

E-351



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

September 29, 2014

NEGATIVE DECLARATION

Project Identification

CEQR No. 15DCP009M
ULURP No. 150077ZSM; 150078ZSM
SEQRA Classification: Type I

Lead Agency

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

Name, Description and Location of Proposal:

7 West 21st Street

The Applicant, 7 West 21 LLC, is seeking special permits pursuant to Section 13-451 of the New York City Zoning Resolution (ZR), "Additional Parking Spaces for Residential Growth," and ZR Section 74-712 "Developments in Historic Districts" (the "Proposed Actions"). The Proposed Actions would facilitate a proposal by the Applicant to construct an 18-story, 185 foot tall, mixed-use building containing 344,830-gross square feet (gsf) of floor area, including approximately 300 dwelling units (DU), of which 60 DUs are expected to be affordable pursuant to the provisions of the Inclusionary Housing program, 10,000 gsf of local retail space and 200 attended public parking spaces in two below-grade levels (the "proposed project"). The project site is located at 7 West 21st Street (Block 823, Lot 31) in a C6-4A zoning district in the Flatiron District neighborhood of Manhattan Community District 5. The project site is also located within the NYC designated Ladies Mile Historic District.

The project site is a through lot with frontage on W. 21st Street and W. 22nd Street, and is currently occupied by a 256 space public parking lot accessed from two (2) curb cuts on W. 21st Street and three (3) curb cuts on W. 22nd Street. The proposed project would consist of two building segments, one fronting on W. 21st Street and the other fronting on W. 22nd Street. Both segments will rise to 185 feet in height without setbacks. The public parking garage to be located within the proposed project will have entrances on both West 21st and 22nd Streets and an exit on West 22nd Street.

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The three existing curb cuts on West 22nd Street will be consolidated into one 21 foot curb cut (entrance and exit), and the two existing curb cuts on West 21st Street will be consolidated into one 13 foot curb cut (entrance only). The proposed development will contain an overall FAR of 11.63, 11.3 of which will be dedicated to residential use. The development will exceed the base FAR of 10 for a C6-4A zoning district through the provision of affordable units pursuant to the Inclusionary Housing program (Section 23-90).

For the purposes of a conservative analysis, the Reasonable Worst Case Development Scenario (RWCDS) analyzed in the Environmental Assessment Statement (EAS) assumes an average dwelling unit size of 850 gsf, somewhat smaller than the average dwelling unit size anticipated by the applicant (943 gsf). The RWCDS assumes the same amount of residential floor area (11.3 FAR) as the proposed project, but with 33 more DUs for a total of 333 DUs, of which 67 would be affordable based on the Inclusionary Housing program. It is expected that the proposed project would be constructed and occupied by 2017.

The proposed special permit pursuant to ZR Section 13-45 would allow a public parking garage on the project site. Pursuant to ZR Section 13-041(d), public parking garages are not allowed as-of-right in the Manhattan Core, which is generally comprised of Manhattan Community Districts 1-8, south of 96th Street on the East Side and below 110th Street on the West Side, and require a special permit. The proposed special permit pursuant to ZR Section 74-712 would modify the C6-4A district bulk regulations of ZR Sections 35-24 and 23-663(b). These regulations allow a maximum base height of 150 feet after which the building must set back 15 feet in the front and 10 feet in the rear before rising to an overall maximum permitted height of 185 feet. Under the proposed waivers, the proposed development would exceed the maximum base height of 150 feet. The front street wall would rise to a height of 185 feet without setting back, and its rear walls would rise to 154 feet before setting back 10 feet and rising to 185 feet. In addition, obstructions permitted in rear yards or rear yard equivalents are listed in ZR Section 23-44, which do not include the proposed glass atrium and two exhaust vents. Under the proposed waiver, the glass atrium and two exhaust vents would be located in the rear yard and allowed as permitted obstructions.

Absent the proposed actions, it is expected that the Applicant would redevelop the project site on an as-of-right basis pursuant to the C6-4A zoning with a comparable development consisting of two 16-story, 161 foot tall building segments setting back one level after the maximum base height of 150 feet. This as-of-right building would contain a total of approximately 296 DUs in 251,606 gsf of residential space, of which 59 would be affordable under the Inclusionary Housing program, 10,000 gsf of retail; and 62 below-grade unattended parking spaces in approximately 18,600 gsf of parking area accessed via curb cuts on both W. 21st Street and W. 22nd Street.

The proposed actions include an (E) designation (E-351) applicable to the project site (Block 823, Lot 31). The (E) designation would preclude significant adverse impacts related to air quality and noise. This (E) designation supersedes the prior (E) designation (E-131) applied to the project site in connection with the Ladies' Mile Rezoning (CEQR No. 04DCP038M).

The (E) designation related to air quality is as follows:

Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located on the northern (W. 22nd Street) tower at the highest tier or at least 214 feet high to avoid any potential significant adverse air quality impacts.

With the assignment of the (E) designation on the project site, no significant adverse impacts related to air quality would result from the proposed action.

The (E) designation related to noise is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with minimum attenuation of 28 dBA window/wall attenuation on all façades in order to maintain an interior noise level of 45 dBA.

In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the assignment of the (E) designation on the project site, no significant adverse impacts related to noise would result from the proposed action.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated September 25, 2014, prepared in connection with the ULURP Application (No. 150077ZSM; 150078ZSM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. In 2004, the project site was rezoned C6-4A in connection with the Ladies Mile Rezoning (CEQR No. 04DCP038M). That action also included a special permit to allow a 363 space public parking garage to be developed on the project site in connection with a residential building. The special permit for the parking garage was granted in 2004 and renewed for three years in 2008 and again in 2012; the special permit will lapse in 2015.

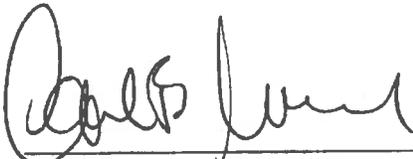
2. In connection with the Ladies Mile Rezoning and associated public parking garage special permit, an (E) designation (E-131) for air quality and noise was placed on the project site and a Restrictive Declaration governing hazardous materials remediation was recorded against the property. A new (E) designation (E-351) for air quality and noise addresses the potential effects of the proposed project and supersedes the previous E-131 designation. The new (E) designation for air quality and noise along with the prior Restrictive Declaration for hazardous materials would ensure that the proposed action will not result in significant adverse impacts related to air quality, noise, and hazardous materials.
3. As the project site is located within a NYC-designated historic district, the proposed project requires a Certificate of Appropriateness from the Landmarks Preservation Commission. A Certificate of Appropriateness was granted on October 25, 2013 that noted that the proposed design and massing of the building would be compatible with and relate to other buildings on these streets and within the Historic District. An updated Certificate of Appropriateness was granted on April 8, 2014 to reflect changes to the building's façade. The permit notes that facades of the proposed new building would reinforce the continuity of the block's streetwall and would be in keeping with the scale of buildings found in the historic district and on the block. Therefore, the proposed action will not result in significant adverse impacts related to Historic Resources.
4. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6 NYCRR part 617. Should you have any questions pertaining to this Negative Declaration, you may contact Jonathan Keller at (212) 720-3419.



Robert Dobruskin, Director, AICP
Environmental Assessment & Review Division
Department of City Planning

Date: September 26, 2014



Carl Weisbrod, Chairman
City Planning Commission

Date: September 29, 2014