NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Eric Schlameuss
c/o Giovanni Gioia
Goldman Harris LLC
475 Park Avenue, Suite 2803
New York, NY 10016

Re:	**Starrett Lehigh + Terminal Warehouse**
CEQR No.	21DCP103M
ULURP No(s).	**Pending**
SEQRA Classification:	Type I
Manhattan Community District:	MN04

Dear Giovanni Gioia,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may have a significant adverse impact on the environment. In accordance with this regulation, the City Planning Commission has determined that the Proposed Actions have the potential for significant adverse impacts on the environment.

Enclosed is the Positive Declaration for CEQR No. 21DCP103M, Starrett Lehigh + Terminal Warehouse, including supporting statements for the finding that the proposed actions have the potential for significant adverse impacts on the environment. The Positive Declaration was issued on December 11, 2020.

Sincerely,

Olga Abinader, *Director*

December 14, 2020
Date

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Hon. Gale Brewer, Manhattan Borough President
Manhattan Community Board MN04

Olga Abinader, *Director,* (212) 720-3493 | oabinad@planning.nyc.gov
Stephanie Shellooe, AICP, *Deputy Director,* (212) 720-3328 | sshellooe@planning.nyc.gov
120 Broadway, 31st Floor, New York, N.Y. 10271 | Fax: (212) 720-3488

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

December 11, 2020

POSITIVE DECLARATION

Project Identification
Starrett Lehigh/ Terminal Warehouse
CEQR No. Pending
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway
New York, NY 10271
Contact: Olga Abinader
(212) 720-3493

Name, Description and Location of Proposal:

Starrett Lehigh/ Terminal Warehouse

The Applicants, RXR SL Owner LLC and Terminal Fee Owner LP, seek approval of zoning map and zoning text amendments (the "Proposed Actions") from the City Planning Commission (CPC). The Proposed Actions would permit the Applicants to lease the existing Starrett-Lehigh and Terminal Warehouse buildings to a more diverse range of tenant types in the West Chelsea neighborhood of Manhattan, Community District 3. Specifically, the Proposed Actions would permit the Applicants to tenant their spaces with approximately 446,231 gross square feet ("gsf") of destination retail use, 267,799 gsf of academic use, and 29,756 gsf of medical office use.

The Project Area includes the Starrett-Lehigh and Terminal Warehouse buildings (the "project sites") which are located on the two blocks bounded by West 28th Street to the north, Eleventh Avenue to the east, West 26th Street to the south, and Twelfth Avenue/Route 9A to the west. The Project Area contains the entirety of Block 672, Lot 1, and Block 673, Lot 1.

Specifically, the Proposed Actions include:

- ***Zoning Map Amendment***. The Proposed Actions include a zoning map amendment to rezone an M2-3 district to an M2-4 district and to extend the Special West Chelsea District over the project area;
- ***Zoning Text Amendment.*** The Proposed Actions include zoning text amendments, to establish a new subarea (Subarea K) within the extended Special West Chelsea District over the project area; and a text amendment to section 42-562 of the Zoning Resolution to allow modifications to the M2 signage regulations of height and angle at the corners of Eleventh Avenue and West 26th, West 27th, and West 28th Streets.

In the future absent the Proposed Actions, the Starrett-Lehigh building will continue to be tenanted with uses permitted as-of-right pursuant to the underlying M2-3 zoning district. Currently, the Starrett-Lehigh building is being altered in an as-of-right project that is transforming 43,000 square feet of the building's ground floor into commercial space, including a food hall and event and exposition space. This as-of-right alteration is expected to be complete in early 2021.

Likewise, in the future absent the Proposed Actions, the Terminal Warehouse building would be tenanted with uses permitted as-of-right pursuant to the underlying M2-3 zoning district. Additionally, the building will undergo as-of-right alterations by converting approximately 500,000 square feet of storage into new office space and repositioning the ground floor to include food and beverages retail uses permitted pursuant to underlying zoning. As part of this full-building repositioning, approximately 200,000 square feet will be carved out of the building to create double-height space and a courtyard and will be added back as a commercial penthouse on the western portion of the building. The re-allocation of floor area will not result in an increase in zoning floor area. Additionally, the building will undergo restoration—including façade repairs, window replacement, cornice repairs, fire escape removal, and the reintroduction of historic details, such as window shutters.

