CEQR No. 21DCP103M

Starrett-Lehigh and Terminal Warehouse

~~Draft~~Final Scope of Work for Preparation of a Targeted Draft Environmental Impact Statement

LEAD AGENCY



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Final Scope of Work

Section 1: Introduction

This ~~Draft~~Final Scope of Work outlines the technical areas to be analyzed in the preparation of a targeted Environmental Impact Statement (EIS) for the extension of the Special West Chelsea District (WCh), the creation of a new subarea in the WCh, and a change in the underlying zoning of the subarea. Most significantly, these actions would permit broader uses than currently allowed under existing zoning and place caps on the amount of floor area that could be occupied by certain uses. The project area, shown in **Figure 1**, includes the Starrett-Lehigh Building and Terminal Warehouse, 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 (Block 672, Lot 1 and Block 673, Lot 1). Both blocks are located within an M2-3 zoning district (see **Figure 2**).

Block 672 is occupied by the existing Starrett-Lehigh Building (601 West 26th Street), which was constructed between 1930 and 1931. The Starrett-Lehigh Building has an existing built floor area ratio (FAR) of approximately 14.79 and contains approximately 1.8 million gross square feet of space (1,835,150 gsf). It varies in height from 11 stories (approximately 140 feet) on the western portion of the building to 19 stories (plus bulkhead) at the eastern portion (approximately 219 feet). Current building tenants include design firms, multimedia agencies, directors, photographers, artists, and publishers.

Block 673 is occupied by the existing Terminal Warehouse building (261 Eleventh Avenue). Terminal Warehouse has an existing FAR of approximately 7.3 and contains approximately 1.14 million gsf (1,140,387 gsf). It was originally constructed in 1891 as a shipping and warehousing center and is now occupied by a mix of retail, restaurants, office space and self-storage. The building is 7 to 9 stories (85 feet) in height.

The Applicants, RXR SL Owner LLC and Terminal Fee Owner LP, are seeking a zoning map amendment to extend the WCh over the project area and create a new subarea; zoning text amendments to modify certain use, signage, sidewalk café, and loading requirements in the new subarea; and to change the zoning of the project area from M2-3 to M2-4.

Figure 1 Project Area Location



Figure 2 Existing Zoning Map



Section 2: Proposed Actions

The proposed actions would consist of the extension of the WCh over the project area, the creation of a new subarea (Subarea K), and a change in the underlying district from M2-3 to M2-4. Subarea K would allow additional uses within the following Use Groups (Use Group K uses) to be located within the Starrett-Lehigh and Terminal Warehouse buildings: Use Groups 3A, 4A, 6C, 9A, 10A ~~(see **Attachment A**)~~., and 12B. At present, these uses are either not permitted or are permitted with restrictions in the underlying M2-3 and proposed M2-4 districts. No residential use (Use Group 2); uses that include sleeping accommodations of any kind in Use Group 3 and Use Group 4; or hotels (Use Group 5) would be permitted. ~~The aggregate floor area for all uses in Use Group 10A (including clothing or clothing accessory stores, department stores, dry goods or fabric stores, furniture stores, and variety stores) will not be permitted to exceed 15 percent of the total floor area for each building.~~

The total maximum floor area of all Use Group K uses that are not already allowed in the M2 district will not be permitted to be greater than 25 percent of the existing floor area of the existing buildings (uses listed both in Use Group K and permitted in M2-4 districts shall not be counted towards the maximum floor area of all Use Group K uses). The maximum floor area for all Use Group 10A uses (including clothing or clothing accessory stores, department stores, dry goods or fabric stores, furniture stores, and variety stores) on any zoning lot will not be permitted to be greater than 15 percent of the ~~existing~~total floor area ~~of the existing buildings.~~for each building. The text amendment would also permit ~~a physical cultural establishment to be as-of-right without requiring approval from the Board of Standards and Appeals.~~ sidewalk cafes on West 27th Street (they are currently permitted and will ~~be~~remain permitted on Eleventh ~~Avenue and West 27th Street~~and Twelfth Avenues). The Proposed Actions would eliminate any required loading berths associated changes of use of any floor area.

The proposed subarea text would also allow certain 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:

- The portion of the street frontage of the zoning lot along Eleventh Avenue and within 15 feet of the intersection of two streets shall be referred to as the corner zone.
- Section 42-562 of the Zoning Resolution (restriction on angle and height above curb level) shall not apply to signage within the proposed corner zone.

However, Section 42-543 of the Zoning Resolution would still be applicable to the corner zone. This would result in a signage height allowance of 75 feet above the curb level within the corner zone and the allowance for signs to be oriented within 90 degrees of a commercial or residential district boundary.

~~The proposed subarea text would also require a Chairperson Certification to establish the maximum number of required loading berths for each building, without respect for the change of use of any floor area.~~

The change in the underlying district of the subarea from M2-3 to M2-4 would also make the buildings more complying in terms of FAR and bulk regulations. The text would increase the maximum floor area ratio from 2.0 FAR to 5.0 FAR and would allow the applicants to reconstruct their buildings up to 5.0 FAR in case of a catastrophic loss.

Section 3: Project Area, Project Area History, and Description of Surrounding Area

Project Area

The project area is located within the West Chelsea Historic District~~,~~ (WCHD), which was designated on July 15, 2008 (LP-02302). The Starrett-Lehigh Building is also an individually designated landmark structure (designated on October 7, 1986 [LP-1295]). The Starrett-Lehigh Building and Terminal Warehouse are both eligible for listing on the State and National Register of Historic Places according to the State Historic Preservation Office's Cultural Resource Information System.

Both buildings are occupied by a number of different types of businesses, including eating and drinking establishments, office, and showroom space (Use Groups 6, 7, and 9) and storage, warehouse, and studio space. Additionally, the Starrett-Lehigh Building contains manufacturing uses (Use Groups 16 and 17).

RXR SL Owner LLC is undertaking an as-of-right project that will transform approximately 43,000 square feet of the Starrett-Lehigh Building's ground floor into the Starrett-Lehigh food market. The renovated space will include approximately 40,000 sf of commercial space, including 13,000 sf of food hall use and 5,000 sf of ~~event and~~ exposition space. Two new entrances will be provided on West 26th Street and on Eleventh Avenue. As part of this project, new storefronts will be opened at the ground-floor on the Eleventh Avenue frontage, as approved by the New York City Landmarks Preservation Commission (LPC).

As further described below regarding the No-Action condition, Terminal Fee Owner LP is ~~currently applying for~~ being altered with a full-building ~~permits for a redevelopment that~~repositioning. This project, which is as-of-right ~~under the current zoning. The current plans,~~ received LPC approval on January 21, 2020~~, and,~~ the ~~projects~~project is proceeding separately from the proposed rezoning action. ~~The plans include a full-building restoration, the creation of an interior courtyard and five internal loading bays, and relocation of floor area to the top of the west side of the building.~~ Completion of this project is the No-Action condition.

Project Area History and Description of Surrounding Area

The Starrett-Lehigh Building was designed by Yasuo Matsui and built in 1931 as one of the first full-block freight terminals of its scale, which included multiple floors for warehouses, manufacturing, and office uses. Terminal Warehouse, constructed in 1890, was designed by George Mallory and consisted of an exterior wall that enclosed 25 separate ~~structures~~compartments. The building was used for shipping, warehousing, and moving and packing spaces, and it offered cold storage. In 1961, with the adoption of New York City's Zoning Resolution, the project area was mapped with an M2-3 zoning district, which allows development of 2 FAR. Both the Starrett-Lehigh and Terminal Warehouse sites are overbuilt but legally non-~~conforming~~complying.

The area surrounding the project area was historically a manufacturing and commercial neighborhood that has more recently undergone substantial change. In 2005, the WCh District was adopted—this rezoning included blocks between Tenth and Eleventh Avenues

extending from West 16th Street to West 30th Street. Also in 2005, the Special Hudson Yards District (HY) was established to the north of West 30th Street, extending north to West 41st Street. In 2018, the Special Hudson River Park District (HRPD) was mapped to include the eastern half of the block between Eleventh and Twelfth Avenues, extending from West 29th Street to West 30th Street.

The overall goals of the WCh were to facilitate new residential and commercial development, facilitate the reuse of the High Line, and enhance the neighborhood's art gallery district. WCh contains ten subareas (A-J) with different bulk regulations as well as other modifications relating to properties next to the High Line. Consistent with this rezoning and with trends in the area, between 2005 and 2013, there has been substantial new construction in West Chelsea, including 2.1 million square feet of built floor area and approximately 1,100 new dwelling units. The overall goals of HY were to foster a mix of uses and densities, provide new publicly accessible open space, extend the Midtown central business district by providing opportunities for substantial new office and hotel development, reinforce existing residential neighborhoods, and encourage new housing on Manhattan's Far West Side. To support the new district, the 7 line was extended and a new station (Hudson Yards) was opened in 2015. Construction of Hudson Yards began in 2012 with 10 Hudson Yards (office building) opening in 2016, and most of the remainder of Hudson Yards east of Eleventh Avenue, consisting of another five buildings containing a mix of office, hotel, retail, cultural, and residential uses, opening in 2019.

