

ENVIRONMENTAL ASSESSMENT STATEMENT

520 W. 28TH STREET GARAGE SPECIAL PERMIT

CEQR No. 15DCP039M

Lead Agency: City Planning Commission

Applicant: 28th Highline Associates, LLC

Prepared by: Philip Habib & Associates

February 13, 2015

520 W. 28th Street Garage Special Permit

Environmental Assessment Statement (EAS)

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City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM
 FOR UNLISTED ACTIONS ONLY • Please fill out and submit to the appropriate agency ([see instructions](#))

Part I: GENERAL INFORMATION

1. Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)? YES NO

If “yes,” STOP and complete the **FULL EAS FORM**.

2. Project Name 520 W. 28th Street Garage Special Permit

3. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency) 15DCP039M	BSA REFERENCE NUMBER (if applicable)
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ULURP REFERENCE NUMBER (if applicable) 150147 ZSM	OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA)
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4a. Lead Agency Information NAME OF LEAD AGENCY NYC City Planning Commission	4b. Applicant Information NAME OF APPLICANT 28th Highline Associates, LLC, c/o The Related Companies, LP
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NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin, AICP	NAME OF APPLICANT’S REPRESENTATIVE OR CONTACT PERSON Philip A. Habib, Philip Habib & Associates, PE, PC
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ADDRESS 22 Reade Street, Room 4E	ADDRESS 102 Madison Avenue
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CITY New York	STATE NY	ZIP 10007	CITY New York	STATE NY	ZIP 10016
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5. Project Description

The application is for a special permit pursuant to Zoning Resolution Section 13-451 to allow a 29-space below-grade parking garage in a planned new mixed residential-commercial building. Apart from the proposed parking, the residential component of the proposed development is under construction on an as-of-right basis as an 11-story, 135-foot building with two cellar levels and one curb cut and will contain approximately 40 DUs and approximately 11,213 gsf of retail space. Under No-Action conditions there would be approximately 11 accessory parking spaces in the parking area. The building is expected to be completed in 2016. As detailed in Attachment A, the development site is part of a larger zoning lot that would not be directly affected by the proposed action.

Project Location

BOROUGH Manhattan	COMMUNITY DISTRICT(S) 4	STREET ADDRESS 520 W. 28th Street
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TAX BLOCK(S) AND LOT(S) Block 699, Lot 43 (development site); Lots 22, 24, 37, & 42 (zoning lot)	ZIP CODE 10001
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DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Development site is located midblock on the south side of W. 28th Street between Tenth Avenue and Eleventh Avenue

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C6-3 (Special West Chelsea District)	ZONING SECTIONAL MAP NUMBER 8b
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6. Required Actions or Approvals (check all that apply)

City Planning Commission: YES NO UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

- | | | |
|---|--|--|
| <input type="checkbox"/> CITY MAP AMENDMENT | <input type="checkbox"/> ZONING CERTIFICATION | <input type="checkbox"/> CONCESSION |
| <input type="checkbox"/> ZONING MAP AMENDMENT | <input type="checkbox"/> ZONING AUTHORIZATION | <input type="checkbox"/> UDAAP |
| <input type="checkbox"/> ZONING TEXT AMENDMENT | <input type="checkbox"/> ACQUISITION—REAL PROPERTY | <input type="checkbox"/> REVOCABLE CONSENT |
| <input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY | <input type="checkbox"/> DISPOSITION—REAL PROPERTY | <input type="checkbox"/> FRANCHISE |
| <input type="checkbox"/> HOUSING PLAN & PROJECT | <input type="checkbox"/> OTHER, explain: | |

SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION 13-451

Board of Standards and Appeals: YES NO

VARIANCE (use)
 VARIANCE (bulk)
 SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:
 SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Department of Environmental Protection: YES NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

<input type="checkbox"/> LEGISLATION	<input type="checkbox"/> FUNDING OF CONSTRUCTION, specify:
<input type="checkbox"/> RULEMAKING	<input type="checkbox"/> POLICY OR PLAN, specify:
<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES	<input type="checkbox"/> FUNDING OF PROGRAMS, specify:
<input type="checkbox"/> 384(b)(4) APPROVAL	<input type="checkbox"/> PERMITS, specify:
<input type="checkbox"/> OTHER, explain:	

Other City Approvals Not Subject to CEQR (check all that apply)

<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)	<input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL
<input type="checkbox"/> OTHER, explain:	

State or Federal Actions/Approvals/Funding: YES NO If "yes," specify:

7. Site Description: The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.

Graphics: The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.

<input checked="" type="checkbox"/> SITE LOCATION MAP	<input checked="" type="checkbox"/> ZONING MAP	<input checked="" type="checkbox"/> SANBORN OR OTHER LAND USE MAP
<input checked="" type="checkbox"/> TAX MAP	<input type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)	
<input checked="" type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP		

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 22,219 sf (lot area) Waterbody area (sq. ft) and type: 0

Roads, buildings, and other paved surfaces (sq. ft.): 22,219 sf Other, describe (sq. ft.): 0

8. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 13,872 gsf
 (area occupied by the proposed 29 parking spaces will be built under No-Action conditions; no net change in building area)

NUMBER OF BUILDINGS: part of 1 building GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 13,872 gsf in an approximately 188,691 gsf building

HEIGHT OF EACH BUILDING (ft.): Cellar levels (a maximum of approximately 23 feet deep) and part of 1st floor in a 135-foot tall building NUMBER OF STORIES OF EACH BUILDING: Cellar levels and part of 1st floor in an 11-story building

Does the proposed project involve changes in zoning on one or more sites? YES NO

If "yes," specify: The total square feet owned or controlled by the applicant:
 The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? YES NO

If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	Commercial	Community Facility	Industrial/Manufacturing
Size (in gross sq. ft.)	N/A: no change in residential	N/A: no change in commercial	N/A: no community facility on site	N/A: no industrial/manufacturing on site
Type (e.g., retail, office, school)	units			

Does the proposed project increase the population of residents and/or on-site workers? YES NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NUMBER OF ADDITIONAL WORKERS:

Provide a brief explanation of how these numbers were determined:

Does the proposed project create new open space? YES NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? YES NO

If "yes," see [Chapter 2](#), "Establishing the Analysis Framework" and describe briefly: The No-Action scenario is the completion of the building on the development site on an as-of-right basis with 40 DUs, 11,213 gsf of retail space, and 11 accessory parking spaces.

9. Analysis Year [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2016

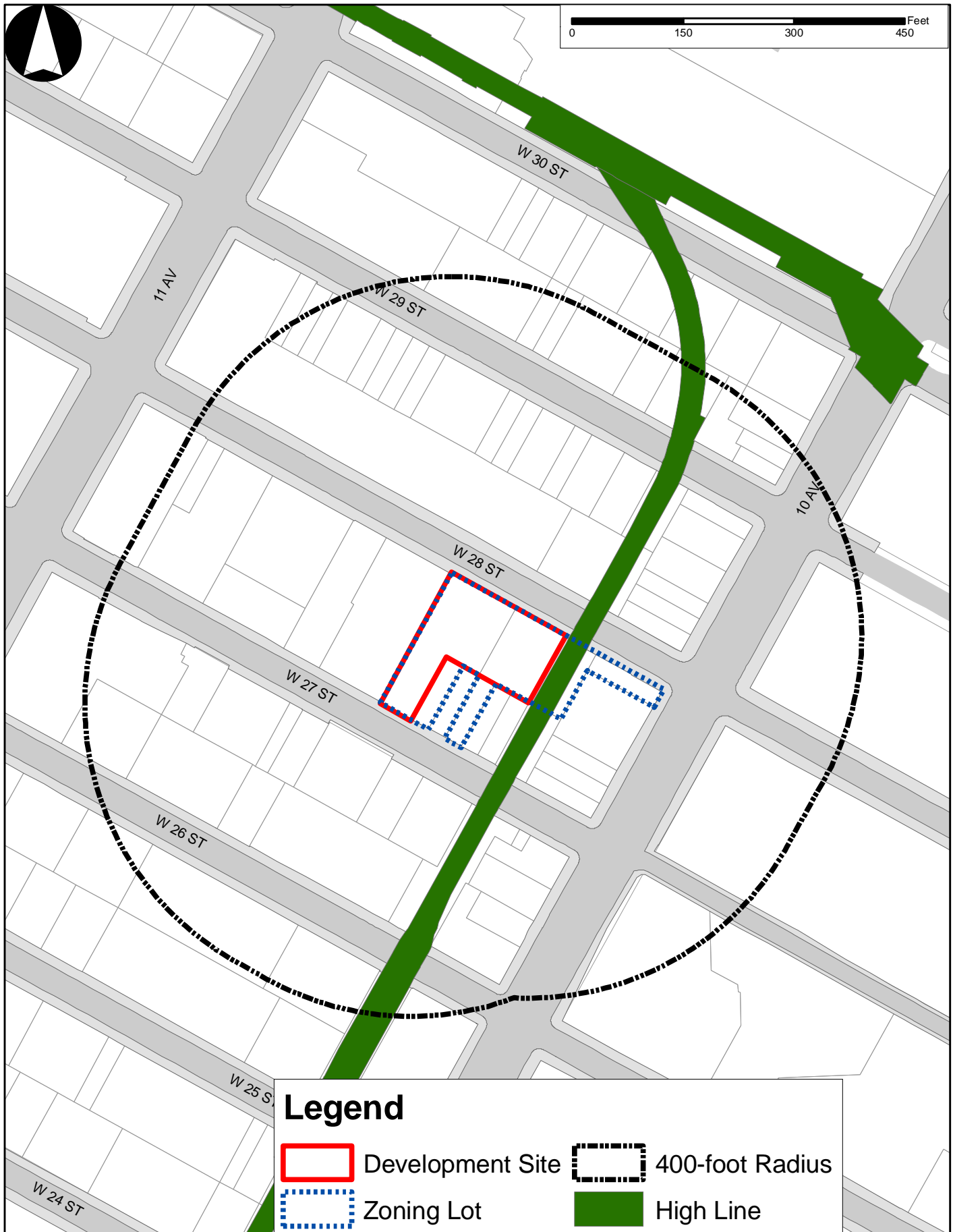
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 21 months (same as under No-Action conditions)

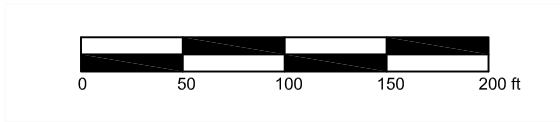
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

10. Predominant Land Use in the Vicinity of the Project (check all that apply)

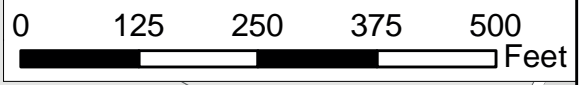
RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, specify:





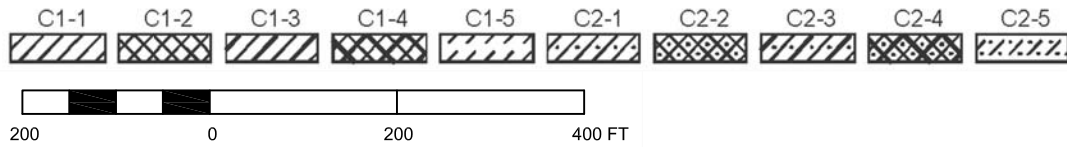
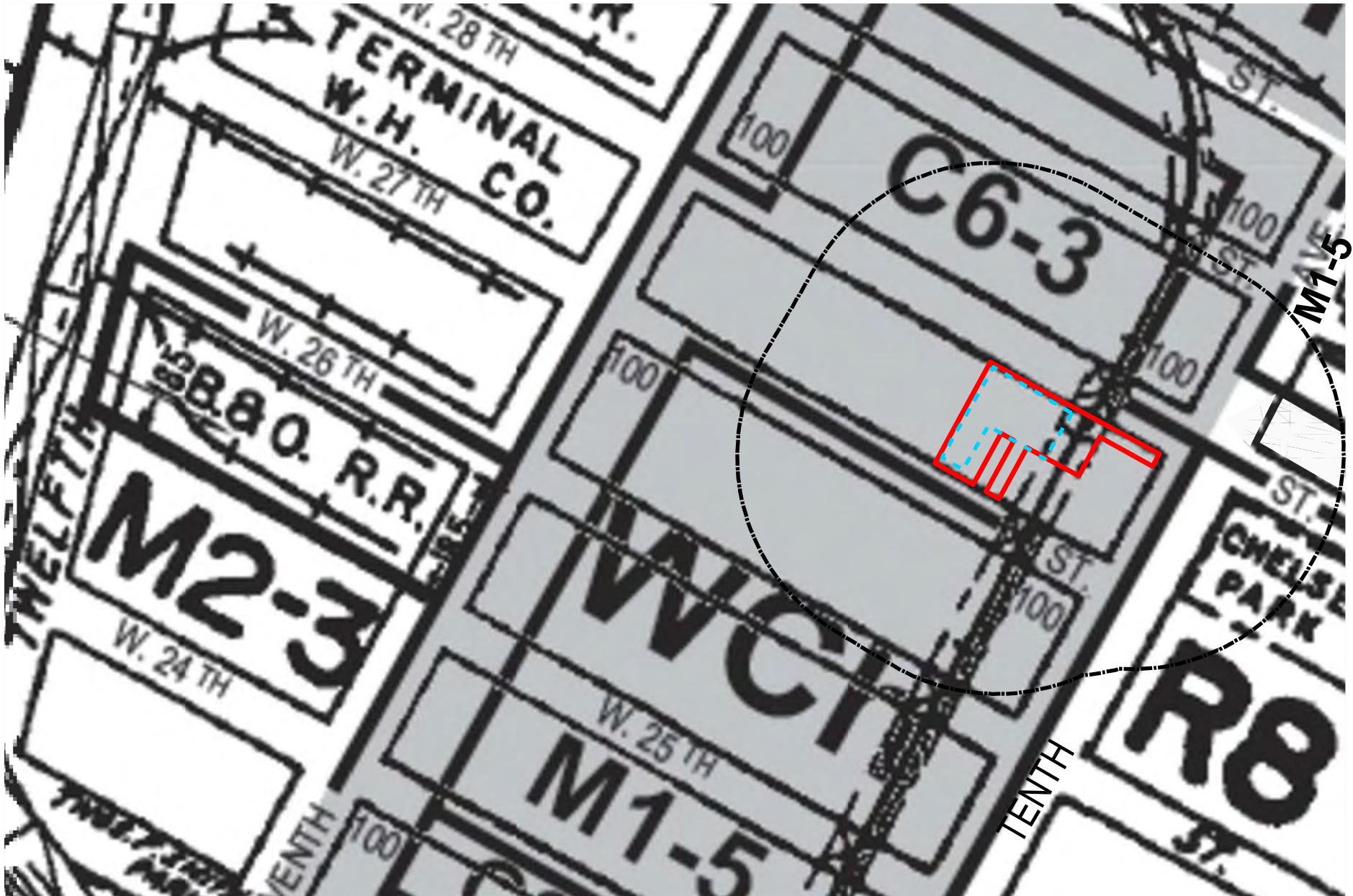
Legend

	Streets		Tax Lot Polygon
	Miscellaneous Text		Condo Number
	Possession Hooks		Tax Block Polygon
	Boundary Lines		Zoning Lot
	Lot Face Possession Hooks		Development Site
	Regular		
	Underwater		



Legend

Zoning Lot	Multi-Family Elevator Buildings	Open Space
Development Site	Mixed Commercial/Residential Building	Parking Facilities
400-Foot Radius	Commercial/Office Building	Vacant Land
Land Use	Industrial/Manufacturing	All Others or No Data
One & Two Family Buildings	Transportation/Utility	High Line
Multi-Family Walkup Buildings	Public Facilities & Institutions	



Legend
 Zoning Lot
 Development Site

400-Foot Radius of Development Site



Project Area Existing Conditions



1. View of Development Site looking southwest from W 28th Street with High Line overhead



2. View of Development Site looking southwest from W 28th Street



3. View of Development Site looking southwest from W 28th Street



4. View of construction at Development Site looking south/southeast from W 28th Street

Project Area Existing Conditions



5. View of Development Site looking southwest from High Line access stairs



6. View of Development Site looking southwest from High Line access stairs



7. View looking north on W 28th Street



8. View looking west on W 28th Street from the High Line

Project Area Existing Conditions



9. View of W 27th Street looking west



10. View of Development Site looking north from W 27th Street



11. View from Development Site looking south from W 27th Street



12. View of Development Site looking northwest from W 27th Street






13. View of Development Site looking northwest from W 27th Street



14. View of Development Site looking northeast from W 27th Street



Legend

-  Photo Location and Direction (See Figure 5)
-  Zoning Lot
-  Development Site

Source: ZoLa

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach. See Attachment C		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form .		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Generate a net increase of 200,000 or more square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 500 residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
o Child Care Centers: Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Libraries: Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Public Schools: Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Health Care Facilities and Fire/Police Protection: Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” would the proposed project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(c) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” would the proposed project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See Attachment B		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form , and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: See Attachment B		
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a separately sewered area , would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(f) Would the proposed project be located in an area that is partially sewerred or currently unsewerred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): n/a		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): n/a		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality;	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
Hazardous Materials; Noise?		
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in <u>Chapter 20</u> , "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: <u>CEQR Technical Manual Chapter 21</u>		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in <u>Chapter 21</u> , "Neighborhood Character." Attach a preliminary analysis, if necessary. See Attachment B		
19. CONSTRUCTION: <u>CEQR Technical Manual Chapter 22</u>		
(a) Would the project's construction activities involve:		
<input type="checkbox"/> Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in <u>Chapter 22</u> , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. See Attachment B		


20. APPLICANT'S CERTIFICATION

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME Philip A. Habib, P.E.	DATE 2/13/2015
SIGNATURE 	

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)		
INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.		
1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.	Potentially Significant Adverse Impact	
	YES	NO
IMPACT CATEGORY		
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Check determination to be issued by the lead agency: <input type="checkbox"/> Positive Declaration: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS). <input type="checkbox"/> Conditional Negative Declaration: A <i>Conditional Negative Declaration</i> (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617. <input checked="" type="checkbox"/> Negative Declaration: If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a <i>Negative Declaration</i> . The <i>Negative Declaration</i> may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.		
4. LEAD AGENCY'S CERTIFICATION		
TITLE Deputy Director, Environmental Assessment & Review	LEAD AGENCY New York City Department of City Planning	
NAME Olga Abinader	DATE February 13, 2015	
SIGNATURE 		

**ATTACHMENT A:
PROJECT DESCRIPTION**

A. INTRODUCTION

This Environmental Assessment Statement (EAS) has been prepared in support of a Land Use Review Application filed with the New York Department of City Planning (DCP). The applicant, 28th Highline Associates, LLC, is seeking a zoning special permit pursuant to Section 13-451 of the New York City Zoning Resolution (ZR § 13-451), “Additional Parking Spaces for Residential Growth,” (the “Proposed Action”). The proposed action would allow a 29-space accessory parking garage with an automated parking system to be provided in a new development currently under construction on an as-of-right basis on the development site at 520 W. 28th Street in the West Chelsea neighborhood in Manhattan Community District 4. Under No-Action conditions, the mixed-use building on the development site would include approximately 40 dwelling units (DUs), approximately 11,213 gsf of retail space, and approximately 11 accessory parking spaces (the maximum permitted on an as-of-right basis). Apart from the 18-space incremental increase in parking capacity, the proposed action would not result in any other changes to the development; there would be no change in overall building area, footprint, cellar volume, building envelope, curb cut location, residential units, retail area, or number of building employees. Space occupied by the incremental 18 spaces under With-Action conditions would be used for storage or left vacant under No-Action conditions. The building will be completed and occupied in 2016, including the proposed garage. The City Planning Commission is serving as the lead agency for environmental review.

B. PROJECT AREA EXISTING CONDITIONS

The development site at 520 W. 28th Street, which consists of Block 699, Lot 43, is an L-shaped approximately 22,219-square-foot (sf) midblock through lot with 175 feet of frontage on W. 28th Street and 50 feet of frontage on W. 27th Street. Located between Tenth and Eleventh Avenues, the range of addresses associated with the site includes 510-524 W. 28th Street (even numbers) and 521-523 W. 27th Street (odd numbers). On W. 28th Street the development site is located 150 feet west of Tenth Avenue and 475 feet east of Eleventh Avenue. On W. 27th Street the development site is located 275 feet west of Tenth Avenue and 475 feet east of Eleventh Avenue. (Refer to Figure A-1, Development Site Dimensions.) The High Line extends through the block directly east of the development site and there is a stairway providing access to the elevated public open space on the south sidewalk of W. 28th Street immediately adjacent to the development site’s northeastern corner. The development site includes two existing curb cuts on W. 28th Street and one curb cut on W. 27th Street.

Table A-1 summarizes information about the project site.

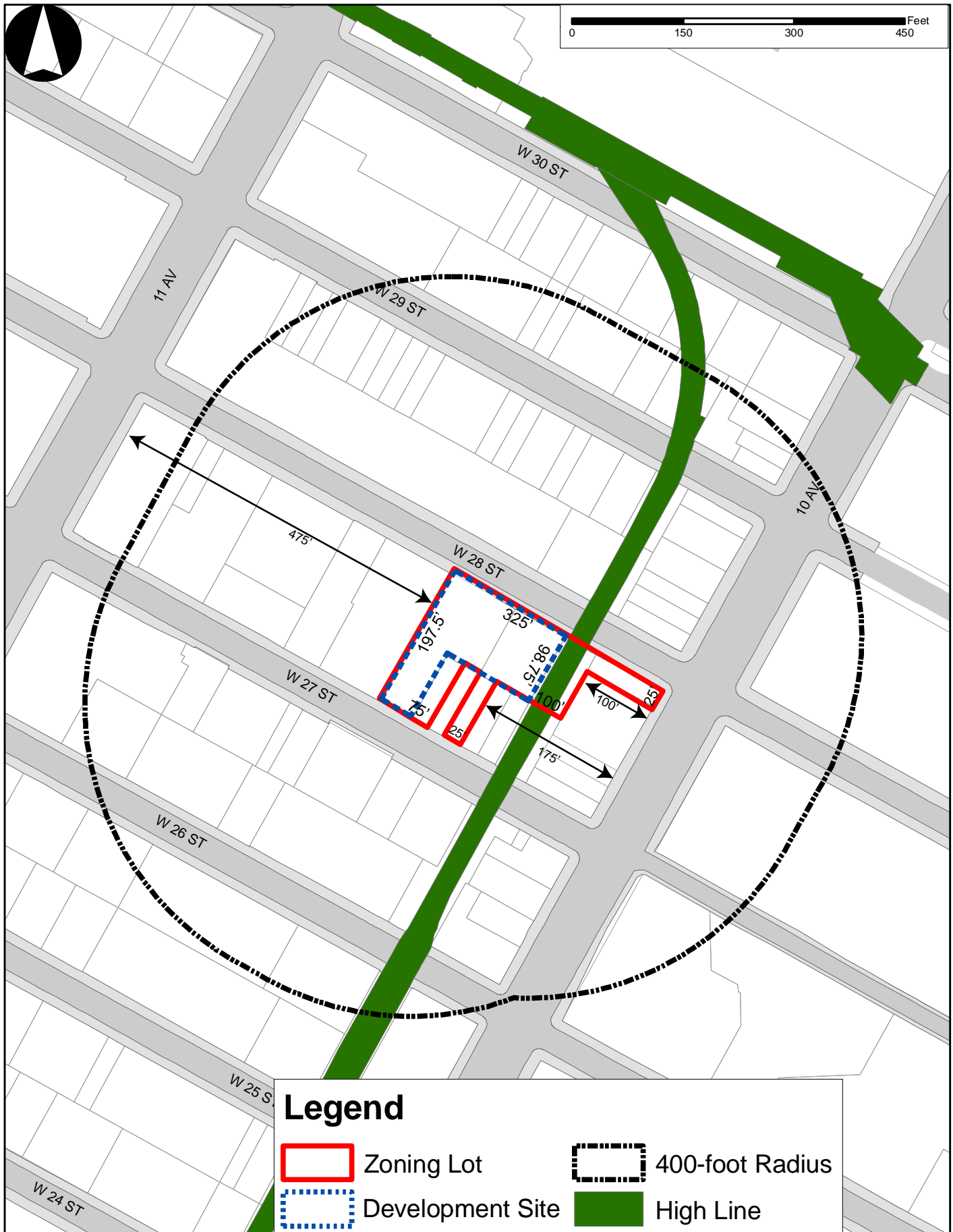


Table A-1, Development Site

Block & Lot	Lot Area	Frontage	Existing Condition	Zoning
699: 43	22,219 sf	175' on W 28 St, 50' on W 27 St	New development under construction	C6-3 (WCh)

The applicant is in the initial stages of as-of-right site construction for the planned 188,691-gsf mixed-use development on the site, including having completed site excavation and substantially completed cellar level foundation work.

The development site is located on the newly merged tax lot (Lot 43). The site was historically divided into five tax lots dispersed among two Blocks street frontages and past uses included one- and two-story structures that were mostly used for industrial and manufacturing activities. A conglomeration of automobile repair, storage, and office facilities existed on the site and neighboring properties throughout most of the last century.

Special West Chelsea District Rezoning

The development site was rezoned as part of the Special West Chelsea District Rezoning adopted in 2005 (ULURP Nos. N 050161(A) ZRM and N 050162(A) ZMM). The rezoning changed the development site's zoning from an M1-5 district to a C6-3 district within the Special West Chelsea District established at the same time as the zoning map amendment. For the environmental review of the rezoning, the development site and several adjoining properties were identified as "Projected Development Site 5" and thus included in the RWCDS analyzed in the *Special West Chelsea District and High Line Open Space FEIS* (CEQR No. 03DCP069M).

Subsequent to the issuance of the *FEIS*, a "Technical Memorandum dated June 22, 2005, was issued to reflect changes to the Special West Chelsea District Rezoning application prior to its final adoption. The Tech Memo supersedes the *FEIS* in terms of identifying the environmental requirements applicable to the development site. Per the Tech Memo, the development site is subject to (E) designation requirements for hazardous materials and noise. Refer to Attachment B, "Supplemental Screening" for details about the (E) designation requirements.¹

It should be noted that at the time these (E) designation requirements were identified in 2005, what is now the development site consisted of part of Lot 27 and all of Lot 44 on Block 699. Since 2005, the portion of Lot 27 that was within what is now the development site was apportioned to a new Lot 43. Subsequently, Lot 44 was merged into Lot 43, so that today the development site consists of Lot 43, i.e., a lot number that did not exist in 2005. In accordance with City policies, the requirements of the (E) designation originally designated for Lots 27 and 44 are now applicable to Lot 43.

Zoning

As noted, the development site is zoned C6-3 (WCh). It is located within Subarea B of the Special District, in which the base permitted FAR is 5.0. An approximately 4,938-sf portion

¹ The June 22, 2005 Technical Memorandum is provided in Appendix D.

of the development site is located within the High Line Transfer Corridor (“HLTC”), which allows development rights to be transferred to “receiving sites” located in certain portions of the WCh district. The approximately 17,281-sf portion of the development site that is located outside the HLTC is an eligible receiving site in which the maximum built FAR may increase from 5.0 up to 7.5 with the use of HLTC development rights. The “Manhattan Core” parking requirements outlined in Article I, Section 3 of the ZR are applicable to the development site and as such, any new development may provide accessory parking spaces equivalent to 20 percent of the number of new dwelling units and may provide one accessory parking space for every 4,000 sf of retail floor area.

Zoning Lot

In addition to the development site, the zoning lot includes other adjoining properties on Block 699 that will not be directly affected by the proposed action or the new development on the development site. The zoning lot has a total lot area of approximately 34,563 sf and consists of tax Lots 22, 24, 37, and 42, in addition to the development site (Lot 43). Lot 22, 519 W. 27th Street, and Lot 24, 513 W. 27th Street, are each 25-foot wide midblock lots occupied by 2-story non-residential buildings. Lot 37, located at the corner of Tenth Avenue and W. 28th Street, is occupied by a 4-story walk-up building with ground floor retail and apartments on the floors above. Lot 42, 506-508 W. 28th Street, is an open area located beneath the High Line. The existing buildings on Lots 22 and 37 are being reduced in size to be only one-story tall and two stories tall, respectively. Lots 22, 24, and 37 are transferring approximately 8,442 zsf (floor area) of development rights to the as-of-right building being constructed on the development site (Lot 43). However, as Lot 37 is not directly contiguous to the development site, the Lot 37 developments rights are being transferred “through” Lot 42 which is contiguous to both Lot 37 and Lot 43. A new one-story building will be constructed on the currently vacant Lot 42, pursuant to the High Line Transfer Corridor Bonus.

Information on these lots is summarized in Table A-2 and their location is shown in Figure A-2.

Table A-2, Zoning Lot Properties

Lot	Address	SF	Existing Use/Notes
43	510-524 W 28 St/521-523 W 27 St	22,219	Development Site -- Under Construction
22	519 W. 27 St.	2,469	2-story industrial building*
24	513 W. 27 St.	2,469	2-story commercial building
37	500-502 W. 28 St/ 311 10 Av.	2,469	4-story walk-up, ground floor retail, apartments above*
42	506-508 W. 28 St.	4,937	Used by Central Iron & Metal Co. of 505 W. 27 St.**
TOTAL		34,563	

* Buildings on Lots 22 and 37 are both being reduced to one-story and two-story buildings, respectively.

** A new 1-story building will be developed on the currently vacant Lot 42, pursuant to the High Line Transfer Corridor Bonus.



As the proposed action involves a site-specific parking garage special permit that would not change the amount of floor area on the zoning lot and would generally limit the garage to the



Source: Google



Legend

-  Zoning Lot
-  Development Site

location identified in the special permit application drawings, there would be no direct effect on conditions on the remainder of the zoning lot.

C. PROPOSED ACTION

The proposed action consists of one City Planning Commission (CPC) zoning special permit, which is a discretionary action subject to the Uniform Land Use Review Procedure (ULURP). This special permit is pursuant to the New York City Zoning Resolution Sections (ZR §) 13-45 and 13-451, “Additional Parking Spaces for Residential Growth” to allow the new development on the development site to provide 29 accessory parking spaces in an automated parking system. The new building under construction on the development site would be permitted approximately 11 accessory parking spaces as-of-right. Therefore, as a result of the proposed action there would be an 18-space incremental increase in parking on the development site.

Table A-3 summarizes the required approval that comprises the proposed action.

Table A-3, Summary of Required Approvals

TYPE OF ACTION	BRIEF DESCRIPTION
Zoning Special Permit Pursuant to ZR § 13-45 & 13-451	To allow the proposed development to provide 29 accessory parking spaces, exceeding the maximum allowed as-of-right, which is approximately 11 spaces. The additional parking would address growth in residential demand from the development under construction on the development site, which would ease demand on the area’s system of public off-street parking facilities which have not met DCP’s 20% target ratio of increased supply relative to new residential development.

The new building on the development site would not require any other discretionary actions; it would comply with other zoning regulations including those related to use, density, and bulk.

D. PROPOSED PROJECT/REASONABLE WORST-CASE DEVELOPMENT SCENARIO (RWCDS)

A RWCDS for the development site has been identified in order to assess the environmental effects that could occur as a result of the proposed action. This includes the amount, type, and location of development that is expected to occur in both No-Action and With-Action conditions. The net incremental difference between the With-Action and No-Action serves as the basis for the environmental impact analyses.

No-Action Conditions

Under the RWCDS No-Action scenario, the 188,691-gsf building under construction on the development site would be completed on an as-of-right basis pursuant to the C6-3 (WCh) zoning.

The building is expected to include approximately 40 DUs (137,769 zsf; 152,674 gsf) and approximately 11,213 gsf of retail space. On an as-of-right basis, it is permitted to provide 11 accessory parking spaces. The development will be 135 feet tall (roof height), with a permitted mechanical penthouse above the roof. The development will include cellar space excavated to a depth of approximately 23.5 feet below grade. The cellar space will include accessory residential amenity spaces, including a swimming pool, storage, and parking.

Under No-Action conditions, the cellar space in the western portion of the building will be occupied by a combination of the 11 parking spaces and storage/vacant space, both of which will be served by an automated placement system. As discussed below under “Incremental Development”, space that would be occupied by the incremental 18 spaces added under With-Action conditions would be used for added building storage space or left vacant. Figure A-3 shows the RWCDs No-Action parking plan, which is allowed as-of-right.

The development is expected to be completed and occupied in 2016.

Refer to Table A-4, which summarizes the RWCDs for No-Action, With-Action, and Net Increment condition.

