



E-352

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

September 29, 2014

NEGATIVE DECLARATION

Project Identification

CEQR No. 14DCP183M
ULURP Nos. N140407ZRM, 140408ZSM, and 140409ZSM
Manhattan, Community District 4
SEQR Type: Unlisted

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Olga Abinader
(212) 720-3493

Name, Description and Location of Proposal:

505-513 West 43rd Street

The applicant, 1818 Nadlan LLC, is seeking a special permit pursuant to Zoning Resolution (ZR) Section §74-681 to allow development over a railroad right of way; a text amendment to ZR Section §96-32 to establish a special permit that allows modification of ZR Sections §23-633, §23-663, §23-892, and §23-44 within certain areas of the Special Clinton District; and a special permit related to modification of height, setback, and rear yards pursuant to the proposed amended ZR Section §96-32 (collectively the “proposed actions”). The proposed actions are being sought in connection with a proposed residential development to be constructed at 505-513 West 43rd Street (Block 1072, Lot 24, the “project site”), a through-block lot open to a below-grade railroad right of way, in the Clinton neighborhood of Manhattan, Community District 4. The project site is located partially within an R9 zoning district within the “Western Subarea C2” of the Special Clinton District and partially within an R8/C2-5 zoning district within the “Preservation Area” of the Special Clinton District.

The proposed actions would facilitate a proposal by the applicant to erect an approximately 20,100 square foot (sf) concrete and steel platform above the existing railroad right of way and construct a 16-story, 164 foot tall, approximately 168,696 gross square foot (gsf), development above the proposed platform. The proposed new development is expected to include 192 residential units (38 of which would be permanently affordable pursuant to the provisions of the Inclusionary Housing Program) and a 35-space accessory parking garage (the “proposed project”). The proposed project, as established by the proposed approvals, would be configured as two, 16-story, 164 foot tall approximately 80,000 gsf tower structures (the “North Segment” and the “South Segment”) above a single story ground floor base containing accessory residential uses and the proposed 35-space parking garage. A new driveway at West 43rd Street, accessed by a proposed 12-foot wide curb cut, would provide access to the proposed accessory parking garage. The proposed building would set back eight feet from the lot lines at West 43rd and West 44th Streets in order to accommodate New York City Department of Transportation (DOT) access requirements to the right of way below the project site. A ventilation system in connection with the railroad right of way would be provided within the project’s rear yard

equivalent, above the rooftop of the single story base. It is expected that the proposed project would be constructed and occupied by 2017.

For the purposes of a conservative analysis, the Reasonable Worst Case Development Scenario (RWCDs) analyzed in the Environmental Assessment Statement (EAS) assumes an average dwelling unit size of 850 gsf, somewhat smaller than the average dwelling unit size anticipated by the applicant (878 gsf). The RWCDs assumes the same amount of residential floor area as the proposed project (approximately 168,696), but with 7 more dwelling units for a total of 199 dwelling units, of which 40 would be affordable based on the provisions of the Inclusionary Housing program.

Per ZR Section §77-11, which is applicable to split zoning lots, the underlying R9 zoning regulations would apply to the entire project site. A residential floor area ratio (FAR) of 6.0 is permitted on the project site and is bonusable up to 8.0 FAR with the provision of affordable housing per the provisions of the Inclusionary Housing Program. The front and rear height and setback provisions of ZR Sections §23-633 and §23-663; planting regulations of ZR Section §23-892; and provisions of ZR Section §23-44 regarding permitted rear yards and rear yard obstructions also govern the allowable development on the project site.

The proposed special permit pursuant to Zoning Resolution (ZR) Section §74-681 would allow development over the existing railroad right of way. The proposed text amendment to ZR Section §96-32, which establishes a special permit that allows modification of ZR Sections §23-633, §23-663, §23-892, and §23-44, would allow modification of the height, setback, planting and rear yard obstruction regulations applicable to the project site.

Absent the proposed actions, the applicant has stated that the project site would remain in its existing condition, as an unimproved lot open to a below-grade railroad right of way.

The proposed actions include an (E) designation (E-352) applicable to the project site (Block 1072, Lot 24). The (E) designation would preclude significant adverse impacts related to hazardous materials, air quality and noise. This (E) designation supersedes a prior Restrictive Declaration recorded against the project site in connection an earlier proposal for the project site, known as the *West 43rd - 44th Street Hotel Complex* project (CEQR No. 06DCP036M).

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

Any new residential development on the above-referenced property must ensure that the fossil-fuel fired heating and hot water equipment utilize only natural gas, and that the heating exhaust stack for the South Segment of the proposed project is located at the highest building tier or at a height of 189 feet, at least 15 feet away from the lot line facing 43rd Street, and at least 15 feet away from its northern façade. In addition, the heating exhaust stack for the proposed North Segment must be located at the highest building tier or at a height of 189 feet and at least 15 feet from its southern façade.

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

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). 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 (E) designation related to hazardous materials is as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor 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 samples should be selected to adequately characterize the site, specific sources 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-Remediation Determination and Protocol

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 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.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

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

Statement of No Significant Effect:

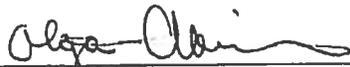
The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated September 25, 2014, prepared in connection with the ULURP Application numbers N140407ZRM, 140408ZSM and 140409ZSM. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

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

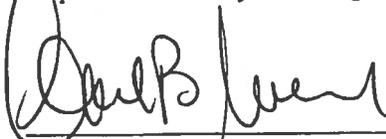
1. In 2006, a special permit pursuant to ZR Section 74-681 was approved in connection with an earlier proposal for the project site, the *West 43rd - 44th Street Hotel Complex* project (CEQR No. 06DCP036M), to facilitate the development of hotel uses over the railroad right-of-way. The special permit lapsed in 2010.
2. In connection with the *West 43rd - 44th Street Hotel Complex* project and associated special permit, a Restrictive Declaration governing hazardous materials remediation was recorded against the project site. The Restrictive Declaration will be amended and cancelled by the applicant and superseded by an (E) designation (E-352) for hazardous materials, air quality and noise. The (E) designation will address the potential effects of the proposed project and ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality and noise.
3. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617. Should you have any questions pertaining to this Negative Declaration, you may contact Lauren Hamid-Shapiro at (212) 720-3426.



Olga Abinader, Deputy Director
Department of City Planning

Date: 9/26/14



Carl Weisbrod, Chairman
City Planning Commission

Date: 9/29/14

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