



City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM
 FOR UNLISTED ACTIONS ONLY • Please fill out and submit to the appropriate agency ([see instructions](#))

Part I: GENERAL INFORMATION

1. Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)? YES NO

If “yes,” STOP and complete the [FULL EAS FORM](#).

2. Project Name W. 23rd St.11th Avenue - Text Amendment

3. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency) 16DCP188M	BSA REFERENCE NUMBER (if applicable)
ULURP REFERENCE NUMBER (if applicable) TBD	OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA)

4a. Lead Agency Information NAME OF LEAD AGENCY New York City Planning Commission	4b. Applicant Information NAME OF APPLICANT 23rd and 11th Associates, L.L.C.
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin, Director, EARD New York City Department of City Planning	NAME OF APPLICANT’S REPRESENTATIVE OR CONTACT PERSON Jerald A. Johnson Fox Rothschild LLP

ADDRESS 120 Broadway			ADDRESS 101 Park Avenue, 17th floor		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10178
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5. Project Description
 The applicant, 23rd and 11th Associates, L.L.C., is proposing a text amendment to the Special West Chelsea District regulations (Zoning Resolution [ZR] Article 9, Chapter 8) in connection with a proposal to construct a 22-story mixed-use building located at the corner of West 23rd Street and Eleventh Avenue in the Chelsea neighborhood of Manhattan, in Community District 4. See Page 1a for a full project description.

Project Location

BOROUGH Manhattan	COMMUNITY DISTRICT(S) 4	STREET ADDRESS 536-552 West 23rd Street
TAX BLOCK(S) AND LOT(S) Block 694, Lots 5, 58, 60, 61, and 65		ZIP CODE 10011
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Northwest corner of the block bounded by West 23rd Street, Tenth Avenue, West 22nd Street, and Eleventh Avenue		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY West Chelsea District: C6-3/Subarea D, C6-3A, M1-5	Special	ZONING SECTIONAL MAP NUMBER 8b

6. Required Actions or Approvals (check all that apply)

City Planning Commission: YES NO UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

<input type="checkbox"/> CITY MAP AMENDMENT	<input type="checkbox"/> ZONING CERTIFICATION	<input type="checkbox"/> CONCESSION
<input type="checkbox"/> ZONING MAP AMENDMENT	<input type="checkbox"/> ZONING AUTHORIZATION	<input type="checkbox"/> UDAAP
<input checked="" type="checkbox"/> ZONING TEXT AMENDMENT	<input type="checkbox"/> ACQUISITION—REAL PROPERTY	<input type="checkbox"/> REVOCABLE CONSENT
<input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY	<input type="checkbox"/> DISPOSITION—REAL PROPERTY	<input type="checkbox"/> FRANCHISE
<input type="checkbox"/> HOUSING PLAN & PROJECT	<input type="checkbox"/> OTHER, explain:	
<input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE:		

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION 98-24

Board of Standards and Appeals: YES NO

VARIANCE (use)

VARIANCE (bulk)

SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

4. PROJECT DESCRIPTION

23rd and 11th Associates, L.L.C. (the “applicant”), is proposing a text amendment to the Special West Chelsea District regulations (Zoning Resolution [ZR] Article 9, Chapter 8) in connection with a proposal to construct a 22-story mixed-use building located at the corner of West 23rd Street and Eleventh Avenue in the Chelsea neighborhood of Manhattan, in Community District 4. The proposed text amendment would permit the distribution of allowable floor area across the existing zoning lot. The proposal does not increase the permitted FAR and is intended to support the applicant’s objective of retaining an existing UHaul facility on the zoning lot, while utilizing the maximum allowable floor area.

PROJECT SITE

The site is a combined zoning lot located at the northwest corner of the block bounded by West 23rd Street, Tenth Avenue, West 22nd Street, and Eleventh Avenue (Block 694, Lots 5, 58, 60, 61, and 65; the “zoning lot”). The zoning lot contains frontages on West 23rd Street and Eleventh Avenue, with a through-block portion extending to West 22nd Street (see **Figure 1**). The full zoning lot is currently occupied by a UHaul truck rental facility: two 3-story buildings are located on Lots 58 and 65, connected by a 1-story structure. The facility contains a rental office, garage space for UHaul trucks, and a self-storage facility. Part of Lot 65 is an at-grade parking area for UHaul, fronting on Eleventh Avenue

EXISTING ZONING REGULATIONS

The zoning lot is located within the Special West Chelsea District (see **Figure 2**). In the midblock area facing West 23rd Street (Lots 58, 60, and portions of Lots 61 and 65), the zoning lot is located within a C6-3A district. Along the Eleventh Avenue frontage (portions of Lots 5 and 65), the zoning lot is located within a C6-3 district and Subarea D of the Special West Chelsea District. The remainder of Lots 5 and 61 is located within an M1-5 district. The Special West Chelsea District applies special bulk regulations only to the portion of the zoning lot located within C6-3/Subarea D along Eleventh Avenue: in the C6-3/Subarea D area, residential, commercial, or community facility development is permitted up to a maximum FAR of 7.5. The C6-3/Subarea D regulations apply a maximum building height of 250 feet. In the C6-3A portion of the zoning lot, the floor area bulk regulations of the underlying zoning district apply¹, and residential development is permitted up to a maximum FAR of 7.52, with a maximum building height of 145 feet (pursuant to the Special West Chelsea District regulations, ZR 98-423). In the M1-5 portion of the zoning lot, manufacturing or commercial development is permitted up to a maximum FAR of 5.0, and residential uses are not permitted.

The zoning lot was included in the area of the West Chelsea Rezoning, which created the Special West Chelsea District. At the time of the rezoning, the zoning lot was located in a mixed residential and manufacturing (MX) district (M1-5/R9A).² The rezoning mapped a contextual commercial district (C6-3A) over this area: however, the rezoning did not affect the bulk and

¹ As stated in ZR 98-21 (Maximum Floor Area Ratio outside of Subareas): “For all #zoning lots#, or portions thereof, located outside of Subareas A through J, the maximum #floor area ratios# of the applicable underlying district shall apply.”

² Under the M1-5/R9A zoning, a transfer from the West 23rd Street frontage to the Eleventh Avenue frontage was permitted as-of-right, as both areas were located within the same zoning district.

height and setback regulations applicable to midblock portion of the zoning lot. As a result of the rezoning, the avenue frontage and the midblock areas have slightly different allowable FARs: in the C6-3/Subarea D area, the maximum FAR was set at 7.5, while the C6-3A area remained at 7.52 FAR, a difference of only 0.02. As a result, under the existing zoning regulations (pursuant to ZR 23-18 and Article 7, Chapter 7), floor area cannot be transferred from the C6-3A portion of the zoning lot to the C6-3/Subarea D portion of the zoning lot, because, while the two areas have similar bulk regulations, the permitted FAR in the two areas is not the same. Absent the 0.02 FAR differential between the two districts, the floor area could be transferred as-of-right. In regularizing the FARs that apply in the Special West Chelsea District subareas to end in .0, .25, and .5 as part of the West Chelsea Rezoning, it was not intended that the small differential between the C6-3/Subarea D and C6-3A districts would present an obstacle to the integrated development of the zoning lot or prohibit the distribution of floor area across district boundaries; the proposed text amendment would rectify this unintended consequence.

WEST CHELSEA FEIS AND E DESIGNATIONS

The zoning lot was analyzed as a potential development site in the *Special West Chelsea District Rezoning and High Line Open Space Final Environmental Impact Statement (FEIS)*. It was assumed that Lots 58, 60, 61, and 65 would be demolished to develop a new building, and the zoning lot was assumed to contain a residential building with 335 residential units and approximately 40,000 square feet of retail in both the No Action and With Action conditions for purposes of analysis. As a result of the FEIS, an environmental (E) Designation relating to hazardous materials and noise was assigned to Lots 58, 60, 61, and 65 (E-142). These lots had previously been assigned an E Designation relating to hazardous materials (E-92) as part of an earlier rezoning action (the 1999 Chelsea Rezoning); the requirements of E-92 remained in place with the assignment of 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 ever pursued on the development site following the FEIS.

PROPOSED ACTION

The applicant is seeking a text amendment to the regulations of the Special West Chelsea District (ZR 98-24, “Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E and G”) to allow the transfer of floor area from a C6-3A district (maximum permitted floor area ratio [FAR] of 7.52 FAR) to a C6-3/Subarea D district (maximum 7.5 FAR) without restriction (see **Appendix A** for the proposed text).⁴ The text amendment is proposed to

⁴ The proposed text amendment includes the renaming of ZR 98-24 (“Special Floor Area Rules for Zoning Lots Divided by District Boundaries”) and the creation of subsection ZR 98-243 (“Located partially within Subarea D and C6-3A Districts”). The amendment moves the current ZR 98-27 (“Located partly within Subarea C and M1-5 Districts”) into a new subsection (now ZR 98-242) and modifies the text with one non-substantive change (replacing the word “partly” with “partially”). Except for the new ZR

permit the distribution of floor area allowed under the existing regulations across the zoning lot. The text amendment does not increase the permitted FAR and is intended to support the applicant's objective of retaining the existing UHaul facility on the zoning lot, and utilize the maximum floor area available on the zoning lot.

PROPOSED DEVELOPMENT

With the proposed text amendment the applicant would redevelop the development site portion of the zoning lot (Lots 5, 60, 61, and 65) with a 311,000 gross square foot (gsf) mixed-use building with ground floor retail and residential space (approximately 140 units). The remainder of the zoning lot (Lot 58), which contains a 3-story portion of the UHaul facility, would remain in its current condition (with some interior reconfigurations to consolidate the uses in the current facility, including parking for trucks and self-storage, into the remaining building).

The proposed building design includes a 22-story tower (approximately 248 feet tall) fronting on Eleventh Avenue and a 13-story (approximately 143.5 feet tall) portion in the midblock area, with a small single-story retail/gallery component extending to West 22nd Street (see **Figures 3 and 4**). The building would comply with all applicable height and setback regulations.

Lot 58 currently contains approximately 42,640 gsf of space, equal to a FAR of 2.77. Under the applicable C6-3A bulk regulations (maximum permitted residential FAR of 7.52), the maximum floor area is approximately 111,000 zoning square feet (zsf); therefore, approximately 70,000 zsf of unused floor area currently exists on Lot 58. With the proposed project, the unused floor area from Lot 58 would be utilized in the proposed development, with the approximately 70,000 zsf transferred to the remainder of the site within the midblock and avenue portions of the project site. As noted above, this transfer is not permitted under the existing zoning regulations; with the proposed text amendment, a floor area transfer would be permitted from the portion of the zoning lot in the midblock area to the Eleventh Avenue frontage. With the proposed project, the zoning lot would be built to the maximum permitted FAR of 7.5. Portions of Lot 5 and Lot 61 are located in an M1-5 zoning district; the floor area within this area will remain and be utilized for as-of-right use.

The proposed building is expected to take approximately 24 months to construct with occupancy in 2019.

PURPOSE AND NEED

As noted above, pursuant to ZR 23-18 and Article 7, Chapter 7, a transfer of floor area between the C6-3A and C6-3/Subarea D portions of the zoning lot is not permitted under existing zoning regulations because, while the two areas have similar bulk regulations, the permitted FAR in the two areas is not the same. The proposed text amendment would modify this regulation to permit a transfer of floor area across the zoning district boundary on the zoning lot.

The purpose and need for the proposed action is to:

- Maintain uninterrupted UHaul operations while allowing development to occur;

98-243 that is the subject of this application, all other changes as part of the text amendment are to reorganize sections or include proper cross-references, with no additional substantive changes.

- Make full use of the maximum floor area permitted on the zoning lot under the existing FAR regulations⁵ and facilitate a development within the existing height and setback requirements that will result in a massing consistent with the West Chelsea Special District;
- Resolve an unintended consequence of assigning regular FAR numbers (i.e., numbers ending in .0, .25, and .5) applicable to West Chelsea Special District subareas as part of the West Chelsea Rezoning, and thereby allowing for a floor area distribution where a small differential in applicable FAR regulations currently prevents it.

ANALYSIS FRAMEWORK

TEXT AMENDMENT APPLICABILITY

As described above, the proposed text amendment would add text to ZR 98-24 to allow the transfer of floor area from a C6-3A district (7.52 FAR) to a C6-3/Subarea D district (7.5 FAR) without restriction for zoning lots fronting on Eleventh Avenue and West 23rd Street and located partially in the C6-3/Subarea D district and the adjacent C6-3A district. Prior to the West Chelsea Rezoning in 2005, a transfer from the West 23rd Street frontage to the Eleventh Avenue frontage was permitted as-of-right, as both areas were located within the same zoning district (M1-5/R9A).

The text amendment would be applicable to Block 694, which contains the zoning lot, and Block 695 to the north. The proposed text amendment would not affect any of the other regulations of the Special West Chelsea District. Similarly, it would not alter the bulk and height and setback regulations applicable to the zoning lot.

As with Block 694, on Block 695, the C6-3/Subarea D district is mapped along the Eleventh Avenue frontage, and the C6-3A district is located in the midblock area along West 23rd Street. The proposed text amendment would allow for floor area to be transferred from the C6-3A portion of Block 695 to the C6-3/Subarea D portion of the block within a shared zoning lot that has frontages on both Eleventh Avenue and West 23rd Street. However, as described further below, the proposed text amendment would not result in the transfer of floor area across zoning districts on Block 695 as that block does not contain any unused development rights that could be transferred to the Eleventh Avenue frontage.

Currently, the portion of Block 695 located along Eleventh Avenue within the C6-3/Subarea D district (Lots 1 and 3) is underbuilt: Lot 1 contains an approximately 7,700 square foot hotel (FAR of approximately 1.52⁶, below the maximum permitted FAR of 7.5) and Lot 3 is vacant. Lots 1 and 3 represent a potential redevelopment site. However, the adjacent lots along West 23rd Street—Lots 6, 15, and 7503—do not contain any unused development rights that could be transferred to the Eleventh Avenue frontage, across the zoning district boundary, as part of a shared zoning lot with Lots 1 and 3. Lots 15 and 7503 both contain recently constructed residential buildings (527 and 555 West 23rd Street), and Lot 6 is undergoing redevelopment with a 12-story residential building (559 West 23rd Street). All of the buildings on Lots 6, 15, and 7503 utilize the full permitted floor area.

⁵ As noted above, the proposed text amendment would permit the distribution of allowable floor area across the existing zoning lot and would not result in an increase of the overall floor area permitted on the zoning lot.

⁶ Floor area and FAR information provided by MAPPLUTO land use data.

While the Eleventh Avenue site of Block 695 may be redeveloped, the proposed text amendment would not facilitate the transfer of any unused floor area to the site, and would not result in any changes to a potential development on the site.

NO ACTION SCENARIO

Absent the proposed text amendment, the site is assumed to be redeveloped in conformance with existing zoning regulations, including the recently approved Zoning for Quality and Affordability (ZQA) modifications. There are several potential designs and development alternatives for a new building or buildings on the zoning lot that would utilize the full available floor area. Accounting for the project goal of uninterrupted operations at the UHaul facility, the development site would be redeveloped with a complying building that utilizes less than the full amount of floor area available from Lot 58 (the “No Action development”). The No Action development would fulfill the applicant’s objective of redeveloping the zoning lot to the full practicable extent while maintaining the UHaul operations on Lot 58, and would be built on an as-of-right basis.

The No Action development is assumed to include a total of approximately 272,000 gsf of space. In the portion of the development site in the C6-3/Subarea D district along Eleventh Avenue, the development will contain a 20-story tower built to the maximum permitted height: the tower will utilize higher floor-to-floor heights and double-height living spaces to reach the maximum height of 250 feet in order to maximize river views, similar to the recently constructed building to the north of the development site at 200 Eleventh Avenue. The higher floor-to-floor heights would also allow for the most efficient stair configuration (a scissor stair design) for the required exit stairs in the building. In the C6-3A portion of the development site along West 23rd Street, the development will contain a 16-story building that utilizes lower floor-to-floor heights and reaches the maximum permitted height of 145 feet (see **Figures 5 and 6**). The lower floor-to-floor heights would be similar to other buildings developed in midblock areas within the Special West Chelsea District with lower maximum building height limits. For example, the project located at 282 Eleventh Avenue, which includes a mid-rise building located along West 28th Street within a C6-3/Subarea B district with an applicable maximum building height of 135 feet, features floor-to-floor heights of 9’4”, comparable to the 9’2” floor-to-floor heights in the C6-3A portion of the No Action development.

The midblock portion of the No Action development will utilize approximately 34,000 zsf of the unused floor area from Lot 58, the maximum that can be incorporated into the C6-3A portion of the development site while meeting the maximum building height requirements. Because floor area cannot be transferred into the C6-3/Subarea D portion of the development site, approximately 36,000 zsf of unused floor area will remain on Lot 58 in the No Action condition (see **Figure 7**). As noted above, the UHaul facility on Lot 58 would remain in its existing conditions and operations, which limits the amount of available floor area that can be accommodated in the C6-3A portion of the zoning lot.

The No Action development will contain approximately 247,000 gsf of residential space. For the purposes of analysis, assuming an average unit size of 850 gsf, the No Action development will contain 291 residential units (see **Table 1**). As with the proposed project, the No Action

development will include a below-grade parking garage, which is anticipated to use one of the existing curb cuts used by the UHaul facility on West 23rd Street.⁷

**Table 1
No Action Scenario**

Lot Number	Total GSF	Retail GSF	Office GSF	Community Facility GSF	Residential GSF	# Residential Units	# Public Parking Spaces
5, 60, 61 & 65	272,445	25,157	-	-	247,288	291**	-
58	42,993*	-	-	-	-	-	-
Total	315,438	25,157	-	-	247,288	291	-

Notes: *UHaul facility containing self-storage and truck rental and parking space (Use Group 16).
** Assumes 850 gsf per unit.

WITH ACTION SCENARIO

As described above, the proposed text amendment would permit the transfer of approximately 70,000 zsf of unused floor area from Lot 58 to be utilized within the proposed development, which would allow for the redistribution of the allowable floor area across the zoning lot without increasing the overall permitted bulk. UHaul operations on the block would continue in their existing building on Lot 58 but overall operations would be reduced due to the elimination of their current facilities on Lots 5, 60, 61, and 65. With the proposed text amendment, approximately 70,000 zsf would be transferred from Lot 58 (where the UHaul facility would remain) to the remainder of the site within the midblock and avenue portions of the zoning lot. Specifically, approximately 59,000 zsf (roughly 84 percent of the total available floor area from Lot 58) would be transferred to the C6-3/Subarea D portion of the development site along Eleventh Avenue, and the remaining floor area (approximately 11,000 zsf, or 16 percent of the total available floor area from Lot 58) would be transferred to the C6-3A portion of the development site along West 23rd Street (see **Figure 7**).