Table A-4, RWCDs

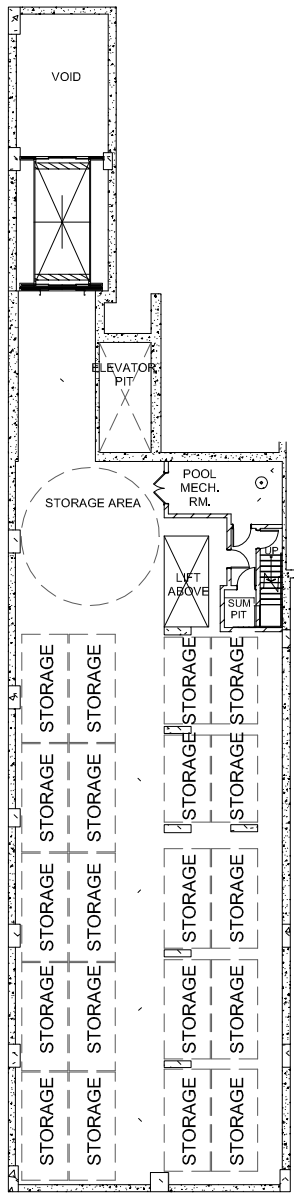
	No-Action Conditions	With-Action Conditions	Net Increment
Residential Units	40	40	0
Retail Space	11,213 gsf	11,213 gsf	0
Parking	11 spaces	29 spaces	+18 spaces
Curb Cut	1; on W. 28 St	1 on W. 28 St.	No change; same location
Building Height	135 feet	135 feet	0
Cellar Depth	23.5 feet (2 levels)	23.5 feet (2 levels)	0

Garage Operations

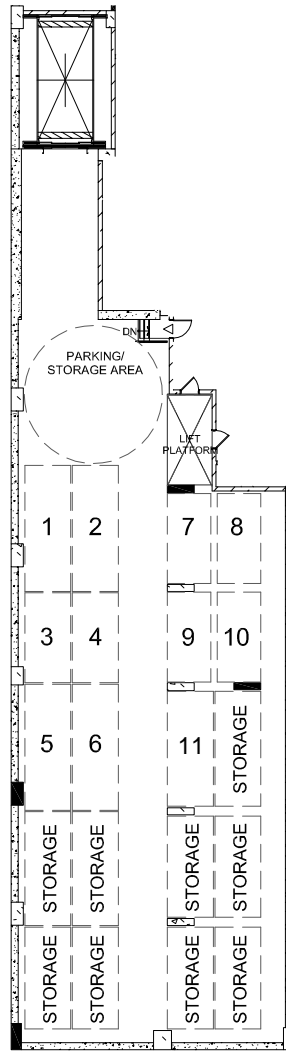
Under both No-Action and With-Action conditions, the garage will operate as an accessory facility, only available to users who have a contractual relationship with the garage, i.e., this facility will not accommodate transient users. Upon arriving at the site, the motorist will activate the garage door via a remote signal and vehicles will enter the garage area via the 12-foot wide curb cut located on W. 28th Street approximately 3.5 feet east of the site’s western side lot line. Once the motorist drives into the garage area, the car will be placed into the automated parking system via a moveable pallet (i.e., a flat transport device), and the motorist will proceed into the building. Motorists retrieving a parked vehicle would initiate a request via the automated system (such as swiping a card or via a wireless device) and the system would convey it to the moveable pallet area for pick-up.

With-Action Conditions

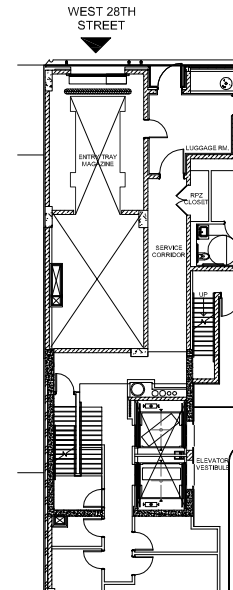
With the proposed action, the building on the development site would have 29 accessory parking spaces, in an approximately 9,300 13,872-gsf area of parking and storage space on



SUB-CELLAR



CELLAR



GROUND FLOOR

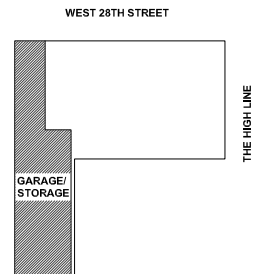
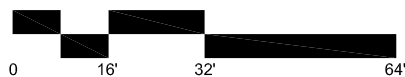
ACCESSORY OFF-STREET PARKING REGULATIONS

Residential Parking Permitted

20% of number of new DU = 8.0 spaces (20% of 40 DU)

Commercial Parking Spaces = 2.7 spaces (1space/4000SF of 11,183SF of Commercial FA)

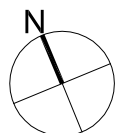
Total Parking Permitted = 11.0 spaces



520 WEST 28TH

520 West 28th Street
New York, NY 10001

NOTE: This RWCDs No-Action Parking Plan is consistent with applicable Manhattan Core off-street parking regulation for as-of-right accessory, automated parking facilities and with plans filed by the applicant with NYC Department of Buildings.



portions of the first floor, cellar, and sub-cellar levels. The 13,872 gsf of parking and storage area would include ground floor access zone of 850 sf, cellar parking zone area of 4,550 sf, sub-cellar parking zone area of 4,950 sf (totaling 10,350 sf of access zone/parking zone as indicated on the application plans), and 3,522 sf of remaining accessory parking and storage area. The 29 spaces would be provided in an automated parking system, with the same operational characteristics as described under No-Action conditions. The other elements of the building program would not change, except that the space occupied by the incremental 18 parking spaces added under RWCDs With-Action conditions would not be used for storage or left vacant, as would be the case under RWCDs No-Action conditions.

Figure A-4 shows the proposed parking plans.

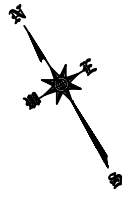
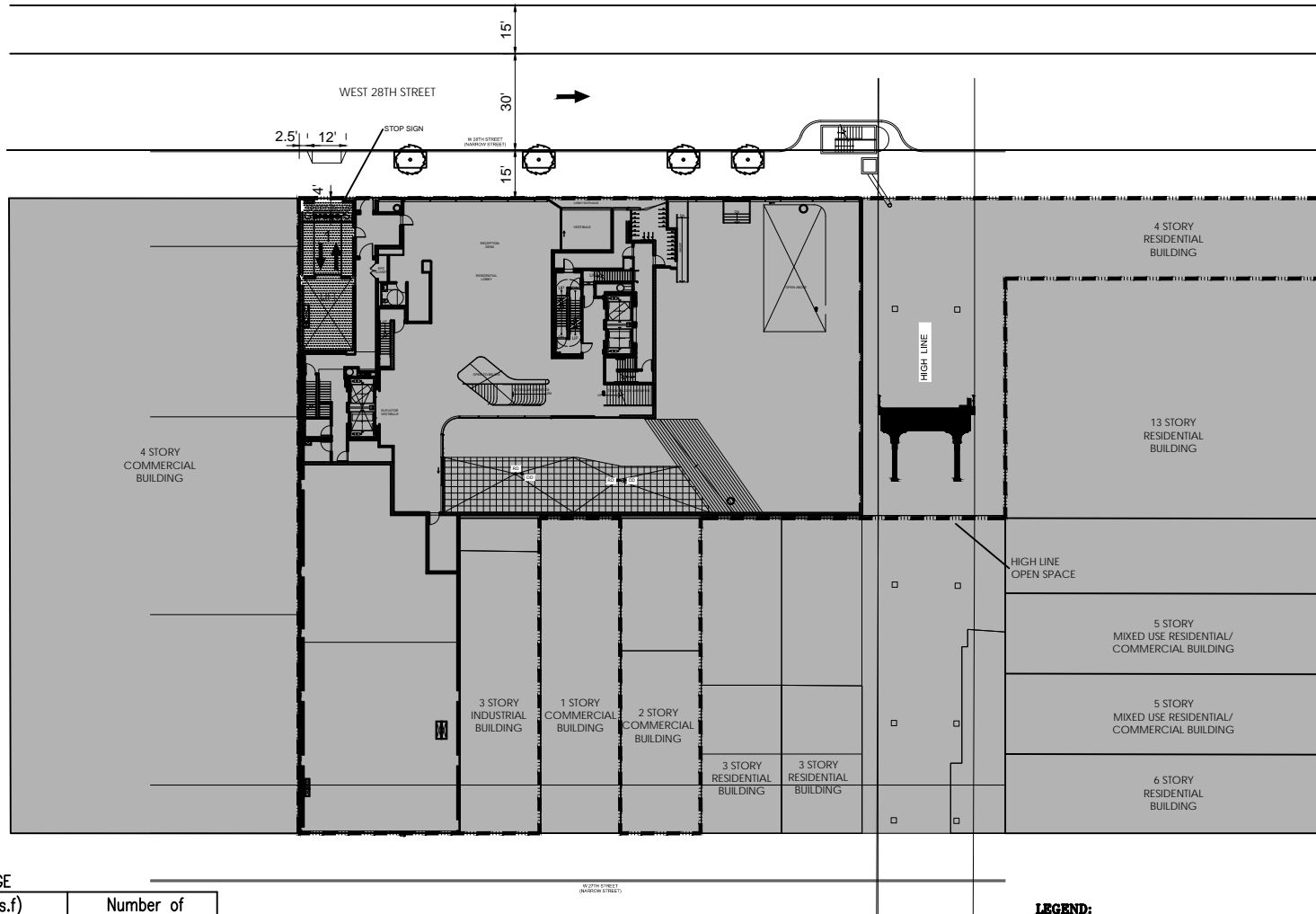
Net Increment

The program for the planned development will be the same under both RWCDs No-Action and RWCDs With-Action conditions, as the scope of the proposed action would only affect the number of parking spaces provided in the development. As such, the proposed action would result in an approximately 18-space increase in parking. The number of DUs, amount of retail space, curb cut location, and building volume would not change. The only physical change to the development would occur in the use of some of the below-grade space. It should be noted that the cellar depth will be the same under both RWCDs No-Action and RWCDs With-Action conditions, as reflected by building permit filings with the Department of Buildings. The applicant has excavated and substantially completed cellar level foundation work on the site to provide a cellar with two levels to provide sufficient depth for the accessory pool and other features. Excavation of soil and off-site disposal has been conducted pursuant to a NYSDEC-approved remedy as part of a Brownfield Cleanup Agreement (refer to the Hazardous Materials section of Attachment B, "Supplemental Screening", for more details.

Table A-4 includes a summary of program and building information for the RWCDs Net Increment.

E. PURPOSE AND NEED

Without the proposed action, the site would provide only the maximum number of spaces permitted as-of-right for the development, i.e., 11 spaces, which the applicant believes would not fully address the new building's anticipated site-generated parking demand. It is the applicant's opinion that the parking Special Permit would enable the building to provide additional parking spaces and to make productive use of its cellar space. The applicant believes that the additional parking would serve its own on-site demand and benefit the surrounding mixed-use community, which has experienced substantial new residential development while the provision of residential parking has fallen below the level permitted as-of-right. Several of the new developments have replaced public parking facilities and some new residential developments in the vicinity have not provided permitted parking.








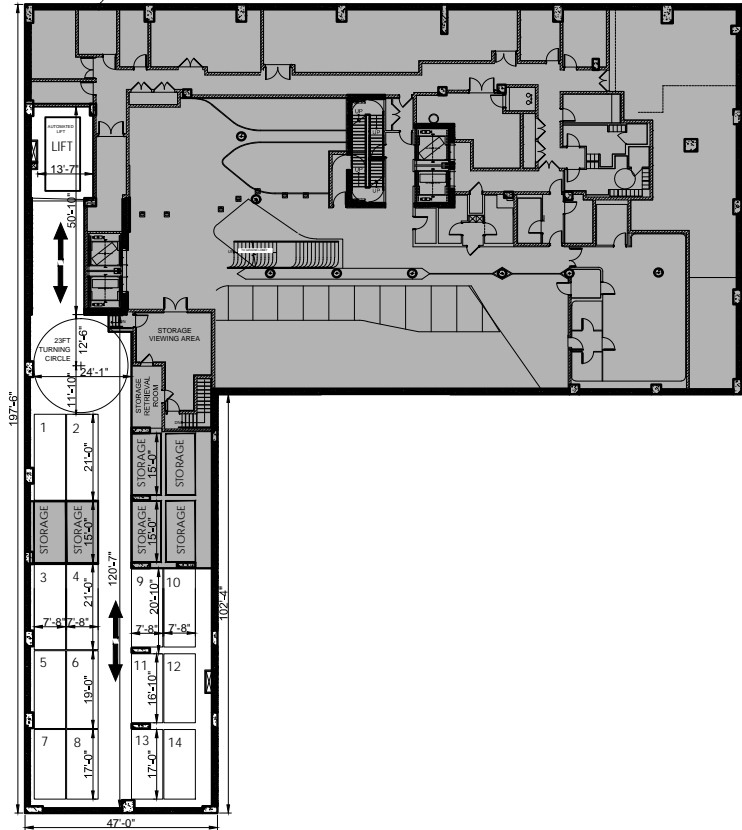
ACCESSORY AUTOMATED PARKING GARAGE

Level	Garage Area (s.f)		Number of Automated Spaces
	Access Zone	Parking Zone	
Ground Floor	850	0	0
Cellar	0	4,550	14
Sub-Cellar	0	4,950	15
Total	850	9,500	29
Reservoir Spaces			
ZR Section	Required	Proposed	
13-25	5% of 29 Spaces = 1	1	
Automated Spaces			
ZR Section	Required		
13-27	No Min. or Max. Surface Area is Required for Automated Garages		
Accessory Bicycle Spaces			
ZR Section	Greater of Either, Required for Garage or Required for Residential Units		
36-711	Required for Garage = 1/10 = 3		
	Required for Residential Units = 1/2 = 20	Proposed = 20	

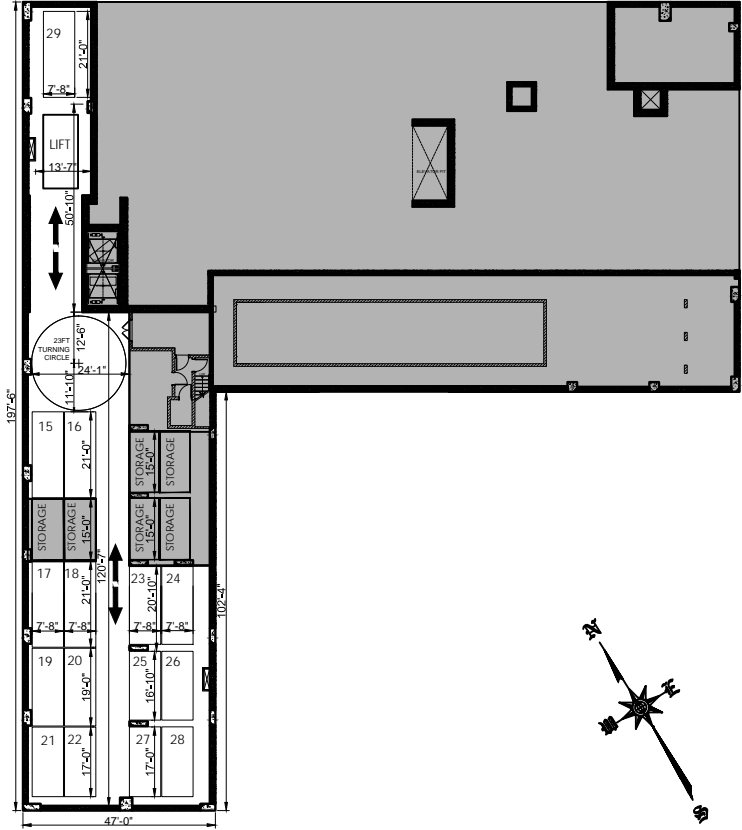
Note: 1,800sf is Storage Area

LEGEND:

-  VEHICULAR FLOW
-  RESERVOIR SPACE
-  ZONING LOT LINE
-  CORES, MECHANICAL, ELECTRICAL, OTHER SPACE NOT SUBJECT TO REQUESTED SPECIAL PERMIT PURSUANT TO ZR SECTION 13-45 & 13-451
-  ACCESS ZONE


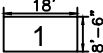



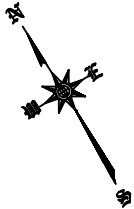
CELLAR LEVEL



SUBCELLAR LEVEL

LEGEND:

-  VEHICULAR FLOW
-  RESERVOIR SPACE
-  CORES, MECHANICAL, ELECTRICAL
OTHER SPACE NOT SUBJECT TO
REQUESTED SPECIAL PERMIT PURSUANT
TO ZR SECTION 13-45 & 13-451



**ATTACHMENT B:
SUPPLEMENTAL SCREENING**

A. INTRODUCTION

This Environmental Assessment Statement (“EAS”) has been prepared in accordance with the guidelines and methodologies presented in the 2014 *City Environmental Quality Review (“CEQR”) Technical Manual*. For each technical area, thresholds are defined, which if met or exceeded, require that a detailed technical analysis be undertaken. Using these guidelines, preliminary screening assessments were conducted for the proposed action to determine whether detailed analysis of any technical area may be appropriate. Part II of the EAS Form identifies those technical areas that warrant additional assessment. For those technical areas that warranted a “Yes” answer in Part II of the EAS Form, including Land Use, Zoning, and Public Policy; Historic and Cultural Resources; Hazardous Materials; Noise; Neighborhood Character; and Construction, supplemental screening assessments are provided in this attachment. The remaining technical areas detailed in the 2014 *CEQR Technical Manual* were not deemed to require supplemental screening because they do not trigger initial *CEQR* thresholds and/or are unlikely to result in significant adverse impacts. These areas screened out from any further assessment include: Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Urban Design and Visual Resources; Natural Resources; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; and Public Health.

The supplemental screening assessments contained herein identified that a preliminary assessment is required in the area of Land Use, Zoning, and Public Policy. That assessment is provided in Attachment C. Per the screening assessments provided in this attachment, more detailed analyses of the following technical areas are not required: Historic and Cultural Resources; Hazardous Materials; Noise; Neighborhood Character; and Construction. Table B-1 presents a summary of analysis screening information for the proposed action.

As described in Attachment A, “Project Description”, the applicant is seeking a zoning special permit to allow a 29-space accessory parking garage in the new building that is under construction on the development site on an as-of-right basis. Apart from an increase in the amount of parking that is permitted as-of-right (11 spaces), there would be no change in the building program as a result of the proposed action. The proposed garage would use an automated parking system. Refer to Attachment A for details. It is anticipated that the building, including the proposed garage, would be completed and occupied in 2016.

Table B-1. Summary of CEQR Technical Areas Screening

CEQR TECHNICAL AREA	SCREENED OUT PER EAS FORM	SCREENED OUT PER SUPPLEMENTAL SCREENING	FURTHER ASSESSMENT REQUIRED
Land Use, Zoning, & Public Policy			X ¹
Socioeconomic Conditions	X		
Community Facilities and Services	X		
Open Space	X		
Shadows	X		
Historic & Cultural Resources		X	
Urban Design & Visual Resources	X		
Natural Resources	X		
Hazardous Materials		X	
Infrastructure	X		
Solid Waste & Sanitation Services	X		
Energy	X		
Transportation - Traffic & Parking - Transit - Pedestrians	X X X		
Air Quality - Mobile Sources - Stationary Sources	X X		
Greenhouse Gas Emissions	X		
Noise		X	
Public Health	X		
Neighborhood Character		X	
Construction		X	

¹ A preliminary assessment of Land Use, Zoning, and Public Policy, including a consistency assessment for the Waterfront Revitalization Program (WRP) is provided in Attachment C, "Land Use, Zoning, and Public Policy."

Given that the proposed special permit would increase the number of parking spaces on the development site by less than 85 parking spaces, it would meet the requirement for classification as a Type II action under CEQR except that it does not meet one of the required pre-requisites for a Type II determination, i.e., the lead agency has determined that the development site is located adjacent to a resource (the High Line) that is potentially eligible for listing on the National Register of Historic Places. As such, the proposed action is classified as an Unlisted Action and therefore requires environmental review.

B. SUPPLEMENTAL SCREENING AND SUMMARY OF DETAILED ANALYSES

Land Use, Zoning, & Public Policy

Following 2014 *CEQR Technical Manual* guidelines, a preliminary assessment, which includes a basic description of existing and future land uses and zoning, including any future changes in zoning that could cause changes in land use, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. In

addition, the preliminary assessment should include a basic description of the project facilitated by the proposed actions in order to determine whether a more detailed assessment of land use would be appropriate. This information is essential for conducting the other environmental analyses and provides a baseline for determining whether detailed analysis is appropriate. *CEQR* requires a detailed assessment of land use conditions if a detailed assessment has been deemed appropriate for other technical areas. As such the 2014 *CEQR Technical Manual* does not require a detailed land use and zoning assessment for a project such as the proposed action which has only a limited effect on land use on a single site and does not require detailed analysis of any other technical areas. The preliminary assessment of land use zoning is provided in Attachment C, “Land Use, Zoning, and Public Policy,” for informational purposes and to demonstrate that more detailed analysis is not warranted.

In addition, as the development site is located within the City’s newly expanded coastal zone (with State and Federal agency sign-off pending), a Waterfront Revitalization Program (WRP) coastal zone consistency assessment is also provided for the proposed action in Attachment C. As discussed in Attachment C, the proposed action would not result in any significant adverse impacts on land use, zoning, and public policy.

Historic and Cultural Resources

Historic resources are defined as districts, buildings, structures, sites and objects of historical, aesthetic, cultural, and archaeological importance. This includes properties that have been designated or are under consideration as New York City Landmarks or Scenic Landmarks or are eligible for such designation; properties within New York City Historic Districts; properties listed for the State and/or National Register of Historic Places (S/NR); and National Historic Landmarks. According to the 2014 *CEQR Technical Manual* guidelines, a study area defined by a radius of 400 feet from the boundaries of the project site is typically adequate to assess potential impacts on historic/architectural resources. Archaeological resources are assessed only for areas proposed for development, if they would entail in-ground disturbance.

Architectural Resources

An assessment of architectural resources is usually required for projects that are located adjacent to historic or landmarked structures, or are located within a locally or nationally recognized historic district. The development site is not a historic or landmark structure and is not located within a locally or nationally recognized historic district. However, the development site is located adjacent to the High Line, which, according to NYC Landmarks Preservation Commission (LPC) is eligible for S/NR listing. In addition, several properties located within the LPC-designated West Chelsea Historic District are located within the 400-foot radius historic resources study area, including the former R.C. Williams & Company Building, which is also listed individually on the State and National Registers of Historic Places. There is also one other building in the historic resources study area considered S/NR-eligible, the former Charles P. Rogers & Company Building.

Table B-1 identifies these historic resources located within the historic resources study area. The properties identified in Table B-1 are shown in Figure B-1.



High Line

Completed in 1934 as an elevated freight rail line, and used for that purpose until 1980, the currently extant structure extends from W. 34th Street between Eleventh Avenue and Twelfth Avenue to Gansevoort Street and Washington Street. In the vicinity of the development site it is approximately 30 feet wide and extends midblock, parallel and approximately 100 feet west of Tenth Avenue. It extends directly above several properties and is directly adjacent to the eastern boundary of the development site. After remaining vacant for over two decades, it was extensively altered and converted into a public open space, with Section 1, from Gansevoort Street to W. 20th Street, opening in 2009, and Section 2, from W. 20th Street to W. 30th Street, opening in 2011. The final section of the High Line from W. 30th Street to W. 34th Street opened in in fall 2014.

Table B-1, Historic Resources

No.	Name	Address	Status	Location
1	High Line	Extends from W. 34 St. to Gansevoort St.	S/NR-eligible	Adjacent to Development Site
2	West Chelsea Historic District (WCHD)	Multiple properties on All or parts of 7 blocks	NYC LPC designated	Within 400' Radius Study Area
2a	WCHD: R.C. Williams & Co. Building	259-273 10 Av	NYC LPC designated; also S/NR-listed	362' from Development Site
3	(former) Charles P. Rogers & Co. Building	517-523 W 29 St	S/NR-eligible	317' from Development Site

A one block section of the High Line between W. 25th Street and W. 26th Street is located within the West Chelsea Historic District; the portion of the structure adjacent to the development site is not in the Historic District. LPC determined in 2014 that the High Line is S/NR-eligible (refer to LPC's Environmental Review letter provided in Appendix A).

West Chelsea Historic District

The West Chelsea Historic District encompasses all or part of seven blocks (Blocks 670, 672, 673, 696, 697, 698, and 699) located in an area bounded by W. 28th Street on the north, Tenth Avenue on the east, the south side of W. 25th Street on the south, and Twelfth Avenue on the west. It is a rare surviving example of New York City's rapidly disappearing industrial neighborhoods and contains approximately 30 structures dating from 1885 to 1930. LPC designated it a NYC historic district in 2008.

(former) R.C. Williams & Company Building

The former R.C. Williams & Company Building, also known as the Williams Warehouse, now occupied by Avenues School, is located at 259-273 Tenth Avenue, a rectangular building with frontage on Tenth Avenue, W. 26th Street, and W. 27th Street (Block 697, Lot 31). It is a 10-story reinforced-concrete warehouse built in 1927-1928. It was listed individually on the State Register

of Historic Places in December 2004 and on the National Register of Historic Places in February 2005 and is located within the West Chelsea Historic District.

(former) Charles P. Rogers & Company Building

The former Charles P. Rogers & Company Building, now occupied by Tuck-It-Away Self-Storage, is located at 517-523 W. 29th Street (Block 701, Lot 24), midblock between Tenth Avenue and Eleventh Avenue. It is a 6-story red brick building built in 1903, although its easternmost portion is 2 stories with a vehicle entrance which may not be part of the original building. The *Special West Chelsea District Rezoning and High Line Open Space FEIS* (2005) identified this property as S/NR-eligible.

Archaeological Resources

The proposed action would not have the potential to result in any effects on archaeological resources. The approval of the proposed garage special permit would not result in any incremental change in excavation and in-ground disturbance as compared to conditions under No-Action conditions. (As noted in Attachment A, the applicant has completed site excavation work and substantially completed cellar level foundation work on the site.) Furthermore, LPC, in its review of this site as part of a broader review of all projected and potential development sites for the *Special West Chelsea District Rezoning and High Line Open Space FEIS*, determined that the area is not archaeologically sensitive for prehistoric and historic archaeological resources.

Effects of the Proposed Action

According to the 2014 *CEQR Technical Manual*, generally, if a proposed action would affect those characteristics that make a resource eligible for New York City Landmark designation or S/NR listing, this could be a significant adverse impact. The historic resources in the study area are significant both for their architectural quality as well as for their value as part of the City's historic development. The proposed action was assessed in accordance with guidelines established in the 2014 *CEQR Technical Manual* (Chapter 3F, Part 420), to determine (a) whether there would be a physical change to any designated property or its setting as a result of the proposed action, and (b) if so, is the change likely to diminish the qualities of the resource that make it important (including non-physical changes such as context or visual prominence).

Assessment of Direct Effects, Construction Effects, and Indirect Effects

The proposed action would have no direct effects as the development site is not an architectural historic resource and is not located in a designated or listed historic district and has not been identified as part of an eligible historic district.

In addition, the proposed action would not have construction or indirect effects on any architectural historic resources as it would only involve construction changes within the interior of the building under construction on the development site.

With or without the proposed action, the building, which is under construction, will be completed and will be required to comply with all applicable construction regulations to protect nearby historic resources. For example, the NYC Department of Parks and Recreation issued a memorandum to the NYC Department of Buildings (DOB) on December 3, 2013 regarding the development at 520 W. 28th Street stating that “the developer’s architect / engineer completed a review process to ensure that the design as submitted will not compromise the structural integrity of the High Line, impede on the maintenance or operation of the High Line, and will comply with all pertinent Department of Buildings requirements.” The memo further stated that “Parks must continue to closely coordinate with the developer and DOB to ensure the public and the High Line structure are properly protected from construction activities associated with this property and make efforts to minimize impacts on park operation.”¹ With this and other required processes in place, protection of nearby historic resources would be provided under both No-Action and With-Action conditions. Accordingly, there would be no incremental change in the construction effects of the development site’s new building on historic architectural resources.

In conclusion, the proposed action does not have the potential to result in significant adverse historic and cultural resources impacts and no further analysis is necessary. As noted in the Environmental Review letter provided by LPC (in Appendix A), LPC has reviewed this EAS text and finds it acceptable.

Hazardous Materials

As defined in the 2014 *CEQR Technical Manual*, a hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semivolatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the 2014 *CEQR Technical Manual*, the potential for significant adverse impacts from hazardous materials can occur when: (a) hazardous materials exist on a site, and (b) an action would increase pathways to their exposure; or (c) an action would introduce new activities or processes using hazardous materials.

As noted in Attachment A, the applicant has completed excavation of the development site on an as-of-right basis. As such soil disturbance on the development site would occur under both No-Action and With-Action conditions.

¹ A copy of this memo is available on-line at and is provided in Appendix A:

<http://a810-bisweb.nyc.gov/bisweb/BScanJobDocumentServlet?requestid=4&passjobnumber=121332815&passdocnumber=02&allbin=1805848&scancode=ES932185419>

(E) Designation

The development site is subject to (E) designation E-142² dated 06/23/05³, which was established in connection with the Special West Chelsea District Rezoning (CEQR No. 03DCP069M) to ensure that no significant adverse impacts related to hazardous materials would occur as a result of redevelopment on this site. For hazardous materials, the (E) designation requires as a condition of site development: hazardous materials investigation, testing, and as appropriate remediation. These requirements must be complied with to the satisfaction of OER.

OER, in a letter from the NYC Office of Environmental Remediation (OER) to DOB dated January 21, 2014 regarding the development site, issued a “Notice to Proceed” (NTP), stating it “has concluded that the applicant may proceed with excavation, remediation, and foundation work.” The NTP notes that the “subject site is actively enrolled in the NYSDEC [New York State Department of Environmental Conservation] Brownfield Cleanup Program (BCP Site #C231082)” and stated that “As long as the environmental jurisdiction for this site remains under NYSDEC BCP commitments, OER has no further requirements until the Certificate of Completion is issued by NYSDEC and Easement Recording (if required) to support the issuance of an OER Notice of Satisfaction.” The NTP concludes, “no other permits, (i.e., Temporary or Certificate of Occupancy) should be issued by the NYC Department of Buildings until OER has issued a “Notice of Satisfaction.”⁴ With these controls in place, the potential for significant adverse hazardous materials impacts on the development site under No-Action or With-Action conditions would be precluded. As noted above, the applicant has completed site excavation work, which included implementing the approved BCP remedy to address contamination on the site including excavation

² (E) designations for hazardous materials provide notice of the presence of an environmental requirement pertaining to potential hazardous materials contamination on a particular tax lot. They are established in connection with a change in zoning or an action pursuant to a provision of the Zoning Resolution that would allow additional development to occur on property, or would permit uses not currently allowed. For new developments, enlargements of existing buildings, or changes in use, DOB will not issue a building permit for grading, excavation, foundation, alteration, building, or any other permit for the site which permits soil disruption, or issue a temporary or permanent Certificate of Occupancy that reflects a change in Use Group until the environmental requirements of the (E) designation are satisfied. For hazardous materials (E) designations, the environmental requirements are that a testing and sampling protocol be conducted, and a remediation plan be developed and implementation where appropriate, to the satisfaction of the NYC Mayor’s Office of Environmental Remediation (OER). OER administers the (E) Designation Environmental Review Program, which was formerly administered by the NYC Department of Environmental Protection (DEP). Per the City rules regulating (E) designations, related to these activities, Phase I Environmental Site Assessments, Remedial Investigation Work Plans (aka, Phase II Work Plans), Remedial Investigation Reports, mandatory health and safety plans (HASPs) Remedial Action Plans (RAPs), and Remedial Closure Reports consistent with the applicable standards of the American Society for Testing and Materials (ASTM) must be prepared, reviewed and approved by OER, and implemented to OER’s satisfaction during investigation and remediation of (E)-designated sites in order to assure protection of public health and the environment. DOB may issue permits allowing for certain activities consistent with a RAP upon receiving a Notice to Proceed from OER.

³ Refer to Attachment A discussion of changes to the tax lot configuration of the development site since the establishment of the (E) designation requirements.

⁴ A copy of this letter is available on-line at:

<http://a810-bisweb.nyc.gov/bisweb/BScanJobDocumentServlet?requestid=4&passjobnumber=121332815&passdocnumber=05&allbin=1805848&scancode=ES773140794>

and proper off-site disposal of soil and fill as required by law and to satisfy the (E) designation and the BCP requirements.

Brownfield Cleanup Program (BCP)

As noted in OER's NTP, the development site is also subject to the BCP, administered by NYSDEC. The goal of the Brownfield Cleanup Program (BCP) is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant. Contaminants include hazardous waste and/or petroleum.

Under NYSDEC oversight, the applicant conducted a Remedial Investigation of the development site and identified a selected remedy to address contamination as the site is redeveloped. The selected remedy is detailed in a Remedial Action Plan (RAP), which was approved by NYSDEC per a letter to the applicant dated December 24, 2013 (provided in Appendix C). As excavation of the development site advanced, the selected remedy was implemented and, as noted in the NTP, NYSDEC must issue a Certificate of Completion before occupancy of the site is permitted.

