



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 West 29th Street Parking Garage

3. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency) 16DCP091M	BSA REFERENCE NUMBER (if applicable)
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ULURP REFERENCE NUMBER (if applicable) N160147ZRM; 160148ZSM; N160149ZAM	OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA)
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4a. Lead Agency Information NAME OF LEAD AGENCY New York City Department of City Planning	4b. Applicant Information NAME OF APPLICANT 221 W29 Residential LLC
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NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin, AICP Director, Environmental Assessment and Review Division	NAME OF APPLICANT’S REPRESENTATIVE OR CONTACT PERSON Deirdre Carson Esq., Greenberg Traurig LLP
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ADDRESS 120 Broadway, 31st Floor	ADDRESS 200 Park Avenue
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CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10166
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TELEPHONE 212-720-3423	EMAIL rdobrus@planning.nyc.gov	TELEPHONE 212-801-6855	EMAIL carsond@gtlaw.com
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5. Project Description
 The applicant, 221 W29 Residential LLC, is seeking a special permit for additional parking pursuant to Zoning Resolution (ZR) Sections 13-45 and 13-451(a), a zoning text amendment to provide an authorization to modify streetscape requirements pursuant to ZR Section 42-485, and an authorization pursuant to Section 42-485 to enable the proposed construction of a new accessory parking garage with 45 spaces within an as-of-right residential development (21-story residential building with 95 dwelling units and ground floor retail space) planned at 217-221 West 29th Street in Manhattan.

Project Location

BOROUGH Manhattan	COMMUNITY DISTRICT(S) 5	STREET ADDRESS 217-221 West 29th Street
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TAX BLOCK(S) AND LOT(S) Block 779, Lots 27 and 28	ZIP CODE 10001
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DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Midblock on the north side of West 29th Street between Seventh Avenue to the east and Eighth Avenue to the west.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY M1-6D	ZONING SECTIONAL MAP NUMBER 8d
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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 checked="" type="checkbox"/> ZONING AUTHORIZATION	<input type="checkbox"/> UDAAP
<input checked="" 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 13-45, 13-451, 42-485

Board of Standards and Appeals: YES NO

<input type="checkbox"/> VARIANCE (use)
<input type="checkbox"/> VARIANCE (bulk)
<input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE:

*This revised EAS reflects modifications to the proposed text amendment and a revised description of the No-Action RWCDs

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.): 6,896	Waterbody area (sq. ft) and type:
Roads, buildings, and other paved surfaces (sq. ft.): 6,896	Other, describe (sq. ft.):

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): 9,931*

proposed 9,196 gsf parking area on ground floor and sub-cellar and 735 gsf of retail

NUMBER OF BUILDINGS: 1

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 90,681 including as-of-right 95-unit residential building

HEIGHT OF EACH BUILDING (ft.): 210 (243 at top of parapet)

NUMBER OF STORIES OF EACH BUILDING: 21

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: 6,896 sq. ft. (width x length)

VOLUME OF DISTURBANCE: +/- 310,320 cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 6,896 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.)		735 gsf ground floor retail; 9,196 gsf (45-space) parking		
Type (e.g., retail, office, school)	units	local retail, accessory parking garage		

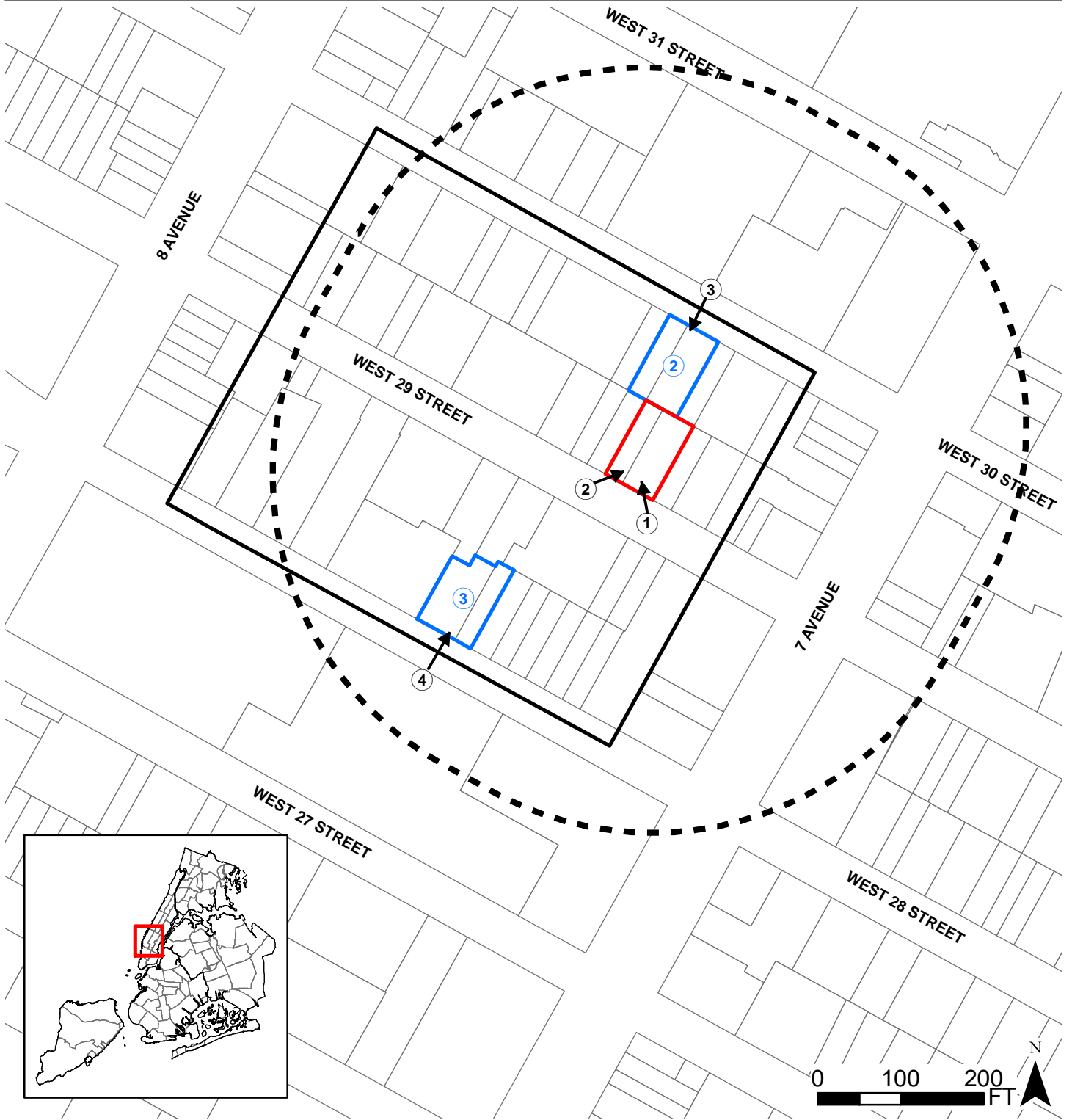
Does the proposed project increase the population of residents and/or on-site workers? YES NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 0 NUMBER OF ADDITIONAL WORKERS: 3

Provide a brief explanation of how these numbers were determined: Retail estimated based on a rate of 1 employee per 300 gsf of retail space. Parking based on rate of 1 employee per 50 parking spaces.

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? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," see Chapter 2 , "Establishing the Analysis Framework" and describe briefly: Similar 95-dwelling unit residential building (same bulk, size, and building envelope as With-Action), 4,485 gsf of ground floor local retail, no parking or curb-cut.	
9. Analysis Year CEQR Technical Manual Chapter 2	
ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2018	
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: See Section 1.0 "Project Description"	
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> 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)	
<input checked="" type="checkbox"/> RESIDENTIAL	<input checked="" type="checkbox"/> MANUFACTURING
<input checked="" type="checkbox"/> COMMERCIAL	<input type="checkbox"/> PARK/FOREST/OPEN SPACE
	<input checked="" type="checkbox"/> OTHER, specify: parking facilities



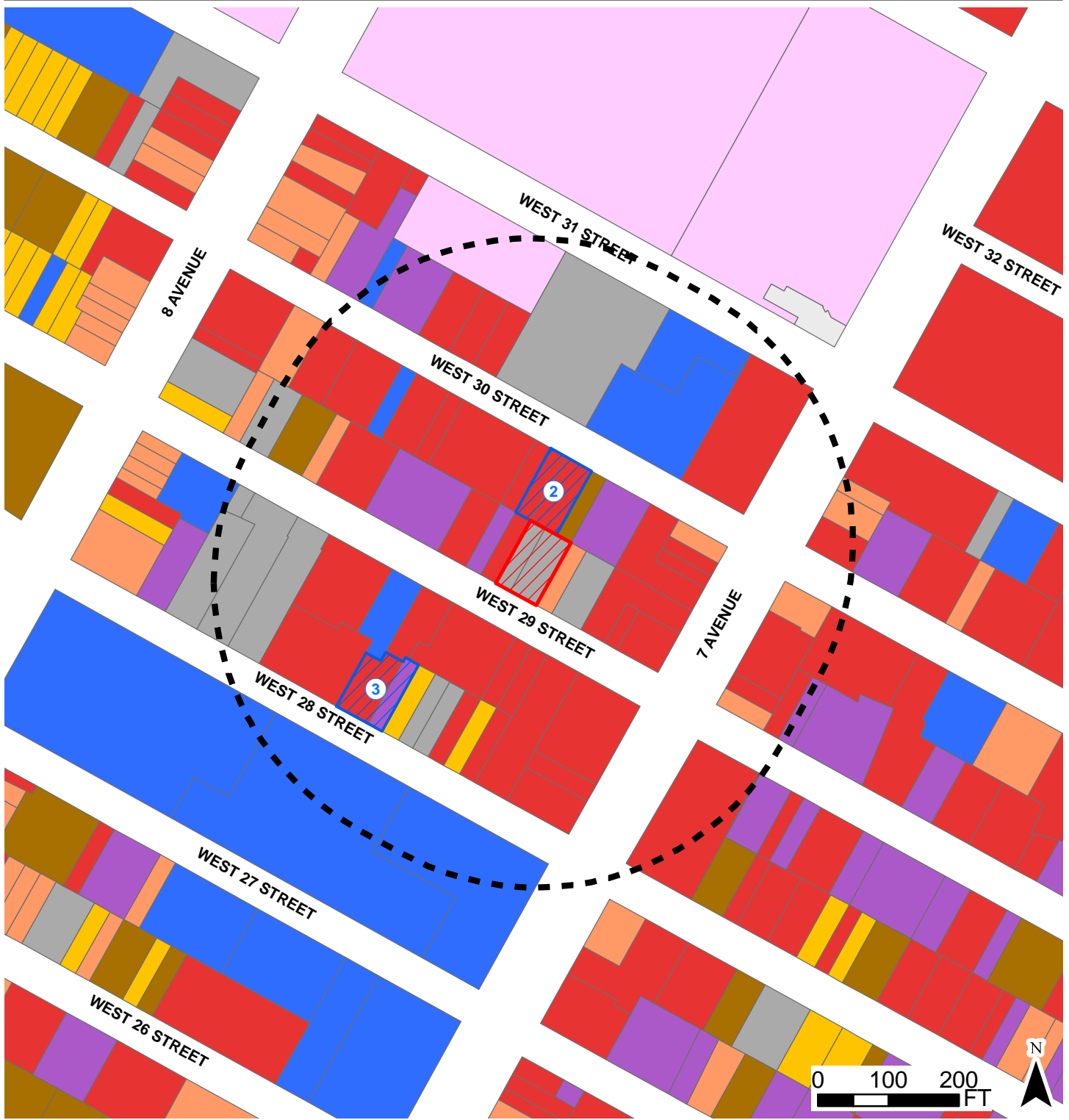
West 29th Street Parking Garage
New York, New York

Project Area

Figure 1

- Project Site
- 400-Foot Radius
- M1-6D Zoning District
- # Development Site
- # → Photograph Location

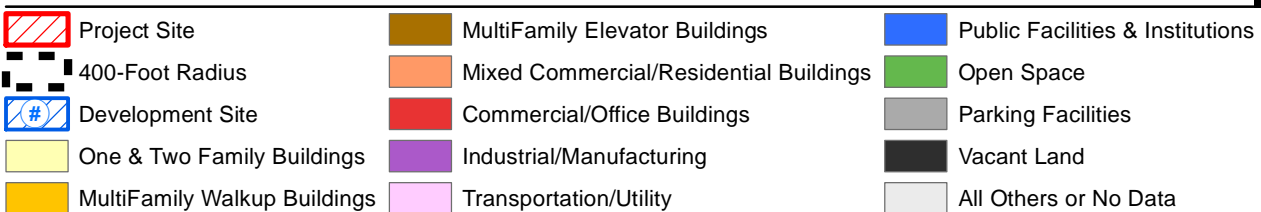
Sources: 1. New York (City). Dept. of City Planning 2014. Manhattan Map/PLUTO (Edition 14v2). New York City: NYC Department of City Planning.
 2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.
 3. New York (City). Dept. of City Planning 2013. New York City Borough Boundary (Edition 13C). New York City: NYC Department of City Planning.
 4. New York (City). Dept. of City Planning 2013. New York City Community Districts (Edition 13C). New York City: NYC Department of City Planning.