The proposed building would contain approximately 311,000 gsf of space (approximately 288,000 zsf), with ground floor retail and residential space (approximately 140 units) as well as a below-grade parking garage, which is anticipated to use one of the existing curb cuts used by the UHaul facility on West 23rd Street.⁸ The building design includes a 22-story tower (approximately 248 feet tall) fronting on Eleventh Avenue and a 13-story (approximately 143.5 feet tall) portion in the midblock area, with a small single-story retail/gallery component extending to West 22nd Street. The proposed development would be larger than the No Action development by approximately 39,000 gsf; this increase is due to transferred floor area from Lot 58 permitted by the proposed text amendment.

⁷ The No Action development would provide parking spaces consistent with existing zoning regulations, which permit a parking space for 20 percent of the dwelling units and 1 space per 4,000 square feet of commercial space. Therefore, with 25,157 gsf of retail space and up to 291 units, for the purposes of analysis it is assumed that the No Action development would contain a total of 64 accessory spaces.

⁸ It is anticipated that the proposed development would provide parking spaces consistent with existing zoning regulations, which permit a parking space for 20 percent of the dwelling units and 1 space per 4,000 square feet of commercial space. With the intended design with 25,157 gsf of retail space and 140 units, the proposed development would contain 34 spaces. However, for the purposes of analysis, with up to 337 units, the proposed development would contain up to 73 spaces.

By permitting the transfer of unused floor area across the zoning district boundary, the proposed development would maximize the proposed building’s bulk on the Eleventh Avenue frontage while remaining within the permitted design envelope under the applicable zoning regulations. The proposed development would contain slightly more space than the No Action development (approximately 39,000 gsf), but would feature a more efficient design which distributes the building’s bulk to the Eleventh Avenue frontage and away from the midblock area. In particular, the full 70,000 zsf of available floor area on Lot 58 would be utilized in the proposed development, and there would be no unused floor area on the zoning lot.

The proposed development would contain approximately 286,147 gsf of residential space. As noted above, in the intended design the building would contain 140 residential units. However, for the purposes of analysis, assuming an average unit size of 850 gsf, the analysis would reflect up to 337 residential units, an increase of 46 units from the No Action development (see **Tables 2 and 3**).

**Table 2
With Action Scenario**

Lot Number	Total GSF	Retail GSF	Office GSF	Community Facility GSF	Residential GSF	# Residential Units	# Public Parking Spaces
5, 60, 61 & 65	311,304	25,157	-	-	286,147	337**	-
58	42,993*	-	-	-	-	-	-
Total	354,297	25,157	-	-	286,147	337**	-
Notes: *UHaul facility containing self-storage and truck rental and parking space (Use Group 16). ** Assumes 850 gsf per unit.							

Table 3
Analysis Framework Summary

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Land Use				
Residential	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If yes, specify the following				
Describe type of residential structures		Apartment building	Apartment building	
No. of dwelling units		291	337	+46
No. of low- to moderate-income units		0	0	No change
Gross Floor Area (sq. ft.)		247,288	286,147	+38,859
Commercial	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If yes, specify the following:				
Describe type (retail, office, other)		Ground-floor retail and gallery	Ground-floor retail and gallery	
Gross floor area (sq. ft.)		25,157	25,157	No change
Manufacturing/Industrial	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If yes, specify the following:				
Type of use	Self-storage and truck rental and parking space (full project site)	Self-storage and truck rental and parking space (Lot 58 only)	Self-storage and truck rental and parking space (Lot 58 only)	
Gross floor area (sq. ft.)	95,446	42,993	42,993	No change
Open storage area (sq. ft.)				
If any unenclosed activities, specify				
Community Facility	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify the following				
Type				
Gross floor area (sq. ft.)				
Vacant Land	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, describe				
Other Land Uses	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, describe				
Parking				
Garages	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If yes, specify the following:				
No. of public spaces		0	0	
No. of accessory spaces		64¹	73¹	+9
Lots	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Notes: 1. For the purposes of analysis, the below-grade garages in both the No Action and With Action developments are assumed to contain accessory spaces equal to 20 percent of the dwelling units and 1 space per 4,000 square feet of commercial space.				

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Department of Environmental Protection: YES NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

LEGISLATION FUNDING OF CONSTRUCTION, specify:

RULEMAKING POLICY OR PLAN, specify:

CONSTRUCTION OF PUBLIC FACILITIES FUNDING OF PROGRAMS, specify:

384(b)(4) APPROVAL PERMITS, specify:

OTHER, explain:

Other City Approvals Not Subject to CEQR (check all that apply)

PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) LANDMARKS PRESERVATION COMMISSION APPROVAL

OTHER, explain: Approvals by Mayor's Office of Environmental Remediation (OER) related to (E) designations for hazardous materials and noise

State or Federal Actions/Approvals/Funding: YES NO If "yes," specify:

7. Site Description: The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.

Graphics: The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.

SITE LOCATION MAP ZONING MAP SANBORN OR OTHER LAND USE MAP

TAX MAP FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)

PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 46,635 Waterbody area (sq. ft) and type:

Roads, buildings, and other paved surfaces (sq. ft.): 46,635 Other, describe (sq. ft.):

8. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 311,304

NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 311,304

HEIGHT OF EACH BUILDING (ft.): 253 ft (Eleventh Ave. frontage); 147 ft (West 23rd St. midblock frontage) NUMBER OF STORIES OF EACH BUILDING: 22 (Eleventh Ave. frontage); 13 (West 23rd St. midblock frontage)

Does the proposed project involve changes in zoning on one or more sites? YES NO

If "yes," specify: The total square feet owned or controlled by the applicant:

The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? YES NO

If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: 31,822 sq. ft. (width x length) VOLUME OF DISTURBANCE: 572,796 cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 31,822 sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	Commercial	Community Facility	Industrial/Manufacturing
Size (in gross sq. ft.)	286,147	25,157		42,993
Type (e.g., retail, office, school)	337 units	Ground-floor retail and gallery		Existing self-storage and truck rental and parking space (Lot 58) to remain

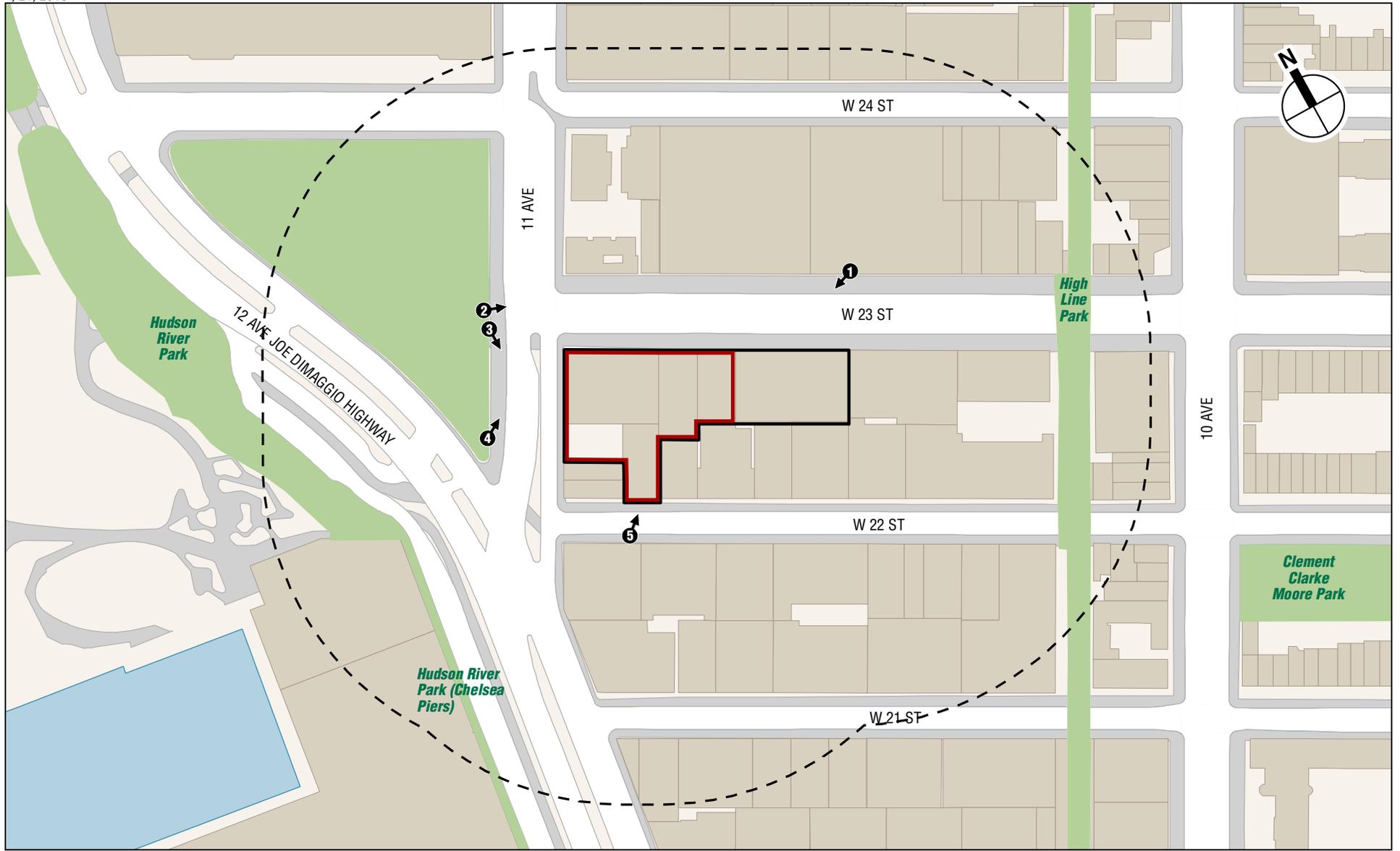
Does the proposed project increase the population of residents and/or on-site workers? YES NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 59 NUMBER OF ADDITIONAL WORKERS: 1

Provide a brief explanation of how these numbers were determined: Estimates utilizing the following employment rates: 1 worker per 1,000 gsf of truck rental/self-storage space; 1 worker per 333 gsf of retail/gallery space; 1 worker per 25 residential units

Does the proposed project create new open space? YES NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? YES NO



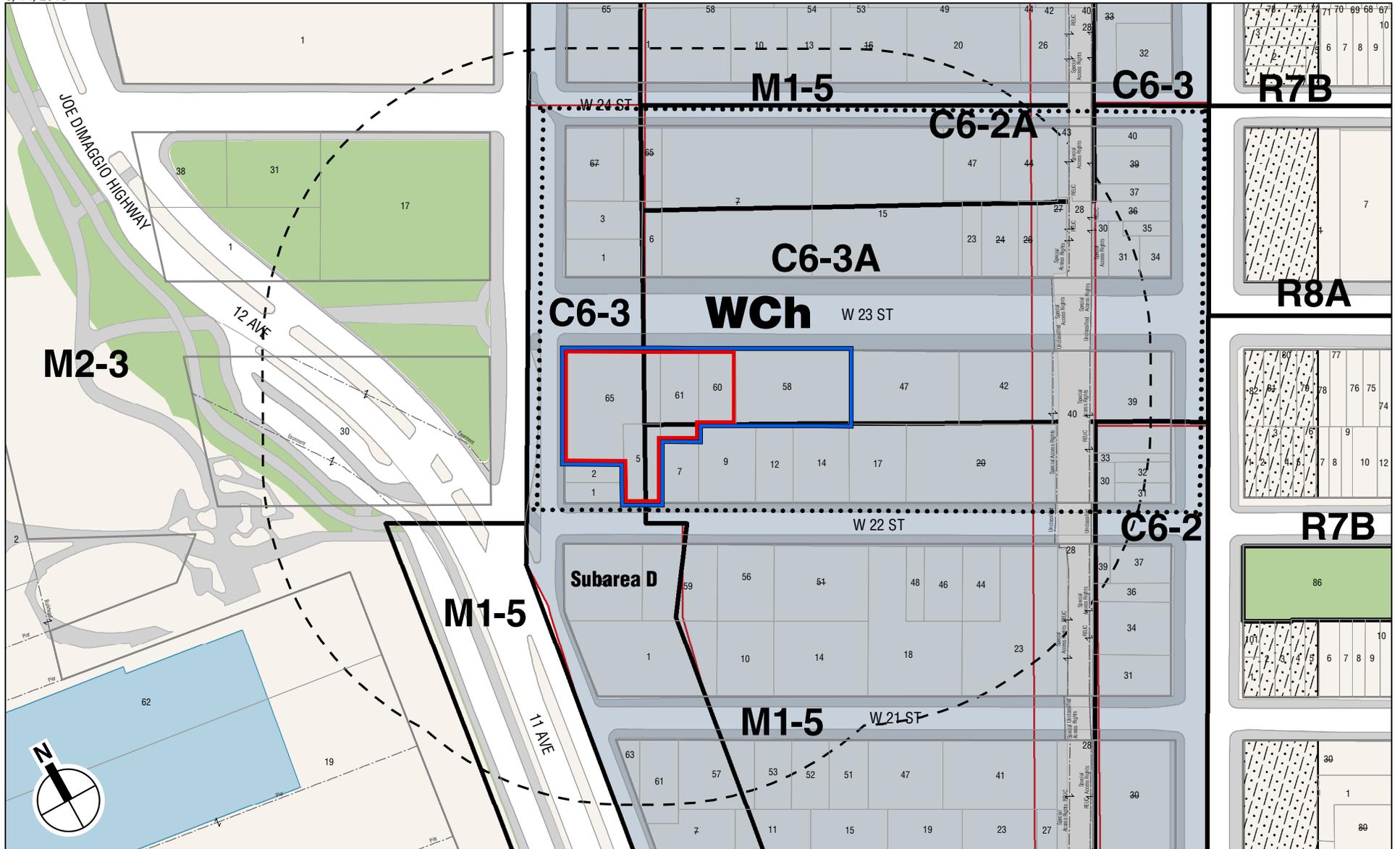
- Project Site
- Study Area (400-foot boundary)
- Development Site

Photograph View Direction and Reference Number

0 200 FEET

West 23rd Street/Eleventh Avenue - Text Amendment

Project Location and Key to Photographs
Figure 1

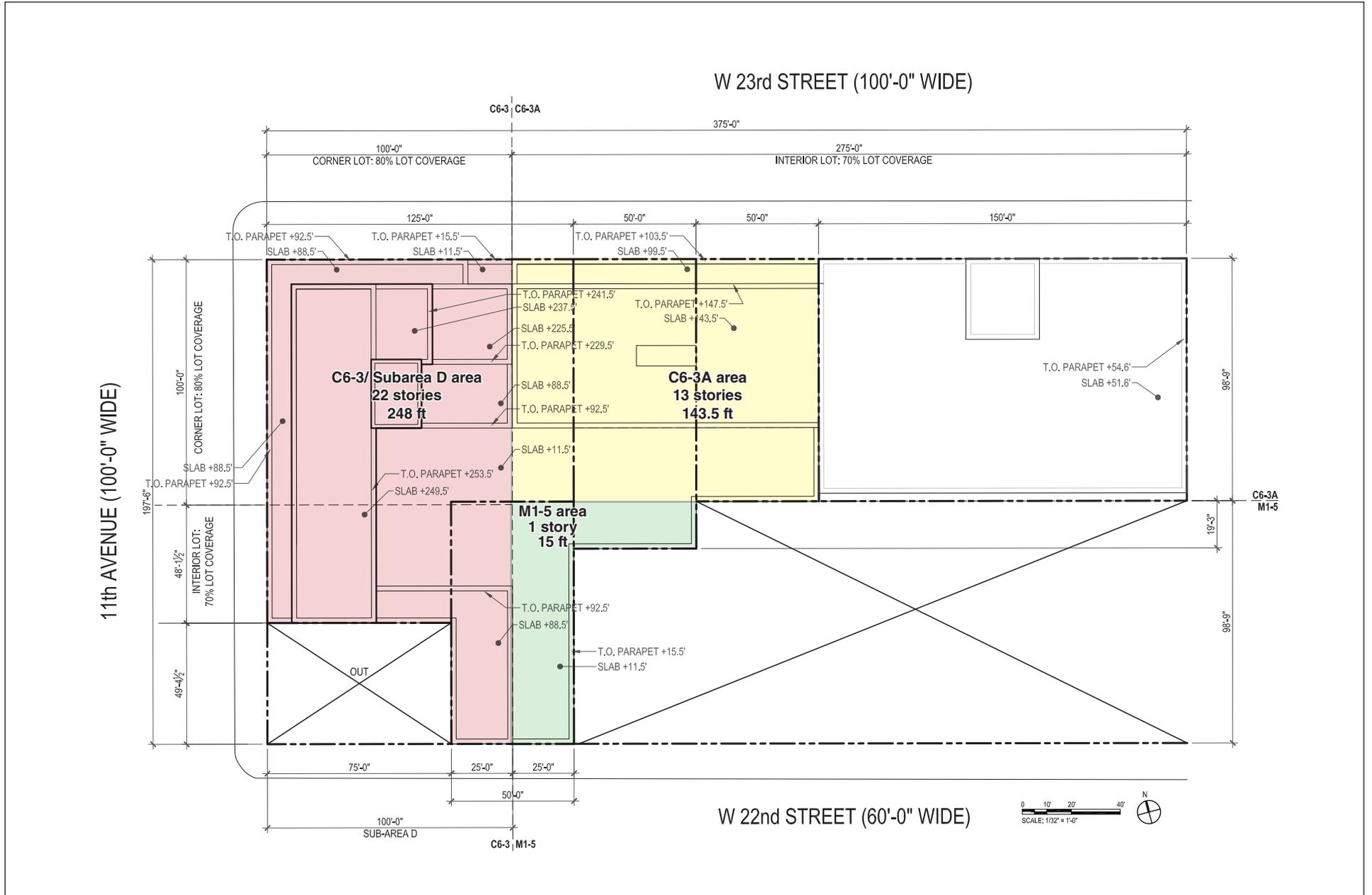


- Project Site
- Study Area (400-foot boundary)
- Zoning Districts
- Development Site
- Area Subject to Text Amendment
- Special Purpose District
- Zoning - Special Purpose Sub-Districts
- C2-5 Commercial Overlay District