Conclusion

As the applicant is working to satisfy the requirements of the BCP and the (E) designation, received the NTP from OER to proceed with excavation, remediation, and foundation work, and has completed excavation and substantially completed cellar level foundation work, there will be no potential for significant adverse impacts related to hazardous materials as a result of development under No-Action or With-Action conditions. No further assessment in this EAS is warranted.

Air Quality

A supplemental screening is not warranted for the proposed action. Furthermore, the development site, Block 699, Lot 43, is not subject to an (E) designation, Restrictive Declaration, or other institutional control related to air quality.⁵

Noise

The principal types of noise sources affecting the New York City environment are mobile sources (primarily motor vehicles), stationary sources (typically machinery or mechanical equipment associated with manufacturing operations or building heating, ventilating and air conditioning systems) and construction noise. The 2014 *CEQR Technical Manual* states that the initial impact screening for noise considers whether the project would: (1) generate any mobile or stationary sources of noise; and/or (2) be located in an area with existing high ambient noise levels.

⁵ As noted in Attachment A, the development site formed part of "Projected Development Site 5" analyzed in the *Special West Chelsea District Rezoning and High Line Open Space FEIS*. The *FEIS* identified a proposed (E) designation for air quality for the site, but due to modifications to the application made by the City Council after the issuance of the *FEIS*, per the June 22, 2005 Technical Memorandum (also discussed in Attachment A), the site no longer required an (E) designation for air quality and thus one was not recorded against the site's tax lots.

The development site is subject to an institutional control, i.e., an (E) designation, to ensure that new development on the site will provide required window-wall attenuation and alternate means of ventilation to ensure acceptable interior noise levels and thereby not result in significant adverse noise impacts. The proposed action will generate or divert vehicular traffic, but this would not represent a substantial new mobile source of noise.

Per the EAS Form, the proposed action would not result in the introduction of any sensitive noise receptor to the development site and it would not create any substantial stationary noise source. Additionally, the vehicle parking facilitated by the proposed action would be located in enclosed areas, below the lowest residential floor in the new development.

Mobile Source

As indicated on the EAS Form, the proposed action would generate or re-route vehicular traffic. However, as the proposed action would not exceed any development density threshold for Transportation analysis identified in 2014 *CEQR Technical Manual* Table 16-1, it would not result in a substantial increase in traffic. Therefore the proposed action would not result in a 100 percent or more increase in noise passenger car equivalents (PCE) on W. 28th Street and the other streets surrounding the development site, which are public streets that carry significant auto, truck, and bus traffic. The 2014 *CEQR Technical Manual* states that if existing Noise PCE values are not increased by 100 percent or more, it is likely that the proposed project would not cause a significant adverse vehicular noise impact, and therefore, no further vehicular noise analysis is needed.

Assessment

As the development site is subject to an (E) designation for noise and the proposed action would not introduce a new noise receptor and would not create a substantial new stationary or mobile noise source, the proposed action would not have the potential to result in significant adverse noise impacts and a detailed analysis is not warranted.

(E) Designation

(E) designations for noise provide notice of the presence of an environmental requirement pertaining to high ambient noise levels on a particular tax lot. If an area is proposed to be rezoned, and the accompanying environmental analysis indicates that development on a property may be affected adversely by existing noise in the vicinity, then an (E) designation for window/wall attenuation and alternate means of ventilation may be placed on the property by the lead agency in order to address such issues in conjunction with any new development or new use of the property. For new developments, enlargements of existing buildings, or changes in use, DOB will not issue a building permit until the environmental requirements of the (E) designation are satisfied.

In order to preclude the potential for significant adverse impacts related to noise due to redevelopment on the site, as discussed in Attachment A, as part of the 2005 West Chelsea Rezoning, an (E) designation for noise was recorded for the development site. The (E) designation, listed in the Zoning Resolution Appendix C, Table 1, Environmental Requirements, as “E-142”,

states “Window Wall Attenuation & Alternate Ventilation.” The Technical Memorandum dated June 22, 2005, issued subsequent to the *FEIS*, identified a 30-dBA required attenuation value for the development site with a closed window condition (requiring alternate means of ventilation) needed to provide acceptable interior noise levels.

As discussed above, OER administers the (E) designation program and will not authorize DOB to issue a TCO or C of O for the new building on the development site until the applicant has demonstrated that it has satisfactorily complied with all E-142 requirements, including those for noise. This process will occur under both No-Action and With-Action conditions and would not be affected by the proposed action, which would not affect the residential program on the development site. Building permits have in fact been issued for the building based on the NTP letter discussed above under “Hazardous Materials.” As it pertains to noise requirements, the NTP states that OER finds the “Noise RAP [Remedial Action Plan] acceptable” and noted that the applicant remains committed to submitting “a Noise Installation Report certified by the Engineer (P.E.) or Architect (R.A.) of Record to OER for review and approval at the conclusion of construction activity.” With these controls in place, the potential for significant adverse noise impacts on the development site under No-Action or With-Action conditions would be precluded.

Neighborhood Character

As the EAS is providing a preliminary assessment of land use, zoning, and public policy (Attachment C), a preliminary screening analysis is necessary to determine if a detailed neighborhood character analysis is warranted.

Neighborhood character is an amalgam of various elements that give neighborhoods their distinct “personality.” According to the 2014 *CEQR Technical Manual*, a preliminary assessment may be appropriate if a project has the potential to result in any significant adverse impacts on any of the following technical areas: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise. Per the analyses provided in this EAS, although the proposed project required supplemental screening or preliminary assessment of some of these technical areas, there would be no project-generated significant adverse impacts.

The 2014 *CEQR Technical Manual* also states that for projects not resulting in significant adverse impacts to any technical areas related to neighborhood character, additional analyses may be required to determine if the proposed project would result in a combination of moderate effects to several elements that cumulatively may affect neighborhood character. However, the 2014 *CEQR Technical Manual* indicates that neighborhood character impacts are rare and it would be unusual that, in the absence of a significant adverse impact in any of the relevant technical areas, a combination of moderate effects in the neighborhood would result in any significant adverse impact to neighborhood character.

As the proposed project would not be considered to have any significant effects on any of the technical areas relating to neighborhood character, a neighborhood character assessment can be screened out, and no significant adverse neighborhood character impacts would occur. Therefore, no additional analysis is warranted for neighborhood character.

Construction

Construction impacts, although temporary, can include disruptive and noticeable effects of a project. Determination of their significance and need for mitigation is generally based on the duration and magnitude of the impacts. Based on 2014 *CEQR Technical Manual* guidelines, where the duration of construction is expected to be short-term (less than two years), any impacts resulting from construction generally do not require detailed assessment. Construction of the building on the development site is expected to be completed within approximately 21 months and the duration will be approximately the same under both No-Action and With-Action conditions. Construction of the proposed 29-space garage would involve internal fit-out and finishes of space. This work, which would be initiated upon approval of the application, would occur concurrently with fit-out and finishes for other portions of the development and there would be similar, though less extensive, construction activity in this area of the building under No-Action conditions.

While overall construction will have a duration of less than two years and there will not be a substantial incremental change in the construction schedule as a result of the proposed action, a preliminary screening of construction impacts resulting from the project is recommended because the proposed action could result in construction activities that may require the short-term closing, narrowing, or otherwise impeding of traffic, transit or pedestrian elements (roadways, parking spaces, sidewalks, crosswalks, corners, etc.) along streets bordering the site. In addition, construction activities on the site are occurring within 400 feet of historic and cultural resources, as identified in the “Historic and Cultural Resources” section above.

The majority of construction activities will take place Monday through Friday, although the delivery or installation of certain equipment could occur on weekend days. Hours of construction are regulated by DOB and apply in all areas of the City. In accordance with those regulations, almost all work could occur between 7 AM and 6 PM on weekdays, although some workers arrive and begin to prepare work areas before 7 AM. Occasionally, Saturday or overtime hours could be required to complete time-sensitive tasks. Weekend work requires a permit from the DOB and, in certain instances, approval of a noise mitigation plan from NYCDEP under the City’s Noise Code.

Preliminary Screening

As described in Attachment A, the proposed action would facilitate a 29-space accessory parking facility in a new development currently under construction; the proposed action would result in an 18-space incremental increase in spaces as compared to the approximately 11 spaces permitted on the site on as-of-right basis. All incremental construction activities generated by the proposed action would occur internally within the structure as there would be no change in the amount of excavation or change in the building envelope. Construction impacts are usually important when construction activity could affect the integrity of historical and archaeological resources, hazardous materials, traffic conditions, air quality, and noise conditions. A discussion of these areas of concern is provided below for informational purposes.

Historic and Cultural Resources

As described in the “Historical and Cultural Resources” section above, the proposed action would not have the potential to have construction effects on any architectural or archaeological resources as it would only involve construction changes within the interior of the building under construction on the development site.

Hazardous Materials

As described in the “Hazardous Materials” section above, the development site is being remediated under NYSDEC review as part of the BCP with a remedy that is protective of human health and the environment consistent with the proposed use of the property. As the site is also subject to an (E) designation for hazardous materials, the remediation work is also subject to review and approval by OER.

Transportation

The development site has midblock frontage on both W. 27th Street and W. 28th Street. The site is not located in a Central Business District (CBD) or along an arterial or major thoroughfare. There are no designated bicycle routes, bus lanes or routes, or access points to transit in the immediate vicinity of the project site. During construction the sidewalks along these streets adjacent to the site may need to be closed at times in order to accommodate construction vehicles, equipment, and supplies. If sidewalk closure is necessary, Jersey barriers or other protective structures would be erected and a covered pedestrian walkway would be created to accommodate pedestrian traffic around the property. Short-term closure of the parking lanes adjacent to the project site also may be necessary. These closures would be considered to be a routine closure that would be addressed by a permit (and pedestrian access plan) to be issued by the NYC Department of Transportation (DOT) Office of Construction Mitigation and Coordination (OCMC) at the time of closure so that impacts are not expected to occur. Standard practices would be followed to ensure safe pedestrian and vehicular access to nearby buildings and along affected streets and sidewalks. During construction, access to all adjacent businesses, residences, and other uses would be maintained according to the regulations established by the DOB. In addition, it is not anticipated that all vehicle moving lanes adjacent to the site would need to be closed during construction.

Vehicular access to/from the project site for construction vehicles would be via westbound W. 27th Street and eastbound W. 28th Street. An analysis of transportation impacts from construction of the project is not required as the project construction period is less than two years and most construction traffic would take place outside of the AM and PM traffic peak hours in the vicinity of the site due to typical construction hours.

Accordingly, the proposed action would not result in any significant adverse transportation impacts during project construction.

**ATTACHMENT C:
LAND USE, ZONING, AND PUBLIC POLICY**

A. INTRODUCTION

Under *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed project, and determines whether that proposed project is compatible with those conditions or may affect them. Similarly, the analysis considers the proposed project's compliance with, and effect on, the area's zoning and other applicable public policies.

The proposed action consists of an application for a City Planning Commission (CPC) Zoning Special Permit pursuant to Section 13-451 of the New York City Zoning Resolution (ZR § 13-451), "Additional Parking Spaces for Residential Growth," (the "proposed action"). The proposed action would allow a 29-space parking garage to be provided in a new development currently under construction on an as-of-right basis on the proposed development site at 520 W. 28th Street in the West Chelsea neighborhood in Manhattan Community District 4. The proposed development site at 520 W. 28th Street, which consists of Block 699, Lot 43, is located between Tenth and Eleventh Avenues and is immediately west of the High Line, the range of addresses associated with the site include 510-524 W. 28th Street (even numbers) and 521-523 W. 27th Street (odd numbers).

As discussed in Attachment A, "Project Description", the as-of-right 188,691-gsf mixed residential-commercial building under construction on the development site will be 135 feet tall (roof height), with permitted penthouse above the roof. It will have approximately 40 DUs and approximately 11,213 gsf of retail space. The development will include cellar space excavated to a depth of approximately 23.5 feet below grade. (As discussed in Attachment A, the applicant has completed excavation and substantially completed cellar level foundation work on the site.) On an as-of-right basis, the development is permitted to have 11 accessory parking spaces. The site is being developed with a curb cut for a garage entrance on W. 28th Street. This represents the RWCDS No-Action condition for the development site, which represents the baseline against which the effects of the With-Action condition will be compared. The effect of the proposed action, therefore, represents the incremental effect on conditions that would result as the net change in development between No-Action conditions and the With-Action conditions.

With the proposed action, the on-site parking garage would have 29 spaces, while the residential and retail program, building envelope, area and volume of below-grade space, and curb cut location would not change. This represents the RWCDS With-Action condition for the site. Accordingly, the RWCDS Increment for the proposed action is a net increase of 18 parking spaces. The development will be completed in 2016 under both RWCDS No-Action and RWCDS With-Action conditions.

As also discussed in Attachment A, the development site is part of a larger zoning lot that also includes Block 699, Lots 22, 24, 37, and 42. The proposed action would not directly affect conditions on the remainder of the zoning lot.

B. PRINCIPAL CONCLUSION

No significant adverse impacts on land use, zoning, or public policy, as defined by the guidelines for determining impact significance set forth in the 2014 *CEQR Technical Manual*, are anticipated in the future with the proposed action in the primary and secondary study areas. The proposed action would not directly displace any land uses so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with existing or anticipated land uses, zoning, or public policy in the secondary study area. The proposed action would not create land uses or structures that would be incompatible with the underlying zoning, nor would it cause a substantial number of existing structures to become non-conforming. The proposed action would not result in land uses that conflict with public policies applicable to the primary study area.

The proposed action would result in an overall increase parking uses on the development site, when compared to conditions in the future without the proposed action. The proposed action would only change the number of parking spaces provided in the development. The only physical change to the development would occur in the use of some below-grade space. The cellar depth will be the same under both No-Action and With-Action conditions.

Under No-Action conditions, the cellar space in the western portion of the building will be occupied by a combination of the 11 parking spaces and storage space and/or vacant space. Under With-Action conditions space that would be occupied by the building storage area or vacant space would be replaced with 18 additional parking spaces.

C. METHODOLOGY

The land use, zoning, and public policy analysis has been conducted in accordance with the methodology presented in the 2014 *CEQR Technical Manual*. Per 2014 CEQR guidelines, a preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. A preliminary public policy analysis was also prepared to determine the potential of the proposed project to alter or conflict with applicable public policies. As the development site is located within the City's Coastal Zone Boundary (as delineated under new maps approved by the City in 2013 and awaiting State and Federal approval) an assessment for consistency with the City's Waterfront Revitalization Program is provided.

In accordance with the 2014 *CEQR Technical Manual*, the assessment describes existing and anticipated future conditions at a level necessary to understand the relationship of the proposed action to such conditions, assesses the nature of any changes to these conditions that would be created by the proposed action, and identifies those changes, if any, that could be significant or adverse. The assessment discusses existing and future conditions with and without the proposed project in the 2016 analysis year for a primary study area and a secondary study area.

Existing land uses were identified by reviewing a combination of sources including field surveys, secondary sources such as the City's Primary Land Use Tax Lot Output (PLUTO™) data files for

2013, online Geographic Information Systems (GIS) databases including the New York City Open Accessible Space Information System (<http://www.oasisnyc.net>) and the New York City Department of City Planning's (DCP's) Zoning and Land Use (ZoLa) application (<http://gis.nyc.gov/doitt/nycitymap/>). New York City Zoning Maps and the *Zoning Resolution of the City of New York* were consulted to describe existing zoning districts in the study areas and provided the basis for the zoning evaluation of the future No-Action and With-Action conditions. Relevant public policy documents were utilized to describe existing public policies pertaining to the development site and surrounding study area.

Analysis Year

It is anticipated that the proposed 29-space parking garage would be operational by 2016. As such, the analysis year for environmental analysis purposes is 2016. The future No-Action and With-Action conditions account for land use and development projects, zoning proposals, and public policy initiatives expected to be implemented in the study area by 2016.

Study Area Definition

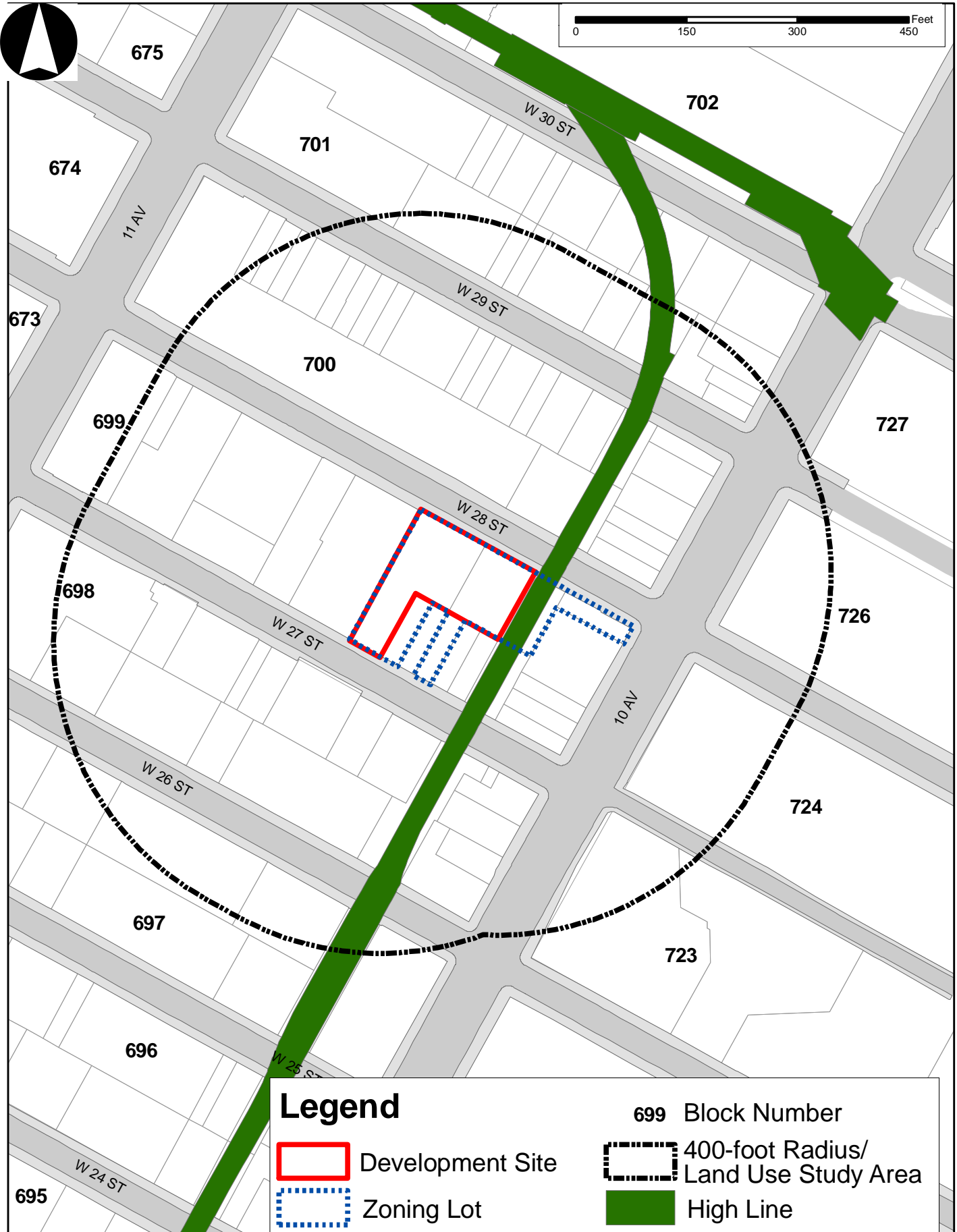
According to the 2014 *CEQR Technical Manual*, the appropriate study area for land use, zoning and public policy is related to the type and size of the proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 400 feet for a small project to 0.5 miles for a large project. In accordance with the 2014 *CEQR Technical Manual* guidelines, land use, zoning, and public policy are addressed and analyzed for two geographical areas: (1) the development site also referred to as the primary study area, and (2) a secondary study area. The secondary study area for this project extends approximately 400 feet from the boundary of the development site. As shown in Figure C-1, the secondary study area extends as far north as the north side of W. 29th Street, as far east as the midblock area Ninth Avenue and Tenth Avenue, as far south as the south side of W. 26th Street, and as far west as the east side of Eleventh Avenue. As such, it includes portions of Blocks 697, 698, 699, 700, 701, 724, and 726.

D. PRELIMINARY ASSESSMENT

1. Existing Conditions

Historic Overview

West Chelsea was for many decades an industrial area with warehouses and manufacturing buildings, with this land use pattern reinforced by the construction of an elevated freight railroad (now known as the High Line) in the 1930s. This land use pattern was reflected by manufacturing zoning adopted as part of the 1961 Zoning Resolution which prohibited new residential development. However, by the turn of the twenty-first century, with the High Line inactive since 1980 and a decline in industrial uses, many of these properties were underutilized, vacant, or converted to commercial uses such as offices and art galleries. The West Chelsea Rezoning, adopted in 2005, was designed to complement plans to convert the High Line into a public open



space and respond to demand for new housing. The rezoning provided a framework for the redevelopment of much of the area with new mixed residential-commercial developments, however on some midblocks new residential development continued to be prohibited as light manufacturing zoning was retained, in an effort to preserve existing light industrial uses and encourage commercial uses.

Land Use

Development Site

The L-shaped, 22,219-sf development site is located at 520 W. 28th Street (Block 699, Lot 43), occupying a portion of the block bounded by W. 28th Street to the north, Tenth Avenue to the east, W. 27th Street to the south and Eleventh Avenue to the west. The site, which is relatively flat, is a through-lot with frontage on both W. 27th Street and W. 28th Street. The High Line open space is located immediately to its east and there is a public stairway providing access to the elevated structure located on the public sidewalk on the south side of W. 28th Street near the northeast corner of the site. A mixed-use building is currently under construction on an as-of-right basis. The applicant expects to complete the building by 2016. Refer to Table A-1 in Attachment A, which summarizes existing conditions information for the development site.

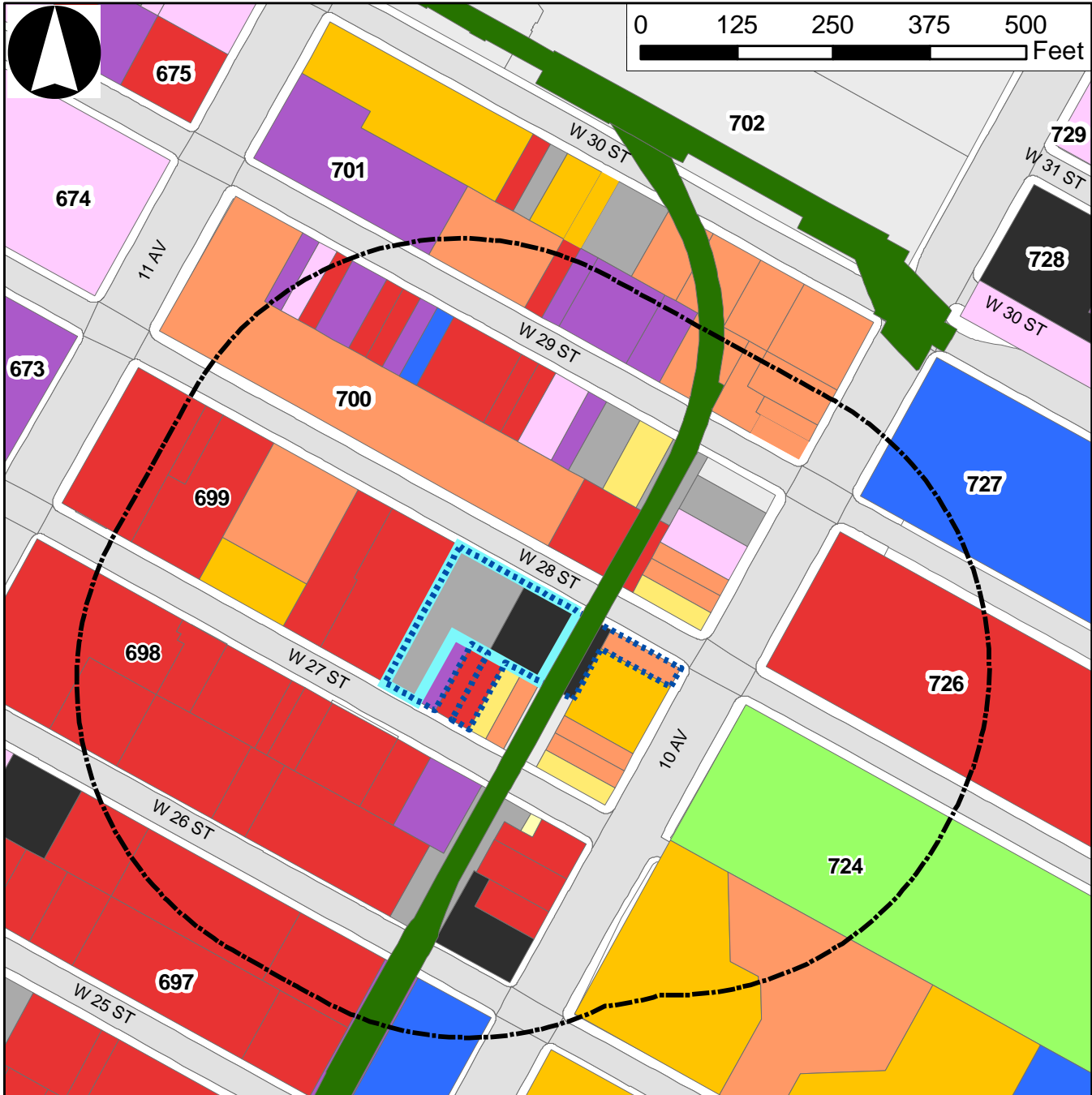
Remainder of Zoning Lot

In addition to the development site, the zoning lot includes other adjoining properties on Block 699 that will not be directly affected by the proposed action or the new development on the development site. As detailed in Attachment A, these include low-rise and open properties currently occupied by commercial and industrial uses. Refer to Table A-2 in Attachment A, which summarizes existing conditions information for the zoning lot properties.

Study Area

As shown in Figure C-2, the study area is comprised of a range of uses including mixed residential-commercial buildings, residential buildings, commercial uses, public open space, institutional uses, and manufacturing/industrial uses. The High Line extends through the study area following a north-south alignment parallel to and approximately 100 feet west of Tenth Avenue. In addition to the W. 28th Street stairway located near the development site, within the study area there is also a High Line stairway on the north sidewalk of W. 26th Street.

On the study area blocks bounded by W. 30th Street, Tenth Avenue, W. 27th Street, and Eleventh Avenue (Blocks 698 to 701) there have been several new apartment buildings constructed pursuant to the West Chelsea Rezoning on properties formerly occupied by commercial, industrial, and parking uses. On the development site block, for example, +aRt, at 540 W. 28th Street (Block 699, Lot 7502), is a 90-DU, 13-story building completed in 2012. To the north of the development site, new developments have included an approximately 1.5-acre property at 525 W. 28th Street (Block 700, Lot 9) containing two buildings completed in 2014, the 31-story AVA High Line and the 13-story Avalon West Chelsea, which combined have approximately 710 DUs and approximately 21,000 gsf of ground floor retail. Also in 2014, further north in the study area, an



Legend

- 400-Foot Radius/Land Use Study Area
- Zoning Lot
- Development Site
- High Line
- 699** Block Number

Land Use

- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Building
- Commercial/Office Building

- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

affiliate of the applicant completed a new 15-story apartment building, with 139 DUs (all affordable) and 9,274 gsf of retail space at 529 W. 29th Street (Block 701, part of Lot 16). In addition to the new developments, several existing commercial and small residential buildings have remained on these blocks. For example, commercial uses include 547 W. 27th Street/548 W. 28th Street (Block 699, Lot 5), a former factory building now housing art galleries. Older residential buildings are more prevalent along Tenth Avenue, such as 315 Tenth Avenue (Block 700, Lot 30), a 5-story building walk-up apartment building with 8 DUs and ground floor retail, which according to City records is estimated to have been built in 1905.

The portion of the study area east of Tenth Avenue includes parts of three large-scale properties. These include: Chelsea Park, which in its entirety covers a full block (approximately 3.91 acres); the Chelsea-Elliott Houses, a public housing complex which in total includes several apartment buildings with approximately 1,000 units covering portions of two blocks; and the Morgan General Mail Facility, which consists of two full-block buildings connected by a wide skybridge spanning W. 29th Street.

The portion of the study area south of the development site is occupied primarily by commercial uses, including a concentration of art galleries. There are several older buildings that have been adaptively reused by galleries and restaurants and there is also 520 W. 27th Street (Block 698, Lot 7501), an 11-story commercial condominium building completed in 2008 housing art galleries and offices. Other notable uses include the Avenues School, at 259-273 Tenth Avenue (Block 697, Lot 31), at the southeastern edge of study area; the conversion of this building occurred pursuant to a zoning special permit (C 110334 ZSM) approved in 2011. Unlike the blocks north of W. 27th Street, there are no new residential buildings in this portion of the study area.

Zoning

The development site was rezoned as part of the Special West Chelsea District Rezoning adopted in 2005 (ULURP Nos. N 050161(A) ZRM and N 050162(A) ZMM). The rezoning changed the development site's zoning from an M1-5 district to a C6-3 district within the Special West Chelsea District established at the same time as the zoning map amendment. The rezoning area included all of the blocks bounded by W. 30th Street on the north, Tenth Avenue on the east, W. 17th Street on the south, and Eleventh Avenue on the west and also included parts of the two blocks bounded by W. 18th Street on the north, Ninth Avenue on the east, W. 16th Street on the south, and Tenth Avenue on the west.

Development Site

As noted, the development site is zoned C6-3 (WCh). It is located within Subarea B of the Special District, in which the maximum base permitted FAR is 5.0 and the maximum permitted FAR with bonus is 7.5. Uses permitted as-of-right include residential (Use Groups 1 and 2), community facilities (Use Groups 3 and 4) and commercial (Use Groups 5 to 12). Manufacturing and general commercial uses are not permitted, though pre-existing non-conforming uses are grandfathered. The WCh special district regulations include specific controls on building bulk, particularly for buildings located on lots adjacent to or directly traversed by the High Line. The "Manhattan Core" parking requirements outlined in Article I, Section 3 of the ZR are applicable to the development

site and as such, any new development may provide accessory parking spaces equivalent to 20 percent of the number of new dwelling units and may provide one accessory parking space for every 4,000 sf of retail floor area.

Remainder of Zoning Lot

The remainder of the zoning lot is also zoned C6-3 (WCh). Lots 22, 24, and 42 are, as is the case for the development site, within Subarea B, but Lot 37 is within Subarea C.

Study Area

In addition to the zoning lot, C6-3 (WCh) zoning also covers substantial portions of the study area. All of the study area west of Tenth Avenue is zoned C6-3 (WCh), except for the area north of W. 28th Street located within 100 feet of Tenth Avenue, which is zoned C6-4 (WCh) and the midblock areas south of W. 27th Street located more than 100 feet from Tenth Avenue, which is zoned M1-5 (WCh). East of Tenth Avenue, the portion of the study area south of Chelsea Park is zoned R8 and the portion north of Chelsea Park is zoned C6-4 and M1-5. Refer to Figure 5 attached to the EAS Form. Generally, C6-4 zoning allows the same uses as C6-3, with higher permitted density and larger building volumes, R8 districts permit residential and some community facility uses but prohibits commercial uses, and M1-5 zones permit light manufacturing, commercial, and some community facility uses, but prohibit new residential development.

Public Policy

According to the 2014 *CEQR Technical Manual*, a proposed project that would be located within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policy. A preliminary assessment of public policy should identify and describe any public policies, including formal plans or published reports, which pertain to the primary and secondary study areas. If the proposed project could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary. Besides zoning, the only other public policy applicable to the development site is NYC's Local Waterfront Revitalization Program (WRP). An overview of the WRP is provided below.

Local Waterfront Revitalization Program

Projects proposed for areas that are located within the designated boundaries of New York City's Coastal Zone must be assessed for their consistency with the City's Waterfront Revitalization Program (WRP). The federal Coastal Zone Management Act (CZMA) of 1972 was enacted to support and protect the distinctive character of the waterfront and to set forth standard policies for reviewing proposed development projects along coastlines. The program responded to City, State, and federal concerns about the deterioration and inappropriate use of the waterfront. In accordance with the CZMA, New York State adopted its own Coastal Management Program (CMP), which provides for local implementation when a municipality adopts a local waterfront revitalization program, as is the case in New York City.

The WRP is the City's principal coastal zone management tool which was originally adopted in 1982 and approved by the New York State Department of State (NYSDOS) for inclusion in the New York State CMP. The WRP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. NYSDOS administers the program at the State level, and DCP administers it in the City. The WRP was revised and approved by the City Council in October 1999. In August 2002, NYSDOS and federal authorities (i.e., the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service) adopted the City's 10 WRP policies for most of the properties located within its boundaries. The 10 WRP policies deal with residential and commercial redevelopment; water-dependent and industrial uses; commercial and recreational boating; coastal ecological systems; water quality; flooding and erosion; solid waste and hazardous substances; public access; scenic resources; and historic and cultural resources.