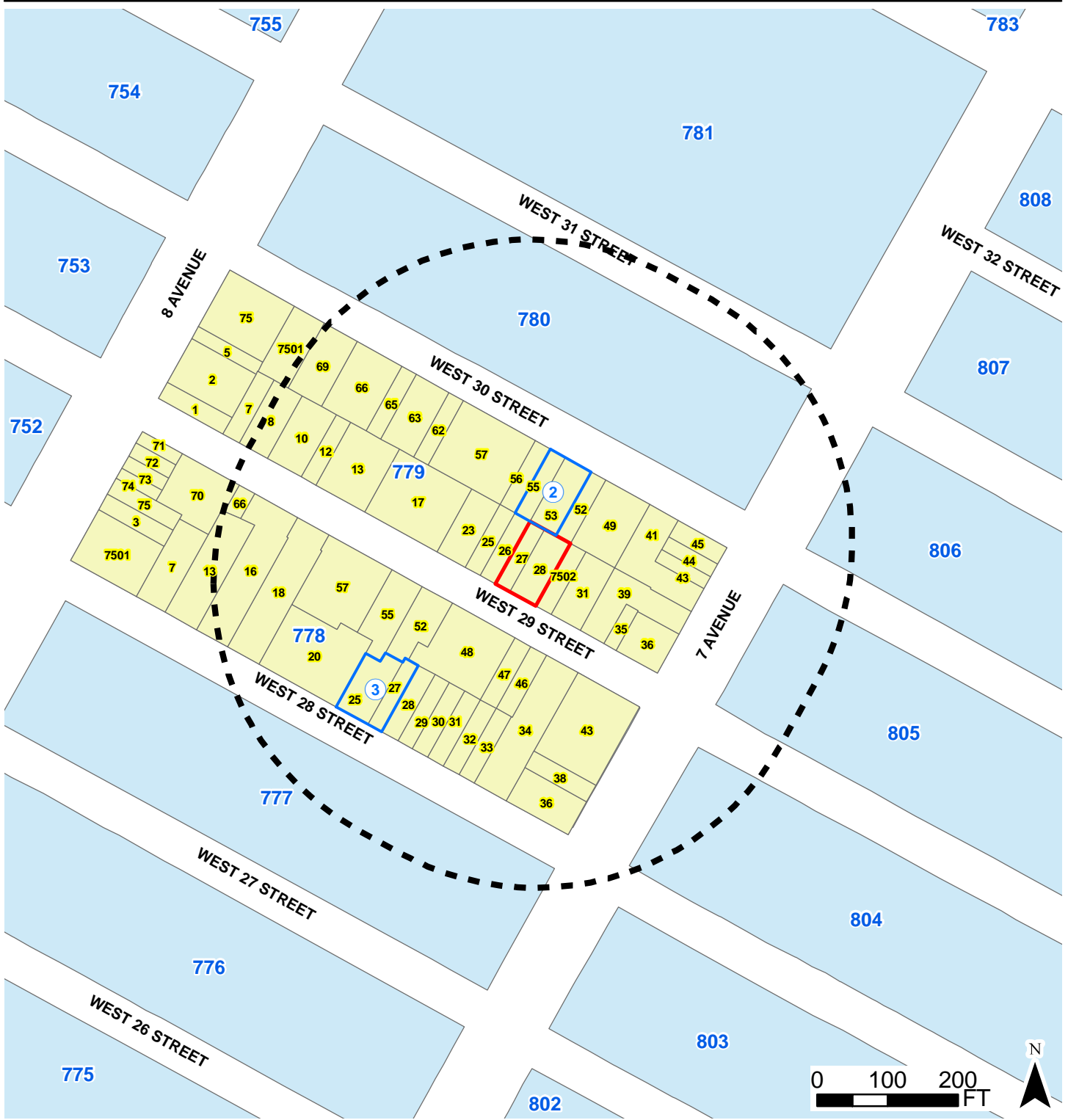
West 29th Street Parking Garage
New York, New York

Land Use Map

Figure 2



Sources: 1. New York (City). Dept. of City Planning 2014. Manhattan MapPLUTO (Edition 14v2). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.



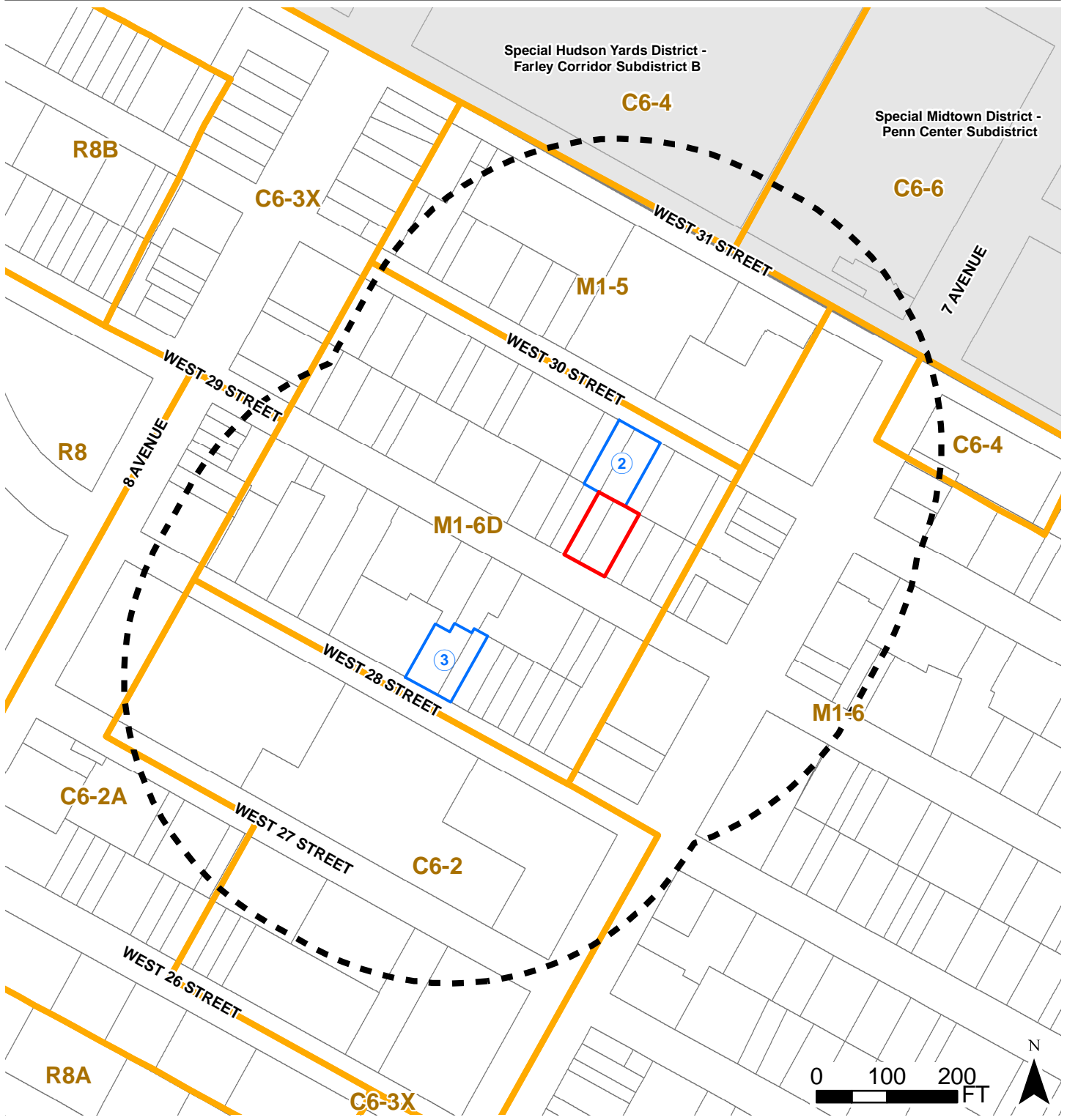
West 29th Street Parking Garage
New York, New York

Tax Map

Figure
3

- Project Site
- Development Site
- 400-Foot Radius
- Project Block Tax Parcel
- Tax Block
- 779 Block Number
- 27 Lot Number

Sources: 1. New York (City). Dept. of City Planning 2014. Manhattan MapPLUTO (Edition 14v2). New York City: NYC Department of City Planning.
 2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.



West 29th Street Parking Garage
New York, New York

Zoning Map

Figure
4

- Project Site
- Development Site
- Combined Project Site and Development Sites 400-Foot Radii
- Zoning District Boundary
- Special Purpose Zoning District

Sources: 1. New York (City). Dept. of City Planning 2014. Manhattan Map/PLUTO (Edition 14v2). New York City: NYC Department of City Planning.
 2. New York (City). Dept. of City Planning. Technical Review Division 2013. New York City Zoning Data (Edition 13v1). New York City: NYC Department of City Planning.
 3. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.

Photo 1

View of the project site
(facing northwest)
from the south side of
West 29th Street.



Photo 2

View of the project site,
facing northeast from
West 29th Street.



Photo 3

View of Development Site 2 facing south from West 30th Street



Photo 4

View of Development Site 3 facing north from West 28th Street



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.		
(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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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.		
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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" 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): Similar solid waste generation as compared to the No-Action condition		
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): Similar energy usage as compared to the No-Action condition		
(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 checked="" type="checkbox"/>	<input 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 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 type="checkbox"/>	<input checked="" 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"/>

	YES	NO
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; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21		
(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 type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(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 checked="" type="checkbox"/> Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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"/>
<p>(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "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.</p> <p>Construction activities related to the proposed project would last approximately 18 months, are anticipated to be standard in nature, and any effects from construction of the project would be considered short-term. While some temporary parking lane closures may be required, they would be short-term and all travel lanes would remain open during construction. In the event that closure of any portion of sidewalk elements is needed, it would be fully addressed by a permit and a Pedestrian Access Plan as required by the New York City Department of Transportation's Office of Construction Mitigation and Coordination prior to the closure so that impacts would not occur. Because of these provisions and because the period of construction is considered short-term, a preliminary construction assessment is not needed.</p>		
20. APPLICANT'S CERTIFICATION		
<p>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.</p> <p>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.</p>		
APPLICANT/REPRESENTATIVE NAME Nancy M. Doon, AICP VHB, Director of Environmental Services	DATE <div style="font-size: 1.5em; color: blue;">9/2/2016</div>	
SIGNATURE <i>Nancy M. Doon</i>		
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.

IMPACT CATEGORY	Potentially Significant Adverse Impact	
	YES	NO
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.

YES NO


3. Check determination to be issued by the lead agency:

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 *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

Conditional Negative Declaration: A *Conditional Negative Declaration* (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.

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 *Negative Declaration*. The *Negative Declaration* 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 and Review Division	LEAD AGENCY The New York City Department of City Planning (DCP)
NAME Olga Abinader	DATE September 2, 2016
SIGNATURE 	

1.0

Project Description

1.1 Introduction

The Applicant, 221 W29 Residential LLC, is seeking a special permit pursuant to New York City Zoning Resolution (ZR) Sections 13-45 (Special Permits for Additional Parking Spaces) and 13-451 (Additional Parking Spaces for Residential Growth), a zoning text amendment to add a new ZR Section 42-486 to modify streetscape requirements in M1-6D districts, and an authorization pursuant to the proposed text amendment. Collectively, the proposed actions would facilitate a proposal by the Applicant to construct a 45-space accessory parking garage within an approximately 90,681 gross square feet (gsf) 21-story mixed-use building planned at 217-221 West 29th Street (Block 779, Lots 27 and 28, the “project site”)¹. The project site is located within an M1-6D zoning district in the Chelsea neighborhood of Manhattan, within Community District 5.

This section provides a description of the proposed action and the resulting development, as well as the purpose and need for the proposed action. Section 2.0 examines the potential for the proposed action to result in significant adverse impacts, based on the procedures set forth in the *City Environmental Quality Review (CEQR) Technical Manual* (2014 edition).

1.2 Project Area

The proposed project area includes the entire M1-6D zoning district that encompasses the majority of Manhattan Blocks 778 and 779 located in the northern Chelsea area in Manhattan Community District 5. The project area is bounded by the south side of West 30th Street to the north, 100 feet west of Seventh Avenue to the east, the north side of West 28th Street to the south and 100 feet east of Eighth Avenue to the west. The project area borders the edge of the Penn Station area to the north and the Chelsea neighborhood to the south and west. This area was rezoned in 2011 from M1-5 to M1-6D under the *West 28th Street Rezoning EAS* (CEQR No. 10DCP004M). As part of that EAS, 10 projected development sites, and four potential development sites (less likely to be developed) were identified.

▼
¹ Construction has commenced on the project site in accordance with as-of-right (AOR) plans approved by the DOB in August, 2014 that could contain 19 parking spaces.

The project area contains 49 zoning lots and consists of a mix of industrial/manufacturing, commercial/office and parking uses. There is also a small amount of residential and mixed-use residential with commercial uses. The surrounding area is primarily characterized by residential and commercial uses. The areas to the south and west are primarily residential, institutional and commercial in use, the areas to the north are primarily commercial and transportation/utility, and the areas to the east have a mix of commercial, industrial/manufacturing, and residential and mixed-use buildings.

1.2.1 Project Site

The project site is located at 217-221 West 29th Street (Block 779, Lots 27 and 28) which is located mid-block between Seventh and Eighth Avenues, and has approximately 69 feet of frontage. The site has a depth of approximately 99 feet and a total lot area of 6,896 square feet. The site contains a 48-space public parking lot with stackers at the rear of the lot and an attendant's booth at the southwest corner, abutting the adjacent building. There is a curb-cut along the entire frontage of the lot which operates as an active driveway (see EAS Figures 5a and 5b).

