DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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

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OFFICE OF
ENVIRONMENTAL COORDINATION

July 27, 2007

Robert Kulikowski, Director
New York City Office of Environmental Coordination
253 Broadway, 14th Floor
New York, NY 10007

NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW

Re: 770 Eleventh Avenue Mixed Use Development Rezoning
CEQR No. 07DCP071M
ULURP Nos. 080008ZMM, N080009ZRM, 08001025M, 08001125M, 080012PCM
Manhattan, Community District 4
Type I Action

Dr. Kulikowski:

The above-referenced application involves discretionary actions subject to City Planning Commission (CPC), Board of Standards and Appeals (BSA) and Housing Finance Agency (HFA) approvals. These actions are subject to review under City Environmental Quality Review (CEQR), Executive Order No. 91, and the State Environmental Quality Review Act (SEQRA), 6 NYCRR 617.

Pursuant to Sections 5.03 and 5.05 of the Rules of Procedure for City Environmental Quality Review (CEQR) as adopted June 26, 1991, the Department of City Planning, acting on behalf of the CPC, is assuming lead agency status for this application and is initiating the CEQR review. CPC will coordinate the CEQR review with the environmental review required for the BSA and HFA approvals.

The applicant, Two Trees Management Corp., is seeking several actions in connection with a proposal for a mixed-use development at 770 Eleventh Avenue, a 94,463 square

Robert Dobruskin, *Director*
James P. Merani, R.A., *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
FAX (212) 720-3495
rdobrus@planning.nyc.gov

foot property bounded by Eleventh Avenue on the west, W. 54th Street on the north, and W. 53rd Street on the south. In conjunction, the NYPD is seeking a Site Selection to permit the siting of proposed horse stable facility for an NYPD Mounted Unit within the project area.

The project site is located on Block 1082, Lot 1, in a M1-5 zoning district in the Clinton neighborhood of Community District 4, Manhattan. The site is located within an "Excluded" area of the Special Clinton District and a portion of the site is within the Clinton Urban Renewal Area. M1-5 zoning districts permit light industrial uses, such as auto repair shops, wholesale service and storage facilities, with a FAR of 5.0. The applicant is proposing to rezone the site to a C6-3 zoning district, in order to allow residential, as well as a mix of retail and auto-related uses, at the site. C6-3 districts allow a commercial FAR of 6.0 and a residential FAR of 7.52. As noted below, the zoning text amendment would lower the base residential FAR of the site to 6.0, unless the project included 20 percent affordable housing units, in which case a FAR of 8.0 could be reached. Because the site is within an "Excluded" area of the Special Clinton District, most of the special district's regulations are not applicable – specifically, the only requirement within the Excluded area addresses placement of street trees.

Since the 770 Eleventh Avenue Mixed Use Development project consists of actions subject to approvals by the CPC, the Board of Standards and Appeals (BSA), and the Housing Finance Agency (HFA), the CPC will conduct a coordinated environmental review in conjunction with the other involved agencies. The actions requiring CPC approval consist of a Zoning Map Amendment, two Zoning Text Amendments, a Site Selection, and a Special Permit pursuant to a General Large-Scale Development. Additionally, a Special Permit will be sought from the Board of Standards and Appeals to operate a health club establishment and the applicant will be seeking approval by the NY State Housing Finance Agency (HFA) for tax exempt bond financing for an 80/20 affordable housing program. Each of the actions triggered by the development proposal is described below:

1. Zoning Map Amendment to change the site's zoning from M1-5 (Special Clinton District) to C6-3 (Special Clinton District).

2. Zoning Text Amendments: a) one that would establish an inclusionary housing floor area bonus affecting the rezoning area that would increase permitted floor area ratio from 6.0 FAR to 8.0 FAR conditioned upon the provision of at least 20 percent of dwelling units as low-moderate income affordable housing; and b) a second that would permit Automobile Sales, Preparation, and Repairs, Enclosed, and Stables for Houses (both Use Group 16A) within the rezoning area and exclude space occupied by these uses as being considered zoning floor area. Also, the zoning text would be amended to allow the height and setback regulations of the underlying zoning district to be used in the inclusionary housing

designated area. According to the applicant, the text amendments would be limited to the project site in question.

3. The NYPD is seeking a Site Selection to permit the siting of proposed horse stable facility for an NYPD Mounted Unit.

4. Special Permit pursuant to ZR 74-743 for a General Large-Scale Development to modify height, setback, location of uses, and signage requirements of a C6-3 Zoning District, in order to facilitate the applicant's proposed project design.

5. Special Permit, pursuant to ZR section 73-76, from the NYC Board of Standards and Appeals (BSA) to operate a physical culture or health establishment; and

6. Approval from the NY State Housing Finance Agency (HFA) for tax exempt bond financing under its 80/20 affordable housing program.

These actions would facilitate a proposal by the applicant to construct an approximately 1.1 million square foot mixed-use development rising to a maximum of 32 stories (including two mechanical levels above the top residential story) with two cellar levels on a 94,463 square foot project site. The development proposal includes a total of 900 dwelling units (720 market rate and 180 affordable units); 16,000 square feet of local retail space; 31,000 square feet of health club space; 236,000 square feet of automobile sales, preparation and repairs space; 28,000 square feet of NYPD Mounted Unit facility (stable and related space); and 225 accessory parking spaces (the maximum permitted as-of-right). The plans call for the retail space to be occupied by a food market on the ground floor and mezzanine above it. The EAS states that an auto dealership space would occupy 66,000 square feet of showroom and related space on the ground floor and mezzanine above it, along the Eleventh Avenue frontage. In addition, the dealership use is proposed to utilize approximately 170,000 square feet of space for vehicle storage in two below-grade cellar levels, which would be accessible from vehicular entrances on W. 53rd and W. 54th Streets. The NYPD Mounted Unit facility would include horse stables, offices, and related facilities on the ground floor on the midblock portion of the site via an additional curb cut on W. 53rd Street. The accessory parking is proposed to be located on the second floor, and would be accessed by a third new curb cut on W. 53rd Street.

Until May 2007, the project site was occupied by a Verizon automotive service/vehicle storage facility and now is vacant. Additionally, there is a below-grade active railroad right-of-way used by Amtrak's Empire Line, which extends through the area including the project site. The applicant is proceeding with as-of-right demolition of site buildings and excavation during the second half of 2007. Absent the proposed actions, the analysis assumes the applicant would not proceed with any as-of-right construction at the site and the project site would remain vacant.

Construction of the proposed project would commence in 2008 following the site clearance activities and contingent upon approval of the proposed discretionary actions. The applicant indicates the build year for the project is 2011.

Enclosed please find the Environmental Assessment Statement and the Draft Scope of Work for a Draft Environmental Impact Statement. If you have any questions regarding this application, please contact the Project Manager, Celeste Evans, at (212) 720-3321.

Sincerely,

Robert Dobruskin, A.I.C.P., Director
Environmental Assessment and Review Division
New York City Department of City Planning

cc:	Laurence Parnes	Sam Voyages	Raymond Gastil	James Merani
	Pat Bussey	Susan Wong	Phil Sperling	Celeste Evans
	Erika Sellke	Eric Botsford		