In October 2013, the City Council approved revisions to the WRP in order to proactively advance the long-term goals laid out in *Vision 2020: The New York City Comprehensive Waterfront Plan*, released in 2011. The changes will solidify New York City's leadership in the area of sustainability and climate resilience planning as one of the first major cities in the U.S. to incorporate climate change considerations into its Coastal Zone Management Program. They will also promote a range of ecological objectives and strategies, facilitate interagency review of permitting to preserve and enhance maritime infrastructure, and support a thriving, sustainable working waterfront. The revisions to the WRP are currently pending State and Federal approval in order to go in to effect.

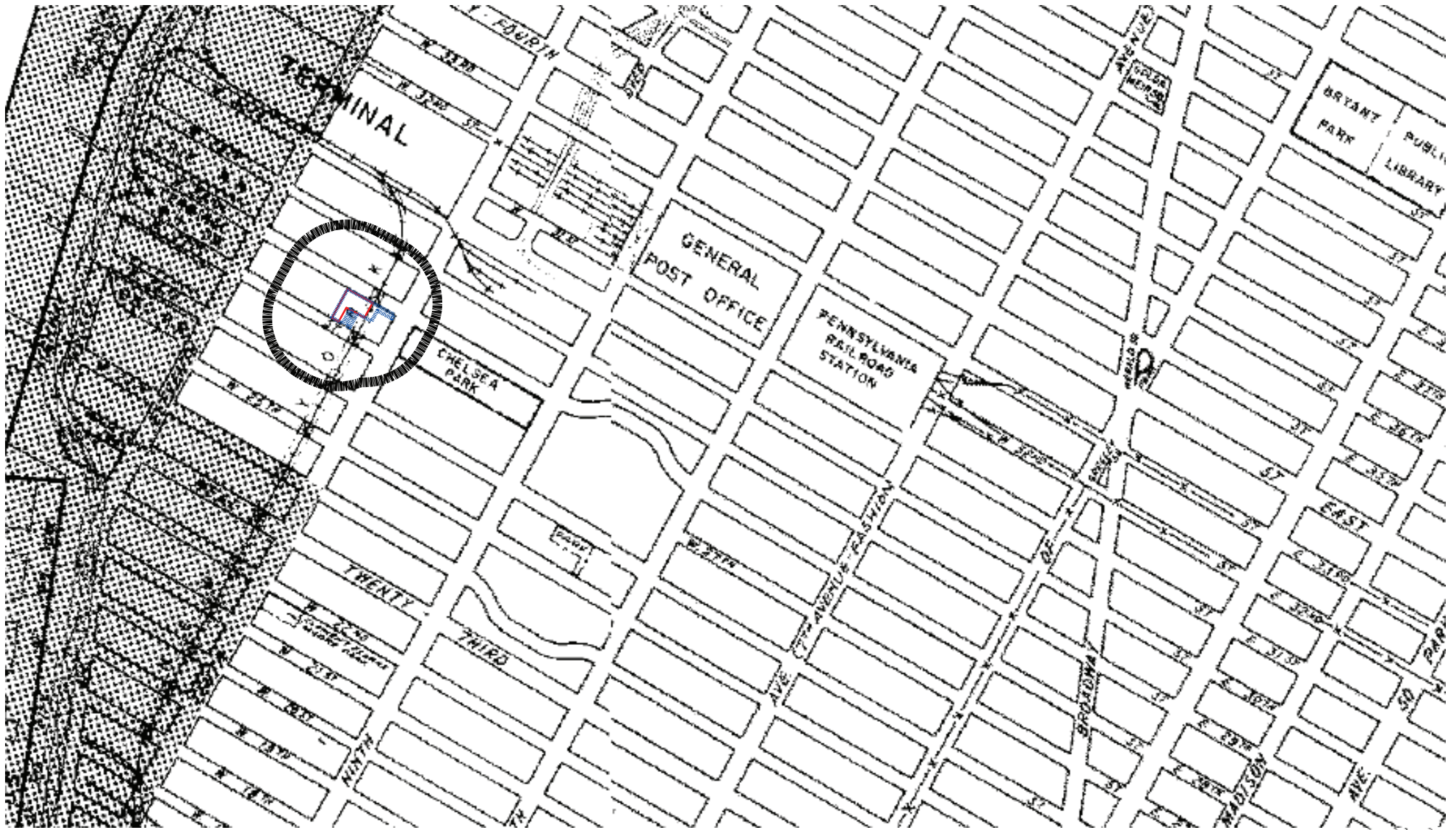
Development Site

As shown in Figure C-3, the development site is not located within the City coastal zone as currently in place formally. However, as shown in Figure C-4, as part of the 2013 revisions currently pending State and Federal approval, the coastal zone boundary would be extended east to Tenth Avenue and as such the development site would be located within the area. While a WRP assessment is not formally required while State and Federal approvals are pending, a consistency assessment is provided for informational purposes and in the event State and Federal approvals are provided prior to completion of the review process for this application to ensure compliance with the WRP.

Consistency Assessment

In accordance with the guidelines of the 2014 *CEQR Technical Manual*, a Consistency Assessment Form (CAF) was prepared for the proposed project (see Appendix B). As indicated in the form, the proposed action was deemed to potentially require further assessment of several WRP policies. Each of the policies that were identified in the CAF as requiring further assessment is presented below, followed by a discussion of the proposed project's consistency with the policy. As noted below, the proposed action does not conflict with any of the WRP policies.

The proposed action is limited in scope and would result in relatively minor changes in site conditions as compared to No-Action conditions, with the only change being an increase in the number of parking spaces from 11 to 29 and a resulting increase in the amount of below-grade building space dedicated to parking. The density, bulk, uses, and extent of excavation on the

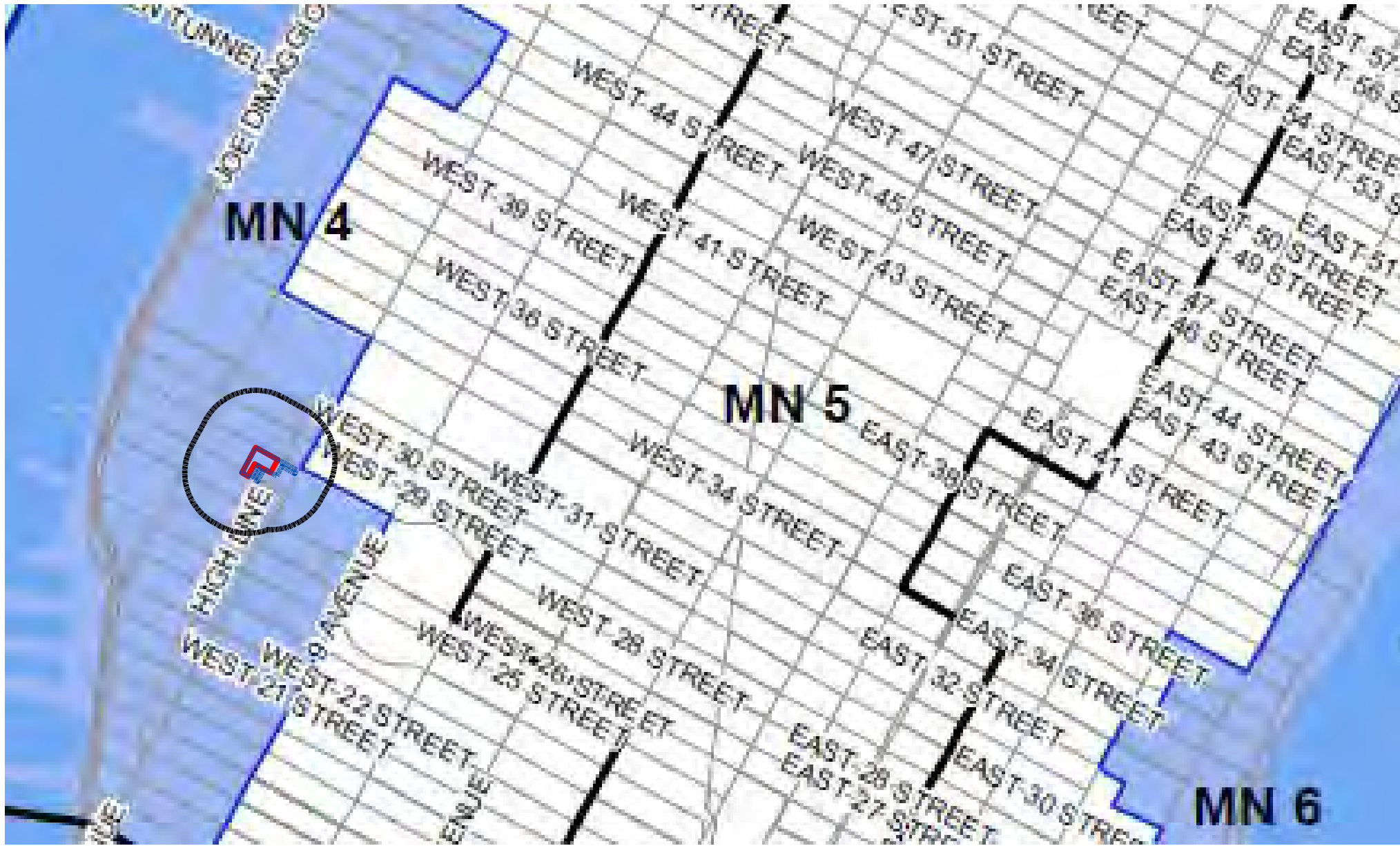


 400-Foot Radius

 Development Site

 Zoning Lot





-  400-Foot Radius
-  Zoning Lot
-  Development Site

development site would not change as a result of the proposed action. Accordingly, the effects of the proposed action with respect to the applicable policies are minimal.

Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

The proposed action would not directly result in any additional commercial or residential development, but would support and facilitate new residential development by providing accessory parking spaces in response to residential demand. The proposed special permit would allow a 29-space accessory parking garage in a new as-of-right, mixed residential-commercial development currently under construction. The development is occurring pursuant to a City-led rezoning of the West Chelsea designed to create new residential and commercial development on underutilized and vacant land. The development would be permitted 11 accessory parking spaces and therefore the effect of the proposed action would be to increase the amount of on-site parking by approximately 18 spaces. The proposed parking spaces are intended to support the residential development on the site. Furthermore, as the rate of new residential parking in the area has fallen well below DCP's target rate of 0.2 new spaces per each new residential unit, the proposed action is expected to ease demand for residential parking on other facilities in the area.

Therefore, the proposed action is consistent with this policy.

1.1 Encourage commercial and residential redevelopment in appropriate coastal zone areas.

See response to Policy 1, above.

Policy 6: Minimize loss of life, structures and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

Development Site Location in Preliminary FIRM 500-year Floodplain

In late 2013, the Federal Emergency Management Agency (FEMA) issued new Preliminary Flood Insurance Rate Maps (FIRMs) for New York City. The Preliminary FIRMs are considered the best available flood hazard data. Following a public review process of the preliminary FIRMs, FEMA anticipates adopting effective, i.e., official, FIRMs in 2015. These new FIRMs are replacing the currently effective FIRMs issued by FEMA in 1983 with revisions dated 2007. They identify the 100-year (1 percent annual chance) floodplain with the 100-year flood water levels projected to reach the specified base flood elevations. They also identify the 500-year (with an annual probability of flooding between 0.2 percent and 1 percent) floodplain. FEMA does not identify the base flood elevation for the 500-year floodplain. Areas within the 100-year floodplain are subject to NYC Building Code and FEMA flood-resistant construction requirements. These include requirements that all habitable space be located above the design flood elevation; permitted uses below the design flood elevation include parking and storage. The City of New York has adopted the base flood elevations specified in the Preliminary FIRMs until new effective FIRMs are available for the purposes of determining compliance with all floodproofing requirements and

for establishing base plane elevations for new buildings to measure their compliance with zoning building height requirements.

As shown in Figures C-5, per the 2013 preliminary FIRM, the development site is not located in the 100-year floodplain. However, part of the development site is within the 500-year floodplain, also known as the “X” zone. This indicates an area of moderate to low-risk flood hazard, also known as a Non-Special Flood Hazard Area. As the development site is located outside the boundary of the 100-year floodplain, the City’s Building Code and FEMA special requirements for the 100-year floodplain are not applicable.

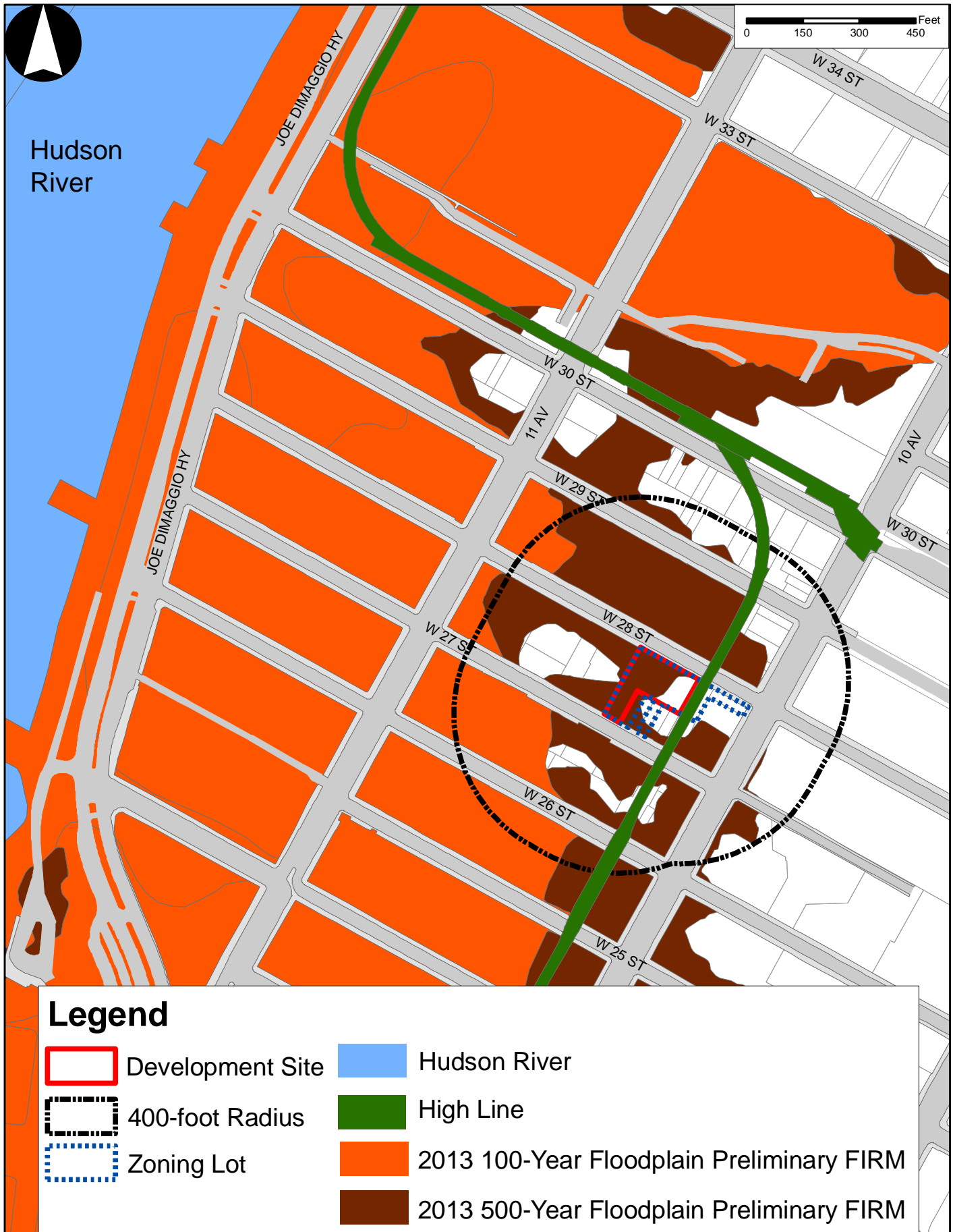
NPCC Report: 2020 and 2050 Flood Zone Projections

In 2013, the New York City Panel on Climate Change (NPCC) released a report (*Climate Risk Information 2013: Observations, Climate Change Projections, and Maps*) outlining New York City-specific climate change projections to help respond to climate change and accomplish PlaNYC goals. The NPCC report predicted future City temperatures, precipitations, sea levels, and extreme event frequency for the 2020s and 2050s. While the projections will continue to be refined in the future, current projections are useful for present planning purposes and to facilitate decision-making in the present that can reduce existing and near-term risks without impeding the ability to take more informed adaptive actions in the future.

The NPCC recommends assessing the impacts of projected sea level rise on the lifespan of projects. While the NPCC developed a series of maps incorporating projections for sea level rise with FEMA’s 2013 Preliminary Work Maps, because of limitations in the accuracy of flood projections, the NPCC recommends that these maps not be used to judge site-specific risks. However, in general, the NPCC estimates that in the New York City area, sea level will rise up to a high estimate of 11 inches by the 2020s, and up to a high estimate of 31 inches by the 2050s. As such, some areas not currently within the currently applicable 100-year and 500-year flood zones are projected to be in the future. Unlike the 2013 preliminary FIRMs, the maps do not designate base flood elevations for the 2020 and 2050 100-year floodplains.

As indicated in Figures C-6 and C-7, based on future 100-year and 500-year flood zone projections for the 2020s and 2050s, a small portion of the development site will be in 100-year floodplain by 2020 and a substantial portion will be within the 100-year floodplain by 2050. Should the base flood elevation rise to these projected elevations in the future, the applicant anticipates retrofitting the perimeter of the building with flood prevention systems (either temporary or permanently installed flood gates/shutters), potentially in conjunction with an emergency flood protection plan.

However, it is important to note that the NPCC recommends that these map projections not be used to judge site-specific risks and they are subject to change. Coastal floodplains are influenced by astronomic tide and meteorological forces and not by fluvial (river) flooding, and as such are not affected by the placement of obstructions within the floodplain. Therefore, the construction and operation of the proposed project would not exacerbate future projected flooding conditions.







Proposed Action

The proposed action would facilitate increased parking area in the cellar of the building. As noted above, parking is a permitted use beneath the design flood elevation in the 100-year floodplain. As such, the proposed action would facilitate a use that would not be prohibited in the event the development site is subsequently located in the designated 100-year floodplain.

Therefore, the proposed project would minimize the potential for public and private losses due to flood damage, reduce the exposure of public utilities to flood hazards, prepare for and address future risks, and would be consistent with this policy.

Policy 7: Minimize environmental degradation from solid waste and hazardous substances.

7.2 Prevent and remediate discharge of petroleum products

As discussed in the “Hazardous Materials” section of Attachment B, the development site is subject to an (E) designation for hazardous materials and enrolled in the NY State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP). With these institutional controls in place, the discharge of petroleum products will be prevented and remediated. Accordingly, with or without the proposed action, there will be no potential for significant adverse impacts related to hazardous materials on the development site and the new development will comply with this policy. Refer to Attachment B for further details.

Policy 8: Provide public access to and along New York City’s coastal waters.

The development site is located adjacent to the High Line, an elevated public open space with at-grade connections including a stairway providing access from the public sidewalk of W. 28th Street adjacent to the development site. The proposed action would result in an expanded garage (increasing from 11 to 29 spaces) in the new building being constructed on the development site on an as-of-right basis and would use the same curb cut as would be used under No-Action conditions. The garage access is located approximately 160 feet west of the High Line stairway. Apart from its proximity to the High Line, the development site is not located adjacent to any public open spaces and is not located directly on or immediately adjacent to the coastline and therefore has no potential to provide new waterfront open space, visual access, or directly affect public or visual access to any existing or potential waterfront public open space. As such, the proposed action would have no effects related to public access to NYC’s coastal waters or to public open spaces. Accordingly, this policy is not applicable to the proposed action.

2. No-Action Conditions

Land Use

The trend of new residential development replacing vacant and underutilized non-residential properties is expected to continue in the study area. Construction has recently begun on two developments in the immediate vicinity of the development site; by 2016 these developments likely will be at or near completion.

A new mixed residential-commercial development with approximately 210 DUs and approximately 18,622 gsf of retail space is under construction replacing several commercial properties at 509 W. 28th Street/508-520 W. 29th Street (Block 700, Lot 27), across the street from the development site and immediately east of Avalon West Chelsea. The property immediately west of the development site at 525 W. 27th Street/528 W. 28th Street (Block 699, Lot 49), was recently cleared and construction is commencing on a new mixed residential-commercial development expected to include approximately 36 DUs and approximately 3,500 gsf of retail.

Zoning

According to the 2014 *CEQR Technical Manual*, a preliminary assessment of zoning should identify any changes in zoning that could cause a change in land use. There are currently no zoning map or text amendments pending that would affect any site within the study area. Furthermore, there are no known possible applications. Accordingly, it is anticipated that the existing zoning for the development site, the remainder of the zoning lot, and the study area as a whole will remain in effect without any changes in 2016.

Public Policy

As noted above the only public policy applicable to the development site is the WRP, which has been addressed above. There are no expected changes in any other public policies under No-Action conditions that would affect the development site.

3. With-Action Conditions

Land Use

The proposed action would not introduce a new land use. It would only result in a modest increase in the amount of parking on the development site as compared to No-Action conditions. Accordingly, the proposed action would not have a significant adverse impact on land use.

Zoning

The parking special permit would allow the development to provide more parking spaces than allowed as-of-right pursuant to ZR Section 13-451, "Additional parking spaces for residential growth." This allows the CPC to increase permitted parking provided it makes certain findings, including: that either (a) the number of off-street parking spaces in such proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to: (1) the increase in the number of dwelling units; and (2) the number of both public and accessory off-street parking spaces, or (b) the proposed ratio of parking spaces to dwelling units in the proposed development or enlargement does not exceed: (1) 20 percent of the total number of dwelling units, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or (2) 35 percent of the total number of dwelling units, where such units are located within Community District 7 or 8.

In support of the application for this special permit, the applicant prepared a “residential growth” parking study for the area within a one-third mile radius of the development site. In order to identify the ratio of recent off-street residential parking spaces to recent residential units developed in the study area, the study focused on changes in conditions since 2004 through the anticipated 2016 Build year. The study found with the 29 spaces that would be provided as a result of the proposed action that this ratio would be well below 20 percent and as such the proposed larger garage would help to meet the need for residential parking in this area which has experienced substantial new residential development. A number of new developments in this area have been in new buildings that replaced public parking lots. There have also been several existing non-residential buildings converted to residential use, which do not provide parking. Based on the findings of the parking study, the proposed 29-space parking garage would be reasonable and not excessive in relationship to recent trends in close proximity to the development site as the project satisfies the required residential growth finding for the special permit.

Accordingly, the proposed action would not result in any significant adverse zoning impacts.

Public Policy

As discussed above, the only public policy applicable to the proposed action is the WRP and the proposed action would comply with all applicable WRP policies. Accordingly, the proposed action would not result in any significant adverse public policy impacts.

**APPENDIX A:
AGENCY CORRESPONDENCE**

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 15DCP039M

Project:

Date received: 10/14/2014

Comments:

The LPC is in receipt of the EAS of 8/28/14. The text is acceptable for historic and cultural resources.

Revised of this date.

Properties with no Architectural or Archaeological significance:

- 1) ADDRESS: 517 WEST 27 STREET, BBL: 1006990022
- 2) ADDRESS: 513 WEST 27 STREET, BBL: 1006990024

Properties with Architectural and no archaeological significance:

- 1) ADDRESS: 311 10 AVENUE, BBL: 1006990037, LPC FINDINGS: NO INTEREST, STATE/NATIONAL REGISTER FINDINGS: ADJACENT POTENTIAL NR LANDMARK, COMMENTS: HIGHLINE
- 2) ADDRESS: WEST 27 STREET, BBL: 1006990042, LPC FINDINGS: NO INTEREST, STATE/NATIONAL REGISTER FINDINGS: ADJACENT POTENTIAL NR LANDMARK, COMMENTS: HIGHLINE
- 3) ADDRESS: WEST 27 STREET, BBL: 1006990043, LPC FINDINGS: BUILDING NEAR HISTORIC DISTRICT, STATE/NATIONAL REGISTER FINDINGS: ADJACENT POTENTIAL NR LANDMARK, COMMENTS: HIGHLINE.



10/14/2014

SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

File Name: 29259_FSO_GS_10142014.doc



Veronica M. White
Commissioner

The Arsenal
Central Park
New York, New York 10021

Olmsted Center
Flushing Meadows-Corona Park
Flushing, New York 11368

Thérèse Braddick, Deputy Commissioner

John J. Natoli, P.E., Chief Engineer
(718) 760-6725/john.natoli@parks.nyc.gov

MEMORANDUM

To: Edwin Tang
NYC Department of Buildings

From: Leslie J. Wolf, Program Manager *YJW*

Subject: **High Line**
520 West 28th Street – Excavation & Foundation (121332815)

Date: December 3, 2013

The New York City Department of Parks & Recreation has reviewed the submitted the drawings (Support of Excavation, 11/15/13; & Foundation, 10/8/13) associated with the new building at 520 West 28th Street.

NYCDPR recognizes that the developer's architect / engineer completed a review process to ensure that the design as submitted will not compromise the structural integrity of the High Line, impede on the maintenance or operation of the High Line, and will comply with all pertinent Department of Buildings requirements.

Parks has no objections to issuance of a permit for the proposed plan as long as the plans comply with all applicable DOB requirements.

However, this approval only applies to the current excavation and foundation permit application. Subsequent permit applications shall require NYCDPR review and approval to determine if future work will have impact on the High Line structure or operations. Please note, due to the referenced property's relative close proximity to the park, Parks must continue to closely coordinate with the developer and DOB to ensure the public and the High Line structure are properly protected from construction activities associated with this property and make efforts to minimize impacts on park operations.

Please contact me if I can provide any further information regarding this matter.

cc: L. Fan, DOB; S. Khan, FHL; L. Lewis, FHL

**APPENDIX B:
WRP CONSISTENCY ASSESSMENT FORM**

For Internal Use Only:

WRP no. 14-034

Date Received: _____

DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: 28th Highline Associates, LLC, c/o The Related Companies, LP
2. Address: 60 Columbus Circle, 19th floor, New York, New York 10023
3. Telephone: 212-421-5333 Fax: _____ E-mail: GGushee@related.com
4. Project site owner: 28th Highline Associates, LLC

B. PROPOSED ACTIVITY

1. Brief description of activity:

The applicant is proposing to develop a 29-space accessory garage (pursuant to a special permit), located in below-grade space with ground-level access in a new as-of-right mixed use development currently under construction. This would expand the parking area within the building from 11 spaces permitted as-of-right; the expanded parking area would otherwise be used as storage space or left vacant under No-Action conditions.

2. Purpose of activity:

The parking special permit would enable the new building to make productive use of its cellar space and provide additional parking spaces on the development site. The applicant believes that the additional parking would serve its own on-site demand and benefit the surrounding mixed-use community, which has experienced substantial new residential development while the provision of residential parking has fallen below the level permitted as-of-right.

3. Location of activity: (street address/borough or site description):

The development site is located at 520 W. 28th Street (Block 699, Lot 43) in Manhattan Community District 4's West Chelsea neighborhood. It is a through-lot with frontage on both W. 27th and W. 28th Streets, located midblock between Tenth and Eleventh Avenues and immediately west of the High Line public open space.

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

No federal or state permit was issued or is required for the proposed expanded or for the as-of-right development in which it would be located.

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

No federal or state funding is being used to finance the proposed expanded garage or for the as-of-right development in which it would be located.

6. Will the proposed project require the preparation of an environmental impact statement?

Yes _____ No If yes, identify Lead Agency:

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

The City discretionary action is a special permit to be approved by the NYC City Planning Commission (CPC) and subject to City Council review that would allow an expanded accessory parking garage. The proposed special permit is pursuant to Section 13-451 of the New York City Zoning Resolution (ZR § 13-451), "Additional Parking Spaces for Residential Growth."

C. COASTAL ASSESSMENT

Location Questions:

Yes No

- | | | |
|---|-------|-------------------------------------|
| 1. Is the project site on the waterfront or at the water's edge? | _____ | <input checked="" type="checkbox"/> |
| 2. Does the proposed project require a waterfront site? | _____ | <input checked="" type="checkbox"/> |
| 3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters? | _____ | <input checked="" type="checkbox"/> |

Policy Questions

Yes No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

- | | | |
|---|-------------------------------------|-------------------------------------|
| 4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1) | _____ | <input checked="" type="checkbox"/> |
| 5. Is the project site appropriate for residential or commercial redevelopment? (1.1) | <input checked="" type="checkbox"/> | _____ |
| 6. Will the action result in a change in scale or character of a neighborhood? (1.2) | _____ | <input checked="" type="checkbox"/> |

Policy Questions cont'd

Yes No

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28. Would the action cause violations of the National or State air quality standards? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd

Yes No

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
33. Would the action result in any construction activities that would lead to erosion? (6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
37. Would the proposed project affect a non-renewable source of sand ? (6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
39. Would the action affect any sites that have been used as landfills? (7.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

_____ ✓

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

_____ ✓

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: 28th Highline Associates, LLC / Agent: Philip Habib, Philip Habib & Associates

Address: 60 Columbus Circle, 19th floor

New York, NY 10023

Telephone +1-212-421-5333

Applicant/Agent Signature: _____

Date: _____

8/28/14

**APPENDIX C:
HAZARDOUS MATERIALS DOCUMENTS**

New York State Department of Environmental Conservation

Division of Environmental Remediation

Remedial Bureau B, 12th Floor

625 Broadway, Albany, New York 12233-7016

Phone: 518-402-9768

Website: www.dec.ny.gov



Joe Martens
Commissioner

December 24, 2013

Greg Gushee
28th Highline Associates, LLC
c/o The Related Companies
60 Columbus Circle
New York, NY 10023

Re: West 28th Street
Site ID No. C231082
Manhattan, New York County
Remedial Work Plan & Decision Document

Dear Mr. Gushee:

The New York State Department of Environmental Conservation (Department) and the New York State Department of Health (NYSDOH) have reviewed the Remedial Work Plan (RWP) for the West 28th Street site dated December 2013 and prepared by Integral Consulting on behalf of 28th Highline Associates, LLC. The RWP is hereby approved. Please ensure that a copy of the approved RWP is placed in the document repository. The draft plan should be removed.

Attached is a copy of the Department's Decision Document for the site. The remedy is to be implemented in accordance with this Decision Document. Please ensure that a copy of the Decision Document is placed in the document repository.

Please contact the Department's Project Manager, Michael MacCabe, at 518-402-9687 or mdmaccab@gw.dec.state.ny.us at your earliest convenience to discuss next steps. Please recall the Department requires seven days notice prior to the start of field work.

Sincerely,

Robert J. Cozzy, P.E.
Director
Remedial Bureau B
Division of Environmental Remediation

Enclosure

ec w/*attachments*:

R. Schick
M. Ryan
R. Cozzy
J. Moras
M. MacCabe
J. Nehila
J. Deming (NYSDOH)
C. Doroski (NYSDOH)
G. Gushee
A. Carroll (Integral)
D. Freeman (Gibbons, P.C.)



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
New York, New York 10038

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841
Fax: (212) 788-2941

NOTICE TO PROCEED

DOB Job No. NB - 121332815

January 21, 2014

Martin Rebholz, R.A.
Manhattan Borough Commissioner
NYC Department of Buildings
280 Broadway, 3rd Floor
New York, NY 10007

Re: **505-507 West 27th Street/514 West 28th Street – Hazardous Materials and Noise “E” Designation**
E-142: Block 699, Lots 44, Manhattan CD 4
Highline/West Chelsea Rezoning - CEQR # 03 DCP 069M
OER Project # 14EH-N050M

Dear Commissioner Rebholz:

The New York City Office of Environmental Remediation (OER) has received Integral Engineering’s December 2013 NYSDEC BCP Remedial Action Work Plan (RAWP) as well as NYSDEC’s December 2013 RAWP approval letter and Decision Document for the above referenced site and Integral Engineering’s January 2014, R.A. certified Noise RAP. These documents were submitted on behalf of 28th Highline Associates, LLC (applicant) to support the construction of a new 11-story mixed use building (residential and commercial) with basement, which will occupy the entire footprint of the site. The ground floor will include retail space, a lobby and a garden set atop the ceiling of the basement. The site has been designated with a Hazardous Materials and Noise "E" designation by the NYC Department of City Planning as part of the Highline/West Chelsea Rezoning action (CEQR # 03 DCP 069M). The subject site is actively enrolled in the NYSDEC Brownfield Cleanup Program (BCP Site #C231082).

Hazardous Materials - As long as the environmental jurisdiction for this site remains under NYSDEC BCP commitments, OER has no further requirements until the Certificate of Completion is issued by NYSDEC and Easement Recording (if required) to support the issuance of an OER Notice of Satisfaction.