1.2.2 Development Sites

In addition to the project site, there are two other sites within the project areas that could be affected by the proposed zoning Text Amendment/authorization – Development Sites 2 and 3 (see EAS Figure 1 and Figure 2b). The two sites are as follows:

- Block 779, assemblage of Lots 53 and 55 (“Site 2”)
- Block 778, assemblage of Lots 25 and 27 (“Site 3”)

Site 2 contains two, 2-story buildings totaling 11,603 gsf of commercial floor area with Lot 53 containing ground floor retail and second floor office space and Lot 55 containing retail on the ground and second floors. Site 3 contains a 2-story wholesale plumbing supply facility (Lot 27) and a 2-story building with ground floor retail and second floor office space (Lot 25). Site 3 contains a total floor area of 13,072 gsf.

1.3 Project Site History

The 2011 *West 28th Street Rezoning EAS* identified 10 projected development sites. The project site was part of Projected Development Site 5, which was an assemblage of eight abutting zoning lots (Block 779, Lots 25-28, 53, 55 and 56). As part of the 2011 *West 28th Street Rezoning EAS* (CEQR No. 10DCP004M), E-designation (E-276) was assigned to Projected Development Site 5 hazardous materials, air quality, and noise and would therefore apply to the project site. These requirements are described in more detail in Section 2.0.

1.4 Proposed Action

The Applicant is seeking the following discretionary actions in order to enable the proposed construction of a new accessory parking garage within an as-of-right residential development planned at the project site:

- **Special permit for additional parking spaces for residential growth (pursuant to Zoning Resolution [ZR] Sections 13-45 and 13-451(a))** – A special permit for 26 spaces beyond the 19 permitted as-of-right for a residential development of 95 units.
- **Zoning text amendment to provide an authorization to modify the streetscape requirements of an M1-6D zoning district (pursuant to ZR Section 42-485)** – In order to facilitate construction of the garage, the site must be exempted from the existing ground floor commercial use requirement. The text would exempt the project from the requirement that commercial ground floor uses must extend along a minimum of 50 percent of the width of the street frontage of the zoning lots and to a depth of at least 30 feet from the street wall (see Appendix A). The following authorization is proposed as an amendment to the zoning text:

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 2 – Use Regulations

42-486

Authorization for modification of streetscape provisions

For #zoning lots# that have a #street# frontage of less than 75 feet, where entrances to off-street parking or loading facilities are located along such #street# frontage, the City Planning Commission may modify the dimensions of the frontage and depth requirements for ground floor #commercial uses# set forth in Section 42-485 (Streetscape provisions), provided that the Commission finds that such modifications:

- (a) are the minimum necessary to provide sufficient space for access to off-street parking or loading facilities;
 - (b) will not adversely affect the streetscape experiences or impact the viability of such #uses#, and the resulting ground floor frontages will effectively contribute to a vibrant mixed-use district; and
 - (c) to the greatest extent feasible will result in a ground floor that meets the height requirements for #qualifying ground floors#.
- **Zoning authorization pursuant to ZR Section 42-485** – To modify the streetscape provisions of Section 42-485 to allow less than 50 percent (i.e., 34.92 feet) of the zoning

lot's street frontage to be occupied by a Use Group 6 retail use, and/or for such use to extend to less than a depth of 30 feet from the streetwall.

1.5 Proposed Project

The proposed actions would allow for the development of a 45-space accessory parking garage which would be mostly below-grade within a planned as-of-right residential building of approximately 90,681 gross square feet (gsf) with 80,750 gsf of residential floor area, 16,150 gsf (or 20 percent) of which would be affordable, containing 95 dwelling units in total, and 735 gsf of commercial (local retail) space. The building would be 21 stories with a base height of 125 feet and would reach a maximum height of 210 feet (approximately 243 feet to the top of the mechanical bulkhead) after multiple setbacks. The proposed parking would be valet spaces located on the ground and subcellar levels. The cellar would contain storage space and amenity space for the residential units, such as a gym, lounge, and laundry room. The subcellar would contain four moveable post-lifted trays with no parking spaces below the trays and 19 moveable post-lifted trays with a parking space below each tray (which allow for greater vehicular mobility when stacker trays are positioned in the up position) for a total of 42 spaces in the subcellar. The ground floor portion would contain a total of three spaces (an accessible van parking space, an accessible car space, and one "regular" parking space, none of which is elevated) and two reservoir spaces, as well as a small amount of retail.

The base of the building would be built to the street line and all access to the building (residential lobby, commercial and parking entrance/exit) would be from West 29th Street.

The existing curb-cut, which extends across the entire length of the site (approximately 60 feet), would be narrowed to 20 feet, including splays, for the proposed parking garage entrance, which would be 16 feet wide.

1.6 Purpose and Need

The Special Permit pursuant to ZR Sections 13-45 and 13-451 would permit an attended accessory parking garage on the subcellar and ground floors of the proposed development with a total of 45 spaces. Only 19 accessory spaces are permitted as-of-right under Section 13-11(a) (Permitted Parking for Residences). The Special Permit is necessary to permit the number of spaces nearly equal to the number of spaces in the parking lot currently on the project site (48 spaces) that would be lost when the development is constructed.

The Applicant has proposed the text amendment to add a new Section 42-486 because it was determined that compliance with Section 42-485 would not be feasible within the parameters of the program for the Applicant's building. Specifically, in order to construct a garage curb cut and have sufficient residential lobby space on the ground floor, the Applicant has found providing 50 percent of the frontage as retail space would not be feasible. The required findings of the Authorization are that such modifications (a) are necessary to provide sufficient space for

access to off-street parking or loading facilities, and (b) will not adversely affect the streetscape experience or impact the viability of such uses, and the resulting ground floor frontages will effectively contribute to a vibrant mixed-use district.

The text amendment to add a new Section 42-486 would allow an authorization for zoning lots, such as the project site, that have a street frontage of less than 75 feet but more than the base of 50 feet. For such lots, the authorization would allow for the modification of the 50 percent retail frontage requirement, where entrances to off-street parking or loading facilities are located along such street frontage. The text would allow the City Planning Commission to reduce the dimension of the minimum frontage of the required ground floor commercial use of Section 42-485 (Streetscape Provisions), provided that the applicant demonstrates that the retail use modification will not adversely affect the streetscape experience or impact the viability of such uses, and the resulting ground floor frontages will effectively contribute to a vibrant mixed-use district.

The Authorization would modify the applicability of the streetscape provisions of Section 42-485 to the proposed building and allow retail frontage to a width of 25'-11.5" feet and a depth of between 18'-7.5" and 27'-4.5", for an area of 735 gsf.

In sum, the above actions would facilitate the construction of a 45-space accessory parking garage along with the as-of-right development on the project site that would provide needed affordable housing units, retail space, and would retain 45 of 48 parking spaces that would otherwise be lost.

1.7 Analysis Framework

A reasonable worst-case development scenario (RWCDS) for both "future No-Action" and "future With-Action" conditions are considered for a 2018 build year. The future With-Action RWCDS identifies the amount and type of development that is expected to occur by 2018 as a result of the proposed action. The future No-Action RWCDS identifies similar development projections for 2018 absent the proposed action. The incremental difference between the With-Action and No-Action RWCDS serves as the basis for the impact analyses. The No-Action and With-Action RWCDS for the two development sites are described in Appendix B "Conceptual Analysis."

1.7.1 No Action

Absent the proposed action, there would be no zoning text amendment to allow an authorization to modify the M1-6D streetscape provisions, and the current provisions would remain.

The Applicant entered into a 99-year ground lease for the project site with 221 W29 Garage LLC, an affiliate of "Littleman Parking," the operator of the then-existing 48-space parking lot on the project site. The lease requires the Applicant to seek approval for a garage to be operated by

Littleman Parking to replace, or nearly replace, the open parking lot. The ground lease requires the Applicant to use best efforts to obtain the approval for the replacement parking spaces.

The Applicant has commenced construction on the project site in accordance with as-of-right (AOR) plans approved by the DOB which may contain 19 parking spaces. The DOB issued a new building permit (121184431-01-NB) and a foundation permit (121184431-01-NB) on August 1, 2014 and construction commenced on August 4, 2014.

The Applicant may face several different outcomes if the proposed action is denied. The Ground Lessor could elect to operate the 19-space facility that is as-of-right and provided in the DOB plans or it could choose not to operate any parking facility at the project site at all. While the approved plans contemplate the provisions of the as-of-right option, the Applicant is mindful that the Ground Lessor could opt out of providing any on-site parking due to the expense of building and operating the parking relative to the potential return to be realized. In that case, the No-Action condition would be without any parking and the space reserved for parking would be reconfigured for an alternative use.

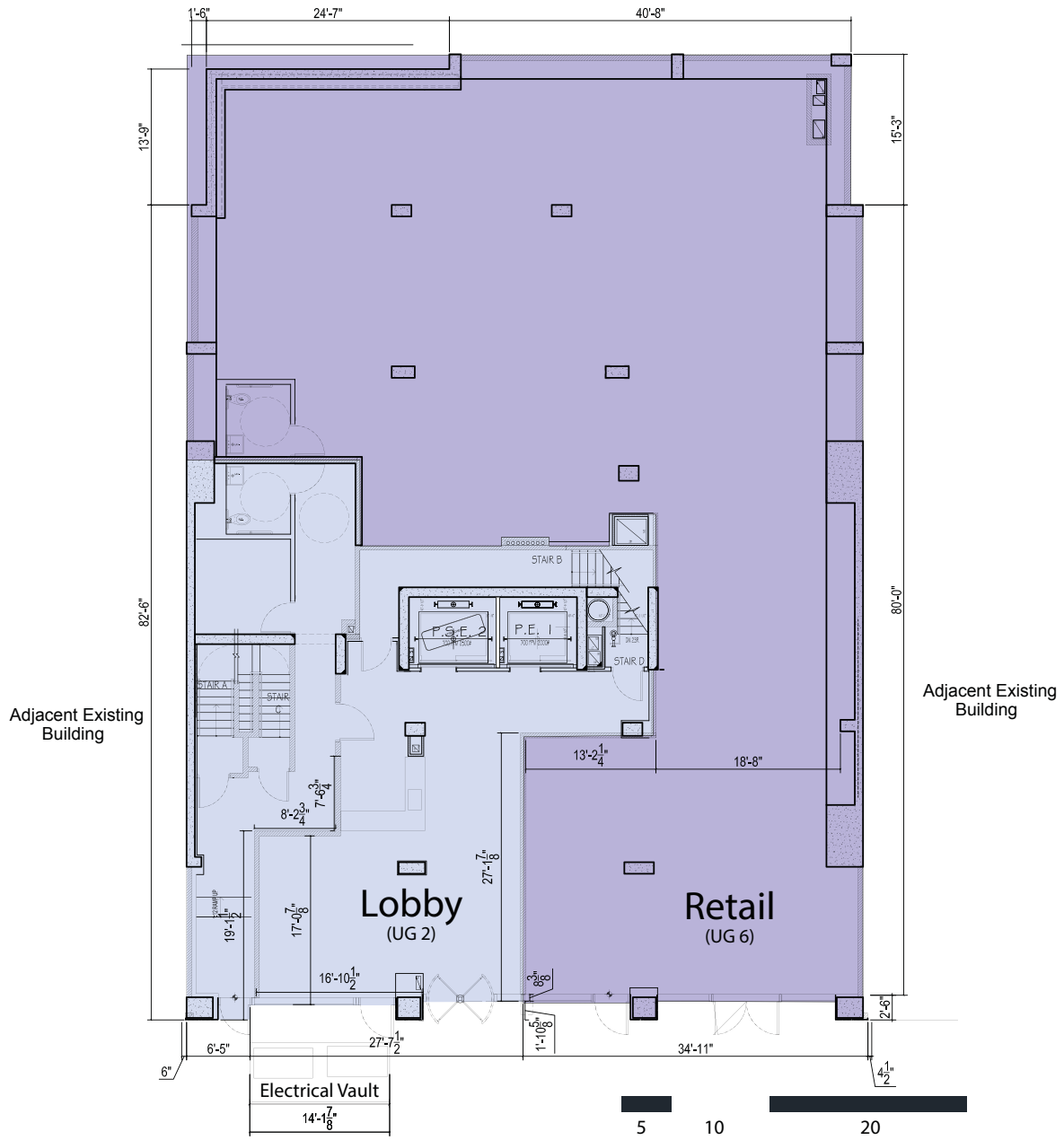
For analysis purposes, the No-Action RWCDs is consistent with the AOR project with the exception that the No-Action RWCDs assumed no accessory parking (which would result in a larger increment in the number of spaces between the No-Action and With-Action RWCDs), in the event that Ground Lessor elects not to operate the as-of-right garage.

Therefore, under the No-Action RWCDs, the site would be redeveloped with a similarly sized 95-unit residential building with larger retail and lobby spaces on the ground floor (see Figure 1.1), and no parking. The cellar and subcellar space would be used for storage and residential amenity space (see Figure 1.2). The subcellar would also be used for storage for the retail use on the ground floor.