In 2012, DCP studied the potential of expanding the WCh into three new areas: (i) Area A, located at the southern portion of the district (Chelsea Market); (ii) Area B, located at the southwest portion of the district; and (iii) Area C, located west of the district between Eleventh and Twelfth Avenues from West 24th to West 30th Streets (this area includes the Starrett-Lehigh and Terminal Warehouse buildings). Only Area A was rezoned.

In 2018, a rezoning application for a portion of the block one block north of the project area was approved. This application included a variety of actions, one of which was a zoning map change to Block 675 to map HRPD and rezone the eastern half from a M2-3 District to a C6-4X District. The western half of the block remained an M1-6 district. The actions were requested to facilitate new mixed-use development of up to 1,196 new dwelling units and some commercial retail space.

Now that Hudson Yards is developed, pedestrian traffic is expected to extend south to the project area. The proposed rezoning would establish a connection from a planning perspective for pedestrians traveling between West Chelsea, Hudson Yards, and Hudson River Park, supporting their respective goals.

Description of Proposed Project

As discussed above, the proposed actions would permit broader uses than currently allowed under existing zoning and place caps on the amount of floor area that could be occupied by certain uses. The proposed actions would allow the applicants to lease space in the existing Starrett-Lehigh and Terminal Warehouse buildings to a more diverse range of tenant types, such as local and destination retail, academic or university space, and medical offices (Use Groups 3A, 4A, 6C, 9A, 10A, and ~~10A~~12B), giving the applicants the flexibility needed to respond to changes in the economy over the long term. Retail tenants could include a mix of tenant type, such as boutique clothing stores, "urban format" variety stores, "clicks-to-bricks"

locations, specialty, and other retail stores. Given the timeframe for the proposed actions, no specific tenants have yet been identified.

Section 4: Purpose and Need

Currently, the project area is mapped within an M2-3 District, which has use regulations geared towards traditional medium performance manufacturing uses prevalent in the 1960s, including industrial and semi-industrial uses, and severely limited retail options. These limitations on retail do not serve the needs of current and prospective tenants of the buildings and limit the potential pool of tenants. The proposed actions would allow the applicants to lease space in the existing Starrett-Lehigh and Terminal Warehouse buildings to a more diverse range of tenant types, such as local and destination retail, academic or university space, and medical offices (Use Groups 3A, 4A, 6C, 9A, 10A, and ~~10A~~12B). In addition, the large number of the recent mixed-use developments and projected mixed-use residential developments in the surrounding West Chelsea area will result in a large increase in residents and workers that will require such increased local goods and services to support their needs. The proposed actions would also establish a connection, from a planning perspective, for pedestrians traveling between West Chelsea, Hudson Yards, and Hudson River Park.

Section 5: Analysis Framework

For the purpose of the environmental analyses, the No-Action condition represents the future absent the proposed actions and serves as the baseline by which the proposed actions (or With-Action condition) are compared to determine the potential for significant environmental impacts. The difference between the No-Action and With-Action conditions represents the increment to be analyzed in the CEQR process.

Analysis Year

An analysis year of 2024 will be used in the EIS. This accounts for overall project approval through the ULURP process in 2021 and approximately 18 months to two years thereafter for the applicants to lease space in their respective buildings to a more diverse range of tenant types. For the purposes of environmental review, the conservative 18 to 24-month lease up and occupancy is assumed. In reality, the applicants expect a more gradual re-tenanting of the buildings with the new uses. Terminal Warehouse , with its as-of-right renovation (see "The Future Without the Proposed Actions (No Action Condition)"), is expected to have new tenants in the short term, including the more diverse tenants allowed under the proposed actions; the Starrett-Lehigh Building, due to existing leases, is expected to have new tenants with new uses over time as leases expire. In both buildings, ~~there is no construction period to account for in determining the build year since~~ any construction needed would be interior construction to fit out tenant space, typical of any building that changes tenants. Therefore, there is no construction period or duration relevant to CEQR analysis.

Reasonable Worst-Case Development Scenario (RWCDS)

The proposed actions would allow the following:

- Within the Starrett-Lehigh Building, up to 25 percent ~~of gross floor area~~ (or approximately 459,000 sf) of the building~~)~~ to contain tenants consistent with the Use Groups 3A, 4A, 6C, 9A, ~~and 10A~~10A, and 12B (Subarea K uses that are not already allowed in the M2 district). All Use Group 10A uses shall not be greater than 15 percent (or approximately 275,000 sf) of the building.
- Within the Terminal Warehouse building, up to 25 percent (or approximately 282,000 sf) to contain tenants consistent with the Use Groups 3A, 4A, 6C, 9A, 10A, and 12B (Subarea K uses that are not already allowed in the M2 district). ~~All Use Group 10A uses shall not be greater than 15 percent of gross floor area (or approximately 275,000 sf).~~
- ~~Within the Terminal Warehouse building, up to 25 percent of gross floor area (or approximately 282,000 sf of the building) to contain tenants consistent with the Use Groups 3A, 4A, 6C, 9A, and 10A (Subarea K uses that are not already allowed in the M2 district).~~ All Use Group 10A uses shall not be greater than 15 percent of ~~gross~~ floor area (or approximately 171,000 sf).

Generally, the Use Groups listed above fall into four main categories of uses: local retail, destination retail, academic or university space, and medical office. These main categories represent a range of uses with varying trip generation characteristics. Based on these main categories, a Reasonable Worst-Case Development Scenario (RWCDS) was identified to provide the framework for analysis in the EIS (see **Table 1**). Specifically, it shows the mix of the four main use categories to be analyzed in the environmental review. The RWCDS considers the full amount of destination retail that could be included in each building; all retail in the RWCDS is treated as destination retail, since destination retail generates a higher number of vehicle trips. The RWCDS also considers academic and medical office space. Taken together, this mix provide a reasonable estimation of both vehicular and pedestrian/subway trip generation such that the potential for significant adverse transportation impacts across modes is studied.

Table 1 Comparison of Uses in the With-Action and No-Action Conditions (RWCDS for Analysis) in GSF

	No-Action			With-Action			
	S-L	TW	N-A Total	S-L	TW	W-A Total	Increment
Commercial Office	1,465,150	1,004,387	2,469,537	1,189,876	855,290	2,045,166	(424,371)
Retail (Local)	43,000	136,000	179,000	43,000	-	43,000	(136,000)
Retail (Destination)				275,273	171,058	446,331	446,331
Manufacturing	327,000	-	327,000	143,485	-	143,485	(183,515)
Academic	-	-	-	165,164	102,635	267,799	267,799
Medical Office	-	-	-	18,352	11,404	29,756	29,756
Total Per Building	**1,835,150**	**1,140,387**	**2,975,537**	**1,835,150**	**1,140,387**	**2,975,437**	**0**

Identification of Development Sites

As discussed above, the proposed actions would affect just the project area, which includes the Starrett-Lehigh Building and Terminal Warehouse, 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 (Block 672, Lot 1 and Block 673, Lot 1). No other

sites would be affected. The proposed actions would not result in new construction, demolition, or significant physical alteration of either building.

Future Without the Proposed Actions (No-Action Condition)

Absent the proposed actions, the Starrett-Lehigh Building will remain in its existing condition and will continue to be tenanted with businesses consistent with Use Groups 6A, 6B, 7, 9, 16, and 17, as permitted in M2 districts. The as-of-right Starrett-Lehigh food market project (i.e., the transformation of approximately 43,000 square feet of the Starrett-Lehigh Building's ground floor into commercial space, including food hall use and ~~event and~~ exposition space) will be completed in 2021.

Also in the No-Action condition, the Terminal Warehouse building will be altered by converting approximately 500,000 square feet of storage into new office space and repositioning the ground floor to include food and beverage retail uses permitted under current zoning. As part of this full-building repositioning, approximately 200,000 square feet will be carved out of the building to create a double height space and a courtyard and will be added back as a rooftop addition on the western portion of the building. The re-allocation of floor area will not result in an increase in zoning floor area. The owner will undertake a restoration of the building—including façade repairs, window replacement, cornice repairs, fire escape removal, and reintroduction of historic details, such as window shutters.

