DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, FAICP, *Director*
Department of City Planning

September 1, 2011

POSITIVE DECLARATION

Project Identification
625 West 57th Street
CEQR No. 12DCP020M
ULURP No. Pending
Manhattan, Community District 4
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

625 West 57th Street
The applicant, DFR 57 LLC, is proposing a zoning map amendment for a portion of the block bounded by West 57th Street to the south, West 58th Street to the north, Eleventh Avenue to the east and Twelfth Avenue to the west (Block 1105, Lots 1, 5, 14, 19, p/o 36, and 43) in Manhattan, Community District 4. In addition, the applicant proposes modifications to existing special permits and a restrictive declaration and other related land use actions governing the entire block.

The proposed actions would facilitate a proposal by the applicant to develop approximately 1,076,400 gross square feet on the project block consisting of approximately 750,100 gsf of residential space (up to 863 residential units, including up to 151 affordable units); approximately 109,000 gsf of commercial office; 85,000 gsf of retail; 28,000 gsf of community facility space; 399 public parking spaces, and 125 accessory parking spaces. The proposed project would result in the construction of a new approximately 448 foot tall building on the western and midblock portions of the project block (Lots 1, 5, 14, 19, p/o 36, and 43), the conversion and enlargement of an existing mini-storage facility to residential use (p/o Lot 36), and the creation of new retail space in the existing Helena apartment building, located on the eastern portion of the site. The garage of the new building would connect with the existing accessory garage under the Helena. As a result, the parking spaces under the Helena would be accessed from the new garage entrances created as part of the proposed project, and the existing entrance to the Helena garage on West 57th Street would be closed and converted to approximately 2,000 gsf of new retail space. The applicant expects to complete development of the project in 2015.

Robert Dobruskin, AICP, *Director*
Celeste Evans, *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3321
FAX (212) 720-3495
c_evans@planning.nyc.gov

In 2001, the project block was rezoned from an M2-3 zoning district to a C4-7 district within 125 feet of the avenues and in the midblock along West 57th Street (to a depth of approximately 100 feet), and to an M1-5 zoning district in the midblock facing West 58th Street. Additional actions were granted, including a general large scale permit, and permits for two public parking garages on the block. The 2001 approvals were intended to facilitate construction of three buildings, a mixed use office and retail building on the western portion of the site, a light-manufacturing building in the midblock, two public parking garages, and a residential building with accessory parking on the eastern end of the site.

The project approvals included a restrictive declaration that requires that the site be developed in substantial conformity with the approved plans. The plans specifically limit residential uses on the block to 520,800 zoning square feet (600 residential units) and further limits certain retail uses to 78,000 square feet. Additionally, the plans approved in 2001 included maximum building envelopes, setback requirements from each of the streets, and other bulk limitations. The restrictive declaration requires that if the block is partially developed utilizing the special permits the remainder of the block is also required to comply with the approved plans.

In 2004, the special permits were modified to allow an additional curb cut on West 57th Street for access to a 100-space accessory parking garage in the Helena. The Helena, a 38-story, 597-unit residential apartment building with approximately 12,000 square feet of ground floor retail and 100 accessory spaces, is located on the southeastern corner of the block, and was constructed in substantial conformance with the previously approved plans. It should be noted that the 2001 approvals assumed that the new residential development along Eleventh Avenue would occupy the entire block front along Eleventh Avenue and the existing mini-storage building on Lot 36 on the northeastern corner of the project block would be demolished. However, the Helena was built on southeastern corner only (Lot 29) and the 98,500 square foot, 6-story mini-storage building remains on Lot 36.

Development of the mixed-use office and retail building on the western portion of the site and the light-manufacturing building in the midblock has not proceeded as envisioned under the 2001 approvals. According to the applicant, it has not been possible to attract tenants for either commercial or light industrial uses of the size permitted under the previously approved project. The applicant has stated that they are seeking the current actions in order to maximize the development potential of the project site.

At 597 residential units, the Helena nearly maximizes the allowable residential use under the existing special permit and only three additional residential units would be allowed under the provisions of the restrictive declaration. Therefore the restrictive declaration would need to be modified to permit additional residential uses on the zoning lot. Modification of the restrictive declaration is also necessary for the proposed massing of the new buildings on the project site. Additionally, modification of the existing special permit for a 399-car public garage would allow, among other things, changes in the configuration of the garage to be located in the cellar and subcellar level of the new building.

In order to proceed with site preparation and hazardous materials remediation, in 2010 the applicant filed for a new building application with the New York City Department of Buildings (DOB) for a development on the western portion of the block pursuant to the existing zoning and approvals for the site. Under that application, the western portion of the block would be developed with approximately 331,300 gross square feet (gsf) of office use; 67,500 gsf of retail uses; and 538 public parking spaces.

The applicant's current proposal for a new, predominately residential building, instead of the previously approved office and retail development, requires the following actions:

1. Rezoning of a portion of the project block from M1-5 to C6-2. The C6-2 district has a floor-area ratio (FAR) of 6.0 for all uses except community facility uses, which is a 6.5 FAR. This change would provide an adjusted FAR across the entire zoning lot of 8.62 with the 6.0 FAR and a maximum 8.8 FAR with the additional community facility FAR (maximum 8.62 FAR within the C6-2 District, maximum 10 FAR within the C4-7 district);

2. Special permit pursuant to Section 74-743 of the New York City Zoning Resolution to allow, in a large-scale development, (1) floor area, dwelling units and other bulk calculations to be distributed across the entire zoning lot, (2) buildings to be located without regard for distance between building regulations, and (3) to permit the location of buildings without regard to height and setback regulations.