1.7.2 With-Action

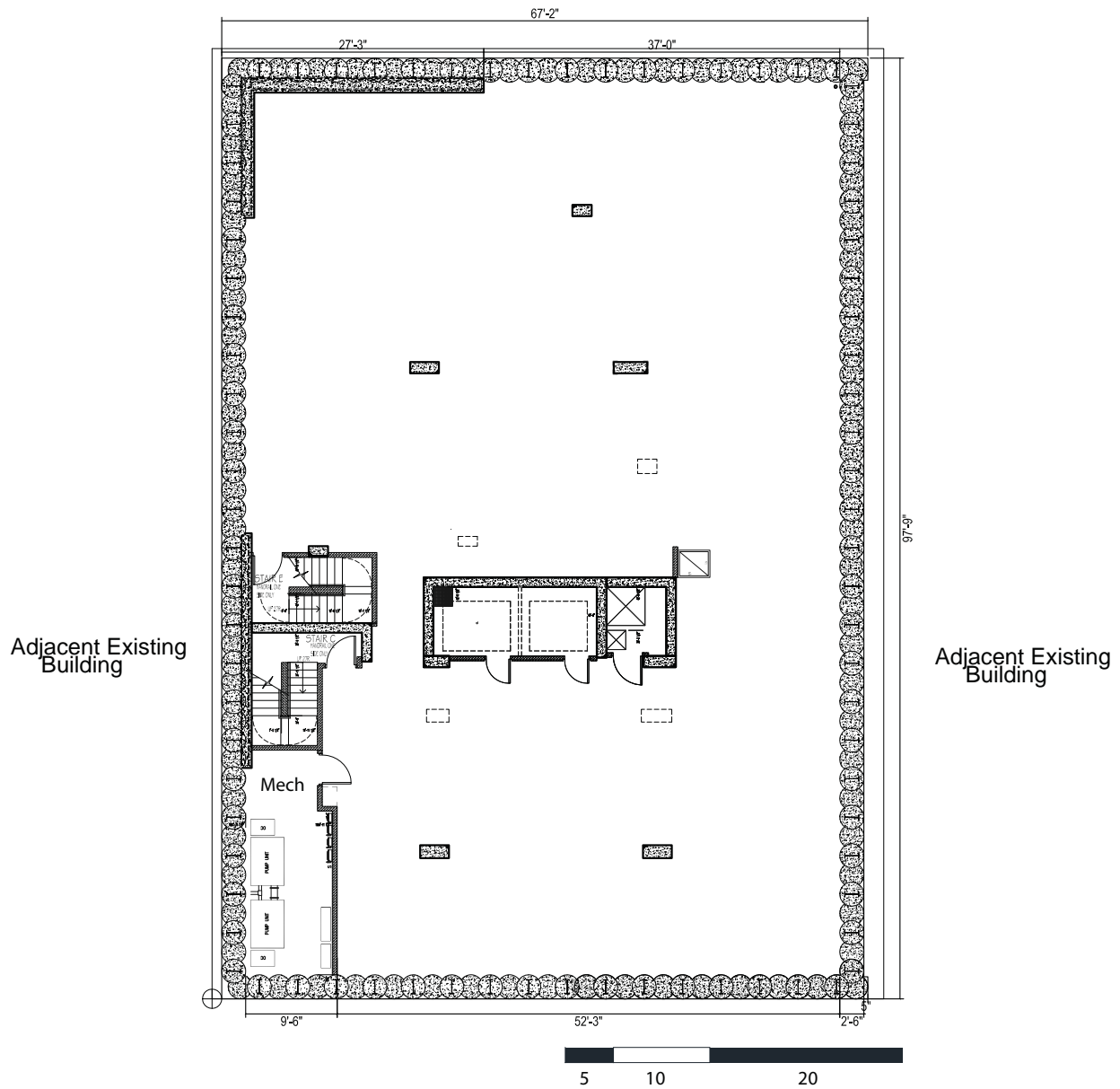
The proposed project, as detailed in Section 1.5 above, is the With-Action RWCDs. Consequently, the overall With-Action development program under the RWCDs would be a 90,681 gross square feet (gsf) 21-story mixed-use building with 80,750 gsf of residential floor area, 16,150 gsf (or 20 percent) of which would be affordable, equating 95 dwelling units in total, and 735 gsf of local retail space, and 9,196 gsf of parking space located at the ground floor and sub-cellar containing 45 spaces (see Figures 1.3 through 1.5). The subcellar would contain four moveable post-lifted trays with no parking spaces below the trays and 19 moveable post-lifted trays with a parking space below each tray, for a total of 42 spaces in the subcellar. The ground floor portion would contain a total of three spaces (an accessible van parking space, an accessible car space, and one "regular" parking space, none of which is elevated) and two reservoir spaces.

The existing curb-cut, which extends across the entire length of the site (approximately 60 feet), would be narrowed to the width of 15 feet for the proposed parking garage entrance. The curb cut and garage entrance would be located on the east side of the building. The proposed parking



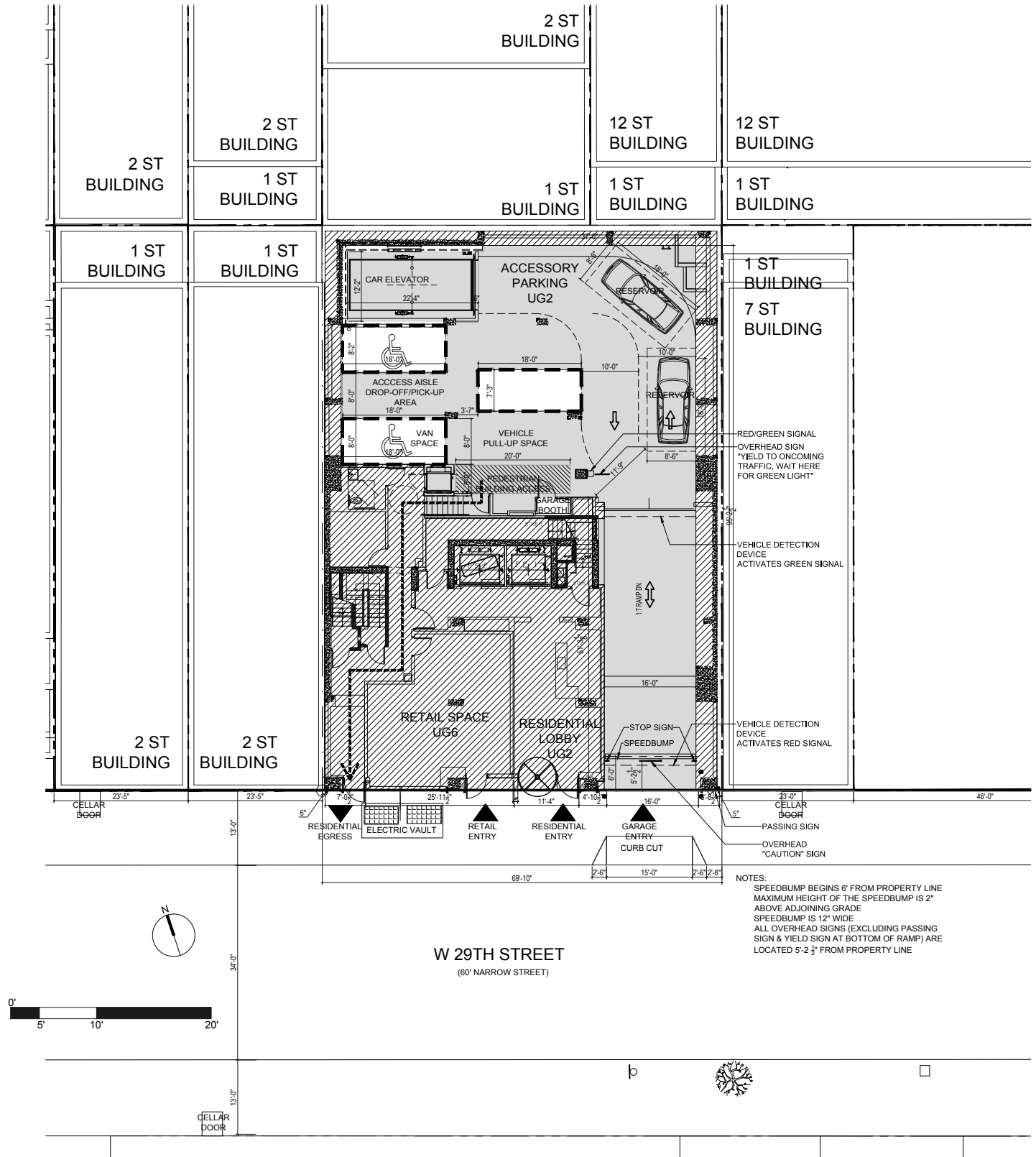
1 Ground Floor Plan

- Retail
- Lobby / Vertical Circulation Core



1 Sub-Cellar Floor Plan

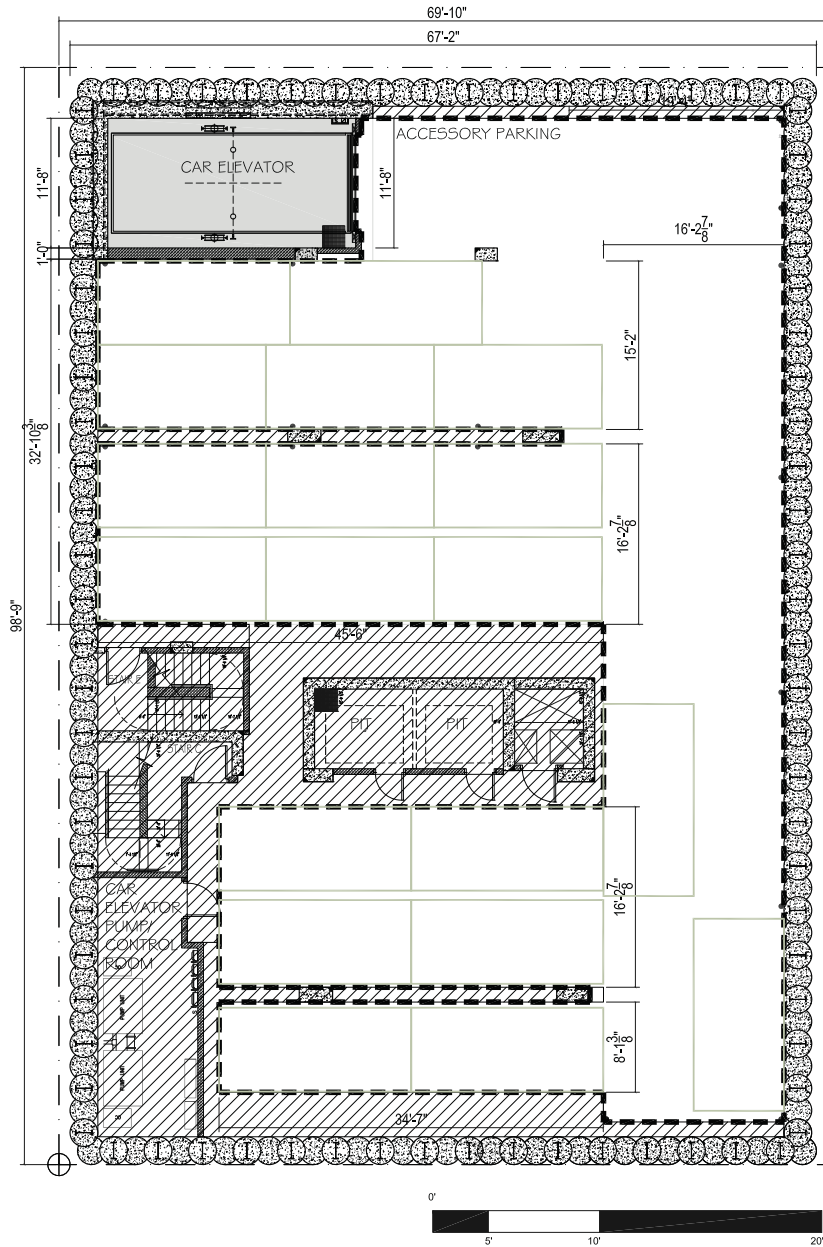
Note: The No-Action RWCDs conservatively assumed not accessory parking

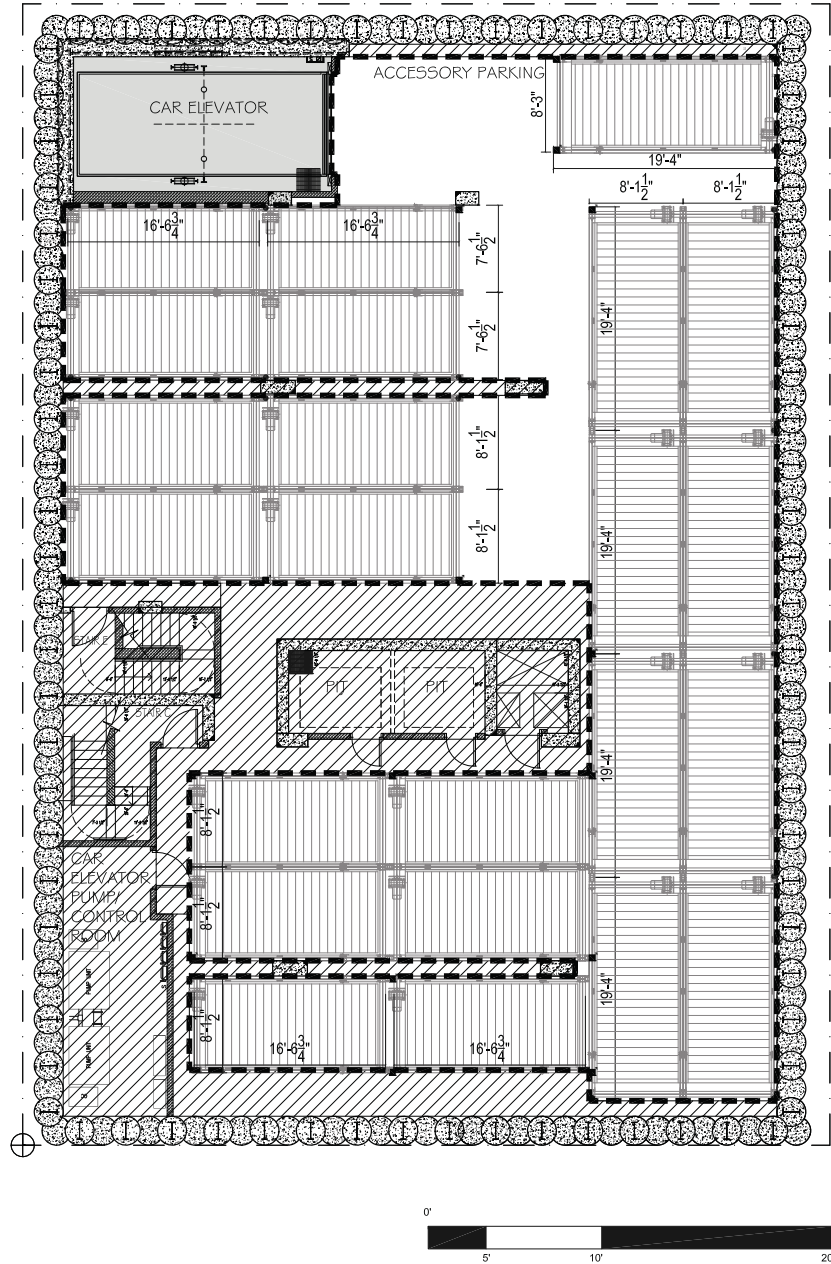


West 29th Street Parking Garage
New York, New York

With-Action RWCDS
Ground Floor Plan

Figure
1.3





West 29th Street Parking Garage
New York, New York

With-Action RWCDs
Subcellar Plan- Lifted Trays

Figure
1.5

SOURCE: Goldstein, Hill & West Architects, LLP

would include two reservoir spaces on the ground floor of the building. Parking drop off would occur at the end of the drive ramp on the ground floor.