The No-Action scenario conforms to existing zoning and reflects completion of RXR SL Owner LLC's ongoing build-out of the Starrett-Lehigh Building's ground floor (Starrett-Lehigh Market) and Terminal Fee Owner LP's completion of its conversion and repositioning plans, which will both occur absent the proposed actions.

Future With the Proposed Actions (With-Action Condition)

In the future with the proposed actions, broader uses than currently allowed under existing zoning would be permitted within the project area, and the applicants would be able to lease space in the existing Starrett-Lehigh and Terminal Warehouse buildings to a more diverse range of tenant types. Because specific tenants have not been identified, the EIS will consider a mix of uses consistent with the RWCDS described above.

City Environmental Review (CEQR) and Scoping

The proposed actions are considered Type I. As detailed in **Part II, Technical Analysis**, of the Environmental Assessment Statement (EAS) form prepared for the proposed actions, the proposed actions would not exceed the CEQR thresholds for analysis of the following technical areas, which, therefore, have been screened out: socioeconomic conditions, community facilities, open space, shadows, natural resources, hazardous materials, water and sewer infrastructure, solid waste and sanitation services, energy, air quality (stationary source analyses), greenhouse gas emissions and climate change, noise (stationary source analyses), and construction. Therefore, no further analysis of these technical areas is warranted. For certain technical areas, the proposed actions would exceed the CEQR threshold for analysis, and the potential for impact cannot be ruled out. As such, the New York City Department of City Planning (DCP), as lead agency, has issued a Positive Declaration, which establishes that

the proposed actions may have a significant adverse impact on the environment, thus warranting the preparation of a targeted Environmental Impact Statement (EIS).

The CEQR scoping process is intended to focus the EIS on those issues that are most pertinent to the proposed actions. The process allows other agencies and the public a voice in framing the scope of work for the EIS. The scoping document sets forth the analyses and methodologies that will be utilized to prepare the EIS. During the period for scoping, those interested in reviewing the Draft Scope of Work (Draft Scope) may do so and give their comments to the lead agency. The public, interested agencies, Community Boards, and elected officials ~~are~~were invited to comment on the Draft Scope, either in writing or orally, at a public scoping meeting ~~to be~~ held on January 11, 2021 at 2 PM. In support of the City's efforts to contain the spread of COVID-19, DCP ~~will hold~~held the public scoping meeting remotely through video conferencing. The meeting ~~will be~~was live streamed and accessible from New York City's online remote meeting portal~~—~~, NYC Engage~~:~~ ~~https://www1.nyc.gov/site/nycengage/events.~~[1]

Comments received during the Draft Scope's public meeting and written comments received until 5:00 PM on January 21, 2021~~, will be~~ have been considered and incorporated as appropriate into ~~the~~this Final Scope of Work (Final Scope). The Final Scope ~~will incorporate~~incorporates all relevant comments made on the Draft Scope and ~~revise~~revises the extent or methodologies of the studies, as appropriate, in response to comments made during scoping~~.~~ (see **Attachment A**). The Draft EIS (DEIS) will be prepared in accordance with ~~the~~this Final Scope.

Once the DEIS is complete, the document will be made available for public review and comment. A public hearing will be held on the DEIS in conjunction with the CPC hearing on the land use applications to afford all interested parties the opportunity to submit oral and written comments. The record will remain open for ten days after the public hearing to allow additional written comments on the DEIS. At the close of the public review period, a Final EIS (FEIS) will be prepared that will respond to all substantive comments made on the DEIS. The FEIS will then be used by the decision makers to evaluate CEQR findings, which address project impacts and proposed mitigation measures, in deciding whether to approve the requested discretionary actions, with or without modifications.

Section 6: Proposed Scope of Work for the DEIS

The New York City Department of City Planning, acting on behalf of the City Planning Commission (CPC), is the lead agency for the environmental review. DCP determined that the RWCDS that could occur under proposed actions has the potential to result in significant environmental impacts in certain technical areas and, therefore, pursuant to CEQR procedures, issued a positive declaration requiring that a targeted Draft EIS be prepared for the proposed actions that analyze the technical areas of concern. The Draft EIS will be prepared in conformance with all applicable laws and regulations, including the State Environmental Quality Review Act (SEQRA) (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules and Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York.

[1] https://www1.nyc.gov/site/nycengage/events.

As described previously, the environmental review provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify, and mitigate where practicable, any significant adverse environmental impacts.

The EIS, following the guidance of the ~~*2014*~~*2020 CEQR Technical Manual*, will contain:

- A description of the proposed actions, the RWCDS, and its environmental setting;
- A statement of the potential significant adverse environmental impacts of the proposed actions, including their short- and long-term effects, typical associated environmental effects, and cumulative effects when considered with other planned developments in the area;
- A description of mitigation measures proposed to eliminate or minimize adverse environmental impacts;
- An identification of any adverse environmental effects that cannot be avoided if the proposed actions are implemented;
- A discussion of reasonable alternatives to the proposed actions; and
- A discussion of any irreversible and irretrievable commitments of resources to develop the project.

As noted above, the EIS will analyze the RWCDS that could be realized under the proposed actions for all technical areas of concern. The specific technical areas to be included in the EIS, as well as their respective tasks and methodologies, are described below.

The first step in preparing the EIS is the public scoping process. Scoping is the process of focusing the environmental impact analysis on the key issues that are to be studied in the EIS. The proposed scope of work for each technical area to be analyzed in the EIS follows. The scope of work and the proposed impact assessment criteria below are based on the methodologies and guidance set forth in the ~~*2014*~~*2020 CEQR Technical Manual*.

Task 1: Project Description

As the first chapter of the EIS, the Project Description introduces the reader to the proposed actions and sets the context in which to assess impacts. This chapter will contain a description of the Starrett-Lehigh Building and Terminal Warehouse: their location; the background and/or history of the two buildings; a description of the proposed actions, including a statement of the purpose and need for the actions; key planning considerations that have shaped the current proposal; and a discussion of the approvals required, procedures to be followed, and the role of the EIS in the process. This chapter is the key to understanding the proposed actions and gives the public and decision makers a base from which to evaluate the proposed actions.

In addition, the project description chapter will summarize the RWCDS for analysis. The section on approval procedure will explain the ULURP, zoning text amendment, and zoning map amendment processes, their timing, and hearings before the Community Board, the Borough President's Office, the CPC, and the New York City Council. The role of the EIS as a full disclosure document to aid in decision-making will be identified and its relationship to the discretionary approvals and the public hearings described.

Task 2: Historic and Cultural Resources

This chapter will assess the potential for the proposed actions to result in significant adverse impacts on historic and cultural resources. For the analysis of architectural resources, the EIS will identify and map known and potential architectural resources within a 400-foot study area of the project area. The analysis will focus on the potential effects related to the proposed actions.

Task 3: Hazardous Materials

The hazardous materials section will examine the potential for significant hazardous materials impacts from the proposed project. The EIS will include a discussion of the project area's history and current environmental conditions, and will summarize any Phase I Reports that have been conducted for the project area. The chapter will include a discussion of the proposed project's potential to result in significant adverse hazardous materials impacts and, if necessary, will include a description of any additional further testing, remediation, or other measures that would be necessary to avoid impacts.

Task 4: Transportation

This section of the EIS will evaluate whether the RWCDS would result in significant impacts on vehicular traffic, parking, transit services, pedestrian circulation, or vehicular and pedestrian safety. Should significant impacts be identified per *CEQR Technical Manual* criteria, the EIS will evaluate transportation system improvements to mitigate those impacts. The transportation analysis will include the subtasks outlined below.

Travel Demand Analysis

Trip generation projections will be developed by travel mode for each of the land uses comprising the RWCDS, using trip generation rates, temporal distributions, modal splits, average vehicle occupancies, and in/out splits that are published in the *CEQR Technical Manual*, US Census data, New York City Department of Transportation (DOT) survey data, EISs for other similar development uses and locations, or databases available from the Institute of Transportation Engineers (ITE) or other professional reference materials. This will be done for the weekday AM, midday, PM, and Saturday midday peak hours.

This process begins with a Level 1 screening analysis to determine whether vehicle, transit, and/or pedestrian trip thresholds outlined in the *CEQR Technical Manual* are exceeded, thus indicating the need for additional analyses. The Level 1 screening analysis will produce peak hour person trip projections and vehicle trip projections for the four traffic and transportation analysis hours and determine if additional (Level 2) screening analyses are needed.

The second part of the travel demand analysis is a Level 2 screening for vehicular, transit, and pedestrian trips—the distribution and assignment of trips through the study area's roadway network, subway and bus services, and pedestrian network as well as the determination of whether specific intersections, subway and/or bus lines, or pedestrian locations exceed CEQR thresholds. If Level 2 CEQR thresholds are exceeded, specific traffic and transportation locations are identified which require counts and detailed quantitative analyses.

