



CITY PLANNING COMMISSION

October 6, 2004/Calendar No. 12

C 040250 ZMM

IN THE MATTER OF an application submitted by Verizon New York, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an M2-3 district to an M1-5 District, property bounded by West 47th Street, Twelfth Avenue, West 48th Street, and Eleventh Avenue, within the Special Clinton District, Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated June 7, 2004, and subject to the conditions of CEQR Declaration E-136.

The application for an amendment of the Zoning Map was filed by Verizon New York, Inc. on January 23, 2004, to rezone an approximately 143,300 square foot, full-block area in the Clinton neighborhood from an M2-3 district to an M1-5 district.

BACKGROUND

Verizon New York Inc. is seeking a rezoning of an approximately 143,000 square foot parcel from an M2-3 designation to a M1-5 district. The proposed rezoning site occupies the entirety of the block bounded by Eleventh Avenue, West 47th Street, Twelfth Avenue, and West 48th Street (Block 1095, Lots 11, 18, 24, 27, 29, 35, 37, 39, and 40), in the Other Area of the Special Clinton District, Community District 4, Borough of Manhattan. The rezoning would be consistent with the existing zoning on blocks to the north and east and would facilitate the applicant's plans to construct a new garage and support facility for its consolidated operations.

Existing zoning

The current zoning for the subject block is M2-3 -- a medium-performance manufacturing

designation that allows for a maximum FAR of 2.0 and precludes development of residential and community facility uses. This zoning reflects the historically predominant manufacturing and light-industrial character of this portion of the Clinton neighborhood. The property is also located within the Other Area of the Special Clinton District, which specifies mandatory street tree planting requirements.

Land use

The proposed rezoning would affect all properties on the block, including several lots that are not owned by Verizon. Verizon currently owns two midblock parcels that contain a parking lot and a two-story warehouse and garage. Other uses present on the block include a four-story manufacturing and industrial building, a two-story garage and vehicle repair facility, a five-story vacant building, a six-story vacant building, a largely vacant 14-story loft building, a five-story grocery warehousing facility, and a two-story horse stable. All of the existing buildings within the rezoning area, with the exception of the 14-story loft building, would conform to the proposed M1-5 zoning.

Surrounding land uses include largely manufacturing and commercial uses, with an emphasis on automotive-related use. Federal Express maintains a large one-story distribution and garage facility on the block to the north of the site. This block also contains a diner, automotive dealership and service center, a waste management company, a wine merchant, and a construction contractor. The blocks to the south and east of the site are primarily characterized by low-scale, one to four-

story commercial and manufacturing uses including an auto dealership, bakery, and several automotive repair facilities. A vacant, eleven-story building is located on the block to the southeast of the site. To the west of the site are Route 9A, the Hudson River Park bicycle and pedestrian paths, the Intrepid Sea, Air and Space Museum, and the New York City Passenger Ship Terminal.

Proposed zoning

The proposed M1-5 zoning designation for this block allows for high-performance manufacturing and certain commercial uses with a maximum FAR of 5.0. The block to the north of the site was rezoned from an M2-3 district to an M1-5 district in 2000. The proposed rezoning would facilitate Verizon's plans to consolidate its operations on the west side of Manhattan into a new garage and support facility. The proposed new structure would be a seven story building constructed on lots 18 and 40. The new development would require the demolition of the existing two-story garage structure and replacement of the existing accessory parking lot.

ENVIRONMENTAL REVIEW

This application (C 040250 ZMM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 04DCP029M. The lead is the City Planning Commission.

The conditional negative declaration included an (E) designation. The placement of the (E) designation (E-136) on the zoning map would eliminate the potential for significant adverse impact on those sites and would ensure that appropriate testing, remediation and corrective action, if needed, would be undertaken.

To avoid any potential impacts associated with hazardous materials, the proposed action will place an (E) designation for hazardous materials will be placed on the following property:

<u>Block</u>	<u>Lots</u>
1095	24

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 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.

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.

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur.

After a study of the potential environmental impact of the proposed action, the lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

For the properties located at 613-615 W. 47th Street, 617-623 W. 47th Street, and 610-624 W. 48th Street (Block 1095, Lots 18 and 40) the applicant agrees via a restrictive declaration 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 declaration establishes an agreement to test and identify any potential hazardous material impacts 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 applicant signed the conditional negative declaration on June 3, 2004. The conditional negative declaration was published in the City Record on June 16, 2004 and in the New York State Environmental Notice Bulletin on June 16, 2004. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed.