At the bottom of the ramp there would be stop signs overhead with instructions for incoming vehicles to wait for the attendant and a stop bar on the floor at the front of the reservoir area, so exiting vehicles are not blocked. To warn pedestrians and vehicles in the street when a vehicle is departing the garage, there would be two "Car Coming" LED/audio signs, just outside the garage on the wall 10 feet above the ground on the right side of the driveway. These signs would be activated by motion sensors. During activation, the warning light at the top of the sign would flash, the text of the sign would be brightly illuminated (and can also be programmed to flash), and the sign would play an audio message such as "Caution Car Coming," "Vehicle Exiting," or other sound.

The attendant would park the vehicle in the attended parking area located on the ground level and subcellar level, which would include moveable post-lifted trays, which allow for greater vehicular mobility when stacker trays are positioned in the up position. Attendants would access the subcellar utilizing a car elevator in the northwest corner of the building.

The sequencing for vehicles exiting the garage would be based on signaling choreography since the ramp would be one-way, so that entering vehicles receive priority and would not queue onto the street. There would be two electrified loops at the top of the ramp and two at the bottom, where there would also be a red/green traffic light facing the exiting vehicles and a sign stating "YIELD TO ONCOMING TRAFFIC - WAIT HERE FOR GREEN LIGHT." When a vehicle travels over the electrified loop at the top of the ramp into the garage, the signaling system recognizes it as an entering vehicle based on which loop is activated first. This turns the light at the bottom of the ramp red, a signal to exiting vehicles to wait for the incoming vehicle to pass. When the incoming vehicle travels over the two loops at bottom of ramp, the light is turned green after 5 seconds to let the exiting vehicle clear and proceed up the ramp.

The primary entrance to the residential portion of the building would be from the residential lobby. A secondary egress door would be provided at the west side of the building. The retail space would have a separate entrance. From the second floor up, the proposed building would be the same under the No-Action and With-Action Scenarios. The cellar levels in the No-Action and With-Action Scenarios would contain the same uses. There would be no difference in the elevator location between the No-Action and With-Action Scenarios.

In each of the technical areas in Section 2.0, the With-Action RWCDS is compared to the No-Action RWCDS for the project site. Table 1.1 summarizes the increments for analysis for the project site. Table 1.2 provides a summary of the reasonable worst-case development scenario for all the sites affected by the proposed zoning text.

Table 1.1: Reasonable Worst-Case Development Scenario

Use	No-Action RWCDS	With-Action RWCDS	Increment
Residential	80,750 gsf (95 units)	80,750 gsf (95 units)	0 (0 units)
Local Retail	4,485 gsf	735 gsf	-3,750 gsf
Parking	0	9,196 gsf (45 spaces)	9,196 gsf (45 spaces)
TOTAL	85,235 gsf	90,681 gsf	5,446 gsf
Notes: Based on assumption of 850 GSF per residential unit			

1.8 Analysis Year

As noted above, construction commenced on August 4, 2014 on the project site in accordance with AOR plans consistent with DOB new building permit (121184431-01-NB) and foundation permit (121184431-01-NB). The AOR plans are consistent with the No-Action RWCDS with the exception that the No-Action RWCDS conservatively assumed no accessory parking (which resulted in a larger increment in the number of spaces between the No-Action and With-Action RWCDS). Assuming receipt of approvals in 2016, the build year for the proposed action is 2018.

Table 1.2: Reasonable Worst-Case Development Scenario for Sites affected by Proposed Zoning Text Amendment

Block/ Lot	West 28 th Street Rezoning – Projected Development Site number	Lot Area (sf)	Frontage (feet)	No Action Condition			With-Action Condition			Increment		
				Ground Floor Retail (gsf)	Residential (gsf)	Parking (gsf) (# Spaces)	Ground Floor Retail (gsf)	Residential (gsf)	Parking (gsf) (# Spaces)	Ground Floor Retail (gsf)	Residential (gsf)	Parking (gsf) (# Spaces)
779/ 27,28	Portion of Site 5	6,896	69	4,485	80,750 95 units	0	735	80,750 gf 95 units	9,196 GSF 45 spaces	-3,750	0 GSF 0	9,196 gsf 45 space
779/ 53, 55	Portion of Site 5	6,936	70	4,511	81,218 gsf 96 units	0	739	81,218 gsf 96 units	3,820 GSF 19 Spaces	-3,771	0 GSF 0	3,820 gsf 19 Spaces
778/ 25,27	3	6,721	75	4,371	78,701 gsf 93 units	0	716	78,701 gsf 93 units	3,700 GSF 19 Spaces	-3,654	0 GSF 0	3,700 gsf 19 Spaces
Total		20,553		13,367	240,669 gsf 284 units	0	2,190	240,669 gsf 284 units	16,520 83 spaces	-11,177	0	16,520 gsf 83 spaces

Project Site

Notes

- (1) Assumes an average of 850 GSF per dwelling unit based on Projected Development Site program from West 28th Street Rezoning EAS (CEQR No. 10DCP004M)
- (2) Assumes 12 FAR developments with 3% mechanical floor area reductions.
- (3) No action scenario assumes 65% of lot area for retail use (gross square footage).
- (4) Assumes that any reduction of retail floor area in the With-Action scenario will be the result such floor area being reallocated to parking facilities.

2.0

Impact Analyses

2.1 Land Use, Zoning and Public Policy

2.1.1 Introduction

This analysis of land use, zoning, and public policy follows the guidelines set forth in the *City Environmental Quality Review (CEQR) Technical Manual* (2014 Edition). It characterizes the existing conditions in the area surrounding the project site and addresses potential impacts to land use, zoning, and public policy that would be associated with the proposed action.

2.1.2 Methodology

This preliminary analysis of land use, zoning, and public policy follows the guidelines set forth in the *2014 CEQR Technical Manual* for a preliminary assessment (Section 320). According to the *2014 CEQR Technical Manual*, a preliminary land use and zoning assessment includes a basic description of existing and future land uses and zoning information, and describes any changes in zoning that could cause changes in land use. It also characterizes the land use development trends in the area surrounding the project site that might be affected by the proposed actions, and determines whether the proposed project is compatible with those trends or may affect them.

For public policy, the *2014 CEQR Technical Manual* stipulates that a preliminary assessment should identify and describe any public policies (formal plans, published reports) that pertain to the study area, and should determine whether the proposed project could alter or conflict with identified policies. If so, a detailed assessment would be conducted. Otherwise no further assessment is needed.

The following land use, zoning and public policy assessment follows this guidance and provides a description of existing conditions of the project site and surrounding area. This is followed by an assessment of the future without and with the proposed actions (No-Action and With-Action Conditions, respectively). Appendix B, "Conceptual Analysis," provides a land use assessment of the two development sites.

The land use study area is typically defined as the area within 400 feet of the project site and is generally bounded by West 31st Street to the north, just east of Seventh Avenue to the east, West

28th Street to the south, and just east of Eighth Avenue to the west. This is the area in which the proposed action would be most likely to have effects in terms of land use, zoning, or public policy.

2.1.3 Preliminary Assessment

Existing Conditions

Land Use

Project Site

The project site is located at 217-221 West 29th Street (Block 779, Lots 27 and 28) which is located mid-block between Seventh and Eighth Avenues within the Chelsea neighborhood of Manhattan two blocks south of Madison Square Garden and Penn Station. The project site has approximately 69 feet of frontage, a depth of approximately 99 feet and a total lot area of 6,896 square feet. The site contains a 48-space public parking lot with stackers at the rear of the lot and an attendant's booth at the southwest corner, abutting the adjacent building. There is a curb-cut along the entire frontage of the lot which operates as an active driveway.

Study Area

The study area is bounded by the south side of West 30th Street to the north, just west of Seventh Avenue to the east, the south side of West 28th Street to the south and just east of Eighth Avenue to the west. The project area borders the edge of the Penn Station area to the north and the Chelsea neighborhood to the south and west.

As shown in EAS Figure 2, the surrounding area is primarily characterized by a mix of loft-like office and light manufacturing buildings with several public parking lots. Adjacent to the project site on its east is a 7-story residential building with catering use on the ground floor, and to its west is a 2-story building used as a fur/leather showroom. Across the street is a large 16-story building with commercial office/wholesale uses; next to it, at 224 West 29th Street, is a 14-story commercial office building containing a health center operated by the Gay Men's Health Crisis. Adjoining the project site to its north are two two-story buildings, containing fur wholesalers and a music store. Such uses are typical of the block; there are also ground floor institutional uses including a barber school.

To the west of the site and across West 29th Street is the "Edison Site" (Block 778, Lots 13, 16, 18 and 66), which was the impetus behind the 2011 M1-6D district rezoning, where two new approximately 20-story residential buildings with ground floor retail and office built to the maximum 12.0 FAR with a 350-space below-grade public parking facility that permitted by a special permit approved in connection with the rezoning. Despite the enactment of the rezoning, development has not yet occurred and this site continues to be used as a parking lot.

The areas to the south and west are primarily residential, institutional and commercial in use, the areas to the north are primarily commercial and transportation/utility, and the areas to the east have a mix of commercial, industrial/manufacturing, and residential and mixed-use buildings. The majority of the commercial buildings are large, multi-story buildings, many of which feature ground floor retail uses (including food establishments, clothing stores and convenience goods). Parking uses are also found throughout the study area, and includes surface and garage parking facilities.

The study area also contains public and institutional uses, including the Fashion Institute of Technology (FIT) along the south side of West 28th Street and two religious facilities –The Church of St. John the Baptist on the south side of West 31st Street and the Gallery Church on the south side of West 29th Street.

Zoning

Project Site

The project site is currently mapped within an M1-6D zoning district (see EAS Figure 4). This district was previously part of an M1-5 district and was rezoned in 2011 under the *West 28th Street Rezoning EAS* (CEQR 10DCP004M). The M1-6D zoning district is intended to “facilitate the creation of vibrant mixed-use areas by preserving existing concentrations of Class B and C office and light industrial space, while allowing contextual, infill residential development, with ground floor retail, on underbuilt sites.”¹ The entirety of the project site’s M1-6D zoning district is an Inclusionary Housing Designated Area. The M1-6D has a maximum floor area ratio (FAR) of 10.0 for commercial and community facility uses, 9.0 for residential uses, with the ability to increase to 12.0 with Inclusionary Housing. The maximum height of buildings within the M1-6D districts is regulated by a sky exposure plane, which begins at a height of 85 feet above the front lot line.

The Manhattan Core Parking text was enacted in 2013 (N 130105 ZRM), the result of a study into how physical and demographic changes in the Manhattan Core and trends in central business district-bound travel have altered the overall supply of off-street parking and its utilization since the most recent prior amendment to the parking regulations, in 1982. The City Planning Commission (CPC) report issued in connection with the Manhattan Core Parking text states that the total off-street public parking supply in the Manhattan Community Districts 1-6 decreased from approximately 127,000 spaces in 1978 to 102,000 spaces in 2010, while at the same time, there are approximately 20,000 more cars owned by Manhattan Core households than in 1980. Accordingly, to meet the increased demand for residential parking, the text introduced new special permits, including the special permit for residential growth per ZR 13-451, to allow residential developments to exceed the number of off-street parking spaces allowed as-of-right. The findings are based on recent residential development in the surrounding area and recent changes in the supply of off-street parking.

▼
¹ New York City Department of City Planning (http://www.nyc.gov/html/dcp/html/m1_6d/index.shtml)

Study Area

Zoning designations in the study area primarily include the M1-5, M1-6, M1-6D, and C6-2 district – with only small portions within the northern and northeastern-most portions of the study area zoned C6-4 and C6-6, as well as the Special Hudson Yards and Special Midtown Districts, mapped along West 31st Street (see EAS Figure 4).

The M1-5 district allows for a maximum FAR of 5.0, except for community facilities, where the maximum permitted FAR is 6.50. Building heights within the M1-5 District are regulated by a sky exposure plane, which beings at a height of 85 feet above the front lot line. The M1-6 district allows for a maximum FAR of 10.0 (with 20 percent FAR bonuses available for the provision of a public plaza). Building heights within the M1-6 district are regulated by a sky exposure plane, which beings at a height of 85 feet above the front lot line.