Noise - In order to meet and maintain an interior noise level of 45 dBA, the developer has committed to installing throughout the residential portion of the building a dissimilar unbalanced glass comprising of 3/8” glass, 1/2” air space, 1/4” glass. This glazing has been rated with an OITC of 34. The OITC rating of the complete window assemblies will be confirmed via acoustical laboratory testing, according to ASTM E-1332-90. The commercial space will be fitted with a 1” insulating glass made of ¼” outer lite, ½” air space, ¼” inner lite with an OITC rating of 29. Alternate means of ventilation for residential spaces will be provided by central systems; vertical risers with roof mounted supply air systems will continuously deliver tempered ventilation to individual residential units at a common location within each apartment, particularly at the unit foyer. Trickle air vents will be installed at each residential bedroom and living room. Commercial spaces, hallways and amenity spaces will be ventilated according to the NYC Mechanical Code.

Conclusions - OER finds the December 2013 RAWP and Noise RAP acceptable and has concluded that the applicant may proceed with excavation, remediation, and foundation work. The applicant remains committed to submitting a NYSDEC issued Certificate of Completion and Easement Recording (if required) and a Noise Installation Report certified by the Engineer (P.E.) or Architect (R.A.) of Record to OER for review and approval at the conclusion of construction activities. No other permits (i.e., Temporary or Certificate of Occupancy) should be issued by the NYC Department of Buildings until OER has issued a “Notice of Satisfaction” for the above referenced site.

If you have any questions or comments, please contact me at 212-788-3922.

Sincerely,

Maurizio Bertini, Ph.D.
Assistant Director

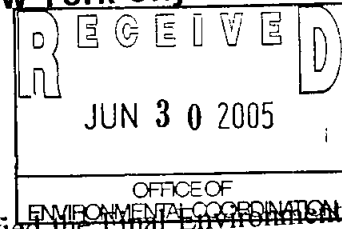
cc: D. Walsh, S. Chawla, Z. Schreiber, PMA-OER
Alana Carroll, Integral Engineering – acarroll@integral-corp.com

**APPENDIX D:
WEST CHELSEA REZONING TECHNICAL MEMORANDUM: JUNE 22, 2005**

TECHNICAL MEMORANDUM

Proposed Modifications to Special West Chelsea District Zoning Map and Text Amendments Application at New York City Council (N 050161(A) ZRM)

June 22, 2005



The City Planning Commission (CPC), acting as lead agency, certified the Final Environmental Impact Statement (FEIS) for the Special West Chelsea District Rezoning and High Line Open Space project as complete on May 13, 2005. The FEIS assessed the effects of the proposed action as well alternatives to the proposed action, including Alternative F (the Revised Affordable Housing Alternative).

Subsequent to completion of the FEIS, a Technical Memorandum, dated May 25, 2005, was prepared to assess the potential effects of proposed modifications by the CPC to the Special West Chelsea District Rezoning ULURP No. (N 050161(A) ZRM). The CPC modifications generally related to height, setback and bulk regulations and did not change permitted density or floor area transfer mechanisms. They did not affect the total amount of development analyzed under Alternative F in the FEIS, which consisted of the following: 5,329 total dwelling units (DUs), of which 768 would be low-moderate income affordable housing units; 229,976 sf of retail; 198,726 sf of community facility; and decreases of 812,394 sf of office; 131,100 sf of hotel; 136,802 sf of storage/manufacturing; 228,409 sf of parking/auto; and 4,080 sf of vacant space. Additional changes to lot coverage and existing adult use establishments did not change permitted density or floor area transfers. Development under the CPC modifications occurred on the same 28 projected and 25 potential development sites as under Alternative F. Furthermore, the CPC modifications did not affect the creation and design of the proposed 5.9-acre public open space on the High Line. The May 25, 2005 Technical Memorandum concluded that the CPC modifications would not result in significant adverse environmental impacts not already identified in the FEIS.

On May 25, 2005, the CPC voted to adopt Alternative F, with the proposed modifications assessed in the May 25 technical memorandum.

Pursuant to the City's Uniform Land Use Review Procedure, the New York City Council (the "Council") has now proposed certain additional amendments to the CPC-approved Special West Chelsea District Rezoning. These are described below and their potential for creating significant adverse environmental impacts not already identified in the FEIS is assessed herein.

I. DESCRIPTION OF COUNCIL MODIFICATIONS

Zoning Text Amendments

1. Modifications of permitted maximum height

- Subarea C maximum building height would be reduced from 145 feet to 125 feet.

2. Modifications of density increases

The mechanisms to increase from base to maximum FAR would be modified from the CPC adopted application as follows:

- C6-2 districts: the inclusionary housing bonus (IHB) is eliminated for increasing from base FAR to maximum FAR.
- C6-3 districts: the base FAR would remain at 5.0; this could be increased to 6.25 through High Line Transfer (was 6.65); with High Line Transfer/IHB a maximum FAR of 7.5 would be allowed (no change in maximum FAR).
- C6-4 districts: the base FAR would be reduced from 7.5 to 6.5; FAR could be increased up to 9.5 through the High Line Transfer, same as under the CPC application; FAR could be further increased to 12.0 through the IHB, a change in the mechanism. The IHB would not apply to the C6-4 district in Subarea H, where the maximum FAR would remain 10.0.
- Subarea I: the High Line Improvement Bonus eligible in Subarea I would increase from 1.5 to 2.5 FAR.

These changes are summarized in tabular form below.

CPC Adopted			
	C6-2	C6-3	C6-4*
	FAR	FAR	FAR
Base FAR	5	5	7.5
Through High Line Transfer	5.65	6.65	9.15
Through High Line Transfer / IHB	6	7.5	10
Through IHB			12
Council Modifications			
Base FAR	5	5	6.5
Through High Line Transfer	6	6.25	9.15
Through High Line Transfer / IHB		7.5	
Through IHB			12

* Does not apply to C6-4 district in Subarea H

Additional changes to affordable housing provisions would include the following:

- * Permit City, State, and Federal programs in inclusionary program
- * Tiering of inclusionary bonus to higher income levels
- * Affordable housing fund – After 90 percent of the High Line Transfer Corridor floor area is transferred to receiving sites or is otherwise used, as an alternative to the High Line transfer, an increase in floor area would be permitted in exchange for contributions to an Affordable Housing Fund. The contribution amount per square foot would be determined by the City Planning Commission at the time that the fund is established.
- * Inclusionary bonus also applies to conversions.

The proposed Council modifications do not include any zoning map changes.

II. POTENTIAL FOR SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS FROM PROPOSED CHANGES TO ALTERNATIVE F

Changes to Reasonable Worst Case Development Scenario due to Council Modifications

There would be no change in the overall amount of net development expected to occur as a consequence of the Council modifications as compared to Alternative F and the CPC approved modifications. Development would occur at the same density on the 28 projected and 25 potential development sites identified for Alternative F and the CPC approved modifications. This includes increases of 5,329 DUs; 229,976 sf of retail; 198,726 sf of community facility; and decreases of 812,394 sf of office; 131,100 sf of hotel; 136,802 sf of storage/manufacturing; 228,409 sf of parking/auto; and 4,080 sf of vacant space.

However, the changes in FAR bonus mechanisms related to affordable housing units are expected to result in a higher number of affordable units. While Alternative F and the CPC approved modifications would generate 768 new affordable dwelling units, the Council modifications would generate 967 new affordable dwelling units. As the overall number of net dwelling units would remain at 5,329, the number of market rate units would be 4,362 as compared to 4,561.

Therefore, while the effects of the Council modifications would be generally similar to those of Alternative F and the CPC approved modifications, technical areas affected by the number of affordable housing units would experience somewhat different effects under the Council modifications. This would include technical areas affected by the size of the action-generated population, as low-moderate income units are expected to have somewhat larger household sizes than market-rate units.

The change in building heights in Subarea C, along Tenth Avenue, would result in changes to Sites 6, 8, and 11. These sites would be developed with 125-foot tall buildings rather than 145-

foot tall buildings anticipated under the CPC approved modifications. The height change would not affect Projected Development Site 9, also located along Tenth Avenue in Subarea C, which is currently occupied by an approximately 125-foot commercial building which would be converted to residential and retail uses under With-Action conditions.

A. Land Use, Zoning, and Public Policy

The proposed modifications would alter height regulations in Subarea C. This would result in somewhat shorter buildings on some development sites than proposed under the CPC Modifications. Sites with the shorter maximum building heights would have the same regulations as originally contained in Alternative F in the FEIS. There would be no changes to the proposed zoning map amendment or to the proposed density regulations analyzed for Alternative F. The land uses expected as a result of these modifications would be the same as expected under Alternative F, except that there would be a greater number of affordable housing units. There would be 967 affordable housing units, 199 more than the 768 affordable housing units anticipated under Alternative F and the CPC modifications. The Council modifications would also result in the creation of a 5.9-acre publicly accessible open space on the High Line.

As the overall amount of projected development with the Council Modifications generally would be the same as Alternative F, although involving a higher number of affordable housing units, the land use, zoning, and public policy effects would be substantially similar. As was the case with Alternative F and the CPC modifications, the proposed Council modifications would have positive effects on land use and would not result in significant adverse impacts to land use, zoning, or public policy.

B. Socioeconomic Conditions

The proposed Council modifications would result in the same general socioeconomic effects as would occur under Alternative F and the CPC modifications. Under the Council modifications, 199 more affordable housing dwelling units would be developed although the overall amount of residential development would be the same, with 5,329 net DUs. The increased number of affordable housing units would result in 172 additional residents, for a net total of 9,572 action-generated residents as compared to 9,400 for Alternative F and the CPC modifications. In addition, the net change in non-residential development would be the same as with Alternative F and the CPC modifications. Therefore, the socioeconomic benefits to businesses generated by the increase in residential development for the Council modifications would be very similar to those generated by Alternative F and the CPC modifications. The effects with respect to direct and indirect displacement effects on residents and businesses, and effects on specific industries would be the same.

As would be the case for Alternative F and the CPC modifications, the proposed Council modifications would have positive effects on socioeconomic conditions and would not result in significant adverse impacts related to socioeconomic conditions.

C. Community Facilities and Services

Although there would be no change in the overall number of net dwelling units, the proposed Council modifications would result in 967 affordable housing units, as compared to 768 for Alternative F and the CPC modifications. As a result, there would be 172 more residents generated, with 9,572 under the Council modifications as compared to 9,400 for Alternative F and the CPC modifications. As there would be more affordable housing units and a larger overall population, the Council modifications have the potential to have greater effects on community facilities and services than those previously identified for Alternative F in the FEIS. These effects are identified and assessed below.

Elementary and Intermediate Schools

Under the Council modifications, there would be 552 additional elementary school students, as compared to 548 for Alternative F. As a result, in Region 3 of CSD 2 the utilization rate for elementary schools would increase over No-Action conditions, from 125 percent with a shortfall of 649 seats, to a utilization rate of 147 percent with a shortfall of 1,201 seats (compared to 147 percent and a deficiency of 1,197 seats with Alternative F). In CSD 2 as a whole, the elementary school utilization rate would increase over No-Action conditions, from 109 percent with a shortfall of 1,334 seats, to a utilization rate of 112 percent and a deficiency of 1,886 seats. As with Alternative F, the Council modifications would result in a greater than 5 percent increase in the deficiency of available elementary schools seats over No-Action conditions (85 percent and 41 percent, respectively) and therefore it would result in a significant adverse impact on public elementary schools in Region 3 and CSD 2 as a whole.

Under the Council Modifications, there would be 116 additional intermediate school students, as compared to 114 for Alternative F. For intermediate schools in Region 3 of CSD 2, the utilization rate would increase over No-Action conditions, from 93 percent with 61 available seats, to a utilization rate of 107 percent with a shortfall of 55 seats (compared to 107 percent and a deficiency of 53 seats with Alternative F). As there is not expected to be a deficit under No-Action conditions, a percentage increase in deficiency cannot be calculated. However, the deficit in seats at intermediate schools in Region 3 under this alternative in 2013 would be relatively small both in absolute terms and as a percentage of total capacity, since it would be only 2 seats more than the Alternative F demand. Therefore, as with Alternative F, the Council modifications would not have a significant adverse impact on intermediate schools in Region 3.

For intermediate schools in CSD 2 as a whole, the utilization rate would increase over No-Action conditions, from 117 percent with a shortfall of 1,164 seats, to a utilization rate of 119 percent with a shortfall of 1,280 seats (compared to 119 percent and a deficiency of 1,278 seats with Alternative F). As with Alternative F, the Council modifications would result in a greater than 5 percent increase in the deficiency of available intermediate school seats over No-Action conditions (10 percent) and therefore it would result in a significant adverse impact on public intermediate schools in CSD 2.

High Schools

With the Council modifications, there would be approximately 179 new high school students within the proposed action area. As a result, there would be a shortfall of 2,104 seats in Manhattan high schools, with utilization at 104 percent of capacity. This represents a 9 percent increase in deficiency of high school seats over the No-Action conditions. This is slightly higher than Alternative F, which would result in a shortfall of 2,100 seats, also with a utilization rate of 104 percent, and a 9 percent increase in deficiency of high school seats over the No-Action conditions. The Council modifications, like Alternative F, result in a greater than 5 percent increase in deficiency in high school seats, potentially indicating a significant impact. However, since students may elect to attend high schools throughout the city, and could be accommodated without constraining overall capacity, no significant adverse impact to high schools in Manhattan is expected to occur as a result of the Council modifications (as is the case for Alternative F).

Libraries

With a net increase of 4,362 market-rate and 967 affordable housing DUs, the Council modifications would generate 9,572 new residents in the Muhlenberg Branch catchment area. Under No-Action conditions, the population in the Muhlenberg Branch catchment area would be 154,420 new residents by year 2013. Under the Council modifications, the population would increase to 163,992. This represents an increase of 6.2 percent residents over the No-Action population. The Council modifications increase would be 0.1 percentage point higher than Alternative F, which would add 9,400 residents, a 6.1 percent increase over the No-Action population.

As discussed in Chapter 4 of the FEIS, if a proposed action would increase the study area population by 5 percent or more over No-Action levels, a significant impact could occur if this increase would impair the delivery of library services. Significant impacts would warrant consideration of mitigation. However, as stated in the *No. 7 Subway Extension - Hudson Yards Rezoning and Development Program FGEIS (November 2004, CEQR No. 03DCP031M)*, the New York Public Library (NYPL) has indicated that projected increases in local library population attributed to the Hudson Yards project (through complete build-out in 2025), the West Chelsea rezoning, and other developments in the area could be accommodated by the library system's existing resources (the Hudson Yards library analysis included the Columbus Branch library at 742 Tenth Avenue, as well as the Muhlenberg Branch). In addition, the proximity of the Jefferson Market Branch Library as well as Midtown Manhattan's Central Libraries, with their extensive resources, to the West Chelsea proposed action area would help to absorb demand on library resources in the proposed action area. Therefore, as with Alternative F analyzed in the FEIS, no significant adverse impact to public libraries is expected to occur as a result of the Council modifications.

Health Care Facilities

With 967 affordable housing units, the Council modifications would generate 2,418 new residents to add to the health care facility demand in the outpatient health care facilities study area. The Council modifications would generate 1,581 visits, a 1.9 percent increase over No-

Action conditions compared to an increase of 1,256 emergency room (ER) visits, representing a 1.5 percent increase for Alternative F over No-Action conditions. As a result, it is expected that the number of ER visits would increase from 84,102 (No-Action conditions) to 86,758 (Council modifications) at study area hospitals. As is the case with Alternative F, because the increase in generated ER visits for this alternative is still less than a 5 percent increase over No-Action conditions and given the availability of many outpatient ambulatory facilities in the study area, no significant adverse impacts on health care services are expected as a result of the Council modifications.

Publicly Funded Day Care

With 967 affordable housing units, the Council modifications would generate 116 children under age 12 eligible for publicly funded day care. As a result, the net unmet demand in the study area would increase from 121 under No-Action conditions to 237 slots, a 49 percent increase in demand as a percentage of capacity over No-Action conditions (compared to a net unmet demand of 213 slots under the proposed action, and a 39 percent increase in demand as a percentage of capacity over No-Action conditions). As is the case with Alternative F, the Council modifications would result in an increase of five percent or more over capacity, and therefore a significant adverse impact to publicly funded day care service in the study area could occur in 2013 as a result.

Police and Fire Services

As noted in Chapter 4 of the FEIS, the NYPD and the FDNY routinely evaluate their resources in response to changes in population, crime levels and other local factors. Similar to Alternative F, the Council modifications would not displace or eliminate any existing NYPD or FDNY facilities and would not result in a significant adverse impact on police and fire protection in the study area.

Conclusion

As describe above, the Council modifications would result in significant adverse impacts to elementary schools in CSD 2 of Region 3 and in Region 3 as a whole, as well as to intermediate schools in Region 3 as a whole, and to publicly funded day care. These impacts would also occur under Alternative F (and the CPC modifications). The Council modifications' impacts would occur at a minimally higher magnitude but could be addressed by the same mitigation measures as identified in the FEIS. As also described above, the proposed Council modifications would not result in any significant adverse impacts to community facilities and services not already identified in the FEIS for Alternative F.

D. Open Space

As discussed above, the Council modifications would generate 9,572 residents, 172 more than Alternative F and the CPC modifications. As there would be larger overall action-generated population, the Council modifications have the potential to have greater effects on open space

than those previously identified for Alternative F in the FEIS. These effects are identified and assessed below.

The Council modifications would generate up to 9,572 new residents, an increase of 172 over the 9,400 residents generated by Alternative F. These modifications would result in the same amount of open space as the proposed action, with 28.81 active acres, 64.11 passive acres, and 92.92 total acres.

With a study area population of 79,071, as compared to 78,899 under Alternative F, and the same amount of open space as Alternative F, the Council modifications would have 1.18 acres per 1,000 residents. This would be a decrease of 0.07 acres per 1,000 residents (6 percent) compared to the No-Action condition. This is the same open space rate as under Alternative F. The active open space ratio for the Council modifications would be 0.36 acres per 1,000 residents, a decrease of 0.05 acres (12 percent) compared to the No-Action condition. Under Alternative F, the active open space ratio was 0.37 acres per 1,000 residents. Under both Alternative F and the Council modifications, the percentage decrease would be approximately 12 percent. The passive open space ratio would be 0.81 acres per 1,000 residents, a decrease of 0.02 acres (3 percent) compared to the No-Action condition. Under Alternative F, the passive open space ratio and the percentage decrease are the same as the Council modifications (0.81 acres per 1,000 residents and a 3 percent decrease, respectively).

Like Alternative F, the Council modifications would not result in significant adverse open space impacts. Although the Council modifications would generate more residents as compared to Alternative F, the open space ratios would be very similar. As with Alternative F, significant adverse open space impacts are not expected because the proposed action would add approximately six acres of new publicly accessible open space on the High Line. Therefore, the proposed modifications would not result in any significant adverse impact to open space resources not already identified in the FEIS for Alternative F.

E. Shadows

The proposed Council modifications would alter height, setback, and other bulk regulations in portions of the proposed action area as compared to the CPC modifications. Specifically, buildings on Projected Development Sites 6, 8, and 11 would be reduced from a maximum height of 145 feet to a maximum height of 125 feet. Consequently, the shadows cast from these development sites as a result of the Council modifications would be shorter as compared to the CPC modifications.

With the Council modifications, the same significant adverse shadow impacts expected under Alternative F would occur. The impacts to the Church of the Guardian Angel and the chapel located on the grounds of the General Theological Seminary are not attributed to buildings on Projected Development Sites 6, 8 and 11. The impacts to these resources are attributed to development sites located to the south and west of the resources. Therefore, no additional shadow impacts would occur with the Council modifications and they would not result in any significant adverse shadows impacts not already identified in the FEIS for Alternative F.

F. Historic Resources

As there would be no change in the number, floor area, and type of construction on the 53 projected and potential development sites as a result of the proposed modifications, there would be no changes to the effects on historic resources as identified for Alternative F in the FEIS. The reduced heights on Sites 6, 8, and 11 and overall increase in the proportion of affordable housing units would not substantively change the effects on historic resources. With the proposed Council modifications, the same significant adverse historic resources impacts as expected for Alternative F would occur. The proposed modifications would not result in any significant adverse impact to historic resources not already identified in the FEIS for Alternative F.

G. Urban Design and Visual Resources

Under the proposed Council modifications, some maximum permitted building heights would be changed from the regulations included in the CPC modifications. In Subarea C permitted heights would decrease from 145 to 125 feet.

The Council modifications would result in the same overall amount of net development, though a higher proportion of affordable housing units would be developed as compared to Alternative F and the CPC modifications. As a result, there would be a higher number action-generated residents and a commensurately higher level of sewage generated. As discussed below, the Council modifications would generate 1.21 million gallons per day (mgd) as compared to 1.19 mgd generated by Alternative F. This change in sewage generation is a negligible increase. As discussed in Chapters 11 and 23 of the FEIS, an assessment of future water quality conditions in 2010 and 2025 was prepared for the *Hudson Yards Final Generic Impact Statement (FEIS)*, to assess the effects of future development in the North River WPCP drainage area, including Hudson Yards related development and West Chelsea development. That analysis concluded that with increased CSO events, CSO volumes, and CSO pollutant loadings, these changes would have no significant adverse impacts on water quality and water quality conditions would continue to meet the standards and uses established, where applicable, for Class I waters. Therefore, like Alternative F, with the Council modifications, it is reasonable to conclude that occasional CSO discharges from outfalls serving the West Chelsea area and from effluent flows from the North River Water Pollution Control Plant (NRWPCP), even if discharging a higher concentration of sewage than under current conditions, would not result in significant adverse impacts to water quality in the Hudson River. Based on the amount of development anticipated under the Council modifications, as compared to Hudson Yards, even with the potential additional CSO events that may occur under future conditions, it would be reasonable to conclude that potential effects on water quality would be small and would not result in significant adverse impacts to water quality or wildlife in the Hudson River.

As was the case for Alternative F analyzed in the FEIS, the proposed Council modifications would have significant and positive changes on urban design and visual resources and would not result in significant adverse impacts to urban design and visual resources.

H. Neighborhood Character

The proposed Council modifications generally would have the same effects on the elements that contribute to neighborhood character as Alternative F and the CPC modifications. The proposed Council modifications would not result in any significant adverse impacts not already identified in the FEIS for Alternative F on land use, urban design/visual resources, historic resources, socioeconomic conditions, traffic, and noise.

As was the case for Alternative F analyzed in the FEIS, the proposed Council modifications would not result in significant adverse impacts to neighborhood character and would result in an overall improvement to neighborhood character.

I. Hazardous Materials

The proposed Council modifications would involve the same 53 projected and potential development sites and the same incremental development as under Alternative F analyzed in the FEIS (and under the CPC modifications). With the Council modifications, (E) designations for hazardous materials would be mapped on the same tax lots as identified for Alternative F in the FEIS (refer to Table 1). Therefore, as was the case for Alternative F, the proposed modifications would not result in significant adverse impacts to hazardous materials.

J. Natural Resources

The Council modifications would result in development on the same 53 projected and potential development sites that would be affected by Alternative F and the CPC modifications. As Alternative F would not result in significant adverse impacts to natural resources due to site-specific effects, the Council modifications also would not result in significant adverse impacts on natural resources.

The Council modifications would result in the same overall amount of net development, though a higher proportion of affordable housing units would be developed as compared to Alternative F and the CPC modifications. As a result, there would be a higher number action-generated residents and a commensurately higher level of sewage generated. As discussed below, the Council modifications would generate 1.21 million gallons per day (mgd) as compared to 1.19 mgd generated by Alternative F. This change in sewage generation is a negligible increase. As discussed in Chapters 11 and 23 of the FEIS, an assessment of future water quality conditions in 2010 and 2025 was prepared for the *Hudson Yards Final Generic Impact Statement (FEIS)*, to assess the effects of future development in the North River WPCP drainage area, including Hudson Yards related development and West Chelsea development. That analysis concluded that with increased CSO events, CSO volumes, and CSO pollutant loadings, these changes would have no significant adverse impacts on water quality and water quality conditions would continue to meet the standards and uses established, where applicable, for Class I waters.

Therefore, like the proposed action and Alternative F, for the Council modifications it is reasonable to conclude that occasional CSO discharges from outfalls serving the West Chelsea area and from effluent flows from the North River Water Pollution Control Plant (NRWPCP), even if discharging a higher concentration of sewage than under current conditions, would not result in significant adverse impacts to water quality in the Hudson River. Based on the amount of development anticipated under the Council modifications, as compared to Hudson Yards, even with the potential additional CSO events that may occur under future conditions, it would be reasonable to conclude that potential effects on water quality would be small and would not result in significant adverse impacts to water quality or wildlife in the Hudson River.

As with Alternative F and the CPC modifications, the proposed Council modifications would not result in any significant adverse natural resources impacts.

K. Waterfront Revitalization Program

The Council modifications, like Alternative F, are compatible with the City's Local Waterfront Revitalization Program (LWRP). The changes to building heights and affordable housing FAR bonus mechanisms contained in the proposed Council modifications would not alter the conclusion presented in the May 25 Technical Memorandum.

As was the case for Alternative F analyzed in the FEIS, the proposed Council modifications would encourage appropriate land uses and open space amenities within the coastal zone and would be consistent with the 10 LWRP policies

L. Infrastructure

The Council modifications would result in a somewhat higher demand on the City's water supply and wastewater management systems compared to Alternative F; however, as under Alternative F and the CPC modifications, significant adverse impacts to infrastructure are not anticipated. With respect to stormwater management, the Council modifications are not expected to result in significant adverse impacts. Under both Alternative F and the Council modifications, the potential for CSO events would continue, given the increased sewage flows from projected development. However, these discharges are not likely to result in flooding in the basements of buildings, nor, as discussed above under "Natural Resources," are they likely to affect water quality and wildlife in the Hudson River.

With 172 more residents generated by the Council modifications as compared to Alternative F and the CPC modifications (9,572 compared to 9,400), there is a slightly greater demand placed on the City's water supply and wastewater management systems, as discussed below.

Water Supply

Under the Council modifications, total water usage on the projected development sites would be approximately 2,064,064 gpd (2.06 mgd), resulting in a net increase of approximately 1.62 mgd

over No-Action levels. This compares to a total water usage of 2.05 mgd and a net increase of 1.60 for Alternative F as analyzed in the FEIS. The Council modifications' incremental demand would represent an increase of 0.13 percent of the City's current water demand of 1.2 billion gpd (1,200 mgd). As with the 0.13 incremental increase associated with Alternative F, this relatively small incremental demand is not large enough to significantly impact the ability of the City's water system to deliver water. As such, the Council modifications, like Alternative F, would not result in significant adverse impacts upon the City's water supply nor would it affect local water pressure.

Wastewater Management

Under the Council modifications, sanitary sewage flows generated by the projected developments would be approximately 1.21 mgd (compared to 1.19 for Alternative F), an incremental increase of approximately 0.97 mgd over No-Action levels (compared to 0.95 mgd for the proposed action). This increment represents about 0.74 percent of the existing average wastewater flows at the North River WPCP and 0.57 percent of the its SPDES permitted flows (as compared to the proposed action's 0.72 percent and 0.56 percent, respectively). With North River WPCP operating substantially below capacity, the increase in sanitary sewage resulting from this alternative, as with the proposed action, is not anticipated to adversely impact WPCP operations nor cause it to exceed its design capacity or SPDES permit flow limit. As such, neither this alternative nor the proposed action would result in significant adverse impacts upon the City's sanitary sewage and wastewater management system.

M. Solid Waste and Sanitation Services

With 172 more residents generated by the Council modifications as compared to Alternative F and the CPC modifications (9,572 compared to 9,400), there is a potential for greater solid waste and sanitation services effects to occur. (As the non-residential development generated by the Council modifications would be exactly the same as Alternative F, the non-municipal solid waste generation would be the same and further assessment is not warranted.)

Under the Council modifications, it is estimated that the 28 projected development sites would generate approximately 163,605 pounds of municipal solid waste per week (81.8 tons), a net increase of 160,671 pounds per week (80.3 tons) over No-Action conditions. This would be somewhat higher than Alternative F, which would generate a net increase of 157,747 pounds of municipal solid waste per week (78.9 tons).

According to the *CEQR Technical Manual*, the typical DSNY collection truck for residential refuse carries approximately 12.5 tons of waste material. Therefore, like Alternative F, the Council modifications would generate solid waste equivalent to approximately 1 truck load per day (assuming a seven-day week), which is not expected to overburden the DSNY's solid waste handling services. Accordingly, as with Alternative F, the Council modifications would not result in significant adverse impacts to municipal solid waste services.

N. Energy

The proposed Council modifications would not affect density. Therefore, energy demand would be the same as under Alternative F (energy demand is calculated by residential square footage rather than the number of residents). As was the case for Alternative F analyzed in the FEIS, the proposed modifications would not result in significant adverse energy impacts.

O. Traffic and Parking

The proposed Council modifications would not affect density and result in new or different amounts of floor area on any development site. Therefore, the net vehicle trips and parking demand generated under the modifications would be the same as under Alternative F. Furthermore, there would be no change to traffic patterns or circulation. Therefore, the proposed modifications would not result in any significant adverse impacts to traffic and parking not already identified in the FEIS for Alternative F.

P. Transit and Pedestrians

The proposed Council modifications would not affect density, and therefore would not change the net subway, bus, and pedestrian trips generated by Alternative F. Therefore, the proposed modifications would not result in any significant adverse transit and pedestrian impacts not already identified in the FEIS for Alternative F.

Q. Air Quality

Mobile Sources

As noted above, the proposed Council modifications would not affect the density and projected floor area on any identified development sites, and therefore would not change the net vehicle trips generated by Alternative F. The effects on air quality from mobile sources would not be affected by the Council modifications. Therefore, they would not result in any significant adverse mobile source air quality impacts not already identified in the FEIS for Alternative F.

Stationary Sources

HVAC Source Impact Analysis.

Like Alternative F and the CPC modifications, the proposed Council modifications would entail (E) designations for stationary source air quality and therefore would not result in significant adverse air quality impacts.

Table 2 presents the results of the HVAC source impact analysis and is provided at the end of this memorandum. As shown in Table 2, with the proposed Council modifications, Projected

Development Site 5 would no longer require an (E) designation for emissions associated with HVAC systems. Provided below is a list of all properties which would receive (E) designations for air quality under the proposed modifications.

- Requires a minimum offset distance for the stack locations for either natural gas or No. 2 fuel oil, as specified in Table 2 --- (columns two and three):
 - Block 701; Lot 1 (Site 1)
 - Block 699; Lot 5 (Site 4)
 - Block 699; Lot 30*, 31*, 32*, 33, 37* (Site 6)
 - Block 698; Lot 1 (Site 7)
 - Block 696; Lot 58 (Site 10)
 - Block 692; Lot 57 (Site 14)
 - Block 691; Lots 43, 50 (Site 17)
 - Block 691, Lots 25, 27, 29, 33, 35, 37 (Site 18)
 - Block 690; Lot 29 (Site 20)
 - Block 715; Lots 1*, 2, 3, 60, 63, 64, 65 (Site 22)
 - Block 715; Lots 5,7 (Site 23)
 - Block 714; Lots 14,16 (Site 25)
 - Block 701; Lots 59,62,68,70 (Site 26)
 - Block 701; Lots 24,28 (Site 29)
 - Block 700; Lots 53,54,55,56,57,59,60,61 (Site 30)
 - Block 700; Lots 48,49 (Site 31)
 - Block 700; Lots 42,44,45,47 (Site 32)
 - Block 700; Lot 9 (Site 33)
 - Block 699; Lots 14,49 (Site 38)
 - Block 696; Lot 65 (Site 40)
 - Block 691; Lots 15,19,22,24 (Site 43)
 - Block 690; Lots 42,46 (Site 44)
 - Block 715; Lots 50,59 (Site 45)
 - Block 695, Lots 1,3,4 (Site 47)
 - Block 695, Lots 67, 68, 69, 70 (Site 52)
 - Block 694, Lot 47 (Site 53)

- Requires the exclusive use of natural gas (or a minimum offset distance for the stack location(s) if No. 2 fuel oil is used), as specified in Table 2 --- (columns four and five):
 - Block 701, Lots 30,33, 35*, 37,42,43 (Site 2)
 - Block 698, Lots 32,35,37, 40,41 (Site 8)
 - Block 697, Lots 27,31 (Site 9)
 - Block 6901, Lots 12,20,54 (Site 19)
 - Block 690; Lots 1,63 (Site 36)
 - Block 695, Lots 7, 12, 57 (Site 48)

Lots containing existing residential buildings, expected to remain under With-Action conditions, would not be mapped with an (E) designation for air quality. These properties are indicated with an asterisk (*).

The results of the analysis conducted for the Council modifications are provided in Table 2 below. Like Alternative F, the Council modifications would cause no violations of applicable air quality standards (i.e., maximum predicted total concentrations of each pollutant, including background, of NO_x, SO₂, and PM₁₀ are less than the corresponding NAAQS).

Cumulative Impacts from HVAC Sources:

The following four clusters were evaluated to determine the potential impact from the combined effects of the HVAC emissions from development sites on other nearby development sites.

