



## CITY PLANNING COMMISSION

June 22, 2016/Calendar No. 12

N 160164 ZRM

---

**IN THE MATTER OF** an application submitted by Acadia Sherman Avenue LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 12.

---

An application (N 160164 ZRM) for an amendment to the Zoning Resolution was filed by the applicant on June 22, 2015, to create a Mandatory Inclusionary Housing program that would require, through zoning actions, a share of new housing to be permanently affordable.

### **RELATED ACTION**

In addition to the amendment to the Zoning Resolution which is the subject of this report (N 160164 ZRM), implementation of the proposed development also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 150438 ZMM      Zoning Map Amendment to rezone property from R7-2/C2-4 to R9A/C2-4 and R8X/C2-4

### **BACKGROUND**

A full background discussion and description of this application appears in the report for the related zoning map amendment action (C 150438 ZMM).

### **ENVIRONMENTAL REVIEW**

This application (N 160164 ZRM), in conjunction with the related action (C 150438 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 16DCP072M. The lead is the City Planning Commission.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement (EAS), a Negative Declaration was issued on January 19, 2016. On June 20, 2016, a Revised EAS which reflects the revised zoning map amendment as described below and a Revised Negative Declaration were issued. The Revised Negative Declaration superseded the Negative Declaration issued on January 19, 2016.

The Revised Negative Declaration includes an (E) Designation (E-374) related to hazardous materials and noise to avoid the potential for significant adverse impacts, as described below.

The (E) designation requirements related to hazardous materials and noise would apply to the following development site:

#### Block 2175, Lot 1

The text for the (E) Designation related to hazardous materials is as follows:

##### Task 1-Sampling Protocol

The applicant submits to the Office of Environmental Remediation (OER), for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, 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 samples should be selected to adequately characterize the site, specific sources of suspected 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-Remediation Determination and Protocol

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 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.

The text for the (E) Designation related to noise is as follows:

To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 40 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. 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.

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

## **UNIFORM LAND USE REVIEW**

This application (N 160164 ZRM), was duly referred to Manhattan Community Board 12 and the Manhattan Borough President on January 19, 2016 in accordance with the procedures for non-ULURP matters along with the related action (C 150438 ZMM), which was certified as complete by the Department of City Planning on January 19, 2016, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

## **Community Board Public Hearing**

Community Board 12 held a public hearing on the application (N 160164 ZRM) on March 2, 2016 and on March 22, 2016, by a vote of 26 in favor, 0 opposed, and 1 abstaining, adopted a resolution recommending disapproval of the application, as originally referred.

A summary of the recommendations of Community Board 12 appears in the report for the related zoning map amendment action (C 150438 ZMM).

### **Borough President Recommendation**

This application (N 160164 ZRM) was considered by the Manhattan Borough President, who issued a recommendation approving the application, as originally referred, with conditions on May 5, 2016.

A summary of the recommendations of the Borough President appears in the report for the related zoning map amendment action (C 150438 ZMM).

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

On May 11, 2016 (Calendar No. 3), the City Planning Commission scheduled May 25, 2016, for a public hearing on this application (N 160164 ZRM) and the application for the related action (C 150438 ZMM). The hearing was duly held on May 25, 2016 (Calendar No. 16), in conjunction with the application for the related action. There were a number of appearances, as described in the report for the related action (C 150438 ZMM), and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 160164 ZRM) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*) The designated WRP number is 15-069.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **CONSIDERATION**

The Commission believes that the proposed amendment to the Zoning Resolution, as revised, in conjunction with the related zoning map amendment, as revised, is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appear in the related report (C 150438 ZMM).

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, and be it further

**RESOLVED**, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 197-c and 200 of the New York City Charter, 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 as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

## **APPENDIX F**

### **Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

#### **MANHATTAN**

\* \* \*

## **Manhattan Community District 12**

In the R9A and R8X Districts within the area shown on the following Map 1:

**Map 1 – [date of adoption]**

**[PROPOSED MAP]**



Mandatory Inclusionary Housing area see Section 23-154(d)(3)

Area 1 [date of adoption] — MIH Program Option 2 and Deep Affordability Option

Portion of Community District 12, Manhattan

\* \* \*

The above resolution (N 160164 ZRM), duly adopted by the City Planning Commission on June 22, 2016 (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.

**CARL WEISBROD**, *Chairman*

**KENNETH J. KNUCKLES**, *Esq.*, *Vice Chairman*

**IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**

**JOSEPH I. DOUEK, RICHARD W. EADDY,**

**CHERYL COHEN EFFRON, HOPE KNIGHT,**

**ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*

**MICHELLE R. DE LA UZ**, *Commissioner Abstaining*