



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

June 2, 2008

REVISED NEGATIVE DECLARATION

Supersedes Negative Declaration issued on January 7, 2008

Project Identification

CEQR No. 07DCP095M
ULURP No. 070575 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:

Hudson Square North Rezoning

The City Planning Commission is proposing a modification to the above referenced proposed action involving an application by 627 Realty LLC and KMG Greenwich LLC, for an amendment to the zoning map. The action, as filed, affected five and a half blocks in the West Village/Hudson Square neighborhoods of Manhattan Community District 2 generally bounded by Barrow Street to the north; Hudson Street; Clarkson Street to the south; and West Street to the west, affecting Block 601, Lots 47, 52, 72, 7501, 7502; Block 602, Lots 10, 28, 30, 36, 55, 56, 58, 64, 68, 83, 85, 7501; and Block 603, Lots 28, 37, 46, 49, 51, 53. It would change an existing M1-5 zoning district to a special mixed-use M1-5/R7X district. The affected area is adjacent to the Greenwich Village Historic District, a New York City Landmark listed on the State and National Registers of Historic Places; and the Graphic Arts Historic District, which is potentially eligible for New York City Landmark designation and listing on the State and National Registers of Historic Places.

The proposed revision would reduce the area of the rezoning, to portions of only two blocks within the previously considered area: the properties owned by the applicant (Block 602, Lots 55, 58, 83, and 85); projected Site 3 (Block 602, Lot 64); and projected Site 8 (Block 602, Lot 28). The revised rezoning area would be generally bounded by Morton Street to the north; Hudson Street to the east; Leroy Street to the south; and Washington Street to the west. Under this modification, there would be no change to the existing zoning on Block 601, Lots 47, 52, 72, 7501, 7502; Block 602, Lots 10, 30, 36, 56, 68, 7501; and Block 603, Lots 28, 37, 46, 49, 51, 53. Therefore, the (E) designations proposed for those lots would be removed.

The area to be rezoned is developed with a mix of industrial, commercial and residential buildings. Residential uses are not permitted in the M1-5 zoning district, but a residential community has been established in the area, partly as a result of zoning variances to allow the use. The proposed M1-5/R7X mixed-use district would generally maintain the existing uses and permitted density, while allowing residential conversion and new residential development to occur as-of-right. The existing M1-5 zoning district permits commercial and industrial development at a maximum floor area (FAR) of 5.0, and community facility development at 6.5 FAR. The proposed M1-5/RX zoning would permit a maximum of 5.0 FAR for residential, community facility, commercial, and manufacturing uses. Existing height and setback regulations permit tower developments; the proposed zoning mandates streetwall requirements and a building height limit of 125-feet.

The proposed action would facilitate a proposal by the applicant to develop two sites in the rezoning area. One site, located at 627 Greenwich Street (Block 602, Lot 58), is currently developed with a 12-story, 107,000 square-foot commercial building. The building is mostly vacant, with only one remaining tenant -- a printing company located on seventh floor. The applicant expects to convert the building to residential use. The building could contain up to 107 dwelling units.

The other site controlled by the applicant is located at 111/115 Leroy Street (Block 602, Lots 55, 83, 85). That site is currently developed with a one-story commercial building (Lot 55); a two-story commercial/industrial building (Lot 83) and a 98-space parking lot (Lot 85). The existing buildings would be demolished to facilitate the development of a new, approximately 80,000 square-foot, residential building containing up to 94 dwelling units. The development would include 7,250 square feet of development rights from an adjacent building located at 78 Morton Street (Lot 64), which the applicant has purchased.

In addition to the sites controlled by applicant, the proposed action is projected to result in development on two other sites not under the control of the applicant. Including the applicant's sites, the action is expected to result in a net increase of 254 residential units and 2,674 square feet of new retail space; and a net decrease of 130,845 square feet of commercial space and 98 parking spaces. Under the previous proposal, a total of eight projected development sites and three potential development sites were identified (including the sites controlled by applicant) which could have resulted a net increase of 528 residential units and 23,524 square feet of new retail space; and a net decrease of 373,054 square feet of commercial space and 134 parking spaces.

A Negative Declaration was issued for the above referenced proposal on January 7, 2008. The Negative Declaration included an (E) designation (E-211) for Air Quality and Hazardous Materials. Under this modification, the number of properties receiving (E) designations on Zoning Map 12a for air quality and hazardous materials would be reduced. The provisions of the (E) designations would remain unchanged.