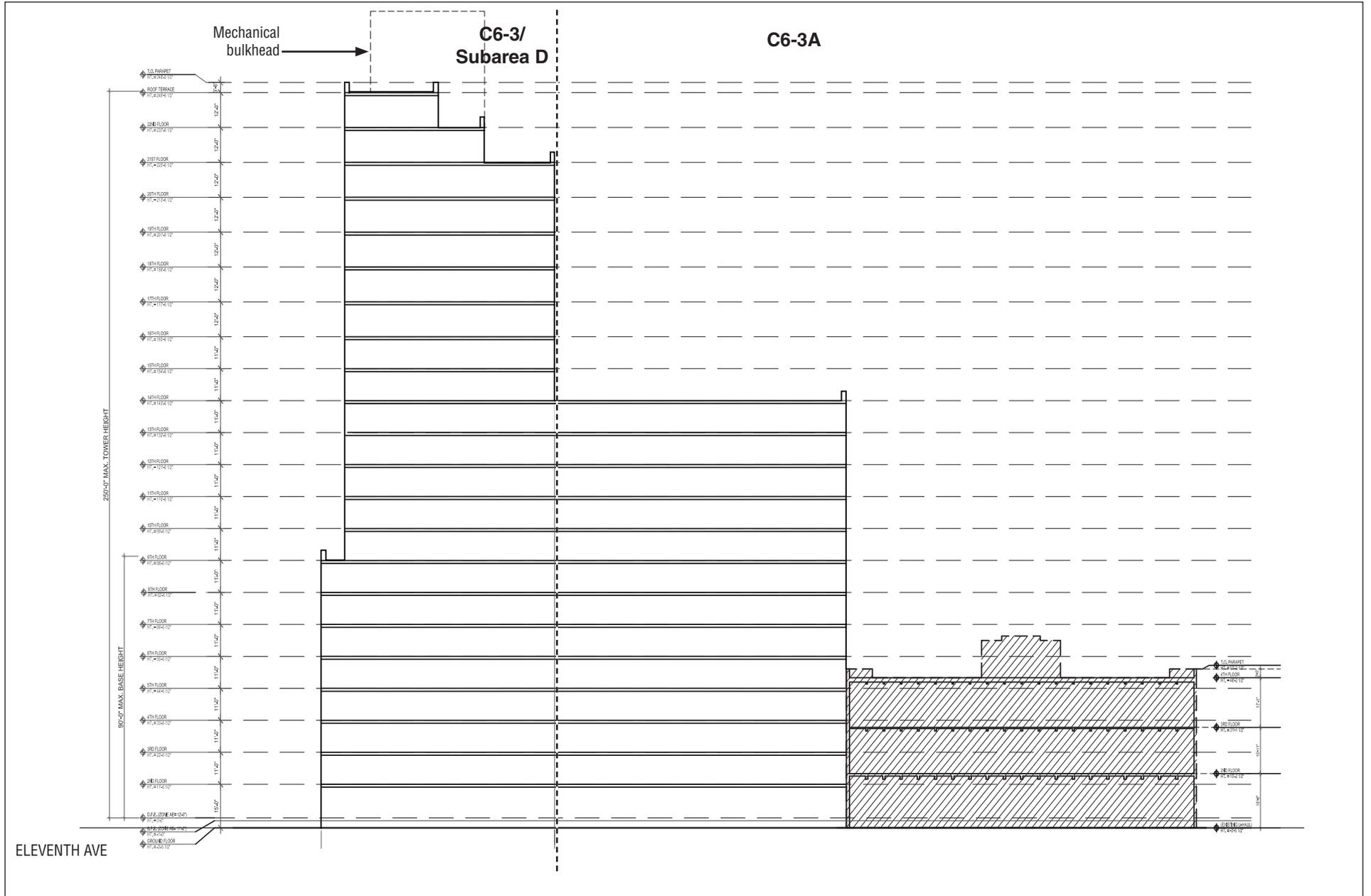


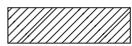
West 23rd Street/Eleventh Avenue - Text Amendment

**Zoning
Figure 2**

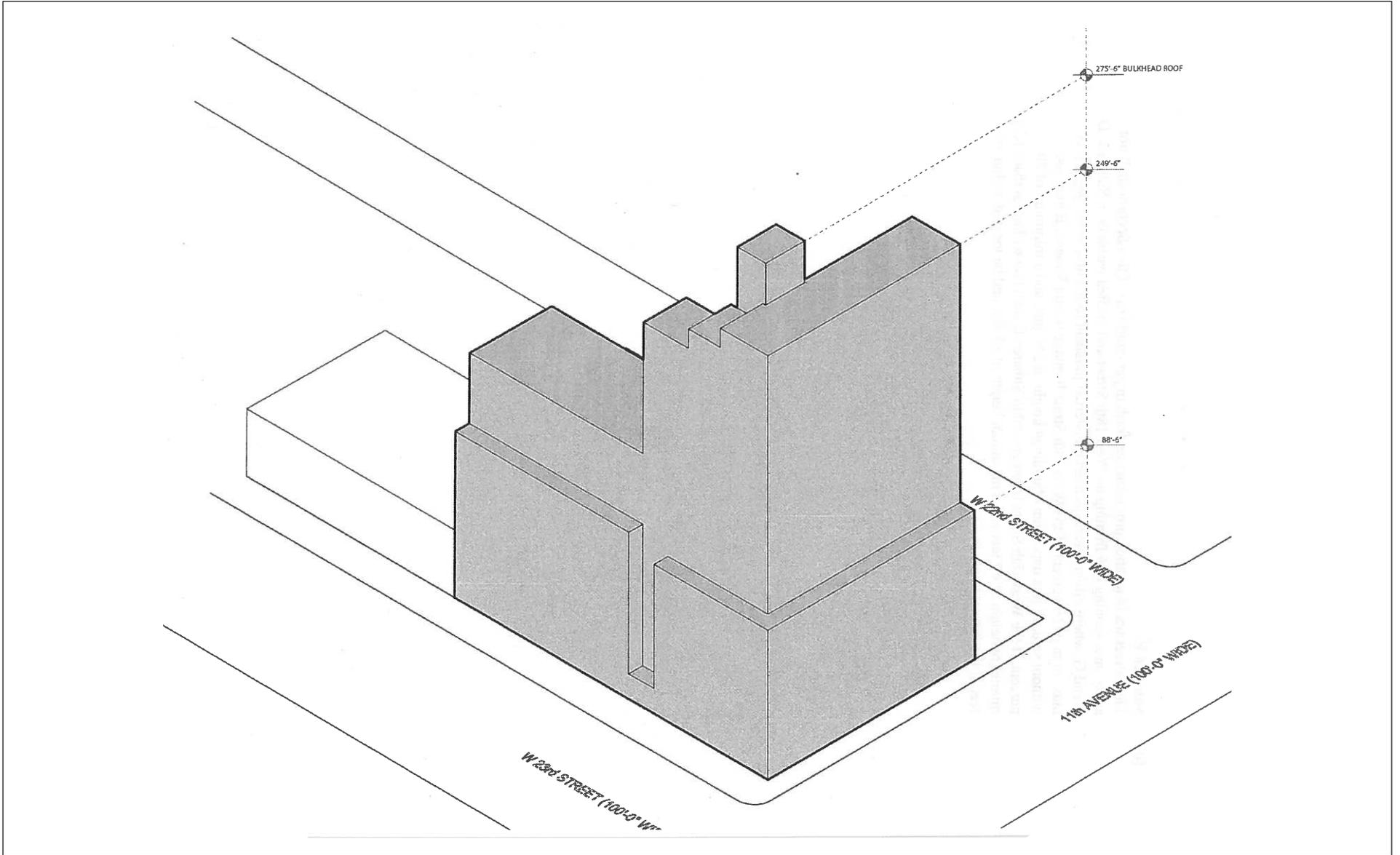


NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

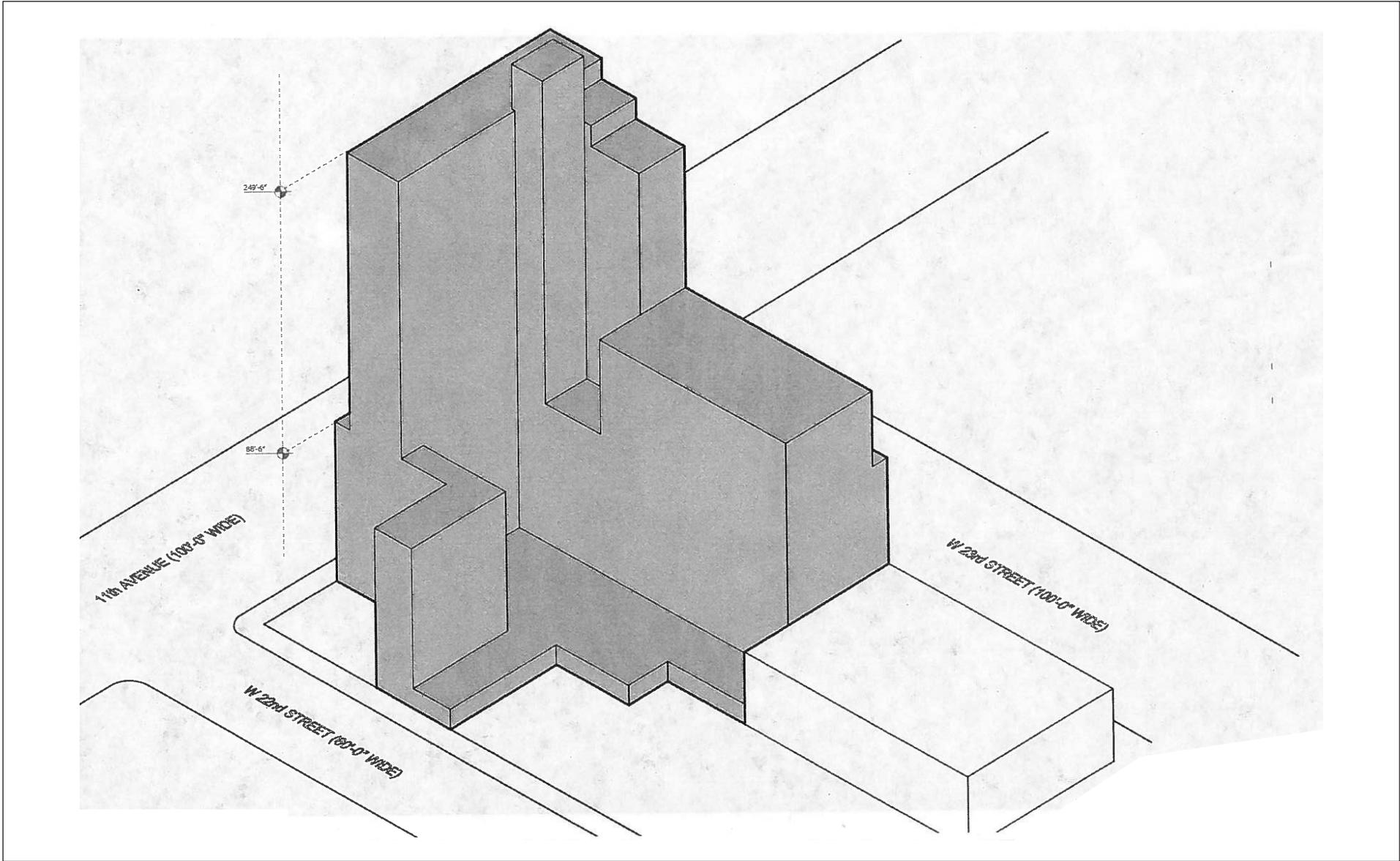


 Existing UHAUL building to remain

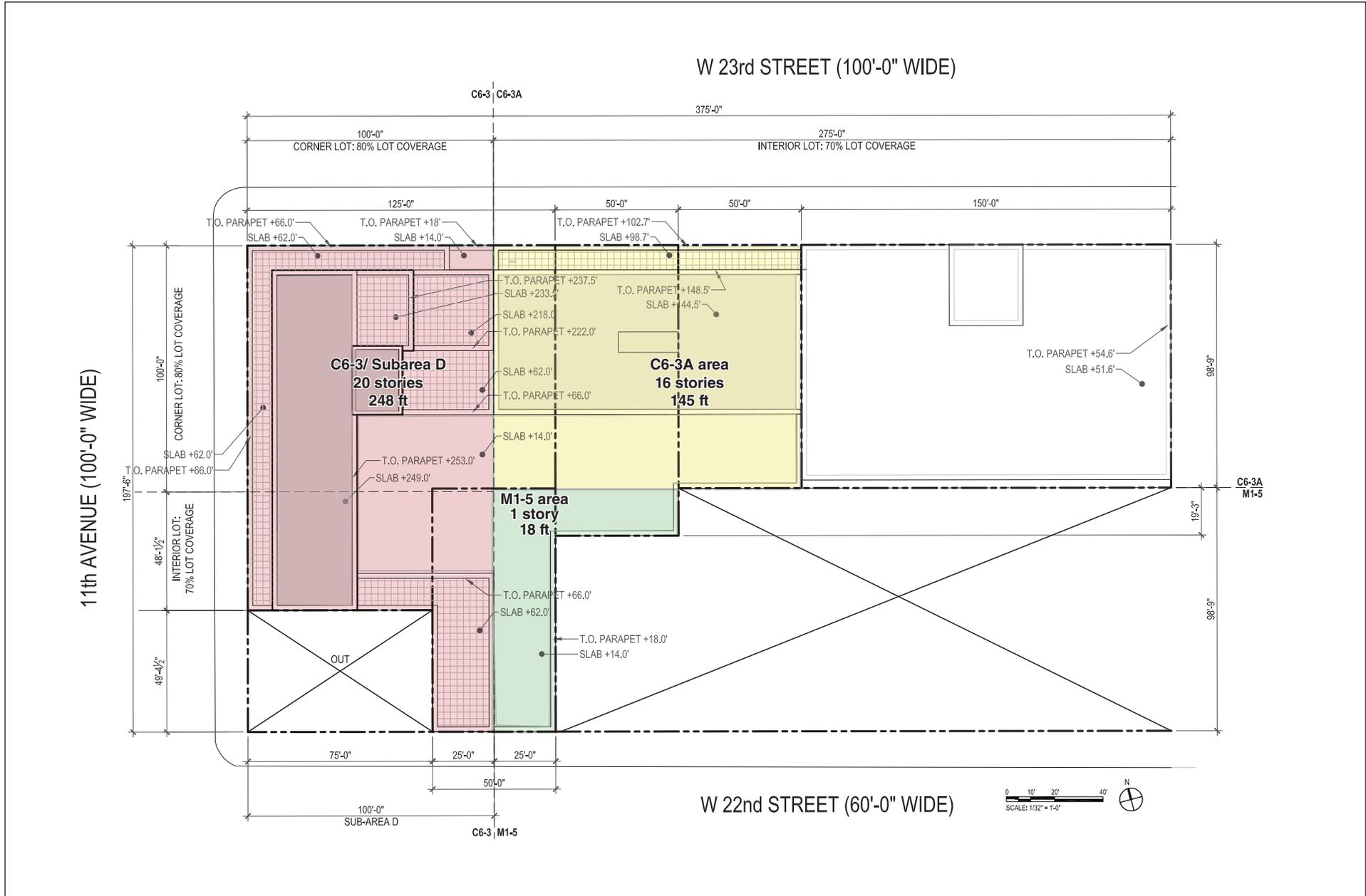
NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