Traffic Analysis

- Define the following 21 traffic study area intersections for detailed traffic counts and analyses:
  - Route 9A at West 30th Street, 29th Street, and 26th Street
  - Eleventh Avenue from West 30th Street through West 24th Street
  - Tenth Avenue at West 34th Street, at West 33rd Street and from 31st Street through West 23rd Streets
- Assemble available intersection through and turning movement counts at each of the analysis locations during the peak periods from certified EISs and other approved studies, as well as Automatic Traffic Recorder (ATR) machine counts from the same sources. New intersection counts and ATR counts will also be conducted for a full week and two weekends where needed to fill in the gaps in the traffic volume networks. Consultation and close coordination will be maintained with DOT CEQR traffic reviewers so that new intersection counts conducted during COVID conditions will be adjusted and "normalized" to reflect typical non-COVID conditions. Field observations will be conducted of traffic operations.
- Identify the weekday and Saturday peak hours and prepare traffic volume maps for each of the analysis traffic peak hours.
- Inventory streets and intersections for street and lane widths, lane use designations, posted parking regulations and parking maneuvers, signal phasing and timing, and other factors needed to calculate intersection capacities.
- Determine existing traffic conditions for intersections being analyzed using Highway Capacity Manual (HCM) procedures and ~~Highway Capacity Software (HCS),~~Synchro 11, i.e., existing volume-to-capacity (v/c) ratios, average vehicle delays, and levels of service—for individual traffic movements and lane groups, overall approaches to the intersection, and the overall intersection.
- Develop future No-Action traffic volumes using the annual background traffic growth rate cited in the *CEQR Technical Manual* plus traffic expected to be generated by significant development projects that would be operational near the project area by 2024.
- Identify any proposed changes to the street network expected to occur by the analysis year and incorporate changed intersection capacity or operational conditions attributable to those changes.
- Determine future No-Action traffic conditions for the intersections being analyzed.
- Develop future With-Action traffic volumes by adding RWCDS-generated traffic assignments to the future No-Action traffic volumes.
- Determine future With-Action traffic conditions for the intersections being analyzed and identify significant traffic impacts, based on changes to traffic levels of service, using criteria stipulated in the *CEQR Technical Manual*.

Parking Analysis

- Inventory the amount of existing off-street parking at public parking lots and garages within a five-minute (one-quarter mile) walk of the project area. This will include the location, capacity, and midday utilization of such facilities on a typical weekday and Saturday. Adjustments may be necessary to reflect non-COVID conditions.

- Inventory existing accessory parking for autos and loading/unloading delivery vehicles and trucks at the Starrett-Lehigh site, and describe general on-street parking regulations near the project area.
- Determine the parking demand expected to be generated by the RWCDS on a typical weekday and Saturday based on hour-by-hour forecasts of daily auto trips for the two project sites. Based on these forecasts and any changes to on-site accessory parking capacity, determine whether available off-street parking spaces in the area would be sufficient to accommodate the projected demand.

Transit Analysis

Subways

- Identify the subway routes and stations serving the project area, their hours of operation, and their frequencies of service by time of the day. This will include the No. 7 line and its 34th Street-Hudson Yards station, and the C and E lines and their 23rd Street station. If the CEQR thresholds for analysis are exceeded at either station (i.e., an increase of 200 or more passengers at a station), further analysis of that station will be undertaken for the appropriate weekday peak hour periods, consistent with CEQR methodologies to determine the potential for significant adverse impacts based on changes to the volume-to-capacity ratio at subway station elements (i.e. turnstiles, stairways, etc.).
- Identify the volume of subway riders using these stations using ridership data to be obtained from MTA/New York City Transit supplemented by pedestrian counts to be conducted at each station's critical stairways and fare control areas during the weekday peak transit analysis periods. New pedestrian counts conducted during COVID conditions would be adjusted per discussions with MTA/New York City Transit (MTA/NYCT). Existing conditions will be evaluated during the peak analysis periods should they exceed CEQR thresholds.
- Evaluate future ridership increases for the analysis year, including annual background ridership growth plus ridership from No-Action projects, and evaluate future No-Action conditions for critical subway stairwells and fare control areas.
- Assign project-generated trips to the two stations and develop With-Action volumes for the stations' critical elements, evaluate those critical station elements and fare control areas, and identify the potential for significant impacts.
- Identify the maximum load point along the subway lines using line-haul ridership data obtained from MTA/NYCT and identify the potential for significant impacts.

Buses

- Identify and describe the local bus routes and bus stops serving the project area – the M11, M12, M23 and M23 SBS, and M34 and M34 SBS – and their hours of operation and frequency of service. Peak load points will be identified using bus ridership data to be obtained from MTA/NYCT; their utilization during weekday AM and PM peak hours will be evaluated. If the CEQR thresholds for analysis are exceeded on any individual bus route (i.e., an increase of 50 or more bus passengers on a single bus line in one direction), further analysis of that route will be undertaken consistent with CEQR methodologies to determine the potential for significant adverse impacts.

- Evaluate projected future No-Action conditions using annual background growth rates and incorporating bus ridership increases from other nearby significant development project expected to be completed by 2024.
- Assign project-generated bus trips to study area bus routes and bus stops and determine whether there would be significant impacts on bus load levels.

Pedestrian Analysis

- Conduct pedestrian counts at intersections along key walking routes between the project sites and subway stations, bus stops, and other key destinations in the traffic study area. These counts will be conducted at key intersection crosswalks, sidewalks, and corner reservoir areas at these locations during the weekday AM, midday, PM, and Saturday midday analysis periods. The location of these pedestrian street elements will be determined based on the pedestrian trip assignments determined in the Level 2 screening analyses. As noted above for vehicular traffic, these counts are expected to be conducted during COVID conditions; therefore, adjustment factors will be established in conjunction with DOT and DCP reviewers to reflect "normalized" non-COVID conditions.
- Establish the specific peak pedestrian hours to be analyzed for weekday AM, midday, PM, and Saturday midday conditions, and develop pedestrian volume maps for the four traffic peak hours.
- Determine existing pedestrian conditions using Highway Capacity Manual (HCM) procedures and in accordance with *CEQR Technical Manual* protocols.
- Develop future No-Action pedestrian volumes using the annual background traffic growth rate cited in the *CEQR Technical Manual* plus pedestrian traffic expected to be generated by significant development projects expected to be operational near the proposed project sites by its analysis year.
- Identify any proposed changes to the street network expected to occur under No-Action conditions by the analysis year and incorporate changed capacity or operational conditions attributable to those changes on pedestrian conditions.
- Develop future With-Action pedestrian volumes by adding project-generated pedestrian assignments to the future No-Action pedestrian volumes.
- Identify significant pedestrian impacts, if any, using criteria stipulated in the *CEQR Technical Manual*.

Safety

This section of the EIS will include a review of vehicular and pedestrian crash data for the most recent three-year period for which such data are available, and a summary of the number and severity of crashes by year for each of the traffic study area intersections. The analysis will determine whether any of the analysis intersections are considered high accident locations according to *CEQR Technical Manual* criteria and will also assess whether traffic generated by the proposed project would contribute materially to safety risks at such locations. The EIS will identify potential safety improvements at the high accident locations, if warranted.

Task 5: Air Quality

As discussed in the EAS, the air quality analysis will focus on the potential effects from mobile sources associated with the change in use associated with the proposed actions.[2]

A mobile source screening analysis of the RWCDS-generated trips will be conducted following the *CEQR Technical Manual*. It is anticipated that in comparison to the No-Action condition, the With-Action condition may exceed both the screening threshold for carbon monoxide (CO) emissions from mobile sources and the particulate matter (PM) emission screening threshold. Therefore, if needed, the EIS will include an analysis of mobile sources associated with the RWCDS.

The screening analysis will use the traffic data developed for the RWCDS and compare the RWCDS-generated trips to the screening thresholds described in the *CEQR Technical Manual* Chapter 17, sections 210 (and 311) for both CO and PM. If the screening analysis demonstrates that either detailed analyses are needed for either CO or PM, the EIS will include a detailed hot-spot intersection analyses for the appropriate pollutant to determine whether the net increase in traffic would have the potential for a significant adverse impact on air quality at the local level. Should multiple intersections fail the screening, the intersections with the worst levels of service and highest overall volumes due to the RWCDS will be selected for analysis.

The latest version of the U.S. Environmental Protection Agency's (EPA) MOVES model, MOVES2014b, will be used to calculate CO and PM emission factors. If only CO detailed analysis is required, the EPA CAL3QHC intersection model will be used to predict 1-hour CO concentrations. The 8-hour average CO concentrations will be estimated by multiplying the predicted 1-hour average CO concentrations by a persistence factor of 0.77 to account for persistence of meteorological conditions and fluctuations in traffic volumes.

