



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

March 7, 2016

Project Identification

CEQR No. 16DCP106M
ULURP No. 160082ZSM
SEQRA Classification: Type I

Lead Agency

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Adorama

The Applicant, 42 West 18th Realty Corp, is seeking a Special Permit pursuant to Section 74-711 of the NYC Zoning Resolution (ZR) to modify bulk regulations affecting 38-42 West 18th Street/41-43 West 17th Street (Block, 819, Lots 14, 15 and 66, the "project site") located within the New York City Landmark Preservation Commission (LPC) designated Ladies' Mile Historic District in the Chelsea neighborhood of Manhattan, Community District 5. The proposed Special Permit would facilitate a proposal by the Applicant to develop Block 819, Lot 15 with an approximately 103,112 gsf mixed-use building containing approximately 23,319 gsf of Use Group (UG) 6 commercial floor area at the ground floor level building base, and approximately 79,793 gsf of UG 2 residential floor area (66 market rate dwelling units) within two tower structures (17 stores and 16 stories tall) located above the building's base. The Applicant also proposes to expand a four story, 10,537 gsf commercial retail building to 10,835 gsf.

The proposed Special Permit is being sought in conjunction with City Landmark Preservation Commission (LPC) approvals, which require the exterior rehabilitation of the façades of two existing Ladies' Mile Historic District contributing buildings located on Lots 14 and 66. The project site was issued a Certificate of Appropriateness dated December 30, 2014 and Certificate of No Effect dated September 25, 2015 by the LPC, and a Continuing Maintenance Plan will be prepared in connection with the LPC approvals, which require the continued maintenance of the two contributing buildings on Lots 14 and 66.

The project site is comprised of three tax lots, Lot 15, 14, and 66, which together form a single zoning lot. Block 819, Lot 15, a through lot with two frontages (along West 17th Street and West 18th Street, respectively) is developed with a 54-space public parking lot. Lot 14 is developed with

a six story, approximately 32,175 gsf mixed-use commercial building with a built FAR of 6.0; Lot 66 is developed with a four story, 10,537 gsf commercial retail building with frontage on West 18th Street. Both buildings are contributing buildings within the Ladies' Mile Historic District.

The project site is located in a C6-4A zoning district, which allows commercial, residential, and community facility uses with a base FAR of 10.0, or 12.0 if a site is mapped with Mandatory Inclusionary Housing. The C6-4A zoning district mapped on the project site permits a maximum building base height of 125 feet, above which a 15 foot setback is required, per ZR Sections 35-24 and 23-633. The district also requires a 10-foot rear setback per ZR 23-663; that through lots have a rear yard equivalent of at least 60 feet in depth, per ZR 23-532; that the minimum distance between buildings is 60 feet on a single zoning lot, per ZR 23-711. A maximum permitted height of 60 feet for a building with less than 45 feet of frontage on a narrow street (60 feet in width) is allowed, per ZR 23-692. The proposed Special Permit would waive the setback, rear yard equivalent depth, minimum distance and maximum building height requirements, and facilitate the proposed development on the project site.

The proposed Special Permit would facilitate a proposal by the Applicant to develop Block 819, Lot 15 with an approximately 103,112 gsf mixed-use building containing approximately 23,319 gsf of Use Group (UG) 6 commercial uses within a ground floor level building base. Approximately 79,793 gsf of UG 2 residential uses (66 market rate dwelling units) would be located within two tower structures (17 stories and 16 stories tall) on the floors above the building's base. The proposed development would also include 17 accessory parking spaces and 39 bicycle parking spaces located within a cellar and sub-cellar. In addition to development proposed on Lot 15, the Applicant proposes to restore facades of the two existing contributing buildings on Lots 14 and 66 in connection with the LPC approvals. A one-story portion of 184 gsf on the ground floor of the existing building on Lot 66, which is also partially located on Lot 15, would be demolished. The first three stories of the building would be extended to the rear lot line; the demolished floor area would be relocated, and the building would be expanded. Both buildings would be occupied by UG 6 commercial retail uses in the future with the proposed Special Permit.

It should be noted that the project site was previously subject to several actions sought before the City Planning Commission (CPC). In 2003, the CPC approved a Special Permit pursuant to ZR Section 74-711 (38-42 West 18th Street, CEQR No. 02DCP030M) to allow residential uses (not permitted in an M1-6M zoning district, the zoning district mapped on the project site at the time) on the project site. The 2003 Special Permit was also sought to modify bulk requirements. This Special Permit was sought to facilitate a new mixed-use residential and commercial building on Block 819, Lot 15; permit the expansion of the existing building on Lot 66 by three stories, and facilitate the rehabilitation of the facades of the two existing buildings on Lots 14 and 66. The Special Permit was modified in 2004, and was renewed for three year terms in 2008 and again 2011 before expiring on February 2, 2014. The project as proposed was not developed on Lot 15, and the properties at Lots 14 and 66 were not improved.