The C6-2 district, like other C6 districts, permits a wide range of high-bulk commercial uses. It has a maximum allowable FAR of 6.0 for commercial uses and up to 7.2 for residential uses, provided certain conditions are met. Building height with the C6-2 district is limited to a street wall of 85 feet with specified setbacks required thereafter. An FAR bonus of up to 20 percent is available in exchange for providing a public plaza.

Public Policy

Other than zoning, there are no other public policies in place that govern any portion of the project site.

The northernmost portion of the study area, the eastern portion of the block between West 30th and West 31st Streets is located in the 34th Street Partnership Business Improvement District (BID). Founded in 1992, the 34th Street Partnership, a not-for-profit corporation, is a coalition of property owners, tenants, and city officials working to revitalize a 31-block district in the heart of Midtown Manhattan. The 34th Street Partnership promotes the district as a strategic Midtown business location by providing programs in the areas of sanitation and streetscape and security improvements, as well as public events, tourist assistance, and free retail services efforts

The Future Without The Proposed Action

Land Use

Absent the proposed action, in the future without the proposed action, the project site would be developed with a 95-unit residential building with approximately, 4,485 gsf of ground floor local retail space and no parking. This represents the No-Action RWCDs.

Based on discussions with the Department of City Planning (DCP), the proposed development at 241-245 West 28th Street (Manhattan Block 778; Lots 13, 16, 18, and 66) that was approved as part of the *West 28th Street Rezoning EAS* (CEQR # 10DCP004M) has been assumed to be in place

by 2018 for this analysis. While the project has been approved, no known development plans are underway; however, to be conservative, it is assumed that the project as approved would be built by 2018. This project will entail redeveloping a public parking lot into a mixed-use development consisting of 407 residential units (345,785 gsf), 11,390 gsf of office space, 4,685 gsf of local retail, and a 325-space below-grade public parking garage. Other than this project, there are known development projects that would be constructed and occupied by 2018.

Zoning

The City Council recently approved (March 22, 2016) a citywide zoning text amendment to authorize a Mandatory Inclusionary Housing (MIH) program (ULURP N 160051 ZRY). The purpose of the MIH program is to promote neighborhood economic diversity in locations where land use actions create substantial new housing opportunities. The text amendment will have no effect until mapped through subsequent discretionary actions of the CPC, each of which will be subject to a public review process and separate environmental review. As with zoning actions generally, MIH Areas may be applied through DCP-initiated actions or as part of private applications, including certain zoning map amendments, text amendments, and Special Permits that create opportunities for significant new housing development. This program will require permanently affordable housing within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped "Mandatory Inclusionary Housing Areas" (MIHAs). MIH would not affect the project site under No-Action RWCDs because no zoning actions would be sought under the No-Action condition.

The City Council recently approved (March 22, 2016) the Zoning for Quality and Affordability (ZQA) zoning text amendment (ULURP application N 160049 ZRY) that modernizes rules that shape buildings in the City through various updates and refinement to the Zoning Resolution of the City of New York. These include: general building envelope modifications in medium- and higher-density districts, including height, setbacks and corner lots; enhanced building envelope modifications for inclusionary and affordable senior housing and care facilities, including height, amenity space location, removal of narrow lot restrictions, flexible height limits in non-contextual districts, and new lower density bulk envelopes; improved design flexibility, as applicable to street walls, courtyards, ground floors, window regulations, use location provisions, and unit size mix; and modifications for constrained lots, including yards and lot coverage, street wall, additional flexibility for irregular topography, distance between buildings and relief for unusual conditions.

This component of the ZQA zoning text amendment would primarily be applicable to R5D to R10 residence districts, as well as their residential equivalents in commercial and manufacturing districts, as applicable. These changes would also be reflected in Special Districts and special areas that include these zoning districts. In addition, this component of the proposed ZQA zoning text amendment, as it affects the development of affordable senior housing and care facilities, would be applicable to R3-2, R4, and R5 zoning districts.

For the project site, the ZQA provisions for M1-6D districts will mirror the proposed bulk changes for Quality Housing buildings in R10 districts and their commercial equivalents.

Public Policy

As described above, the northern-most portion of the study area is located within the boundaries of the 34th Street Partnership. The No-Action RWCDs would result in new commercial retail space on the ground floor that would help to meet the 34th Street Partnership's goal of promoting Midtown as a strategic business location.

The Future With The Proposed Action

Land Use

The proposed action would allow for the development of a With-Action RWCDs of approximately 90,681 gsf consisting of 95 residential units, 735 gsf of local retail space and a 45-space below grade accessory parking garage. For analysis purposes, this results in a net decrease of 3,764 gsf of retail space and a net increase of 45 parking spaces compared to the No-Action RWCDs.

The With-Action RWCDs would not introduce new land uses to the study area. There have been multiple new residential developments or conversions in the study area, and there are currently several public parking facilities in the study area as well, including on the project site. The With-Action RWCDs would reflect and be compatible with the existing land use patterns of the surrounding area. Therefore, the proposed action would not adversely affect the land use character of the study area and would not result in significant adverse land use impacts.

Zoning

The proposed action would amend the text for Section 42-485 (Streetscape Provisions [in M1-6D districts]) of the Zoning Resolution, to include the following authorization:

42-486

Authorization for modification of streetscape provisions

For #zoning lots# that have a #street# frontage of less than 75 feet, where entrances to off-street parking or loading facilities are located along such #street# frontage, the City Planning Commission may modify the dimension of the minimum frontage of the requires ground floor #commercial use# of 42-485 (streetscape provisions), provided that the Commission finds that such modifications:

- (a) are necessary to provide sufficient space for access to off-street or loading facilities; and
- (b) will not adversely affect the streetscape experience or impact the viability of such #uses#, and the resulting ground floor frontages will effectively contribute to a vibrant mixed-use district.

The proposed amendment to add a new Section (42-486) would allow an authorization for zoning lots, such as the development site, that have a street frontage of less than 75 feet but more than the base of 50 feet which are unable to meet the 50 percent retail frontage requirement because of their program requirements, where entrances to off-street parking or loading facilities are located along such street frontage. The text allows the City Planning Commission (CPC) to reduce the dimension of the minimum frontage of the required ground floor commercial use of the streetscape provisions, provided that the applicant demonstrates that the retail use provided is sufficiently close to the required amount to achieve the Department's desired goals for the Manhattan Core.

The Authorization would modify the applicability of the streetscape provisions of Section 42-485 to the proposed building and allow retail frontage to a width of 26 feet and a depth of between 19 and 28 feet, for an area of 735 gsf. All other zoning regulations regarding FAR, height and setback of the M1-6D zoning district would remain the same.

The parking garage special permit is necessary to provide the number of spaces nearly equal to the number of spaces in the parking lot currently on the project site that would be lost when the proposed building is constructed, and to make parking on the project site financially feasible for the Applicant, while meeting the demand for residential parking that the Manhattan Core Parking Text is seeking to address. The Text Amendment and Authorization would make it practical to have a parking facility on a portion of the ground floor while also providing a viable retail establishment that would encourage activity along the street and effectively contribute to a vibrant mixed-use district, consistent with the goals of the M1-6D district.

The proposed MIH text amendment would not apply to the proposed action because the project site is already mapped in an Inclusionary Housing designated area and the proposed action would result in a text amendment that would increase parking and would not create residential floor area.

The proposed ZQA text amendment would not affect the proposed action, because while the proposed text amendment reorganizes ZR Section 42-485 by removing certain provisions from the original text and placing them in other sections, that would be referenced by Section 42-485 as revised by ZQA. First, the applicability of the minimum required depth of the uses from the street wall remains unchanged, as proposed Section 37-32 contains the same provisions as Section 42-485 as pertinent to the project. Second, the lobby would comply with the requirements for "Type 2" lobbies, since its width would not exceed 25 percent of the building's street wall (i.e., 17 feet), as it would be 11'-4". Third, the parking spaces on the ground floor would be screened in accordance with the requirements of proposed Section 37-35, because the spaces would be screened by permitted residential and commercial floor area having a minimum dimension of at least 30 feet from the street wall so that no portion is visible from adjacent public sidewalks (the minimum dimension would be approximately 45 feet). Lastly, the only relevant change to the transparency requirements, which would be located in proposed Section 37-34, would be to reduce the maximum lowest point of any such required transparency from 4 feet to 2 feet, 6 inches. The building's transparent materials would begin at a height of 2 feet, in compliance with this requirement

Public Policy

As described above, the northern-most portion of the study area is located within the boundaries of the 34th Street Partnership. The proposed project would result in new commercial retail space on the ground floor that would help to meet the 34th Street Partnership's goal of promoting Midtown as a strategic business location.

The proposed actions would not involve any new policy actions and would not result in significant adverse impacts on existing public policy.

2.1.4 Conclusion

As described above, the proposed action would allow the project site to be redeveloped to the desired program while still achieving City Planning's desired goals of development within the M1-6D district. As a result, development on the project site under the proposed text amendment—the With-Action RWCDs—would be consistent with the development patterns of the surrounding area as compared to existing and No-Action conditions. Accordingly, the proposed action would result in changes that would be compatible with, and supportive of, current land use trends, zoning, and public policy. Therefore, the proposed action would not result in any significant adverse impacts to land use, zoning or public policy, and no further assessment is necessary.

2.2 Urban Design and Visual Resources

2.2.1 Introduction

Urban design is the totality of components that may affect a pedestrian's experience of public space. To determine if a proposed action has the potential to change the pedestrian experience, an urban design assessment under CEQR guidelines focuses on the components of a proposed action that may have the potential to alter the arrangement, appearance, and functionality of the built environment from the pedestrian's perspective. In accordance with the *2014 CEQR Technical Manual*, a preliminary assessment of urban design is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Since the proposed text amendment would modify the streetscape requirements of the M1-6D, the proposed text amendment warrants an urban design analysis.

Chapter 10, "Urban Design and Visual Resources" of the *CEQR Technical Manual* also includes thresholds (Section 230) for an assessment of pedestrian wind conditions, which would not apply to the proposed project because it would not result in development involving multiple, tall buildings at or in close proximity to waterfront sites.

A visual resource is the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources. There are no natural or cultural visual resources on or visible from the project site or within the 400-foot study area. Therefore, no further analysis is warranted and the proposed action would not result in any significant adverse impacts to visual resources.

2.2.2 Methodology

In accordance with the *2014 CEQR Technical Manual* guidelines, the following preliminary urban design assessment considers a 400-foot radius study area where the proposed action would be most likely to influence the built environment. As stipulated in the *2014 CEQR Technical Manual*, since the purpose of the preliminary assessment is to determine whether any physical changes proposed by the project would significantly impact elements of urban design, the following information, if known, is included in a preliminary assessment:

- A concise narrative of the existing project area, and conditions under the future No-Action and With-Action conditions;
- An aerial photograph of the study area and ground-level photographs of the site area with immediate context;
- Zoning and floor area calculations of the existing and future With-Action conditions;
- Lot and tower coverage, and building heights; and

- A three-dimensional representation of the future With-Action and No-Action (if relevant) condition streetscape.

If the preliminary assessment determines that a change to the pedestrian experience is minimal and unlikely to disturb the vitality, walkability or the visual character of the area, then no further assessment is necessary. However, if it shows that changes to the pedestrian environment are significant enough to require greater explanation and further study, then a detailed analysis may be appropriate.

The following preliminary urban design assessment follows these guidelines. This preliminary assessment provides a characterization of existing conditions followed by a description of urban design under future No-Action and With-Action conditions, and an analysis determining the extent to which physical changes resulting from the proposed action would alter the pedestrian experience. Appendix B, "Conceptual Analysis," provides an urban design and visual resources assessment of the two development sites.

The urban design and visual resources study is generally bounded by West 31st Street to the north, lots fronting the east side of the Seventh Avenue to the east, lots fronting the south side of West 28th Street to the south, and the lots fronting the east side of Eighth Avenue to the west. This is the area in which the proposed action would most likely have effects in terms of urban design and visual resources.

2.2.3 Preliminary Assessment

Existing Conditions

Project Site

The project site is defined as Manhattan Block 779, Lots 27 and 28. The project site is currently developed as a 48-space surface parking lot with car stacking equipment, with frontage along West 29th Street. The project site along West 29th Street is characterized by a surface parking lot with an associated attendant booth, joined on both sides by multi-story buildings (see EAS Figure 5a). As there are no buildings at the project site, it represents a break in the otherwise complete street wall along the south side of the project block.

West 29th Street is a one-lane, west-bound one-way street with curbside parking on either side and a bike-line on the south side. The pedestrian experience of the project site along West 29th Street is dominated by the presence of the existing parking facility. The entirety of the project site's frontage along 29th Street (approximately 70 feet) serves as an entrance and egress for the parking facility, disrupting pedestrian flow for automobile traffic.

Study Area

The north side of West 29th Street between Seventh and Eighth Avenues is predominantly

multi-story commercial buildings, interspersed with multi-story industrial buildings, a multi-story residential building, and private/gated access drives/parking facilities (see Figures 2.2-1 and 2.2-2). The south side of West 31st Street, the north and south sides of West 30th Street, the south side of West 29th Street, and the north side of the West 28th Street between Seventh and Eighth Avenues exhibit urban design characteristics consistent with those found on the south side of the project block, including multi-story commercial, industrial, and residential building, and parking facilities, as well as multi-story institutional buildings (such as educational, social services, and places of worship). Buildings along these streets generally ranges in height from two to 17 stories.

The Seventh Avenue corridor within the study area is characterized by multi-story commercial buildings (ranging in height from three to 25 stories), primarily featuring consumer retail business on the ground floor with office space in the upper stories.

