E-61 BP

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

MEMORANDUM

TO: Members of the City Planning Commission

FROM: Jeremiah H. Candreva JHC

DATE: October 24, 1994

RE: Special Lower Manhattan Mixed Use (LMM) District and Lower Broadway Zoning Text Amendment and Zoning Map Amendment
CEQR No. 95DCP010M
ULURP No. 940309 ZMM
ULURP No. 940310 ZRM

The Environmental Assessment and Review Division has reviewed the Environmental Assessment Statement for the above-referenced CEQR application. Based on our review, pursuant to the City Environmental Quality Review process and 6 NYCRR 617, we have come to the conclusion that the proposed action will not have a significant effect on the quality of the environment.

Attached are copies of the Negative Declaration for CEQR No. 95DCP010M. Included in this declaration are supporting statements for the finding that the proposed action will not have a significant effect.

Enclosure

c: Joseph B. Rose
Ruth Messinger
Lance Michaels
Marilyn Mammano
Robert Flahive
Patricia Bussey
Manhattan CD 1 Chairperson
Manhattan CD 1 District Manager

City Planning Commissioners
Gail Benjamin
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CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

CEQR No. 95DCP010M
ULURP No. 940109 ZMM
ULURP No. 940310 ZRM

NAME, DESCRIPTION, AND LOCATION OF PROPOSAL

Special Lower Manhattan Mixed Use (LMM) District and Lower Broadway Zoning Map Amendment and Zoning Text Amendment

The proposed zoning map and zoning text amendments would: 1) modify the special zoning regulations and boundaries of the Special Lower Manhattan Mixed Use (LMM) District, 2) change the underlying zoning of portions of the special district, and 3) rezone adjacent areas in the Tribeca neighborhood.

The Proposed Zoning Map Amendment: The proposed zoning map amendment would modify Section Nos. 12a and 12b of the Zoning Map:

1) changing from a C6-4 District to a C6-2A District property bounded by:

   a) Walker Street, Broadway, White Street, Franklin Place, Franklin Street, a line 150 feet west of Broadway, Worth Street, Church Street, Leonard Street, and a line 150 feet west of Church Street, White Street, and Avenue of the Americas; and

   b) Thomas Street, Church Street, Duane Street, a line 150 feet west of Broadway, Reade Street, and a line 150 feet west of Church Street;

2) changing from a C6-4 District to a C6-3A District property bounded by Reade Street, a line 150 feet west of Broadway, Murray Street, and a line 150 feet west of Church Street;

3) changing from a C6-4 District to a C6-4A District property bounded by White Street, Lafayette Street, Worth Street, Broadway, Chambers Street, a line 150 feet west of Broadway, Franklin Street, and Franklin Place;

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4) changing from an M1-5 District to a C6-2 District property bounded by:

   a) Warren Street, a line 150 feet west of Church Street, Murray Street, and a line perpendicular to the south street line of Warren Street distant 125 feet east of the intersection of the south street line of Warren Street and the east street line of Greenwich Street; and

   b) North Moore Street, West Broadway, Walker Street, Avenue of the Americas, White Street, a line 150 feet west of Church Street, Leonard Street, West Broadway, a line 125 feet north of Worth Street, a line 50 feet east of West Broadway, a line 100 feet north of Worth Street, a line 125 feet east of West Broadway, Worth Street, a line 150 feet west of Church Street, Reade Street, and Greenwich Street;

5) changing from an M1-5 District to a C6-3A District property bounded by Reade Street, a line 150 feet west of Church Street, Warren Street, a line perpendicular to the south street line of Chambers Street distant 125 feet east of the intersection of the south street line of Chambers Street and the east street line of Greenwich Street, Chambers Street, a line perpendicular to the north street line of Chambers Street distant 100 feet east of the intersection of the north street line of Chambers Street and the east street line of Greenwich Street, a line midway between Chambers Street and Reade Street, and a line perpendicular to the south street line of Reade Street distant 125 feet east of the intersection of the south street line of Reade Street and the east street line of Greenwich Street; and

6) establishing a Special Lower Manhattan Mixed Use District bounded by Reade Street, a line 150 feet west of Broadway, Murray Street, and a line 150 feet west of Church Street.

In addition, the proposed zoning map amendment would add to the Zoning Map the following "E" designations for underground storage tanks and noise:

- Underground Storage Tanks: An E designation for underground storage tanks would be added to Block 140, Lot 5. Due to the possible presence of underground storage tanks containing petroleum products on this site, which was previously used as a gas station, there is the potential for contamination of the soil and groundwater by existing or past leakage from the tanks. The E designation would require the fee owners of the property to determine if contamination exists and to perform any necessary remediation prior to developing the site, thus avoiding the potential for significant adverse hazardous materials impacts. The E designation would read as follows:

Due to the presence of underground storage tanks containing petroleum projects on Block 140, Lot 5, there is potential for contamination of the soil and groundwater by existing or past leakage from the tanks. To determine if contamination exists on the site and to determine and perform any appropriate remediation, the following tasks must be undertaken by the fee owners of the lot restricted by this E designation prior to any demolition or excavation on the lot prior to development.