Should both CO and PM fail screening, the latest version of the EPA AERMOD dispersion model, with 5 years of the most recent available meteorological data, will be used for CO and PM microscale analyses.

The predicted levels will be compared with the National Ambient Air Quality Standards (NAAQS) and the City's CO and $PM_{2.5}$ de minimis criteria.

Task 6: Noise

As discussed in the EAS, the EIS will focus the noise analysis on the potential for changes in mobile sources to affect noise levels in the area. Using information from the Transportation analysis, the EIS will evaluate the number of incremental passenger car equivalents (PCEs) between the No-Action and With-Action conditions to determine if the RWCDS has the potential to significantly increase (i.e., double) the number of PCEs, thereby potentially increasing noise by 3 dB or more at nearby receptors and resulting in significant noise impact. If PCEs would double with the With-Action condition, a detailed traffic noise analysis will be undertaken as part of the EIS.

[2] As indicated in the EAS, the Proposed Actions would not result in the development of new floor area, changes to the HVAC systems at either building, nor changes to energy consumption and emissions. There are also no industrial sources or large or major emissions sources surrounding the project area. Therefore, an analysis of stationary sources is not warranted.

In addition, the EIS will evaluate whether new noise-sensitive uses such as academic and community facility space to be located within the Starrett-Lehigh Building and Terminal Warehouse would be located within an area with high ambient noise levels. The analysis for new receptors will be based on either measurements to be taken in the project area or on previous noise measurements conducted at and near the project area as part of other studies such as other EASs and EISs. With-Action noise conditions will be predicted based on these previous measurement results and the results of the mobile source noise analysis. The With-Action noise conditions will be assessed to determine if noise-sensitive uses would be introduced into an acceptable noise environment and whether a certain level of window/wall sound attenuation is required.

Task 7: Public Health

According to the *CEQR Technical Manual*, public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability and premature death; and reducing inequalities in health status. The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur as a result of a proposed project, and if so, to identify measures to mitigate such effects. According to the guidelines of the *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. If unmitigated significant adverse impacts are identified in any of these technical areas and the lead agency determines that a public health assessment is warranted, an analysis will be provided for the specific technical area or areas.

Task 8: Neighborhood Character

The character of a neighborhood is the result of a combination of various contributing elements, including land use patterns, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include traffic and pedestrian patterns and noise. This chapter of the EIS will use information from other EIS chapters to assess whether any identified significant adverse impacts in the areas of land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise would have the potential to affect neighborhood character. If warranted, based on an evaluation of the RWCDS's impacts, an assessment of neighborhood character will be prepared following *CEQR Technical Manual* methodologies. This analysis would consist of describing the predominant factors that contribute to defining the character of the neighborhood within a 400-foot study area of the project area, summarizing changes in the character of the neighborhood that can be expected in the future No-Action condition, and evaluating the proposed actions' potential to affect the defining features of the neighborhood.

Task 9: Mitigation

Where significant adverse RWCDS impacts have been identified, measures to mitigate those impacts will be identified and described. These measures will be developed and coordinated with the responsible City/State agencies as necessary. In the event that one or more

significant adverse impacts cannot be mitigated, the reason that mitigation is not practicable will be discussed and these impacts will be described as unavoidable adverse impacts.

Task 10: Alternatives

SEQRA requires that alternatives to the proposed actions be identified and evaluated in an EIS so that the decision-maker may consider whether alternatives exist that would minimize or avoid adverse environmental effects. The selection of alternatives to a proposed action is determined by taking into account the nature of the specific project, its stated purpose and need, potential impacts, and the feasibility of potential alternatives. Consistent with SEQRA, a No Action Alternative will be considered. In addition, if any significant adverse impacts are identified, a No Unmitigated Significant Adverse Impact Alternative will be considered, which includes an assessment of a RWCDS that would result in no unmitigated impacts. Additional alternatives to the proposed actions will also be considered once the full extent of the impacts has been identified. The alternatives analysis will be qualitative.

Task 11: EIS Summary Chapters

In accordance with CEQR guidelines, the EIS will include the following summary chapters, where appropriate to the proposed actions:

- Unavoidable Adverse Impacts. This chapter will summarize any significant adverse impacts that are unavoidable if the proposed actions are implemented regardless of the mitigation employed (or if mitigation is not feasible).
- Growth-Inducing Aspects of the Proposed Actions. This chapter will summarize the "secondary" impacts of the proposed actions that trigger further development.
- Irreversible and Irretrievable Commitments of Resources. This chapter will summarize the proposed actions and their impacts in terms of the loss of environmental resources (use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term.
- Executive Summary. The executive summary will use relevant material from the body of the EIS to describe the proposed actions, the environmental impacts from the RWCDS, measures to mitigate those impacts, and alternatives to the proposed actions.

Appendix A: Response to Comments

1

Introduction

This document summarizes and responds to comments on the Draft Scope of Work (DSOW) for the Starrett Lehigh and Terminal Warehouse Rezoning project published on December 11, 2019.

City Environmental Quality Review (CEQR) requires a public scoping meeting as part of the environmental review process. Oral and written comments were received during the public hearing held by the New York City Department of City Planning on January 11, 2021. Written comments were accepted from issuance of the DSOW through the close of the public comment period, which ended on January 21, 2021. Attachment B contains the written comments received on the Draft Scope of Work.

Section 2 lists the elected officials, organizations, and individuals that provided relevant comments on the DSOW. **Section 3** contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DSOW. Where more than one commenter expressed similar views, those comments have been grouped and addressed together.

2

List of Elected Officials, Organizations, and Individuals who Commented on the Draft Scope of Work

Community Board

1. Betty Mackintosh, Co-Chair of Land Use Committee for Manhattan Community Board 4, spoken testimony (CB4-Mackintosh)
2. Paul Devlin, Co-Chair of Land Use Committee for Manhattan Community Board 4, spoken testimony (CB4-Devlin)
3. Manhattan Community Board 4, written statement dated January 15, 2021 (CB4)

3

Comments and Responses on the Draft Scope of Work

Historic Resources

C.1 **CB4 requests that the applicant restore two parapets on the east facade of the Terminal Warehouse building as this would result in a more attractive and accurate historic restoration of the Terminal Building's Eleventh Avenue façade. The final scope for the DEIS should include this action and ensure that no measures identified in the DEIS preclude this restoration. (CB4, CB4-Devlin)**

Response: Restoration of the two parapets on the east façade of the Terminal Warehouse building is not currently part of as-of-right building renovation plan for Terminal Warehouse or part of the Proposed Action. However, restoration of these two parapets would not be precluded by the Proposed Action as there is an available special permit under which these could be restored (Section 74-711 Landmark preservation in all districts).

Transportation

C.2 **The final scope should include analyses of the anticipated visitors to both buildings. Their modes of transportation should be projected, and studies should include pedestrians, bikes, buses, subways and taxis. (CB4, CB4-Mackintosh)**

Response: As discussed on page 8 of the Final Scope of Work,[1] trip generation projections in the EIS will be developed by the travel modes identified in the 2020 *CEQR Technical Manual*

[1] Page 9 in the Draft Scope of Work.

– i.e., autos, taxis, delivery vehicles, bus, subway, rail, and walking. These trip generation projections will reflect trips from both tenants and visitors to both buildings. The *CEQR Technical Manual* does not identify bicycles as a mode of transportation that warrants study.

C.3 The final scope should include analyses of the use of the Seventh Avenue subway and the Eighth Avenue subway at West 23rd Street stops. The subway is a popular mode of transportation for people to access both buildings. The study area should be expanded to include these locations and the corresponding streets and avenues that will be utilized by subway users. (CB4, CB4-Mackintosh)

Response: As discussed on page 10 of the Final Scope of Work,[2] the subway analysis will identify the routes and stations serving the project area with a particular focus on the 34th Street-Hudson Yards station (7 line) and the 23rd Street station at Eighth Avenue (C and E lines). These two stations are located within an approximate half-mile radius (i.e., ten-minute walk) of the project area. Based on trip assignments, pedestrian volumes on sidewalks, corners, and crosswalks along direct routes to these two stations will exceed the CEQR thresholds and therefore will be included in the detailed pedestrian analysis. The Seventh Avenue station is not considered a major source of pedestrian volumes as it is outside of the half-mile radius (i.e., ten-minute walk); per CEQR guidelines, analysis of that station is not warranted.