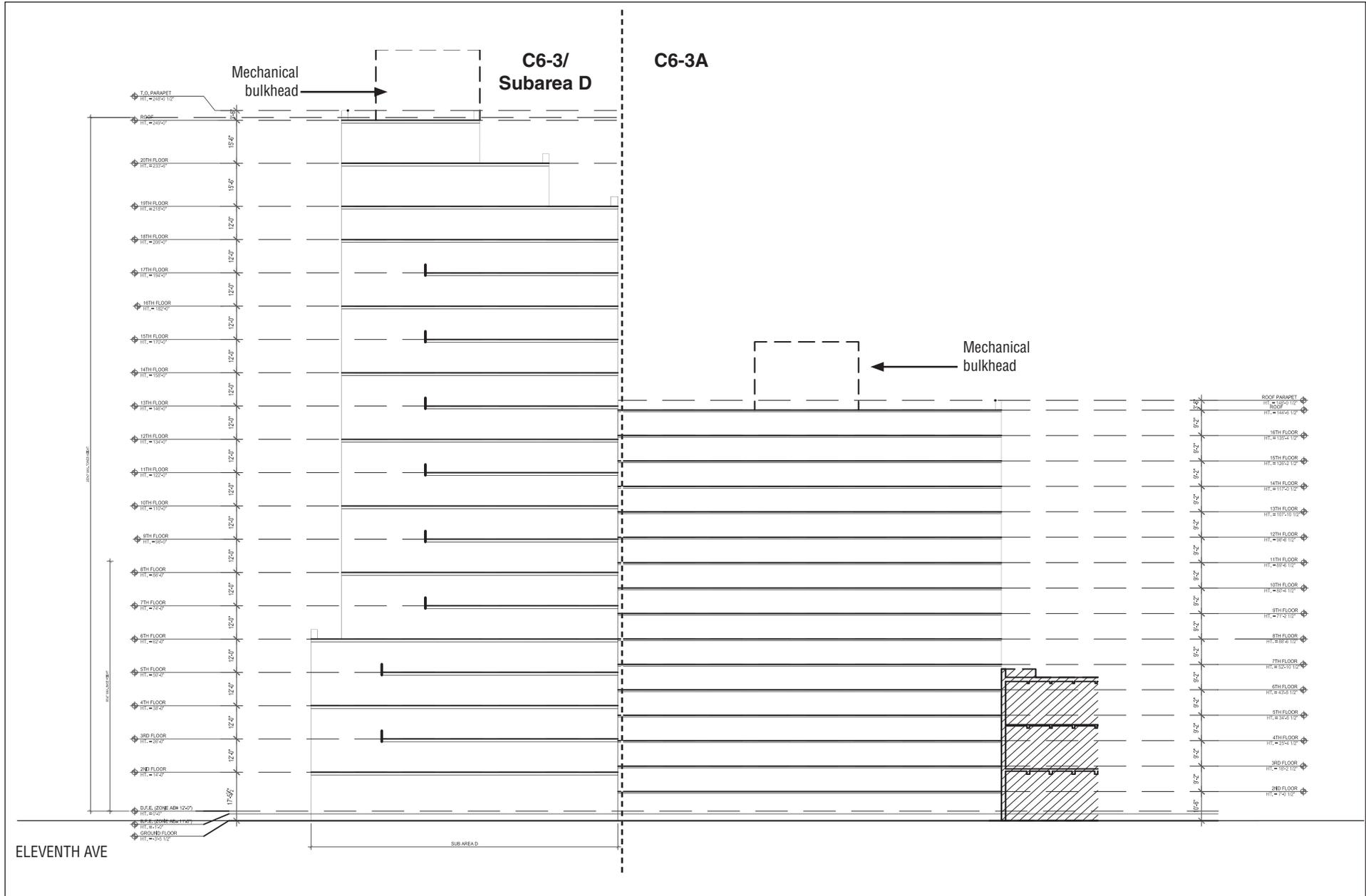


FOR ILLUSTRATIVE PURPOSES ONLY



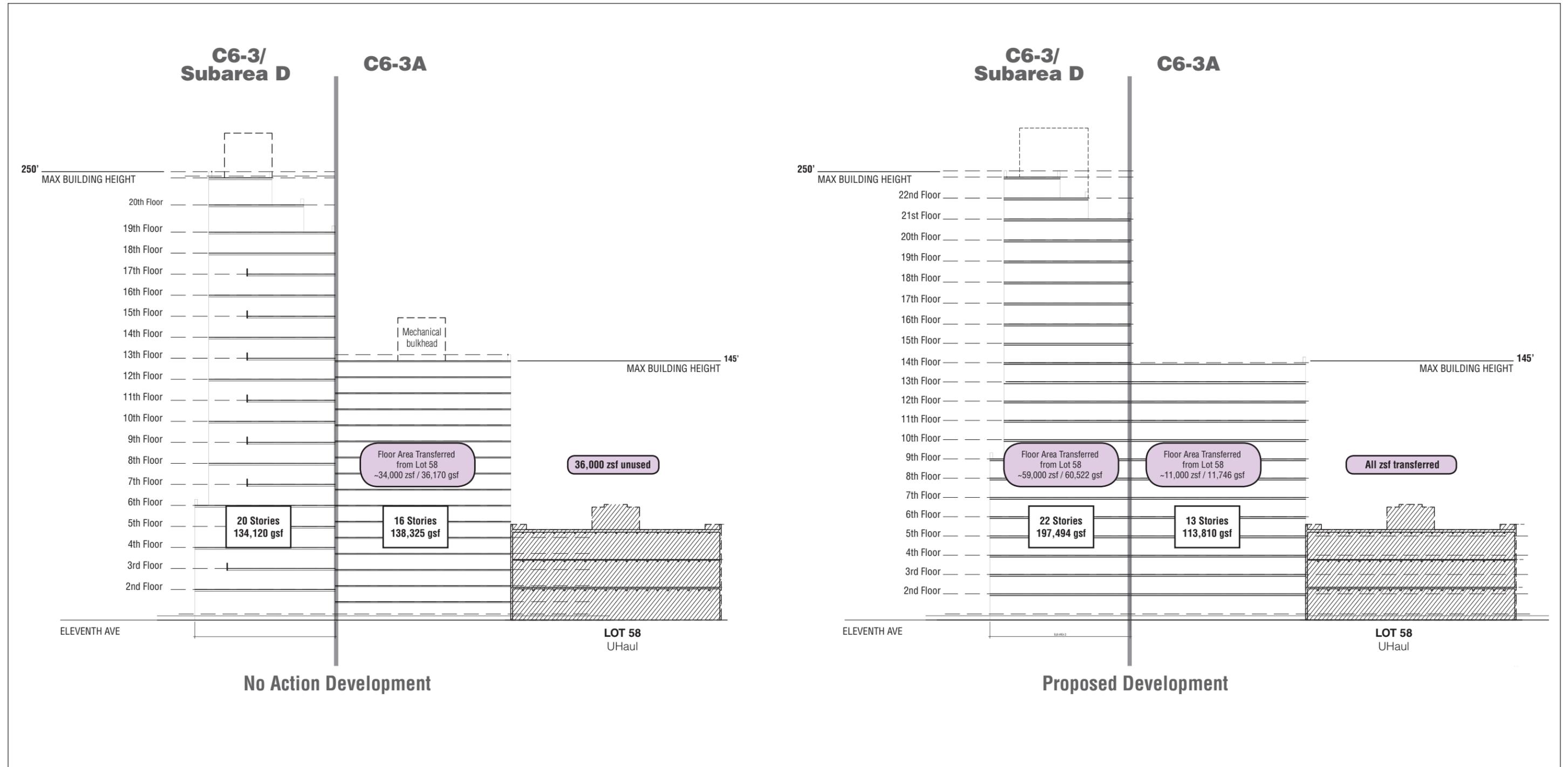
FOR ILLUSTRATIVE PURPOSES ONLY



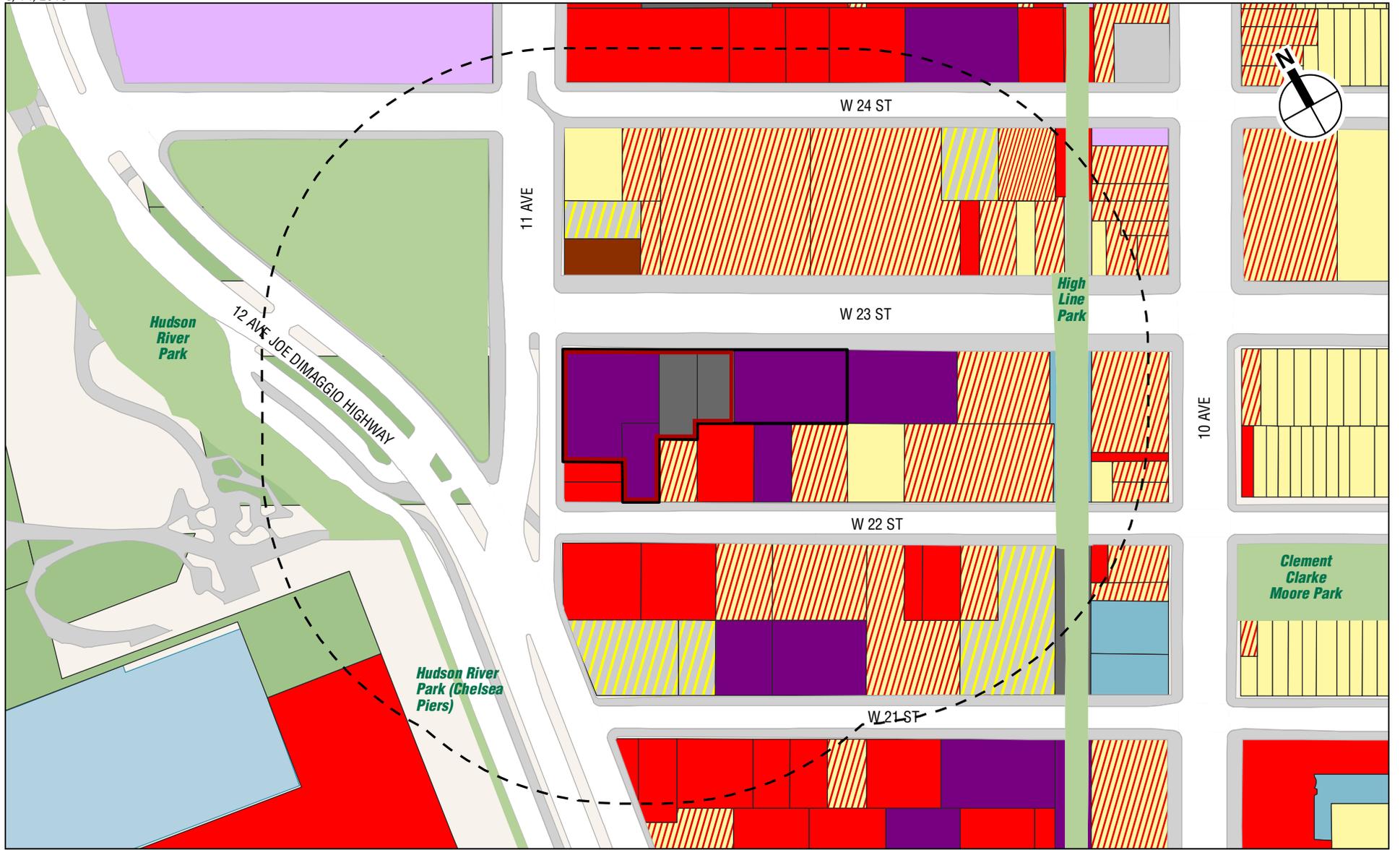


 Existing UHAUL building to remain

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY



No Action and Proposed Developments -
 Floor Area Transfer Comparison
Figure 7

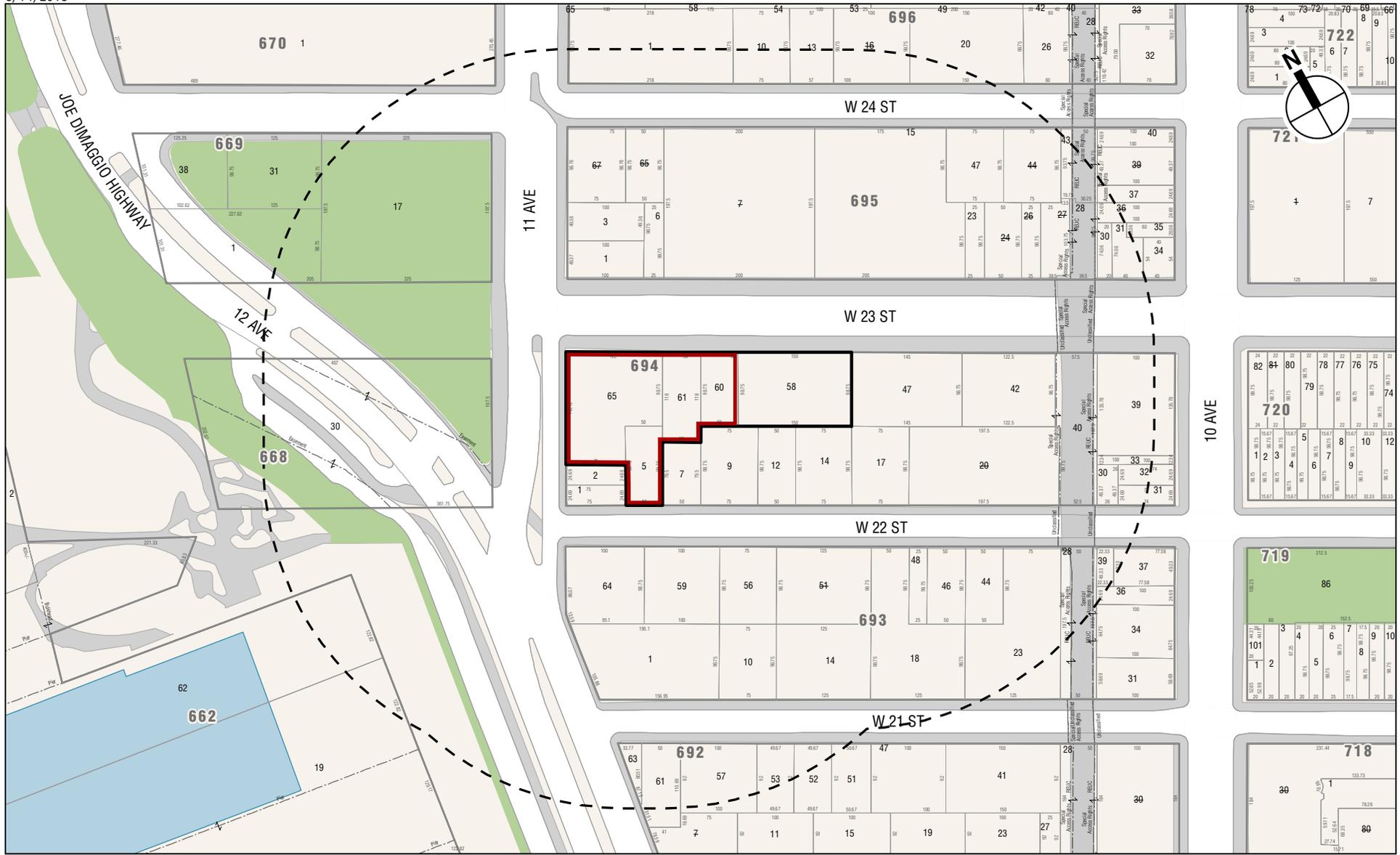


- | | | | |
|-----------------------------------|-----------------------------------|------------------------------------|----------------------------|
| Project Site | Commercial and Office Buildings | Parking Facilities | Transportation and Utility |
| Study Area (400-foot boundary) | Hotels | Public Facilities and Institutions | Vacant Land |
| Development Site | Industrial and Manufacturing | Residential | Vacant Building |
| Open Space and Outdoor Recreation | Residential with Commercial Below | Under Construction | |

0 200 FEET

West 23rd Street/Eleventh Avenue - Text Amendment

**Land Use
Figure 8**



- Project Site
- Study Area (400-foot boundary)
- Development Site
- 16124 Tax Block Boundary
- Tax Lot Boundary
- 33 Tax Lot Number
- 33 Condo Tax Lot Number
- C: 40 Condo Flag/Condo Number
- Other Tax Boundary
- Easement
- Possession Hooks

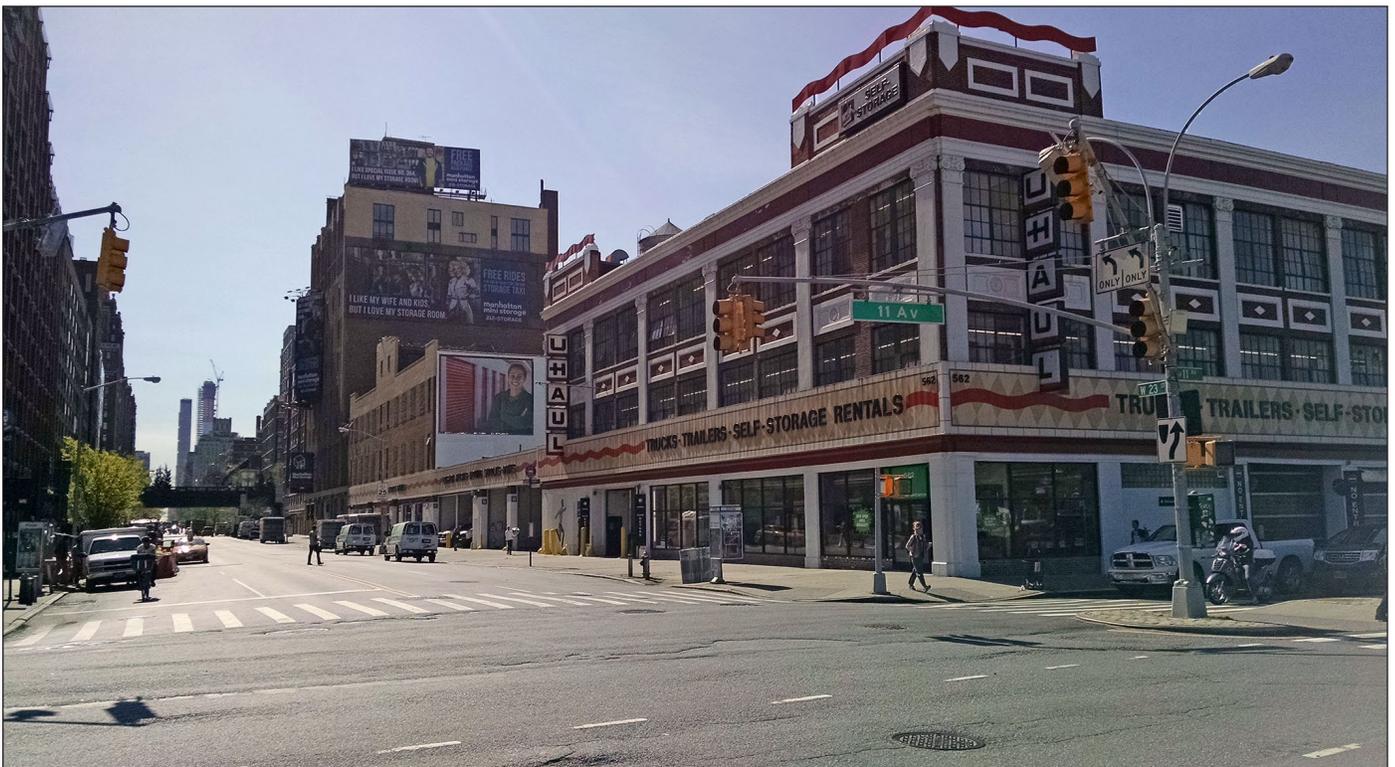


West 23rd Street/Eleventh Avenue - Text Amendment

**Tax Map
Figure 9**



1



2

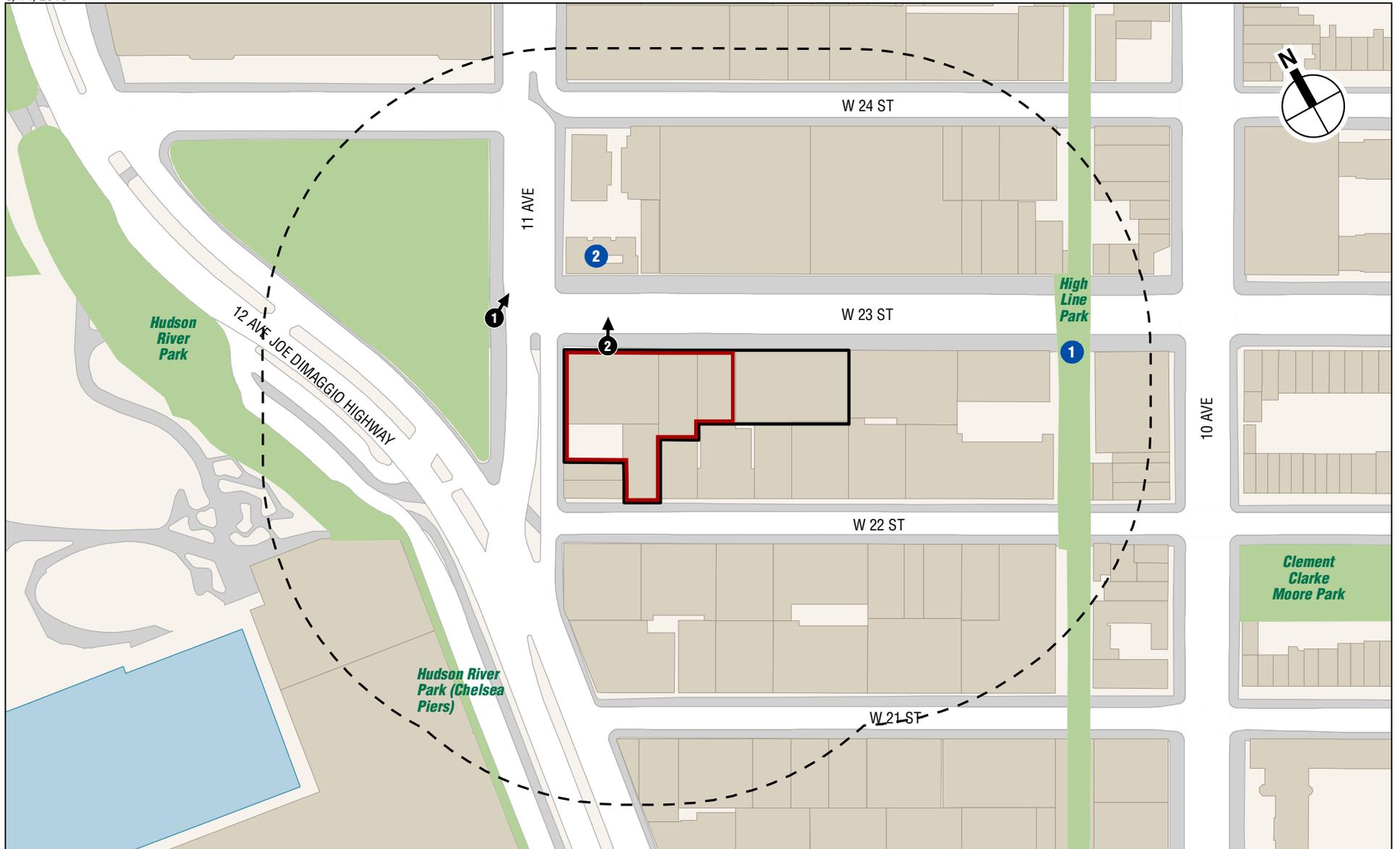


3



4





Development Site

Project Site

Study Area (400-foot boundary)

