E-327

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

December 16, 2013

NEGATIVE DECLARATION

Project Identification
CEQR No. 14DCP043M
ULURP No. 140070ZMM
SEQRA Classification: Unlisted

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:

West 117th Street Rezoning
The Applicant, 117th Street Equities, LLC, is requesting a zoning map amendment from R7A to R8A (the "proposed action") on a portion of one City tax block (Block 1923, Lots 1, 14, 18, 19, 20, 21, 49, 52, 53, 60, 7501) in the Central Harlem neighborhood of Manhattan Community District 10. The proposed action would facilitate a proposal by the Applicant to build a 190,265 gross square foot (gsf) mixed-use development (the "proposed development") on Lots 14, 49 and 52 (collectively the "proposed development site").The affected area (the "proposed rezoning area") is bounded to the west by a line 100 feet east of Frederick Douglass Boulevard, to the north by West 118th Street, to the east by St. Nicholas Avenue, and to the south by West 117th Street.

The proposed mixed-use development would include a new 12-story mixed-income apartment building (Lot 14), an extension and 5-story rooftop enlargement to an existing building (Lot 49), and the renovation of a vacant 4-story building (Lot 52). The proposed action would also facilitate a proposal by the Applicant to preserve the remaining portion (including the façade) of a building formerly occupied by St. Thomas the Apostle Church for a new community facility use (Lot 14).

The proposed development site, which is owned by the Applicant, is currently developed with a school building, a vacant building formerly occupied by St. Thomas the Apostle Church, and the former church rectory building. The proposed development site is zoned R7A, which allows residential (Use Groups 1 and 2) and community facility uses (Use Group 3 and 4) with an FAR of 4.0. The proposed rezoning would establish an R8A contextual zone over the proposed development

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site and affected area, permitting residential uses with an FAR of 6.02 and community facility uses with an FAR of 6.5.

The adjacent affected sites, not under the Applicant's control, contain multi-family residential buildings (Lots 1, 19, 60, 7501), a public facility and institutional building (Lot 53), a community garden (Lots 20, 21) and private open space (Lot 19). Similar to the proposed development site, these sites are zoned R7A.

As described above, the proposed action would replace the existing R7A district with an R8A zoning district. By increasing the maximum residential and community facility FAR from 4.0 to 6.02 and 4.0 to 6.5, respectively, the proposed rezoning could allow up to approximately 219,278 gsf of uses.

For environmental assessment purposes, a reasonable worst-case development scenario (RWCDS) that differs from the Applicant's proposed development has been identified. In the future With-Action Scenario, the analysis framework anticipates that the proposed development site would be developed with four buildings containing a total of 219,278 gsf of mixed-use development, and consisting of approximately 176,114 gsf of residential use (205 DUs, including 41 affordable housing units pursuant to the 80/20 Housing Program), 13,745 gsf of community facility use, 13,087 gsf of below grade accessory parking (82 spaces), and 16,333 gsf of below grade storage and building support space.

The four buildings in the With-Action Scenario consist of: "Building 1," an 8-story, 38,188 gsf residential building (located on the northerly line of Lot 14) comprised of 33,760 gsf of residential uses (40 DUs) and 4,428 gsf of below grade storage and building support space; "Building 2," a 12-story 91,165 gsf apartment building (located on the southerly line of Lot 14) comprised of 75,461 gsf of residential uses (89 DUs), 13,087 gsf of below grade accessory parking (82 spaces), and 2,618 gsf of below grade storage and building support space; "Building 3," a 5-story enlargement and 10-story extension of an existing building resulting in a 10-story 82,801 gsf mixed use building and 13,745 gsf of community facility uses 61,194 gsf of residential use (72 DUs), and 7,862 gsf of below grade storage and building support space (located on Lot 49); and "Building 4," a renovation and conversion of a vacant 4-story building to 5,699 gsf of residential uses (4 DUs) and 1,425 gsf of below grade storage and building support space (located on Lot 52). It is noted that for analysis purposes, the RWCDS assumes demolition of the existing vacant church building and replacement with Building 1 as described above. However, the Applicant has stated that their proposed development scenario (which differs from the RWCDS) would preserve portions of the church building, including the church façade.The remainder of the proposed rezoning area, including the sites not under the Applicant's control, is not expected to be redeveloped.

Absent the proposed action, in the No Action Scenario, the proposed development site would be developed with an approximately 139,943 gsf as-of-right residential development, and accessory uses, including parking and below grade storage. This scenario would consist of approximately 116,836 gsf of residential use (135 DUs, including 27 affordable units pursuant to the 80/20 Housing

Program), 10,780 gsf of below grade accessory parking (67 spaces), and 12,327 gsf of below grade storage and building support space. For analysis purposes, it is assumed that the church would be demolished in the No Action Scenario.

The incremental change between the No Action and With Action Scenarios is 59,278 gsf of residential floor area (70 DUs, including 14 affordable units pursuant to the 80/20 Housing Program), 13,745 gsf of community facility space, and 2,307 gsf of below grade accessory parking (15 spaces).

The proposed development is expected to be developed in a single phase and completed by 2017.

To avoid the potential for significant adverse impacts related to air quality and hazardous materials, an (E) designation (#E-327) has been incorporated into the proposed actions, as described below.

The (E) designation requirements related to air quality would apply to the following properties:

Block 1923, Lots 14 and 49

The (E) designation text related to air quality is as follows:

Block 1923, p/o Lot 14 (Building 1):
Any new development or enlargement on the above-referenced properties that has frontage on West 118th Street must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC stack(s) are at least 83 feet above ground level and at least **10** feet from the easterly lot line facing St. Nicholas Avenue and at least 133 feet from the southerly lot line facing West 117th Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Block 1923, p/o Lot 14 (Building 2):
Any new development or enlargement on the above-referenced properties has frontage on West 117th Street must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC stack(s) are at least 123 feet above ground level and at least **18** feet from the easterly lot line facing St. Nicholas Avenue and at least 142 feet from the northerly lot line facing West 118th Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Block 1923, p/o Lot 49 (Building 3):
Any new development or enlargement on the above-referenced properties that has frontage on St. Nicholas Avenue must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC stack(s) are at least 123 feet above ground level and at least **10** feet from the westerly lot line facing Frederick Douglass Boulevard and

at least 10 feet from the southerly lot line facing West 117th Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

With the implementation of the above (E) designation related to air quality, the proposed actions would not result in adverse impacts related to air quality.

The (E) designation requirements related to hazardous materials would apply to the following properties:

Block 1923, Lots 14, 49, 52

The (E) designation text related to hazardous materials is as follows:

TASK 1

Prior to construction or renovation involving subsurface disturbance, the applicant must submit to the New York City Office of Environmental Remediation (OER), for review and approval, a soil and groundwater testing protocol for the areas of proposed subsurface disturbance, including a description of methods and a site map with all sampling locations clearly and precisely represented.

If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, potential source of contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

TASK 2

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant

should then provide proper documentation that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan (CHASP) 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 OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling, and disposal of suspect lead-paint and asbestos-containing materials.

With the implementation of the above (E) designation related to hazardous materials, the proposed actions would not result in adverse impacts related to hazardous materials.

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 December 13, 2013, prepared in connection with the ULURP Application (No. 140070ZMM). The City Planning Commission 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) designation related to air quality and hazardous materials would ensure that the proposed actions would not result in significant adverse impacts.

2. No other 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 Olga Abinader at (212) 720-3493.

Celeste Evans

Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: December 13, 2013

Kenneth J. Knuckles, Esq., Vice Chairman
City Planning Commission

Date: December 16, 2013