C.4 Analyses are needed for bike-riding demand, bike parking, and bike-share use. Studies should indicate whether there is a need for protected bike lanes and bike-share stations at the curb. (CB4)

Response. An analysis of the need for protected bike lanes or for bike-share stations is outside the scope of a CEQR transportation analysis and is within the New York City Department of Transportation's jurisdiction. However, consistent with the *CEQR Technical Manual*, the EIS will include a safety assessment of high crash locations within the transportation study area. This assessment includes crashes involving vehicles, pedestrians, and bicyclists. A summary of potential safety improvements will be provided for locations identified as high crash locations.

C.5 Since the project description specifies that "The proposed actions would also establish a connection, from a planning perspective, for pedestrians traveling between West Chelsea, Hudson Yards, and Hudson River Park," those volumes should be added to the analysis. (CB4)

Response: As part of the transportation analysis, the EIS will consider existing and projected future pedestrian activity at key locations in the area, including along routes to the specified locations.

C.6 The pedestrian analyses must use as a basis the actual and the projected future right of way, taking in account existing and future obstructions on sidewalks: loading docks with protruding trucks, garbage, sidewalk cafes, trees, bike racks, and other obstructions. A central trash area for building users might provide more sidewalk space for pedestrians. An interior trash/recycling storage area would provide even more sidewalk space. If mitigations for pedestrians are needed: a limit on sidewalk

[2] Page 11 in the Draft Scope of Work.

obstructions might be 10 percent of the block face. Approved sidewalk cafes should not obstruct more than 30 percent of the block or leave a 12-foot clear path to the curb (to accommodate trees) whichever is less. (CB4)

Response: As part of the EIS transportation analysis, the pedestrian analyses will reflect current and future obstructions on pedestrian elements identified for detailed analyses. The list of obstructions will include, but not be limited to, loading dock obstructions, tree pits/planters, bike racks, garbage receptacles, outdoor restaurant seating, and other existing or planned sidewalk features that reduce available walking space.

The applicant, RXR SL Owner LLC, notes that solid waste is currently, and will continue to be, handled within the Starrett-Lehigh Building. In connection with the as-of-right changes being made at the Terminal Warehouse, Terminal Fee Owner LP (applicant for the Terminal Warehouse building) will introduce a loading area interior to the building where waste and recyclables will be handled.

C.7 **Already many pedestrians walk on West 26th Street; if the new uses in the Starrett-Lehigh Building are successful, certainly a major increase in pedestrians would be expected. A continuing problem has resulted from parked trucks that extend into West 26th Street, blocking the sidewalk on the north side of West 26th Street. Pedestrians are forced to cross West 26th Street to the south side mid-block. A potential solution for this dangerous condition could be creating a marked mid-block pedestrian crosswalk. The New York City Department of Transportation (DOT) has rejected this idea. CB4 asks that the scope for the Targeted EIS include analyses of existing and projected pedestrian usage so DOT could re-visit this issue. (CB4, CB4-Mackintosh)**

This problem may be somewhat lessened in several months when three of the longest trucks using West 26th Street loading docks will instead start using three new Twelfth Avenue loading bays in the Starrett-Lehigh Building. To direct pedestrians from using West 26th Street, signage could be installed to encourage them to walk on West 27th Street instead. West 27th Street is a much safer route because there are fewer loading bays and no long trucks using that side of the building. Signs could be posted on Eleventh and Twelfth Avenues, and within Hudson River Park (HRP). The applicant has been discussing this issue with HRP representatives. (CB4, CB4-Mackintosh)

Some other recent ideas to improve pedestrian safety on West 26th include the addition of a flag person posted to direct pedestrians away from the West 26th Street truck loading area; scheduling truck deliveries for early morning and late-night, times when high pedestrian volumes are not expected; and establishing and enforcing limited truck parking times. The final scope should include this topic with analyses for solutions. (CB4, CB4-Mackintosh)

Response: As discussed in responses to Comment 5 and 6, the EIS will consider existing and projected future pedestrian activity at key locations in the area, and the analyses will reflect the presence of obstructions at critical locations on pedestrian elements identified for detailed analyses. In addition, as discussed above in response to Comment 4, the EIS will present a summary of crash data at analysis intersections (West 26th Street intersections included) within the transportation study area and will include a summary of potential safety improvements for locations identified as high crash locations.

As noted in the comment, RXR SL Owner LLC is implementing changes in loading dock operation at the Starrett Lehigh Building, including the shift of some loading activity, including larger trucks, from West 26th Street to Twelfth Avenue. In addition, RXR SL Owner LLC is continuing to work with the Community Board to explore options for implementation of a mid-block crossing and for signage that would direct pedestrians to West 27th Street (instead of West 26th Street).

C.8 **The final scope should include analyses of the anticipated use of curbs due to new uses including the number of deliveries, size of trucks, garbage pickups, limos, and taxi or uber pickups and drop-offs. (CB4)**

Response: The travel demand forecasts will reflect auto, taxi, and delivery vehicle trips generated by both the Starrett-Lehigh Building and Terminal Warehouse. For the preliminary traffic assignments, autos will be assigned to nearby parking facilities, taxis will be assigned to the main entrances of both buildings, and delivery trips will be assigned to the loading berths at both buildings. The taxi trips will reflect both inbound and outbound trip legs for each unique pickup trip and unique drop-off trip.

Neighborhood Character

C.9 **CB4 is concerned that the proposed zoning could allow too many "destination retail" uses (also known as "big box" uses). The Reasonable Worst-Case Scenario (RWCS) shows the possibility of 446,331 square feet of destination retail uses (Use Group 10A). We understand that the RWCS analysis is not a market plan and is used to estimate the worst impacts that might occur. But the 15 percent cap could allow five destination retail stores such as Target, Walmart, Home Depot, Lowe's, and Bed Bath & Beyond. These are uses that could alter the unique character of West Chelsea by attracting large chain stores. (CB4, CB4-Devlin)**

Response: As noted in the Draft Scope of Work, the Reasonable Worst-Case Development Scenario (RWCDS) was identified to provide a conservative framework for analysis in the EIS. The RWCDS provides an estimate of the four main use categories (local retail, destination retail, academic or university space, and medical office) that would be allowed to occupy the Starrett-Lehigh Building and Terminal Warehouse in the future with the proposed actions, and it considers the full amount of floor area that could be occupied by these new uses (up to 25 percent of each of the two buildings), including the maximum amount of destination retail that could be included in each building (up to 15 percent of each of the two buildings). The RWCDS assumes a total of 446,331 gsf of destination retail use at the two buildings, with 275,273 gsf at the Starrett-Lehigh Building and 171,058 gsf at Terminal Warehouse.

The Environmental Assessment Statement (EAS) considered the potential for the RWCDS, including the destination retail use, to result in significant adverse impacts on land use, zoning, and public policy and concluded that the Proposed Actions would not result in a change in land uses different than those already in the study area, as the uses that would be allowed in the project area by the Proposed Actions are already allowed in the C6-3 district immediately adjacent to the project area.

The EAS also considered the potential for the RWCDS to result in significant adverse impacts on socioeconomic conditions, including whether the RWCDS would result in indirect

business displacement due to retail market saturation. As discussed in the EAS, while the Proposed Actions would allow for more than 200,000 sf of destination retail use, a preliminary assessment of indirect business displacement due to retail market saturation is not warranted since the Proposed Actions are not anticipated to capture the retail sales in any particular category of goods that would result in the market for such goods becoming saturated or result in increased vacancies in the neighborhood.

The EIS will include an analysis of neighborhood character, which will examine the potential for the RWCDS to affect neighborhood character through a combination of moderate effects[3] in the areas that contribute to neighborhood character (i.e., land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise). The neighborhood character analysis will also identify the defining features of the neighborhood and assess whether the RWCDS would adversely affect those features.

Alternatives

C.10 **CB4 asks that an Alternative be added to the final scope for the EIS. This Alternative would reduce the restriction of Use Group 10A uses from 15 percent to 10 percent of the total floor area for each building. This Alternative would permit fewer mall-like stores. (CB4)**

Response: As discussed in the Draft Scope of Work, CEQR requires that alternatives to the proposed actions be identified and evaluated in an EIS so that the decision-maker may consider whether alternatives exist that would minimize or avoid adverse environmental effects. If any significant adverse impacts are identified, a No Unmitigated Significant Adverse Impact Alternative is considered, which includes an assessment of a RWCDS that would result in no unmitigated impacts. Additional alternatives to the proposed actions may also be considered once the full extent of the impacts has been identified.

Non-CEQR Comments

C.11 **The scope does not mention street trees. We strongly recommend that street trees either be added as a scope topic and/or in an Alternative. Introducing street trees would be a great benefit and reflect the buildings' adaptive reuse without distracting from their historic character. (CB4, CB4-Mackintosh)**

Response: Street trees are beyond the scope of a CEQR analysis.