In 2004, in connection with the Ladies' Mile Rezoning (CEQR No. 04DCP038M) the project site was rezoned from M1-6M to C6-4A. An Environmental Assessment Statement prepared in connection with the Ladies' Mile Rezoning considered a 138,000 gross square foot (gsf) mixed-use building containing 146 dwelling units and 13,800 gsf of commercial retail space to be developed at the Project Area. An (E) designation related to air quality, noise and hazardous materials (E-131) was assigned to the project site in connection with the rezoning, but the development analyzed as part of the rezoning was not pursued.

Absent the proposed Special Permit, the applicant would redevelop Lot 15 with a 74,387 gsf mixed-use residential and commercial building with 18,559 gsf of Use Group (UG) 6 ground floor level commercial uses and approximately 55,828 gsf of UG 2 residential uses (40 dwelling units) within the above floors. This development would meet the C6-4A zoning district height, setback and rear yard equivalent requirements, and would be subject to LPC approvals. The commercial buildings on Lots 14 and 66 would remain as in their existing conditions; no restoration work would occur and the building on Lot 66 would not be expanded.

The analysis year for the proposed project is 2018.

To avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise, an (E) designation (E-378) is proposed to be assigned to the project site as described below. This (E) designation (E-378) supersedes an (E) designation (E-131) previously assigned to the project site pursuant to the 2004 Ladies' Mile Rezoning proposal.

The (E) designation (E-378) text related to hazardous materials is as follows:

Block 819, Lots 14, 15 and 66

Task 1

The applicant must submit to the NYC Office of Environmental Remediation (OER), for review and approval, a Phase I Environmental Site Assessment, any other previous environmental studies, and 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 sample sites should be selected to adequately characterize site, the specific source 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 the 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. Such remediation as determined necessary by OER must be completed and then proper documentation provided that the work has been satisfactorily completed. A construction-related health and safety plan (CHASP) and Community Air Monitoring Program (CAMP) would be submitted to OER together with the RAP and 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.

The (E) designation (E-378) text related to air quality is as follows:

Any new residential and/or commercial development on Block 819, Lot 15 must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stacks are located at the highest building tier or at least 170 feet in height, and the West 18th Street Tower stack is at least 136 feet from the West 17th Street lot line and the West 17th Street Tower stack is at least 118 feet from the West 18th Street lot line in order to avoid any potential significant air quality impacts.

The (E) designation (E-378) text related to noise is as follows:

To ensure an acceptable interior noise environment on Block 819, Lots 14, 15 and 66, future residential/community facility uses must provide a closed window condition with a minimum 28 dBA of window/wall attenuation on all façades in order to maintain an interior noise level of 45 dBA. In order 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 or air conditioning sleeves containing air conditioners or HUD approved fans.

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 March 4, 2016, prepared in connection with the ULURP Application (No. 160082ZSM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

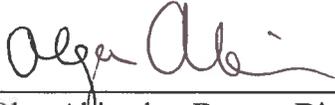
Supporting Statement:

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

1. The (E) designation (E-378) related to hazardous materials, air quality, and noise supersedes the (E) designation (E-131) previously assigned to the project site in connection with the Ladies Mile Rezoning proposal (CEQR No. 04DCP038M). The proposed new (E) designation (E-378) reflects changes made to the (E) designation program, which was revised on June 18, 2012, revisions to the CEQR Technical Manual, which occurred in 2014 and a revised development proposal on the project site, as described below:
 - a. The previously-assigned (E) designation (E-131) conditions related to hazardous materials reflects an obsolete New York City (E) designation rule, was assigned to address potential soil contamination and necessary remediation on the project site. The proposed new (E) designation related to hazardous materials reflects the (E) designation rules, substantially revised on June 18, 2012.
 - b. The previously-assigned (E) designation conditions (E-131) related to air quality require that any new development on Block 819, Lots 14, 15 and 66 utilize natural gas as the HVAC systems fuel type, based on a building envelope analyzed in the 2004 Ladies Mile Rezoning EAS that conformed to the bulk regulations under the then-proposed C6-4A zoning district. The proposed new (E) designation related to air quality reflects the development sought in connection with the proposed the Special Permit, and updates the air quality requirements to reflect proposed HVAC stack heights and locations on Lot 15.
 - c. The previously-assigned (E) designation requirements (E-131) related to noise reflect a minimum dBA noise attenuation consistent with the noise analysis guidelines set forth in the 2001 CEQR Technical Manual. The new proposed (E) designation requirements related to noise reflect the the noise analysis guidelines set forth in the 2014 CEQR Technical Manual.
2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

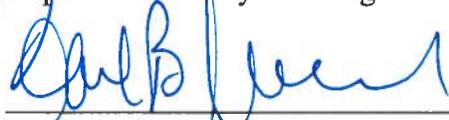
This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Annabelle Meunier at (212) 720-3426.



Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: March 4, 2016



Carl Weisbrod, Chairman
City Planning Commission

Date: March 7, 2016