Photograph View Direction and Reference Number

High Line (S/NR-Eligible)

Former Terminal Hotel, 563 West 23rd Street (No Longer S/NR-Eligible)

0 200 FEET

West 23rd Street/Eleventh Avenue - Text Amendment

Historic Resources
Figure 11



View northeast of the former Terminal Hotel 1



View of the West 23rd Street façade of the former Terminal Hotel 2

If "yes," see [Chapter 2](#), "Establishing the Analysis Framework" and describe briefly: 272,445 gsf development contain residential, retail, and gallery space conforming with existing zoning regulations; see Page 1a.

9. Analysis Year [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2019

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 24

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

10. Predominant Land Use in the Vicinity of the Project (check all that apply)

RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, specify:

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach. See Attachment A		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form . See Attachment A		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Generate a net increase of 200,000 or more square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 500 residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
o Child Care Centers: Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Libraries: Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Public Schools: Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Health Care Facilities and Fire/Police Protection: Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” would the proposed project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(c) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” would the proposed project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See Part II		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form , and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: auto repair and petroleum storage		
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a separately sewered area , would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewerd or currently unsewerd?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): 23,218		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): 50,996 million		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed) See Part II	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		

	YES	NO
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		
See Part II		

20. APPLICANT'S CERTIFICATION

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME

DATE

JESSE MASZYR

6/28/16

SIGNATURE

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

TECHNICAL ANALYSES

A. LAND USE, ZONING, AND PUBLIC POLICY

See Attachment A.

B. OPEN SPACE

The *CEQR Technical Manual* requires an analysis of potential impacts on open space when a project would have a direct effect on open space, or when it would have an indirect effect by generating: more than 50 residents or 125 workers in an area identified as underserved for open space resources; more than 350 residents or 750 workers in an area identified as well-served; or more than 200 residents or 500 employees in an area not identified as either underserved or well-served for open space resources. The zoning lot does not contain any publically accessible open space, and, as discussed further below, the proposed project would not result in any incremental shadows that would affect nearby open spaces, such as Chelsea Waterside Park, located on the western side of Eleventh Avenue opposite the zoning lot.

The zoning lot is not located in an area that is underserved or well-served by open space, and the proposed development would not introduce a large new worker population, therefore the 200-resident threshold is applicable for an assessment of indirect effects. As discussed on Page 1a, “Project Description,” absent the proposed text amendment, the site is assumed to be redeveloped with the No Action development, which will contain 291 residential units; in the With Action condition, the proposed development would contain 337 residential units. Assuming an average household size of 1.65 (the average household size for Manhattan Community District 4 as of the 2010 U.S. Census), the No Action development will introduce approximately 480 residents to the area, and the proposed development would introduce approximately 556 residents, an increase of 76 residents, which is below the 200-resident threshold. Therefore, the proposed development does not meet the threshold requiring further analysis, and would not be expected to result in significant adverse open space impacts.

C. SHADOWS

Under *CEQR Technical Manual* guidelines, a shadows assessment is required if a project would result in structures 50 feet or greater in height, or of any height if the project site is located adjacent to, or across the street from, a sunlight-sensitive resource. Under CEQR, sunlight-sensitive resources of concern include publicly accessible open space, sunlight-dependent features of historic architectural resources, and natural resources that depend on sunlight. As discussed on Page 1a, “Project Description,” the No Action development will contain a 20-story tower along Eleventh Avenue built to the maximum permitted height (250 feet) with a 16-story building that reaches the maximum permitted height of 145 in the midblock area long West 23rd Street. The proposed development would feature a similar design to the No Action development, complying with the applicable bulk and height and setback regulations, with a 22-story tower (approximately 248 feet tall) fronting on Eleventh Avenue and a 13-story (approximately 143.5 feet tall) portion in the midblock area (see **Figure 7**). Therefore, the proposed development would not result in an increase in building heights on the zoning lot that would be expected to generate incremental shadows affecting nearby sensitive resources, and would not be expected to result in significant adverse shadows impacts.

D. HISTORIC AND CULTURAL RESOURCES

Historic and cultural resources include archaeological and architectural resources. The study area for archaeological resources is defined as the area where subsurface disturbance would occur. In a comment

letter dated March 3, 2016, the New York City Landmarks Preservation Commission (LPC) determined that the project site does not possess archaeological sensitivity (see **Appendix B**).

To evaluate potential effects due to on-site construction activities, and also to account for visual or contextual impacts, the study area for architectural resources is defined as extending 400 feet from the project site (see **Figure 11**). As defined in the New York City Department of Building's (DOB) Technical Policy and Procedure Notice (TPPN) #10/88, adjacent construction is defined as any construction activity that would occur within 90 feet of an architectural resource. Consistent with the guidance of the 2014 *CEQR Technical Manual*, designated architectural resources that were analyzed include: New York City Landmarks (NYCL), Interior Landmarks, Scenic Landmarks, New York City Historic Districts (NYCHD); resources calendared for consideration as one of the above by LPC; resources listed on or formally determined eligible for inclusion on the State and National Registers of Historic Places (S/NR), or contained within a district listed on or formally determined eligible for listing on the Registers; resources recommended by the New York State Board for listing on the Registers; and National Historic Landmarks (NHL).

One architectural resource was identified in the study area, the High Line. The High Line (S/NR-eligible) is a former freight railroad viaduct that has been transformed into a public park. It spans above the streets on the west side of Manhattan between Gansevoort Street to West 34th Street, between Tenth Avenue and the West Side Highway. Completed in 1934 as part of the West Side Improvement Project, the viaduct replaced the New York Central freight railroad along West Street and Tenth Avenue to eliminate dangerous at-grade traffic. Between Gansevoort Street and West 29th Street, the High Line runs along Tenth Avenue, passing through certain buildings or connecting to adjacent buildings with private rail sidings, which formerly allowed for the delivery of goods. The portion of the High Line located in the study area extends north-south approximately 100 feet west of Tenth Avenue, at the east edge of the study area. The steel structure of the High Line contains the linear park that includes walkways, seating areas, varied plantings, and other park amenities.

Three S/NR-eligible properties listed in the New York State Office of Parks, Recreation and Historic Preservation (OPRHP)'s Cultural Resource Information System (CRIS) database on the north side of West 23rd Street have been demolished or substantially altered. The former Dominick & Haff Building at 545 West 23rd Street and United States Express Building at 553 West 23rd Street were replaced by condominiums in 2005. The former Terminal Hotel at 563 West 23rd Street is extant, but has been so substantially altered since it was determined S/NR eligible circa 1989 that it no longer possesses integrity or meets S/NR-eligibility criteria (see **Figure 12**). This four-story building was determined architecturally significant as an intact representative example of an Italianate style hotel building dating to circa 1860, which included one of the last remaining tavern interiors in New York City.¹ The building had cast iron and plate glass store fronts at street level and was capped by a denticulated and bracketed cornice above which were decorative stepped parapets. Since 2005, the ground floor has been re clad in solid concrete panels, with all storefronts removed except for a storefront of modern assembly at the north end of the building on Eleventh Avenue. The cornice and stepped parapets have been stripped from the building. It is unclear if the tavern space remains, though as there is no longer a bar or restaurant space in the building, it is likely that it has been removed as part of the ground floor alterations.

The proposed project would have no significant adverse impacts on the one identified architectural resource in the study area, the High Line. The proposed project is located along Eleventh Avenue approximately 300 feet from the High Line and would not result in any adverse physical impacts on this

¹ New York State Office of Parks, Recreation and Historic Preservation, Eligibility Attachment for FHWA/DOT Route 9A, appended to Building Structure Inventory Form prepared for the Terminal Hotel, 563-65 West 23rd Street, prepared by Allee King Rosen & Fleming, Inc., September 1989.

historic structure. The proposed project would also not obstruct views to the High Line or alter the immediate setting of the High Line.

E. URBAN DESIGN AND VISUAL RESOURCES

This section considers the potential of the proposed project to affect urban design and visual resources. Based on the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed “as-of-right” or in the future without the proposed project.

With the proposed text amendment, the proposed project would result in a building that complies with all applicable height and setback regulations and that would not be substantially different than the building that could be constructed in the No Action condition.

With the proposed text amendment, the applicant would redevelop the development site portion of the zoning lot (Lots 5, 60, 61, and 65) with a 311,000 gross square foot (gsf) mixed-use building with ground floor retail and residential space. The remainder of the zoning lot (Lot 58), which contains a 3-story portion of the UHaul facility, would remain in its current condition (with some interior reconfigurations) and operations. A 22-story tower (approximately 248 feet tall to the top of the parapet) would front on Eleventh Avenue in the C6-3/Subarea D portion of the development site and a 13-story (approximately 143.5 feet tall) section of the building would be built in the C6-3A portion of the development site in the midblock on West 23rd Street (see **Figures 3 and 4**). The tower would be set on a base that would rise to a height approximately 88.5 feet in conformance with zoning, which allows a maximum base height of 90 feet. The base would occupy the full frontages of the development site on Eleventh Avenue and West 23rd Street, with a 25-foot frontage on West 22nd Street. A single-story retail/gallery component would occupy the remaining eastern 25-foot frontage of the development site on West 22nd Street. Above the base on Eleventh Avenue and West 23rd Street, the building would set back at the ninth floor and rise without setbacks to the 22nd floor. The tower would additionally have setbacks on its east (midblock) facade at the 22nd and 21st stories.

The No Action development is assumed to include a total of approximately 272,000 gsf of space. In the C6-3/Subarea D portion of the development site along Eleventh Avenue, the development will contain a 20-story tower built to the maximum permitted height: the tower will utilize higher floor-to-floor heights and double-height living spaces to reach the maximum height of 250 feet (to the top of the parapet) in order to maximize river views. In the C6-3A portion of the development site along West 23rd Street, the development will contain a 16-story building that utilizes lower floor-to-floor heights and reaches the maximum permitted height of 145 feet (see **Figures 5 and 6**). Along Eleventh Avenue and West 23rd Street, the building is assumed to be set on a six-story base with a height of 62 feet, with the setback occurring at a lower height than the proposed project. Along West 22nd Street, the 50-foot-frontage of the development site is assumed to include a one-story section of the building.

The area surrounding the project site is developed with a mix of older commercial and residential uses, as well as more recently constructed tall residential buildings. These latter buildings include 14-story condominiums on the north side of West 23rd Street across from the project site, 12- and 15-story residential buildings west of the High Line at 515 and 520 West 23rd Street, and a 20-story condominium building at 200 Eleventh Avenue. Overall, the buildings in the surrounding area vary in height, with the taller buildings also varying in terms of streetwall, setbacks, and design, and include more traditional masonry clad buildings and glass and metal curtain wall facades. Hudson River Park across Eleventh and Twelfth Avenues in the study area includes a pedestrian/bicycle path, playground, and seating and landscaped areas, and provides expansive views to the Hudson River. The High Line, an elevated former

railroad viaduct that contains a linear park, extends north-south approximately 300 feet east of the project site and provides users view west (down West 23rd Street) to the Hudson River.

Overall, the study area has a diverse urban design. The proposed project, which would allow for the transfer of floor area from a C6-3A district (7.52 FAR) to a C6-3/Subarea D district (7.5 FAR), would comply with bulk and height and setback regulations, be of a similar height as the development assumed to occur in the No Action condition (see **Figure 7**), and would be consistent with the varied urban design character of the area. As such, it would not change urban design features so that the context of a natural or built resource is adversely altered, and would not partially or totally block any significant pedestrian views to visual resources, including Hudson River Park and the Hudson River. Therefore, the proposed project would not be anticipated to result in significant adverse impacts on urban design or visual resources, or the pedestrian's experience of these characteristics of the built and natural environment, and further analysis of urban design and visual resources is not warranted.

F. HAZARDOUS MATERIALS

This section presents the findings of the hazardous materials assessment and identifies potential areas of concern that could pose a hazard to workers, the community, and/or the environment during or after development of the proposed project. The proposed project would involve demolition of existing buildings followed by excavation for a new building which would include a cellar level (deeper than the existing partial basements). The potential for hazardous material conditions was evaluated based on investigations conducted in 2015 and 2016 by Integral Engineering, P.C.

The hazardous materials assessment found that no significant adverse impacts related to hazardous materials would be expected to occur either during or following the construction of the proposed project, provided certain protocols are followed.

TOPOGRAPHY AND SUBSURFACE CONDITIONS

Based on the U.S. Geological Survey mapping, the project site is approximately 10 feet above sea level. Based on the subsurface investigation (discussed below), subsurface soil consists of an approximately 8 foot thick layer of historical fill material, beneath which are sand and gravel deposits. Depth to groundwater is approximately 8 feet. Groundwater in Manhattan is not used a source of potable water.

PRIOR ENVIRONMENTAL INVESTIGATIONS

PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA), DECEMBER 2015

The Environmental Site Assessment (ESA) included a review of available records; a site reconnaissance; interviews with a site representative; a review of prior reports; a review of historical fire insurance and topographic maps; a review of historical aerial photographs; a review of historical telephone directories; and an evaluation of regulatory database listings for the site and neighboring properties. This identified the following Recognized Environmental Conditions (RECs), i.e., *“the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property.”*

- Historical uses included: automotive repair services, petroleum and chemical storage, and occupancy by Brake Labs Inc.
- Three reported petroleum spills (9000199, 9700188, and 0205608), all given a closed status by the New York State Department of Environmental Conservation (NYSDEC).
- A New York City Hazardous Materials (E) Designation.

Prior reports identified numerous investigations and cleanups associated with the spills and the removal or abandonment of several underground storage tanks (USTs) and above ground storage tanks (ASTs) from 1991 through 2006. The majority of these actions took place on Lot 65. Based on these reports prior uses have impacted both soil and groundwater.

Based on their age, the existing buildings may include asbestos-containing materials (ACM), lead-based paint (LBP) or electrical/lighting equipment containing polychlorinated biphenyls (PCBs) or mercury.

LIMITED PHASE II INVESTIGATION, FEBRUARY 2016

Twelve borings were advanced at locations biased towards the RECs identified by the ESA. Laboratory analysis of soil samples indicated low levels of petroleum related compounds beneath Lots 60 and 65 (consistent with historical petroleum storage locations) and somewhat elevated levels of polycyclic aromatic hydrocarbons (PAHs) and metals (including lead and mercury) above NYSDEC Restricted Residential Soil Cleanup Objective (RRSCOs) consistent with the presence of historical fill material. It should be noted the RRSCO guidelines assume a scenario of long-term exposure to soils, a scenario that does not currently occur and would not be anticipated to occur in the future with or without the proposed project.

THE FUTURE WITHOUT THE PROPOSED PROJECT

In future conditions without the proposed project, the same portions of the existing buildings would be demolished and excavation would occur in a similar manner to the proposed project. Since the project site has an NYC Hazardous Materials (E) Designation, additional subsurface investigation would be required (including both groundwater and soil vapor sampling) and, based on its findings (and the findings of the previous investigations) a Remedial Action Plan (RAP) would be prepared for implementation during the excavation associated with the new construction. The RAP would include soil management procedures and a Construction Health and Safety Plan (CHASP) to minimize the risks to construction personnel and the surrounding community. It would also include any measures required to be incorporated into the project, including potentially vapor controls and capping of any landscaped areas with imported clean soil. Although oversight of the (E) Designation, including review of investigation scopes of work and other plans, is typically performed by the NYC Office of Environmental Remediation (OER), if the project site is accepted into NYSDEC's Brownfield Cleanup Program, the oversight would primarily be provided by NYSDEC.