Cluster #1: projected development sites 6, 8 – comprising a total floor area of 273,167 square feet with a stack height of 128 feet;

Cluster #2: projected development sites 12, 13, and 16 – comprising a total floor area of 356,688 square feet with a stack height of 253 feet.

Cluster #3: projected and potential development sites 22, 23, and 45 – comprising a total floor area of 428,109 square feet with a stack height of 138 feet.

Cluster #4: potential development sites 46, 47, and 52 – comprising a total floor area 455,386 of square feet with a stack height of 253 feet.

The results of the analysis indicate that the potential air quality impacts of combined emissions from these HVAC clusters, using either No. 2 fuel oil or natural gas, would not be significant (i.e., would not cause a violation of an NAAQS).

Potential Impacts on Existing Land Uses

Like the results for Alternative F presented in the FEIS, the Council modifications would not cause significant adverse impacts to nearby sensitive land uses.

All buildings considered under the proposed Council modifications are either taller than existing land uses in the immediate vicinity of the rezoning area boundary or the change in building heights proposed under the Council modifications would not alter the conclusions (with respect to existing sensitive land uses) contained in the FEIS for Alternative F or the May 25, 2005 technical memorandum. As such, emissions from the heating systems of the projected or potential development sites would not impact existing residential buildings (i.e., would not cause a violation of an NAAQS).

Impacts of Existing Emission Source on Projected and Potential Development Sites

Like the results for Alternative F presented in the FEIS, with the Council modifications no significant adverse impacts are expected to any of the development sites from existing land uses.

The potentially significant combustion sources identified in the FEIS would not affect any projected or potential development sites identified under the Council modifications. The heights of the buildings that were identified as being potentially affected by existing emission sources either did not change or the height relationships between the projected and potential developments and existing land uses that were considered in the FEIS would not change.

Air Toxics Analysis:

Like Alternative F, under the Council modifications air toxic emissions from existing industrial or manufacturing sources in the study area would not result in significant adverse air quality impacts to any projected or potential development site. The manufacturing and industrial facilities identified in the FEIS for the proposed action would potentially affect the same development sites under Alternative F and the Council modifications.

R. Noise

With the proposed modifications, the same amount of development would occur at the same density on the 53 projected and potential development sites, as analyzed for Alternative F in the FEIS. With the proposed modifications, (E) designations for noise window wall attenuation would be mapped on the same tax lots as identified for Alternative F in the FEIS (refer to Tables 3 and 4). Therefore, as was the case for Alternative F, the proposed modifications would not result in significant adverse noise impacts.

S. Construction Impacts

The proposed Council modifications would result in the same development density on the 53 projected and potential development sites as analyzed for Alternative F in the FEIS. Apart from some changes in building height, setback, and related bulk regulations that would affect building envelopes, the constructions effects with the proposed modifications would be the same as for Alternative F analyzed in the FEIS. As these changes would not significantly change the nature of site construction, the Council modifications would not result in any significant adverse construction impacts not already identified in the FEIS for Alternative F.

T. Public Health

As with Alternative F analyzed in the FEIS, the proposed Council modifications would not result in significant adverse public health impacts, as they would not significantly impact the various technical areas that comprise public health, namely, air quality, hazardous materials, solid waste management, and noise. With the Council modifications, the hazardous materials testing and remediation requirements, air quality measures, and noise attenuation required by the proposed (E) designations would be implemented.

U. Mitigation

As the proposed Council modifications would result in the same significant adverse impacts identified under Alternative F, the same mitigation measures for community facility, traffic and transit impacts identified in the FEIS for Alternative F would apply to the proposed modifications.

V. Unavoidable Adverse Impacts

The proposed Council modifications would result in the same unavoidable adverse impacts identified in the FEIS for Alternative F with respect to shadows and historic resources.

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
1	701	1	Projected	Manhattan Mini-Storage 541 W29th St	Storage	Appendix A List Automobile Service Station	1934 Bromley	Yes
2	701	30	Projected	Enterprise 30th Street Parking, LLC 505-509 W29th St	Parking Garage	Appendix A List Metal Processing	1934 Bromley	Yes
2	701	33	Projected	505 W29th St	Storage/Vacant	Appendix A List Metal Processing	1934 Bromley	Yes
2	701	35*	Projected	Terminal Food Shop 329 10th Ave	Deli	Appendix A List Metal Processing	1934 Bromley	No
2	701	35*	Projected	501 29th St	Residential / Commercial	Appendix A List Metal Processing	1934 Bromley	No
2	701	36	Projected	331 Tenth Ave	Parking Lot	Appendix A List Metal Processing	1934 Bromley	Yes
2	701	37	Projected	333 Tenth Ave	Auto Sales (lot)	Appendix A List Metal Processing	1934 Bromley	Yes
2	701	42	Projected	Enterprise 30th Street Parking, L.L.C. 343 10th Ave	Parking Lot	Appendix A List Metal Processing	1934 Bromley	Yes
2	701	43	Projected	502 W30th St	Manufacturing /Vacant	Appendix A List Metal Processing	1934 Bromley	Yes
3	700	1	Projected	Kaz Systems 282 11th Ave	Parking Lot	Adjacent App A Auto Service	2004 Field Survey	Yes
3	700	1	Projected	Davids Auto Service 282 11th Ave	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
3	700	1	Projected	Brownfield Auto 298 11th Ave	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
4	699	5	Projected	547 W27th St	Art Gallery	Adjacent App A Iron Works	1897 Bromley	Yes
5	699	22	Projected	517 W27th St	Office Space	Adjacent App A Iron Works	1897 Bromley	Yes
5	699	23	Projected	515 W27th St	Office Space	Adjacent App A Iron Works	1897 Bromley	Yes
5	699	24	Projected	Colin Construction 513 W27th St	Office Space	Adjacent App A Iron Works	1897 Bromley	Yes
5	699	25	Projected	511 W27th St	Art Gallery	Adjacent App A Metal Processing	2004 Field Survey	Yes
5	699	26	Projected	509 W27th St	Scrap Metal Processing	Appendix A List Metal Processing	2004 Field Survey	Yes
5	699	27	Projected	Central Iron & Metal 507-9 W27th St	Scrap Metal Processing	Appendix A List Metal Processing	2004 Field Survey	Yes
5	699	44	Projected	Bungalow 8 518 W27th St	Bar/Restaurant	Adjacent App A Iron Works	1897 Bromley	Yes
5	699	44	Projected	Leonard Powers, Inc 514-20 W27th St	Industrial/Storage	Adjacent App A Iron Works	1897 Bromley	Yes
6	699	30*	Projected	503 W27th St	Residential	Adjacent App A Metal Processing	2004 Field Survey	No
6	699	30*	Projected	Brite Bar 297 10th Ave	Bar/Restaurant	Appendix A List Motor Freight Station	1955 Bromley	No
6	699	31*	Projected	Bongo 299 10th Ave	Residential/Retail	Appendix A List Motor Freight Station	1955 Bromley	No

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
6	699	32*	Projected	Punjab Food Junction 301 10th Ave	Residential/Retail	Adjacent App A Auto Service	2004 Field Survey	No
6	699	33	Projected	City/Gas Auto Repair 303-309 10th Ave	Auto Gas/Service Repair	Appendix A List Automobile Service Station	2004 Field Survey	Yes
6	699	37*	Projected	10th Ave Gourmet 311 10th Ave	Residential/Retail	Adjacent App A Auto Service	2004 Field Survey	No
7	698	1	Projected	246-60 11th Ave	Office Space	Adjacent App A Brass Works	1897 Bromley	Yes
8	698	32	Projected	Firestone Bear Auto Center 279 10th Ave	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
8	698	35	Projected	The Friendly Group 287 10th Ave	Taxi Mgmt	Appendix A List Automobile Rental	2004 Field Survey	Yes
8	698	37	Projected	Marquee 289 10th Ave	Bar/Restaurant	Adjacent App A Auto Service Station	1934 Bromley	Yes
8	698	40	Projected	Paul Kasmin 293 10th Ave	Art Gallery	Adjacent App A Auto Service Station	1934 Bromley	Yes
8	698	141	Projected	502 W27th St	Residential	Appendix A List Automobile Service Station	1934 Bromley	Yes
9	697	27	Projected	501-9 W25th St	Parking/auto/ vacant	Adjacent App A Iron Works, Lumber Yard	1897 Bromley	Yes
9	697	31	Projected	Kantora Galley 259 10th Ave	Storage/ Commercial	Adjacent App A Iron Works, Lumber Yard	1897 Bromley	Yes
10	696	58	Projected	550 W25th St	Auto/Pkg/Vacant	Adjacent App A Coal Yard	1897 Bromley	Yes

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
11	696	28	Projected	511 W24th St	Commercial/Auto	Appendix A List Adj to RR ROW	2004 Field Survey	Yes
11	696	32	Projected	Kwik Farms 239 10th Ave	Gas Station	Appendix A List Gasoline Service Station	2004 Field Survey	Yes
11	696	33	Projected	Chandler Auto Repair 245-7 10th Ave	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
11	696	35	Projected	249 Parking Corp 249 10th Ave	Parking Garage	Adjacent App A Auto Service	2004 Field Survey	Yes
11	696	37	Projected	Pepe Giallo 253 10th Ave	Restaurant	Adjacent App A Auto Service	2004 Field Survey	Yes
11	696	38	Projected	World Class Audio 255 10th Ave	Auto Service	Appendix A List Automobile Service Station	2004 Field Survey	Yes
11	696	38	Projected	Marty's Auto Body 500 W25th St	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
12	693	1	Projected	144-50 11th Ave	Building for Lease (office/commercial)	Adjacent lots to the north, lot 64, has a Glass Manufacture past use	1934 Bromley, Jan 1955 Man Address Direct.	Yes
12	693	64	Projected	Chelsea Art Museum 150-54 11th Ave	Art Gallery	Glass Manufacture past use	1934 Bromley	Yes
13	692	7	Projected	545-7 W20th St	Art Gallery	Adjacent App A Auto Service	Jan 1955 Manhattan Address Directory	Yes
13	692	7	Projected	120 11th Ave	Mixed Use (Residential/Office)	Appendix A List Metal Processing	Jan 1955 Manhattan Address Directory	Yes

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
13	692	61	Projected	Lot 61 550 W21st St	Bar/Restaurant	Appendix A List Metal Processing	Jan 1955 Manhattan Address Directory	Yes
13	692	63	Projected	130 Eleventh Ave	Unknown (appears vacant)	Appendix A List Metal Processing	2004 Field Survey	Yes
14	692	53	Projected	540 W21st St	Office Space	Appendix A List Metal Processing	Jan 1955 Manhattan Address Directory	Yes
14	692	57	Projected	Eyebeam 548 W21st St	Art Gallery	Appendix A List Metal Processing	Jan 1955 Manhattan Address Directory	Yes
15	692	28	Projected	521-527 W20th St	Auto Service Garage	Appendix A Auto Service	2004 Field Survey	Yes
15	692	30	Projected	169-83 10th Ave	Construction Equipment Leasing	Adjacent App A Auto Service	2004 Field Survey	Yes
15	692	30	Projected	Manhattan Collision 507 W20th St	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
16	691	11	Potential	100 11th Ave	Parking Lot	Appendix A List Gas Storage	1897 Bromley	Yes
17	691	43	Projected	516 W20th St	Parking Garage	Appendix A List Gas Storage	1897 Bromley	Yes
17	691	50	Projected	Anton Kern 532 W20th St	Art Gallery	Appendix A List Gas Storage	1897 Bromley	Yes
18	691	25	Projected	W19th Street	Parking Lot	Appendix A List Automobile Service Station	1934 Bromley	Yes
18	691	27	Projected	505 W19th Street	Parking Lot	Appendix A List Automobile Service Station	1934 Bromley	Yes

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
18	691	29	Projected	Mendon Truck Leasing 153 Tenth Ave	Retail/Auto	Appendix A List Automobile Service Station	1934 Bromley	Yes
18	691	33	Projected	Edison Park 161-5 Tenth Ave	Parking Lot	Appendix A List Automobile Service Station	1934 Bromley	Yes
18	691	35	Projected	165 Tenth Ave	Parking Lot	Adjacent Appendix A List Automobile Service Station	1934 Bromley	Yes
18	691	37	Projected	504 W20th St	Parking Lot	Adjacent Appendix A List Automobile Service Station	1934 Bromley	Yes
19	690	12	Projected	Corner W18th St	New Construction (Residential Turner Construction)	Appendix A List Gas Storage	1897 Bromley	Yes
19	690	20	Projected	Roxy 515 W18th St	Bar/Restaurant	Appendix A List Gas Storage	1897 Bromley	Yes
19	690	20	Projected	Chelsea MTP Operating, LLC 511-25 W18th St	Parking Lot	Appendix A List Gas Storage	1897 Bromley	Yes
19	690	54	Projected	96 11th Ave	New Construction (Residential Turner Construction)	Adjacent Appendix A List Gas Storage	1897 Bromley	Yes
20	690	29	Projected	131 Tenth Ave	Parking Lot	Appendix A List Adj to RR ROW	1897 Bromley	Yes
21	689	17	Projected	99-111 10th Ave	Parking Lot	Appendix A List Gas Storage	1897 Bromley	Yes
22	715	1*	Projected	457 W17th St	Residential/Retail	Adjacent App A Gas Storage	1897 Bromley	No

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
22	715	2	Projected	Red Rock West Saloon 116 10th Ave	Bar/Restaurant	Adjacent App A Gas Storage	1897 Bromley	Yes
22	715	3	Projected	The Park 118 10th Ave	Bar/Restaurant	Adjacent App A Gas Storage	1897 Bromley	Yes
22	715	60	Projected	Lux 456 W18th St	Art Gallery	Adjacent App A Gas Storage	1897 Bromley	Yes
22	715	63	Projected	464 W18th	New Development (128 10th Ave restaurant)	Adjacent App A Gas Storage	1897 Bromley	Yes
22	715	63	Projected	Star on 18 128 10th Ave	Restaurant	Adjacent App A Gas Storage	1897 Bromley	Yes
22	715	64	Projected	124 10th Ave	Parking Garage	Adjacent App A Gas Storage	1897 Bromley	Yes
23	715	5	Projected	453 W17th St	Commercial	Adjacent App A Gas Storage	1897 Bromley	Yes
23	715	7	Projected	447 W17th St	Unknown	Adjacent App A Gas Storage	1897 Bromley	Yes
24	714	1	Projected	Bimmy's 455 W16th St	Deli	Appendix A List Motor Freight Station	1955 Bromley	Yes
24	714	1	Projected	Chelsea Garden Center 455 W16th St	Nursery	Appendix A List Motor Freight Station	1955 Bromley	Yes
24	714	1	Projected	458 W17th St	Residential/Retail	Appendix A List Motor Freight Station	1955 Bromley	Yes
24	714	1	Projected	Atlantic Theater 453 W16th St	Office Space	Adjacent App A Auto Service	2004 Field Survey	Yes

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
24	714	1	Projected	Heavenly Body Works 441-55 W16th St	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
24	714	63*	Projected	112 Tenth Ave	Residential/Retail	Adjacent App A Auto Service	2004 Field Survey	No
25	714	14	Projected	437 W16th St	Office Space	Adjacent App A Auto Service	2004 Field Survey	Yes
25	714	16	Projected	437 W16th St	Auto Service	Adjacent App A Auto Service	2004 Field Survey	Yes
26	701	59	Projected	Eurotech Construction/Painting 532 W30th St	Office Space	Appendix A List Adj to RR ROW	Aug 1934 Manhattan Address Directory	Yes
26	701	62	Projected	Eastern Connection 534 W30th St	Shipping / Packing	Adjacent App A Sign Painting	2004 Field Survey	Yes
26	701	68	Projected	Cabinetry / Millwork 314 11th Ave	Industrial	Appendix A List Furniture Manufacture	2004 Field Survey	Yes
26	701	68	Projected	Midtown Neon Sign Corp 550 W30th St	Retail / Manufacturing	Appendix A List Sign Painting Shops	2004 Field Survey	Yes
26	701	70	Projected	CNC Auto Repair 312 11th Ave	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
27	701	45	Potential	506-526 W30th St	Hot Dog Vending/Storage	Appendix A List Metal Processing	1934 Bromley	Yes
27	701	52	Potential	518-522 W30th St	Auto/Pkg/Storage	Appendix A List Adj to RR ROW	Aug 1934 Manhattan Address Directory	Yes
27	701	55	Potential	524 W30th St	Parking	Appendix A List Adj to RR ROW	Aug 1934 Manhattan Address Directory	Yes

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
27	701	56	Potential	526-528 W30th St	Parking	Appendix A List Adj to RR ROW	Aug 1934 Manhattan Address Directory	Yes
27	701	58	Potential	530 W30th St	Parking	Appendix A List Adj to RR ROW	Aug 1934 Manhattan Address Directory	Yes
28	701	16	Potential	Enterprise 30th St Parking, LLC 529-539 W29th St	Parking Garage	Appendix A List Furniture Manufacture	Aug 1934 Manhattan Address Directory	Yes
28	701	22	Potential	Briggs Robinson Gallery 527 W29th St	Art Gallery	Adjacent App A Furniture Manufacture	2004 Field Survey	Yes
28	701	23	Potential	Cabinet Maker 525 W29 St	Industrial / Commercial	Appendix A List Furniture Manufacture	2004 Field Survey	Yes
29	701	24	Potential	Tuck it 517 W29 St	Storage	Adjacent App A Furniture Manufacture	2004 Field Survey	Yes
29	701	28	Potential	Courier Network International Systems 515 W29th St	Retail / Art Gallery	Appendix A List Welding Shops	Aug 1934 Manhattan Address Directory	Yes
30	700	53	Potential	Pentacostal Church 534 W29th St	Religious	Adjacent App A List Coal Storage	1934 Bromley	Yes
30	700	54	Potential	John Young Studios 536 W29th St	Art Gallery	Adjacent App A List Coal Storage	1934 Bromley	Yes
30	700	55	Potential	Elite Investigation 538 W29th St	Office Space	Adjacent App A List Coal Storage	1934 Bromley	Yes
30	700	56	Potential	Alona Kagan Gallery 540 W29th St	Art Gallery	Adjacent App A Garbage Reduction	2004 Field Survey	Yes
30	700	57	Potential	Action Carting 542 W29th St	Garbage Disposal	Appendix A List Garbage Reduction	2004 Field Survey	Yes

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
30	700	59	Potential	546 W29th St	Auto Service Garage	Adjacent App A Auto Service	2004 Field Survey	Yes
30	700	60	Potential	Avi Taxi Repair 546-8 W29th St	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
30	700	61	Potential	550 W29th Street	Office Space	Adjacent App A Auto Service	2004 Field Survey	Yes
31	700	48	Potential	524 W29th St	Office / Retail	Adjacent App A Auto Service	2004 Field Survey	Yes
31	700	49	Potential	Sean Kelly Art Gallery 526-28 W29th St	Art Gallery	Adjacent App A List Coal Storage	1934 Bromley	Yes
32	700	42	Potential	512 W29th St	Night Club	Adjacent App A Motor Freight Station	1955 Bromley	Yes
32	700	44	Potential	Technik 1 516 W29th St	Auto Electronics	Adjacent App A Auto Service	2004 Field Survey	Yes
32	700	45	Potential	518 W29th St	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
32	700	47	Potential	LA Ideal / Regent Maintenance Corp 522 W29th St	Manufacturing / Commercial	Adjacent App A Auto Service	2004 Field Survey	Yes
33	700	9	Projected	NY Builders Supply Corp 545 W28th St	Masonry Yard	Appendix A List Lumber Processing	2004 Field Survey	Yes
33	700	9	Projected	NY SUV Auto Body 547 W28th St	Parking Lot / Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
34	700	18	Projected	Kamco Supply Corp 517 W28th St	Lumber Yard	Appendix A List Lumber Processing	2004 Field Survey	Yes

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
35	700	29*	Potential	Taxi Mgmt, Inc 313 10th Ave	Residential/ Office Space	Appendix A List Automobile Service Station	1934 Bromley	No
35	700	30*	Potential	Medina 315 10th Ave	Residential / Retail/ Restaurant	Appendix A List Automobile Service Station	1934 Bromley	No
35	700	30*	Potential	315 10th Ave	Residential	Appendix A List Automobile Service Station	1934 Bromley	No
35	700	31*	Potential	IMP Mgmt 317 10th Ave	Residential/ Taxi Mgmt	Appendix A List Automobile Rental Establishments	2004 Field Survey	No
35	700	31*	Potential	317 10th Ave	Residential/ Retail Space	Adjacent App A Auto Rental	2004 Field Survey	No
35	700	31*	Potential	317 10th Ave	Residential / Retail Space	Appendix A List Automobile Service Station	1934 Bromley	No
35	700	32	Potential	Evan Auto, Inc 321 10th Ave	Auto / Towing	Appendix A List Automobile Service Station	2004 Field Survey	Yes
35	700	32	Potential	Evan Auto, Inc 319 10th Ave	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
35	700	34	Potential	323 Tenth Ave	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
35	700	36	Potential	10th Ave Tire Shop 327 10th Ave	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
36	699	1	Potential	Manhattan Motors 270 11th Ave	Auto Dealer	Appendix A List Automobile Rental	2004 Field Survey	Yes

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
36	699	63	Potential	554 W28th St	Commercial / Art Gallery	Adjacent App A Auto Rental	2004 Field Survey	Yes
37	699	9	Potential	537 W27th St	Vacant Lot	Appendix A List Iron Works	1897 Bromley	Yes
38	699	14	Potential	CTX 538 W28th St	Industrial	Adjacent lot to the east, lot 49, has an Iron Works	1897 Bromley	Yes
38	699	49	Potential	Crobar 531 W27th St	Bar/Restaurant	Appendix A List Iron Works	1897 Bromley	Yes
38	699	49	Potential	Scores 533-35 W27th St	Bar/Restaurant	Appendix A List Iron Works	1897 Bromley	Yes
39	697	1	Potential	220-40 11th Ave	Parking Lot	Lumber Yard, Adj Iron Works	1897 Bromley	Yes
40	696	65	Potential	210 Art 210 11th Ave	Art Gallery / Commercial	Appendix A List Coal Yard	1897 Bromley	Yes
40	696	65	Potential	Stricoff Fine Art 564 W25th St	Art Gallery / Commercial	Appendix A List Coal Yard	1897 Bromley	Yes
41	696	1	Potential	202-8 11th Ave	Storage	Adjacent App A Coal Yard	1897 Bromley	Yes
42	694	30*	Potential	505 W22nd St	Residential	Appendix A List Adj to RR ROW	2004 Field Survey	No
42	694	31*	Potential	West Chelsea Veterinary Hospital 203 10th Ave	Residential / Medical	Appendix 5, §24-04a	Jan 1955 Manhattan Address Directory	No
42	694	32*	Potential	Tia Pol 205 10th Ave	Bar/Restaurant	Adjacent App A Motor Freight Station	1934 Bromley	No
42	694	32*	Potential	205 10th Ave	Residential	Appendix A List Automobile Service	Jan 1955 Manhattan Address Directory	No

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
42	694	33	Potential	207 10th Ave	Construction / Auto	Adjacent App A Auto Service	2004 Field Survey	Yes
42	694	39	Potential	Exxon 215 10th Ave	Gas Station	Appendix A List Gasoline Service Station	2004 Field Survey	Yes
42	694	40	Potential	512 W23rd St	Parking Lot	Adjacent App A Auto Service	2004 Field Survey	Yes
43	691	15	Potential	531 W19th St	Art Gallery	Appendix A List Gas Storage	1897 Bromley	Yes
43	691	19	Potential	David Zwirner 525 W19th St	Art Gallery	Appendix A List Gas Storage	1897 Bromley	Yes
43	691	22	Potential	Sidney Samuels 517 W19th St	Commercial Heating Cooling	Appendix A List Gas Storage	1897 Bromley	Yes
43	691	22	Potential	Chelsea Studio Gallery 518 W19th St	Art Gallery	Appendix A List Gas Storage	1897 Bromley	Yes
43	691	24	Potential	515 W19th St	Art Gallery / Residential	Adjacent App A Gas Storage	2004 Field Survey	Yes
44	690	42	Potential	516-22 W19th St	Warehouse / Commercial	Adjacent App A Gas Storage	1897 Bromley	Yes
44	690	46	Potential	524 W19th St	Art Gallery / Commercial	Adjacent App A Gas Storage	1897 Bromley	Yes
45	715	50	Potential	Midtown Chelsea Center 436 W18th St	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
45	715	59	Potential	Verizon 438-54 W18th St	Office/Commercial Space	Adjacent App A Auto Service	2004 Field Survey	Yes
46	694	58	Potential	536 W23rd St	Commercial Space	Adjacent App A Auto Service	2004 Field Survey	Yes
46	694	60	Potential	548 W23rd St	Commercial Space	Adjacent App A Auto Service	2004 Field Survey	Yes
46	694	61	Potential	522 W23rd St	Commercial Space	Adjacent App A Auto Service	2004 Field Survey	Yes
46	694	65	Potential	Uhaul 170 11th Ave	Storage	Appendix A List Glass/Furniture Manufacture	1897 Bromley	Yes
47	695	1	Potential	Privilege 182 11th Ave	Bar/Restaurant	Adjacent App A Auto Service	1934 Bromley	Yes

Table 1, West Chelsea: Hazardous Materials (E) Designation for Alternative F With Proposed Modifications by the CPC								
Site	Block	Lot	Development Site	Address	Current Land Use	CEQR Reference	Source	(E) Designation Warranted
47	695	3	Potential	Chelsea Inn 184 11th Ave	Hotel/Deli	Adjacent App A Auto Service	1934 Bromley	Yes
47	695	4	Potential	188 11th Ave	Office/Storage Space	Adjacent App A Auto Service	2004 Field Survey	Yes
48	695	7	Potential	New Construction	Residential/Retail	Adjacent App A Lumber Processing	1897 Bromley	Yes
48	695	12	Potential	Bula Gallery 541 W23rd St	Art Gallery	Adjacent App A Lumber Processing	1897 Bromley	Yes
48	695	57	Potential	536 W24th St	Construction	Adjacent App A Lumber Processing	1897 Bromley	Yes
49	695	44	Potential	MetroVision Production 508 W24th St	Office Space	Appendix A List Adj to RR ROW	1934 Bromley	Yes
50	695	47	Potential	PlexiCraft 514 W24th St	Commercial	Appendix A List Lumber Processing	1897 Bromley	Yes
51	695	59	Potential	W24th St	Construction	Adjacent App A Lumber Processing	1897 Bromley	Yes
52	695	67	Potential	200 11th Ave	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
52	695	68	Potential	CC Auto 198 11th Ave	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
52	695	69	Potential	196 11th Ave	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
52	695	70	Potential	Apple Auto 194 11th Ave	Auto Service Garage	Appendix A List Automobile Service Station	2004 Field Survey	Yes
53	694	47	Potential	Manhattan Mini- Storage 530 W23rd St	Storage	Appendix A List Gasoline Service Station	1934 Bromley	Yes

(*) Lots indicated with an asterisk (*) are not expected to be redeveloped under the proposed action, as they contain existing residential buildings. Therefore, they would not be mapped with an (E) Designation. These lots would transfer air rights to adjacent lots within the development site. Note as action-induced development is not expected on Site 14, the lots comprising this site would not receive hazardous materials (E) designations.

TABLE 2 – RESULTS OF HVAC SOURCE IMPACT ANALYSIS WITH PROPOSED COUNCIL MODIFICATIONS

HVAC Source Identification	CEQR Screening Results for No. 2 Fuel Oil	CEQR Screening Results for Natural Gas	ISC3 Modeling Results for No. 2 Fuel Oil⁽¹⁾	ISC3 Modeling Results for Natural Gas⁽¹⁾
Site 1	73 feet ⁽¹⁾	49 feet ⁽¹⁾	N/A	N/A
Site 2	Fail ⁽³⁾	Fail ⁽³⁾	79 feet ⁽⁴⁾	Pass
Site 3	Pass	Pass	---	---
Site 4	62 feet ⁽¹⁾	45 feet ⁽¹⁾	N/A	N/A
Site 5	---	---	---	---
Site 6	48 feet ⁽¹⁾	31 feet ⁽¹⁾	N/A	N/A
Site 7	82 feet ⁽¹⁾	56 feet ⁽¹⁾	N/A	N/A
Site 8	Fail ⁽³⁾	Fail ⁽³⁾	63 feet ⁽⁴⁾	Pass
Site 9	Fail ⁽³⁾	Pass	90 feet ⁽⁴⁾	---
Site 10	48 feet ⁽¹⁾	34 feet ⁽¹⁾	N/A	N/A
Site 11	Pass	Pass	---	---
Site 12	Pass	Pass	---	---
Site 13	Pass	Pass	---	---
Site 14	40 feet ⁽¹⁾	25 feet ⁽¹⁾	N/A	N/A
Site 15	Pass	Pass	---	---
Site 16	Pass	Pass	---	---
Site 17	46 feet ⁽¹⁾	34 feet ⁽¹⁾	N/A	N/A
Site 18	30 feet ⁽¹⁾	18 feet ⁽¹⁾	N/A	N/A
Site 19	Fail ⁽³⁾	Fail ⁽³⁾	80 feet ⁽⁴⁾	Pass
Site 20	50 feet ⁽¹⁾	34 feet ⁽¹⁾	N/A	N/A
Site 21 ⁽²⁾	---	---	---	---
Site 22‡	54 feet ⁽¹⁾	40 feet ⁽¹⁾	N/A	N/A
Site 23‡	40 feet ⁽¹⁾	---	N/A	N/A
Site 24	Pass	Pass	---	---
Site 25‡	40 feet ⁽¹⁾	26 feet ⁽¹⁾	N/A	N/A
Site 26	85 feet ⁽¹⁾	65 feet ⁽¹⁾	N/A	N/A
Site 27‡	---	---	---	---
Site 28 ⁽²⁾	---	---	---	---

Site 29	40 feet ⁽¹⁾	25 feet ⁽¹⁾	N/A	N/A
Site 30	55 feet ⁽¹⁾	38 feet ⁽¹⁾	N/A	N/A
Site 31	46 feet ⁽¹⁾	30 feet ⁽¹⁾	N/A	N/A
Site 32	45 feet ⁽¹⁾	30 feet ⁽¹⁾	N/A	N/A
Site 33	57 feet ⁽¹⁾	41 feet ⁽¹⁾	N/A	N/A
Site 34	Pass	Pass	---	---
Site 35 ⁽²⁾	---	---	---	---
Site 36	Fail ⁽³⁾	Pass	79 feet ⁽⁴⁾	---
Site 37 ⁽²⁾	---	---	---	---
Site 38	76 feet ⁽¹⁾	50 feet ⁽¹⁾	N/A	N/A
Site 39 ⁽²⁾	---	---	---	---
Site 40 ⁽²⁾ ‡	29 feet ⁽¹⁾	17 feet ⁽¹⁾	---	---
Site 41 ‡	---	---	---	---
Site 42 ⁽²⁾	---	---	---	---
Site 43	45 feet ⁽¹⁾	39 feet ⁽¹⁾	N/A	N/A
Site 44	38 feet ⁽¹⁾	32 feet ⁽¹⁾	N/A	N/A
Site 45	62 feet ⁽¹⁾	45 feet ⁽¹⁾	N/A	N/A
Site 46	Pass	Pass	---	---
Site 47	31 feet ⁽¹⁾	19 feet ⁽¹⁾	N/A	N/A
Site 48	Fail ⁽³⁾	Fail ⁽³⁾	79 feet ⁽⁴⁾	Pass
Site 52	24 feet ⁽¹⁾	17 feet ⁽¹⁾	N/A	N/A
Site 53	46 feet ⁽¹⁾	35 feet ⁽¹⁾	N/A	N/A

Notes:

1 Some sites are immediately adjacent to each other and the analysis could not be further refined without additional design data; therefore the minimum distance for which the source would pass the CEQR screening procedures was provided for these sites using CEQR monographs. The following (E) designation would be placed on these development sites. Any new development on the property must locate the HVAC stack no closer to the edge of roof than the distance indicated.

2 Building is taller than nearby buildings, no analysis is required.

3 For sites that failed the CEQR screening procedures, a detailed ISC3 modeling analysis was performed.

4 The following (E) designation would be placed on these development sites. Any new development on the property must either locate the HVAC stack no closer to the edge of roof (on the highest tier) as indicated or use natural gas as the type of fuel for the HVAC systems.

‡As explained in the memorandum to the project file dated 6/21/05, corrected (E) designation requirements, where applicable, have been provided above in Table 2.

