DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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Department of City Planning

April 19, 2011

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

NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW

Re: **West 28th Street Rezoning**
CEQR No. 10DCP004M
ULURP Nos. 100063ZMM, 100064ZSM, N110285ZRY
Manhattan, Community District 5
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 New York City Department of City Planning (DCP) and 249 W. 28th Street Properties, LLC, are seeking actions affecting portions of two blocks within the Chelsea neighborhood in Manhattan, Community District 5. The area affected by the proposed actions is roughly bounded by West 30th Street to the north, Seventh Avenue to the east, West 28th Street to the south, and Eighth Avenue to the west.

The proposed actions include three components:

1. A zoning text amendment (ULURP No. N110285ZRY) proposed by the New York City Department of City Planning to create a new zoning district (M1-6D). The proposed text amendment would include the area proposed to be rezoned within an Inclusionary Housing designated area and modify street wall requirements on the properties located

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within 100 feet of Seventh Avenue, that are zoned (and will remain) M1-6;

2. A zoning map amendment (ULURP No. 100063ZMM) sought by 249 W. 28th Street Properties, LLC to rezone the midblock portion of two blocks bounded by West 28th Street, West 30th Street, Seventh Avenue and Eighth Avenue from M1-5 to the newly created M1-6D district; and

3. A special permit (ULURP No. 100064ZSM) sought by 249 W. 28th Street Properties, LLC pursuant to Zoning Resolution Sections 13-562 and 74-52 to allow for the development of a public parking garage containing 325 parking spaces (including 218 monthly spaces).

In addition, it should be noted that future development utilizing the Inclusionary Housing provisions of the proposed actions may involve discretionary City or State financing subject to environmental review. However, there are no applications for such financing at this time. Consequently an uncoordinated review is being conducted.

The proposed zoning map amendment and special permit would facilitate a proposal by 249 W. 28th Street Properties, LLC to construct a mixed use development consisting of two new 20-story mixed use buildings containing a total of 407 residential units (including 81 affordable dwelling units pursuant to the Inclusionary Housing Program), 11,390 square feet of commercial office uses and 4,685 square feet of retail uses on a through-block site fronting W. 28th and W. 29th Streets (Block 778, Lots 13, 16, 18 and 66, a.k.a. the "Proposed Development Site"). Additionally, the development would contain a public parking facility with a maximum capacity of 325 spaces (including spaces for 218 monthly parkers) occupying portions of the ground floor, cellar and sub-cellar levels and accessed via two curb cuts located on West 28th and West 29th Streets. The Proposed Development Site is currently developed with a 240-space public parking garage and a 131-space public parking lot.

In addition to facilitating development on the Proposed Development Site, the proposed actions are expected to result in further development on properties not under the control of 249 W. 28th Street Properties, LLC. Under the Reasonable Worst Case Development Scenario, nine additional projected development sites and four potential development sites have been identified. New development on the projected development sites is expected to include mixed use buildings with ground floor retail or community facility space with residential use on upper floors; a hotel; and residential conversions.

In total, anticipated development on the Proposed Development Site and nine projected development sites would result in a net increase of approximately 1,134 dwelling units (of which 220 would be affordable under the Inclusionary Housing program); 42,206 square feet of retail space; and 7 accessory parking spaces. Further, there would be a net decrease of approximately 15,153 square feet of commercial office uses; 8,596 square feet of industrial, manufacturing, warehousing, and wholesale uses; 189 hotel rooms; and 146 public parking spaces.

The area to be rezoned is currently zoned for medium-density (M1-5) commercial and light manufacturing uses, which are allowed up to a 5.0 FAR; residential uses are not permitted in manufacturing zones. The proposed rezoning to an M1-6D zoning district would create a unique set of use regulations that would: (1) allow the full range of commercial uses and light manufacturing uses appropriate in a mixed-use environment; (2) provide protections for existing concentrations of commercial and light industrial uses in a building; (3) allow infill residential development; (4) allow a broad range of community facility uses; (5) require ground floor retail uses and transparency to enliven the street; (6) require a special permit for hotels with more than 100 rooms (to ensure that the hotel development does not preclude the goal of encouraging residential uses and affordable housing) and (7) eliminate restrictions for local food stores. The district would increase the FAR for commercial, community facility, and manufacturing uses to 10.0 and establish controls governing the conversion from commercial and/or industrial uses to residential and/or hotel uses of buildings containing more than 50,000 square feet of floor area. It would also permit residential uses as-of-right at a density of 9.0 FAR, which could be increased to 12.0 FAR pursuant to the Inclusionary Housing Program.

The proposed M1-6D district would be appropriate in areas that have high-density manufacturing and commercial uses, presently have significant concentrations of affordable office space, and could benefit from the introduction of new investment and complementary uses, including residential. Outside of the area being rezoned as part of the proposed actions, there are no known plans to map the M1-6D district in the foreseeable future.

The zoning text amendment also includes new street wall requirements for zoning lots in the M1-6 district within 100 feet of the west side of Seventh Avenue between West 28th and West 30th Streets. On these lots, the proposed text would require a minimum street wall height of 125 feet and a maximum height of 150 feet before setback, with the sky exposure plane commencing at a height of 150 feet above the street line; the alternate front setback provisions of ZR Section 43-44 would not apply. Currently, standard M1-6 height and setbacks regulations apply in this area. The proposed text is intended to ensure that any future development in the affected portion of the M1-6 district would be contextual with surrounding structures in the newly mapped M1-6D district.

The analysis year for the proposed actions is 2019.

An Environmental Assessment Statement is attached. Please contact Olga Abinader of the Department of City Planning at (212) 720-3493 if you have any questions regarding the application.

Sincerely,

Robert Dobruskin

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cc: Jacquelyn Harris, Edith Hsu-Chen, Olga Abinader, Celeste Evans, Adam Wolff, Sam Voyages, Pat Bussey, Kenny Ranmarine, Susan Wong