



## CITY PLANNING COMMISSION

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January 10, 2007/Calendar No. 13

C 060104 ZMM

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**IN THE MATTER OF** an application submitted by West 60th Street Associates, LLC and West End Properties, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c:

1. changing from an M1-6 District to a C4-7 District property bounded by West 61st Street, a line 100 feet easterly of West End Avenue, West 60th Street, and West End Avenue; and
2. changing from an M1-6 District to a C6-2 District property bounded by West 61st Street, a line 400 feet easterly of West End Avenue, West 60th Street, and a line 100 feet easterly of West End Avenue;

Borough of Manhattan, Community District 7, as shown on a diagram (for illustrative purposes only) dated August 7, 2006, and subject to the conditions of CEQR Declaration E-172.

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This application for an amendment to the zoning map, Section No. 8c, was filed by West 60<sup>th</sup> Street Associates, LLC and West End Properties, LLC on August 26, 2005, to facilitate the construction of a mixed use development consisting of approximately 342 residential units, commercial and community facility uses, on the midblock portion of the block bound by West End Avenue, Amsterdam Avenue, West 60<sup>th</sup> Street and West 61<sup>st</sup> Street.

### **RELATED ACTIONS**

In addition to the application for the amendment of the zoning map which is the subject of this report (C 060104 ZMM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are considered concurrently with this application:

**N 060103 ZRY:** A Zoning Text Amendment concerning Section 74-74 of the Zoning Resolution (General Large-Scale Development);

**C 060105 ZSM:** A Special Permit pursuant to Section 74-743 of the Zoning Resolution (Special provisions for bulk modification); and

**C 060106 ZSM:** A Special Permit pursuant to Sections 13-561 and 74-52 of the Zoning Resolution to permit a public parking garage with a maximum of 200 spaces.

**BACKGROUND**

A full background discussion and project description appears in the report on the related special permit application (C 060105 ZSM).

**ENVIRONMENTAL REVIEW**

This application (C 060104 ZMM), along with the related actions (N 060103 ZRY, C 060105 ZSM, and C 060106 ZSM) 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 05DCP063Y. The lead is the City Planning Commission.

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

<u>Block</u>	<u>Lots</u>
1152	58, 61

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.

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.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related special permit application (C 060105 ZSM).

### **UNIFORM LAND USE REVIEW PROCEDURE (ULURP)**

This application (C 060104 ZMM), in conjunction with the application for related actions (C 060105 ZSM and C 060106 ZSM) was certified as complete by the Department of City Planning on August 7, 2006, and was duly referred to Manhattan Community Board 7 (CB7) and the Manhattan Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

#### **Community Board Public Hearing**

Community Board 7 held a public hearing on this application (C 060104 ZMM) on October 3, 2006. A full discussion of the Community Board 7 resolution appears in the report on the related special permit application (C 060105 ZSM).

#### **Borough President Recommendation**

This application (C 060104 ZMM) was considered by the Borough President. A full discussion of the Community Board 7 resolution appears in the report on the related special permit application (C 060105 ZSM).

#### **City Planning Commission Public Hearing**

On November 15, 2006, (Calendar No. 2), the City Planning Commission scheduled December 6, 2006, for a public hearing on this application (C 060104 ZMM). The hearing was duly held on December 6, 2006 (Calendar No. 10), in conjunction with the hearings on the related applications (N 060103 ZRY, C 060105 ZSM and C 060106 ZSM). A full description of the City Planning Commission public hearing appears in the report on the related special permit application (C 060105 ZSM).

### **CONSIDERATION**

The Commission believes that this application for an amendment to the Zoning Map (C 060104 ZMM) is appropriate. A full consideration and analysis of the issues, and reasons for approving this application, appears in the report on the related special permit application (C 060105 ZSM).

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on December 29, 2006, with respect to this application (C 010604 ZMM), the City Planning Commission finds that the requirements of Part 617, New York State Environmental Quality Review, have been met and that, consistent with social, economic, and other considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable; and

The report of the City Planning Commission, together with this FEIS, constitute the written statement of facts, and of social, economic, and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and it be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended by changing the Zoning Map, Section No. 8c:

1. from an M1-6 District to a C4-7 District property bounded by West 61st Street, a line 100 feet easterly of West End Avenue, West 60th Street, and West

End Avenue; and

2. from an M1-6 District to a C6-2 District property bounded by West 61st Street, a line 400 feet easterly of West End Avenue, West 60th Street, and a line 100 feet easterly of West End Avenue;

Borough of Manhattan, Community District 7, as shown on a diagram (for illustrative purposes only) dated August 7, 2006, and which includes CEQR Declaration E-172.

The above resolution, duly adopted by the City Planning Commission of January 10, 2007 (Calendar No. 13), is filed with the Office of the Speaker, City Council, and Borough President together with a copy of the plans of the development, 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 Chairman**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,  
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Commissioners