C.12 **One of the goals of the SWCD is to preserve the area's many art galleries by keeping the manufacturing zoning on the mid-blocks. Art galleries have continued to thrive. In keeping with that intent, CB4 asks that space be reserved in one or both buildings for artists at below-market rents. (CB4)**

Response: Comment noted. This comment is beyond the scope of a CEQR analysis.

[3] The *CEQR Technical Manual* defines a "moderate" effect as "an effect that is reasonably close to the significant adverse impact threshold for a particular analysis area."

Appendix B: Written Comments on the Draft Scope of Work

Public Testimony from Betty Mackintosh
Co-Chair Chelsea Land Use Committee, Community Board 4
DCP Public Scoping Meeting for Starrett-Lehigh and Terminal Warehouse Buildings
Monday, January 11, 2021

Good afternoon Commissioners. My name is Betty Mackintosh. I'm Co-Chair of the Chelsea Land Use Committee of Manhattan Community Board 4. I will be speaking about some of the Board's comments about the Draft Scope for the Starrett-Lehigh and Terminal Warehouse DEIS.

CB4 is pleased that this proposal would expand the Special West Chelsea District to include the two blocks that these buildings occupy. Over the last 15 years, CB4 has advocated for this expansion.

We have comments on several transportation issues.

Studies and analyses

The final scope's analyses of anticipated visitors should include studies of pedestrians, and bike, bus, subway and taxi users. It should also include analyses of the use of the 7th Avenue and 8th Avenue subways at West 23rd Street stops. The study area should be expanded to include these locations and the corresponding streets and avenues.

We strongly recommend that street trees be added as a scope topic.

West 26th Street Pedestrian Safety Issue

There is a continuing pedestrian safety issue on West 26th Street between 11th and 12th Avenues because parked trucks extend into that street, blocking the sidewalk on the north side of West 26th Street. Pedestrians are forced to cross West 26th Street mid-block to the south side.

CB4 has raised this issue for several years. We have suggested a marked mid-block pedestrian crosswalk, a solution which was rejected by DOT. We have also suggested that signs could be installed re-directing pedestrians from West 26th Street and encouraging them to walk on West 27th Street, a much safer route. The final scope should include this topic with analyses for solutions.

CITY OF NEW YORK

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Chair

JESSE R. BODINE
District Manager

January 15, 2021

Olga Abinader, Director
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Starrett-Lehigh and Terminal Warehouse:
Comments on Draft Scope for Targeted DEIS

Dear Ms. Abinader:

On the unanimous recommendation of its Chelsea Land Use Committee, following a duly noticed public hearing at the Committee's meeting on December 21, 2020, Manhattan Community Board 4 (CB4), at its regularly scheduled meeting on January 6, 2021, voted, by a vote of 40 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, to submit the comments in this letter on the Starrett-Lehigh and Terminal Warehouse Draft Scope of Work for the Preparation of a Targeted Draft Environmental Impact Statement (EIS). CB 4 comments include a request for an Alternative with a greater cap for destination retail uses; more rigorous studies of anticipated visitors, pedestrians, and bicyclists; pedestrian safety measures on West 26th Street; addition of street trees; support for artists; and the restoration of parapets on the Terminal Warehouse Building.

Background

The Starrett-Lehigh Building and the Terminal Warehouse are located between West 26th and West 28th Streets, Eleventh and Twelfth Avenues within the West Chelsea Historic District. The Starrett-Lehigh Building was designated a New York City Individual Landmark in 1986.

Neither building is currently located in the nearby Special West Chelsea District (SWCD) which was adopted in 2005. The goals of the SWCD are to facilitate new residential and commercial development and the reuse of the High Line. The SWCD retains manufacturing zoning on the mid-blocks to protect the area's many galleries. The district encompasses the area generally bounded by West 14th and West 30th Streets between Tenth and Eleventh Avenues.

When the SWCD proposal was finalized, CB4 stated that DCP excluded areas that were important for the integrity of West Chelsea. CB4 continued to advocate for an expanded SWCD. We asked that the blocks with the Starrett-Lehigh Building and the Terminal Warehouse be included. We recommended that the current zoning be replaced with M2-4 (5 FAR) – the same zoning district that this application proposes. DCP conducted a study about excluded areas including the subject site and concluded in 2013 that none of the areas should be added at that time to the district except the Chelsea Market site.

The SWCD currently has 10 sub-areas with specifically tailored zoning for each. In 2013 SWCD subarea J was added to facilitate an expansion of Chelsea Market between West 16th and West 17th Streets. In 2018 the eastern portion of Block 675, between West 29th and West 30th Streets, Eleventh and Twelfth Avenues, (one block away from the subject site) was rezoned from M2-3 to C6-4X to facilitate mixed-use development.

CB4 recommended to the Landmarks Preservation Commission approval with conditions or comments for two applications:

- Starrett-Lehigh Building Ground-floor Rehabilitation proposal, June 11, 2019
- Terminal Warehouse Building Renovation and Modification proposal, October 18, 2019.

Description of the Proposal

Zoning Action Overview:

- A zoning map amendment to add the project area to the Special West Chelsea District and to create a new subarea (Subarea K)
- A rezoning from M2-3 to M2-4 to facilitate a broader range of uses
- A zoning text amendment to modify certain use, bulk, loading, and signage requirements.

Effect of Change in underlying zoning district of M2-3 to M2-4:

- FAR would increase from 2.0 to 5.0
- Applicants could lease space to a more diverse range of tenant types such as local and destination retail, academic or university space, and medical offices.
- Owners could reconstruct their buildings in the event of a catastrophic loss.
- Buildings are currently built at approximately 14.79 FAR at Starrett-Lehigh and 7.3 FAR at Terminal Warehouse; both exceed the existing 2.0 FAR and the proposed 5.0 FAR.
- Parking requirements would be eliminated.

The proposed M2-4 zoning would be modified to:

- Include uses permitted in a C6-3 district with some restrictions while retaining M2 uses
- Include no residential uses, hotels, or uses with sleeping accommodations
- Include:
    - All Use Groups 3 and 4 uses (except for those with sleeping accommodations) such as academic and medical office uses
    - All Use Group 6A uses such as food stores, grocery stores, or delicatessen stores, larger than 10,000 square feet
    - All Use Groups 6C, 9A, and 12B such as bookstores, retail clothing stores
    - Use Group 10A uses such as department stores (with FA restrictions)

Restrictions for certain uses in both buildings

- The aggregate floor area for all uses in Use Group 10A will not be permitted to exceed 15 percent of the total floor area for each building.

- The total maximum floor area of all Use Group K uses (Use Groups 3A, 4A, 6C, 9A, and 10A) that are not already allowed in the M3 District will not be permitted to be greater than 25 percent of the existing floor area of the existing buildings.

Other proposed changes:

- Sidewalk Cafes:
    - Unenclosed sidewalk cafes shall be permitted on West 27th Street. Currently, these are permitted in the SWCD on 11th and 12th Avenues

- Loading Berths:
    - Chairperson's Certification to establish the maximum number of required loading berths for each building. In lieu of Chairperson's Certification, a text amendment would waive loading requirements for change of use.

- Physical culture establishments (PCEs):
    - Amendment would permit PCEs such as gyms and fitness facilities to be as-of-right without requiring a special permit approval from the Board of Standards and Appeals.

- Signage:
    - Certain existing provisions would not apply so that signs can be placed on chamfered corners.

Description of Draft Scope for Targeted EIS

An Environmental Assessment Statement (EAS) prepared for the proposed actions identified the following technical areas which have been screened out:

- Socioeconomic conditions
- Community facilities
- Open space shadows
- Natural resources
- Hazardous materials
- Water and sewer infrastructure
- Solid waste and sanitation services
- Energy, air quality (stationary source analyses)
- Greenhouse gas emissions and climate change
- Noise (stationary source analyses)
- Construction.

The draft scope of work identifies impact areas for further analyses:

- Historic and cultural resources
- Hazardous Materials
- Transportation
- Air Quality
- Noise
- Public Health
- Neighborhood Character.

CB4 Comments on Draft Scope

Destination Retail Uses

CB4 is concerned that the proposed zoning could allow too many "destination retail" uses (also known as "big box" uses). These are uses that could alter the unique character of West Chelsea by attracting large chain stores. The Reasonable Worst-Case Scenario (RWCS) shows the possibility of 446,331 square feet of destination retail uses. We understand that the RWCS analysis is not a market plan and is used to estimate the worst impacts that might occur. But the 15 percent cap could allow five destination retail stores such as Target, Walmart, Home Depot, Lowe's, and Bed Bath & Beyond.