Table 3, Required Attenuation Values for Alternative F With Proposed Council Modification: Projected Developmental Sites (the representative monitoring site is shown next to the address)

Site Number	Address	Block Number	Lot(s) Number	Build Max L ₁₀ (dBA)	Attenuation Required
1 **	306-310 Eleventh Ave (S1)	701	1	75.7	40 **
2 **	505 W 29 ST (S4)	701	33	79.5	40 **
	329 Tenth Ave (S4)	701	35***	79.5	40 **
	331 Tenth Ave (S4)	701	36	79.5	40 **
	333 Tenth Ave (S4)	701	37	79.5	40 **
	337 Tenth Ave (S4)	701	42	79.5	40 **
	502-504 W 30 ST (S4)	701	43	79.5	40 **
	509 W 29 ST (S4)	701	30	79.5	40 **
3 **	282-298 Eleventh Ave (S1)	700	1	75.7	40 **
	282-298 Eleventh Ave (S1)	700	1	75.7	40 **
4	547-559 W 27 ST (S2)	699	5	73.9	30
5	514-520 W 28 ST (S2)	699	44	73.9	30
6	503 W. 27th St. (S4)	699	30***	79.5	35
	299 Tenth Ave (S4)	699	31***	79.5	35
	301 Tenth Ave (S4)	699	32***	79.5	35
	303-309 Tenth Ave (S4)	699	33	79.5	35
	311 Tenth Ave (S4)	699	37***	79.5	35
7	246-260 Eleventh Ave (S5)	698	1	76.2	35
8	279 Tenth Ave (S4)	698	32	79.5	35
	285 Tenth Ave (S4)	698	35	79.5	35
	289 Tenth Ave (S4)	698	37	79.5	35
	293 Tenth Ave (S4)	698	40	79.5	35
9	259 Tenth Ave (S4)	697	31	79.5	35
10	550 W 25 St (S2)	696	58	73.9	30
11	507 W. 24th St (S4)	696	28	79.5	35
	239 Tenth Ave (S4)	696	32	79.5	35
	245 Tenth Ave (S4)	696	33	79.5	35
	249 Tenth Ave (S4)	696	35	79.5	35
	253 Tenth Ave (S4)	696	37	79.5	35
	255 Tenth Ave (S4)	696	38	79.5	35
12	144-150 Eleventh Ave (S8)	693	1	82.7	40
	154-160 Eleventh Ave (S8)	693	64	82.7	40
13	130 Eleventh Ave (S8)	692	63	82.7	40
	550 W 21 ST (S8)	692	61	82.7	40
	550 W 21 ST (S8)	692	7	82.7	40
14	542 W 21 ST (S6)	692	57	73.3	30
	540 W 21 ST (S6)	692	53	73.3	30
15	169-183 Tenth Ave (S7)	692	30	75.4	35
	521-527 W 20 ST (S7)	692	28	75.4	35
16	100 Eleventh Ave (S8)	691	11	82.7	40
17	532-534 W 20 ST (S6)	691	50	73.3	30
	516-530 W 20 ST (S6)	691	43	73.3	30
18	153 Tenth Ave (S7)	691	29	75.4	35
	161 Tenth Ave (S7)	691	33	75.4	35

Site Number	Address	Block Number	Lot(s) Number	Build Max L ₁₀ (dBA)	Attenuation Required
	165 Tenth Ave (S7)	691	35	75.4	35
	510 W 19 ST (S7)	691	25	75.4	35
	505 W 19 ST (S7)	691	27	75.4	35
	504 W 20 ST (S7)	691	37	75.4	35
19	96 Eleventh Ave (S8)	690	12	82.7	40
	80-92 Eleventh Ave (S8)	690	54	82.7	40
	511-525 W 18 ST (S8)	690	20	82.7	40
	511-525 W 18 ST (S8)	690	20	82.7	40
20	131 Tenth Ave (S7)	690	29	75.4	35
	131 Tenth Ave (S7)	690	29	75.4	35
21	99-111 Tenth Ave (S8)	689	17	82.7	40
22	128 Tenth Ave (S7)	715	63	75.4	35
	124 Tenth Ave (S7)	715	64, 65	75.4	35
	118 Tenth Ave (S7)	715	3	75.4	35
	116 Tenth Ave (S7)	715	2	75.4	35
	118 Tenth Ave (S7)	715	1***	75.4	35
	456 W 18 ST (S7)	715	60	75.4	35
23	453 W 17 ST (S9)	715	5	74.9	30
	447 W 17 ST (S9)	715	7	74.9	30
24	112 Tenth Ave (S7)	714	63***	75.4	35
	96 Tenth Ave (S7)	714	1	75.4	35
25	437 W 16 ST (S9)	714	14	74.9	30
	437 W 16 ST (S9)	714	16	74.9	30
26	314-316 Eleventh Ave (S1)	701	68	75.7	35
	312 Eleventh Ave (S1)	701	70	75.7	35
	534-538 W 30 ST (S1)	701	62	75.7	35
	532 W 30 ST (S1)	701	59	75.7	35
33	529-539 W 28 ST (S2)	700	9	73.9	30
34	517-527 W 28 ST (S2)	700	18	73.9	30

** The affect of additional trucks at the Morgan Annex was taken into consideration. Window / wall attenuation requirements were increased by 5 dBA along the assigned routes of Morgan Annex truck traffic.

*** These lots are not expected to be redeveloped under the proposed action, as they contain existing residential buildings.

Note: as action-induced development is not expected on Site 14, the lots comprising this site would not receive noise attenuation (E) designations.

Table 4, Required Attenuation Values for Alternative F with Proposed Council Modifications: Potential Development Sites (the representative monitoring site is shown next to the address)

Site Number	Address	Block Number	Lot(s) Number	Build Max L ₁₀ (dBA)	Attenuation Required
27 **	530 W 30 ST(S2)	701	58	73.9	35 **
	526-528 W 30 ST(S2)	701	56	73.9	35 **
	524 W 30 ST(S2)	701	55	73.9	35 **
	518-522 W 30 ST(S2)	701	52	73.9	35 **
	506 W 30 ST (S2)	701	45	79.5	35 **
28 **	529-539 W 29 ST(S2)	701	16	73.9	35 **
	527 W 29 ST(S2)	701	22	73.9	35 **
	525 W 29 ST(S2)	701	23	73.9	35 **
29 **	527 W 29 ST (S2)	701	24	73.9	35 **
	515 W 29 ST (S2)	701	28	73.9	35 **
30 **	550 W 29 ST (S2)	700	61	73.9	35 **
	548 W 29 ST (S2)	700	60	73.9	35 **
	546 W 29 ST (S2)	700	59	73.9	35 **
	542-544 W 29 ST (S2)	700	57	73.9	35 **
	540 W 29 ST (S2)	700	56	73.9	35 **
	538 W 29 ST (S2)	700	55	73.9	35 **
	536 W 29 ST (S2)	700	54	73.9	35 **
31 **	534 W 29 ST (S2)	700	53	73.9	35 **
	526-532 W 29 ST (S2)	700	49	73.9	35 **
32 **	524 W 29 ST (S2)	700	48	73.9	35 **
	522 W 29 ST (S2)	700	47	73.9	35 **
	518 W 29 ST (S2)	700	45	73.9	35 **
	516 W 29 ST (S2)	700	44	73.9	35 **
	512 W 29 ST (S2)	700	42	73.9	35 **
33	529-539 W 28 ST (S2)	700	9	73.9	30
34	517-527 W 28 ST (S2)	700	18	73.9	30
35 **	313 Tenth Ave (S4)	700	29***	79.5	40 **
	315 Tenth Ave (S4)	700	30***	79.5	40 **
	317 Tenth Ave (S4)	700	31***	79.5	40 **
	319-321 Tenth Ave (S4)	700	32	79.5	40 **
	323 Tenth Ave (S4)	700	34	79.5	40 **
	327 Tenth Ave (S4)	700	36	79.5	40 **
36	262-280 Eleventh Ave (S1)	699	1	75.7	35
	554 W 28 ST (S1)	699	63	75.7	35
	526-590 W 28 ST (S1)	699	49	75.7	35
37	537 W 27 ST (S2)	699	9	73.9	30
38	535-538 W 27ST (S2)	699	14	73.9	30
	526-590 W 28 ST (S2)	699	49	73.9	30
39	220-240 Eleventh Ave (S5)	697	1	76.2	35
40	210-216 Eleventh Ave (S4)	696	65	79.5	35
41	202-208 Eleventh Ave (S5)	696	1	76.2	35
42	505 W 22 ST (S4)	694	30***	79.5	35
	203 Tenth Avenue (S4)	694	31***	79.5	35
	205 Tenth Avenue (S4)	694	32***	79.5	35

Site Number	Address	Block Number	Lot(s) Number	Build Max L ₁₀ (dBA)	Attenuation Required
	207 Tenth Avenue (S4)	694	33	79.5	35
	500 W 23 ST (S4)	694	39	79.5	35
	512 W 23 ST (S4)	694	40	79.5	35
43	527-533 W 19 ST (S6)	691	15	73.3	30
	521-525 W 19 ST (S6)	691	19	73.3	30
	517-519 W 19 ST (S6)	691	22	73.3	30
	515 W 19 ST (S6)	691	24	73.3	30
44	524 W 19 ST (S6)	690	46	73.3	30
	516-522 W 19 ST (S6)	690	42	73.3	30
45	442 W 18 ST (S9)	715	59	74.9	30
	436 W 18 ST (S9)	715	50	74.9	30
46*	536 W 23 ST	694	58	77.5	35
	548 W 23 ST	694	60	77.5	35
	522 W 23 ST	694	61	77.5	35
	170 Eleventh Ave	694	65	77.5	35
47*	182 Eleventh Ave	695	1	77.5	35
	186 Eleventh Ave	695	3	77.5	35
	188 Eleventh Ave	695	4	77.5	35
48*	549 W 23 ST	695	7	77.5	35
	543 W 23 ST	695	12	77.5	35
	536 W 24 ST	695	57	77.5	35
49*	508 W 24 ST	695	44	77.5	35
50*	514 W 24 ST	695	47	77.5	35
51*	540 W 24 ST	695	59	77.5	35
52*	200 Eleventh Ave	695	67	77.5	35
	198 Eleventh Ave	695	68	77.5	35
	196 Eleventh Ave	695	69	77.5	35
	194 Eleventh Ave	695	70	77.5	35
53*	524 W 23 ST	694	47	77.5	35

* Mixed-use development on Potential Development Sites 46 through 53 requires 35 dBA window-wall attenuation, as per the EAS for the *Chelsea Rezoning (CEQR No. 99DCP030M)*. In order to ensure that the 35 dBA noise attenuation is provided once the mixed-use zoning district is eliminated, the Max L₁₀ (77.5 dBA) recorded in the above referenced EAS is used for these potential development sites

** The affect of additional trucks at the Morgan Annex was taken into consideration. Window / wall attenuation requirements were increased by 5 dBA along the assigned routes of Morgan Annex truck traffic.

*** These lots are not expected to be redeveloped under the proposed action, as they contain existing residential buildings.

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. _____

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 050161 (A) ZRM, an amendment to the text of the Zoning Resolution relating to the elimination of the Special Mixed Use District-3 and the creation of the Special West Chelsea District in Article IX, Chapter 8, Manhattan (L.U. No. 502).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on May 31, 2005 its decision dated May 25, 2005 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 050161 (A) ZRM) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 050162 (A) ZMM (L.U. No. 501), amendment to the Zoning Map; and C 050163 PCM (L.U. No. 503) a site selection and acquisition;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 15, 2005;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion ratified was issued on May 13, 2005, with respect to this application together with the Technical Memorandum, dated May 25, 2005, prepared with respect to further modifications adopted by the City Planning Commission (CEQR No. 03DCP069M);

RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) the FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) consistent with social, economic and other essential considerations, including the provision of affordable housing, from among the reasonable alternatives thereto, Alternative F set forth in the FEIS and the Technical Memorandum, dated May 25, 2005 is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, including the effects disclosed in the FEIS; and
- (3) Adverse environmental impacts disclosed in the FEIS with respect to Alternative F will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable; and

The Decision, FEIS and the Technical Memorandum dated May 25, 2005, constitutes the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision with the following modifications:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in Underline is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Matter in [] is deleted by City Council

Matter in **bold double underline** is new, to be added by City Council

Matter within # # is defined in Section 12-10;

* * * indicate where unchanged text appears in the Zoning Resolution

* * *

11-12

Establishment of Districts

* * *

Establishment of the Special United Nations Development District

* * *

Establishment of the Special West Chelsea District

In order to carry out the special purposes as set forth in Article IX, Chapter 8, the #Special West Chelsea District# is hereby established.

* * *

12-10 DEFINITIONS

* * *

Special United Nations Development District

* * *

Special West Chelsea District

The "Special West Chelsea District" is a Special Purpose District designated by the letters "WCh" in which special regulations set forth in Article IX, Chapter 8, apply. The #Special West Chelsea District# appears on #zoning maps# superimposed on other districts and, where indicated, its regulations supplement or supersede those of the districts on which it is superimposed.

* * *

32-44 Air Space over a Railroad or Transit Right-of-way or Yard

32-441 Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section or in Section 98-01.

32-442
Use of railroad or transit air space

C1 C2 C3 C4 C5 C6 C7 C8

* * *

- (c) Notwithstanding the above, the #High Line# , as defined in Section 98-01 of this Resolution shall be governed by the provisions of Section 98-17 (Air Space Over a Railroad or Transit Right of Way or Yard).

* * *

42-462
Use of railroad or transit air space

M1 M2 M3

* * *

- (c) In an M1-1 District, on the #block# bounded by Vanderbilt Avenue, Atlantic Avenue, Carlton Avenue and Pacific Street in the borough of Brooklyn, the City Planning Commission may authorize the #use# of #railroad or transit air space# for an open vehicle storage establishment provided the Commission makes the following findings:

* * *

- (d) Notwithstanding the above, the #High Line# , as defined in Section 98-01 of this Resolution shall be governed by the provisions of Section 98-17 (Air Space Over a Railroad or Transit Right of Way or Yard).

* * *

All of the following text is new but not underlined.

Article IX - Special Purpose Districts

Chapter 8
Special West Chelsea District

98-00

GENERAL PURPOSES

The "Special West Chelsea District" established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include among others, the following specific purposes:

- (a) to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood;
- (b) to encourage the development of residential uses along appropriate avenues and streets;
- (c) to encourage and support the growth of arts-related uses in West Chelsea;
- (d) to facilitate the restoration and reuse of the #High Line# elevated rail line as an accessible, public open space through special height and setback regulations, #High Line# improvement bonuses and the transfer of development rights from the #High Line# Transfer Corridor;
- (e) to ensure that the form and use of new buildings relates to and enhances neighborhood character and the #High Line# open space;
- (f) to create and provide a transition to the lower-scale Chelsea Historic District to the east;
- (g) to create and provide a transition to the Hudson Yards area to the north; and
- (h) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

98-01

Definitions

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section 12-10 (DEFINITIONS).

High Line

The “High Line” shall for the purposes of this resolution refer to the elevated rail line structure and associated elevated easement located between Gansevoort Street and West 30th Street.

High Line bed

The “High Line bed” is the highest level of the horizontal surface (platform) of the #High Line# elevated rail line structure as of (the effective date of amendment), as shown in Diagram 7, in Appendix C of this Chapter. For the purposes of this Chapter, the level of the #High Line bed# is the average level of the #High Line bed# on a #zoning lot# over which the #High Line# passes.

High Line frontage

“High Line frontage” is that portion of a #building# that faces and is located within 15 feet of the west side and 25 feet of the east side of the #High Line#.

High Line Transfer Corridor

The “High Line Transfer Corridor” is an area within which the #High Line# is located, as specified in Appendix B of this Chapter, where development rights may be transferred to receiving sites in certain Subareas in the #Special West Chelsea District#, pursuant to the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-02

General Provisions

The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Section 98-17 (Air Space over a Railroad or Transit Right-of-way or Yard) and Section 98-11 (Special Regulations for #Developments# and #Enlargements# Above, Beneath or Adjacent to the #High Line#) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

The provisions regarding the transfer of #floor area# set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, and the #High Line Improvement Bonus# in Subareas D, E, and F, and G and I set forth in Section 98-25 shall be effective upon the issuance of a final and binding Certificate of Interim Trail Use (CITU) by the Federal Surface Transportation Board and the execution of a trail use agreement between the City and CSX Transportation, Inc., or its successor, with respect to the #High Line#, or upon a determination by the Office of the Corporation Counsel that the restoration and reuse of

the #High Line# as an accessible, public open space has been obtained pursuant to an alternative mechanism which protects the interests of the city.

Upon transfer of the #High Line# to the City pursuant to ULURP application C 050163 PCM and in accordance with such CITU and trail use agreement, the following shall apply:

- (a) the provisions regarding the issuance of building permits set forth in Section 98-26 (Special Regulations for #Developments# and #Enlargements# Above, Beneath or Adjacent to the #High Line#) shall be effective; and
- (b) any area within the tax lot located at Section 3, Block 8224, Lot 111, as of (effective date of amendment), which is separated from other portions of such tax lot by bounding streets, shall be considered a separate #zoning lot#; and
- (c) Underlying #use# and bulk regulations shall not apply to #uses# and #buildings and other structures# constructed on the #High Line# specifically in connection with its use as a public open space.

98-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special West Chelsea District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendices A, B, and C:

- Appendix A Special West Chelsea District and Subareas
- Appendix B High Line Transfer Corridor Location and Floor Area Ratio
- Appendix C Illustrative Diagrams of the High Line and Building Envelopes for Sites Adjacent to the High Line
 - Diagram 1 Street wall and High Line frontage regulations in Subareas C, F, and G
 - Diagram 2 Street wall and High Line frontage regulations in Subarea A
 - Diagram 3 Subarea H requirements
 - Diagram 4 High Line Improvement Area for Zoning Lots Divided by District Boundaries in Subareas D, E and G

- Diagram 5 Subarea I requirements between West 16th and West 17th streets
- Diagram 6 High Line Access Easement Volume Parameters
- Diagram 7 High Line bed and frontages

Appendix D Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

Appendix E Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E and G, or within Subarea I

The maps and diagrams are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in the text of this Chapter shall apply.

98-04

Subareas and High Line Transfer Corridor

In order to carry out the provisions of this Chapter, nine Subareas (Subareas A through I), and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

Within each of the Subareas and the #High Line Transfer Corridor#, certain special regulations apply that do not apply within the remainder of the #Special West Chelsea District#. The locations of the nine Subareas are detailed in Appendix A of this Chapter. The location of the #High Line Transfer Corridor# is detailed in Appendix B of this Chapter,

The Subareas and the #High Line Transfer Corridor# are subject to all other regulations of the #Special West Chelsea District# and the underlying district regulations except as otherwise specified in this Chapter.

98-05

Applicability of District Regulations

98-051

Applicability of Chapter 1 of Article 1

- (a) Within the #Special West Chelsea District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any

#development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:

- (1) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
 - (2) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.
- (b) Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on (effective date of amendment), such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than (one year after effective date of amendment).

98-10

SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT

98-11

Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line

The Commissioner of Buildings shall not issue any building permit for demolition, excavation or foundation work to be performed above or beneath the #High Line# or within 25 feet of support structures of the #High Line#, except by determination by such Commissioner that such work would not adversely affect the structural integrity of the #High Line# and by determination by the City agency or official designated by the Office of the Mayor for such purpose, that such work would not adversely affect the City's ability to inspect and maintain as necessary to ensure the structural integrity of the #High Line#.

98-12

Modification of Use Regulations in C6 Districts

98-121

In Subarea H

In Subarea H, the provisions of Section 32-25 (Use Group 16), paragraph D. (Heavy Service, Wholesale, or Storage Establishments) are modified to permit, in #C6 Districts#, warehouse #uses# only in #cellars# located wholly below #curb level#.

98-122

Location Within Buildings

In any #C6 District# in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by non-residential uses) are modified to permit non-#residential uses# on the same #story# as a #residential use# or on a story higher than that occupied by #residential uses#, provided that the non-#residential uses#:

- (a) are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
- (b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
 - (1) #residential# lobby space below or on the same #story# as non-#residential uses#; or
 - (2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

98-123

Adult Establishments

The provisions of Section 52-77 (TERMINATION OF ADULT USE ESTABLISHMENTS) shall not apply to any #adult establishment# that located within the Special West Chelsea District after October 25, 1995 and prior to May 25, 2005, and which, as of May 25, 2005 and (day prior to effective date of amendment), was an existing #use# and conformed to all provisions of Section 42-01 (SPECIAL PROVISIONS FOR ADULT ESTABLISHMENTS) applicable to M1-5 districts.

98-13

Modification of Use Regulations in M1 Districts

In the #Special West Chelsea District#, the provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT) and 42-30 (USES PERMITTED BY SPECIAL PERMIT)

are modified to permit, as-of-right, without limitation, in M1 Districts, museums and non-commercial art galleries as listed in Use Group 3.

98-14

Ground Floor Use and Transparency Requirements on Tenth Avenue

The special ground floor #use# and glazing regulations of this Section apply to that portion of a #building or other structure# fronting on Tenth Avenue in the #Special West Chelsea District#.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 25 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying district or museums or non-commercial art galleries as listed in Use Group 3. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space or entryways. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 40 feet or 50 percent of the building's total #street# frontage, whichever is less.

For any #development# or #enlargement#, each ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of such ground floor #street wall# surface. The lowest point at any point of transparency that is provided to satisfy the requirements of this Section shall be not higher than two feet above the level of the adjoining sidewalk or public access area and shall be no less than eight feet in height measured from such lowest point. Not less than 50 percent of such ground floor #street wall# surface shall be glazed with transparent materials, and up to 20 percent of such ground floor #street wall# may be glazed with translucent materials.

98-141

Transparency requirements within Subareas H and I

The transparency requirements of this Section shall apply to all portions of #developments# and #enlargements# within the #High Line frontage# of Subareas H and I, except for such portions that contain #dwelling units#. At least 70 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed# shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-15

Security Gates

All security gates installed after (effective date of amendment) that are swung, drawn, or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the façade area covered by such gate, when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking facilities.

98-16

Signs

The #sign# regulations of the underlying districts in the #Special West Chelsea District# shall not apply to #signs# located within 50 feet of the #High Line#, except for signs located entirely below the level of the #High Line# bed. In lieu thereof, the #sign# regulations of a C1 district shall apply, except that #accessory signs# located within the #High Line frontage# may have a maximum height of 20 feet above the level of the #High Line bed#.

No signs affixed to or resting upon the #High Line# shall be permitted, except as pursuant to a signage plan for the #High Line#, as authorized by the City Planning Commission, provided the Commission finds that such signage plan will:

- (a) enhance the use of the #High Line# by providing signage that is consistent with the use of the #High Line# as a public open space;
- (b) provide, at a minimum, directional, informational, and interpretive signage consistent with the use of the #High Line# as a public open space;
- (c) be integrated with the design of the #High Line# open space; and
- (d) not adversely affect development adjacent to the #High Line# and in the surrounding neighborhood

98-17

Air Space Over a Railroad or Transit Right-of-way or Yard

For the purposes of this Resolution, the #High Line# shall not be considered a railroad or transit right-of-way and the provisions of Sections 32-44 (Air Space over a Railroad or Transit Right-of-way or Yard) and 42-462 (Air Space over a Railroad or Transit Right-of-way or Yard) shall not apply.

98-18

Parking Regulations in Subarea H

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level# and that no more than 377 spaces are provided within such facility. For purposes of this Section, the governmental offices on Block 688, Lots 1001-1002 (as of the effective date) may have up to 377 #accessory# off-street parking spaces in such facility.

98-19
Lighting

All exterior light sources located within the #High Line frontage# shall be shielded from direct view from the #High Line#.

98-20
FLOOR AREA AND LOT COVERAGE REGULATIONS

The #floor area# provisions of this Section 98-20, inclusive, shall apply. Furthermore, special #floor area# transfer provisions are set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-21
Maximum Floor Area Ratio outside of Subareas

For all #zoning lots# or portions thereof located outside of Subareas A through I, the maximum #floor area ratios# of the applicable underlying district shall apply.

98-22
Maximum Floor Area Ratio and Lot Coverage in Subareas

For all #zoning lots# or portions thereof located in Subareas A through I, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility#, and #residential uses#, separately or in combination, shall be as specified in the following table. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#, except that no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less. For the conversion

to #dwelling units# of non-#residential buildings# or portions thereof, where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the following table, such excess #residential floor area# shall only be permitted pursuant to the Section 98-26 (Modifications to Inclusionary Housing Program).

TABLE A
Maximum Floor Area Ratio by Subarea

Subarea	Basic maximum #floor area ratio#	Increase in FAR pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR)	Increase in FAR pursuant to Section 98-25 (High Line Improvement Bonuses)	Inclusionary Housing		Maximum permitted #floor area ratio#
				Minimum FAR required to be transferred (note 1)	Increase in FAR pursuant to Section 98-26 (Modifications to Inclusionary Housing Program)	
A	[7.5] <u>6.5</u>	[2.5] <u>2.65</u>	(note 2)	[1.65] <u>2.65</u>	2.85	12.0
B	5.0	2.5	(note 2)	[1.65] <u>1.25</u>	[0.85] <u>1.25</u>	7.5
C	5.0	2.5	NA	[1.65] <u>1.25</u>	[0.85] <u>1.25</u>	7.5
D (note 5)	5.0	2.5 (note 3)	2.5 (note 3)	[1.65] <u>1.25</u>	[0.85] <u>1.25</u>	7.5
E	5.0	1.0 (note 3)	1.0 (notes 2 & 3)	[0.65] <u>NA</u>	[0.35] [<u>NA</u>]	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0 (note 3)	1.0 (note 3)	[0.65] <u>NA</u>	[0.35] <u>NA</u>	6.0
H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	[1.65] <u>1.25</u>	[0.85] <u>1.25</u>	7.5
I (note 4)	5.0	[1.0] <u>NA</u>	[1.5] <u>2.5</u>	[0.65] <u>NA</u>	[0.35] <u>NA</u>	7.5

Note 1
 Minimum #floor area ratios# required to be transferred pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized.

Note 2

In Subareas A, B, and E, the applicable basic maximum #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus).

Note 3

For certain zoning lots located in Subareas D, E, and G, the provisions of Section 98-25 (#High Line# Improvement Bonus) may apply in lieu of the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR), subject to the provisions of Section 98-24 (Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E, and G).

Note 4

For #zoning lots# over which the #High Line# passes.

Note 5

For #zoning lots# between West 22nd Street and West 24th Street, the maximum #floor area ratio# shall be 7.5, and no #floor area# increases shall be permitted.

98-23

Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes

#Lot coverage# requirements shall not apply to the portion of the #zoning lot# that lies directly beneath the #High Line#. The remaining portion of the #zoning lot# shall be considered a separate #zoning lot# for the purposes of calculating maximum #lot coverage#. Easement volumes provided in accordance with the provisions of Section 98-60 (SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS) and access structures constructed therein, as well as any structure required pursuant to Appendix D or E in relation to an increase in the basic maximum #floor area # ratio of a #zoning lot# pursuant to Section 98-25 (#High Line# Improvement Bonus), shall not be considered #floor area# or #lot coverage#.

However, at or above the level of the #High Line bed#, #lot coverage# requirements shall apply to the entire #zoning lot#.

98-24

Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E and G

For #zoning lots# fronting on West 18th Street and located partially in Subarea D, partially in Subarea E and partially in Subarea G, #floor area# may be transferred across zoning district and subarea boundaries without restriction. Either the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR) or Section 98-25 (High Line Improvement Bonus) may apply to such #zoning lot#, as applicable, and the maximum permitted #floor area ratio# specified in the table in Section 98-22 shall apply, as applicable, for each subarea.

98-25 High Line Improvement Bonus

For #zoning lots# located between West 16th and West 19th streets over which the #High Line# passes, the applicable basic maximum #floor area ratio# of the #zoning lot# may be increased up to the amount specified in Section 98-22 (Maximum #Floor Area Ratio# in Subareas), provided that:

- (a) Prior to issuing a building permit for any #development# or #enlargement# on such #zoning lot# that anticipates using #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that: (1) a contribution has been deposited into an escrow account or similar fund established by the City (the #High Line # Improvement Fund), or such contribution is secured by letter of credit or other cash equivalent instrument in a form acceptable to the City. Such contribution shall be used at the direction of the Chairperson solely for improvements to the #High Line# within the #High Line# improvement area applicable to such #zoning lot#, with such contribution being first used for improvements within that portion of the #High Line# improvement area on such #zoning lot#. Such contribution shall be made in accordance with the provisions of Appendix D or E, as applicable; and (2) a declaration of restrictions executed by all #parties in interest# to the #zoning lot# as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10 (DEFINITIONS), including and incorporating such other instruments as are necessary to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, is filed and recorded in the Office of the Register of the City of New York; and (3) all additional requirements of Appendix D or E, as applicable with respect to issuance of a building permit, have been met.
- (b) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot # located between West 17th and West 18th streets over which the #High Line# passes that would increase the applicable basic

maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished by a certification by the Chairperson of the City Planning Commission that:

- (1) if required pursuant to agreement with the City under Appendix D, #High Line# improvements within the #High Line# improvement area for such #zoning lot# have been performed in accordance such agreement;
- (2) if elected by the Owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix D;
- (3) At-Grade Plaza Work has been performed on such #zoning lot# in the area shown in Diagram 3 of Appendix C, in accordance with Appendix D;
- (4) stairway and elevator access work has been performed on such #zoning lot# in the At-Grade Plaza area shown in Diagram 3 of Appendix C, or that an additional contribution to the #High Line# Improvement Fund to fund performance of such work has been made, in accordance with Appendix D; and
- (5) all other applicable requirements of Appendix D have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this subsection, no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix D.

- (c) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot # located between West 16th and 17th streets or between West 18th and 19th streets over which the #High Line# passes that incorporates #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished by a certification by the Chairperson of the City Planning Commission that:

- (1) if required pursuant to agreement with the City under Appendix E, #High Line# improvements within the #High Line# improvement area for such #zoning lot# have been performed in accordance such agreement;
- (2) if elected by the Owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix E;
- (3) stairway and elevator access work has been performed on such #zoning lot #, in accordance with Appendix E;
- (4) for #zoning lots# located between West 16th and 17th streets over which the #High Line# passes, #High Line# Service Facility Work has been performed, in accordance with Appendix E; and
- (5) all other applicable requirements of Appendix E have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this subsection, no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix E.

98-26

Modifications of Inclusionary Housing Program

The provisions of Section 23-90 (INCLUSIONARY HOUSING) are modified within the #Special West Chelsea District#, as set forth in this Section.

98-261

Definitions

[For the purposes of Section 23-943 (Preservation option), t]The following definitions in Section [23-92]

23-93 shall be modified:

Administering Agent

The #administering agent# is not required to be a not-for-profit organization, if the #floor area# of the #standard units# comprising the #lower income housing#

constitutes less than half of the total #residential floor area# or #community facility floor area used# as a not-for-profit institution with sleeping accommodations in the #building#.

Fair Rent

At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then-current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

- (1) the then-currently applicable "30 Percent Standard"; or
- (2) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income#, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income#, #moderate income# or #middle income household's# income :

- (1) the initial #fair rent#; and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

However, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of city, state or federal programs assisting #lower income housing# will be considered “fair rent”, provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household#’s income, as applicable, and provided further that upon expiration or termination of the requirements of the city, state or federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable 30 Percent Standard or the Rent Stabilization Standard.

“Fair rent” shall include, in addition to that rent permitted pursuant to Section [23-92] **23-93**, the payment of principal and interest on mortgage debt, and #lower income#, **#moderate income# or #middle income** housing# may secure such debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section [23-94(c)] **23-95(c)** of this Resolution, **and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.**

Lower Income Household

[A “lower income household” is a #family# having an income equal to or less than the following proportion:

$$\frac{125}{80}$$

of the income limits (the “80 Percent of SMSA Limits”) for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.]

#Lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City [and] or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

For the purposes of this Section, “lower income housing” shall include #standard units# assisted under city, state or federal programs, where such housing is occupied or to be occupied by #lower income#, #moderate income# or #middle income households#.

Moderate income household

For the purposes of this Section, a “moderate income household” is a #family# having an income equal to or less than the following proportion:

125
80

of the income limits (the “80 Percent of SMSA Limits”) for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

Middle income household

For the purposes of this Section, a “middle income household” is a #family# having an income equal to or less than the following proportion:

175
80

of the income limits (the “80 Percent of SMSA Limits”) for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

[Section 23-93 shall be modified so that the applicable ratio for Preservation in Column B shall be 1.5:1.

Section 23-943, paragraph (a) shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.]

98-262

Floor area increase

[In accordance with the provisions set forth in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), the maximum permitted #residential floor area

ratio# for #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22, may further increase their permitted #floor area# through the provision of Inclusionary Housing, as modified in this Section 98-26, to the maximum amount specified in such table].

