



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

Project Identification

CEQR No. 16DCP188M

ULURP No. 160396ZRM

SEQRA Classification: Unlisted

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:

West 23rd Street Text Amendment

The applicant, 23rd and 11th Associates LLC, is seeking a zoning text amendment to Zoning Resolution (ZR) Section 98-24 (“Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E and G”), affecting two blocks (Blocks 694 and 695) located within the Special West Chelsea District (WCh) of Manhattan, Community District 4. The text amendment, which would establish ZR Section 98-243 (“Located partially within Subarea D and C6-3A Districts”), would permit the distribution of allowable floor area across C6-3/Subarea D and C6-3A zoning district, and subarea boundaries. While the proposed text amendment would apply to two blocks generally bounded by West 24th Street to the north, West 22nd Street to the south, 10th Avenue to the east and 11th Avenue to the west, the proposed action would facilitate development on a single site under the applicant’s control, located at located at 536-552 West 23rd Street (the “Project Site,” Block 694, Lots 5, 58, 60, 61 and 65). The proposed action would facilitate a proposal by the applicant to redevelop the site with a 311,000 gross square foot (gsf) mixed use building containing approximately 337 market-rate residential units, 25,157 gsf of retail use, and a below-grade parking garage with 73 spaces, utilizing the existing curb cuts on West 23rd Street.

The project site is currently developed with a 95,446 gsf U-Haul truck rental facility comprised of two 3-story buildings on Lots 58 and 65, connected by a 1-story structure on Lots 60 and 61. The facility contains a rental office, garage space for U-Haul trucks and a self-storage center. The project site is located in C6-3, C6-3A, and M1-5 zoning districts within WCh. When WCh was established, a contextual commercial district was mapped over the area and created slightly different allowable

FARs between C6-3/ Subarea D areas and C6-3A areas. Under current zoning, in the C6-3/ Subarea D portion of the site, residential, commercial or community facility development is allowed to a maximum floor area ratio (FAR) of 7.5 and a maximum height of 250 feet. In the C6-3A portion of the zoning lot, residential development is allowed to a maximum FAR of 7.52 with a maximum building height of 145 feet. In the M1-5 portion of the zoning lot, manufacturing or commercial development is permitted to a maximum FAR of 5.0, and residential uses are not permitted.

At present, the Special West Chelsea District Regulations do not allow the transfer of floor area between the C6-3A and C6-3/Subarea D portions of the zoning lot. The proposed text amendment would permit the distribution of allowable floor area across existing zoning lots in the WCh district which are mapped with more than one zoning district and contain different allowable FARs. The proposal does not increase permitted floor area and is intended to redistribute the allowable bulk, which will support the applicant's objective to retain the existing U-Haul facility and to develop the maximum allowable floor area on the zoning lot.

In order to present a conservative environmental analysis, the Environmental Assessment Statement considers a No-Action and With-Action scenario. Absent the proposed action, the project site would be developed to include a mixed residential and commercial building containing 247,288 gsf of market-rate residential (comprising 291 units) and 25,157 gsf of retail. The C6-3A midblock portion of the development would utilize approximately 34,000 zoning square feet (zsf) of the unused floor area from Lot 58.

In the With-Action scenario, the project site would utilize the full 70,000 zsf of development rights from Lot 58 in a mixed residential and commercial building containing approximately 286,147 gsf of market-rate residential use (comprising 337 units) and 25,157 gsf of retail.

In both scenarios, the applicant would consolidate operations to the existing structure on Lot 58, containing 42,993 gsf of self-storage and truck rental facility. The remaining structures would be demolished and the remainder of the zoning lot would be redeveloped pursuant to existing zoning regulations. The building heights in both scenarios represent the maximum allowable building height – 145-feet in the C6-3A portion of the zoning lot, and 250-feet in the C6-3/Subarea D portion of the zoning lot.

The analysis year for the proposed action is 2019.

The project site was analyzed as a potential development site in the *Special West Chelsea District Rezoning and High Line Open Space Final Environmental Impact Statement (FEIS)* (CEQR 03DCP069M). As part of the rezoning, environmental (E) Designations relating to hazardous materials and noise was assigned to Lots 58, 60, 61, and 65 (E-142). The E Designation for hazardous materials requires that a testing and sampling protocol be prepared for the zoning lot, and remediation undertaken where appropriate, to the satisfaction of the Department of Environmental Protection (DEP) before the issuance of a building permit by the Department of Buildings. The E

Designation for noise requires that any new residential/commercial development must provide a closed window condition with a minimum of 35 dBA window/wall attenuation on all facades and an alternate means of ventilation. No development was thereafter pursued on the site.

Additionally, the site was previously analyzed as part of the *Chelsea Rezoning Environmental Assessment Statement (EAS)* (CEQR 99DCP030M) and an environmental (E) Designation relating to hazardous materials was assigned to Lots 58, 60, 61 and 65. This E Designation was superseded by E-142 from the *Special West Chelsea District Rezoning and High Line Open Space Final Environmental Impact Statement (FEIS)* (CEQR 03DCP069M).

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 November 10, 2016, prepared in connection with the ULURP Application (No. 160396ZRM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

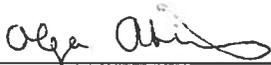
Supporting Statement:

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

1. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.
2. The previously assigned (E) designation (E-142) would ensure that the proposed action will not result in significant adverse impacts related to noise and hazardous materials, as the site conditions have remained substantially similar.

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 William Pugliese at (212) 720-3334.



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

Date: November 10, 2016

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

Date: November 14, 2016