In addition to the (E) Designation requirements, demolition and construction would need to comply with other regulatory requirements, including:

- If tanks or other sources of subsurface contamination are discovered during excavation, they would be removed in accordance with applicable NYSDEC regulations. Any associated soil and groundwater contamination would be removed or managed in accordance with the RAP and NYSDEC and New York City Fire Department (FDNY) requirements.
- Following construction, a Closure Report will be submitted documenting compliance with the RAP.
- Demolition activities with the potential to disturb lead-based paint would be performed in accordance with applicable requirements (including federal Occupational Safety and Health Administration regulation 29 CFR 1926.62 - Lead Exposure in Construction).
- Unless there were to be labeling or test data indicating that any suspect PCB-containing electrical equipment and fluorescent lighting fixtures did not contain PCBs, and that any fluorescent light bulbs did not contain mercury, disposal of such items would be performed in accordance with applicable federal, state and local regulations, including federal Toxic Substances Control Act (TSCA) and Resource Conservation & Recovery Act (RCRA) and/or NYSDEC requirements.

- If dewatering were to be necessary for the construction, water would be discharged to sewer, following pre-treatment if required, in accordance with NYC Department of Environmental Protection (DEP) requirements.

THE FUTURE WITH THE PROPOSED PROJECT

Similar to the future without the proposed project, the proposed development would entail demolition of portions of the existing buildings and excavation. Although these activities could increase pathways for human exposure, impacts would be avoided by performing the proposed project in accordance with the same measures as set out above. With implementation of these measures, no significant adverse impacts related to hazardous materials would be expected to occur during or following construction of the proposed project.

G. AIR QUALITY

This section considers the potential for the proposed project to result in significant adverse air quality impacts. As discussed on Page 1a, "Project Description," the site is a combined zoning lot (Block 694, Lots 5, 58, 60, 61 and 65) located on the northwest corner of the block bounded by West 23rd Street, Tenth Avenue, West 22nd Street, and Eleventh Avenue. The full zoning lot is currently occupied by a UHaul truck rental facility. The proposed text amendment would permit the transfer of approximately 70,000 zsf of floor area from Lot 58 to other portions of the site, which would allow for the redistribution of the allowable floor area across the zoning lot without increasing the overall permitted bulk. The proposed project would redevelop a portion of the zoning lot with a 22-story mixed use building that is expected to use a natural gas-fired heating and hot water system, and the UHaul facility would remain in operation on Lot 58.

The zoning lot was previously considered as a potential development site in the *Special West Chelsea District Rezoning and High Line Open Space FEIS*; no significant adverse impacts or the need for an (E) designation were identified for the development site.

Overall, the proposed action would not result in a change in the total allowable developable floor area on the zoning lot, and the built form of the proposed and No Action developments would be substantially similar, with both developments reaching the maximum permitted height of 250 feet on the avenue portion of the zoning lot. Therefore, no further air quality analysis is warranted, and the project as proposed would not result in significant adverse air quality impacts.

H. NOISE

This section considers the potential for the proposed project to result in significant adverse noise impacts. As discussed on Page 1a, "Project Description," the site is a combined zoning lot (Block 694, Lots 5, 58, 60, 61 and 65) located on the northwest corner of the block bounded by West 23rd Street, Tenth Avenue, West 22nd Street, and Eleventh Avenue. The full zoning lot is currently occupied by a UHaul truck rental facility. The proposed project would redevelop a portion of the zoning lot with a 22-story mixed use building. The zoning lot was previously analyzed as a potential development site in the *Special West Chelsea District Rezoning and High Line Open Space FEIS*.

According to the guidelines established in the *CEQR Technical Manual*, an initial noise impact screening considers whether a proposed action would generate any mobile or stationary source noise, or be located in an area with high ambient noise levels. A noise analysis examines an action for its potential effects on sensitive noise receptors (which can be both indoors or outdoors), and the effects on the interior noise levels of residential, commercial, and institutional uses, as well as noise exposure at the project-generated open space.

In terms of mobile sources, the number of incremental vehicle trips generated by the proposed project would be lower than the threshold that would require any detailed analysis. It is therefore not expected that the proposed project would generate sufficient traffic to have the potential to cause a significant noise impact (i.e., it would not result in a doubling of noise passenger car equivalents [Noise PCEs] which would be necessary to cause a 3 dBA increase in noise levels) and further assessment is not warranted.

MECHANICAL SYSTEMS

The building mechanical system (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Building Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, no significant adverse impacts from stationary sources would occur with the proposed action.

NOISE ATTENUATION MEASURES

The *CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise level (see **Table 1**). Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or lower for residential or community facility uses and 50 dBA or lower for commercial or retail uses and are determined based on exterior $L_{10(1)}$ noise levels.

Table 1
Required Attenuation Values to Achieve Acceptable Interior Noise Levels

Noise Level With Proposed Action	Marginally Unacceptable				Clearly Unacceptable
	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$80 < L_{10}$
Attenuation ^A	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	$36 + (L_{10} - 80)^B$ dB(A)
Notes:					
^A The above composite window-wall attenuation values are for residential or community facility uses. Commercial or retail uses would be 5 dB(A) less in each category. All the above categories require a closed window situation and hence an alternate means of ventilation.					
^B Required attenuation values increase by 1 dB(A) increments for L_{10} values greater than 80 dBA.					
Source: New York City Department of Environmental Protection.					

As a result of the analysis of the zoning lot in the *Special West Chelsea District Rezoning and High Line Open Space FEIS*, an (E) designation was placed on Lots 58, 60, 61, and 65 in order to create a mechanism for providing sufficient building noise attenuation. Specifically, the following commitment was made in the noise (E) designation (E-142):

“In order to ensure an acceptable interior noise environment, new residential/commercial development must provide a closed window condition with a minimum of 30, 35 or 40 dBA window/wall attenuation on all facades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.”

Table 19-6 of the FEIS specifies that 35 dBA window/wall attenuation is required for Block 694, Lots 58, 60, 61 and 65.

The window/wall attenuation requirement at the development site of 35 dBA is based upon a predicted maximum $L_{10(1)}$ noise level of 77.5 dBA and the then-current 2001 *CEQR Technical Manual* noise exposure guidance. The current 2014 *CEQR Technical Manual* noise exposure guidance, as shown in **Table 1**, would require only 33 dBA window/wall attenuation for an maximum $L_{10(1)}$ noise level of 77.5 dBA.

The New York City Office of Environmental Remediation (OER) is responsible for enforcement of the noise (E) designation for project building. To demonstrate compliance with the noise (E) designation, a Noise Remedial Action Plan (RAP) must be submitted to OER for the project building, describing the specific façade construction and alternate means of ventilation that will be used to meet the noise (E) designation. If OER approves the RAP for the building, it will issue a Notice to Proceed (NTP) allowing construction to begin on the (E) designated site.

The proposed project would adhere to the requirements of the site's noise (E) designation established as part of the *Highline West Chelsea Rezoning FEIS* and modified based on current *Technical Manual* noise exposure guidance, which set attenuation requirements based on achieving the CEQR interior noise level guideline of 45 dBA or lower for residential or community facility uses and 50 dBA or lower for commercial or retail uses. With these attenuation measures in place, there would be no potential for significant adverse noise impacts.

I. CONSTRUCTION

The construction activities associated with the proposed project would be similar to those that will be utilized for the No Action development, and would be expected to result in conditions typical of construction sites in Manhattan. Construction of a residential building on the development site (in either the No Action or proposed designs) would occur over a period of approximately 24 months. Construction would be carried out in accordance with New York City laws and regulations, which allow construction activities between 7:00 AM and 6:00 PM on weekdays. If work is required outside of normal construction hours, necessary approvals would be obtained from the appropriate agencies (i.e., the New York City Department of Buildings [DOB] and DEP). During construction, all necessary measures would be implemented to ensure adherence to the New York City Air Pollution Control Code regulating construction-related dust emissions and the New York City Noise Control Code regulating construction noise. In addition, Maintenance and Protection of Traffic plans would be developed for any curb-lane and/or sidewalk closures. Approval of these plans and implementation of all temporary closures during construction would be coordinated with the New York City Department of Transportation's (DOT's) Office of Construction Mitigation and Coordination.

Overall, through implementation of the measures described above, adverse effects associated with the proposed construction activities would be minimized. Accordingly, the proposed project would not result in significant adverse impacts during construction, and no further analysis is required.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

Potentially Significant Adverse Impact

IMPACT CATEGORY	YES	NO
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?

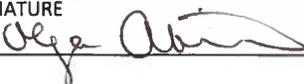
YES NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

- Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).
- Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.
- Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

4. LEAD AGENCY'S CERTIFICATION

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning
NAME Olga Abinader	DATE 11/7/2016
SIGNATURE 	

NEGATIVE DECLARATION (Use of this form is optional)

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, _____ assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds that the proposed project:

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

TITLE	LEAD AGENCY
NAME	DATE
SIGNATURE	

A. INTRODUCTION

Under *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed project, and determines whether that proposed project is compatible with those conditions or may affect them. The analysis also considers the project's consistency with, and effect on, the area's zoning and other applicable public policies.

The proposed project would construct a 22-story mixed-use building on a zoning lot located at the corner of West 23rd Street and Eleventh Avenue in the Chelsea neighborhood of Manhattan. In order to facilitate the proposed project, the applicant is proposing a text amendment to the Special West Chelsea District regulations (Zoning Resolution [ZR] Article 9, Chapter 8). As described below, this analysis concludes that the proposed action would not result in significant adverse impacts on land use, zoning, or public policy.

B. METHODOLOGY

The study area for this analysis of land use, zoning, and public policy encompasses the area within 400 feet of the zoning lot, because this is the area in which the proposed project could reasonably be expected to have the greatest effect. As shown on Figure 1 of the EAS, the 400-foot study area roughly extends from West 24th Street to the north, West 21st Street to the south, Tenth Avenue to the east, and the Hudson River to the west. The zoning lot and the study area are located in the West Chelsea neighborhood of Manhattan, and are within the boundaries of Manhattan Community District 4 (CD4). Sources for this analysis include online resources of the New York City Department of City Planning (DCP) and the New York City Department of Buildings (DOB) as well as environmental review documents for other nearby projects.

C. EXISTING CONDITIONS

LAND USE

ZONING LOT

The site is a combined zoning lot located at the northwest corner of the block bounded by West 23rd Street, Tenth Avenue, West 22nd Street, and Eleventh Avenue (Block 694, Lots 5, 58, 60, 61, and 65). The zoning lot contains frontages on West 23rd Street and Eleventh Avenue, with a through-block portion extending to West 22nd Street (see Figure 1 of the EAS). The zoning lot is currently occupied by a UHaul truck rental facility, which contains a rental office, garage space for UHaul trucks, and a self-storage facility. The facility consists of two 3-story buildings located in the midblock area along West 23rd Street (Lot 58) and on the corner of West 23rd Street and Eleventh Avenue (Lot 65). The area between the two buildings along West 23rd

W. 23rd St./11th Avenue - Text Amendment

Street (Lots 60 and 61) and extending down to West 22nd Street (Lot 5) contains a 1-story structure that is primarily garage space. In addition, a portion of Lot 65 in the midblock area along Eleventh Avenue is an at-grade unenclosed parking area.

STUDY AREA

As shown on Figure 4 of the EAS, the study area contains a mix of commercial, residential, and light manufacturing uses. The area was largely developed as a manufacturing and shipping hub following the construction of the High Line elevated freight line in the 1930s; many of the warehouse and industrial loft buildings in the area were later converted to commercial use, particularly art galleries and office space. More recently, the High Line, which runs north-south to the east of the zoning lot, was converted to a public open space; in 2005, the area was rezoned as part of the West Chelsea Rezoning, an initiative to promote residential and commercial development centered on the High Line.

The portion of the study area adjacent to the zoning lot, along Eleventh Avenue and West 22nd Street on the western end of the block, primarily contains 1- to 4-story buildings containing commercial and light manufacturing space. The midblock area along West 23rd Street to the east of the zoning lot contains a 10-story self-storage facility (Manhattan Mini Storage). The midblock area along West 22nd Street and the eastern portion of the block contain residential buildings, including several larger (13- to 15-story) recently built residential buildings along the High Line. Both the avenue and street frontages of the block contain ground-floor commercial uses, including several art galleries. A public open space, Chelsea Waterside Park, is located on the western side of Eleventh Avenue opposite the zoning lot and extending north to West 24th Street; the park is part of the larger Hudson River Park network of open space areas (operated by the Hudson River Park Trust) and contains an athletic field, a basketball court, a playground, and a dog run. Chelsea Piers, a sports and entertainment complex, is located along the waterfront south of West 22nd Street.

The remainder of the study area contains a similar mix of uses, including larger residential buildings constructed following the West Chelsea Rezoning. In particular, two recently built 14-story residential buildings are located along West 23rd Street opposite the zoning lot (527 and 555 West 23rd Street). Several other larger residential buildings are currently under construction in the area, discussed further below under the Future Without the Proposed Project.

ZONING

ZONING LOT

The zoning lot is located within several zoning districts within the Special West Chelsea District. In the midblock area facing West 23rd Street (Lots 58, 60, and portions of Lots 61 and 65), the zoning lot is located within a C6-3A district, which extends along both sides of West 23rd Street to Tenth Avenue. Along the Eleventh Avenue frontage (portions of Lots 5 and 65), the zoning lot is located within C6-3/Subarea D of the Special West Chelsea District. Portions of Lots 5 and 61 are located in an M1-5 district (see Figure 2 of the EAS).

The Special West Chelsea District, which was adopted in 2005 under the West Chelsea Rezoning, was intended to provide a regulatory framework to support the redevelopment of the area near the High Line as a dynamic mixed residential and commercial center. The District includes a High Line Transfer Corridor (HLTC), through which sites along and underneath the High Line are permitted to transfer development rights to designated receiving sites, in order to

encourage the preservation of light, air, and views around the High Line. The District also includes ten mapped Subareas (Subareas A through J) which apply special bulk and lot coverage regulations.

As noted above, the portion of the zoning lot along Eleventh Avenue (generally corresponding to the C6-3 portion of the site) is located within Subarea D. In the C6-3/Subarea D district, residential, commercial, or community facility development is permitted up to a maximum FAR of 7.5. The C6-3/Subarea D regulations apply a maximum building height of 250 feet. In the C6-3A portion of the zoning lot, the floor area bulk regulations of the underlying zoning district apply; as described further below, C6 commercial districts are medium- and high-density mixed-use districts that permit a wide range of uses. In the C6-3A portion of the zoning lot, residential development is permitted up to a maximum FAR of 7.52, with a maximum building height of 145 feet (pursuant to the Special West Chelsea District regulations, ZR 98-423).

The remainder of Lots 5 and 61 is located within an M1-5 district. M1 districts are generally used as buffers between commercial or residential areas and heavy industrial areas, and all manufacturing uses are required to conform to stringent performance standards. Commercial uses are generally permitted in manufacturing districts: in the M1-5 portion of the zoning lot, manufacturing or commercial development is permitted up to a maximum FAR of 5.0, although residential uses are not permitted.

As described above, the zoning lot was included in the area of the West Chelsea Rezoning.¹ At the time of the rezoning, the zoning lot was located in a mixed residential and manufacturing (MX) district (M1-5/R9A). The rezoning mapped the contextual commercial district (C6-3A) over the West 23rd Street frontage: however, the rezoning did not affect the bulk and height and setback regulations applicable to midblock portion of the zoning lot (the maximum permitted FAR remained at 7.52). As a result of the rezoning, which applied the 6-3/Subarea D regulations to the Eleventh Avenue frontage with a maximum FAR of 7.5, under the existing zoning regulations (pursuant to ZR 23-18 and Article 7, Chapter 7), floor area cannot be transferred from the C6-3A portion of the zoning lot to the C6-3/Subarea D portion of the zoning lot, because, while the two areas have similar bulk regulations, the permitted FAR in the two areas is not the same.

STUDY AREA

The study area contains a similar mix of commercial and manufacturing zoning districts, including districts within the Special West Chelsea District and its subareas. In addition to the C6-3 and C6-3A districts described above, the study area contains C6 commercial districts in the midblock area along West 24th Street (C6-2A) and along Tenth Avenue to the south of West 23rd Street (C6-2). C6 districts are largely mapped in the city's central business districts as well as regional commercial centers that are well-served by mass transit, and contain high-bulk commercial facilities such as office buildings, department stores, and large hotels. Residential uses are permitted in C6 districts through the application of equivalent residential zoning district regulations. The C6-2 district in the study area also corresponds with Subarea F of the Special

¹ As part of the West Chelsea Rezoning, the zoning lot was analyzed in the *Special West Chelsea District Rezoning and High Line Open Space FEIS*. It was assumed that Lots 58, 60, 61, and 65 would be demolished to develop a new building, and the zoning lot was assumed to contain a residential building with 335 residential units and approximately 40,000 square feet of retail in both the No Action and With Action conditions for purposes of analysis.

W. 23rd St./11th Avenue - Text Amendment

West Chelsea District; Subarea C of the Special West Chelsea District is located along Eleventh Avenue to the north of West 24th Street. As noted above, the Special West Chelsea District applies special bulk and lot coverage regulations in these subareas.

The study area also contains a heavy manufacturing district (M2-3) in the area along the Hudson River to the west of Eleventh Avenue, a reflection of the area’s history of manufacturing and working waterfront uses. This district permits heavy industrial uses, but residential uses as well as some commercial uses (such as hotels and many retail facilities) are not permitted. Within the study area, the area zoned M2-3 is largely occupied by parkland (Chelsea Waterside Park and Hudson River Park) and the Chelsea Piers sports complex.

Table A-1, below, summarizes the zoning districts located within the study area, and Figure 2 of the EAS shows their locations.