No comments were received and the conditional negative declaration was issued on June 7, 2004.

UNIFORM LAND USE REVIEW

This application (C 040250 ZMM) was certified as complete by the Department of City Planning on June 7, 2004, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 4 held a public hearing on this application on July 7, 2004, and on that date, by a vote of 33 to 0 with 2 abstentions, adopted a resolution recommending disapproval of the application subject to the following conditions:

...Manhattan Community Board 4 recommends denial of this application for a zoning change from M2-3 to M1-5 unless Verizon agrees as follows:

1. Verizon management will adopt and maintain a policy for Verizon trucks and vans to use designated truck routes and avoid residential neighborhoods to the extent possible, except when needed to respond to service requirements within such residential areas.
2. The new building will have an activated facade on both the West 47th and West 48th Street frontages. The building will include exterior street level illumination; exterior lighting will be white light with a metal halide (or equivalent) source and will not be high-pressure sodium vapor lighting.
3. Verizon vehicles will be parked within the garage rather than on the surrounding streets (other than when parked at a service area site away from the garage). Verizon will not use the sidewalks around the garage for the storage of Verizon equipment. In particular, gang boxes will be stored within the new garage structure.
4. Verizon will continue to maintain the exterior of its existing facility and its new facility, including removal of litter and debris.
5. Verizon will maintain a community board and local block association liason [sic] who can be contacted by the community in the event operational or traffic issues arise. Once the new facility is completed, this representative will be stationed at the facility.
6. Verizon will comply with the mandatory tree planting provisions of Section 96-51 of the Zoning Resolution (the Special Clinton District regulations).
7. In developing the new facility, Verizon will use only the development rights associated with its own property and will not use development rights transferred from adjacent zoning lots.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on August 2, 2004, subject to the following conditions:

1. Management will adopt and maintain a policy for truck/van routes,
2. The building will have an activated facade with proper lighting,
3. Verizon's vehicles will be parked within the garage, and the sidewalk will not be used for parking or storage,
4. Verizon will continue to maintain the exterior of its existing facility/new facility,
5. Verizon will maintain a community board and local block association liason [sic],

6. Verizon will comply [with] the mandatory tree planting provisions,
7. And Verizon will not use development rights from adjacent lots.

City Planning Commission Public Hearing

On August 11, 2004 (Calendar No. 2), the City Planning Commission scheduled August 25, 2004, for a public hearing on this application (C 040250 ZMM). The hearing was duly held on August 25, 2004 (Calendar No. 4). There were three speakers in favor of the application and no speakers in opposition.

The applicant's attorney briefly described the nature of the project and the requested action. The attorney also detailed Verizon's plans for relocation and consolidation of facilities at this site. The applicant's attorney briefly described the conditions put forward by Community Board 4 and indicated that Verizon had agreed to each of the conditions in a letter submitted to the Board. The project architect described the design of the proposed new facility and explained the nature of the various materials and facade treatments. A representative from Verizon New York, Inc., also described the nature of Verizon's existing operations on the subject property.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The Commission recognizes that the subject block is located in the active manufacturing and industrial district of West Clinton and that the uses proposed for Verizon's properties are consistent with the existing character of the neighborhood. The Commission notes that the proposed M1-5 zoning for the subject block would be consistent with the existing zoning on blocks to the north and east of the site.

The Commission recognizes that the applicant has stated that the current facility on their property is inadequate to accommodate the planned consolidation of operations from other west side facilities. The proposed rezoning would allow for sufficient density for the applicant to construct a new garage and office facility for its consolidated operations.

The Commission notes that, although the conditions recommended by Community Board 4 and the Borough President are beyond the purview of this action, the applicant has agreed to those conditions.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, subject to the following condition(s):

For the properties located at 613-615 W. 47th Street, 617-623 W. 47th Street, and 610-624 W. 48th Street (Block 1095, Lots 18 and 40) the applicant agrees via a restrictive declaration 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 declaration establishes an agreement to test and identify any potential hazardous material impacts 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; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Verizon New York, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an M2-3 district to an M1-5 District, property bounded by West 47th Street, Twelfth Avenue, West 48th Street, and Eleventh Avenue, within the Special Clinton District, as shown on a diagram (for illustrative purposes only) dated June 7, 2004, and which includes CEQR designation E-136.

The above resolution (C 040250 ZMM), duly adopted by the City Planning Commission on October 6, 2004 (Calendar No. 12), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chair

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, ANGELA R. CAVALUZZI, R.A.,

RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,

DOLLY WILLIAMS, Commissioners