Task 1

The fee owners of the lot restricted by this E designation must submit to the New York City Department of Environmental Protection's (DEP) Bureau of Environmental Review and Enforcement (BERE) for review and approval, a soil gas, soil, and groundwater testing protocol including a description of methods, and a site map with all sampling locations clearly and precisely represented. No sampling program should begin until written approval of a protocol is received from DEP BERE. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected 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 BERE upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP BERE 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.

Written notice shall be given by DEP BERE if it determines that no remediation is necessary.
If remediation is necessary according to the test results, a proposed remediation plan must be submitted to DEP BERE for review and approval. The fee owners of the lot restricted by this E designation must perform such remediation as determined necessary by DEP BERE. After completing the remediation, the fee owners of the lot restricted by this E

designation should provide proof that the work has been satisfactorily completed.

- Noise: To protect future residents from high ambient noise levels in the vicinity of projected and potential development sites, and thus avoid the potential for noise impacts, the proposed zoning map amendment incorporates E designations for noise. Field measurements taken as part of the environmental review indicate that current noise levels are "Marginally Unacceptable" at the projected development sites located at Block 187, Lot 16 and Block 140, Lot 5, and at the potential development sites located at Block 137, Lot 10 and Block 136, Lot 16. The field measurements also show that current noise levels at the potential development site located at Block 179, Lot 1 fall into the "Clearly Unacceptable" category. Changes in local traffic volumes as a result of the proposed action are expected to be minor, with no changes in noise levels.

The E designations would require future development at specific locations to provide window/wall attenuation and alternate means of ventilation. Future construction on Block 187, Lot 16 would be required to provide a closed window condition with a minimum of 30 dB(A) window wall attenuation. Future construction on three parcels -- Block 140, Lot 5; Block 137, Lot 10; and Block 136, Lot 16 -- would be required to provide a minimum of 35 dB(A) window wall attenuation. Future development on Block 179, Lot 1 would be required to provide a minimum of 40 dB(A) window wall attenuation.

The following E designation is proposed for Block 187, Lot 16:

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 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.

The following E designation is proposed for Block 140, Lot 5; Block 136, Lot 16; and Block 137, Lot 10:

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 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.

The following E designation is proposed for Block 179, 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 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.

The Proposed Text Amendment

The proposed text amendment would modify the special regulations of the LMM District (ZR Article XI, Chapter 1), including the district's boundaries. The proposed text changes are briefly summarized below by ZR section.

The proposed changes to **ZR 111-00 (GENERAL PURPOSES)** would modify the language describing the specific purposes of the LMM.

The proposed changes to **ZR 111-02 (General Provisions)** would add language regarding home occupation uses, provide various cross-references, and make minor language changes.

The proposed changes to **ZR 111-03 (District Map)** would add Area A4 - General Mixed Use Area to the list of special areas within the LMM.

The proposed changes to **ZR 111-10 (SPECIAL USE REGULATIONS)** would revise numerous provisions in **ZR 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living-work quarters for artists)**; **ZR 111-102 (Use restrictions)**; **ZR 111-103 (Additional use restrictions)**; **ZR 111-104 (Special provisions for areas A2, A3 and B2)**; and **ZR 111-105 (Museums or non-commercial art galleries)**.

The proposed changes to **ZR 111-101** would eliminate certain locational restrictions for loft dwellings, JLWQAs, and dwelling units in Areas A1, A2, and A3. The proposed changes to **ZR 111-102** would modify ground floor use restrictions in the existing Areas A1, A2, A3, and the portion of Area B1 south of North Moore Street. The proposed changes to **ZR 111-103** would modify additional use regulations within Areas A2 and A3; add new regulations

for Areas A1 and A4; eliminate certain restrictions on loft conversions in a portion of Area B1; and add a cross reference. The proposed changes to **ZR 111-104** would add special regulations governing maximum FAR and street wall location to Area A1; add special regulations governing maximum FAR, street wall location, street wall height, setbacks, maximum building height, and dormers to the newly created Area A4; and make a minor language change regarding Area B2. The proposed changes to **ZR 111-105** would eliminate provisions establishing requirements for City Planning Commission authorizations for museums and non-commercial art galleries in Area A1.

The proposed changes would consolidate all minor modification provisions under **ZR 111-20** and remove the lapsed provisions in **ZR 111-201**. The proposed changes to **ZR 111-20**, paragraph (a), would provide a cross-reference to the proposed modification to **ZR 111-102**, paragraph (b). The proposed changes to **ZR 111-20**, paragraph (e), would eliminate certain minor modification provisions governing the conversion of buildings in a portion of Area B1.

The proposed changes to **Appendix A** would modify the Special Lower Manhattan Mixed Use District Map to include the revised district and subarea boundaries.

STATEMENT OF NO SIGNIFICANT EFFECT

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. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

SUPPORTING STATEMENTS

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

1. No other significant effects upon the environment which would require an Environmental Assessment Statement are foreseeable.

Jeremiah H. Candreva
Acting Director
Environmental Assessment and Review Division
Department of City Planning

10-24-94
Date

Joseph B. Rose, Chairman
City Planning Commission

12/19/94
Date