The Analysis Year for the Proposed Actions is 2024.

Statement of Significant Effect:
On behalf of the City Planning Commission, the Department of City Planning has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions have the potential to result in a significant adverse impact on the environment as detailed in the following areas, and that an environmental impact statement will be required:

> The Proposed Actions have the potential to result in significant adverse impacts related to historic and cultural resources; hazardous materials; transportation; air quality; noise; public health; and neighborhood character.
>
> The Proposed Actions would not result in significant adverse impacts related to community facilities and services; socioeconomic conditions; open space; shadows; urban design and visual resources; natural resources; water and sewer infrastructure; solid waste and sanitation services; energy; greenhouse gas emissions and climate change; or construction.

Supporting Statement:
The above determination is based on an Environmental Assessment Statement prepared for the Proposed Actions which finds that:

1. The Proposed Actions would result in a change in the zoning district from M2-3 to M2-4. However, the expanded range of permitted uses are already found within the Study Area and would not result in a significant adverse land use or zoning impact. Additionally, the Proposed Actions do not have the potential to conflict with public policies, and as such would not result in a significant adverse public policy impact. Therefore, the Proposed Actions would not result in significant adverse impacts to land use, zoning, and public policy.

2. With respect to socioeconomic conditions, the Proposed Actions would not facilitate the development of residential uses and as such, analysis of direct and indirect residential displacement is not warranted. Regarding direct business displacement, no uses that are currently present or permitted on either site would be discontinued. As is the case in buildings throughout the city, it is possible that certain businesses would not have leases renewed over time or would elect not to renew a lease. This would not be considered direct business displacement pursuant to CEQR because the allowance of additional uses on the sites would not preclude any existing businesses or uses from remaining on the sites. Therefore, analyses

of direct business displacement are not warranted. Additionally, as the Proposed Actions are not expected to affect existing uses or conditions within a specific industry, an analysis of adverse effects on specific industries is not warranted. Regarding indirect business displacement, the Proposed Actions would not result in an increase of commercial uses on the existing sites, and therefore, a preliminary assessment of indirect business displacement due is not warranted.

3. The Proposed Actions would not result in the physical alteration or displacement of any community facilities, nor would they result in a new residential population that would create new demands for community facilities. Therefore, the Proposed Actions have no potential to result in significant adverse impacts related to community facilities and services.

4. The Proposed Actions would not result in any direct effects on open space. Regarding indirect open space effects, the Proposed Actions would not facilitate residential uses, and the Proposed Actions would not result in an increase of more than 500 employees to the Study Area. Therefore, the Proposed Actions have no potential to result in significant adverse impacts to open space.

5. The Proposed Actions would not facilitate any increase in building height; therefore, the Proposed Actions have no potential to result in significant adverse impacts related to shadows.

6. With respect to historic and cultural resources, the Proposed Actions would not facilitate any additional in-ground disturbance, therefore, the Proposed Actions have no potential to result in impacts related to archaeological resources. Regarding architectural resources, the Starrett-Lehigh and Terminal Warehouse buildings are located within the LPC-designated West Chelsea Historic District. The Starrett-Lehigh building is an individual New York City landmark, while Terminal Warehouse is an eligible New York City landmark. While the Proposed Actions would not result in new construction, demolition, or significant physical alteration of either building, nor would they result in a change in scale, visual prominence, or visual context of the two buildings, they would allow certain modifications to the M2-3 signage regulations. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to historic and cultural resources.

7. The Proposed Actions would not result introduce a new building, a new building height, or result in any substantial physical alternation beyond that which is allowed by existing zoning. Additionally, the Proposed Actions would not result in the obstruction of any publicly accessible views. Therefore, the Proposed Actions do not have the potential to result in significant adverse impacts related to urban design and visual resources.