CB4 asks that an Alternative be added to the final scope for the EIS. This Alternative would reduce the restriction of Use Group 10A uses from 15 percent to 10 percent of the total floor area for each building. This Alternative would permit fewer mall-like stores.

Transportation

- Visitors

The final scope should include analyses of the anticipated visitors to both buildings. Their modes of transportation should be projected, and studies should include: pedestrians, bikes, buses, subways and taxis.
The final scope should also include analyses of the use of the 7th Avenue subway and the 8th Avenue subway at West 23rd Street stops. The subway is a popular mode of transportation for people to access both buildings. The study area should be expanded to include these locations and the corresponding streets and avenues that will be utilized by subway users.

- Bikes

Analyses are needed for bike-riding demand, bike parking and bike-share use. Studies should indicate whether there is a need for protected bike lanes and bike-share stations at the curb.

- Pedestrians

Since the project description specifies that "The proposed actions would also establish a connection, from a planning perspective, for pedestrians traveling between West Chelsea, Hudson Yards, and Hudson River Park," those volumes should be added to the analysis.
Pedestrian analyses must use as a basis the actual and the projected future right of way, taking in account existing and future obstructions on sidewalks: loading docks with protruding trucks, garbage, sidewalk cafes, trees, bike racks, and other obstructions. A central trash area for building users might provide more sidewalk space for pedestrians. An interior trash/recycling storage area would provide even more sidewalk space.
If mitigations for pedestrians are needed: a limit on sidewalk obstructions might be 10 percent of the block face. Approved sidewalk cafes should not obstruct more than 30 percent of the block or leave a 12-foot clear path to the curb (to accommodate trees) whichever is less.

- West 26th Street Pedestrian Safety Issue

Already many pedestrians walk on West 26th Street; if the new uses in the Starrett-Lehigh Building are successful, certainly a major increase in pedestrians would be expected. A continuing problem has resulted from parked trucks that extend into West 26th Street, blocking the sidewalk on the north side of West 26th Street. Pedestrians are forced to cross West 26th Street to the south side mid-block. A potential solution for this dangerous condition could be creating a marked mid-block pedestrian crosswalk. The New York City Department of Transportation (DOT) has rejected this idea. CB4 asks that the scope for the Targeted EIS include analyses of existing and projected pedestrian usage so DOT could re-visit this issue.

This problem may be somewhat lessened in several months when three of the longest trucks using West 26th Street loading docks will instead start using three new Twelfth Avenue loading bays in the Starrett-Lehigh Building. To direct pedestrians from using West 26th Street, signage could be installed to encourage them to walk on West 27th Street instead. West 27th Street is a much safer route because there are fewer loading bays and no long trucks using that side of the building. Signs could be posted on Eleventh and Twelfth Avenues, and within Hudson River Park (HRP). The applicant has been discussing this issue with HRP representatives.

Some other recent ideas to improve pedestrian safety on West 26th include the addition of a flag person posted to direct pedestrians away from the West 26th Street truck loading area; scheduling truck deliveries for early morning and late-night, times when high pedestrian volumes are not

expected; and establishing and enforcing limited truck parking times. The final scope should include this topic with analyses for solutions.

- Curb Usage

The final scope should include analyses of the anticipated use of curbs due to new uses including the number of deliveries, size of trucks, garbage pickups, limos, and taxi or uber pickups and drop-offs.

- Street Trees

The scope does not mention street trees. We strongly recommend that street trees either be added as a scope topic and/or in an Alternative. Introducing street trees would be a great benefit and reflect the buildings' adaptive reuse without distracting from their historic character.

Historical and Cultural Resources

- Support of Artists

One of the goals of the SWCD is to preserve the area's many art galleries by keeping the manufacturing zoning on the mid-blocks. Art galleries have continued to thrive. In keeping with that intent, CB4 asks that space be reserved in one or both buildings for artists at below-market rents.

- Restoration of the Eleventh Avenue Corner Parapets on Terminal Warehouse Building

CB4 continues to request that the applicant restore two parapets on the east facade of the Terminal Warehouse building. The final scope for the DEIS should include this action and ensure that no measures identified in the DEIS preclude this restoration.

Historic photos show high parapets simulating corner towers on the north and south corners of the Eleventh Avenue façade of the Terminal Warehouse Building. The complex was designed at a time when New York architects routinely modeled new buildings on medieval or Renaissance precedents. The high corner parapets had arched-corbel brackets based on a defensive feature of medieval fortifications called machicolation. This feature is perhaps most familiarly seen in Florence's Palazzo Vecchio and Sienna's Palazzo Pubblico, above both of which rise flaring towers evoked by the Terminal Warehouse's original smokestack near Eleventh Avenue. Similar but less pronounced machicolation is retained on the surviving central parapet of this façade, but it has largely been lost on the west façade. Reintroducing the high corner parapets over Eleventh Avenue would return the castle form that makes sense of this and other contributing features – most notably the draw-bridge-portal-like, arched, avenue entrance - now seem merely arbitrary. It would also restore the main façade's original picturesque roofline and sense of vertical culmination.

There is a precedent for adding back such features in CD4. Two turrets with domes at the 20th Street and 21 Street corners of the Hugh O'Neill Building at 655 Sixth Avenue in the Ladies Mile Historic District were restored in 2006. This building, completed in 1897, was distinguished by a pair of gold-colored domes which were removed between 1917 and 1922[i]. The restoration of the domed turrets was a condition of a Landmarks Preservation Commission approval for the addition of five penthouses on the building's roof as part of a conversion to condominiums[ii].

The addition of the eastern parapets would result in a more attractive and accurate historic restoration of the Terminal Building's Eleventh Avenue façade. We ask that the scope acknowledge this restoration and not include any measures that would preclude it.

Conclusion

CB4 urges the applicants to incorporate our comments in the final scope for the Starrett-Lehigh and Terminal Warehouse Targeted Environmental Impact Statement. An expanded analysis will provide a deeper understanding of the potential impacts of the project.

Sincerely,





Lowell D. Kern	Betty Mackintosh	Paul Devlin
Chair	Co-Chair	Co-Chair
Manhattan Community Board 4	Chelsea Land Use	Chelsea Land Use

CC: Hon. Corey Johnson, Speaker of the City Council
Hon. Gale A. Brewer, Manhattan Borough President
Sarah Carroll, Chair, Landmarks Preservation Commission
Marisa Lago, Chair, NYC Department of City Planning
Edith Hsu-Chen, Director, Manhattan Borough Planning Office
Department of City Planning

[i] https://www.nytimes.com/2006/11/18/nyregion/18domes.html
[ii] https://www.flatirondistrict.nyc/discover-flatiron/flatiron-history/the-hugh-oneill-building

Public Testimony from Paul Devlin

Co-Chair Chelsea Land Use Committee, Community Board 4

DCP Public Scoping Meeting for Starrett-Lehigh and Terminal Warehouse

Monday, January 11, 2021

Hello, my name is Paul Devlin. I'm Co-Chair of the Chelsea Land Use Committee of Community Board 4. I'm here to speak to the Draft Scope for the EIS at the Starrett-Lehigh and Terminal Warehouse buildings.

The proposed zoning text amendment is to add these two blocks to the Special West Chelsea District, which was originally adopted in 2005. CB4 had requested these two blocks – in addition to others south of these blocks -- be included in the original creation of the District, and we remain consistent in our support of these blocks being a part of the District.

The goals of the District are to facilitate an appropriate integration of industrial, commercial, and residential uses in the area surrounding the reuse of the High Line. These two blocks play in important role in linking these uses in our community.

I would like to address two specific areas of concern with this draft Scope: Historic and Cultural Resources, and Community Character.

First, both these buildings are located within the West Chelsea Historic District and play a significant role in the history of the area. We at CB4 have worked with the applicant on issues before the LPC with much success. One position we have consistently taken is that we are seeking the re-installation of two parapets on the east facade of the Terminal Warehouse building. The final scope for the Draft EIS should acknowledge this restoration and not include any measures that would prevent it.

Second, as to Community Character, the proposed ZTA would allow commercial uses for Use Group 10A, which allows "destination retail." The applicant is proposing a maximum of 15% of total floor area in Goup 10A. These are uses that will alter the unique character of West Chelsea.

The Draft Scope's Reasonable Worst Case Scenario shows the possibility of over 440,000 square feet of destination retail. This would mean even with a 15% cap, this proposed text amendment would allow approximately 5 large destination retailers on 2 blocks. An analysis at that level is likely to produce a report showing that the negative impacts won't be tenable for our community. Therefore, we are requesting that an Alternative be studied that limits Use Group 10A to 10% of total floor area to show the impact of fewer of these big-box stores.

As always, we appreciate all your hard work on these important issues that impact our neighborhood.

Thank you.