**Table A-1
Zoning Districts in the Study Area**

Zoning District	Maximum FAR ¹	Uses/Zone Type
Commercial Districts²		
C6-2	6.0 commercial ³ 0.94 to 6.02 residential 6.5 community facility ³	General commercial district outside central business district, wide range of commercial uses as well as residential and community facility uses.
C6-2A	6.0 commercial 6.02 residential 6.5 community facility	Contextual commercial district outside central business district, wide range of commercial uses as well as residential and community facility uses.
C6-3	6.0 commercial ³ 0.99 to 7.52 residential 10.0 community facility ³	General commercial district outside central business district, wide range of commercial uses as well as residential and community facility uses.
C6-3A	6.0 commercial 7.52 residential 7.5 community facility	Contextual commercial district outside central business district, wide range of commercial uses as well as residential and community facility uses.
Manufacturing Districts		
M1-5	5.0 manufacturing 5.0 commercial 6.5 community facility ⁴	Light manufacturing and most commercial uses, strict manufacturing performance standards; limited community facility uses, residential uses not permitted.
M2-3	2.0 manufacturing 2.0 commercial	General manufacturing district, limited commercial uses, residential and community facility uses not permitted
Notes:		
1. FAR is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 sf with a FAR of 1 has an allowable building area of 10,000 sf. The same lot with an FAR of 10 has an allowable building area of 100,000 sf. 2. Within the study area, portions of the commercial districts are located within designated Subareas C, D, and F of the Special West Chelsea District, which apply special bulk regulations for commercial, community facility, and residential uses (5.0 FAR). 3. Up to 20 percent increase for plaza bonus. 4. Use Group 4 facilities only.		
Source: <i>New York City Zoning Resolution.</i>		

ZONING FOR QUALITY AND AFFORDABILITY

In March 2016, the New York City Council adopted a city-wide zoning text amendment: Zoning for Quality and Affordability (ZQA). This zoning text amendment is intended to remedy several ways in which the zoning resolution does not permit the full utilization of a site’s development rights, with particular emphasis on facilitating the construction of new affordable housing. ZQA would help to increase construction of senior housing and inclusionary housing by allowing for greater flexibility in certain building design elements, as well as by better aligning zoning regulations with financial incentive programs that fund affordable housing development. ZQA

would also include a provision to allow affordable housing developments in certain areas in the “transit zone” to eliminate parking requirements.

Several elements of the ZQA text amendment affect the potential height of buildings located within contextual zoning districts by allowing an increase in height if a taller ground-floor is provided (this would encourage better ground-floor retail spaces); however, pursuant to the text amendment as adopted by the City Council, these modifications to building height limits are generally only applicable to areas outside of the Manhattan Core (defined as Manhattan Community Districts 1 through 8). The ZQA text amendment also allows increases in height to fit additional floor area allowed for buildings that provide affordable housing. For the zoning lot, the only applicable ZQA modifications pertain to the base heights allowed in the C6-3A district: the maximum base height was increased from 102 feet to 105 feet, and the residential lot coverage restrictions applicable to a corner lot was increased from 80 percent to 100 percent. The development designs for both the No Action and With Action scenarios described throughout this EAS comply with the zoning regulations as modified by ZQA.

PUBLIC POLICY

WATERFRONT REVITALIZATION PROGRAM (WRP)

New York City’s Waterfront Revitalization Program (WRP) is the City’s principal Coastal Zone management tool and establishes a broad range of public policies for the City’s coastal areas. The guiding principle of the WRP is to maximize the benefits derived from economic development, environmental conservation, and public use of the waterfront, while minimizing the conflicts among these objectives. A local waterfront revitalization program, such as New York City’s, is subject to approval by the New York State Department of State (NYS DOS) with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the Federal Coastal Zone Management Act. The WRP was originally adopted by the City of New York in 1982, revised in 2002, and has been recently revised. The draft revisions were approved by the City Council in 2013, and were recently approved by NYSDOS.²

The revisions include incorporation of climate change and sea level rise considerations to increase the resiliency of the waterfront area, promotion of waterfront industrial development and both commercial and recreational water-borne activities, increased restoration of ecologically significant areas, and design best practices for waterfront open spaces. In addition, as part of the WRP revisions, the Coastal Zone boundary would be extended further inland in many locations to reflect alterations to FEMA flood zone maps.

All proposed actions subject to CEQR, the Uniform Land Use Review Procedure (ULURP), or other local, state, or federal agency discretionary actions that are situated within New York City’s designated Coastal Zone boundary must be reviewed and assessed for their consistency with the WRP. The zoning lot is located within the boundaries of the Coastal Zone, which extends to Tenth Avenue south of West 24th Street; therefore, an assessment of the proposed project’s consistency with applicable WRP policies is warranted, and is provided below.

² Approval of the WRP revisions by NYSDOS is applicable for local and state actions; the revisions are still under review by the U.S. Department of Commerce for federal actions.

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

ZONING LOT

Absent the proposed text amendment, the western portion of the zoning lot (Lots 5, 60, 61, and 65; the “development site”) will be redeveloped in conformance with existing zoning regulations. The existing structures on Lots 5, 60, 61, and 65 will be demolished and a new complying mixed-use building (the “No Action development”) will be constructed, while the 3-story UHaul building on Lot 58 will remain (with some interior reconfigurations to consolidate the uses in the current facility, including parking for trucks and self-storage, into the remaining building); this will allow for uninterrupted operations at the UHaul facility. Currently, approximately 70,000 zoning square feet (zsf) of unused floor area exists on Lot 58 which is available to be transferred to the development site as part of a combined zoning lot. However, as noted above, the existing zoning regulations do not permit floor area to be transferred to the Eleventh Avenue portion of the development site because this area is located in the C6-3/Subarea D district, which has a lower permitted bulk than the C6-3A district in the midblock area (a difference of 0.02 FAR). Because of this restriction, the No Action development will utilize less than the full amount of floor area available from Lot 58.

The No Action development will contain approximately 272,000 gross square feet (gsf) of space, with ground floor retail and gallery space (approximately 25,157 gsf) and residential uses on the upper floors. In the portion of the development site in the C6-3/Subarea D district along Eleventh Avenue, the development will contain a 20-story tower built to the maximum permitted height: the tower will utilize floor-to-floor heights of approximately 12 feet and double-height living spaces to reach the maximum height of 250 feet in order to maximize river views. In the C6-3A portion of the development site along West 23rd Street, the development will contain a 16-story building that utilizes lower floor-to-floor heights and reaches the maximum permitted height of 145 feet, with a small single-story retail/gallery component extending to West 22nd Street. The building will comply with all applicable height and setback regulations. The midblock portion of the No Action development will utilize approximately 34,000 zsf of the unused floor area from Lot 58, the maximum that can be incorporated into the C6-3A portion of the development site while meeting the maximum building height requirements. Because floor area cannot be transferred into the C6-3/Subarea D portion of the development site, approximately 36,000 zsf of unused floor area will remain on Lot 58 in the No Action condition.

The No Action development will contain approximately 247,000 gsf of residential space: assuming an average unit size of 850 gsf, the No Action development will contain 291 residential units. The No Action development will also include a below-grade parking garage (64 accessory spaces), which is anticipated to use one of the existing curb cuts used by the UHaul facility on West 23rd Street.

STUDY AREA

There are several projects currently planned or under construction within the study area, part of the ongoing trend of redevelopment in the West Chelsea area with larger residential and commercial buildings. This includes two projects located along Eleventh Avenue to the north and south of the zoning lot. At 142 Eleventh Avenue (551 West 21st Street), a 22-story mixed-use building containing 44 residential units is currently under construction. At 188 Eleventh

Avenue, a 19-story building containing 11 residential units is expected to be developed. In addition, several projects are currently under construction in the area near the High Line: a 10-story residential building (14 units) at 514 West 24th Street; the conversion and expansion of a former warehouse building at 510 West 22nd Street into an 11-story office building; and a 1-story gallery building (underneath the High Line) at 511 West 23rd Street.

Table A-2 summarizes the No Action projects in the study area, and **Figure A-1** shows their location.

**Table A-2
No Action Projects in the Study Area**

Ref. No. ¹	Project Location/Address	Development Program	Status/Build Year ²
1	142 Eleventh Avenue (551 West 21st Street)	Mixed Use (22 stories): 44 DUs, 10,610 sf retail	Under construction
2	188 Eleventh Avenue	Mixed Use (19 stories): 11 DUs, 9,053 sf retail	Under construction
3	514 West 24th Street	Mixed Use (10 stories): 14 DUs, 5,306 sf retail, 190 sf community facility	Under construction
4	510 West 22nd Street	Commercial (11 stories): conversion and expansion of warehouse into office building (137,081 sf)	Under construction
5	511 West 23rd Street	Commercial (1 story): 8,475 sf gallery	2019
Notes: 1. See Figure A-1 . 2. Projects for which expected completion dates are unknown are assumed to be complete by 2019 for the purposes of analysis.			
Sources: DOB; 532 West 20th Street Environmental Assessment Statement; New York YIMBY; AKRF field visit, April 2016.			

ZONING

As noted above, city-wide zoning modifications were recently adopted as part of the ZQA text amendment, which increased the base heights allowed in the C6-3A portion of the zoning lot from 102 feet to 105 feet. The No Action development features a 104.5-foot tall base in the C6-3A portion of the development site along West 23rd Street, which complies with the modified regulations. No other changes to zoning regulations applicable to the zoning lot and the study area are expected by 2019, and the area is expected to remain a mix of commercial and manufacturing districts, which a large portion of the study area located within the Special West Chelsea District.

PUBLIC POLICY

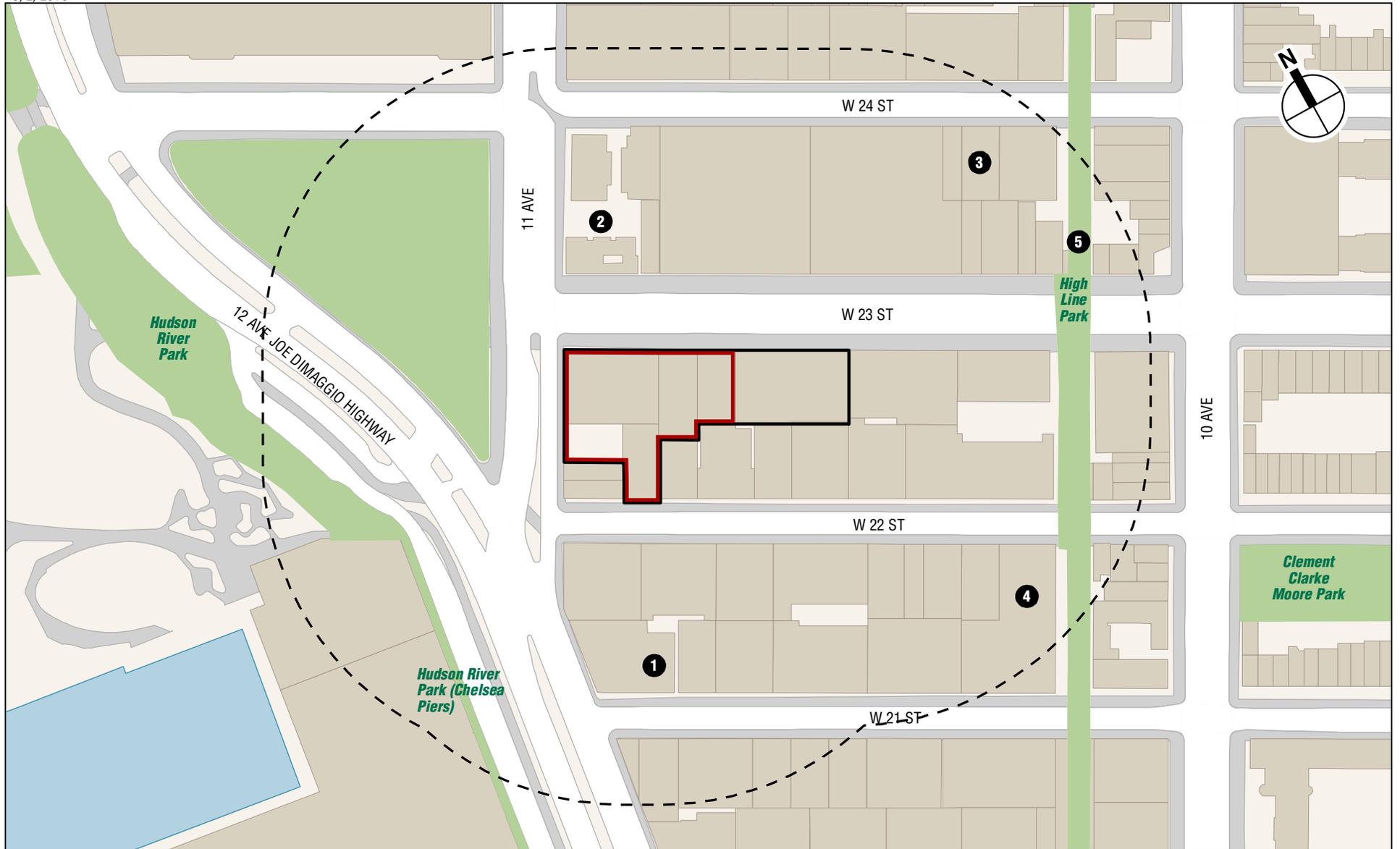
As noted above, revisions to the WRP were recently approved by NYSDOS and are now applicable to all local and state consistency reviews. No other changes affecting public policies applicable to the zoning lot and the study area are anticipated by 2019.

E. THE FUTURE WITH THE PROPOSED PROJECT

LAND USE

ZONING LOT

As described on Page 1a, “Project Description,” with the proposed text amendment the applicant would redevelop the development site (Lots 5, 60, 61, and 65) with a 311,000 gsf mixed-use



-  Project Site
-  Study Area (400-foot boundary)
-  Development Site
-  1 No Action Project



West 23rd Street/Eleventh Avenue - Text Amendment

Project Location and Key to Photographs
Figure A-1

W. 23rd St./11th Avenue - Text Amendment

building with ground floor retail/gallery and residential space (the “proposed development”). The proposed development would be largely similar to the No Action development, with a 22-story tower (approximately 248 feet tall) fronting on Eleventh Avenue, a 13-story (approximately 143.5 feet tall) portion in the midblock area, and a small single-story retail/gallery component extending to West 22nd Street. As with the No Action development, the 3-story portion of the UHaul facility on Lot 58 would remain in its current condition (with some interior reconfigurations to consolidate the uses in the current facility, including parking for trucks and self-storage, into the remaining building) and operations. The proposed development would comply with all applicable height and setback regulations.

The proposed development would be larger than the No Action development by approximately 39,000 gsf; this increase is due to transferred floor area from Lot 58 permitted by the proposed text amendment (described below). Specifically, pursuant to the modified zoning regulations, the full 70,000 zsf of unused floor area on Lot 58 would be transferred to the development site and utilized in the proposed development. By permitting the transfer of unused floor area across the zoning district boundary, the proposed development would maximize the proposed building’s bulk on the Eleventh Avenue frontage while remaining within the permitted design envelope, and would therefore feature a more efficient design which distributes the building’s bulk to the Eleventh Avenue frontage and away from the midblock area.

The proposed development would contain approximately 286,147 gsf of residential space: assuming an average unit size of 850 gsf, the analysis would reflect up to 337 residential units, an increase of 46 units from the No Action development. The proposed development would also contain a below-grade garage with up to 73 spaces (an increase of 9 spaces from the No Action development) which is anticipated to use one of the existing curb cuts used by the UHaul facility on West 23rd Street.

STUDY AREA

As described further below, the proposed text amendment would only facilitate the proposed development on the zoning lot and would not result in new or different development on any other site within the study area. The proposed development would be similar to other newly constructed residential buildings in the study area, particularly the large residential buildings located along West 23rd Street and Eleventh Avenue, and would be in keeping with the ongoing trend of redeveloping the West Chelsea area as a mixed-use district with higher-density residential and commercial uses. Therefore, the proposed project would be consistent with existing land uses in the study area and would not result in any significant adverse land use impacts.

ZONING

As described on Page 1a, “Project Description,” the proposed text amendment would modify the regulations of the Special West Chelsea District (ZR 98-24, “Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E and G”) to allow the transfer of floor area from a C6-3A district (maximum permitted 7.52 FAR) to a C6-3/Subarea D district (maximum 7.5 FAR) without restriction for zoning lots fronting on Eleventh Avenue and West 23rd Street and located partially in Subarea D and the adjacent C6-3A district. The text amendment would be applicable to Block 694, which contains the zoning lot, and Block 695 to the north. The proposed text amendment would not affect any of the other regulations of the

Special West Chelsea District. Similarly, it would not alter the bulk and height and setback regulations applicable to the zoning lot.

In regularizing the FARs that apply in Special West Chelsea District subareas to end in .0, .25, and .5 as part of the West Chelsea Rezoning, it was not intended that the small differential between the C6-3/Subarea D and C6-3A districts would present an obstacle to the integrated development of the zoning lot or prohibit distribution of floor area across district boundaries. The proposed text amendment would rectify this unintended consequence. Absent the 0.02 FAR differential between the two districts, the floor area could be transferred as-of-right.

As noted on Page 1a, the proposed text amendment would not result in the transfer of floor area across zoning districts on Block 695 as that block does not contain any unused development rights that could be transferred to the Eleventh Avenue frontage. Therefore, the proposed text amendment would not facilitate the transfer of any unused floor area on other sites within the study area, and would not result in any changes to development on other sites within the study area.

Overall, the proposed text amendment would only result in a modification to the zoning regulations applicable to the zoning lot, and would not affect the regulations applicable to other sites within the study area. With the proposed text amendment, the zoning lot would be redeveloped with a building that maximizes the floor area along Eleventh Avenue, which would match the scale of other recently constructed buildings along Eleventh Avenue and would continue to comply with the applicable height and setback regulations. Therefore, the proposed text amendment would not result in any significant adverse zoning impacts.

PUBLIC POLICY

The proposed project would not result in any changes to public policies affecting the zoning lot or the study area. In accordance with the City's WRP and the federal Coastal Zone Management Act, the proposed project was reviewed for its consistency with the City's WRP policies: see **Appendix C** for the WRP Consistency Assessment Form [CAF] and policy consistency assessment. The proposed project would be consistent with the WRP, and would not result in any significant adverse impacts to public policy governing the zoning lot or the study area. *

Appendix A
Zoning Text

**PROPOSED
TEXT AMENDMENT
DRAFT (Revised 05.13.16)**

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.