For #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), and for conversions of non-#residential buildings# or portions thereof to #dwelling units# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in Section 98-22, such maximum permitted #floor area# may be increased through the provision of Inclusionary Housing as modified in this Section 98-26, inclusive, to the maximum amount specified in the table in Section 98-22, provided that:

(a) In C6-4 Districts:

- (1) at least 20% of the total #floor area# on the #zoning lot# is occupied by #lower income households#, or**
- (2) at least 10% of the total #floor area# on the #zoning lot# is occupied by #lower income households# and at least 15% of the total #floor area# on the #zoning lot# is occupied by #moderate income households#, or**
- (3) at least 10% of the total #floor area# on the #zoning lot# is occupied by #lower income households# and at least 20% of the total #floor area# on the #zoning lot# is occupied by #middle income households#.**

(b) In C6-3 Districts:

- (1) at least 10% of the total #floor area# on the #zoning lot# is occupied by #lower income households#, or**
- (2) at least 5% of the total #floor area# on the #zoning lot# is occupied by #lower income households# and at least 7.5% of the total #floor area# on the #zoning lot# is occupied by #moderate income households#, or**
- (3) at least 5% of the total #floor area# on the #zoning lot# is occupied by #lower income households# and at least 10% of the total #floor area# on the #zoning lot# is occupied by #middle income households#.**

Where #lower#, #moderate# or #middle income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the compensated #development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such compensated #development#, inclusive of #floor area# bonused pursuant to this Section.

However, in those subareas or portions thereof where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of the #development# or #enlargement# may be increased by [up to 1.0 in Subareas E and G, and on any #zoning lot# located in Subarea I over which the #High Line# passes;] up to 2.5 in Subareas B, C, and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to [4.5] 5.5 in Subarea A, in accordance with the provisions of paragraph (c) of this Section.

(c) Affordable Housing Fund

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR) have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the #development#, acquisition or rehabilitation of #lower#, #moderate# or #middle income housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

98-263
Lower Income Housing Requirements

#Developments# that increase #floor area# in accordance with the provisions of Section 98-262 shall comply with the lower income housing requirements of Section 23-95, except as modified in this paragraph (c).

(a) The provisions of Section 23-95(b) shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#.

Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.

This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

(b) The provisions of Section 23-95(d) shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.

(c) The provisions of Section 23-95(g) (Insurance) may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under city, state or federal programs.

(d) Permits and certificate of occupancy

The requirements of Section 23-94(f) shall not apply. In lieu thereof, the provisions of this paragraph (d) shall apply.

No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 (Floor area increase) shall be issued until the Commissioner of Housing Preservation and

Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

(e) The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Section 23-951(a), 23-952(b) and 23-953(a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, the size and distribution requirements of Section 23-951(b) may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#, and Section 23-953(a) shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

98-30
HIGH LINE TRANSFER CORRIDOR

98-31
Purposes

The #High Line Transfer Corridor#, established within the #Special West Chelsea District#, is intended to enable the transfer of development rights from properties over which and immediately to the west of where the #High Line# passes and thereby permit light and air to penetrate to the #High Line# and preserve and create view corridors from the #High Line# bed.

98-32

General Provisions

The location of the #High Line Transfer Corridor# is specified in Appendix B of this Chapter.

In the #High Line Transfer Corridor#, special regulations relating to the transfer of #floor area# are set forth in Sections 98-33 through and 98-35 inclusive.

98-33

Transfer of Development Rights From the High Line Transfer Corridor

In the #Special West Chelsea District#, a “granting site” shall mean a #zoning lot#, or portion thereof, in the #High Line Transfer Corridor#. A “receiving site” shall mean a #zoning lot#, or portion thereof, in any subarea other than Subareas F and H. #Floor area# from a granting site may be transferred to a receiving site in accordance with the provisions of this Section.

(a) Notification

Prior to any transfer of #floor area#, the Department of City Planning shall be notified in writing of such intent to transfer #floor area#. Such notification shall be made jointly by the owners of the granting and receiving sites and shall include:

- (1) #floor area# zoning calculations for the granting and receiving site, and
- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, and
- (3) if applicable, a certified copy of the instrument creating a secondary #High Line# access easement volume, pursuant to the provisions of Section 98-63.

Notices of restrictions in a form acceptable to the Department of City Planning shall be filed by the owners of the granting and receiving sites in the Office of the

Register of the City Of New York, indexed against the granting and receiving sites, certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a pre-condition to issuance by the Commissioner of Buildings of any building permit for any #development# or #enlargement# on the receiving site.

(b) #Floor area#

The maximum amount of #floor area# transferred from a granting site located outside of a subarea shall not exceed the maximum #floor area ratio# permitted for a #commercial use# on such granting site, less any existing #floor area# to remain on such granting site.

The maximum amount of #floor area# transferred from a granting site located in a subarea shall not exceed the basic maximum #floor area ratio# specified for the applicable subarea in the Table in Section 98-22 (Maximum Floor Area Ratio in Subareas), less any existing #floor area# to remain on such granting site.

Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred.

The amount of #floor area# transferred to a receiving site from a granting site in the #High Line Transfer Corridor# shall not exceed the #floor area ratio# permitted on the receiving site through such transfer, pursuant to the Table in Section 98-22 (Maximum Floor Area Ratio in Subareas).

(c) #Use#

#Floor area# transferred from a granting site within the #High Line Transfer Corridor# may be used for any #use# allowed on the receiving site in accordance with the underlying zoning designation and the provisions of this Chapter.

(d) Stairway easement requirement

As a condition for the transfer of #floor area#, an easement volume to facilitate pedestrian access to the #High Line# via stairway shall be provided in accordance with the provisions of Section 98-60 (SPECIAL ACCESS REGULATIONS FOR ZONING LOTS OVER WHICH THE HIGH LINE PASSES OR ADJACENT TO THE HIGH LINE) and Section 98-63 (Recording of the #High Line# Access Easement Volume).

(e) Restrictive Declaration

As a condition for the transfer of #floor area#, and in order to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, a declaration of restrictions, executed by all #parties in interest# of the granting lot as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10 (DEFINITIONS), and including and incorporating such other instruments as are necessary to accomplish such purposes, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, shall be filed and recorded in the Office of the Register of the City of New York. Notice by the Department of City Planning of receipt of certified copies of such recorded declaration shall be a pre-condition to issuance by the Commissioner of Buildings of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site. Such recorded declaration shall be in addition to the Notice of Restrictions required pursuant to subdivision (a) of this Section.

98-34

Screening and Landscaping Requirements for Vacant Sites

Any #zoning lot# within the #High Line Transfer Corridor# that has transferred #floor area# pursuant to Section 98-33 (Transfer of Development Rights From the #High Line# Transfer Corridor), and is 50 percent or more vacant shall be screened from the street and/or landscaped in accordance with the provisions of this Section; except that #zoning lots# occupied by #buildings# that extend along at least 85 percent of the #street# frontage of the #zoning lot# and are located within five feet of the #street line# are not required to provide screening or landscaping.

Such open or vacant areas on #zoning lots# shall be screened from the street by a fence or gate with a surface that is at least 75 percent open, extending not less than six feet and not higher than eight feet above finished grade; or alternatively, by a planting strip at least four feet wide and densely planted with evergreen shrubs at least four feet high at the time of planting or of a variety expected to reach a height of six feet within three years, or by both. Chain link and fences containing barbed wire or razor wire shall be prohibited. For portions of #zoning lots# located beneath the #High Line# planting strips shall be prohibited.

98-35

#High Line Transfer Corridor# Bonus

For #zoning lots#, or portions thereof, within the #High Line Transfer Corridor#, the applicable basic maximum #floor area ratio# of that portion of a #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, for

an amount of #floor area# equivalent to the area of that portion of the #zoning lot# located within the #High Line Transfer Corridor#, provided the Chairperson of the City Planning Commission has certified that:

- (a) all the permitted #floor area# on that portion of the #zoning lot# that is within the #High Line Transfer Corridor# has been transferred to an eligible receiving site, in accordance with the provisions of Section 98-33 (Transfer of Development Rights From the #High Line# Transfer Corridor);
- (b) that such granting site is vacant; and
- (c) a contribution has been deposited into the #High Line# Improvement Fund established under Section 98-25, to be used at the direction of the Chairperson of the City Planning Commission to assure that the #High Line# is restored and reused as a public accessible open space.

No #building# permit for any #development# or #enlargement# that anticipates using such increased #floor area# may be issued unless and until such certification has been made.

Such contribution amount shall be \$50.00 per square foot of #floor area# as of (the effective date of amendment) and shall be adjusted July 1 of the following year and each year thereafter, by the City or its designee, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics.

Such bonus #floor area# shall only be used for a permitted #commercial use#, which shall be located in that portion of the #zoning lot# that is within the #High Line Transfer Corridor#; however, #public parking lots# and #public parking garages# at or above #curb level# shall not be permitted; and the height of any #development# or #enlargement# within the #High Line Transfer Corridor# shall not exceed a height of 3 feet 6 inches above the level of the #High Line bed#.

98-40

SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS

98-41

Special Rear Yard Regulations

The #yard# regulations of the underlying district shall apply, except that no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is

contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of the #street#.

98-42

Special Height and Setback Regulations

The height and setback regulations of the underlying district shall not apply, except as set forth in this Section 98-42, inclusive. Furthermore, for any #zoning lot# located within or adjacent to the #High Line Transfer Corridor#, the provisions of Section 98-50, inclusive, shall also apply. All heights shall be measured from the #base plane#, unless otherwise specified.

98-421

Obstruction over the High Line

Within the #Special West Chelsea District#, the #High Line# shall remain open and unobstructed from the #High Line bed# to the sky, except for improvements constructed on the #High Line# in connection with the use of the #High Line# as a public open space.

98-422

Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# within the #Special West Chelsea District# except as modified as follows:

(a) Permitted Obstructions

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a #sky exposure plane# or a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts). However, dormers may not exceed the maximum #building# height in Subareas F, C and G where the maximum base height and maximum #building# height are the same.

(b) Ventilation and mechanical equipment

All mechanical equipment located within 15 feet of the level of the #High Line# bed that is within 25 feet of the #High Line#, measured horizontally, or within the #High Line frontage#, as applicable, shall be screened and buffered with no intake or exhaust fans or vents facing directly onto the #High Line#.

98-423

Street wall location, minimum and maximum base heights and maximum building heights

The provisions set forth in paragraph (a) of this Section shall apply to all #developments# and #enlargements#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (f) of this Section.

- (a) On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section. On #corner lots# with both #wide# and #narrow street# frontage, a #street wall# with a minimum height of 15 feet shall be located on a #narrow street line# beyond 50 feet of its intersection with a #wide street# and extend along such entire #narrow street# frontage of the #zoning lot#. On all other #narrow street# frontages, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section.

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

For #developments# that occupy the entire #block# frontage of a #street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes

of this Section. The #street wall# location provisions of this Section shall not apply along that portion of any #street# frontage:

- (1) over which the #High Line# passes;
- (2) occupied by existing #buildings# to remain, unless such #buildings# are vertically #enlarged#; or
- (3) between the #High Line# and a #side lot line#, where such frontage measures less than 20 feet.

All portions of #buildings or other structures# that exceed the applicable maximum base height specified in Table A shall provide a setback at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of permitted recesses in the #street wall#.

No #building or other structure# shall exceed the maximum #building# height specified in Table A.

(b) Subareas A and D

(1) #Street wall# location

In Subarea D, for #buildings# that do not include towers as set forth in paragraph (b)(3) of this Section, the #street wall# location provisions set forth in paragraph (a) shall not apply to any #zoning lot# that occupies the entire Eleventh Avenue #block# front. In lieu thereof, #street walls# with a minimum base height of 60 feet shall be located within ten feet of all #street lines# bounding such #zoning lot# and extend along at least 70 percent of each #street# frontage of the #zoning lot#.

(2) Setback provisions

The setback provisions for portions of #buildings# above the maximum base height set forth in paragraph (a) of this Section shall not apply. In lieu thereof, no portion of a #building or other structure# that exceeds the applicable maximum base height shall penetrate a #sky exposure plane# that begins above the #street line# at the maximum base height and rises over the #zoning lot# at a ratio of 2.7 feet of vertical distance to one foot of horizontal distance on a #narrow street#; and 5.6 feet of vertical distance to one foot of horizontal distance on a #wide street#.

(3) Tower provisions

Any #building#, or portion thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of the #zoning lot# and penetrates the #sky exposure planes# set forth in paragraph (b)(2) of this Section is hereinafter referred to as a "tower". Such towers are permitted provided they are set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#, and provided no other portion of the #building# exceeds the applicable maximum base height. In addition, the following rules shall apply:

- (i) For #zoning lots# with less than 20,000 square feet of #lot area#, such tower may occupy more than 40 percent of the #lot area# of the #zoning lot# in accordance with the provisions of Section 33-454 (Towers on small lots).
- (ii) Any #story# within the highest 40 feet of such tower (the penthouse portion), shall not exceed 85 percent of the gross area of the highest #story# directly below such penthouse portion
- (iii) In Subarea A, such tower shall occupy at least 30 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall be reduced to 25 percent above a height of 220 feet. However, no minimum #lot area# requirement shall apply to the highest four #stories# or 40 feet of such #building#, whichever is less.
- (iv) In Subarea A, the maximum length of any #story# located above a height of 220 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 220 feet. Any side of such rectangle shall not exceed 150 feet.
- (v) In Subarea A, for any #zoning lot# with more than 75 feet of #narrow street# frontage in which a #side lot line# is located within an area bounded by a line 200 feet east of and parallel to Eleventh Avenue and a line 410 feet east of and parallel to Eleventh Avenue, no tower portion of a #building# shall be located closer than 25 feet to such #side lot lines#.
- (vi) In Subarea D, the maximum #building# height shall be 250 feet, and the maximum length of any #story# located above the maximum base height shall not exceed 150 feet. Such length shall

be measured by inscribing within a rectangle the outermost walls at the level of each #story# wholly or partially above the maximum base height. Any side of such rectangle shall not exceed 150 feet. However, for #zoning lots# that occupy the entire Eleventh Avenue #block# front, a portion of the #street wall# may rise above the maximum base height without setback from Eleventh Avenue provided the aggregate width of the Eleventh Avenue #street wall# does not exceed 100 feet.

(c) Subareas C, F and G

In Subareas C, F and G, for #zoning lots# with wide and narrow street frontage, no #street wall# is required beyond 50 feet of a wide street. Furthermore, for any #development# or #enlargement# that occupies at least one corner of the Tenth Avenue #block# front and extends along the Tenth Avenue frontage of the #zoning lot# for at least 170 feet, exclusive of existing #buildings# to remain, a lowered #street wall# shall be provided for any #building# that exceeds 45 feet in height. Such lowered #street wall# shall have a maximum height of 45 feet and a minimum height of 35 feet and extend along the Tenth Avenue frontage for a width not less than 25 percent and not more than 30 percent of the #aggregate width of street walls# facing Tenth Avenue. Such lowered #street wall# portion of the Tenth Avenue frontage shall be located at the intersection of Tenth Avenue and a #narrow street#. Such lowered #street wall# shall extend along such #narrow street line# for a distance of at least 50 feet from Tenth Avenue. Beyond 50 feet of Tenth Avenue, excluding the #High Line frontage# of a #building#, such portion of the #building# shall not exceed a height of 45 feet.

The provisions of this Section, relating to the location and height of the lowered #street wall# portion of the Tenth Avenue frontage of a #development# are illustrated in Diagram 1 (Street Wall and #High Line# Frontage Regulations in Subareas C, F and G), in Appendix C of this Chapter.

In Subarea C, for #zoning lots# with Tenth Avenue frontage between West 24th Street and West 28th Street, the maximum #building# height shall be 125 feet.

(d) Subarea E

The #street wall# location provisions set forth in paragraph (a) shall not apply to any #development# or #enlargement# on a #zoning lot# fronting on West 18th Street and located partially in Subareas D, E and G, where #floor area# has been transferred pursuant to Section 98-24. A maximum of 60 percent of the West 18th Street frontage within Subarea E may rise without setback to a maximum #building# height of 250 feet and a minimum of 20 percent of the West 18th Street

frontage within Subarea E shall rise without setback to a minimum height of 60 feet and a maximum height of 85 feet and be located within 10 feet of the #street line#.

(e) Subarea H

No #building or other structure# shall be located east of the #High Line#.

No portion of a #building or other structure# shall exceed a height of 85 feet except for two #buildings#, or portions of #buildings#, hereinafter referred to as Tower East and Tower West. At or above the base height, both such towers shall be set back at least 10 feet from any #street wall# facing a #wide street# and at least 15 feet from any #street wall# facing a #narrow street#. Such set backs shall be provided at a height not lower than 60 feet, except that such set backs may be provided at a height not lower than 40 feet, provided at least 65 percent of the #aggregate width of street walls# facing #narrow streets# and at least 60 percent of the #aggregate width of street walls# facing #wide streets# have a minimum base height of 60 feet.

Tower East shall be located in its entirety within 240 feet of the Tenth Avenue #street line#, and Tower West shall be located in its entirety within 200 feet of the Eleventh Avenue #street line#. Tower East shall not exceed a height of 290 feet and Tower West shall not exceed a height of 390 feet. No portion of Tower East shall be located closer than 25 feet to any portion of Tower West.

A maximum of 50 percent of the #street wall# of Tower West may rise without setback from a #narrow street line#. Such portion of the #street wall# shall be located a minimum of 15 feet and a maximum of 20 feet from the #narrow street line#.

(f) Subarea I

In that portion of Subarea I located within 300 feet of Tenth Avenue between West 16th Street and West 17th Street, the #street wall# location provisions set forth in paragraph (a) shall not apply along Tenth Avenue, as illustrated in Diagram 5 (Subarea H Requirements), of Appendix C of this Chapter, but shall apply along a minimum of 85 percent of the West 16th Street and West 17th Street frontages. No portion of a #building or other structure# located within 300 feet of Tenth Avenue shall exceed a height of 120 feet, except for one #building# which may have a height not to exceed 250 feet provided such #building# is located in its entirety between 10 feet and 90 feet of West 17th Street and has a length that does not exceed 175 feet when measured parallel to the West 17th Street #street line#.

In all other portions of Subarea I, the provisions of paragraph (a) shall apply.

TABLE A
Minimum and Maximum Base Height and Maximum Building Height
by District or Subarea

District or Subarea	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Building Height (in feet)
C6-2A	60	85	120
C6-3A	60	102	145
A within 100 feet of a #wide street#	60	85	See paragraph (b)
A beyond 100 feet of #wide street#	40	60	See paragraph (b)
B	60	95	135
M1-5	50	95	135
C for #zoning lots# with only #narrow street# frontage	60	110	110
C for #zoning lots# with Tenth Avenue frontage	105 See paragraph (c)	125 See paragraph (c)	145 See paragraph (c)
C for #zoning lots# with Eleventh Avenue frontage	125 See paragraph (c)	145 See paragraph (c)	145 See paragraph (c)
D	60	90	250 See paragraph (b)
E	60	105 See paragraph (d)	120 See paragraph (d)
F	60 See paragraph (c)	80 See paragraph (c)	80 See paragraph (c)
G for #zoning lots# with only #narrow street# frontage	60	95	95
G for #zoning lots# with #wide street# frontage	105 See paragraph (c)	120 See paragraph (c)	120 See paragraph (c)
H	60 See paragraph (e)	85 See paragraph (e)	See paragraph (e)
I within 300 ft of Tenth Ave	60	85	120

District or Subarea	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Building Height (in feet)
between W. 16 th St. and W. 17 th St.			See paragraph (f)
I all other areas	60	105	135

98-424

Authorization to modify height and setback regulations

For #zoning lots# located entirely within 75 feet of the west side of the #High Line#, the City Planning Commission may authorize the modification of height and setback regulations set forth in Section 98-40 and 98-50, inclusive, and the transparency requirements set forth in Sections 98-141 and 98-54. The Commission shall find that such modification will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public areas.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the surrounding area.

98-43

Special Distance Between Buildings Regulations

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

98-50

SPECIAL HEIGHT AND SETBACK, OPEN AREA AND TRANSPARENCY REGULATIONS FOR ZONING LOTS WITHIN OR ADJACENT TO THE HIGH LINE TRANSFER CORRIDOR

98-51

Height and Setback Regulations on the East Side of the High Line

(a) Subarea A

At least 60 percent of the aggregate length of the eastern #High Line frontage# of a #building# shall set back at the level of the #High Line bed#. Not more than 40 percent of the aggregate length of such #High Line frontage# may rise above the

level of the #High Line bed#. No portion of such #High Line frontage# shall exceed a maximum height of 20 feet above the level of the #High Line bed#, as illustrated in Diagram 2 (Street Wall and #High Line# Frontage Regulations in Subarea A) in Appendix C, of this Chapter.

- (b) In C6-3A Districts, and in Subareas C, F and G

For #zoning lots# extending less than 120 feet along the eastern side of the #High Line#, no portion of the eastern #High Line# frontage of a #building# shall exceed a height of 3 feet 6 inches above the level of the #High Line bed#.

For #zoning lots# that extend for at least 120 feet along the eastern side of the #High Line#, no portion of the eastern #High Line# frontage# of the #building# shall exceed a height of 3 feet 6 inches above the level of the #High Line bed#, except that a maximum of 40 percent of such #High Line# frontage# may rise without setback above a height of 3 feet 6 inches above the level of the #High Line bed# provided such portion of the #building# is not located directly between the #High Line# and any #street wall# of a #building# that is subject to a maximum height of 45 feet in accordance with paragraph (a) (Subareas C, F and I) of Section 98-441 (Street wall location and minimum base heights).

However, the provisions of this paragraph (b) shall not apply to any #zoning lot# existing on (the effective date of amendment) where the greatest distance between the eastern side of the #High Line# and a #side lot line# east of the #High Line# is 35 feet when measured parallel to the nearest #narrow street line#.

98-52

Height and Setback Regulations on West Side of High Line

In C6-2A, C6-3A and M1-5 Districts, and in Subareas A, B and E, no portion of the western #High Line# frontage# of a #building#, including parapets, shall exceed a height of 3 feet 6 inches above the level of the #High Line bed#.

For any #zoning lot# or portion thereof with more than 60 feet of width measured perpendicular to the west side of the #High Line#, the following rules shall apply to any #building# containing #residences#:

- (a) At least 60 percent of the aggregate length of that portion of the #building# located above a height of 3 feet six inches above the level of the #High Line bed# and facing the #High Line# shall be located between 15 and 20 feet of the west side of the #High Line# and extend up to at least the applicable minimum base height specified in Table A of Section 98-423, and

- (b) No #building# or portion thereof that exceeds the applicable maximum base height specified in Table A of Section 98-423 shall be located within 30 feet of the #High Line#.

Chain link fences and razor wire shall not be permitted within the western #High Line frontage#.

98-53

Required Open Areas on the East Side of the High Line

At least 20 percent of the #lot area# of any #development# or #enlargement# on a #zoning lot#, or portion thereof, within C6-3A Districts or within Subareas A, C, F or G and over which the #High Line# passes or adjacent to a #zoning lot# over which the #High Line# passes, shall be landscaped open area, pursuant to the requirements of paragraph (a) (Open area requirements), and (b) (Permitted obstructions) of this Section. Such open area shall be located directly adjacent to the #High Line# with its longest side adjacent to the #High Line# and shall be located at an elevation not to exceed a height of 3 feet 6 inches above the level of the #High Line bed# adjacent to the #zoning lot#. At no point shall such open area be located within 50 feet of Tenth Avenue.

- (a) Open area requirements

All required open areas shall:

- (1) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;
- (2) be landscaped with shrubs, vines, flowers, ground cover, trees, and/or plants in planters over a minimum of 25 percent of the required open area;
- (3) be maintained by the building owner who shall be responsible for the maintenance of the open area including, but not limited to, the repair of all amenities, litter control and the care and replacement of vegetation within the zoning lot; and
- (4) have all mechanical equipment which is located at the same elevation as the open area, or within 15 feet of the level of the open area, screened and buffered with no intake or exhaust fans facing directly onto the required open area.
- (5) Open area screening

Required open areas may be screened from the public areas of the #High Line# by a wall, fence, or plantings extending not higher than 8 feet above the average elevation of the open area. All screening materials must be substantially transparent. For the purposes of this Section, substantially transparent screening is defined as transparent, or non-opaque, in an evenly distributed fashion for at least 75 percent of its area. Chain link fences and razor wire shall not be permitted. Vegetated screening, such as shrubs, vines, and other plantings, may be completely covered by vegetation and opaque, provided that any underlying surface is substantially transparent.

In addition, such screening material shall be maintained in good condition at all times, may be interrupted by normal entrances and/or exits, and shall have no signs hung or attached thereto, other than those permitted in Section 98-16 (Signs).

(b) Permitted obstruction

Only the following shall be permitted to obstruct a required open area:

- (1) Any #High Line# access structure providing pedestrian access to the #High Line#, by stairway or elevator;
- (2) Those items listed in paragraph (g)(1)(Permitted obstructions) of Section 37-04 (Requirements for Urban Plazas); and
- (3) Open air cafes and kiosks, provided that open air cafes may occupy in the aggregate no more than 75 percent of such required open area.

98-54

Transparency Requirements on the East Side of the High Line

The transparency requirements of this Section shall apply to the #High Line frontage# portion of #developments# and #enlargements# located in C6-3A Districts and within Subareas A, C, F and G except for such portions that contain #dwelling units#. At least 50 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed# shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-55

Requirements for Non-Transparent Surfaces on the East Side of the High Line

Any portion of such #High Line frontage# that is 40 feet or more in length and contains no transparent element between the level of the #High Line bed# and an elevation of twelve (12) feet above the level of the #High Line bed#, shall be planted with vines or other plantings or contain artwork. Such elements shall substantially cover the applicable non-transparent portion of the #High Line frontage#.

98-60

SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS

98-61

High Line Access Easement Volume Requirement

For all #developments# or #enlargements# within the Special West Chelsea District, an easement volume to facilitate public pedestrian access to the #High Line# via stairway and elevator (hereinafter referred to as “primary access”), shall be provided on any #zoning lot# over which the #High Line# passes that, on or after (the date of referral of zoning text amendment) has more than 5,000 square feet of #lot area#.

In the #High Line Transfer Corridor#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway (hereinafter referred to as “secondary access”), shall be provided on any #zoning lot# from which #floor area has been transferred pursuant to Section 98-33 unless a primary access easement has been provided pursuant to this Section 98-61.

However, a primary access easement shall not be required if a primary access easement is already provided on the same #block# and a secondary access easement shall not be required if a primary or secondary access easement has already been provided on the same #block#. Furthermore, primary and/or secondary access easements shall not be required where the Chairperson of the City Planning Commission certifies that:

- (a) the minimum dimensions required for the access easement volume pursuant to paragraph (a) of Section 98-62 cannot be accommodated within 33 feet six inches of a #street line# for primary access easements and 40 feet of a #street line# for secondary access easements; or
- (b) in the case of a primary easement, a secondary easement is already provided on the same #zoning lot# and such easement is sufficient in size or has been enlarged to be sufficient in size to accommodate the provisions for primary access easements as specified in Section 98-62; or

- (c) for primary or secondary easements, access has already been constructed, or, an access volume has been dedicated, on the same #block# or on the same #street# frontage, and that such access or access volume meets the location and access requirements for primary or secondary access easements, as specified in Section 98-62(a) and (b), and meets all standards, as applicable, for persons with disabilities; or
- (d) for primary or secondary easements, construction documents for the #High Line# open space have been developed by the City that specify the same #street# frontage as an access location; or
- (e) such #development# or #enlargement# is located wholly within an M1-5 district and no portion of such #development# or #enlargement# has more than 10,000 square feet of #floor area# and is located within 5 feet of the #High Line#.

98-62 High Line Access Easement Regulations

The provisions of this Section shall apply to any #zoning lot# providing an access easement volume, as follows:

(a) Location and Minimum Dimensions

(1) Primary access easement volume

A primary access easement volume may be located within a #building# or within open areas on the #zoning lot#, including open areas required pursuant to Section 98-53 (Required Open Areas on the East Side of the High Line), provided such volume is within 15 feet of a #narrow street line#. The minimum length of such volume shall be 18 feet six inches and the minimum width shall be ten feet; however, the minimum area of such volume shall be 350 square feet. The height of such volume shall extend from a point at least ten feet below #curb level# to a point at least 15 feet above the level of the #High Line bed#. A primary access easement volume may also replace a previously provided secondary access easement volume, and such secondary access easement volume may be terminated pursuant to Section 98-64. Such minimum dimensions are illustrated in Diagram 6 (#High Line# Access Easement Volume Parameters) of Appendix C of this Chapter.

(2) Secondary access easement volume

A secondary access easement volume shall be located within 15 feet of a #narrow street line# and directly adjacent to the #High Line# for a minimum length of 25 feet. Such volume shall have a minimum width of ten feet. The height of such volume shall extend from #curb level# to a point at least ten feet above the level of the #high Line bed#.

(b) Access

All access easement volumes shall be accessible either directly from a public sidewalk or through a publicly traversable way through the #zoning lot# directly connecting with a public sidewalk. Such publicly traversable way shall meet the following requirements:

- (1) The required width of the publicly traversable way shall be a minimum of eight feet.
- (2) No portion of the publicly traversable way shall be interrupted or occupied by an off-street parking or loading area.
- (3) The access easement volume shall be visible from the public sidewalk or the publicly traversable way.
- (4) The publicly traversable way shall be maintained by the property owner in good repair.
- (5) The publicly traversable way shall be fully accessible to persons with disabilities.
- (6) The publicly traversable way shall be open and accessible to the public at all times when a stairway and/or elevator located within the associated access easement volume is open and accessible to the public.

(c) Permitted obstructions

Any access structure within the access easement volume, or any weather protection provided by an overhang or roofed area over such access easement volume, accessory to the access structure, shall be considered permitted obstructions within required #yards# or open areas.

(d) Permitted #uses#

An access easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of such #zoning lot# for any permitted #use# until such time as required by the City of New York or its

designee for access purposes. Such permitted use shall be limited to non-residential #uses# where such access easement volume is within a #building#. Where such access easement volume is within an open area, such area shall be landscaped, or may be improved in accordance with the provisions of subparagraphs (g)(1), (g)(2) and (g)(3) (Permitted obstructions), of Section 37-04 (Requirements for Urban Plazas), except that in the case of open air cafes and kiosks the provisions of paragraph (g) (3) shall be modified as follows: a certification shall not be required pursuant to paragraphs (g)(5) and (g)(6).

Improvements or construction of a temporary nature within the easement volume shall be removed by the owner of such #zoning lot# prior to the time at which public use of the easement areas is required. A minimum notice of six months in writing shall be given by the City of New York or its designee to the owner of the #zoning lot#, in order to vacate the tenants of such temporary #uses#.

(e) Legally Required Windows

The minimum distance between any legally required window in a portion of a #building# used for #residential use# and an access easement volume shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

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Recording of High Line Access Easement Volume

An instrument in a form acceptable to the Department of City Planning creating a #High Line# access easement volume shall be recorded in the Office of the City Register; a certified copy of which shall be submitted to the Department of City Planning.

Notice by the Department of City Planning of its receipt of a certified copy of an instrument establishing any access easements required pursuant to this Chapter shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# of #enlargement# on a site pursuant to Section 98-60 for primary access easements. Receipt of a certified copy of an instrument creating a secondary access easement shall be provided in conjunction with notification, pursuant to Section 98-33(a).

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Termination of High Line Access Easement Volume

In the event that the City Planning Commission notifies the Department of Buildings and the owner in writing that a #High Line# access easement volume is not required on a

#zoning lot# under the final construction plans for the restoration and reuse of the #High Line# as an accessible, public open space, the restrictions imposed on such #zoning lot# by the provisions of Section 98-61 (High Line Access Easement Volume Requirement) shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the City Planning Commission to the extinguishment of the easement volume. On termination of the #High Line# access easement volume requirement which has been certified pursuant to this Section, any area reserved for such easement within a #building or other structure# may be used for any #use# permitted pursuant to the provisions of this Chapter and such area shall not be considered #floor area#; and any open area reserved for such easement shall be maintained as an open area and shall be subject to the open area requirements of Section 98-53 (Required Open Areas on the East Side of the High Line).

APPENDIX D

Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea H between West 17th and 18th streets over which the #High Line# passes with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum #Floor Area Ratio# in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to subparagraph (a) of Section 98-25 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to subparagraph (b) of Section 98-25 for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term “parties in interest” as used herein shall mean “parties-in-interest”, as defined in paragraph f(4) of the definition of #zoning lot# under Section 12-10 .

(a) Requirements for Issuance of Building Permit Under Paragraph (a) of Section 98-25

(1) As a condition of issuance of a building permit under Paragraph (a) of Section 98-25:

- (i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix D, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of \$50.00 per square foot of #floor area# which exceeds the basic

maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22;

- (ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and use of the At-Grade Plaza and the stairway and elevator that will provide access to the #High Line#, as shown in Diagram 3 of Appendix C, such easement area for the At-Grade Plaza to include the entire area of the #zoning lot# east of the #High Line# and such easement area as it relates to such stairway and elevator to be at least 2,500 square feet and in a location and configuration acceptable to the City; access for the potential performance by the City of work under the provisions set forth below; and maintenance and repair of the stairway and elevator. Such declaration shall incorporate by reference the maintenance and operating agreement referred to in paragraph (iii) below; and
- (iii) Owner shall execute a maintenance and operating agreement for the At-Grade Plaza,

The easements and agreement described herein shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (b).

- (2) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area on such #zoning lot# and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement by Owner, approved by the Chair of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the contribution to the #High Line# Improvement. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.
- (3) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.