATIVE DECLARATION

Supersedes Negative Declaration issued on February 6, 2006

July 10, 2006

Project Identification

CEQR No. 06DCP067M
ULURP Nos. 040543 ZMM, N040544 ZRM,
040545 ZSM
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:

Tribeca North Rezoning

The applicant, Truffles LLC, proposes an amendment to the zoning map to change the zoning designation of a four block area from M1-5 to C6-3A and C6-2A in the Tribeca neighborhood of Manhattan Community Board 1. The proposed rezoning area is bounded by Route 9A/West Street on the west, Hubert Street on the south, Washington Street on the east, and Watts Street on the north (Block 217, Lots 1 and 1001-1033; Block 218, Lots 14, 18, 20, 23, 24 and 28; Block 223, Lots 3, 5, 7, 9, 11-13, 15, 18 and 20; Block 224, Lots 1, 3, 7, 8, 13 and 16) and is located within Area B2 of the Special Tribeca Mixed Use District. The southern portion of the proposed rezoning area is located within the Tribeca North Historic District, a designated New York City Historic District. The applicant is also proposing a zoning text amendment to establish a new Area A4 within the Special Tribeca Mixed Use District, and to amend Zoning Resolution (ZR) Sections 111-102, 111-103 and 111-104 to establish use and bulk regulations for area A4. In addition, the applicant is seeking a special permit pursuant to ZR Sections 13-562 and 74-52 to permit a 180-space public parking garage in connection with a proposed residential building.

The City Planning Commission (CPC) is modifying the application so that in the proposed C6-3A district, the maximum residential FAR would be reduced from 7.52 to 6.5, and the maximum street wall height would be reduced from 150 feet to 102 feet. Also, the C6-2A district boundary line would be relocated from 85 feet west of Washington Street to 100 feet west of Washington Street. This would result in a greater portion of the rezoning area being located in the C6-2A district and a commensurate reduction in the portion of the rezoning area located in the C6-3A district. The original proposal also would have allowed floor area to be transferred from the C6-2A district to the C6-3A district on zoning lots greater than 30,000 square feet, which would not be permitted under the modified proposal. The zoning district boundary line bisects the properties controlled by the applicant.

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The proposed action would facilitate a proposal by the applicant to develop a residential building occupying the entire block bounded by West, Washington, Desbrosses and Watts Streets (Block 224, Lots 1, 3, 7, 8, 13 and 16). The residential building would be developed in accordance with the proposed zoning map and text amendments as modified by the CPC, and would contain a 180-space public parking garage subject to the proposed special permit. The proposed public parking garage would be on the cellar level of the building and ingress and egress would be provided on Desbrosses Street. The site would be developed with an approximately 231,109 gross square foot (gsf) residential building consisting of 271 residential units.

As a result of the proposed action, new residential development is projected on four other sites within the proposed rezoning area. A 205,904 gsf residential building containing 242 dwelling units could be developed on a site located at 264-271 West Street/58-74 Vestry Street (Block 223, Lots 3, 5, 7, 9, 11, 12, 15 and 20), a 25,068 gsf residential building containing 29 dwelling units could be developed on a site located at 414 Washington Street (Block 218, Lot 14), at the northeast corner of Laight and Washington Streets, and a residential conversion containing 287 dwelling units is projected for the warehouse building located at 250 West Street (Block 217, Lot 1), which currently contains an office use. Also, the existing residential building located at 428 Washington Street (Block 223, Lot 18) could be enlarged with an additional 7 dwelling units. In total, development under the proposed action would be expected to result in 836 dwelling units in the rezoning area.

Due to the potential presence of hazardous materials on the two properties controlled by the applicant -- the full block property bounded by West, Washington, Desbrosses and Watts Streets Block 224, Lots 1, 3, 7, 8, 13 and 16) and 264-271 West Street/58-74 Vestry Street (Block 223, Lots 3, 5, 7, 9, 11, 12, 15 and 20) -- the applicant has agreed via restrictive declarations to prepare hazardous materials sampling protocols including health and safety plans, 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 protocols and, if any such impacts are found, submit hazardous material remediation plans including health and safety plans to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans.

