DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marissa Lago, *Director*
Department of City Planning

August 8, 2017

Hilary Semel, Director
Mayor's Office of Environmental Coordination
253 Broadway, 7th Floor
New York, NY 10007

**NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW**

Re: **East 33rd Street Rezoning**
CEQR No. 17DCP203M
ULURP Nos. 170380 ZMM; N 170381 ZRM
Manhattan, Community District 6
SEQRA Classification: Unlisted

The above-referenced application involves discretionary actions subject to City Planning Commission approval. These actions are subject to review under the 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 City Planning Commission, is assuming lead agency status for this application and is initiating the CEQR review.

The Applicant, 33rd Street Acquisition LLC, seeks a Zoning Map Amendment to designate Block 939, Lots 20, 21, 22, 23, 24, 25, 26, 27, and a portion of Lot 28 (the "Affected Area") from an R8A Residential District to a C1-9A Mixed-Use Commercial District. The Applicant also seeks a Zoning Text Amendment pursuant to Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the Affected Area (collectively, the "Proposed Actions"). The Affected Area is bounded by East 33rd Street to the south, and other lots in Block 939 to the north, east and west and is located in the Kip's Bay neighborhood of Manhattan, Community District 6. The Proposed Actions would facilitate a proposal by the Applicant to construct a 23-story mixed-use building on Block 939, Lots 24, 25, 26, and 27 (the "Project Site") measuring approximately 220 feet in height and containing 131,807-gsf of residential uses (155 dwelling units, of which up to 46 would be affordable pursuant to MIH) and 10,743 gsf of local retail uses (the "Proposed Development"). Parking is not required in

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Community District 6 as it is part of the "Manhattan Core" and no parking would be provided as part of the Proposed Development.

The Proposed Development incorporates 16,453 sf of development rights from an adjacent tax lot (Block 939, Lot 23) that is not under the control of the applicant. According to the Applicant, Lot 23 will be merged into the Proposed Development's zoning lot but will remain under separate ownership. The Affected Area contains additional lots which are not controlled by the Applicant (Block 939, Lots 20, 21, 22, and a portion of Lot 28). It is assumed that, with the Proposed Actions, no new development would occur on Lots 20-22. Although the combined built FARs of the residential buildings on these lots would be less than 50 percent of the maximum allowable residential FAR (12.0 under the proposed C1-9A zoning), all three buildings contain rent-controlled and/or rent-stabilized units and would be difficult to legally demolish due to tenant relocation requirements. Further, as these lots are controlled by separate entities, and here are currently no plans for all three lots to be purchased by a single owner, the assemblage and relocation of existing tenants makes development on these sites unlikely to occur. It is assumed that, with the Proposed Actions, no new development would occur on the portion of Lot 28 in the Affected Area as the lot is occupied by a recently constructed building.

The Affected Area is currently occupied by residential buildings, community facilities, and an underground parking garage. Lot 20 contains a 5-story 9,200 gsf residential building with a total of 22 dwelling units (DUs). Lot 21 is occupied by a 5-story 7,860 gsf residential building that includes 13 DUs. Lot 22 is occupied by a 5-story 6,858 gsf residential building that includes 12 DUs. Lot 28 is occupied by a 23-story 213,549 gsf residential building that includes 209 DUs, community facilities on the first and second floors, and a subsurface 45 space parking garage. The portion of Lot 28 not within the rezoning area (approximately 11,301 sf) is zoned C1-9A.

The Affected Area is currently zoned R8A. R8A zoning allows for residential and community facility uses (Use Groups 1-4) with a Floor Area Ratio (FAR) of 6.02, and typically produces buildings 10-12 stories in height. The Proposed Actions would rezone the Affected Area from R8A to C1-9A. The C1-9A zoning district has a residential district equivalent of R10A, allowing an FAR of 12 with the provision of affordable housing pursuant to the MIH program. Residential, community facility and some retail and commercial uses (Use Groups 1-6) are permitted in C1-9A districts. The Proposed Actions also create an MIH area that is coterminous with the Affected Area. In MIH areas 25% of residential floor area must be affordable for residents with incomes averaging 60% of Area Mean Income (Option 1) or 30% of the residential floor area must be affordable to residents with incomes averaging 80% of the Area Mean Income. An MIH option has not been selected by the Applicant for the Proposed Project. The Proposed Project would include up to 40 affordable units pursuant to the MIH program.

For the purposes of presenting a conservative analysis, the With-Action scenario considered in the Environmental Assessment Statement (EAS), prepared in connection with the Proposed Actions, assumes development that differs from the Applicant's Proposed Development. With the Proposed Actions, it is assumed the Project Area would be developed with a mixed-use building measuring approximately 230 feet in height and containing 169,252 gsf of which 158,509 gsf of residential uses (186 dwelling units) and 10,743 gsf of local retail uses on Lots 24, 25, 26, and 27. It is assumed that 16,453 sf of development rights would be transferred from Lot 23 and that an additional 26,168 sf of development rights would be transferred from Lots 20, 21, and 22. To maximize height, bulk and FAR, a 20 foot cantilever over the entire area of Lot 23 would be constructed.

East 33rd Street Rezoning
CEQR No. 17DCP203M

Absent the Proposed Actions, it is assumed that no development would occur in the Affected Area, and the uses described above would remain unchanged. The analysis year for the Proposed Actions is 2020.

An Environmental Assessment Statement is attached. Please contact Annabelle Meunier of the Department of City Planning at (212) 720-3426 if you have any questions regarding the application.

Sincerely,

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