Article IX - Special Purpose Districts

Chapter 8

Special West Chelsea District

* * *

98-20

FLOOR AREA AND LOT COVERAGE REGULATIONS

The #floor area# provisions of this Section, inclusive, shall apply. Furthermore, special #floor area# transfer provisions are set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

* * *

98-21

Maximum Floor Area Ratio outside of Subareas

* * *

98-22

Maximum Floor Area Ratio and Lot Coverage in Subareas

For all #zoning lots#, or portions thereof, located in Subareas A through J, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#, except that no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less. For the #conversion# to #dwelling units# of non-#residential floor area# where the total #residential floor area# on the #zoning lot# will exceed the

applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

Maximum Floor Area Ratio by Subarea

Sub-area	Basic #floor area ratio # (max)	Increase in FAR from #High Line Transfer Corridor # (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (maximum)
				FAR required to be transferred ¹ (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
A	6.5	2.65	____ ²	2.65	2.85	12.0
B	5.0	2.5	____ ²	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D ⁵	5.0	2.5 ³	2.5 ³	1.25	1.25	7.5
E	5.0	1.0 ³	1.0 ^{2,3}	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0 ³	1.0 ³	NA	NA	6.0
H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I ⁴	5.0	NA	2.5	NA	NA	7.5
J ⁶	5.0	NA	2.5	NA	NA	7.5

¹ Minimum #floor area ratios# required to be transferred pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized

- ² In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)
- ³ For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject to the provisions of Section ~~98-24~~ 98-241 (~~Special Floor Area Rules for Zoning Lots Divided by District Boundaries in~~ In Subareas D, E and G)
- ⁴ For #zoning lots# over which the #High Line# passes
- ⁵ For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted
- ⁶ Bonus contribution subject to provisions of Section 98-25 governing first contribution to Affordable Housing Fund

* * *

98-24

~~Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E and G~~

98-241

In Subareas D, E and G

For #zoning lots# fronting on West 18th Street and located partially in Subarea D, partially in Subarea E and partially in Subarea G, #floor area# may be transferred across zoning district and subarea boundaries without restriction. Either the provisions of Sections 98-25 (High Line Improvement Bonus) or 98-30 (HIGH LINE TRANSFER CORRIDOR) to such #zoning lot#, as applicable, and the maximum permitted #floor area ratio# specified in the table in Section 98-22 shall apply, as applicable, for each subarea.

98-27-98-242

~~Zoning Lots Located partly partially within Subarea C and M1-5 Districts~~

For #zoning lots# existing prior to June 23, 2005, and located ~~partly~~ partially within an M1-5 District and ~~partly~~ partially within a C6-3 District in Subarea C, the permitted #floor area ratio# for the C6-3 District portion of the #zoning lot# may be increased to the #floor area ratio# existing in the C6-3 District portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the #High Line# Improvement Fund, established under Section 98-25, to be used at the discretion of the Chairperson to assure that the #High Line# is restored and reused as a public accessible open space. The amount of such contribution shall be determined in the manner prescribed in Section 98-35 (High Line Transfer Corridor Bonus).

No building permit for any #development# or #enlargement# may be issued for any #building or other structure# on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made.

98-243

Located partially within Subarea D and C6-3A Districts

For a #zoning lot# fronting on West 23rd Street and 11th Avenue, located partially within Subarea D and partially within a C6-3A District, #floor area# may be transferred from the portion of the #zoning lot# in the C6-3A District to the portion in Subarea D.

* * *

~~98-27~~

~~Zoning Lots Located Partly Within Subarea C and M1-5 Districts~~

[Note: Section number and title deleted and contents of this Section moved to new Section 98-242]

Appendix B
LPC Comments

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-M

Project:

Date received: 2/26/2016

Properties with no Archaeological significance:

- 1) ADDRESS: 555 WEST 22 STREET, BBL: 1006940005
- 2) ADDRESS: 170 11 AVENUE, BBL: 1006940065
- 3) ADDRESS: 552 WEST 23 STREET, BBL: 1006940061
- 4) ADDRESS: 548 WEST 23 STREET, BBL: 1006940060

Archaeology review only.

Gina Santucci

3/3/2016

SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

File Name: 31261_FSO_DNP_03032016.doc

Appendix C
WRP Assessment

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the [New York City Waterfront Revitalization Program](#) (WRP) which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: 23rd and 11th Associates, L.L.C.

Name of Applicant Representative: Jerald A. Johnson, Fox Rothschild LLP

Address: 101 Park Avenue, 17th Floor, New York, NY 10178

Telephone: 212-878-7992 Email: JJohnson@foxrothschild.com

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

I. Brief description of activity

The applicant, 23rd and 11th Associates, L.L.C., is proposing a text amendment to the Special West Chelsea District regulations (Zoning Resolution [ZR] Article 9, Chapter 8) in connection with a proposal to construct a 22-story mixed-use building located at the corner of West 23rd Street and Eleventh Avenue in the Chelsea neighborhood of Manhattan, in Community District 4. With the proposed text amendment, a floor area transfer would be permitted across a zoning district boundary from the portion of the zoning lot in the midblock area to the Eleventh Avenue frontage. This would allow for approximately 70,000 zoning square feet (zsf) of unused floor area to be transferred from a midblock portion of the zoning lot (Lot 58) to the remainder of the site within the midblock and avenue portions of the project site.

2. Purpose of activity

Pursuant to ZR 23-18 and Article 7, Chapter 7, a transfer of floor area between the C6-3A and C6-3/Subarea D portions of the zoning lot is not permitted under existing zoning regulations because, while the two areas have similar bulk regulations, the permitted FAR in the two areas is not the same. The proposed text amendment would modify this regulation to permit a transfer of floor area across the zoning district boundary on the zoning lot.

The purpose and need for the proposed action is to:

- Maintain uninterrupted UHaul operations while allowing development to occur;
- Make full use of available floor area and facilitate a development within the existing height and setback requirements that will result in a massing consistent with the West Chelsea Special District;
- Maximize residential development in keeping with goals of West Chelsea Special District.

C. PROJECT LOCATION

Borough: Manhattan Tax Block/Lot(s): Block 694, Lots 5, 58, 60, 61, and 65

Street Address: 536-552 West 23rd Street

Name of water body (if located on the waterfront): _____

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission

Yes No

- | | | |
|---|--|--|
| <input type="checkbox"/> City Map Amendment | <input type="checkbox"/> Zoning Certification | <input type="checkbox"/> Concession |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Zoning Authorizations | <input type="checkbox"/> UDAAP |
| <input checked="" type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Acquisition – Real Property | <input type="checkbox"/> Revocable Consent |
| <input type="checkbox"/> Site Selection – Public Facility | <input type="checkbox"/> Disposition – Real Property | <input type="checkbox"/> Franchise |
| <input type="checkbox"/> Housing Plan & Project | <input type="checkbox"/> Other, explain: _____ | |
| <input type="checkbox"/> Special Permit | | |
- (if appropriate, specify type: Modification Renewal other) Expiration Date: _____

Board of Standards and Appeals

Yes No

- Variance (use)
- Variance (bulk)
- Special Permit
- (if appropriate, specify type: Modification Renewal other) Expiration Date: _____

Other City Approvals

- | | |
|--|---|
| <input type="checkbox"/> Legislation | <input type="checkbox"/> Funding for Construction, specify: _____ |
| <input type="checkbox"/> Rulemaking | <input type="checkbox"/> Policy or Plan, specify: _____ |
| <input type="checkbox"/> Construction of Public Facilities | <input type="checkbox"/> Funding of Program, specify: _____ |
| <input type="checkbox"/> 384 (b) (4) Approval | <input checked="" type="checkbox"/> Permits, specify: <u>DOT OCMC permits</u> |
| <input checked="" type="checkbox"/> Other, explain: <u>OER approvals related to (E) designations for hazardous materials and noise</u> | |

State Actions/Approvals/Funding

- State permit or license, specify Agency: _____ Permit type and number: _____
- Funding for Construction, specify: _____
- Funding of a Program, specify: _____
- Other, explain: _____

Federal Actions/Approvals/Funding

- Federal permit or license, specify Agency: _____ Permit type and number: _____
- Funding for Construction, specify: _____
- Funding of a Program, specify: _____
- Other, explain: _____

Is this being reviewed in conjunction with a [Joint Application for Permits?](#) Yes No

E. LOCATION QUESTIONS

1. Does the project require a waterfront site? Yes No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? Yes No
3. Is the project located on publicly owned land or receiving public assistance? Yes No
4. Is the project located within a FEMA 1% annual chance floodplain? (6.2) Yes No
5. Is the project located within a FEMA 0.2% annual chance floodplain? (6.2) Yes No
6. Is the project located adjacent to or within a special area designation? See [Maps – Part III](#) of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).
 - Significant Maritime and Industrial Area (SMIA) (2.1)
 - Special Natural Waterfront Area (SNWA) (4.1)
 - Priority Martine Activity Zone (PMAZ) (3.5)
 - Recognized Ecological Complex (REC) (4.4)
 - West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (2.2, 4.2)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder or Not Applicable (N/A). For more information about consistency review process and determination, see **Part I** of the [NYC Waterfront Revitalization Program](#). When assessing each policy, review the full policy language, including all sub-policies, contained within **Part II** of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).

For those policies checked Promote or Hinder, provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.

		Promote	Hinder	N/A
I	Support and facilitate commercial and residential redevelopment in areas well-suited to such development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
2	Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.1.	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Protect and restore the quality and function of ecological systems within the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
5	Protect and improve water quality in the New York City coastal area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.1	Manage direct or indirect discharges to waterbodies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i>) into the planning and design of projects in the city's Coastal Zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	Prevent and remediate discharge of petroleum products.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Provide public access to, from, and along New York City's coastal waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.3	Provide visual access to the waterfront where physically practical.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Protect scenic resources that contribute to the visual quality of the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.2	Protect and enhance scenic values associated with natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.2	Protect and preserve archaeological resources and artifacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

G. CERTIFICATION

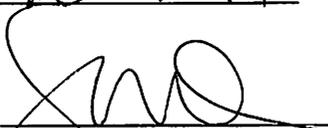
The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Jesse Masur

Address: 101 Park Ave

Telephone: 212-878-7961 Email: jmasur@foxrothschild.com

Applicant/Agent's Signature: 

Date: 6/28/16

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the [NYS Department of State Office of Planning and Development](#) and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning

Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3525
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State

Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
(518) 474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- Copy of original signed NYC Consistency Assessment Form
- Attachment with consistency assessment statements for all relevant policies
- For Joint Applications for Permits, one (1) copy of the complete application package
- Environmental Review documents
- Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.

As described in Attachment A, “Land Use, Zoning, and Public Policy,” the zoning lot is located within the Coastal Zone. Therefore, an evaluation of the proposed project’s consistency with WRP policies was undertaken utilizing the WRP Consistency Assessment Form (CAF), attached above. This section summarizes the WRP consistency assessment.

CONSISTENCY OF THE PROPOSED PROJECT WITH WATERFRONT REVITALIZATION PROGRAM POLICIES

Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate Coastal Zone Areas.

As discussed above, the proposed project would redevelop the development site, which is currently occupied by a UHaul truck rental and self-storage facility, with a mixed-use building containing residential and retail/gallery space. The proposed development would be largely similar to the mixed-use building that will be constructed on the development site absent the proposed text amendment. Although the zoning lot is located within the Coastal Zone, it is not located on the waterfront, and the proposed development would not displace any waterfront use or affect public access to the waterfront. The zoning lot is located in a portion of the West Chelsea neighborhood that was rezoned in 2005 to encourage the redevelopment of the area, formerly a manufacturing district, into a mixed commercial and residential district. Therefore, the proposed project would be consistent with policies that encourage the redevelopment of underutilized sites within the Coastal Zone with residential uses, and would be consistent with Policy 1.1.

Policy 1.3: Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.

The proposed project is located in a highly developed portion of the city that is served by existing infrastructure and utilities. The West Chelsea area is well-served by mass transit, and the capacity of the surrounding roadways is expected to be sufficient to serve the proposed project. The proposed project would also not result in a large new residential population that would have the potential to result in significant adverse impacts to community facilities and services. Therefore, the proposed project would be consistent with Policy 1.3.

Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

As described further below under Policy 6.2, the proposed project would minimize the impacts of flooding on the proposed development and would be consistent with Policy 6.2; therefore the proposed project would be consistent with Policy 1.5.

Policy 5: Protect and improve water quality in the New York City coastal area.

Policy 5.1: Manage direct or indirect discharges to waterbodies.

Policy 5.2: Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.

The zoning lot is located in an area that is served by a combined sewer system and the proposed project would utilize the existing wastewater and stormwater conveyance and treatment infrastructure, which is expected to have sufficient capacity to serve the proposed project. In addition, best management practices (BMPs) to reduce sanitary flow and stormwater runoff volumes to the combined sewer system from the proposed project would be incorporated in accordance with the applicable regulations, including the New York City Plumbing Code and the site connection approvals by the New York City Department of Environmental Protection (DEP), which include a required stormwater release rate. These BMPs, including on-site stormwater detention as necessary to comply with DEP regulations, would reduce the overall volume of sanitary sewer discharge and stormwater runoff from the zoning lot, and the proposed project would not result in a significant increase in combined sewer overflow (CSO) releases to the city's waterways. Therefore, the proposed project would be consistent with Policies 5.1 and 5.2.

Policy 6: Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.

The zoning lot is located within the 100-year floodplain (Zone AE), with a base flood elevation (BFE) of 11 feet NAVD88. Under Policy 6, the primary goal for projects in coastal areas is to reduce risks posed by current and future coastal hazards, particularly major storms that are likely to increase due to climate change and sea level rise. The proposed project would redevelop the development site with a mixed-use building, containing ground floor retail/gallery space and residential space on the upper floors. The building would be designed to comply with all applicable regulations regarding construction of residential buildings within flood zones, in particular Appendix G of the New York City Building Code. The first residential floor (the second floor of the building) would be located at an elevation of approximately 23 feet NAVD88, 11 feet above the required Design Flood Elevation (DFE) of 12 feet NAVD88. Only the building's ground floor and basement, which would contain non-residential uses (retail and gallery space) as well as building access, parking, and storage spaces, would be located below the required DFE. These spaces would be protected using dry floodproofing measures or wet floodproofing with appropriate flood-damage-resistant materials and finishes, in conformance with the requirements of the Building Code. All critical infrastructure within the building—including utility connections, HVAC systems, and electrical systems—would be located in spaces above the DFE or hardened and floodproofed in accordance with the applicable regulations. Therefore, the proposed project would meet the requirements of applicable regulations intended to reduce risks of damage from current and future coastal hazards, and would be consistent with Policy 6.1.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report,

Chapter 2: Sea Level Rise and Coastal Storms) in the planning and design of projects in the City's Coastal Zone.

As noted above, the proposed development has been designed with a DFE of 12 feet NAVD88, in conformance with the requirements of the Building Code. The proposed development is expected to have an extended lifespan: for the purposes of an assessment of potential effects of climate change and sea level rise (SLR), projections of SLR by 2080 were considered utilizing a SLR planning tool provided by DCP. Based on NPCC projections, the BFE for the development site may rise to between approximately 12 feet NAVD88 (low projection) and approximately 16 feet NAVD88 (high projection) by 2080. At an elevation of approximately 23 feet NAVD88, the residential space in the building would remain above the future 1% flood elevation accounting for the highest projected SLR levels, and would not be vulnerable to flooding. The spaces below the future 1% flood elevation, which include building access, parking, and storage spaces, would remain protected by dry floodproofing or wet floodproofing measures. As noted above, all critical infrastructure within the building would be located in spaces above the current DFE or hardened and floodproofed in accordance with the applicable regulations; although detailed designs of these systems are currently not available, unprotected spaces are not expected to be located below the future projected BFE of up to 16 feet NAVD88. The zoning lot is located inland by approximately 500 feet, and the proposed development would not be subject to increased risk of flooding at Mean Higher High Water. Consistent with the objectives of this policy, the proposed project would minimize the impacts of flooding on the proposed development, and the proposed development would also meet the requirements of the Building Code. Therefore, the proposed project is consistent with Policy 6.2.

Policy 7: Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.

Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.

Policy 7.2: Prevent and remediate discharge of petroleum products.

Policy 7.3: Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner than minimizes potential degradation of coastal resources.

As described in Part II of the EAS, "Hazardous Materials," the zoning lot contains an (E) designation for hazardous materials (E-142) established in the 2005 *Highline/West Chelsea Rezoning Final Environmental Impact Statement (FEIS)* (CEQR #03DCP069M). A Phase I Environmental Site Assessment (ESA) completed for the zoning lot in December 2015 identified Recognized Environmental Conditions (RECs), i.e., "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property." RECs include previous uses on site (including automotive repair services, petroleum and chemical storage, and occupancy by Brake Labs Inc.) and three reported petroleum spills, all given a closed status by the New York State Department of Environmental Conservation (NYSDEC). Prior reports identified numerous investigations and cleanups associated with the spills and the removal or abandonment of several underground storage tanks (USTs) and above ground storage tanks (ASTs) from 1991 through 2006. The majority of these actions took place on Lot 65. Based on these reports prior uses have impacted both soil and groundwater. In addition based on their age,

W. 23rd St./11th Avenue - Text Amendment

the existing buildings on the zoning lot may include asbestos-containing materials (ACM), lead-based paint (LBP) or electrical/lighting equipment containing polychlorinated biphenyls (PCBs) or mercury. A limited Phase II investigation conducted in February 2016 found low levels of petroleum related compounds beneath Lots 60 and 65 (consistent with historical petroleum storage locations) and somewhat elevated levels of polycyclic aromatic hydrocarbons (PAHs) and metals (including lead and mercury) above NYSDEC Restricted Residential Soil Cleanup Objective (RRSCOs) consistent with the presence of historical fill material.

Since the zoning lot was assigned an (E) Designation for hazardous materials, any future development, whether as-of-right or subject to CEQR, would need additional site investigation (and, if necessary, remediation or other measures during project excavation/construction) in accordance with the requirements of the New York City Office of Environmental Remediation (OER). Although oversight of the (E) Designation, including review of investigation scopes of work and other plans, is typically performed by OER, if the zoning lot is accepted into NYSDEC's Brownfield Cleanup Program, the oversight would primarily be provided by NYSDEC. Conformance with the OER/NYSDEC requirements would avoid the potential for significant adverse impacts associated with subsurface hazardous materials. Conformance with applicable regulatory requirements relating to asbestos and lead-based paint would avoid the potential for significant adverse impacts associated with these materials. Therefore, hazardous materials would be remediated and disposed of in a manner consistent with all requirements to minimize negative impacts, and the proposed project would be consistent with Policy 7.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

Policy 10.1: Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.

As described in Part II of the EAS, "Historic and Cultural Resources," there is one architectural resource in the study area, the High Line (S/NR-eligible). Three S/NR-eligible properties listed in the New York State Office of Parks, Recreation and Historic Preservation (OPRHP)'s Cultural Resource Information System (CRIS) database on the north side of West 23rd Street have been demolished or substantially altered. The proposed project would have no significant adverse impacts on the one identified architectural resource in the study area: the proposed project is located along Eleventh Avenue approximately 300 feet from the High Line and would not result in any adverse physical impacts on this historic structure. The proposed project would also not obstruct views to the High Line or alter the immediate setting of the High Line. Therefore, the proposed project would be consistent with Policy 10.1. *