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

The declarations 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 properties's successors and assigns.

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In addition, to avoid the potential for hazardous materials impacts on the properties located at 414 Washington Street (Block 218, Lot 14), 428 Washington Street (Block 223, Lot 18), and 250 West Street (Block 217, Lot 1), which are not controlled by the applicant, (E) designations for hazardous materials will be mapped on these properties (Block 218, Lot 14; Block 223, Lot 18; and Block 217, Lot 1) as part of the proposed rezoning.

The (E) designations would ensure that sampling and remediation take place on the subject properties, and would avoid any significant impacts related to hazardous materials at these locations. The (E) designations would require that the fee owner of the sites 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) designations also include a mandatory construction-related health and safety plan which must be approved by NYCDEP. The text for the (E) designations 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.

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 any potential impacts associated with noise, as part of the proposed rezoning, the following (E) designation for noise will be placed on the full block property bounded by West, Washington, Desbrosses and Watts Streets (Block 224, Lots 1, 3, 7, 8, 13 and 16), the property located at 264-271 West Street/58-74 Vestry Street (Block 223, Lots 3, 5, 7, 9, 11, 12, 15 and 20), and the property located at 250 West Street (Block 217, Lot 1):

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 40 dB(A) window/wall attenuation 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.

In addition to the above (E) designation, to avoid any potential impacts associated with noise at the property located at 414 Washington Street (Block 218, Lot 14), the following (E) designation for noise will be placed on this property:

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 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.

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The (E) designations for noise on the above properties 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 Technical Memorandum dated July 10, 2006, prepared in connection with ULURP Nos. 040543 ZMM, N040544 ZRM, 040545 ZSM. 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 declarations for hazardous materials on the two applicant-owned properties located on the block bounded by West, Washington, Desbrosses and Watts Streets (Block 224, Lots 1, 3, 7, 8, 13 and 16) and at 264-271 West Street/58-74 Vestry Street (Block 223, Lots 3, 5, 7, 9, 11, 12, 15 and 20) and the (E) designation for hazardous materials on the property located at 414 Washington Street (Block 218, Lot 14), 428 Washington Street (Block 223, Lot 18), and 250 West Street (Block 217, 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 on the properties located on the full block property bounded by West, Washington, Desbrosses and Watts Streets (Block 224, Lots 1, 3, 7, 8, 13 and 16), 264-271 West Street/58-74 Vestry Street (Block 223, Lots 3, 5, 7, 9, 11, 12, 15 and 20), 250 West Street (Block 217, Lot 1), and 414 Washington Street (Block 218, Lot 14) would ensure that no significant adverse impacts due to noise would result from the proposed action.
3. This Revised Negative Declaration has been prepared in consideration of the City Planning Commission's modifications to the proposed action, which are evaluated in the Technical Memorandum dated July 10, 2006. The Commission's modifications would reduce the maximum residential FAR in the proposed C6-3A district from 7.52 to 6.5, and the maximum street wall height in the proposed C6-3A district would be reduced from 150 feet to 102 feet. Also, the C6-2A district boundary line would be relocated from 85 feet west of Washington Street to 100 feet west of Washington Street. The Commission's modifications would result in a reduction in the number of dwelling units that could be developed on the two projected development sites controlled by the applicant. The number of dwelling units that could be developed on the property bounded by West, Washington, Desbrosses and

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Watts Streets would be reduced from 308 to 271 units, and the number of units that could be developed on the site located at 264-271 West Street/58-74 Vestry Street would be reduced from 279 to 242 units. The Technical Memorandum also evaluates the effects of the inclusion of an additional projected development site within the proposed rezoning area, located at 250 West Street, which was not included in the EAS for the proposed action. The residential conversion of the building at 250 West Street could result in an additional 287 dwelling units under the proposed rezoning. As indicated above, the Revised Negative Declaration includes (E) designations for hazardous materials and noise on 250 West Street.

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

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

Date: 7/10/06

A.M.

Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 7/10/06