



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

August 8, 2011

**CONDITIONAL NEGATIVE DECLARATION**

**Project Identification**

CEQR No. 11DCP101M  
ULURP No. 110243ZMM  
SEQRA Classification: Unlisted

**Lead Agency**

City Planning Commission  
22 Reade Street  
New York, NY 10007  
Contact: Robert Dobruskin  
(212) 720-3423

**Name, Description and Location of Proposal**

West 116<sup>th</sup>/117<sup>th</sup> Street Rezoning

The applicant, West 116 Residential LLC, is seeking a zoning map amendment to extend an existing C4-5X (R7X equivalent) zoning district onto a portion of a block currently zoned R7-2 and R7-2/C1-4 in the Harlem neighborhood of Manhattan, Community District 10. The affected area, Block 1600, Lots 20, 21, 26, 27 and 30, is bounded by West 116th Street to the south, 5th Avenue to the east, West 117th Street to the north and a line parallel to and 450 feet east of Lenox Avenue to the west.

The proposed action would facilitate a proposal by the applicant to construct a mixed use development on an approximately 37,000 square foot property (Block 1600, Lot 20) with frontage on W. 116<sup>th</sup> Street and W. 117<sup>th</sup> Street (the "Project Site"). The proposed project would consist of two residential buildings on a through-block base. One of the buildings, fronting W. 116<sup>th</sup> Street, would be 12 stories in height, and contain approximately 95 market-rate dwelling units as well as approximately 20,000 gross square feet (gsf) of ground floor retail space. The other building, fronting W. 117<sup>th</sup> Street, would be 9 stories in height, and contain approximately 100 affordable dwelling units and approximately 9,000 (gsf) of community facility space. (It is likely that discretionary financing would be sought in connection with the affordable dwelling units; however, the applicant is not seeking such financing at this time.) In addition, the proposed project would include a below-grade accessory parking garage containing 100 spaces accessed by a 25-foot curb cut located on West 117<sup>th</sup> Street.

The Project Site is currently occupied by basketball courts and an at grade parking lot accommodating 32 spaces, 18 of which are utilized by residents of the building at an adjacent property (Block 1600, Lot 21). The proposed project's zoning lot includes the adjacent property (Block 1600, Lot 21), which is owned by an affiliate of the applicant and is currently developed with an approximately 108,000 gsf residential building containing 120 dwelling units. Under the proposed rezoning, new floor area would become available to Lot 21, and approximately 78,000 gsf of unused development rights on this lot would be incorporated into the new development on the

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Project Site. The proposed 100 space accessory parking garage would accommodate some of the parking spaces that would be eliminated by the proposed project.

For environmental review purposes, the Environmental Assessment Statement prepared for the proposed action projects that the Project Site would be redeveloped with a Reasonable Worst Case Development Scenario (RWCDs) comprised of two 12-story mixed-use buildings containing approximately 311,885 gsf, including 240,378 gsf of residential use (240 dwelling units); 20,337 gsf of commercial retail space; 9,816 gsf of community facility space; and a below-grade accessory parking garage containing 100 spaces.

The Project Site is the only property within the rezoning area that is expected to be redeveloped as a result of the proposed action. The other properties within the proposed rezoning area (including Lot 21, as described above) are currently developed with residential and community facility uses, and are expected to remain in their current state.

The portion of the affected area fronting West 117<sup>th</sup> Street (and located 100 feet west of Fifth Avenue) is currently zoned R7-2, which allows residential uses up to 3.44 FAR (and up to 4.0 FAR on wide streets under the optional Quality Housing program) and community facilities at 6.5 FAR. Along West 116<sup>th</sup> Street and Fifth Avenue, the mapped R7-2/C1-4 zoning district extends to a depth of 100 feet. The C1-4 commercial overlay permits up to 2.0 FAR of commercial uses in addition to the residential and community facility uses allowed in an R7-2 zoning district. The proposed C4-5X (R7X equivalent) rezoning, which is governed by contextual Quality Housing bulk regulations, would increase the allowable residential FAR to 5.0, the community facilities FAR to 5.0 and the commercial FAR to 4.0 within the entire affected area. It should be noted that while the proposed rezoning would allow commercial uses within the entire rezoning area, the applicant intends on constructing commercial uses only along the portion of Lot 20 facing West 116<sup>th</sup> Street, where there is presently a commercial overlay.

Absent the proposed action, it is projected that Lot 20 would be developed with a 25-story mixed use building containing 304 residential units; 14,986 sf of retail uses; 53,312 sf of community facility space; and a 64 space below-grade accessory parking garage.

The anticipated build year for the proposed action is 2013.

To avoid any potential significant adverse impacts, the applicant would record a Restrictive Declaration for hazardous materials against the Project Site and an (E) designation (E-278) for air quality (applicable to the Project Site) would be incorporated into the action, as described below.

The text for the air quality (E) designation is as follows:

**Manhattan Block 1600, Lot 20**

**Any new residential and/or commercial development on the above-referenced property must use Natural Gas as the type of fuel for space heating and hot water systems; and, if such development comprises two towers, the heating, ventilating, and air conditioning (HVAC)**

**stack for the northernmost tower shall be located at least 110 feet from the nearest façade of the southernmost tower, and the HVAC stack for the southernmost tower shall be located at least 118 feet from the nearest façade of the northernmost tower to avoid any significant adverse air quality impacts.**

With the placement of the (E) designation, no impacts related to air quality are expected.

**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, dated May 9, 2011, prepared in connection with the ULURP Application (No. 110243ZMM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant agrees via a restrictive declaration to prepare a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plans, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocols 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 plans.

**Supporting Statement:**

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

1. A Phase I Environmental Site Assessment (ESA) was prepared for the Project Site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and pursuant to a letter sent on March 1, 2011 (incorrectly dated as March 1, 2010) regarding this property a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plan were recommended due to the potential presence of hazardous materials on the site as a result of past on-site and/or surrounding area land uses. As such, a restrictive declaration recorded against the applicant's property would ensure that a detailed Phase II testing would occur, and hazardous materials sampling protocol including a health and safety plan would be prepared, which declaration is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the subsurface soils and groundwater on the project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). Consequently, no significant adverse impacts related to hazardous materials will occur.
2. The (E) designation for air quality would ensure that the proposed action would not result in significant adverse impacts due to air quality.

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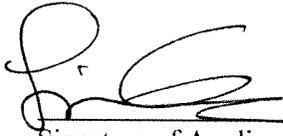
3. The affordable housing component of the proposed project is likely to require discretionary New York City and/or New York State funding, which would be sought at a later date.
4. The proposed rezoning area is located within the boundaries of the Millbank Frawley Circle-West Urban Renewal Area. The proposed action would be consistent with the policies of the URA.
5. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

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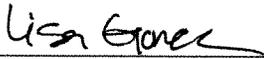
This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.



\_\_\_\_\_  
Signature of Applicant or Authorized Representative

Date: May 9, 2011



\_\_\_\_\_  
Name of Applicant or Authorized Representative



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

Date: May 9, 2011



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Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: 8/8/11