8. Neither the Project Site nor a site adjacent to the Project Site contain natural resources, nor is the directly affected area within the Jamaica Bay Watershed. Therefore, the Proposed Actions would not result in significant adverse impacts related to natural resources.

9. With respect to hazardous materials, the Proposed Actions would not facilitate any incremental in-ground disturbance. However, the Proposed Actions would 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, polychlorinated biphenyls (PCBs), mercury or lead-based paint. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to hazardous materials.

10. With respect to water and sewer infrastructure, the Proposed Actions would not exceed a water demand of one million gallons per day, the CEQR-defined threshold. Regarding sewer

infrastructure, the Proposed Actions would result in approximately 57,091 gallons per day of additional wastewater to the combined system. This level of new demand would not be considered a significant increase. Therefore, the Proposed Actions do not have the potential to result in significant adverse impacts related to water and sewer infrastructure.

11. The Proposed Actions do not have the potential to generate 100,000 pounds or more of solid waste per week. Additionally, the Proposed Actions would not involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the city. Therefore, the Proposed Actions do not have the potential to result in significant adverse impacts related to solid waste and sanitation services.

12. The Proposed Actions would not significantly affect the transmission or generation of energy or generate substantial indirect consumption of energy (such as through the creation of new roadways). Therefore, the Proposed Actions do not have the potential to result in significant adverse impacts related to energy.

13. The Proposed Actions would generate additional vehicular, pedestrian, and transit trips and could result in excess parking demand. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to transportation.

14. With respect to air quality, The Proposed Actions would have the potential to generate incremental vehicle trips exceeding the thresholds for conducting an air quality analysis of mobile sources. Therefore, an analysis of mobile sources is necessary. Regarding stationary sources, the Proposed Actions would not result in changes to either the Starrett-Lehigh or Terminal Warehouse buildings' HVAC systems. According to Energy Information Administration fuel consumption data, the change in uses in both buildings will not significantly change fuel consumption, and thus, emissions. There are no industrial sources within a 400-foot radius of the project area and no large or major emission sources within a 1,000-foot radius of the project area. Therefore, an analysis of stationary sources is not necessary. As an analysis of mobile sources is necessary, the Proposed Actions have the potential to result in significant adverse impacts related to air quality.

15. The Proposed Actions would not facilitate any additional density at the project sites. Therefore, the Proposed Actions do not have the potential to result in significant adverse impacts related to greenhouse gas emissions and climate change.

16. The Proposed Actions would generate vehicular traffic, introduce new sensitive receptors near heavily trafficked roadways, and introduce a receptor in an area with high ambient noise levels resulting from stationary sources. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to noise.

17. The Proposed Actions have the potential to result in impacts to two constituent technical areas related to public health: air quality and noise. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to public health.

18. The Proposed Actions have the potential to result in significant adverse impacts in the constituent technical areas related to neighborhood character or in moderate effects to several elements that define neighborhood character. Therefore, the Proposed Actions have the potential to result in significant adverse impacts related to neighborhood character.

19. The Proposed Actions would facilitate construction activities on the project sites. The CEQR Technical Manual notes that a construction analysis is warranted if a project's construction period would exceed two years. The construction activities facilitated by the Proposed Actions

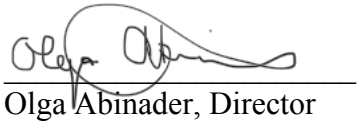
would not exceed a duration of two years. Additionally, the extent of construction that could result from the Proposed Actions would consist of interior renovations to accommodate new tenants. This type of construction would not involve closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements. Therefore, the Proposed Actions do not have the potential to result in significant adverse impacts related to construction.

Public Scoping:
The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for 2:00pm, Monday, January 11th, 2021. In support of the City's efforts to contain the spread of COVID-19, DCP will hold the public scoping meeting remotely through video conferencing. The meeting will be live streamed and accessible from New York City's online remote meeting portal—NYC Engage:
www.nyc.gov/engage

This determination of significance has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Please contact the project manager, Anthony Howard of the Department of City Planning, at (212) 720-3422 if you have questions regarding the application.



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

December 11, 2020
Date