3. Special permit pursuant to Section 74-744 of the New York City Zoning Resolution to permit residential uses on a story lower than commercial uses.

4. New special permit or modification of the existing special permit pursuant to Sections 13-562 and 74-52 of the New York City Zoning Resolution for a 399-car parking garage; and

5. Modification of the existing Restrictive Declaration.

In addition, the applicant intends to use the New York State Housing Finance Agency's (HFA) "80/20" program to finance the affordable housing component of the project, but has not applied for such funding at this time.

Absent the proposed project, the applicant would construct a smaller version of the previously planned mixed use office and retail building on the western portion of the site (referred to as the "No Build" scenario for the purposes of analysis). The light-manufacturing building projected to be built in 2001 in the midblock, would not be constructed, and the office/retail building would be approximately 200,000 square feet smaller than the original approvals allowed. It should be noted that the No Build scenario would not maximize the allowable floor area, height, or bulk under the existing zoning and approvals because there has been no demonstrated market at this location for either commercial or light manufacturing development of the size permitted under the previously approved project.

Statement of Significant Effect:

On behalf of the CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the proposed actions may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.

1. The actions, as proposed, may result in significant adverse impacts related to socioeconomic conditions in the vicinity of the affected area.

2. The actions, as proposed, may result in significant adverse impacts to community facilities in the study area.

3. The actions, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.

4. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.

5. The actions, as proposed, may result in significant adverse impacts on historic resources in the affected area.

6. The actions, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.

7. The actions, as proposed, may result in significant adverse impacts related to hazardous materials in the vicinity of the affected area.

8. The actions, as proposed, may result in significant adverse impacts to traffic, transit and pedestrian conditions in the vicinity of the affected area.

9. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.

10. The actions, as proposed, may result in significant adverse impacts from greenhouse gas emissions in the vicinity of the affected area.

11. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.

12. The actions, as proposed, may result in significant adverse impacts related public health.

13. The actions, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.

14. The actions, as proposed, may result in significant adverse construction-related impacts.

Supporting Statement:

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

1. Land Use, Zoning and Public Policy - The proposed actions would alter existing land uses and zoning by allowing greater densities than the current zoning permits;

2. Socioeconomic Conditions – The proposed actions could result in indirect displacement of residential, commercial or institutional uses.

3. Community Facilities and Services – Increased development would increase the number of workers and visitors using area community facilities and services.

4. Open Space – Changes to the area's open spaces may occur due to increased demand for use of publicly accessible spaces.

5. Shadows – The proposed actions would allow an increase in development density and greater building height at the development site. Shadows cast by the proposed building could affect publicly accessible open spaces and sunlight-sensitive architectural resources in the study area.

6. Historic and Cultural Resources - The proposed actions could affect historic resources in the study area.

7. Urban Design/Visual Resources - The proposed actions would result in a new building form which could differ from existing urban design elements in the affected area, and may alter the urban design character and visual resources of the surrounding area.

8. Hazardous Materials - The proposed actions would result in new construction and in-ground disturbance which, given the historical on-and off-site uses and conditions, has the potential to result in hazardous materials impacts.

9. Transportation – The proposed actions would result in an increase in the number of vehicular trips. The proposed actions may increase ridership on mass transit facilities and would result in increased pedestrian movements in the area due to the increased number of workers, and visitors to the site.

10. Air Quality – Increased demand for heating, ventilation and air conditions (HVAC) and additional vehicular traffic introduced by the proposed actions may affect air quality.

11. Greenhouse Gas Emissions – The proposed actions would result in a development that could increase the amount of greenhouse gas emissions in the area, and the site is also located in an area that could potentially be affected by climate change.

12. Noise - The proposed actions would increase the volume of traffic in the area, which could result in additional traffic noise and may have the potential to result in stationary source noise impacts.

13. Public Health - The proposed actions would result in new development which could potentially result in public health concerns

14. Neighborhood Character – The proposed actions would result in a new mixed-use development which could alter existing neighborhood character by affecting shadows, urban design, visual resources, historic resources, socioeconomic conditions, traffic, and noise.

15. Construction - The proposed actions would result in a new development that would involve activities which may result in construction-related impacts.

16. The Draft Supplemental Environmental Impact Statement (DEIS) to be prepared for the proposed actions will identify and describe any other potential effects on the environment.

Public Scoping:

The project site was the subject of a previous Environmental Impact Statement and Land Use Approval in 2001 (West 57th Street Rezoning Final Environmental Impact Statement (FEIS), CEQR No. 00DCP041M and ULURP Nos. 00148ZMM, 010149ZSM, 010150ZSM, 010151ZSM, and 010152ZSM). The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Supplemental Environmental Impact Statement (DSEIS) 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 will be held on Tuesday, October 4th, 2011 at the New York City Department of City Planning's Spector Hall, 22 Reade Street, New York, New York, 10007. The meeting will begin at 10 AM. Written comments will be accepted by the lead agency until Monday, October 17, 2011.

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

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Olga Abinader, at (212) 720-3493.

Celeste Evans

Celeste Evans, Deputy Director
Environmental Assessment & Review Division
New York City Department of City Planning

9/1/11
Date