E-353

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

September 29, 2014

NEGATIVE DECLARATION

Project Identification
CEQR No. 15DCP021M
ULURP No. N150083ZRM
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:

Hudson Yards Subarea D4, D5 Text Amendment (441 West 37th Street)
The applicant, D Solnick Design & Development, is seeking a text amendment to Zoning Resolution (ZR) Section §93-542 to allow certain height limitations applicable to sites located within Subareas D4 and D5 of the Special Hudson Yards District (SHYD) to be waived. The applicability of the proposed text amendment is limited to developments or enlargements taking place on sites with less than 45 feet (ft.) of street frontage along narrow streets, within Subareas D4 and D5 of the SHYD. The only such site that was found to meet this criteria is 441 West 37th Street (Block 735, Lot 12, the "project site"). The proposed action would facilitate a proposal by the applicant to develop an 11-story, 120-foot-tall, 18,969 gross square foot (gsf) mixed-use building, consisting of 16,500 gsf of residential uses and 2,469 gsf of ground-floor community facility uses. The project site is located in a R8A/C2-5 district within Subarea D4 of the Hell's Kitchen Subdistrict (Subdistrict D) of the SHYD in Manhattan, Community District 4.

The project site is currently developed with a 4,375 gsf 2-story commercial building. The existing R8A/C2-5 district mapped on the project site permits commercial uses at a floor area ratio (FAR) of 2.0, community facilities uses at an FAR of 6.5 and residential uses at an FAR of 6.02. While R8A districts permit a maximum height of 120 feet, the project site is subject to height limitations applicable narrow buildings or enlargements as stipulated in ZR Section 23-692 ("the Sliver Law" regulation) which restricts narrow buildings (less than 45 feet in width) to a maximum height of 60 feet or, if both abutting buildings exceed 60 feet in height, to the height of the lower of the adjacent buildings. The proposed action would permit existing height controls to be waived to allow for the new proposed development to reach a maximum height of 120 feet and utilize the full allowable FAR granted by the underlying R8A zoning district.

The proposed project is expected to be completed and occupied by 2016.

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Absent the proposed action, the applicant has stated that the project site would be developed with a 6-story, 60 foot tall, 13,532 gsf mixed use building consisting of 11,063 gsf of residential uses (13 dwelling units based on an 850 sf per unit assumption) and 2,469 gsf of ground-floor community facility uses.

The proposed action includes an (E) designation (E-353) applicable to the project site (Block 735, Lot 12). The (E) designation would preclude significant adverse impacts related to air quality and noise. This (E) designation supersedes a prior E-designation (E-137) assigned to the project site in connection with the 2004 No. 7 Subway Extension - Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (CEQR No. 03DCP031M).

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

Any new 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 and hot water equipment exhaust stack(s) are located at a height of at least 123 feet above grade, to avoid any potential significant adverse air quality impacts.

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

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with minimum attenuation of 35 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.

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

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated September 25, 2014, prepared in connection with the ULURP Application no. N150083ZRM. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

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

1. In 2004, the project site was rezoned R8A/C2-5 in connection with No. 7 Subway Extension - Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (CEQR No. 03DCP031M).

2. In connection with the No. 7 Subway Extension - Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement, an (E) designation (E-137) for air quality and noise was placed on the project site. A new (E) designation (E-353) for air quality and noise addresses the potential effects of the proposed project and supersedes the previous (E-137) designation. The new (E) designation for air quality and noise would ensure that the proposed action will not result in significant adverse impacts related to 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

cc: Robert Dobruskin, Lauren Hamid-Shapiro, Alison McCabe, Frank Ruchala, Erik Botsford, Pat Bussey, Susan Wong