The Future Without The Proposed Action

As described in Section 1.0 “Project Description,” absent the proposed action, in the future without the proposed action, the project site will be redeveloped with a 21-story residential building with ground floor retail uses and no parking, fronting along West 29th Street. This represents the No-Action RWCDs. For illustrative purposes only, Figure 2.2-3 show renderings of the potential streetscape and façade treatment for the No-Action RWCDs.

As previously discussed, the proposed development at 241-245 West 28th Street (approved as part of the *West 28th Street Rezoning EAS* [CEQR # 10DCP004M]) has been assumed to be built by 2018. The project, as proposed, is a 20-story residential building with ground floor retail and office uses with a below-grade public parking garage. Other than this project, there are known development projects that would be constructed and occupied by 2018.

The Future With The Proposed Action

The proposed action would allow for the development of the With-Action RWCDs – a below- and at-grade accessory parking garage within a planned as-of-right 21-story residential building that would also feature a small amount of retail space, fronting along West 29th Street (the “Build condition”). The With-Action development is similar in size and scope to that described for the No-Action RWCDs development, with the exception that it features a parking garage and a smaller retail space.

The proposed buildings would not be set back from the front property line. The street-level entrance to the proposed underground parking would be along West 29th Street—the same as the No-Action RWCDs. Overall, the With-Action RWCDs would have a similar urban design and built form as compared to the No-Action RWCDs.



For illustrative purposes only, Figure 2.2-4 show renderings of the potential streetscape and façade treatment for the With-Action RWCDs.



West 29th Street Parking Garage
New York, New York

Photograph Key

Figure
2.2-1

-  Project Site
-  Photograph View Direction and Reference



West 29th Street Parking Garage
New York, New York

Views of Study Area
North Side of West 29th Street

Figure
2.2-2a



West 29th Street Parking Garage
New York, New York

Views of Study Area
North Side of West 29th Street

Figure
2.2-2b



West 29th Street Parking Garage
New York, New York

No-Action RWCDs
Illustrative Development Scenario

Figure
2.2-3



West 29th Street Parking Garage
New York, New York

With-Action RWCDs
Illustrative Development Scenario

Figure
2.2-4

Under the With-Action RWCDS, the pedestrian experience along West 29th Street would differ from the No-Action RWCDS in that there would be a curb-cut for the parking entrance and a smaller ground floor retail area. All other aspects of the With-Action RWCDS would be the same as the No-Action RWCDS. However, the With-Action RWCDS would be consistent with the urban design and built context of the immediately surrounding neighborhood. The With-Action RWCDS would result in the introduction of a building that would be consistent with the neighborhood context and the relationship of the streetwalls to the sidewalk and adjacent buildings along West 29th Street.

Overall, the With-Action RWCDS, very similar to the No Build condition, would present to the street in a manner consistent with the surrounding commercial and industrial buildings. The With-Action RWCDS building would keep the streetwall consistent and minimize any affects that the pedestrian might feel of the additional height after the setbacks. The With-Action condition would include ground-floor retail which would be consistent with other buildings in the surrounding area. The With-Action RWCDS would also result in the introduction of a building that would be more consistent with the neighborhood context and the relationship of the streetwalls to the sidewalk and adjacent buildings than under existing conditions.

2.2.4 Conclusion

The proposed action would only result in a change to the ground floor of the proposed With-Action RWCDS as compared to the No-Action RWCDS in that there would be small spaces for commercial and retail uses and a curb-cut and entrance for the partially sub-grade parking facility. The proposed project would be consistent with the existing street wall along West 29th Street between Seventh and Eighth Avenues, and would serve to complete a missing portion of the West 29th Street streetwall that exists due to the current use at the project site (i.e., surface parking lot).

The proposed action would also result in development that would be consistent with the prevailing building size, form, height, bulk, streetwall character, and scale of the study area. The contextual setting that would result from the proposed action would not effectively alter that of the existing urban fabric and it would be appreciably similar to the built context to the development under the No-Action RWCDS. In addition, the With-Action RWCDS would be more consistent with the neighborhood context than under existing conditions.

Overall, the proposed action and resultant development is not expected to result in any significant adverse urban design and visual resources impacts, and therefore no further analysis is warranted.

2.3 Hazardous Materials

2.3.1 Introduction

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 semi-volatile 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 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.

2.3.2 E-Designation

As part of the 2011 *West 28th Street Rezoning EAS* (CEQR No. 10DCP004M), E-designations (E-276) was assigned to Projected Development Site 5 and would therefore apply to the project site. The E-designation includes requirements for additional hazardous materials work with the New York City Office of Environmental Remediation (OER) as follows:

Task 1

The applicant submits to OER, for review and approval, a Phase 1 of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER.

The applicant should then provide proper documentation that the work has been satisfactorily completed. An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

2.3.3 Phase II Investigation and Remedial Action Plan

The hazardous materials E-designation required the completion of a Phase II investigation and preparation of a Remedial Action Plan (RAP). Soil, soil vapor and groundwater samples were collected during the Phase II investigation. Based on low levels of petroleum encountered in groundwater during the Phase II investigation, a petroleum release was reported to the New York State Department of Environmental Conservation (NYSDEC) and Spill Number 1309246 was assigned. The Phase II also indicated the presence of historic fill material in the shallow interval. The OER project number for the site is 14EHAN190M.

Tenen Environmental prepared a RAP dated March 5, 2014, to address these impacts; the RAP was accepted by both OER and NYSDEC. The major components included implementation of a community air monitoring program (CAMP), excavation and removal of soil exceeding soil cleanup objectives (SCOs), collection of end-point soil samples, construction of a composite cover system including a vapor barrier/waterproofing and managed off-site soil disposal. A Remedial Closure Report (RCR) will be submitted to OER following completion of the remedial action. OER issued a Notice to Proceed on March 7, 2015 (see Appendix C).

2.3.4 Conclusion

The requirements of the E-designation with respect to hazardous materials have been reviewed and approved by OER. Therefore, the proposed action would not result in any significant adverse impacts related to hazardous materials.

2.4 Air Quality

2.4.1 Introduction

As indicated in the EAS Form checklist for air quality, the proposed action would result in a condition that may require further assessment for mobile source air quality impacts. This is because the proposed action includes an application to the CPC requesting the grant of a special permit for a parking garage which, according to the *2014 CEQR Technical Manual*, could require further assessment regarding the potential for an adverse mobile source air quality impact.

However, the proposed 45-space garage is far below the threshold for transportation analysis of parking facilities (85 spaces, per Table 16-1 in *2014 CEQR Technical Manual*). Additionally, if the garage were a stand-alone action, it would be treated as a Type II action since garages of 85 spaces or less fall within Type II category (NYCRR Title 6, Section 617.5(c)). All Type II actions have been predetermined to not result in significant adverse impacts on the environment. Therefore, no further mobile sources assessment is warranted and there would be no potential for mobile source air quality impacts as a result of the proposed action.

2.4.2 E-Designation

As part of the *2011 West 28th Street Rezoning EAS* (CEQR 10DCP004M) the following air quality E-designation (E-276) was assigned to the project site (Projected Development Site 5 in that EAS) as follows:

HVAC Restrictions – Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 20 feet for fuel oil No.4/2 from the lot line facing 7th Avenue or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

2.4.3 Remedial Action Plan

As described above, Tenen Environmental prepared a RAP dated March 5, 2014, to address the requirements of the E-designation, including air quality. The air quality components included the use natural gas as the fuel for the heating and hot water (HVAC) systems, boilers and hot water heaters. OER accepted the RAP and issued a Notice to Proceed on March 7, 2015 (see Appendix C).

2.4.4 Conclusion

The requirements of the E-designation with respect to air quality have been reviewed and approved by OER. Therefore, the proposed action would not result in any significant adverse impacts related to air quality.

2.5 Noise

2.5.1 Introduction

In terms of noise, the purpose of an assessment under CEQR is to determine both (1) a proposed project's potential effects on sensitive noise receptors, including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable) and (2) the effects of ambient noise levels on new sensitive uses introduced by the proposed project. According to the *2014 CEQR Technical Manual*, a noise analysis is appropriate if an action would generate any mobile or stationary sources of noise or would be located in an area with high ambient noise levels. Stationary sources include rooftop equipment such as emergency generators, cooling towers, and other mechanical equipment; mobile sources include traffic generated by an action.

The increment of the No-Action and With-Action RWCDS is far below the threshold for transportation analysis of parking facilities (85 spaces, per Table 16-1 in *2014 CEQR Technical Manual*). Therefore, the proposed action would not generate sufficient traffic to have the potential to cause a significant noise impact (i.e., it would not result in a doubling of noise passenger car equivalents [Noise PCEs], which would be necessary to cause a 3 dBA increase in noise levels). Therefore, it is assumed that the proposed action would not cause a significant adverse vehicular noise impact, and no further mobile source noise analysis is needed.

2.5.2 E-Designation

As part of the 2011 *West 28th Street Rezoning EAS* (CEQR No. 10DCP004M), the following noise E-designations (E-276) was assigned to the project site (Projected Development Site 5 in that EAS) as follows:

Required Noise Attenuation – 33dBA of attenuation on the north façade (would not apply to the proposed development site) and 31dBA of attenuation on all other façades (would apply to the proposed development site). For sites requiring 31dbA of noise attenuation, the following E-designation noise text applies:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on the south, east and west facades and 33 dBA window/wall attenuation on the north facade in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

2.5.3 Remedial Action Plan

As described above, Tenen Environmental prepared a RAP dated March 5, 2014, to address the requirements of the E-designation, including noise. The noise components included installation of windows with approved Outdoor Indoor Transmission Class (OITC) ratings; and providing alternate means of ventilation via packaged terminal air conditioners (PTACs) with outside air intakes and motorized dampers delivering outside air to each room in each residence. An Installation Report (IR) will be submitted to OER following the installation of the above components. OER accepted the RAP and issued a Notice to Proceed on March 7, 2015 (see Appendix C).

2.5.4 Conclusion

The requirements of the E-designation with respect to noise have been reviewed and approved by OER. Therefore, the proposed action would not result in any significant adverse impacts related to noise.

APPENDIX A

PROPOSED TEXT AMENDMENT

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

* * *

Chapter 2 Use Regulations

42-485 Streetscape provisions

On #narrow streets#, for #zoning lots# with #street# frontage of 50 feet or more, ground floor #uses# limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B shall have a depth of at least 30 feet from the #street wall# and shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#. The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies, or entrances to parking spaces, except that lobbies shall be limited to a total width of 40 feet. No minimum 30 foot depth requirement shall apply where a reduction in such depth is necessary in order to accommodate a #residential# lobby or vertical circulation core.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor, provided they are located beyond 30 feet of the #street wall#.

For any #development# or #enlargement# that includes a ground floor #street wall#, each ground floor #street wall# occupied by #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparency shall occupy at least 50 percent of the surface area of that portion of the ground floor #street wall# located between a height of two feet and twelve feet, or the height of the ground floor ceiling, whichever is higher, above the level of the adjoining sidewalk. The lowest point of any such required transparency shall not be higher than four feet above the level of the adjoining sidewalk, with the exception of transom windows, and the minimum width of any such required transparency shall be two feet. In addition, the maximum width of a portion of the ground floor level #street wall# without transparency shall not exceed ten feet. However, the transparency requirements of this Section shall not apply to that portion of the ground floor level #street wall# occupied by an entrance to a parking facility.

42-486 **Authorization for modification of streetscape provisions**

For #zoning lots# that have a #street# frontage of less than 75 feet, where entrances to off-street parking or loading facilities are located along such #street# frontage, the City Planning Commission may modify the dimensions of the frontage and depth requirements for ground floor #commercial uses# set forth in Section 42-485 (Streetscape provisions), provided that the Commission finds that such modifications:

- (a) are the minimum necessary to provide sufficient space for access to off-street parking or loading facilities;

- (b) will not adversely affect the streetscape experiences or impact the viability of such #uses#, and the resulting ground floor frontages will effectively contribute to a vibrant mixed-use district; and
- (c) to the greatest extent feasible will result in a ground floor that meets the height requirements for #qualifying ground floors#.

APPENDIX B

CONCEPTUAL ANALYSIS

Appendix B

1.0 Introduction

As described in Section 1.0 “Project Description,” in addition to the project site, there are two other sites within the project area that could be affected by the proposed zoning Text Amendment/authorization. The two sites are as follows:

- Block 779, assemblage of Lots 53 and 55 (“Site 2”)
- Block 778, assemblage of Lots 25 and 27 (“Site 3”)

The 2011 *West 28th Street Rezoning EAS* identified 10 projected development sites. Site 2, along with the project site, was part of Projected Development Site 5, which was an assemblage of eight abutting zoning lots (Block 779, Lots 25-28, 53, 55 and 56). Site 3 was Projected Site 3 in the West 28th Street Rezoning EAS.

Site 2 contains two, 2-story buildings totaling 11,603 gsf of commercial floor area with Lot 53 containing ground floor retail and second floor office space and Lot 55 containing retail on the ground and second floors. Site 3 contains a 2-story wholesale plumbing supply facility (Lot 27) and a 2-story building with ground floor retail and second floor office space (Lot 25). Site 3 contains a total floor area of 13,072 gsf. See EAS Figure 1 for the locations of the sites and EAS Figure 5b for photos of the site.

1.1 Reasonable Worst-Case Development Scenario

The potential development sites represent the reasonable worst-case development scenario (RWCDs) for the conceptual analysis of the proposed zoning text amendment.

