

NEGATIVE DECLARATION**Statement of No Significant Effect**

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The Applicant, Flatiron Owner, LLC is seeking a Zoning Authorization and a Chairperson's Certification (collectively, the "Proposed Actions") to facilitate the residential conversion of the existing Flatiron Building (the "Proposed Project") located at 175 Fifth Avenue (Manhattan Block 851, Lot 1; the "Project Area" and the "Development Site") in the Flatiron neighborhood of Manhattan, Community District 5. Specifically, the Proposed Actions include a Zoning Authorization from the City Planning Commission (CPC) pursuant to Zoning Resolution (ZR) Section 15-20 to authorize the residential conversion of the existing non-residential building located on Block 851, Lot 1 (the Flatiron Building); and a Chairperson's Certification from the CPC pursuant to ZR Section 15-30, *Minor Modifications* to waive the requirements of ZR Section 15-12, *Open Space Equivalent*. The Proposed Project would comprise a 21-story (approximately 300.29-foot-tall) mixed-use residential and commercial building totaling approximately 204,593 gross-square-feet (gsf), including 199,786-gsf of residential space comprising up to 60 dwelling units (DUs), as well as approximately 4,807-gsf of ground-floor commercial retail space. For a conservative analysis, the With-Action condition in this EAS assumes the building would include 100 DUs.

The new residential land uses introduced by the Proposed Actions would be compatible with and complementary to the existing land use character of the secondary study area (400-foot radius around the primary study area), as well as the larger Flatiron and Midtown South neighborhoods located outside of the secondary study area, where residential and mixed-use commercial/residential land uses are well represented. The Proposed Actions would not result in any zoning change to the primary or secondary study areas, and would not conflict with any applicable public policies. Therefore, the Proposed Actions would not result in significant adverse impacts related to land use, zoning or public policy.

Historic and Cultural Resources

A detailed analysis related to Historic and Cultural Resources is included in this EAS. The Development Site is the Flatiron Building, which is a designated New York City Landmark (NYCL) and National Historic Landmark (NHL), listed on the State and National Registry (S/NR) and located within the LPC-designated and S/NR-eligible Ladies' Mile Historic District. In addition, in a letter dated March 12, 2024, LPC identified four architectural resources within a 400-foot radius (the Study Area) of the Project Area: the Scribner Building, Sidewalk Clock, Lamppost, and Ladies' Mile Historic District. The Proposed Project would facilitate the residential conversion of the upper floors of the Flatiron Building; would retain the existing ground-floor commercial floor area; and would not involve any significant changes to the exterior of the landmarked building, or demolition, horizontal or vertical expansions to this landmark building. Therefore, the Proposed Project would not change the visual setting of any surrounding historic architectural resources so as to affect those characteristics that make them eligible for designation as NYCLs or listing on the S/NR, nor would the Proposed Project have the potential to generate incremental shadows that could result in significant adverse impacts to nearby sunlight-sensitive resources. As the project would not require any in-ground disturbance, and LPC determined the Project Area has no archaeological significance, there would be no significant adverse archaeological impacts as a result of the Proposed Actions. The potential for any construction-related impacts to historic and cultural resources as a result of the Proposed Project would be avoided by complying with the NYC Building Code and the supplemental TPPN # 10/88, which requires, among other things, a monitoring program to reduce the likelihood of construction related damage to LPC-designated or S/NR-listed resources within 90 linear feet. Under TPPN, a Construction Protection Plan would be provided to LPC for review and approval prior to any work in the Project Area.

Changes to the exterior of the Flatiron Building as a result of the proposed Actions would be minor, including existing storefront modifications, the addition of an entrance to the lobby from East 22nd Street, and window replacements. All anticipated exterior changes would be subject to review and approval by LPC, which would be documented in a Certificate of No Effect and carried out via a required long-term maintenance plan. LPC has approved a Certificate of Appropriateness for Exterior Work (LPC-24-08057 [Design Approval Only] issued on July 30, 2024), a Certificate of No Effect on Protected Architectural Features or Permit for Minor Work (LPC-24-08831 issued on April 26, 2024 and LPC-24-09940 issued on July 17, 2024), and a Request for a Continuing Maintenance Report in connection with the requested Zoning Authorization (LPC-24-08093 issued on July 30, 2024). In a letter dated August 30, 2024, LPC stated that all work on the Flatiron Building is subject to LPC-24-08093, as well as MOU-24-08093 and its subsequent Certificate of Appropriateness upon its issuance. In addition, a Restrictive Declaration ("RD") between the LPC and the Applicant would be filed against the property in order to regulate the continued maintenance of the historic building. The RD would require the Applicant to preserve, repair, and maintain the Designated Structure in sound first-class condition, at its own cost and expense, in accordance with the RD, the MOU, and the Landmarks Preservation Law. Therefore, no significant adverse impacts related to historic and cultural resources would occur as a result of the Proposed Actions.

Hazardous Materials and Air Quality

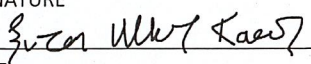
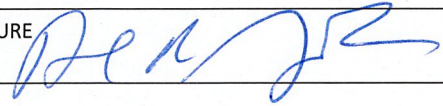
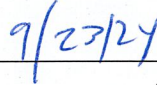
An (E) designation (E-805) related to hazardous materials and air quality would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials and air quality analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials or air quality.

Project Name: Flatiron Residential Conversion - 175 Fifth Avenue

CEQR # 25DCP018M

SEQRA Classification: Unlisted

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Max Marinoff at +1 212-720-3621.

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NAME Evren Ulker-Kacar, AICP	DATE 9/18/2024
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 9/20/2024
SIGNATURE 	

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Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Development Site 1	Manhattan	Block 851, Lot 1

(E) Designation Requirements

To ensure that there is no potential for Hazardous Materials or Air Quality significant adverse impacts from the Proposed Project facilitated by the Proposed Actions, Hazardous Materials and Air Quality (E) designation [**E-805**] would be established for the Proposed Development Site (Block 851, Lot 1) in connection with the Proposed Actions. The requirements set forth in **E-805** would only be applicable if the building permits for the Proposed Project are obtained on the basis of the Zoning Authorization pursuant to ZR section 15-20:

Development Site	Hazardous Materials	Air Quality	Noise
Development Site 1	X	X	

Hazardous Materials

The (E) designation requirements applicable to **Development Site 1** for hazardous materials would apply 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.

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Air Quality

The (E) designation requirements for air quality would apply as follows:

Development Site 1: Any new residential or commercial development on the above-referenced property must use natural gas as the type of fuel for the heating, ventilation and air conditioning system (HVAC) and hot water equipment, and ensure that the (HVAC) systems and/or the hot water equipment stack(s) is located at the building's highest tier and at least 303 feet above grade to avoid any potential significant adverse air quality impacts.