To avoid any potential impacts associated with emissions, the proposed action will include an (E) designation for air quality on the following properties, which includes one of the applicant's properties (Site 2) and projected Site 3:

Block 602, Lots 55, 64, 83, 85

With the implementation of the above (E) designation, no significant adverse impacts related to air quality would occur. The text of the (E) designation would remain as follows:

Block 602, Lots 55, 83, 85:

Any new residential and/or commercial development on the above-referenced property must ensure that the heating ventilating and air conditioning stack(s) be located at least 55-feet if firing No. 2 oil, or 42-feet if firing natural gas, from the lot line adjacent to Block 602, Lot 58 and facing Morton Street and parallel with Greenwich Street; and at least 55-feet if firing No. 2 oil, or 42-feet if firing natural gas, from the lot line facing Hudson Street and parallel with Leroy Street, to avoid any potential air quality impacts.

Block 602, Lot 64:

Any new residential and/or commercial development on the above-referenced property must ensure that the heating ventilating and air conditioning stack(s) be located at least 25-feet from any operable windows or the heating ventilating and air conditioning stack(s) are located at least 3-feet above the roof of the existing building at 423 Hudson Street, to avoid any potential air quality impacts.

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

In order to avoid any potential impacts related to hazardous materials (E) designations for hazardous materials would be also be included on two projected sites (Sites 3 and 8):

Block 602, Lots 28 and 64

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

Due to the possible presence of hazardous materials on the aforementioned designated sites there is potential for contamination of the soil and groundwater. To determine if contamination exists and perform and appropriate remediation, the following tasks must be undertaken by the fee owners(s) of the lot restricted by this (E) designation prior to any demolition or disturbance of soil on the lot.

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.

Due to the potential presence of hazardous materials on the applicant's properties (Block 602, Lots 55, 58, 83, and 85), the applicant has entered into a restrictive declaration requires that requires the applicant 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 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.

Due to the potential presence of archeological resources on the applicant's properties (Block 602, Lots 55, 58, 83, and 85), the applicant has entered into a restrictive declaration requires

that requires the applicant to prepare the applicant perform Stage 1B testing, including soil borings to determine subsurface conditions, such as fill layers, to be carried out with the review and approval of the Landmarks Preservation Commission (LPC). Should testing indicate that the site contains artifacts, mitigation measures which could include a full-scale evacuation to be conducted under the supervision of LPC, may be required.

The restrictive declaration would serve as a mechanism to assure that the potential for recovering archeological resources 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 historic resources.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning have completed its technical review of the Environmental Assessment Statement dated December 4, 2007 prepared in connection with ULURP No. 070575 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 (E) designations for air quality and hazardous materials would ensure that no significant adverse impacts due to air quality or hazardous materials would result from the proposed action.
2. A Phase I Environmental Site Assessment (ESA) was performed for the Hudson Square rezoning, adjacent to the proposed rezoning area. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and Phase II testing was recommended by DEP, due to the presence of hazardous materials on the site as a result of past and present on- and off-site land uses.

The restrictive declaration, binding on all successors and assigns of the applicant, requires that additional Phase II testing be prepared, including a sampling protocol and a health and safety plan for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and approval and provide for such remediation. The declaration serves as a mechanism to assure the potential for historic resources that may exist in the sub-surface soils on the applicant's property would be characterized prior to any site disturbance.

The declaration was executed on October 23, 2007. On October 31, 2007, DEP confirmed, via written correspondence, that the applicant filed a DEP-approved Restrictive Declaration with the New York City Department of Finance of the City Register.

3. A Stage 1A Documentary Study was performed on the applicant's properties (Block 602, Lots 55, 58, 83, and 85). The Documentary Study ESA was reviewed by the Landmarks Preservation Commission (LPC) and Stage 1B testing was recommended by LPC, due to the potential presence of archeological resources on the site as a result of past land uses.

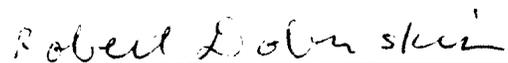
The restrictive declaration, binding on all successors and assigns of the applicant, requires Stage 1B testing, including soil borings to determine subsurface conditions, such as fill layers, with the locations of borings for LPC's review and approval. If historic resource impacts are found, the declaration requires that the applicant submit an excavation plan for LPC's review and approval and provide for such remediation. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's property would be characterized prior to any site disturbance.

The declaration was executed on January 2, 2008. On January 3, 2008, DCP received written confirmation that the applicant filed a LPC-approved Restrictive Declaration with the New York City Department of Finance of the City Register.

4. Noise levels at some locations within the rezoning area are in the "marginally unacceptable" category, requiring a minimum window-wall attenuation of 35 dBA to maintain interior noise levels of 45 dBA. Section 123-32 of the Zoning Resolution requires all new residential developments and conversions within mixed-use zoning districts to provide a minimum of 35dBA window-wall sound attenuation. Therefore, no significant adverse impacts due to noise would result from the proposed action.
5. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

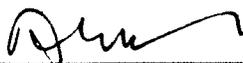
This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Robert Dobruskin at (212) 720-3423.



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

Date: 05/30/08



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: 06/02/08