No-Action

In the No-Action condition the two development sites affected by the zoning text amendment would result in residential buildings. In the No-Action condition, in accordance with the M1-6D streetscape provisions, the buildings would have to provide commercial ground floor uses along a minimum of 50 percent of the width of the street frontage. As a result of this requirement, along with the requirement for emergency egress and a lobby, the ground floor would be space constrained and would not have sufficient room for parking. In the No-Action condition, Site 2 would be developed with 4,511 gsf of ground floor retail and 96 residential units and Site 3 would be developed with 4,371 gsf of ground floor retail and 93 residential units (see Table Appendix B.1). This is consistent with the projected development scenarios assumed in the *West 28th Street Rezoning EAS*.

With-Action

The two development sites affected by the zoning text amendment would result in residential buildings in the With-Action condition. In the With-Action condition, the ground floor of the buildings would contain less retail than in the No-Action Scenario and some space for a parking garage. In the With-Action condition, Site 2 would be developed with 739 gsf of ground floor retail, 96 residential units and

19 parking space and Site 3 would be developed with 716 gsf of ground floor retail, 93 residential units and 19 parking spaces. There would be no change in the total number of residential units between the No-Action and With-Action RWCDS. See Table Appendix B.1 for a summary of the With-Action and No-Action RWCDS for the development sites.

Table Appendix B.1: Reasonable Worst-Case Development Scenario for Development Sites

Site #	Block /Lot	West 28 th Street Rezoning – Projected Development Site number	Lot Area (sf)	Frontage (feet)	No Action Condition			With-Action Condition			Increment		
					Ground Floor Retail (gsf)	Residential (gsf)	Parking (gsf) (# Spaces)	Ground Floor Retail (gsf)	Residential (gsf)	Parking (gsf) (# Spaces)	Ground Floor Retail (gsf)	Residential (gsf)	Parking (gsf) (# Spaces)
2	779/53, 55	Portion of Site 5	6,936	70	4,511	81,218 gsf 96 units	0	739	81,218 gsf 96 units	3,820 GSF	-3,771	0 GSF	3,820 gsf
										19 Spaces		0	19 Spaces
3	778/25,27	3	6,721	75	4,371	78,701 gsf 93 units	0	716	78,701 gsf 93 units	3,700 GSF	-3,654	0 GSF	3,700 gsf
										19 Spaces		0	19 Spaces
Total			13,657		8,882	159,919 gsf 189 units	0	1,455	159,919 gsf 189 units	7,520 gsf 38 spaces	-7,425	0	7,520 gsf 38 spaces

Notes

- (1) Assumes an average of 850 GSF per dwelling unit based on Projected Development Site program from West 28th Street Rezoning EAS (CEQR No. 10DCP004M)
- (2) Assumes 12 FAR developments with 3% mechanical floor area reductions.
- (3) No action scenario assumes 65% of lot area for retail use (gross square footage).
- (4) Assumes that any reduction of retail floor area in the With-Action scenario will be the result such floor area being reallocated to parking facilities.

1.2 Conceptual Analysis

As noted in Table Appendix B.1 above, the No-Action RWCDs and the With-Action RWCDs for both development sites would only differ in the ground floor in which the With-Action RWCDs would contain less retail space and a curb-cut for the parking garage entrance. Therefore, similar to the project site, the only areas that would warrant an assessment in accordance with the *City Environmental Quality Review (CEQR) Technical Manual* (2014 Edition) are land use, zoning and public policy and urban design and visual resources.

Land Use, Zoning and Public Policy

As shown in EAS Figure 2, both Development Sites 2 and 3 are surrounded by several retail and commercial uses. An 11-story residential building with ground floor retail is located directly east of Development Site 2. To the west of Development Site 2 are several large (14-story) commercial office buildings. A large (12-story) office building is located directly west of Development Site 3. The Fashion Institute of Technology (FIT) is located directly across the street from Development Site 3. As shown in EAS Figure 4, the development sites are also located in the M1-6D zoning district, which is described in detail in Section 2.1, “Land Use, Zoning, and Public Policy,” and other than zoning, there are no other public policies in place that govern any portion of the development sites.

The proposed text amendment would only affect the proposed ground floor uses of the development sites. All other aspects would be governed by existing zoning. Overall, the effect of the proposed text amendment would be minimal as compared to the No-Action RWCDs – retail uses would be located in the ground floor, although at a smaller amount, as there would be vehicular access for only 19 cars in the parking garage of each site. Therefore, overall, the proposed zoning text amendment would be expected to have the same result as the proposed project, to allow the development sites to be redeveloped to the desired program while still achieving City Planning’s desired goals of development within the M1-6D district. As a result, the RWCDs for the development sites under the proposed text amendment—the With-Action RWCDs—would be consistent with the development patterns of the surrounding area as compared to existing and No-Action conditions. Accordingly, the proposed action would result in changes that would be compatible with, and supportive of, current land use trends, zoning, and public policy. Therefore, the proposed action would not result in any significant adverse impacts to land use, zoning or public policy, and no further assessment is necessary.

Urban Design and Visual Resources

There are no natural or cultural visual resources on or visible from the development sites or within the 400-foot study area.

The With-Action RWCDs for the development sites would be similar in size and scope to that described for the No-Action RWCDs development, with the exception that it features a parking

garage and a smaller retail space. The proposed buildings would not be set back from the front property line.

The proposed buildings would not be set back from the front property line. The street-level entrance to the proposed underground parking would be along West 30th Street for Development Site 2 and West 28th Street for Development Site 3. Overall, the With-Action RWCDs would have a similar urban design and built form as compared to the No-Action RWCDs.

Under the With-Action RWCDs, the pedestrian experience along West 30th and West 28th Streets would differ from the No-Action RWCDs in that there would be a curb-cut for the parking entrance and a smaller ground floor retail area. All other aspects of the With-Action RWCDs for the development sites would be the same as the No-Action RWCDs. However, the With-Action RWCDs for both of the development sites would be consistent with the urban design and built context of the immediately surrounding neighborhood. The With-Action condition would result in the introduction of buildings on the development sites that would be consistent with the neighborhood context and the relationship of the streetwalls to the sidewalk and adjacent buildings along West 30th and West 28th Streets. Therefore, the proposed action would not result in any significant adverse impacts to land use, zoning or public policy, and no further assessment is necessary.

Hazardous Materials

As described above, Site 2 (Block 779, assemblage of Lots 53 and 55) was part of Projected Development Site 5 in the 2011 *West 28th Street Rezoning EAS*, which was an assemblage of eight abutting zoning lots (Block 779, Lots 25-28, 53, 55 and 56) and Site 3 was Projected Development Site 3. As part of the 2011 *West 28th Street Rezoning EAS* (CEQR No. 10DCP004M), E-designations (E-276) was assigned to Projected Development Sites 3 and 5 and would therefore apply to Sites 2 and 3. The E-designation includes requirements for additional hazardous materials work with the New York City Office of Environmental Remediation (OER). These are the same requirements described for the project site in Section 2.3.

The requirements set forth in E-designation (E-276) would ensure that development associated with the With-Action RWCDs from the development sites would avoid significant adverse hazardous materials impacts. Therefore, the proposed action would not result in any significant adverse impacts to hazardous materials and no further assessment is necessary.

Air Quality

The increment of the No-Action and With-Action RWCDs for the development sites is below the threshold for transportation analysis per Table 16-1 in *2014 CEQR Technical Manual*. Therefore, no further mobile sources assessment is warranted and there would be no potential for mobile source air quality impacts as a result of the proposed action.

E-designation (E-276) which applies to the development sites includes air quality requirements. For Site 2, these are the same requirements described for the project site in Section 2.4. For Site 3, the requirements are as follows:

HVAC Restrictions – Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 31 feet for fuel oil No.4/2 from the lot line facing W. 29th Street or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

The requirements set forth in E-designation (E-276) would ensure that development associated with the With-Action RWCDs from the development sites would avoid significant adverse air quality impacts. Therefore, the proposed action would not result in any significant adverse impacts to air quality and no further assessment is necessary.

Noise

The increment of the No-Action and With-Action RWCDs for the development sites is below the threshold for transportation analysis per Table 16-1 in *2014 CEQR Technical Manual*. Therefore, the proposed action would not generate sufficient traffic to have the potential to cause a significant noise impact (i.e., it would not result in a doubling of noise passenger car equivalents [Noise PCEs], which would be necessary to cause a 3 dBA increase in noise levels). Therefore, it is assumed that the proposed action would not cause a significant adverse vehicular noise impact, and no further mobile source noise analysis is needed.

E-designation (E-276) which applies to the development sites includes noise attenuation requirements. For Site 2, these are the same requirements described for the project site in Section 2.5. For Site 3, the requirements are as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all façades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

The requirements set forth in E-designation (E-276) would ensure that development associated with the With-Action RWCDs from the development sites would avoid significant adverse noise. Therefore, the proposed action would not result in any significant adverse impacts to noise and no further assessment is necessary.

APPENDIX C

AGENCY CORRESPONDENCE



OFFICE OF ENVIRONMENTAL REMEDIATION

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

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Director

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NOTICE TO PROCEED

DOB Job No. NB – 121184431

March 7, 2014

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

Re: **217-221 West 29th Street – Hazardous Materials, Air Quality, and Noise “E” Designation**
E-276: Block 779, Lots 27 and 28, CD 5
West 28th Street Rezoning - CEQR # 10 DCP 004M
OER Project # 14EHAN190M

Dear Commissioner Rebholz:

The New York City Office of Environmental Remediation (OER) has reviewed Tenen Environmental’s March 2014 Remedial Action Plan (RAP) as well as the David West, R.A.-certified March 2014 Air Quality and Noise Remedial Action Plan (RAP) prepared by Goldstein, Hill & West Architects, LLP. We have also received a site-specific Construction Health and Safety Plan (CHASP). These documents were prepared on behalf of 221 W29 Residential LLC (the applicant) to support construction of a 21-story residential building with a two full cellars. The first cellar level will consist of tenant amenities and mechanical/utility rooms. The sub-cellar will be utilized for parking and small building mechanicals. The first floor will consist of a lobby, mailroom, package room, a staging area, and parking. The remaining floors 2-21 will consist of residential apartment units. As part of the development, approximately 8,200 cubic yards of soil and 220 cubic yards of bedrock will be removed. The material will be removed to allow for installation of a secant pile wall to bedrock and excavation for the sub-grade levels. The excavation will extend to approximately 34.5 feet below grade (ft-bg), with deeper excavations for elevator pits and ejector pits. Lots 27 and 28 have been designated with an “E” Designation for Hazardous Materials, Air Quality, and Noise (E-276) as part of the September 21, 2011 West 28th Street Rezoning (CEQR # 10 DCP 004M). The site is zoned M1-6D.

Hazardous Materials - In order to satisfy the Hazardous Materials E-designation requirements the applicant has committed to: remove/dispose of all excavated soil/fill and bedrock from the site in accordance with all applicable federal, state, and local regulations including transportation manifests, weight tickets, and disposal/recycling certificates; to install a composite cover of the site by an eight- to twelve-inch thick concrete building slab; install a Stego® Wrap 20-Mil vapor barrier manufactured by Stego Industries, LLC beneath the sub-cellar slab and Preprufe® 300R (46-mil) and 160R (32-mil) waterproofing system manufactured by Grace Construction Products beneath the elevator pit; apply two coats of Aquafin-IC manufactured by Aquafin, Inc. to all accessible areas of the seacant wall; CAMP implementation, etc.

Air Quality - In order to meet the Air Quality requirement of using exclusively natural gas as the type of fuel for space heating and hot water (HVAC) systems, natural gas will be utilized at the site for PTAC units manufactured by Island Air Models EZ07A1GSIN1AB, EZ09A1GSIN1AB, EA12A1GSPN1AB and EA16A1GSRN1AB, by the boiler, LAARS Model RHCH 1200, for the domestic water heater, and by one packaged HVAC Rooftop unit, manufactured by Carrier.

Noise - In order to satisfy the Noise E-designation requirements of installing a window/wall attenuation ranging from 28 to 31 dBA (31 dBA on east, west and south façade and 28 dBA on the north façade) in order to maintain an interior noise level of 45 dBA, all doors and windows in each façade of the building, including the commercial units, will contain glass manufactured by Oldcastle, model(s) Sealed Insulating Glass (IG) Vision Glass (vertical), with a glazing made of 1/4” exterior, 1/2” air space, 5/16” interior. The proposed glass has been rated with an OITC of 31. The selected windows for the residential and commercial spaces will be tested in

an accredited laboratory to ensure that the entire window assembly, including the frame, achieves or exceeds the required OITCs. This laboratory test will be submitted to OER for review and approval prior to installation.

In order to meet the Alternate Means of Ventilation (AMV) requirement within the residential units, PTAC units, Islandaire Models EZ07A1GS1N1AB, EZ09A1GS1N1AB, EA12A1GSPN1AB and EA16A1GSRN1AB will be installed in each residential living space. Lower floor public areas are heated and cooled via high efficiency electric split system heat pumps. The commercial space will be provided with outside air in accordance with the New York City Mechanical Code.

Conclusion - OER finds the Hazardous Materials RAP, natural gas use, window/wall attenuation, and alternate means of ventilation acceptable. OER has concluded that the applicant may proceed with remediation/construction, provided that daily reports be submitted during remedial activities and a P.E. certified RCR and PE/RA-certified Air Quality and Noise Installation Report be submitted by the applicant to OER for review and approval at the conclusion of remedial/construction activities. No other permits (i.e., Temporary or Certificate of Occupancy) should be issued by the NYC Department of Buildings (DOB) until OER has issued a "Notice of Satisfaction" for the proposed project.

If you have any questions or comments, please feel free to contact Ms. Shana Holberton at (212) 788-3220.

Sincerely,



Maurizio Bertini, Ph.D.
Assistant Director

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